Also, petitions of Goddess of Liberty Council, No. 155; Pride of Mechanics' Home Council, No. 61, of Jamesburg, N. J., and Golden Rod Council, No. 20, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Elizabeth McCormick—to the Committee on Invalid Pensions.

By Mr. KNAPP: Paper to accompany bill for relief of Andrew Spencer—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Paper of Major Jenkins Post, No. 99, Grand Army of the Republic, of Hanover, Pa., to accompany bill for relief of Henry Hamme—to the Committee on Invalid Pensions.

Also, petitions of Peach Bottom Council, No. 715, and Cordorus Council, No. 115, Junior Order United American Mechanics; Dallaston Council, No. 105, Daughters of Liberty; Iowa Council, No. 26, Daughters of America; Aurora Council, No. 304, Junior Order United American Mechanics; Betsey Ross Council, No. 119, Daughters of Liberty, and Moss Ross Council, No. 292, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LAMB: Petition of William McKinley Council, No. 182, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of George Upington, for bill S. 6339, relative to a general revision of the copyright laws—to the Committee on Patents.

Also, petition of citizens of New York, against the tariff on art works—to the Committee on Ways and Means.

By Mr. LOUD: Petition of Fisher Grange, No. 790, against the free distribution of seeds—to the Committee on Agriculture.

By Mr. LOUDENSLAGER: Petitions of Rescue Council, of Camden, N. J.; Diamond Council, and Thomas Jefferson Council, Junior Order United American Mechanics, and Pride of Bridgeport Council, Daughters of Liberty, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McCALL: Petitions of citizens of Somerville, Mass., and the Woman's Education Association of Boston, against the tariff on art works (bill H. R. 15268)—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of G. N. Hawley, against that feature in the copyright law inimical to mechanical musical instruments—to the Committee on Patents.

Also, petition of the Rock Island Business Men's Association, for the improvement of the Mississippi River in the interest of transportation—to the Committee on Rivers and Harbors.

By Mr. McMORRAN: Paper to accompany bill for relief of James W. Kasson—to the Committee on Invalid Pensions.

By Mr. MAHON: Petitions of Waynesboro Council, No. 760, Junior Order United American Mechanics; James A. Garfield Council, No. 129, Daughters of Liberty, and Lewisburg Council, No. 52, Daughters of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MANN: Paper to accompany bill for relief of Charles Tribolen—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of James Nipper—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Robert H. Delaney, Thomas R. Elliott, James P. Shaw, Danford Redding, Hansel Hatfield, J. H. Allison, and T. R. Harris—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of John Short—to the Committee on Invalid Pensions.

By Mr. PEARRE: Paper to accompany bill for relief of George H. Layman—to the Committee on War Claims.

Also, petitions of Pride of Alleghany Council, No. 28, and Golden Rule Council, No. 31, Daughters of Liberty; Resolute Council, No. 5, Junior Order United American Mechanics; Jennings Rens Council, No. 15, Daughters of America; Progressive Council, No. 83; Mountain City Council, No. 11; Valley Council, No. 26, and Myersville Council, No. 125, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, papers to accompany bills for relief of Michael Isanogle and heirs of Upton Worthington—to the Committee on War Claims.

By Mr. POLLARD: Paper to accompany bill for relief of James M. Eaman—to the Committee on Invalid Pensions.

By Mr. PUJO: Paper to accompany bill for relief of J. Martin Compton, heir of John Compton, and the heirs of Harvey N. Parham—to the Committee on War Claims.

By Mr. RYAN: Paper to accompany bill for relief of Charles G. Perrin—to the Committee on Pensions.

Also, paper to accompany bill for relief of Warren A. Woodson—to the Committee on Pensions.

By Mr. SAMUEL: Petition of the Central Labor Union of Shamokin, Pa., favoring the shipping bill (Senate subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHACKLEFORD: Petition of citizens of Missouri, praying for legislation for the protection of fruit growers against dishonest commission firms—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Paper to accompany bill for relief of R. T. Barber—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Saunders—to the Committee on Pensions.

Also, paper to accompany bill for relief of Frank Breazeale—to the Committee on Pensions.

By Mr. SOUTHARD: Petition of the librarian of the Toledo public library, against abridgement of the existing rights of libraries to import English books—to the Committee on Ways and Means.

Also, petition of S. B. May, against the feature of the copyright law inimical to mechanical musical instruments—to the Committee on Patents.

Also, petition of Future Great Council, No. 290, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: Petition of the Commercial Club of St. Paul, Minn., for the Steenerson drainage bill (H. R. 10502; January 5, 1906)—to the Committee on the Public Lands.

By Mr. STERLING: Paper to accompany bill for relief of Mary J. Stone—to the Committee on Invalid Pensions.

Also, petition of Paperhangers, Decorators, and Painters' Local Union No. 766, of Bloomington, Ill., for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the One hundred and thirteenth Illinois Veteran Volunteer Infantry Association, favoring an increase of pensions—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Emma S. Hunter, J. E. Waldon, and Andrew Sayles—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Paper to accompany bill for relief of William A. Whitaker—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: Petition of Victory Council, No. 93, Daughters of Liberty, of Jersey City, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOODYARD: Petitions of Palestine Council, No. 30; Burning Springs Council, No. 17; Parkersburg (W. Va.) Council, No. 13, and Young America Council, No. 201, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOOD: Petitions of Pride of Trenton Council, No. 4, and Capital City Council, No. 20, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *December 11, 1906.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM UTAH.

Mr. DUBOIS. I desire to state that on Thursday next, the 13th instant, immediately after the morning business, I shall call up for consideration Report No. 4253 and the resolution "That REED SMOOT is not entitled to a seat in the Senate as a Senator from the State of Utah," and submit some remarks thereon.

STATE PUBLIC SCHOOL SYSTEMS.

Mr. RAYNER. I wish to state that to-morrow, at the conclusion of the morning business, I shall briefly address the Senate on the resolution in connection with the public schools of California and Japanese pupils.

POPULAR EDITION OF RECORD.

The VICE-PRESIDENT laid before the Senate a communication from the Public Printer, transmitting a report of an examination into the cost of labor and material required, etc., with respect to printing, at a reduced price, a special edition of the

CONGRESSIONAL RECORD, etc.; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

STANDING ROCK INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, together with accompanying papers, in relation to the allotting work on the Standing Rock Indian Reservation, N. Dak.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ROUND VALLEY INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, together with accompanying papers, in favor of the enactment of legislation providing for the payment to the Indians of the Round Valley Reservation in California of the purchase price of the lands which were taken in cash entry, etc., under the act of October 1, 1890; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENT OF INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs in reference to the work of allotting the Indians of the Cheyenne River, Standing Rock, and Pine Ridge reservations, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Franklin Lodge, No. 4, Independent Order of Odd Fellows, of Franklin, Tenn., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BURKETT presented a memorial of the librarian of the State library, of Lincoln, Nebr., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Hebron, Nebr., praying for the passage of the so-called "Littlefield original-package bill," and for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented sundry papers to accompany the bill (S. 877) granting an increase of pension to Robert P. Farris; which were referred to the Committee on Pensions.

Mr. BENSON presented memorials of sundry citizens of Emporia, Clyde, Pomona, Bronson, and Kincaid, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. WHYTE presented the memorial of Elizabeth Britton and sundry other citizens of Maryland, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. FRAZIER presented a memorial of sundry citizens of Bristol, Tenn., remonstrating against the passage of the so-called "parcels-post bill," and praying for the enactment of legislation providing 1-cent letter postage; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Division No. 149, Order of Railway Conductors, of Jackson, Tenn., and a petition of Holston Division, No. 239, Brotherhood of Locomotive Engineers, of Knoxville, Tenn., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Holston Division, No. 239, Brotherhood of Locomotive Engineers, of Knoxville, Tenn., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented petitions of Westmoreland, Morning Star, Keystone, Fork Creek, Ivory Circle, Oneida, Grant, Moodyville, Columbia, Greeneville, Glover Hill, Biceville, Christiana, Piney Grove, Oliver Springs, Coal Creek, Cave Creek, Springfield, Jacksboro, Friendship, Nathan Hale, Flint Hill, Clinch, Greenbrier, Powell and Clinch River, Prosperity, Banner, Big Spring, Caney Creek, Unity, Holston, and Garfield councils, all of the Junior Order of United American Mechanics, in the State of Tennessee, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. GEARIN presented a memorial of sundry citizens of Portland, Oreg., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. STONE presented a petition of the Gould Directory Company, of St. Louis, Mo., praying for the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

He also presented a petition of the Wednesday Club, of St. Louis, Mo., praying for the enactment of legislation to repeal the duty on works of art; which was referred to the Committee on Finance.

He also presented a memorial of the Missouri Library Association, of Joplin, Mo., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

Mr. GALLINGER presented a petition of the East Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for extensions of street railways to the lines of the Capital Traction Company; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the use of electric motors instead of steam locomotives within the limits of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented a petition of sundry citizens of Cliffwood, N. J., praying for the passage of the so-called "Littlefield original-package bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Reading Club, of Rutherford, N. J., 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.

He also presented a petition of sundry students of the Princeton Theological Seminary, of Princeton, N. J., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented the memorial of Charles L. Stryker, of Washington, N. J., remonstrating against the enactment of legislation to withdraw second-class postal rates from newspapers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New Jersey Baptist Association, of Trenton, N. J., remonstrating against the enactment of legislation to repeal the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Cape May City, N. J., praying for an investigation into the discharge of Companies B, C, and D of the Twenty-fifth United States Infantry; which was referred to the Committee on Military Affairs.

Mr. TELLER presented a petition of sundry citizens of Durango, Colo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. McCREARY presented a memorial of sundry citizens of Kentucky, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation to reorganize and increase the artillery force of the United States Army; which was referred to the Committee on Military Affairs.

Mr. PATTERSON presented a memorial of sundry colored citizens of Pueblo, Colo., praying for an investigation of the discharge of colored companies of the United States Army by order of the President; which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Silverton, Colo., praying for the adoption of the Klinger tandem torpedo for use in the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. DEPEW presented a petition of the congregation of the

Congregational Church of Brooklyn, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of Fred S. Bailey and 20 other citizens of Sheridan, of Manley R. E. Amister and 11 other citizens of Allegany County, of Mrs. C. M. Sauerwin and 7 other citizens of Silver Creek, of W. H. Lewis and 18 other citizens of Vienna, of F. W. Gotts and 38 other citizens of Celoron, and of G. F. Butts and 17 other citizens of Jamestown, all in the State of New York, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. HOPKINS presented a memorial of sundry citizens of Martinsville, Ill., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented memorials of the librarians of the public libraries of Peoria, Evanston, and of the Northwestern University, of Evanston, all in the State of Illinois, remonstrating against the enactment of legislation abridging the existing rights of librarians to import books in the English language; which were referred to the Committee on Patents.

He also presented a petition of the Rock Island Business Men's Association, of Rock Island, Ill., praying for the enactment of legislation providing for the improvement of the waterways of the United States; which was referred to the Committee on Commerce.

Mr. FORAKER presented a petition of the Constitution League of the United States, praying that Congress institute an inquiry relative to the discharge "without honor" of Companies B, C, and D, Third Battalion, Twenty-fifth United States Infantry; which was ordered to be printed as a document, and referred to the Committee on Military Affairs.

Mr. PROCTOR presented memorials of Rutland Valley Grange, No. 314, Patrons of Husbandry, of Center Rutland, Vt.; of Central Grange, No. 34, Patrons of Husbandry, of Apponaug, and of Narragansett Grange, Patrons of Husbandry, of Wakefield, all in the State of Rhode Island; of the Commercial Club of Bismarck, N. Dak.; of Capital Grange, No. 18, of Dover, and of Sunnyside Grange, No. 7, of Bridgeville, Patrons of Husbandry, in the State of Delaware; of Morning Light Grange, No. 19, of Monroe; of Willow Brook Grange, No. 352, of Newfield; of Acorn Grange, No. 418, of East Wilton; of Canton Grange, No. 110, of Canton, Patrons of Husbandry, and of 32 citizens of Waldoboro, all in the State of Maine; of Brooklyn Grange, No. 351, Patrons of Husbandry, of La Cygne, Kans.; of Sunapee Lake Grange, No. 112, Patrons of Husbandry, of New Hampshire; of Berlin Grange, No. 629, of Delaware; of Butler Grange, No. 993, of Salem, Patrons of Husbandry, and of the Horticultural Society of Portage County, all in the State of Ohio; of Fairview Grange, 817, of Farmington; of Elk Lake Grange, No. 806, of Susquehanna County; of Central Grange, No. 194, of Towanda; of Spring Brook Grange, No. 637, of Spring Brook; of Corydon Grange, No. 1205, of Corydon, Patrons of Husbandry, and of W. A. H. Schwartz's Sons, of York, all in the State of Pennsylvania; of White Clover Grange, No. 279, of Mehalem; of Harding Grange, No. 122, of Oregon City, and of Cretown Grange, of Cretown, Patrons of Husbandry, in the State of Oregon; of Gouverneur Grange, Patrons of Husbandry, of New York; of Knoxboro Grange, No. 758, of Knoxboro; of Ethan Allen Grange, of Crown Point; of Ellington Grange, No. 528, of Ellington; of Barnes Corners Grange, No. 84, of Barnes Corners; of Corinth Grange, No. 823, of Palmer; of Fort Covington Grange, of Fort Covington; of Oswego Falls Grange, No. 719, of Fulton; of Pine Bush Grange, No. 1014, of Pine Bush; of Huguenot Grange, No. 1028, of New Paltz, Patrons of Husbandry, and of the Tarrytown Horticultural Society, of Tarrytown, all in the State of New York; of Wheatland Grange, No. 273; of Pittsford Grange, No. 273, of Pittsford; of Belleville Grange, No. 331, of Belleville; of Union Grange, No. 820, of Oakley; of Ashbaugh Grange, No. 1202, of Lake City; of Quincy Grange, No. 152, of Branch County; of Fisher Grange, No. 190, of Harrisville, Patrons of Husbandry, and of the Horticultural Society of Lenawee County, all in the State of Michigan; of H. W. Brown, of New Albany, Ind.; of East Lyme Grange, No. 157, of East Lyme, and of Rippowan Grange, No. 145, of Long Ridge, Patrons of Husbandry, in the State of Connecticut; of the Santa Barbara County Horticultural Society, of California; of the Committee on Governmental Seed Distribution of Louisville, Ky., and of Tewksbury Grange, No. 270, Patrons of Husbandry, of Tewksbury, Mass., remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which were referred to the Committee on Agriculture and Forestry.

SPANISH TREATY CLAIMS COMMISSION.

Mr. CULLOM. Sundry papers relating to the progress and condition of business before the Spanish Treaty Claims Commission, being a letter of the Commission to the President of August 1, 1906, two extensions of the Commission's report to March 2, 1907, and two reports of the Assistant Attorney-General of September 29 and November 1, 1906, etc., have been sent to me, and I think they ought to be printed. I move that the papers be printed as a document.

The motion was agreed to.

LA BOCA TERMINAL.

Mr. MORGAN. As a member of the Committee on Interoceanic Canals, I wrote to Mr. Edward A. Drake, who styles himself assistant to the president, secretary, and treasurer of the Panama Railroad Company, for information which completes a statement that he left with the committee when it was engaged in an investigation relating to the La Boca pier, etc., in connection with the canal. It is an important paper, and I ask that it be printed as a document and referred to the Committee on Interoceanic Canals.

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

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 6776) to enlarge the jurisdiction of the Court of Claims, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

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

A bill (S. 5963) granting an increase of pension to James Reed;

A bill (S. 5892) granting an increase of pension to Daniel W. Redfield;

A bill (S. 6005) granting an increase of pension to John G. Bridaham;

A bill (S. 2563) granting a pension to Isaac Carter;

A bill (S. 3767) granting an increase of pension to Samuel Turner; and

A bill (S. 2249) granting an increase of pension to George W. Smith.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 6537) granting an increase of pension to William Eppinger, reported it with amendments, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 11273) to incorporate The National German-American Alliance, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary; which was agreed to.

CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. CLAPP. I ask that the Committee on the Judiciary be discharged from the further consideration of the bill (S. 3250) to establish a laboratory for the study of the criminal, pauper, and defective classes, and that it be referred to the Committee on Education and Labor. This change of reference has the approval of the chairman of the Committee on the Judiciary.

The VICE-PRESIDENT. Without objection, the Committee on the Judiciary will be discharged from the further consideration of the bill, and it will be referred to the Committee on Education and Labor.

BILLS INTRODUCED.

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

A bill (S. 7038) granting an increase of pension to William Curran; and

A bill (S. 7039) granting an increase of pension to Robert Hamilton.

Mr. GALLINGER introduced a bill (S. 7040) to provide for the erection of a District of Columbia building and an appropriate exhibit therein at the Jamestown Tercentennial Exposition, and for other purposes; which was read twice by its title.

The VICE-PRESIDENT. To what committee shall the bill be referred?

Mr. GALLINGER. I think probably it had better go to the Committee on the District of Columbia, unless the Select Committee on Industrial Expositions desires it. There are certain matters the Committee on the District of Columbia desire to inquire into concerning it.

The VICE-PRESIDENT. Without objection, the bill, with

the accompanying paper, will be referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 7041) to provide for reports and registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District (with an accompanying paper); and

A bill (S. 7042) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia (with an accompanying paper).

Mr. GALLINGER introduced a bill (S. 7043) for the purchase of a site for a Federal building for the United States post-office at Somersworth, N. H.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

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

A bill (S. 7044) granting an increase of pension to Sylvester O. Pevear; and

A bill (S. 7045) granting an increase of pension to Charles S. French.

Mr. ALLEE introduced a bill (S. 7046) for the relief of Frank P. Murphy; which was read twice by its title, and referred to the Committee on Military Affairs.

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

A bill (S. 7047) to provide for the submission to the Court of Claims of the claims against the Mississippi Choctaws of Joseph W. Gillett, J. M. McMurty, W. N. Vernon, T. A. Bounds, William C. Thompson, sr., and the Tuskarora Land and Investment Company, assignee of James E. Arnold, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation;

A bill (S. 7048) to provide for the final disposition of the enrollment of members of the Choctaw and Chickasaw tribes; and

A bill (S. 7049) to provide for the final disposition of the affairs of the Mississippi Choctaws, and making appropriation for expenses of their removal from Mississippi to Indian Territory and for their enrollment and settlement in Indian Territory.

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

A bill (S. 7050) to provide for the erection of a public building in the city of Plattsmouth, State of Nebraska; and

A bill (S. 7051) to provide for the erection of a public building in the city of Columbus, State of Nebraska.

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

A bill (S. 7052) granting an increase of pension to Thomas W. Ritchie; and

A bill (S. 7053) granting an increase of pension to Solomon Draper.

Mr. KITTREDGE introduced a bill (S. 7054) granting an increase of pension to Charles H. Clapp; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 7055) granting a pension to Cora C. O'Neill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7056) granting an increase of pension to Frederick Carel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 7057) referring to the Court of Claims the claim of Arthur W. Kelley, of Jamestown, N. Dak., for damages for personal injuries sustained; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 7058) granting an increase of pension to Gilbert Baillie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7059) granting an increase of pension to Samuel Hale; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 7060) granting an increase of pension to John Hager (with accompanying papers);

A bill (S. 7061) granting an increase of pension to Hugh McNaughton; and

A bill (S. 7062) granting a pension to John Monroe.

Mr. NELSON introduced a bill (S. 7063) granting an increase of pension to William F. Hastings; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 7064) granting a pension to Edward T. Blodgett;

A bill (S. 7065) granting an increase of pension to Lovisa Donaldson;

A bill (S. 7066) granting an increase of pension Timothy Drew;

A bill (S. 7067) granting an increase of pension to Edmund Fillio;

A bill (S. 7068) granting an increase of pension to Richard B. Hall;

A bill (S. 7069) granting an increase of pension to Marshall Johnson; and

A bill (S. 7070) granting an increase of pension to Daniel McAdams.

Mr. CRANE introduced a bill (S. 7071) to correct the military record of Stephen Johns; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FULTON introduced a bill (S. 7072) granting an increase of pension to Robert Hatfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 7073) granting an increase of pension to D. Rodney Browne; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 7074) granting an increase of pension to William Jenkins (with accompanying papers);

A bill (S. 7075) granting an increase of pension to J. S. Lewis (with accompanying papers);

A bill (S. 7076) granting an increase of pension to William C. Best;

A bill (S. 7077) granting an increase of pension to Mary E. Hattan; and

A bill (S. 7078) granting a pension to Daniel Schaffner.

Mr. TELLER introduced a bill (S. 7079) to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 7080) granting an increase of pension to Miletus F. Blodgett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 7081) for the relief of the trustees of Harpeth Academy, of Franklin, Williamson County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 7082) granting a pension to Susan A. Evans; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 7083) to authorize the President to appoint James M. Alden to the rank of lieutenant in the United States Navy and to place him on the retired list; which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. KNOX introduced a bill (S. 7084) granting an increase of pension to Thomas J. Postlewait; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

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

A bill (S. 7085) for the relief of the trustees of the Tonoloway Baptist Church, of Fulton County, Pa.;

A bill (S. 7086) for the relief of the consistory of the Trinity German Reformed Church, of Gettysburg, Pa.; and

A bill (S. 7087) for the relief of the consistory of St. Mark's German Reformed Church, of Gettysburg, Pa.

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

A bill (S. 7088) granting an increase of pension to Daniel Scheetz (with accompanying papers);

A bill (S. 7089) granting an increase of pension to William A. Dougan; and

A bill (S. 7090) granting an increase of pension to George W. Kinsel.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs.

A bill (S. 7091) to correct the military record of Michael K. Herman;

A bill (S. 7092) to correct the military record of William W. Shivers (with accompanying paper); and

A bill (S. 7093) to amend section 1754 of the Revised Statutes.

Mr. FORAKER introduced a bill (S. 7094) granting an increase of pension to George B. Drake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7095) for the relief of Frank M. Wyant; which was read twice by its title, and referred to the Committee on Claims.

Mr. SUTHERLAND introduced a bill (S. 7096) granting an increase of pension to Margaret McCullough; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 7097) to pay the Canadian Electric Light Company, of Levis, Quebec, its claim on account of damages caused by the U. S. gunboat *Essex;* which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 7098) granting an increase of pension to Henrietta Teague; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. FORAKER, it was

Ordered, That there may be withdrawn from the files of the Senate, after retaining a copy of the same, the discharge of John Hill, for whose relief the bill S. 309 was introduced in the first session of the Fifty-second Congress, said bill having been reported upon adversely.

GERTRUDE A. DAVISON.

Mr. KEAN. On behalf of the Senator from West Virginia [Mr. ELKINS], the chairman of the Committee on Interstate Commerce, I submit a resolution for reference.

The resolution was read, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to Gertrude A. Davison, mother of F. L. Davison, late clerk of the Senate Committee on Interstate Commerce, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

ARTHUR W. KELLEY.

Mr. McCUMBER submitted the following resolution, which was referred to the Committee on Claims:

Resolved, That the bill (S. 7057) referring to the Court of Claims the claim of Arthur W. Kelley, of Jamestown, N. Dak., for damages for personal injuries sustained, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate their findings of fact and law.

AFFAIRS IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. FORAKER, was, with the accompanying papers and illustrations, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

On November twenty-first I visited the island of Porto Rico, landing at Ponce, crossing by the old Spanish road by Cayey to San Juan, and returning next morning over the new American road from Arecibo to Ponce; the scenery was wonderfully beautiful, especially among the mountains of the interior, which constitute a veritable tropic Switzerland. I could not embark at San Juan because the harbor has not been dredged out and can not receive an American battle ship. I do not think this fact creditable to us as a nation, and I earnestly hope that immediate provision will be made for dredging San Juan Harbor.

I doubt whether our people as a whole realize the beauty and fertility of Porto Rico and the progress that has been made under its admirable government. We have just cause for pride in the character of our representatives who have administered the tropic islands which came under our flag as a result of the war with Spain; and of no one of them is this more true than of Porto Rico. It would be impossible to wish a more faithful, a more efficient, and a more disinterested public service than that now being rendered in the island of Porto Rico by those in control of the insular government.

I stopped at a dozen towns all told, and one of the notable features in every town was the gathering of the school children. The work that has been done in Porto Rico for education has been noteworthy. The main emphasis, as is eminently wise and proper, has been put upon primary education; but in addition to this there is a normal school, an agricultural school, three industrial and three high schools. Every effort is being made to secure not only the benefits of elementary education to all the Porto Ricans of the next generation, but also as far as means will permit to train them so that the industrial, agricultural, and commercial opportunities of the island can be utilized to the best possible advantage. It was evident, at a glance, that the teachers, both Americans and native Porto Ricans, were devoted to their work, took the greatest pride in it, and were endeavoring to train their pupils not only in mind, but in what counts for far more than mind in citizenship—that is, in character.

I was very much struck by the excellent character both of the insular police and of the Porto Rican regiment. They are both of them bodies that reflect credit upon the American administration of the island. The insular police are under the local Porto Rican government. The Porto Rican regiment of troops must be appropriated for by the Congress. I earnestly hope that this body will be kept permanent. There should certainly be troops in the island, and it is wise that these troops should be themselves native Porto Ricans. It would be from every standpoint a mistake not to perpetuate this regiment.

In traversing the island even the most cursory survey leaves the beholder struck with the evident rapid growth in the culture both of the sugar cane and tobacco. The fruit industry is also growing. Last year was the most prosperous year that the island has ever known before or since the American occupation. The total of exports and imports of the island was forty-five millions of dollars, as against eighteen millions in 1901. This is the largest in the island's history. Prior to the American occupation the greatest trade for any one year was that of 1896, when it reached nearly 23 millions of dollars. Last year, therefore, there was double the trade that there was in the most prosperous year under the Spanish régime. There were 210,273 tons of sugar exported last year, of the value of $14,186,319.00, $3,555,163.00 of tobacco, and 28,290,322 pounds of coffee, of the value of $3,481,102.00. Unfortunately what used to be Porto Rico's prime crop, coffee, has not shared this prosperity. It has never recovered from the disaster of the hurricane, and, moreover, the benefit of throwing open our market to it has not compensated for the loss inflicted by the closing of the markets to it abroad. I call your attention to the accompanying memorial on this subject of the Board of Trade of San Juan, and I earnestly hope that some measure will be taken for the benefit of the excellent and high-grade Porto Rican coffee.

In addition to delegations from the Board of Trade and Chamber of Commerce of San Juan, I also received delegations from the Porto Rican Federation of Labor and from the Coffee Growers' Association.

There is a matter to which I wish to call your special attention, and that is the desirability of conferring full American citizenship upon the people of Porto Rico. I most earnestly hope that this will be done. I can not see how any harm can possibly result from it, and it seems to me a matter of right and justice to the people of Porto Rico. They are loyal, they are glad to be under our flag, they are making rapid progress along the path of orderly liberty. Surely we should show our appreciation of them, our pride in what they have done, and our pleasure in extending recognition for what has thus been done by granting them full American citizenship.

Under the wise administration of the present governor and council marked progress has been made in the difficult matter of granting to the people of the island the largest measure of self-government that can with safety be given at the present time. It would have been a very serious mistake to have gone any faster than we have already gone in this direction. The Porto Ricans have complete and absolute autonomy in all their municipal governments, the only power over them possessed by the insular government being that of removing corrupt or incompetent municipal officials. This power has never been exercised save on the clearest proof of corruption or of incompetence such as to jeopardize the interests of the people of the island; and under such circumstances it has been fearlessly used to the immense benefit of the people. It is not a power with which it would be safe, for the sake of the island itself, to dispense at present. The lower house is absolutely elective, while the upper house is appointive. This scheme is working well; no injustice of any kind results from it, and great benefit to the island, and it should certainly not be changed at this time. The machinery of the elections is administered entirely by the Porto Rican people themselves, the governor and council keeping only such supervision as is necessary in order to insure an orderly election. Any protest as to electoral frauds is settled in the courts. Here again it would not be safe to make any change in the present system. The elections this year were absolutely orderly, unaccompanied by any disturbance, and no protest has been made against the management of the elections, although three contests are threatened where the majorities were very small and error was claimed; the contests, of course, to be settled in the courts. In short, the governor and council are cooperating with all of the most enlightened and most patriotic of the people of Porto Rico in educating the citizens of the island in the principles of orderly liberty. They are providing a government based upon each citizen's self-respect and the mutual respect of all citizens; that is, based upon a rigid observance of the principles of justice and honesty. It has not been easy to instill into the minds of people unaccustomed to the exercise of freedom the two basic principles of our American system, the principle that the majority must rule and the principle that the minority has rights which must not be disregarded or trampled upon. Yet real progress has been made in having these principles accepted as elementary, as the foundations of successful self-government.

I transmit herewith the report of the governor of Porto Rico, sent to the President through the Secretary of State.

All the insular governments should be placed in one bureau, either in the Department of War or the Department of State. It is a mistake not so to arrange our handling of these islands at Washington as to be able to take advantage of the experience gained in one when dealing with the problems that from time to time arise in another.

In conclusion, let me express my admiration for the work done by the Congress when it enacted the law under which the island is now being administered. After seeing the island personally, and after five years' experience in connection with its administration, it is but fair to those who devised this law to say that it would be well-nigh impossible to have devised any other which in the actual working would have accomplished better results.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 11, 1906.*

PURCHASE OF DEPARTMENT SUPPLIES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Com-

mittee on Organization, Conduct, and Expenditures of the Executive Departments, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the report to the President by the Committee on Department Methods relative to the purchase of Department supplies. I heartily approve the recommendations of the committee.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 11, 1906.*

MESA VERDE NATIONAL PARK.

Mr. PATTERSON. At the last session the Senate passed the bill (S. 3245) creating the Mesa Verde National Park. The House passed a bill by the same title and for the same purpose, and that House bill was passed by the Senate. A motion was made and carried recalling the Senate bill from the House, and it has been returned, and there is a motion pending to reconsider the vote by which the Senate bill was passed. I ask that the motion to reconsider be now put.

Mr. ALDRICH. When did the bill pass?

Mr. PATTERSON. The bill was passed at the last session of Congress.

Mr. ALDRICH. And the motion is to reconsider the vote by which the bill was passed at the last session of Congress?

Mr. PATTERSON. The bill passed the Senate and went to the House, but in the meantime a House bill, with the same title and for the same purpose, was passed, and that House bill was passed by the Senate. At the last session I made a motion to recall the Senate bill. It was adopted, and a motion was entered to reconsider the vote by which the Senate had passed the Senate bill, and the question on the motion to reconsider has never been taken.

The VICE-PRESIDENT. Without objection, the votes by which the bill was ordered to a third reading and passed will be reconsidered.

Mr. PATTERSON. I move that the bill be indefinitely postponed.

The motion was agreed to.

SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, I ask that Senate resolution 142 be now laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Michigan, which will be read.

The Secretary read the resolution reported by Mr. BURROWS from the Committee on Privileges and Elections, June 11, 1906, as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. BURROWS. Mr. President, no duty devolving upon the Senate can be more important than that imposed by the fifth section of the first article of the Constitution of the United States, wherein it is provided (touching the Congress) that "Each House shall be the judge of the elections, returns, and qualifications of its own members."

The proper exercise of this power, coupled with that other provision of the Constitution which declares that "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member," is the only method by which the legitimacy and integrity of this body can be secured and maintained. Whenever, therefore, the right of a Senator to a seat in this Chamber is challenged for any cause, it is incumbent upon the Senate to make investigation and pass judgment upon the issue so raised. No other tribunal is clothed with jurisdiction to try and determine such a controversy.

When the credentials of the Hon. REED SMOOT were laid before the Senate, certifying to his election as a Senator from the State of Utah for the term of six years from the 4th of March, 1903, there was at the same time presented to the Senate a protest against his being, in the language of the remonstrance, "permitted to qualify by taking the oath of office or to sit as a member of the United States Senate."

THE PROTEST.

Subsequently, and on the 5th of March, 1903, conforming to the established practice of the Senate to accord to the holder of a duly authenticated certificate of election the prima facie right to admission, the oath of office was administered to Mr. SMOOT and he was admitted to the membership of this body as a Senator from the State of Utah. On the same day the protest against his admission was, by order of the Senate, referred to the Committee on Privileges and Elections. The grounds of such protest are summarized in its preamble as follows:

We protest that Apostle REED SMOOT ought not to be permitted to qualify or take the oath of office or to sit as a member of the United States Senate for reasons affecting the honor and dignity of the United States and their Senators in Congress, and upon the grounds and for the reason that he is one of a self-perpetuating body of fifteen men, who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or Mormon Church, claim, and by their followers are accorded the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual, and who, thus uniting in themselves authority in church and state, do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohabitation; who countenance and connive at violations of the laws of the state prohibiting the same, regardless of pledges made for the purpose of obtaining statehood, and of covenants made with the people of the United States, and who, by all means in their power, protect and honor those who in themselves violate the laws of the land and are guilty of practices destructive of the family and the home.

In a further protest, presented to the Senate and referred to the committee, it is charged that—

The oath of office required of and taken by the said REED SMOOT as an apostle of the said church is of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States Senator.

Later, and on the 27th of January, 1904, the Senate, by resolution, authorized and directed the Committee on Privileges and Elections—

To investigate the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah.

In the execution of this order the Committee on Privileges and Elections proceeded to make inquiry into the various allegations contained in the protests, and generally to comply with the mandate of the Senate—

To investigate the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah.

In the performance of this duty protracted hearings were had, at which more than a hundred witnesses were examined, and the testimony, covering over 3,000 pages of printed matter, has been submitted to the Senate.

Of course it is impossible in the discussion to review in detail before the Senate this great mass of evidence, but the report of the committee sets forth the substance thereof bearing upon the vital issues involved. I shall attempt no more, therefore, than to touch upon the salient points in the case and the evidence relating thereto.

Let me say at the outset, touching the charge that the Senator from Utah is a polygamist, and for that reason disqualified from holding a seat in this body, no evidence was submitted to the committee in support of such allegation, and, so far as the investigation discloses, the Senator stands acquitted of that charge. This relieves the inquiry of its personal character, always distressing, and the Senator stands before the Senate in personal character and bearing above criticism and beyond reproach, and if found disqualified for membership in this body it must be upon other grounds and from other considerations. I propose, therefore, to state as briefly as possible the reasons which impel the majority of the committee to the conclusion reached in their report.

HISTORY OF THE MORMON CHURCH.

In passing upon the issue involved it is important, indeed absolutely essential, to an intelligent application of the evidence elicited and the law applicable thereto to recall and hold in mind the accredited facts of history in connection with the organization and development of the Mormon Church, especially that community known as the "Utah Mormons" or "Brighamites," with headquarters at Salt Lake City, presided over by one Joseph F. Smith, recognized and acknowledged by his devotees as "president, prophet, seer, and revelator," and with which organization Senator SMOOT is publicly identified as one of the so-called "apostles," and who, by virtue of his ecclesiastical office therein, occupies a conspicuous place in this Mormon hierarchy.

The regular and legitimate Mormon Church had its origin in and grew out of an alleged discovery of some metallic plates, said to have been found near Palmyra, N. Y., by one Joseph Smith, bearing certain inscriptions which were said to have been translated by him and embodied in what is known and accepted as the "Book of Mormon," belief in which formed, in 1830, the basis of an organization styling itself "The Church of Latter-Day Saints," which for fifteen years increased in membership and extended its influence, until in 1844 it numbered about 50,000 adherents. On the 27th day of June, 1844, Joseph Smith, the founder of this cult, while confined in jail at Carthage, Ill., was set upon by a mob and killed.

With the details of the early history of this people, from 1830 to 1844, and their tenets we have nothing to do. It is sufficient for the purpose of this discussion to state that previous to the death of the prophet there were no dissensions in the organization so far as known, all subscribing to a common creed and holding a common faith. Judge Phillips, in the circuit court of the United States for the western district of Missouri, in delivering the opinion of that court in 1894 in what is known as the

"Temple Lot Cases," involving the title to certain real estate, said:

Beyond all cavil, if human testimony is to place any matter at rest, this church was one in doctrine, government, and purpose from 1830 to June, 1844, when Joseph Smith, its founder, was killed. It had the same federal head, governing bodies, and faith. During this period there was no schism, no dissensions, no parting of the ways in any matter fundamental or affecting its oneness.

THE REORGANIZED CHURCH.

The death of Joseph Smith in 1844, however, carried dismay and demoralization throughout the entire membership of the Mormon Church, scattering its adherents in divers directions and for the time being seemed to presage the complete overthrow and dissolution of the organization. Recovering, however, from the shock, the scattered bands soon reappeared in various parts of the country and promulgated their doctrines with increased zeal, and set to work to reassemble and reorganize their scattered forces, resulting finally in the formation of what is now known and recognized as the "Reorganized Church of Jesus Christ of Latter-Day Saints," with headquarters at Lamoni, Iowa, and presided over by Joseph Smith, a son of the prophet. The courts have repeatedly declared this organization to be the legitimate successor of the original Mormon Church, and its adherents, numbering some 50,000 peaceable, patriotic, and law-abiding citizens scattered throughout the United States in small church societies, conforming to the laws of their country wherever they may be and adhering to the faith of the founder of their creed, repudiating and denouncing the doctrine of polygamy and its attendant crimes, without temple, endowment house, or secret order, worship in the open like other church organizations, unquestioned and unmolested.

BRIGHAM YOUNG'S USURPATION.

During this period of disintegration one Brigham Young, who had identified himself with the Mormon organization as early as 1832, a man of indomitable will and undaunted courage, bold and unscrupulous, seized upon the occasion of the demoralization incident to the death of the prophet to place himself at the head of some 5,000 Mormons, and marching over desert and mountain, established himself with his adherents in the valley of Salt Lake, July 24, 1847, then Mexican territory, where he undoubtedly indulged the hope that the new doctrine of polygamy about to be publicly proclaimed by him might be promulgated with impunity and practiced and maintained without interference by the United States. These hopes, however, were destined to be blasted, for by the treaty of Guadalupe-Hidalgo of February 2, 1848, this territory passed from the jurisdiction of Mexico to the sovereignty of the United States, and its inhabitants thereupon became amenable to its laws.

Upon this transfer of sovereignty, and in 1849, Brigham Young and his followers, without authority from any source whatever, proceeded to set up a government of their own, embracing a territory of imperial dimensions, christening it the "State of Deseret," electing Brigham Young, the head of the church, governor; Heber C. Kimball, an apostle, lieutenant-governor, and filling all other official positions in the proposed State with their trusted adherents. At the same time a general assembly was chosen, which in 1849 petitioned Congress to admit the "State of Deseret" into the Union, and commissioned a Delegate to the Lower House of Congress, who subsequently presented his credentials and the memorial praying for statehood.

EARLY ATTEMPT TO OBTAIN STATEHOOD.

Shortly previous to this time it began to be bruited that the leaders of this organization and founders of the new State were fugitives from justice and apostates from the true Mormon faith and were living in polygamy; and it is an historic fact that when Brigham Young arrived in Salt Lake, in 1847, he had seventeen wives, and all the so-called apostles, twelve in number, except possibly one, from two to twenty wives each. This rumor gained credence and confirmation by a protest against the admission of the State of Deseret sent to the Congress of the United States December 31, 1849, and now on file in its archives, from which I make the following extracts:

Your petitioners respectfully represent that whereas efforts are now being made by the Salt Lake Mormons to obtain, by false representations and fallacious presentations, from the Government of the United States a State organization to be called the State of Deseret; and whereas we believe that it would be highly detrimental to the best interests of our country to comply with their request, we do therefore respectfully petition your honorable body to provide some other way for the government of the Salt Lake settlement. Your petitioners know most assuredly that Salt Lake Mormonism is diametrically in opposition to the pure principles of virtue, liberty, and equality, and that the rulers of the Salt Lake church are bitter and inveterate enemies of our Government. They entertain treasonable designs against the liberties of American freeborn sons and daughters. * * * They have elected Brigham Young, who is the president of their church, to be the governor of the proposed State of Deseret. Their intention is to unite church and state. * * * We have authentic information that more than 1,500 Salt Lake Mormons took the following oath in the Temple of God at Nauvoo:

"You do solemnly swear, in the presence of Almighty God, His holy angels, and these witnesses, that you will avenge the blood of Joseph Smith on this nation, and teach your children, and that you will from this time henceforth and forever begin and carry out hostilities against this nation, and to keep the same intent a profound secret now and forever. So help me God."

The rulers of the Salt Lake church hypocritically pretend to venerate the name and character of the prophet Joseph Smith, that they may retain their popularity among that people who believe that he was a true prophet. These rulers are apostates from the true Church of Jesus Christ of Latter-Day Saints, which church Joseph Smith was president of. They teach and practice polygamy. * * * Surely your honorable body will not lend your aid to legalize adultery and all manner of wickedness. These men have left their country for their country's good. They have left it that they might escape the punishment which their crimes have invoked. * * * They have been guilty of murders, treason, robbery, counterfeiting, swindling, blasphemy, and usurpation of power, both political and ecclesiastical. This is the character of the man who is the political and ecclesiastical governor of the Salt Lake colony. The Salt Lake settlement is like Sodom and Gomorrah. Save the rising generation of that land from being trained up in such a sink of corruption, blasphemy, and treason.

The practice of polygamy by this band of apostate Mormons received further confirmation in the official report of the Indian agent for the Territory of Utah, dated March 29, 1852, in which it was stated:

Among these men (speaking of the Mormons) was Willard Richards, who kept a harem of some dozen or fifteen women, to all of whom he is wedded. He is acting secretary of state and postmaster of the city.

Upon the presentation of the remonstrance referred to, the National House of Representatives declined to consider the petition for the admission of the "State of Deseret" into the Union, or receive its representative, but in lieu thereof and on the 7th day of September, 1850, Congress passed an act providing for the organization and government of the Territory of Utah. In 1850 President Fillmore appointed Brigham Young governor of the Territory for the term of four years, who entered upon the duties of the office in February, 1851, and thus the chief polygamous saint and head of the church became the chief executive of the Territory. These public and official declarations confirmatory of the rumors of the practice of polygamy by Brigham Young and his apostles made further concealment of their crime impossible, and it became necessary in some way to excuse or justify so flagrant an assault upon public decency and the civilization of the age.

THE POLYGAMIC REVELATION.

To that end a special conference of the sect was called to convene at Salt Lake City on the 28th day of August, 1852, over which Brigham Young presided, attended by the so-called apostles and high officials of the church to the number of over 2,000, at which conference, for the first time, the doctrine of polygamy was publicly proclaimed and declared to be an accepted tenet of the Utah Mormon faith. Preliminary to its formal promulgation, and to promote its reception by the followers of Brigham Young, it was deemed expedient that some of the high dignitaries who were associated with him should bear testimony to the saintly character of their master and the divine origin of the nefarious doctrine. To this end Heber C. Kimball, one of the first presidency and a polygamist, in calling the meeting to order, took occasion to say:

Brother Brigham Young is the successor of Joseph Smith and a better man never lived upon the earth, nor ever sought the interest of this people more fervently.

Elder Benson, another polygamist, joined in the laudation by saying:

I know that the principles that have been taught by the Prophet Joseph and Brothers Brigham, Heber, and Willard—

Composing the first presidency—

and by every other good man in this church are correct principles, and that these men have been borne on triumphantly over every trial and difficulty they have been called to pass through. The elders, therefore, can go to the nations with their consciences as clean as drifting snow, and with the satisfaction that all is right in Zion and we are led by the best men upon the face of the earth. I am glad in my heart, and I say, God bless Brigham, Heber, and Willard. They are the counsel of heaven to this people, and I mean to honor them in the earth wherever I go, and I would preach down in the bowels of hell the same as I do here and not be ashamed of it.

Pandemonium would be a fit place for its promulgation.

My story all the time is, Hurrah for Mormonism. * * * I only throw out these few hints that you may be prepared to act when you receive the proper instructions from your president.

Then came Orson Pratt, one of the oldest and most famous of the apostles and the husband of three wives, who public declared:

It is quite unexpected to me to be called upon to address you on the subject of the plurality of wives. It is rather new ground to the inhabitants of the United States, and not only to them, but a portion of the inhabitants of Europe. A portion of them have not been in the habit of preaching a doctrine of this description; consequently we will have to break up new ground. It is well known, however, to the congregation before me that the Latter-Day Saints have embraced the doctrine of the plurality of wives as a part of their religious faith.

In order to induce his followers more readily to accept this infamous doctrine, Brigham Young himself invoked the name of

Joseph Smith, the martyr, whom many sincerely believed to be a true prophet, and ascribed to him the reception of a revelation from the Almighty in 1843, commanding the saints to take unto themselves a multiplicity of wives, limited in number only by the measures of their desires. Why and how this revelation had been kept a secret for nine years Brigham Young explained as follows:

You heard Brother Pratt state this morning that a revelation would be read this afternoon which was given previous to Joseph's death. It contains a doctrine which a small portion of the world is opposed to. Though that doctrine has not been preached by the elders, this people have believed in it for many years.

The original copy of this revelation was burnt up; William Clayton was the man who wrote it from the mouth of the prophet. In the meantime it was in Bishop Whitney's possession. He wished the privilege to copy it, which Brother Joseph granted. Sister Emma burnt the original.

The revelation will be read to you. The principle we believe in. And I tell you—for I know it—it will sail over and ride triumphantly above all the prejudice and priestcraft of the day; it will be fostered and believed in by the more intelligent portions of the world as one of the best doctrines ever proclaimed to any people. I am now ready to proclaim it.

This revelation has been in my possession many years; and who has known it? None but those who should know it. I keep a patent lock on my desk, and there does not anything leak out that should not.

Such the mythical story palmed off on a deluded people. Let me now quote the material part of the pretended revelation of polygamy as given out by authority of Brigham Young in 1852:

Verily, thus saith the Lord unto his servant Joseph: * * * behold and lo, I am the Lord thy God * * * therefore prepare thy heart to receive and obey the instructions which I am about to give unto you, for all those who have this law revealed unto them must obey the same, for behold, I reveal unto you a new and everlasting covenant, and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory; * * * and as pertaining to the new and everlasting covenant, it was instituted for the fullness of my glory, and he that receiveth a fullness thereof must and shall abide the law or he shall be damned, saith the Lord God. And again, as pertaining to the law of the priesthood, if any man espouse a virgin and desire to espouse another, and the first give her consent, and if he espouse the second, and they are virgins and have vowed to no other man, then is he justified. He can not commit adultery, for they are given unto him, for he can not commit adultery with that that belongeth to him and to none else; and if he have ten virgins given unto him by this law he can not commit adultery, for they belong unto him and are given unto him; therefore is he justified.

Thus did Brigham Young and his associates attempt to explain and justify a practice revolting to every sense of public decency, subversive of the home, and destructive of the very foundations of society. Thus were laid with unholy hands what Brigham Young was pleased to call the foundations of "Zion," upon which it was proposed to erect "the kingdom of God on earth." But a doctrine so monstrous needed something more than the unsupported testimony of Brigham Young to insure its reception and give it credence, in view of the fact that it had no warrant in the Book of Mormon and was specially condemned in the book of "Doctrines and Covenants," wherein it is declared "One man should have one wife, and one woman but one husband." To give this creed the semblance of authority and insure its permanency as an article of this Utah Mormon faith the doctrine of monogamy was torn from the book of "Doctrines and Covenants," and the doctrine of polygamy inserted in its stead, where it is still retained as a cardinal principle of the Utah Mormon faith. In this way was the practice of polygamy inaugurated in the Territory of Utah and fostered and encouraged by the leaders of this sect.

DOMINATION BY HIERARCHY.

The subsequent history of this community is too familiar to justify extended review. From the hour they took possession of the territory in 1847 the domination of this Mormon hierarchy in civil as well as so-called "religious" affairs has been absolute and supreme, and there was then inaugurated and carried on for over forty years a carnival of crime in this Territory unexampled in the history of a civilized state. The armies of the United States were forbidden to come within its borders; Federal judges and other Government officials were driven from the Territory; the statutes of the United States spurned and trampled on; the ministers of the law insulted and defied; lawlessness ran riot and there was no authority in the Territory respected or enforced but that of the Mormon hierarchy. The conditions at this time can not be more accurately or graphically described than in the report of the chief justice and the associate justice of the supreme court of the Territory, who, unable to discharge their functions, were compelled to fly from the Territory, stating in their report to the President of the United States, December 19, 1851:

It becomes our duty as officers of the United States for the Territory of Utah to inform the President that we have been compelled to withdraw from the Territory and our official duties in consequence of an extraordinary state of affairs existing there which rendered the performance of those duties not only dangerous, but impracticable, and a longer residence in the Territory, in our judgment, incompatible with a proper sense of self-respect and the high regard due to the United States. We have been driven to this course by the lawless acts and the hostile and seditious feelings and sentiments of Brigham Young, the executive of the Territory, and the great body of the residents there, manifested toward the Government and officers of the United States in aspersions and denunciations so violent and offensive as to set at defiance not only a just administration of the laws, but the rights and feelings of citizens and officers of the United States residing there. To enable the Government to understand more fully the unfortunate condition of affairs in that Territory, it will be necessary to explain the extraordinary religious organization existing there, its unlimited pretensions, influence, and power, and to enter into a disagreeable detail of facts, and the language and sentiments of the governor and others high in authority toward the Government, people, and officers of the United States.

We found upon our arrival that almost the entire population consisted of a people called "Mormons," and the Mormon Church overshadowing and controlling the opinions, the actions, the property, and even the lives of its members; usurping and exercising the functions of legislation and the judicial business of the Territory; organizing and commanding the military; disposing of the public lands upon its own terms; coining money and forcing its circulation; openly sanctioning and defending the practice of polygamy or plurality of wives; exacting the tenth part of everything from its members under the name of tithing, and enormous taxes from citizens not members; penetrating and supervising the social and business circles and inculcating and requiring as an article of religious faith implicit obedience to the counsels of the church as paramount to all the obligations of morality, society, allegiance, and of law. At the head of this formidable organization stood Brigham Young, the governor, claiming and represented to be the prophet of God, and his sayings as direct revelation from heaven, commanding thereby unlimited sway over the ignorant and credulous.

The report then recites a long catalogue of declarations of hostility to the General Government by Brigham Young, from which I take the following:

Zachary Taylor is dead and in hell, and I am glad of it. And I prophesy by the power of the priesthood that is upon me that any President of the United States who lifts his finger against this people shall die an untimely death and go to hell. * * * The United States officers may remain in the Territory so long as they behave themselves and pay their board, but if they do not they would kick them to hell, where they belong. * * * That he had ruled that people for years and could rule them again, and he would kick any man out of the Territory who would dictate to or advise him of his duty.

A professor of the University of Deseret declared:

The Government of the United States is a stink in the nostrils of Jehovah. * * * We can save it by theocracy, but rather than save it by any other way, we will see it damned first.

The report concludes:

The governor has been accustomed to enter the legislative hall under the provisional State government and dictate what laws should and should not be passed, and enter the court and jury rooms and dictate what verdict should be rendered, and he has given us ample evidence that he was equally omnipotent and influential with the Mormon people under the Territorial government.

It is impossible for any officer to perform his duty or execute any law not in sympathy with their views as the Territory is at present organized. * * * No man dare open his mouth in opposition to their lawless exactions without feeling its effects upon his liberty, his business, or his life. And thus, upon the soil of the United States, and under the broad folds of its Stars and Stripes, which protect him in his rights in every part of the civilized world, there is a spot where the citizen is browbeaten and despoiled of his liberties as a free man by a religious despotism.

We deem it our duty to state, in this official communication, that polygamy, or plurality of wives, is openly avowed and practiced in the Territory, under the sanction and in obedience to the direct commands of the church. So universal is this practice that very few, if any, leading men in that community can be found who have not more than one wife each. The prominent men in the church, whose example in all things it is the ambition of the more humble to imitate, have each many wives—some of them, we were credibly informed and believe, as many as twenty or thirty, and Brigham Young, the governor, even a greater number. It is not uncommon to find two or more sisters married to the same man, and in one instance, at least, a mother and her two daughters are among the wives of a leading member of the church. This practice, regarded and punished as a high and revolting crime in all civilized countries, would, of course, never be made a statutory offense by a Mormon legislature; and if a crime at common law, the courts would be powerless to correct the evil with Mormon juries.

Such was the deplorable condition of affairs in the Territory of Utah in 1851.

HOSTILITY TO THE UNITED STATES.

When, in 1857, the President of the United States determined upon the removal of Brigham Young from the office of governor of the Territory, the newly appointed executive deemed it prudent to proceed to his post of duty with a military escort, whereupon Brigham Young declared that the newly appointed governor should not administer the office, and it became necessary to increase the military force and place it under the command of Col. Albert Sidney Johnston. The then Secretary of War, Mr. Floyd, in his annual report dated December 5, 1857, set forth the condition of affairs in this Territory as follows:

From the first hour they fixed themselves in that remote and almost inaccessible region of our territory, from which they are now sending defiance to the sovereign power, their whole plan has been to prepare for a successful secession from the authority of the United States and a permanent establishment of their own.

President Buchanan, in his message to Congress of December 8, 1857, explanatory of his official acts in connection with the government of Utah, said:

As Chief Magistrate I was bound to restore the supremacy of the Constitution and laws within its limits. In order to effect this pur-

pose I appointed a new governor and other Federal officers for Utah, and sent with them a military force for their protection and to aid as a posse comitatus in case of need in the execution of the laws. * * * Whilst Governor Young has been both governor and superintendent of Indian affairs * * * he has been at the same time head of the church called the "Latter-Day Saints," and professes to govern its members and dispose of their property by direct inspiration and authority from the Almighty. His power has been therefore absolute over the church and state. * * * All the officers of the United States, judicial and executive, with the exception of two Indian agents, have found it necessary for their personal safety to withdraw from the Territory, as there no longer remains any government in Utah but the despotism of Brigham Young.

Thus did it come to pass that after ten years of the domination of the Mormon hierarchy in Utah the President of the United States was constrained to make the startling announcement in his annual message to Congress that there no longer remained any government in the Territory of Utah but the "despotism of Brigham Young." He ruled supreme. Pretending to be the vicegerent of the Almighty, he defied the Government of the United States and played upon the passions, prejudices, and fears of the people until he held complete mastery over the lives and fortunes of his deluded followers.

LEGISLATION AGAINST POLYGAMY.

This declaration of President Buchanan in 1857 aroused the Congress and the country to the necessity of taking some steps to suppress this crime and relieve the people of Utah from the domination of so despotic a power. To this end numerous measures were promptly introduced in both Houses of Congress looking to the accomplishment of such purpose, but not until 1862 was an act passed defining the crime of bigamy and punishing persons adjudged guilty of such offense in any of the Territories of the United States by a fine not exceeding $500 or by imprisonment for a term not exceeding five years, and at the same time annulling all acts and laws of the legislative assembly of the Territory of Utah "which establish, support, maintain, shield, or countenance the practice of polygamy, evasively called 'spiritual marriage,' however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, or other contrivances;" and, further, annulling the ordinance incorporating the Church of Jesus Christ of Latter-Day Saints, and making it unlawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States of a greater value than $50,000, forfeiting and escheating to the United States all holdings by such corporation in excess of such value. This comprehensive measure remained, however, for many years a dead letter. The great issues of the civil war and the problems growing out of that conflict overshadowed and obscured for the time being all other questions of domestic concern, and for twenty years the act of 1862 was disregarded and defied, while the hierarchy continued its unrestrained debauchment and despotic sway. No sooner, however, had the storm of war passed and the calm of peace returned than the attention of Congress and the country was again directed by several Presidents of the United States to the continued existence of the criminal practices in the Territory of Utah.

President Grant, in his third annual message, submitted to Congress December 4, 1871, said:

In Utah there still remains a remnant of barbarism, repugnant to civilization, to decency, and to the laws of the United States. Neither polygamy nor any other violation of existing statutes will be permitted within the territory of the United States. It is not with the religion of the self-styled saints that we are now dealing, but with their practices. They will be protected in their worship of God according to the dictates of their consciences, but they will not be permitted to violate the laws under the cloak of religion.

In his fourth annual message, of December 2, 1872, in referring to the Territories, he said:

In but one of them (Utah) is the condition of affairs unsatisfactory. * * * It has seemed to be the policy of the legislature of Utah to evade all responsibility to the Government of the United States, and even to hold a position in hostility to it. I recommend a careful revision of the present laws of the Territory by Congress and the enactment of such a law as will secure peace, the equality of all citizens before the law, and the ultimate extinguishment of polygamy.

And again, in his seventh annual message, December 8, 1875, President Grant said:

In nearly every annual message that I have had the honor of transmitting to Congress I have called attention to the anomalous, not to say scandalous, condition of affairs existing in the Territory of Utah, and have asked for definite legislation to correct it. That polygamy should exist in a free, enlightened, and Christian country without the power to punish so flagrant a crime against decency and morality seems preposterous. True, there is no law to sustain this unnatural vice, but what is needed is a law to punish it as a crime. * * * But as an institution polygamy should be banished from the land.

President Hayes, in his fourth annual message, December 6, 1880, said:

It is the recognized duty and purpose of the people of the United States to suppress polygamy where it now exists in our Territories and to prevent its extension. The longer action is delayed the more difficult it will be to accomplish what is desired. Prompt and decided measures are necessary. The Mormon sectarian organization, which upholds polygamy, has the whole power of making and executing the local legislation of the Territory. By its control of the grand and petit juries it possesses large influence over the administration of justice. Exercising, as the heads of this sect do, the local political power of the Territory, they are able to make effective their hostility to the law of Congress on the subject of polygamy and, in fact, to prevent its enforcement. Polygamy will not be abolished if the enforcement of the law depends on those who practice and uphold the crime. It can only be suppressed by taking away the political power of the sect which encourages and sustains it.

The power of Congress to enact suitable laws to protect the Territories is ample. It is not a case for halfway measures. The political power of the Mormon sect is increasing. It controls now one of our wealthiest and most populous Territories. It is extending steadily into other Territories. Wherever it goes it establishes polygamy and sectarian power. The sanctity of marriage and the family relation are the corner stone of our American society and civilization. Religious liberty and separation of church and state are among the elementary ideas of free institutions. To reestablish the interests and principles which polygamy and Mormonism have imperiled and to fully reopen to intelligent and virtuous immigrants of all creeds that part of our domain which has been in a great degree closed to general immigration by intolerant and immoral institutions, it is recommended that the Territory of Utah be reorganized.

President Garfield, in his inaugural address, March 4, 1881, said:

The Mormon Church not only offends the moral sense of mankind by sanctioning polygamy, but prevents the administration of justice through ordinary instrumentalities of law.

He expressed the opinion that Congress should prohibit polygamy, and not allow—

any ecclesiastical organization to usurp in the smallest degree the functions and power of the National Government.

In 1881, President Arthur, in his annual message to Congress, called attention to the continued practice of polygamy in the Territory of Utah in the following language:

For many years the Executive, in his annual message to Congress, has urged the necessity of stringent legislation for the suppression of polygamy in the Territories, and especially in the Territory of Utah. The existing statute for the punishment of this odious crime, so revolting to Christendom, has been persistently and contemptuously violated ever since its enactment. Indeed, in spite of the commendable efforts on the part of the authorities who represent the United States in that Territory, the law has in very rare instances been enforced and, for a cause to which reference will presently be made, is practically a dead letter. The fact that adherents of the Mormon Church, which rests upon polygamy as its corner stone, have recently been settling in large numbers in Idaho, Arizona, and other of the Western Territories, is well calculated to excite the greatest interest and apprehension. It imposes upon Congress and the Executive the duty of arraying against this barbarous system all the power which under the Constitution and the laws they can wield for its destruction.

Following this suggestion of President Arthur, Senator Edmunds introduced a bill to amend the act of July 1, 1862, which was passed by Congress and approved March 22, 1882. This act, known as the "Edmunds law," was the most drastic yet proposed, and struck a deadly blow at the very root of the evil. It made bigamy, polygamy, and polygamous cohabitation crimes punishable by fine and imprisonment; it excluded from the jury box on the trial of any person charged with the violation of such act every person who had been, or was then, living in violation of this statute, or who believed in the rightfulness of the acts prohibited; it disfranchised all persons who were guilty of violating the provisions of such enactment, and rendered them ineligible for election or appointment to any office and disqualified them from holding any place of public trust, honor, or emolument in such Territory or under the United States; it vacated all the registration offices in the Territory of Utah, and imposed upon a commission of five persons appointed by the President of the United States and confirmed by the Senate all the duties relating to the registration of voters, the conduct of elections, and the canvass and declaration of the result. In other words, it practically took into its own hands, through its own official instrumentalities, the entire administration of the affairs of that Territory. Upon the passage of this act, instead of conforming to its provisions and yielding obedience to its mandates, the Utah hierarchy made open war against it, and under date of October 6, 1885, issued the following pronunciamento:

An epistle from the first presidency to the officers and members of the Church of Jesus Christ of Latter-Day Saints.

The war is openly and undisguisedly made upon our religion. * * * We did not reveal celestial marriage. We can not withdraw or renounce it. God revealed it, and he has promised to maintain it and to bless those who obey it. Whatever fate then may threaten us there is but one course for men of God to take—that is, to keep inviolate the holy covenants they have made in the presence of God and angels. For the remainder, whether it be life or death, freedom or imprisonment, prosperity or adversity, we must trust in God. We may say, however, if any man or woman expects to enter into the celestial kingdom of our God without making sacrifices and without being tested to the very uttermost, they have not understood the gospel. * * * Upward of forty years ago the Lord revealed to his church the principle of celestial marriage. * * * "For, behold, I reveal unto you a new and everlasting covenant; and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory." Who would suppose that any man in this land of religious liberty would presume to say to his fellow-man that he had no right to take such

steps as he thought necessary to escape damnation? Or that Congress would enact a law which would present the alternative to religious believers of being consigned to a penitentiary if they should attempt to obey a law of God which would deliver them from damnation?

We find in this epistle, denunciatory of the Edmunds law, a reassertion of the dogma of polygamy that it was of divine origin and believed in and practiced as a part of the Utah Mormon creed. The act of 1882, designed to suppress these crimes, continued to be openly or secretly violated and the practice of polygamy and polygamous cohabitation among this sect continued unabated, and every device which the ingenuity of man could discover was employed to prevent the enforcement of the law and shield its violators from punishment. After another five years of forbearance and national humiliation it became manifest that some more drastic measure must be enacted to insure the suppression of these crimes, to which end, in 1887, Congress passed what was known as the Edmunds-Tucker law, strengthening and enlarging the acts of 1862 and 1882 by providing, among other things, that in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statutes of the United States, the lawful husband or wife of the person accused shall be a competent witness; that in any such prosecution an attachment for witnesses may be issued in the first instance without a previous subpœna; it punished persons convicted of adultery by imprisonment in the penitentiary; it defined the crime of incest and provided adequate punishment therefor; it annulled all laws of the legislative assembly of the Territory of Utah which provided that prosecutions for adultery could only be commenced on complaint of the husband or wife; it empowered the marshal of the Territory and his deputy to cause all offenders against the law, in his view, to enter into recognizance to keep the peace and appear at the next term of the court having jurisdiction of the case; it required every ceremony of marriage of any kind to be authenticated by a certificate stating the fact and nature of the ceremony, the full names of the parties and of every officer, priest, or person taking part in the performance of such ceremony, and signed by the parties to such ceremony and by every person taking part in the same, such certificate to be filed in the office of the probate court and immediately recorded, and a failure to comply with the requirements of this act to be punished by fine and imprisonment.

It made it the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of the act of 1862 (which act, it will be remembered, made the holding in excess of $50,000 of real estate unlawful), such property so forfeited and escheated to be disposed of and the proceeds applied to the use and for the benefit of the common schools in the Territory; it disapproved and annulled all laws of the legislative assembly of the State of Deseret, creating the "Perpetual Emigration Fund Company" and prohibited the legislative assembly of the State of Utah from reviving such corporation, or passing any law to accomplish the bringing of persons into the Territory for any purpose whatever, and directed the Attorney-General of the United States to institute proceedings in the supreme court of the Territory to carry the act into effect and pay the debts and dispose of the assets of such corporation according to law, the surplus, if any, to be escheated to the United States and expended for the benefit of the common schools of the Territory; it authorized and directed the Attorney-General of the United States to take the necessary proceedings to wind up the affairs of the corporation, known as the "Church of Jesus Christ of Latter-Day Saints" according to law; it conferred upon the President the power to appoint all probate judges within the Territory of Utah and annulled all legislative acts providing for their election by the legislature; it took from the women of the Territory the right of suffrage, and annulled all acts of the Territorial assembly authorizing the registration and voting of females; it imposed upon every lawful voter as a condition precedent to his right to register or vote or hold office in the Territory of Utah, the taking of an oath, not only to support the Constitution of the United State and obey the laws, especially the acts of 1862 relating to bigamy, and this act in relation to the crimes defined and forbidden, and provided further that no person who shall have been convicted of any crime under this act, or previous acts of Congress, or who shall be a polygamist or cohabit polygamously with another, shall be entitled to vote at any election in the Territory, or serve on a jury, or hold any office of trust or profit; it annulled all laws looking to the organization or maintenance of the Nauvoo Legion and declared that the militia of the Territory should be subject to the laws of the United States; and in a word, this community of polygamists and lawbreakers were practically denied all participation in the government of the Territory of Utah and the entire administration of affairs taken charge of by the Government of the United States.

This series of enactments by the National Government was so sweeping and drastic as to carry conviction to the minds of the leaders of this Mormon community that the National Government had finally determined to enforce obedience to its authority and uproot and utterly destroy the last vestige of this "twin relic of barbarism." Doomsday had come for this abomination and the hierarchy saw no possible avenue of escape except through the intervention of the courts of the United States, which, it was hoped, would pronounce these enactments an infringement of that provision of the Constitution which declares that "Congress shall make no law respecting the establishment of religion or prohibit the free exercise thereof." It was contended then, as it is by some to-day, that polygamy and polygamous cohabitation are religious rites with which the National Government has no power to interfere. But this contention was summarily disposed of by the Supreme Court of the United States in several cases, particularly the case of the Mormon Church *v.* The United States, 136 U. S. Supreme Court Reports, page 1, which tore the mask from this hypocritical pretense and exposed it to public scorn and contempt. I beg to quote the opinion of the court, delivered by Justice Bradley:

It is unnecessary here to refer to the past history of the sect, to their defiance of the Government authorities, to their attempt to establish an independent community, to their efforts to drive from the Territory all who were not connected with them in communion and sympathy. The tale is one of patience on the part of the American Government and people and of contempt of authority and resistance to law on the part of the Mormons. Whatever persecutions they may have suffered in the early part of their history, in Missouri and Illinois, they have no excuse for their persistent defiance of law under the Government of the United States.

One pretense for this obstinate course is that their belief in the practice of polygamy, or in the right to indulge in it, is a religious belief, and therefore under the protection of the constitutional guaranty of religious freedom. This is altogether a sophistical plea. No doubt the thugs of India imagined that their belief in the right of assassination was a religious belief; but their thinking so did not make it so. The practice of suttee by the Hindoo widows may have sprung from a supposed religious conviction. The offering of human sacrifices by our own ancestors in Britain was, no doubt, sanctioned by an equally conscientious impulse. But no one on that account would hesitate to brand these practices now as crimes against society, and obnoxious to condemnation and punishment by the civil authority. * * *

Then, looking at the case as the finding of facts presents it, we have before us—Congress had before it—a contumacious organization wielding by its resources an immense power in the Territory of Utah and employing those resources and that power in constantly attempting to oppose, thwart, and subvert the legislation of Congress and the will of the Government of the United States. * * *

Notwithstanding the stringent laws which have been passed by Congress, notwithstanding all the efforts made to suppress this barbarous practice, the sect or community composing the Church of Jesus Christ of Latter-Day Saints perseveres, in defiance of law, in preaching, upholding, promoting, and defending it.

It is a matter of public notoriety that its emissaries are engaged in many countries in propagating this nefarious doctrine and urging its converts to join the community in Utah. The existence of such a propaganda is a blot on our civilization. The organization of a community for the spread and practice of polygamy is, in a measure, a return to barbarism. It is contrary to the spirit of Christianity and to the civilization which Christianity has produced in the western world. The question therefore is whether the promotion of such a nefarious system and practice, so repugnant to our laws and to the principles of our civilization, is to be allowed to continue by the sanction of the Government itself.

THE MANIFESTO AGAINST POLYGAMY AND POLYGAMOUS COHABITATION.

These several statutes to which I have referred, following each other in quick succession, each more drastic than the preceding, and all adjudged constitutional by the Supreme Court of the United States, brought the hierarchy to a realizing sense of its impotency to longer contend against the authority of the United States, and it therefore made haste to find some way to save its members from imprisonment and their property from confiscation. To this end the head of the church bowed at last in submission to the National Government and in 1890 promulgated what is known as the "manifesto," advising his followers to submit to the laws and refrain from further violation, the material portion of which is as follows:

To whom it may concern: Inasmuch as laws have been enacted by Congress forbidding plural marriage, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise. * * * And I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriages forbidden by the law of the land.

This manifesto was signed by "Wilford Woodruff, president of the Church of Jesus Christ of Latter-Day Saints."

This proclamation, emanating from so commanding a source and communicated to a people taught to believe that their prophet was the inspired "mouthpiece of God," was expected to command prompt and implicit obedience by the entire Mormon community, and the hope was indulged and belief engendered in the public mind that at last the Utah hierarchy and its adherents would abandon the infamous practice of polygamy and polygamous cohabitation and conform to the mandates of

the law and the spirit of the manifesto and that this foul blot upon our civilization was about to be forever removed.

PRAYER FOR AMNESTY.

This gratifying expectation was greatly strengthened by the prompt action of the first presidency and the twelve apostles in presenting to the President of the United States in 1891, the year following the manifesto, a petition humbly imploring amnesty for themselves and their followers and restoration to all their rights and privileges as citizens. This petition, asking immunity for the past and plighting their honor and faith for the future, was couched in such humble terms as to inspire confidence in their sincerity and a measure of sympathy for their misguided followers. The material part of the petition is as follows:

We, the first presidency and apostles of the Church of Jesus Christ of Latter-Day Saints, beg, respectfully, to present to your Excellency the following facts: We formerly taught our people that polygamy, or celestial marriage, was right; that it was a necessity to man's highest exaltation in the life to come; that doctrine was publicly promulgated by our president, the late Brigham Young, forty years ago, and was steadily taught and impressed upon the Latter-Day Saints up to a short time before September, 1890. They accepted the doctrine, and many personally embraced and practiced polygamy. When the Government sought to stamp the practice out our people, almost without exception, remained firm, for they * * * still felt that their lives and their honor as men were pledged to a vindication of their faith. * * * Following this conviction, hundreds endured arrest, trial, fine, and imprisonment. More, the Government added disfranchisement to other punishments of those who clung to their faith and fulfilled its covenants. This being the true situation, and believing that the object of the Government was simply the vindication of its own authority and to compel obedience to its laws, * * * we respectfully pray that full amnesty may be extended to all who are under disabilities because of the operation of the so-called Edmunds and Edmunds-Tucker law. Our people are scattered, homes are made desolate, many are still imprisoned, others are banished or in hiding. * * * As shepherds of a patient and suffering people, we ask amnesty for them and pledge our faith and honor for their future. And your petitioners will ever pray.

This petition was signed by the first presidency, composed of Wilford Woodruff as president, and his two counselors, George Q. Cannon and Joseph F. Smith, the present head of the church, and ten of the twelve apostles.

This cry for amnesty appealed to the generous impulses of President Harrison, who, on the 4th of January, 1893, issued the following proclamation:

Whereas Congress by a statute approved March 22, 1882, and by statutes in furtherance and amendment thereof defined the crimes of bigamy, polygamy, and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States and prescribed a penalty for such crimes; and

Whereas on or about the 6th day of October, 1890, the Church of the Latter-Day Saints, commonly known as the Mormon Church, through its president issued a manifesto proclaiming the purpose of said church no longer to sanction the practice of polygamous marriages, and calling upon all members and adherents of said church to obey the laws of the United States in reference to said subject-matter; and

Whereas it is represented that since the date of said declaration the members and adherents of said church have generally obeyed said laws and have abstained from plural marriages and polygamous cohabitation; and

Whereas by a petition dated December 19, 1891, the officials of said church, pledging the membership thereof to a faithful obedience to the laws against plural marriage and unlawful cohabitation, have applied to me to grant amnesty for past offenses against said laws * * *;

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage who have since November 1, 1890, abstained from such unlawful cohabitation, but upon the express condition that they shall in the future faithfully obey the laws of the United States hereinbefore named, and not otherwise. Those who shall fail to avail themselves of the clemency hereby offered will be vigorously prosecuted.

Subsequently, and on the 25th of September, 1894, President Cleveland issued a similar proclamation, excepting, however, from its benefits—

All persons who have not complied with the conditions contained in the Executive proclamation of January 4, 1893.

These pleas for amnesty were granted, prison doors opened, church property restored, all disabilities resulting from violation of law removed, and it was confidently hoped that the people of Utah, under this later dispensation, by conforming to the mandates of the law and the civilization of the age, would enter upon a new era of peace, order, and prosperity. But the plans of the hierarchy were not yet fully realized, and would not be until the territory had escaped from Federal domination by securing the freedom of statehood, and the time seemed opportune for such a consummation.

ADMISSION OF UTAH AS A STATE.

Previous to this and during all the years of Utah's Territorial existence efforts were repeatedly made to escape the direct domination of the National Government by securing admission into the Federal Union. If my recollection serves me correctly, at least half a dozen attempts were made to secure statehood previous to 1890, all of which proved abortive, for the reason that the people of the Territory under the domination of the Mormon hierarchy were not obedient to the laws of the United States—were not law-abiding citizens—and therefore not regarded fit to be intrusted with self-government. After the manifesto of 1890 and the general amnesty following, and the liberal spirit which seemed to have taken possession of the public mind, the effort for statehood was renewed, and as early as 1892, only two years after the manifesto, a movement was inaugurated to that end and followed with such persistency that two years later an enabling act was passed, and in 1896 Utah was admitted into the Union as a sovereign State.

And thus was the prophecy of Brigham Young fulfilled:

Do not be discouraged by your repeated failures to get into the Union as a State. We shall succeed, we shall pull the wool over the eyes of the American people and make them swallow Mormonism, polygamy and all.

We shall drop the old issue between the Mormons and the Liberals in Utah, ally ourselves with the two great national parties, dividing ourselves about equally, so as to fall in with the one in power. We don't know and we don't care about the issue. We must be at peace with them in order to get into the Union. After that we can snap our fingers in their faces, restore the good old times when we dwelt undisturbed in these valleys of the mountains, and cast out devils as we used to do.

Thus was consummated in the brief period of six years what nearly half a century had failed to secure. No stronger proof of public confidence in the sincerity of these people could possibly have been given. However, to make assurance doubly sure that the hierarchy would keep faith with the nation, it was provided, among other things, in the enabling act of July 16, 1894, that—

The constitution shall be republican in form, and shall provide by ordinance irrevocable without the consent of the United States and the people of said State;

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, provided that polygamous or plural marriages are forever prohibited.

Subsequently, and when the constitution was framed, these requirements of the enabling act were embodied in the constitution of the State, coupled with the further provision that—

There shall be no union of church and state, nor shall any church dominate the State nor interfere with its functions—

under which constitution, thus framed and ratified by the people, Utah was admitted to the freedom of statehood. Following her admission, the usual steps were taken to set the machinery of the State government in motion and to adjust it to its new relations as a member of the Federal Union. To this end, State and Federal officials were elected from time to time, when, on the 26th of January, 1903, the governor of the State certified that on the 21st day of January, 1903—

REED SMOOT was duly chosen by the legislature of Utah to represent said State in the Senate of the United States for a term of six years from March 4, 1903.

It is concerning this election that protest was made, and the Committee on Privileges and Elections ordered to "investigate the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah." Such investigation, your committee, after patient and protracted hearings, has concluded, and submits the result of its deliberations to the judgment of the Senate.

The issues involved in the controversy are fully set forth in the protest submitted to the Senate and referred to your committee, constituting the basis of the committee's inquiries. The gravamen of the charge in the protest against the senior Senator from Utah is not that he is an adherent of the Mormon Church (for church affiliation is a matter of free individual choice), but—

that he is one of a self-perpetuating body of fifteen men, who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or "Mormon Church," claim, and by their followers are accorded the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever—civil and religious, temporal and spiritual—and who thus, uniting in themselves authority in church and state, do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohabitation, who countenance and connive at violations of the laws of the State prohibiting the same, regardless of pledges made for the purpose of obtaining statehood, and of covenants made with the people of the United States, and who by all means in their power protect and honor those who with themselves violate the laws of the land and are guilty of practices destructive of the family and the home.

SUBSTANCE OF THE CHARGES.

These charges may be epitomized as follows: That Senator Smoot is disqualified from holding a seat in the Senate of the United States for the reason—

First. That at the time of his election the State of Utah and the legislature thereof were under the complete domination of the Mormon hierarchy, of which he is a member, and that such hierarchy so far "interfered with the functions of the State"

as to secure the election of one of its own members and an apostle, and that his certificate of election by the legislature was only the recorded edict of the hierarchy in defiance of the constitutional inhibition that "no church shall dominate the State nor interfere with its functions."

Second. That this Mormon hierarchy, of which the Senator is a conspicuous member, inculcates and encourages belief in and the practice of polygamy and polygamous cohabitation in violation of the laws of the State prohibiting the same and in disregard of pledges made for its suppression; and

Third. That the Senator, in connection with and as a member of such organization, has taken an oath of hostility to the Government of the United States incompatible with his obligation as a Senator.

These are the main grounds upon which his exclusion is sought, each of which I propose to discuss in the order named.

Touching the question of the domination of this organization through its governing body in political affairs and its "interference with the functions of the State," in spite of the constitutional inhibition, the evidence is most convincing. Before proceeding, however, to its consideration, and in order to measure its full force, it is important to bear in mind the dominating power of the president and the twelve apostles and the influence they exert over their followers. The power exercised by this governing body, which, for brevity, is designated "The hierarchy," is far-reaching and commanding, holding in its grasp practically the entire membership of the organization and through it the domination of the State, by arrogating to itself and inculcating the belief in its followers that they are endowed with supernatural powers as "prophets, seers, and revelators," and specially commissioned by the Almighty to dominate the affairs of this world, and that resistance to the will of this theocracy is rebellion against God.

AUTHORITY OF THE PRIESTHOOD.

The testimony taken by your committee fully sustains the allegation in the protest, "That the Mormon priesthood, according to the doctrines of that church, is vested with supreme authority in all things temporal and spiritual; and that the first presidency and the twelve apostles are supreme in the exercise and transmission of the mandates of this authority." The following citations will serve to substantiate the truth of this allegation:

Brigham H. Roberts, author of The New Witness for God, declares:

Men who hold the priesthood possess divine authority to act for God, and by possessing part of God's power they are in reality part of God. Men who honor the priesthood in them honor God, and those who reject it reject God.

The very day and hour the church was organized the Lord constituted the president of the church its prophet, seer, and lawgiver, strictly commanding the church to give heed to all his words and commandments which he shall give unto you, for his words, saith the Lord, ye shall receive as if from mine own mouth, in all patience and faith.

By the term "oracle" is meant the leaders of the church, the president and the apostles. The word of the living oracles is revelation, is the same as if God had spoken himself.

The priesthood organization, as viewed by the first presidency, is the divinely authorized and exclusive channel of communication between God and mankind.

The obligations imposed upon those who hold the high order of the priesthood require absolute obedience to the first presidency, not only as to religious and spiritual things, but also those that are civil and political.

Wilford Woodruff, at one time president of the church, declared:

Now, whatever I might have obtained in the shape of learning by searching and study respecting the arts and sciences of men, whatever principles I may have imbibed during my scientific research, yet if the prophet of God should tell me that a certain principle or theory which I might have learned was not true, I do not care what my ideas have been, I should consider it my duty, at the suggestion of my file leader, to abandon my principle or theory. Suppose he were to say the principles by which you are governed are not right, that they were incorrect, what would be my duty? I answer that it would be my duty to lay those principles aside and to take up those that might be laid down by the servant of God.

The church of Christ is governed by the laws of God, which laws He reveals to the church through him who is the president thereof, and if the church should reject that law, they reject the law of God, and would be under condemnation, and under God's displeasure. There can never exist two supreme lawmaking powers in any organization at one and the same time. God has appointed but one supreme lawmaking power in his church, and that is the presidency of the church; the word of the president of the church which the saints are commanded to receive as the very word of God.

Joseph F. Smith, the president of the church, declared in 1900:

The question with me is, when I get the word of the Lord as to who is the right man, will I obey it, no matter whether it does come contrary to my convictions.

Priesthood is power with God conferred upon men, by which he becomes an agent for God, authorized to act in His name. Men who possess the priesthood possess divine authority thus to act for God, and by possessing part of God's power they are in reality part of God.

In a magazine called "The Juvenile Instructor," expressly designed for the young and edited by Joseph F. Smith, appears the following:

The priesthood is a sacred thing. The Lord has not given to members of the church the right to find fault with or condemn those who hold the priesthood, neither is it the right of an elder or other official to judge or censure or speak disrespectfully or condemnatory of his file leader or of men who preside over him.

Parley P. Pratt, an apostle and author of acknowledged authority, says:

This priesthood holds the keys of revelation of the oracles of God to man upon the earth; the power and right to give laws and commandments to individuals, churches, rulers, nations, and the world; to appoint, to ordain, and establish constitutions and kingdoms; to appoint kings, presidents, governors, or judges.

The priesthood upon the earth is the legitimate government of God, whether in the heavens or on the earth, and it is the only legitimate power that has a right to rule upon the earth.

James E. Talmage, professor of geology in the State University of Utah, and a high authority in the church, in his work called "Articles of Faith," says:

Twelve men holding the apostleship properly organized constitute the quorum of the apostles. These the Lord has designed as the twelve traveling councils. They form the traveling presiding high council to act under the direction of the first presidency in all parts of the world. They constitute a quorum, whose unanimous decisions are equally binding in power and authority with those of the first presidency of the church.

Matthias F. Cowley, one of the twelve apostles, says:

It is an undeniable fact in the history of the saints that obedience to whatever has come either by written document or verbally from the presidency of the church has been attended with good results. On the other hand, whosoever has opposed such counsel without repentance has been followed with evidence of condemnation.

If Brother Brigham tells me to do anything, it is the same as though the Lord told me to do it. This is the course for you and every other saint to take.

Governor Thomas, in a report of affairs in Utah, declares:

While the Mormon masses are too sincere to voluntarily make false pretenses, they can be induced to accept and adopt a form of words however contradictory, if advised to do so by their authorities, for obedience to the priesthood and to obey counsel is diligently inculcated as a first duty. The orthodox Mormon, in every political and business act, puts the church first, the country afterwards. It can not be otherwise, for the priesthood claim all government but its own to be illegal, and to exercise all political power and temporal dominion by divine right.

Brigham Young declared:

No man need judge me. You know nothing about it, whether I am sent or not. Furthermore, it is none of your business, only you listen with open ears to what is taught you.

Wilford Woodruff is a prophet, and I know that he has a great many prophets around him, and he can make scriptures as good as those in the Bible.

The living oracles are worth more to the Latter-Day Saints than all the Bibles. Compared with the living oracles, these books are nothing to me.

The Utah Commission, in its report of 1887, declared:

Standing face to face with the law, the leaders and their obedient followers have made no concession to its supremacy, and the issue is squarely maintained between assumed revelations and the laws of the land.

The right of the hierarchy to dominate in secular as well as spiritual matters is openly proclaimed by those who assume to speak for the church. As late as 1904 one of the twelve apostles, in a public address, declared:

That from the view point of the Gospel there could be no separation of temporal and spiritual things, and those who object to the church people advising and taking part in the temporal affairs have no conception of the gospel of Christ.

The hierarchy secures obedience to its domination by claiming that its members are inspired and that they are the "mouthpiece of God," and their adherents are enjoined always to take counsel of their superiors, which means to "receive counsel" and obey it, and they are taught to believe that if they fail to do so they are not only excommunicated from the church, but they forfeit all hope of future happiness. The absolute submission of the great mass of the Mormon people to the mandate of their leaders is illustrated in the declaration of a prominent official when he declared that "if your file leader says white is black, it is your duty to say white is black."

Justice Zane, of Utah, in 1887, speaking of the power of this hierarchy, said:

At the head of this corporate body, according to the faith professed, is a seer and revelator, who receives in revelation the will of the infinite God concerning the duty that man owes to himself, to his fellow-beings, to society and human government, and to God. In subordination to this head is a vast number of officials of various kinds and descriptions, comprising a most minute and complete organization. The people composing this organization claim to direct and lead by inspiration, which is above all human wisdom, subject to a power above all municipal government, above all man-made laws.

These excerpts, taken from the testimony, official documents, and public writings of the leading authorities of the church, justify the allegation in the protest that the hierarchy, of which

the Senator is a member, "is vested with supreme power in all things temporal and spiritual" and will serve to illuminate the testimony bearing upon the question of church domination.

One of the most serious charges urged against the right of the Senator to a seat in this body is that he is a member of the governing body of the Mormon Church, which assumes the right to exercise, and does exercise, a controlling influence over the membership of that organization in secular as well as spiritual matters, and so dominates in civil and political affairs as to effectuate, in fact, a complete union of church and state, with the church in the ascendant, in violation of the constitution of the State of Utah, and that the Senator's election was the result of such union and such domination.

DOMINATION OF THE HIERARCHY IN SECULAR AFFAIRS.

As to the domination of the hierarchy in secular affairs, a few extracts from the testimony will suffice. The Deseret News, owned by and the official organ of the Mormon Church, whose utterances are regarded as expressing the views of the first presidency and the twelve apostles, in a report of the proceedings of a Mormon conference held in 1897, only a year after the admission of the State, declared:

Apostle M. W. Merrill elaborated upon the danger of criticising the action of the members of the priesthood. He said that the apostles and presidents of stakes were placed in their positions over the church by the Lord and that they did not secure these positions themselves, and that the people should take counsel of the bishop of their ward or the president of the stake before entering upon any new enterprise.

Public officers, sworn to enforce the law, persistently refuse to prosecute offenders against the law prohibiting polygamous cohabitation.

Certain members of the church, failing to obey the orders of the church officials in a purely business matter, are reprimanded because "they did not abide by the counsel that was given them."

The members of the Mormon Church are directed by the Mormon priesthood as to what business institutions they shall patronize.

The high council of the Mormon Church and the city council of Brigham City met in joint session at the behest of the Mormon authorities to determine whether an electric-light plant shall be owned by the municipality or by private individuals.

A bishop is deposed from his office in the church because he promised to obey the laws against polygamy.

Another official is excommunicated for being a member of an organization for the enforcement of the law and because he was opposed to the influence of the church in political affairs.

Another is degraded in the church for refusing to obey his "file leader."

In another case a member of a firm doing business in Salt Lake City is expelled from the Mormon Church because he persisted in engaging in mining operations contrary to the prohibitions of the church.

As recently as the year 1903 two members of the Mormon Church, having built a dancing pavilion in opposition to "counsel," were summoned for trial before the church authorities and only saved themselves from excommunication by turning over to the church officials the management of the pavilion and 25 per cent of the net earnings.

A railroad station is located by direction of the church authorities. Four members of the church are excommunicated for apostasy "in desiring to open up mines against the teachings of the holy priesthood."

As late as 1897 a Mormon official was deposed from his official position in the church for distributing at a school election a ticket different from that prescribed by the church authorities.

In 1905 a teacher in the Mormon Church was cut off from the church ostensibly for criticising the head of the hierarchy for his polygamous practices, but in reality for engaging in the manufacture of salt against the interests of the president of the church and his associates.

A high official in the Mormon Church, assuming jurisdiction in a controversy concerning the title to real estate, entered judgment against the party, and not only directed a conveyance of the title, but enforced the decree by spiritual penalties, and the victim of this outrage, a feeble woman, was excommunicated from the church and driven to insanity for refusing to obey the dictates of the church leaders and relinquish the title to one who had no shadow of legal right whatever.

The controlling influence of this hierarchy in secular affairs is most forcefully exemplified in its invasion of the public schools of the State and by its edicts suspending their functions, and opening religion classes, where the youth are instructed in the doctrines of the Mormon Church by teachers in the common schools supported by State taxation, in violation of the express provision of the Constitution that "No public money or property shall be appropriated for or applied to any religious worship, exercises, or instruction," and wherein the course of study prescribed by the ruling authorities of the church for these religion classes consists of the lives of the most noted polygamists in the history of the Mormon Church. That the hierarchy dominates in these matters is conclusively established by the fact that when this practice was disclosed before the committee these religion classes were, by order of the hierarchy, discontinued.

It will therefore be seen that while in spiritual matters its domination is practically supreme, yet in temporal affairs it seems to be equally potential. This is not surprising when it is remembered that the head of the organization is connected in an official capacity with a large number of the leading industries in the city of Salt Lake and throughout the State of Utah.

Mr. Smith, in reply to the question "What is your business?" said:

My principal business is that of president of the church. I am engaged in numerous other businesses. I am president of Zion's Cooperative Mercantile Institution; president of the State Bank of Utah; president of Zion's Savings Bank and Trust Company; president of the Utah Sugar Company; president of the Consolidated Wagon and Machine Company; president and director of the Utah Light and Power Company; president and director of the Salt Lake and Los Angeles Railroad Company; president of the Salt Air Beach Company; president and director of the Idaho Sugar Company; president of the Island Crystal Salt Company; president and director of the Salt Lake Dramatic Association; president and director of the Salt Lake Knitting Company; director in the Union Pacific Railroad; vice-president of the Bullion, Beck & Champion Mining Company, and I am editor of the Young Men's Improvement Association, a periodical, the Improvement Era, and also the Juvenile Instructor.

Apostles Grant, Winder, John Henry Smith, Lyman, Lund, and REED SMOOT are associated with me in the directorate of the Zion's Cooperative Mercantile Institution.

This Mormon organization seems, therefore, to be a stupendous business concern, with ramifications in every part of the State, thus enhancing its ecclesiastical control by the potency of its industrial alliances.

DOMINATION IN POLITICAL AFFAIRS.

But it is further charged in the protest that this governing body, of which the Senator is a conspicuous and influential member, claims the right to dictate and control, and does dictate and control, the civil and political affairs of the State of Utah, resulting in the practical establishment of a union of church and state, contrary to the express inhibition of the Constitution. The evidence upon this point is voluminous and convincing.

Since the admission of Utah into the Union, January 6, 1896, the people of the State of Utah have been, if possible, more completely under the domination of the Mormon hierarchy than during the long years of their Territorial existence. Immediately, and at the very first election thereafter, the hierarchy resumed its domination in State affairs, taking possession practically of every official position in the State government, and has held them ever since with unyielding tenacity. As a Territory its officials were appointed by the Federal Government, selected from outside the Territory, and, as a rule, were independent of and in no way connected with the Mormon organization, while as a State substantially every State official has been chosen from the membership of this organization. Every governor, every secretary of State, every State treasurer, every State auditor, and every State superintendent of education has been an adherent of this organization. The only office held by a non-Mormon under the State government during the ten years of its existence, as an elective officer, has been the attorney-general. In the first legislature, elected in 1896, the senate, composed of 18 senators, was equally divided between Mormons and Gentiles, and in the house of representatives of 45 members, 34 were Mormons and 11 Gentiles, giving to the joint convention of the two houses 43 Mormons and 20 Gentiles. It might be noted in this connection that in the first legislature there were 9 polygamists and 17 officials of the church holding the grade of bishop or higher.

The senate of 1897 had 15 Mormons and 3 Gentiles, and among the Mormons 1 polygamist and 1 plural wife and 3 church officials, while in the house there were 38 Mormons, of whom 5 were polygamists and 13 held high church positions, and 7 Gentiles, giving in the joint assembly of 63, 53 Mormons and only 10 Gentiles.

The fourth legislature, of 1901, with 18 senators, 14 were Mormons, of whom 2 were polygamists and 3 held high church offices, and 4 Gentiles, while of the 45 members of the house 32 were Mormons, 13 Gentiles, and of the Mormons, 1 was a polygamist and 9 held high ecclesiastical positions, giving in joint assembly 46 Mormons and 17 Gentiles.

In the fifth legislature, 1903, of the 18 senators 12 were Mormons, 6 of whom were high church officials, and 6 Gentiles, and in the house of 45 members 34 were Mormons, 3 of whom were polygamists and 6 high church officials, and 11 Gentiles,

giving on joint ballot 46 Mormons and 17 Gentiles. This was the legislature from which the Senator secured his election.

In the sixth legislature, 1905, 11 of the 18 senators were Mormons, 4 holding high ecclesiastical positions, and 7 Gentiles, and in the house 33 of the 45 members were Mormons, with 1 polygamist and 9 bishops, and 12 Gentiles, and making in joint assembly 44 Mormons and 19 Gentiles.

It will be observed, therefore, that there has never been a legislature elected in the State of Utah since her admission into the Union that did not have a membership of more than two-thirds adherents of the Mormon Church, and therefore under its complete domination.

Thus possessed of the instrumentalities of official control, it has dominated the State with an iron hand, and in its political dictation it has not only controlled the affairs of the State of Utah, but has reached beyond the confines of the State and exerts a potential influence in shaping and directing the policies of States adjacent thereto.

At the meeting of the first legislature of Utah committees were appointed by the officials of the Mormon Church to wait upon the legislature with a view of dictating and supervising legislation. Early in the history of the State the officials of the church directed that the rank and file should divide on political lines, about equally, one-half going to one of the great political parties of the nation, the other half to the other, so that the entire strength of the organization could be cast to one party or the other as the interests of the organization might demand. One of the witnesses declared:

> Whenever the church indorses a man he will be elected; whenever they put upon him the seal of their disapprobation, he will not be elected.

It appeared in evidence before your committee that candidates for office in the State of Idaho desiring success usually visit Salt Lake City and arrange for their campaign with the leaders of the Mormon Church, and in this way the will of the church is carried out.

In 1904 a leading Mormon in a State convention in the State of Idaho made the statement that in case a certain resolution should be withdrawn he would go to Utah and ask the president of the Mormon Church to cease interfering in Idaho politics.

One of the most flagrant instances of political domination was the case of Moses Thatcher. The constitution of the State of Utah, it will be remembered, provides:

> There shall be no union of church and state, nor shall any church dominate the State or interfere with its functions.

Preliminary to the admission of Utah as a State, and in anticipation of it, in 1895, an election was held for members of the legislature and State officers and for Representative in Congress. Moses Thatcher, an apostle, was a candidate for United States Senator and Brigham H. Roberts for Representative in Congress. Thatcher was at that time "out of harmony" with the hierarchy because of his previous conduct in reference to the political affairs of the Territory. In 1891 it had been agreed among the ruling authorities of the Mormon Church that men who were high in authority in that church, and who believed in Republican principles, should go out among the Mormon people and endeavor to persuade the voters to vote the Republican ticket, while those who could not indorse the principles of the Republican party should remain silent. Moses Thatcher, a Democrat, did not conform to this resolution, but made several speeches for the Democratic ticket. It was afterwards asserted by Joseph F. Smith that the "counsel" of the leaders of the Mormon Church "was obeyed by all the apostles and high authorities except Moses Thatcher, who talked to the people contrary to the wishes of his brethren."

When Moses Thatcher therefore consented to the use of his name as a candidate for the Senate, in 1895, he was taken to task by the high priesthood for disobeying counsel, and at the October conference of the Mormon Church in 1895, at a secret meeting of the high priesthood, it was agreed to put in operation all the machinery of the church to defeat Moses Thatcher and Brigham H. Roberts. The result of the election was that Brigham H. Roberts was defeated for the office of Representative and a Republican legislature elected, thus insuring the defeat of Moses Thatcher to the Senate.

During the political campaign of 1895 and on the 13th of October of that year, at Logan, a bishop of the Mormon Church said to an assembly of teachers of the church that two men, one of the twelve and one a president of the seventies (meaning Thatcher and Roberts), had, contrary to the wishes of the first presidency and contrary to counsel, accepted nominations for high offices. He said:

> It is unnecessary for me to name the men. You know who they are. I speak this for your own good. You know how to vote.

On the same day at Brigham City the president of a stake at a religious meeting of Mormons declared to those who were assembled that it was the desire of the first presidency that Thatcher and Roberts should be defeated. At the meeting of the first presidency and twelve apostles of the Mormon Church held in the month of October, 1896, to take action in the case of Moses Thatcher for his refusal to obey the political mandates of the first presidency, George Q. Cannon, in justifying the action of the quorum of twelve apostles in deposing Moses Thatcher as an apostle, used this language:

> When I respect and honor Wilford Woodruff, I bow to God, who has chosen him. * * * If I listen to Wilford Woodruff, if I look to him to see how the spirit of God moves upon him, if I ask his counsel and take it, it is because God has commanded me. God has given him the keys of authority. * * * When Joseph F. Smith obeys Wilford Woodruff he does it upon the same principle. We reverence him as the prophet of God and as our leader. We listen to him and are guided by his slightest wish. It is because we know that he is the servant of God, chosen by the Almighty to fill that place, and that he holds the keys of the priesthood of this generation on the earth at the present time.

There was another cause of offense to the hierarchy. In 1896 the first presidency and ten of the apostles formulated what has since been known as the "political manifesto," which required all prominent officials of the church to obtain the consent of the first presidency and twelve apostles before becoming candidates for public office. This manifesto both Moses Thatcher and Brigham H. Roberts at first refused to sign. Brigham H. Roberts was afterwards compelled by the first presidency and twelve apostles to sign the manifesto, but Moses Thatcher persistently refused.

At the April conference of 1896 Moses Thatcher was dropped from the quorum of twelve apostles because of his refusal to sign the political manifesto. Subsequently he declared himself a candidate for the United States Senate. The legislature elected was Democratic, and the indications were that he would be elected. Thereupon the whole power of the church was brought to bear upon members of the legislature to compass his defeat, and in this the church was successful, Mr. Rawlins being elected over Thatcher. This result was accomplished by the leaders of the Mormon Church directing Mormons who had been voting for Judge Henderson to vote for Rawlins. One Mormon member refused, saying:

> I will not do it, and I know just exactly what it means, and I know that I will be sent on a mission.

Moses Thatcher was afterwards put upon trial and escaped being excommunicated from the Mormon Church only by a humiliating recantation and acceptance of the political manifesto.

In 1898 Brigham H. Roberts, restored to church favor, was elected to Congress by over 5,000 majority.

The legislature of 1899 was largely Democratic, but party dissension prevented the election of a Senator. In this legislature, however, the Mormon Church made a determined effort to elect one McCune, a Gentile, and would have succeeded had not charges been made against McCune for attempted bribery. In connection with McCune's candidacy, Judge Powers testifies as follows:

> The legislature was largely Democratic, thirteen Republicans and fifty Democrats. In that legislature I was a candidate for Senator, Judge William H. King, and Alfred W. McCune. Undoubtedly McCune was the church candidate. Heber J. Grant, the apostle, took a very active part in the campaign before the legislature for Mr. McCune. Mr. Grant is a very pleasing letter writer, and in one of his letters, which is dated December 9, 1898, to J. Golden Kimball, one of the first presidents of the seventies, speaking of the Senatorial campaign, he recites the amounts of money that Mr. McCune had contributed to the Mormon Church for temples and meetinghouses and missionary funds, and things of that kind, and the moneys that his wife had given to the church, and then his letter has this significant paragraph: "I wish to say to you that before entering the race to assist Mr. McCune to become a United States Senator I obtained the full, free, and frank consent of President Snow to work for Mr. McCune. Two years ago, at the time of the Moses Thatcher fight, President Woodruff told me that of all the men mentioned as prospective Senators he would prefer Mr. McCune."

Among other reasons that he states why Mr. McCune should be elected is the fact that he is not a Mormon, but in sympathy with them, and could therefore do more in the Senate for them than a Mormon could.

In 1892 Bishop Warburton, a Democrat, called upon a number of his Democratic brethren in the first municipal ward of Salt Lake City and told them that most of them had been through the temple and understood their obligations, and that he had received a message from the first presidency to the effect that it was the desire that Frank J. Cannon should be elected to Congress.

In 1889 a Mormon named Robbins offered himself as an independent candidate for a political office as against the candidate favored by the Mormon Church. Shortly prior to the election Apostle John Henry Smith visited Mr. Robbins's district, had

the people called together, and in a public speech stated that he was an apostle of the Mormon Church; that they had chosen and sustained him in that position and had covenanted to sustain him as their counsel and advisor, and he now wished them to thoroughly know and understand that he was there to see and to counsel and advise and persuade them to vote the People's (Mormon) ticket.

In another county in Utah at the same election there was a contest between two Mormons for a public office. One was an independent candidate, the other the regular Mormon candidate. At a Mormon conference George Q. Cannon, a prominent Mormon official, addressed the people, dwelling wholly upon politics, and among other things said:

> Now, brethren, you will shortly have an election here, and how will you act—after the order of the world, to stir up strife and contention, or will you do it after the order of God and elect the men whom God wants?

A Mr. Stephens, called as a witness for the Senator, said:

> There is a general feeling in the State of Utah that the election of an apostle to the Senate means the church in politics, and a like feeling that REED SMOOT was elected to the Senate because of the fact that he was a Mormon apostle.

LEGISLATION FAVORING POLYGAMY.

In the year 1901 the Mormon legislature of Utah passed what was known as the Evans bill, which was aimed to prevent prosecutions for polygamous cohabitation. This action, if not inspired by the president of the Mormon Church, was openly favored by him. It was vetoed, however, by a Mormon governor upon the ground that the bill, if passed, would bring about an amendment of the Constitution of the United States under which those guilty of the crime of polygamous cohabitation would be prosecuted and punished in the Federal court.

But the interference by the leaders of the Mormon Church in political affairs has not been confined to Utah. In Idaho the Mormons have for a number of years held the balance of political power, and have exercised the authority of the church whenever the interests of that church seemed to require it. In the year 1902 the legislature of that State passed a resolution providing for a constitutional convention to amend the constitution so as to eliminate the clause by which members of the Mormon Church might be disfranchised. This action was taken shortly after a visit to the State capitol by Apostle John Henry Smith, who seemed to be the political sponsor of the church, and it was the general impression that the passage of the resolution was brought about through his influence.

In 1904 it was so generally understood that Mr. Gooding was nominated through the influence of the Mormon Church over Governor Morrison that the leading Republican paper of Boise published at the head of its editorial column these words: "Zion has spoken."

In 1902 Matthias Cowley, an apostle of the Mormon Church, went through the counties of Idaho telling the Mormons of that State that it was the will of the church that they should vote a certain ticket.

In 1900 Joseph F. Smith, in an address delivered at the general conference of the church in the tabernacle, declared that it was the duty of the members of the church to take counsel in political affairs.

In 1904 a county committee issued a circular urging the defeat of a candidate for Congress because of his testimony in this case before the Committee on Privileges and Elections. Another witness declared that if Senator KEARNS had not received the support of President Snow he could not have been elected.

The presidents of the several stakes in Utah are selected by the president of the church.

The Hon. Caleb W. West, governor of the Territory of Utah, in one of his reports to the Secretary of the Interior, forcefully said:

> In the Mormon polity, established and governing the people of this Territory since its settlement, the unity of the church and state is perfect and indissoluble. It is based upon the complete and absolute control of a priesthood—wielding a supreme power, exercised and yielded to, as emanating from God—in all things secular as well as spiritual. The word of this priesthood is to the Mormon people the command of God, not only in matters of faith and morals, but in all civil, political, and commercial affairs. This priesthood not only rules the church but governs the state.

Senator Edmunds well said in a recent publication referring to this case:

> The investigation has developed evidence showing that the hierarchy continues to control the government of the State, and that the choice of officers and their official actions in some degree at least are subject to its control. It can quite correctly say with the French king, I am the State.

THE POLITICAL MANIFESTO.

But nothing so completely shows the domination of this church in civil affairs as the adoption of what is commonly known as the political manifesto. A rule of the church promulgated by the hierarchy in 1896 requires every leading official of the church, before accepting any political position or nomination therefor, to take counsel of the church officials and obtain the consent of the presiding officers in the priesthood. Such a rule precludes any member of that church from serving the State or the nation either by appointment or popular election unless he has been first designated by the hierarchy. Under this rule it is for the first presidency to say whether a high official can be a candidate or not, according to his will and that of the twelve apostles, and it is in evidence that the Senator himself was compelled to obtain permission of the church before he presumed to announce himself as a candidate for the Senate. He was nominated by the hierarchy and the selection ratified by the legislature. No more cunningly devised scheme could possibly be concocted to put the church in politics and make it potential therein than this. For, the moment it is known that a candidate has the indorsement of the church and permission of the hierarchy to be a candidate, that moment he has back of him the whole power of the Mormon Church and his election is assured.

There has been no case in which a candidate for a high office in Utah has obtained the consent of the church to run and has been defeated, and there is no case in which one did not receive such consent and has been elected. The consent of the hierarchy is a command of the church.

THE MORMON HIERARCHY ENCOURAGES POLYGAMY.

The right of Senator SMOOT to retain his seat in the Senate as a Senator from the State of Utah is still further challenged upon the ground and for the reason that—

> He is a member of the governing body of the Mormon Church, commonly called "the hierarchy," and that such governing body, with which he affiliates, so exercises its authority as to inculcate and encourage a belief in polygamy and polygamous cohabitation; that it countenances and connives at the violation of laws prohibiting these offenses in spite of pledges made for the purpose of obtaining statehood, and who, by all means in their power, protect and honor those who violate the laws of the land and are guilty of practices destructive of the family and the home.

That the Senator is a member of such organization, holding therein the high office of an apostle, a position second only in dignity and power to the presidency itself, is conceded.

It only remains, therefore, to inquire, under this head, whether this governing body does, as a matter of fact, so exercise its authority as to inculcate and encourage belief in the practice of polygamy and polygamous cohabitation, and whether it countenances and connives at the violation of laws prohibiting such crimes, and if so, whether by being a member affiliating with and constituting a part of such governing body and participating in its counsels the Senator has disqualified himself by reason thereof for membership in this body. These are the vital questions under this branch of the inquiry.

So far as the continued belief in the rightfulness of polygamy is concerned by members of this cult there is no conflict of opinion. Such belief has never been discarded. Of all the witnesses testifying before your committee not one of high or low degree in regular standing in the organization declares an abandonment of his belief in the doctrine, and in so far as they make known their convictions they all affirm their continued adherence to it. In no single instance is it in evidence that any member of the organization, from the head of the church to its humblest disciple, has renounced belief in the doctrine of polygamy. Joseph F. Smith, the dominating spirit of this church, testified as follows:

> Mr. TAYLER. The revelation which Wilford Woodruff received in consequence of which the command to take plural wives was suspended did not, as you understand it, change the divine view of plural marriage, did it?
> Mr. SMITH. It did not change our belief at all.
> Mr. TAYLER. It did not change your belief at all?
> Mr. SMITH. Not at all, sir.
> Mr. TAYLER. You continued to believe that plural marriages were right?
> Mr. SMITH. We did. I do, at least. I do not answer for anybody else. I continued to believe as I did before.

One of the last witnesses sworn in behalf of the Senator, Professor Linford, president of Brigham Young College, the head of the chief educational institution of the State, a Mormon, but not a polygamist, testified:

> Mr. CARLISLE. Do you or do you not believe in the principle of plural marriage—that is to say, I do not now ask you to state whether you believe in it as lawful under present circumstances; but do you or do you do not believe it is right in and of itself?
> Answer. My belief in the principle does not extend to the carrying of the principle into practice under present conditions.
> Mr. CARLISLE. That is not an answer to my question. My question is, Do you believe that principle is right in and of itself, without regard to any law or any question it would involve?
> Answer. Yes, sir; I believe it is a correct principle. I believe the principle of plural marriage is as correct a principle to-day as it was then.

So from the head of the church and the head of the university comes the common affirmation that belief in polygamy as a

principle of human conduct is still adhered to and maintained as a true tenet of the Utah Mormon faith. The fact of such existing and continued belief in polygamy is material only as giving color to the probability of its continued practice.

Let us inquire, then, whether this hierarchy not only believes in polygamy as an abstract principle, but continues the practice of polygamy and polygamous cohabitation and countenances the violation of laws prohibiting such crimes.

The evidence upon this point is so complete and overwhelming as to leave no doubt as to the truth of the allegation. It has passed beyond the region of controversy. The proof is indubitable that in spite of the manifesto of 1890, issued by the head of the church, counseling the suspension of polygamy; in spite of the most solemn pledges made by the convicted and imprisoned leaders in order to secure amnesty for past offenses; in spite of the expressed inhibition of the constitution of the State under which they live and upon the faith of which Utah was admitted into the Union; in spite of the statutory prohibition of the Commonwealth, it appears that a majority of the members of this hierarchy have continually and persistently lived in polygamy, and are to-day openly and confessedly defying the laws of the land prohibiting such crimes. The record is so shocking as to challenge credulity.

The first witness called in behalf of the protestants was Joseph F. Smith himself, the head of the church, who, from his position, would be more apt to be cognizant of the fact if it existed than anyone else, and could therefore speak with greater accuracy in relation to the continuance of these crimes. He testified as follows:

Mr. TAYLER. Is the cohabitation with one who is claimed to be a plural wife a violation of the law of the church as well as the law of the land?

Mr. SMITH. That was the case, and is the case even to-day. It is contrary to the rule of the church, and contrary, as well, to the law of the land for a man to cohabit with his wives. * * * I have cohabited with my wives; not openly—that is, not in a manner that I thought would be offensive to my neighbors; but I acknowledge them; I have visited them. They have borne me children since 1890, and I have done it, knowing the responsibility and knowing that I was amenable to the law. * * *

Mr. TAYLER. In 1892, Mr. Smith, how many wives did you have?

Mr. SMITH. I had five. * * *

Mr. TAYLER. How many children have been born to you by these wives since 1890?

Mr. SMITH. I had eleven children born since 1890.

Mr. TAYLER. Those are all the children that have been born to you since 1890?

Mr. SMITH. Yes, sir; those are all.

Mr. TAYLER. Were those children by all of your wives—that is, did all of your wives bear children?

Mr. SMITH. All of my wives bore children.

Mr. TAYLER. Since 1890?

Mr. SMITH. That is correct. I said that I have had born to me eleven children since 1890, each of my wives being the mother of from one to two of those children. * * *

The CHAIRMAN. Mr. Smith, I will not press it, if you have any objection to stating how many children you have in all.

Mr. SMITH. Altogether?

The CHAIRMAN. Yes.

Mr. SMITH. I have had born to me, sir, forty-two children—twenty-one boys and twenty-one girls—and I am proud of every one of them. * * *

The CHAIRMAN. Do you obey the law in having five wives at this time and having them bear to you eleven children since the manifesto of 1890?

Mr. SMITH. Mr. Chairman, I have not claimed that in that case I have obeyed the law of the land.

I do not claim so, and, as I said before, that I prefer to stand my chances against the law. I should like to repeat in connection with this question that it is a well-known fact throughout all Utah, and I have never sought to disguise that fact in the least or to disclaim it, that I have 5 wives in Utah. My friends all know that—Gentiles and Jews and Mormons. They all know that I have 5 wives.

The committee was astounded to hear from this head of the church itself, not only that he believed in the rightfulness of polygamy as an abstract principle, but that he himself was daily exemplifying his belief by living in open and notorious polygamy in the capital city of the great State of Utah, and had been ever since the manifesto, and, more than that, that he proposed to continue the practice so long as he pleased, defiantly asserting that "The Congress of the United States has no business with my private conduct." We were amazed to learn from this head saint and seer, this prophet and revelator, this mouthpiece of God, this shepherd of a patient and suffering flock, this convicted and amnestied offender against law and decency, whose faith and honor had been hypothecated for himself and his followers for the observance of the law, confess that he was now living with 5 women as his wives, and had been ever since 1890 in open defiance of divine and human statutes, and had had 42 children, 11 of whom had been born to him since the manifesto.

But that is not the whole truth as it is to-day. The account of prophet and saint is entitled to further credit. If the public press is to be credited, this number has been augmented during the past year to 43, and while we are discussing the right of the representative of the hierarchy to a seat in this body we can imagine its saintly head sitting in the home of his fifth plural wife, rocking the cradle of the latest illegitimate offspring of his debauchery and crime, and with sanctimonious air singing the familiar hymn of his church:

Now the Gentile reign is o'er,
Darkness covers earth no more.
* * * *
Gentile tyrants sink to hell;
Now's the day of Israel.

Startling as was this disclosure, your committee was astounded when it appeared in the investigation that not only was the head of this church living in polygamy, but that a large number of his apostolic associates—at least eight of the twelve, including some of the very men who had petitioned for and received Executive clemency for their crimes from two Presidents—had been ever since the manifesto, and were at this very time, living in polygamous cohabitation with a multiplicity of wives in defiance of law and in violation of their plighted faith and honor.

This continued and open practice by the members of the governing body of this church is sufficient of itself, I submit, to establish the truth of the allegation in the protest that "it so exercises its authority as to inculcate and encourage a belief in polygamy and polygamous cohabitation." For what, I submit, could be more persuasive in inculcating and encouraging belief in polygamy and the practice of polygamous cohabitation than the force of example by those who are looked upon by their devotees not only as saints and prophets of God, but vicegerents of the Almighty.

Precept is instruction written in the sand; the tide flows over it and the record is gone. Example is graven on the rock, and the lesson is not soon forgot.

Ex-Senator George F. Edmunds, in speaking of the force of example, pertinently said:

The evidence so far obtained by the Senate committee investigating the case of Senator SMOOT discloses that some, at least, of the chief rulers of the Mormon Church have deliberately and continually carried on the practice of polygamy without prosecution or annoyance in the face of their pledges made to two Presidents of the United States, and have set an example naturally and almost necessarily to be followed by their church members and adherents without any danger of interference by the legislative or any other department of the government of the State of Utah. They know that Congress has no power, and that the State has no disposition to interfere.

But this is not all. The members of this hierarchy not only teach by example, but justify their conduct openly and declare their purpose to continue the practice, the law of God and man to the contrary notwithstanding. Joseph F. Smith, the head of the church, testified in response to an inquiry by the junior Senator from Texas, Mr. BAILEY, that—

Plural marriage has stopped, but I choose rather than abandon my children and their mothers to run my risk before the law. I want to say to you that it is the law of my State. It is not the law of Congress under which I am living, and by which I am punishable. The law of my State and the courts of my State have competent jurisdiction to deal with me in my offense to the law, and the Congress of the United States has no business with my private conduct any more than it has with the private conduct of any citizen of Utah or any other State. It is the law of the State to which I am amenable.

It will be observed that Mr. Smith denies the right of the United States to interfere with his private conduct as a citizen of the State of Utah touching the violation of her laws, affirming that he is amenable only to the laws of the State and subject only to the jurisdiction of her courts. He evidently understands the strength of his position, that he can have five wives or fifty within the limits of the State of Utah, and that the United States has no power to interfere to suppress the crime or punish the criminal. He knows that Congress has no power, and that the State has no disposition to interfere. With the National Government impotent and the State government under the masterful domination of the hierarchy, no wonder he is emboldened to declare that it is his purpose to persist in his career of crime and take his chances of punishment in the courts of a State which are made and unmade at his supreme will.

THE MANIFESTO PROHIBITS POLYGAMOUS COHABITATION.

For years he has lived in the capital city of Utah, going in and out before her people in open defiance of the law, unquestioned and unmolested. So long, therefore, as this hierarchy can continue its domination, just so long may it be expected that these crimes against society and the State will continue and the offenders go unwhipped of justice. While it is undoubtedly true, as Mr. Smith declares, "that the Congress has no business with his private conduct," yet when he seeks to thrust a representative of a criminal organization into either House of Congress it then becomes the "business," as well as the duty of the body to which he is accredited, to invoke for its protection that provision of the Constitution which imposes upon it the right to judge of the "elections, returns, and qualifications of its own members."

But what excuse is proffered for this continued criminal life? It is declared that the manifesto of 1890 only interdicted future plural marriages, and that those who had entered into polygamous relations prior to the manifesto were at liberty to continue cohabitation with their several wives. But this contention is futile in face of the declaration of Wilford Woodruff himself, through whom it was promulgated, who declared that "It was intended to stop polygamous cohabitation, as well as future plural marriages," in which interpretation the succeeding polygamous heads of the church, including Joseph F. Smith himself, have reluctantly concurred. In reply to a question by the junior Senator from Texas [Mr. BAILEY] Mr. Smith said:

The manifesto declared positively the prohibition of plural marriages, and in examination before the master in chancery the president of the church and other leading members of the church agreed that the spirit and meaning of that revelation applied to unlawful cohabitation as well as to plural marriages.

Senator BAILEY. I understand you, both plural marriage and unlawful cohabitation are forbidden by the statutes of Utah and the revelation of God. Is that true?

Mr. SMITH. That is the spirit of it, sir.

Any other construction of the manifesto is not in harmony with the understanding of the two Presidents from whom amnesty was obtained. The amnesty granted both by President Harrison and President Cleveland proceeded upon the supposition that not only the practice of plural marriages, but polygamous cohabitation had been prohibited and was abandoned. Joseph F. Smith, in reply to a question put by the lamented Senator from Massachusetts, Mr. Hoar, then a member of the committee, admitted that by continuing to cohabit with his plural wives, though taken before the manifesto, he was not only violating the law of the land, but the mandate of the Almighty.

CONDITIONS ON WHICH AMNESTY WAS GRANTED.

President Harrison, in his proclamation, declared:

Whereas Congress defined the crime of "bigamy," "polygamy," and "unlawful cohabitation" * * * and it is represented that the adherents of such church have abstained from plural marriages and "polygamous cohabitation" * * * and the officers of said church have applied for amnesty, pledging their faithful observance of the laws against plural marriage and "unlawful cohabitation" * * * and whereas amnesty has been granted to individual applicants, conditioned upon their observance of the law against "unlawful cohabitation" * * * therfore I, Benjamin Harrison, grant full amnesty to all persons liable to penalties by reason of "unlawful cohabitation," and who have since November 1, 1890, abstained from "unlawful cohabitation."

President Cleveland's proclamation of amnesty was equally explicit upon the question of polygamous cohabitation. More than this, when the manifesto was issued it was given out in the public press and in interviews with the heads of the Mormon Church that "polygamous cohabitation," as well as the taking of new wives, was included in the manifesto.

And yet this head of the hierarchy declares his purpose to continue to defy the law of the land and public decency, submitting only to the laws of the State government under his complete thraldom, backed by public sentiment, which he declares is content to permit him to revel in the debaucheries of his harem unquestioned and unmolested.

But this is not the head and front of the offending. Not only is it established that a majority of the hierarchy is living in polygamous cohabitation, but the evidence points with unerring certainty to the fact that at least five of these apostles, George Teasdale, Abram H. Cannon, John W. Taylor, M. F. Cowley, and M. W. Merrill, have taken additional wives since the manifesto in open defiance of its express prohibition. Aside from this it is shown by the testimony beyond all controversy not only that the majority of the apostles are living in polygamous cohabitation, including the president of the twelve, but that this practice prevails to an alarming extent throughout Utah and in adjacent States and Territories. As to the extent of this practice nothing definite can be known. Plural marriages are performed in secret in darkened rooms, on the highways remote from habitation, and frequently in Mexico and other places without the jurisdiction of the United States. The guilty parties then returning to Utah and there, following the example of their president and a majority of the apostles, live in polygamous cohabitation, unquestioned and unmolested, in full membership and communion with the Utah Mormon Church. With the head of the church and a majority of the apostles living in open polygamy, is it any wonder that the practice continues, and, for myself, I expect to see it continue and increase until by an amendment to the Federal Constitution the practice is inhibited everywhere throughout the United States.

As ex-Senator Edmunds, speaking of this condition well said:

All this is consistent with more than half a century of its history, and should surprise nobody except those whose generous and confiding faith in promises led them to believe that the settled polity of a great and powerful church organization would be or remain reversed when that organization should become independent of the only power it had any reason to fear.

POLYGAMY COMMENDED AND APPROVED BY THE HIERARCHY.

But not only are polygamy and polygamous cohabitation inculcated by the daily lives of the governing body of the church, but in innumerable ways is their practice commended and approved. The doctrine of monogamy that "one man should have one wife, and one woman but one husband," contained in the Book of Mormon and transcribed into the Book of Doctrines and Covenants, has been torn therefrom by this Utah sect, and the doctrine of polygamy substituted therefor, where it is retained to-day and published in the Book of Doctrines and Covenants and placed in the hands of Mormon teachers and scattered broadcast, while the manifesto, the antidote for this poison, is carefully excluded and withheld from the publication. Thus is the doctrine of polygamy promulgated and kept alive as an existing tenet of this Utah Mormon faith. Not only by the written word is this infamous doctrine sanctioned, but the living oracles of the church do not hesitate to justify the crime.

When President Snow, in 1900, stated that the Mormon Church had abandoned the practice of polygamy and the solemnization of plural marriages, and that the church did not advise or encourage unlawful cohabitation on the part of any of its members, Apostle Cannon, after denouncing the law against unlawful cohabitation as unconstitutional, expressed the fear that—

Some sneaking whelps might use this declaration of President Snow as a pretext for deserting some of their wives. If they did, they are the fellows that ought to be disciplined.

Apostle Penrose, referring to the effect of convictions for polygamy, declared in the Deseret News, the official organ of the church:

No church member would suffer, so far as his standing in the church is concerned, because he has been convicted. No one has ever lost religious prestige because he had been convicted in a criminal court.

George M. Cannon, a leading member of the church, declared:

I do not believe that any man who entered into polygamous relations prior to the manifesto should be disturbed in these relations by the church or any member of the same. I do not believe any man who continues such relations to be guilty of moral turpitude.

Joseph F. Smith, the sainted head of the church, pardoned for his crimes upon the pledge of his honor to obey the law, after his testimony before the committee, wherein his polygamous relations were disclosed, and as recently as 1904, declared in a public address in the tabernacle at Salt Lake City that if he were to discontinue the polygamous relations with his plural wives he should be forever damned and forever deprived of the companionship of God and those most dear to him throughout all eternity.

When complaint was made against Heber J. Grant, one of the twelve apostles, for living in polygamous cohabitation, he was at once promoted by the first presidency and the twelve apostles to a foreign mission, declared by Smith to be both important and honorable. A book entitled "Ready References," published under the auspices of the Mormon Church for the use and guidance of missionaries and students, is devoted chiefly to an advocacy of polygamy.

In 1898, at a conference of young people's societies, a Mrs. Freeze, a Mormon, defended the practice of polygamy, not only as being right, but a divine command.

Apostle Woodruff stated that belief in polygamy was as much a part of the faith of the Mormon Church to-day as it ever was, and that while in deference to the laws of the United States plural marriages were not practiced at the present time, it was nevertheless believed to be right, and the Government was condemned for suppressing it, and the young people present were admonished that they could not deny this part of the Mormon belief without at the same time denying the prophet.

In a report of the Utah Commission, made after the manifesto, it is stated that polygamous marriages are being conducted in Utah by the church, and asserted that some forty polygamous marriages could be accounted for, and the total percentage in the Mormon Church was 12,000 out of 51,000, but that records of plural marriages are kept secret in the Mormon temples.

Angus M. Cannon, the possessor of three wives, as late as 1904 is exalted to be a patriarch of the Mormon Church.

It is a significant fact that no one who has taken a plural wife since 1890 has been punished by the church authorities.

Plural marriage performed in Mexico by a lawful priest of the Mormon Church is considered by the church as ecclesiastical, legal, and valid.

In Idaho resolutions against polygamy and polygamous cohabitation were opposed by members of the Mormon Church as being hostile to the church.

When the records of marriages in the Mormon Church were called for by the committee, the head of the church refused to

permit the book containing the records of plural marriages to be brought before the committee.

J. M. Tanner, a polygamist and reputed to have taken a plural wife since the manifesto, is appointed superintendent of the Sunday schools of the Mormon Church throughout the world, the Senator concurring in the selection.

In 1903 Heber J. Grant stated before the students in the State University of Salt Lake City that he gave $50 for himself—

> $50 for each of my wives. I have got two wives, and I would have a third if it were not for the law.

I submit, therefore, in the light of all the testimony in the case, it can not be successfully contended that the hierarchy, of which the Senator is a member, does not use its authority to inculcate and encourage a belief in polygamy and polygamous cohabitation and protect and honor those who violate the laws prohibiting such crime.

REED SMOOT RESPONSIBLE FOR ACTS OF THE ORGANIZATION OF WHICH HE IS A MEMBER.

It remains to inquire whether the Senator, by being a member of this polygamous hierarchy, affiliating with and constituting a part of such organization and participating in its councils, has disqualified himself by reason thereof for membership in this body. The contention is made that, conceding all the allegations against this governing body to be true, yet it in no way affects the right and title of the Senator to a seat in this Chamber. This is the crucial question.

It was conceded by counsel for the Senator at the outset of the investigation that if he was a polygamist in fact, that, upon principle and precedent, would be sufficient ground for his exclusion, but the contention is made that to be connected with and a member of a band of polygamists in no way exposes him to such condemnation. The consideration of this question necessarily involves not only the character of the hierarchy as a whole, its teaching and practice, but the conduct of the Senator as a member of that body in connection therewith. As to the character of the hierarchy itself, I think I am justified in saying, in the light of history and the testimony, that from the time Brigham Young and his followers entered the Territory of Utah in 1847 until this hour the organization has been a criminal one. And what was the character of this hierarchy as a whole when the Senator became identified with it?

At the time of the manifesto in 1890, every member of the first presidency, the president and his two counselors, together with the twelve apostles, with but a single exception, was a notorious polygamist and living in polygamous cohabitation with a multiplicity of wives—from two to nine each. In 1896, the year of Utah's admission into the Union, the first presidency and the twelve apostles were unchanged, either in personnel or practices, all but one continuing in polygamy. In 1900, four years after Utah's admission into the Union, there was no change in the practice of the individual members of this governing body, except one of the apostles had ceased his polygamous relations as the result of a divorce obtained from him by his legal wife. The only change in its personnel was the elevation of the senior Senator from Utah, in April, 1900, to fill a vacancy in the apostolate caused by the death of one of its members. It is important to note in passing that when the senior Senator from Utah became a member of this hierarchy, in 1900, the three persons of the first presidency were all polygamists, ten of the twelve of his apostolic associates were living in polygamous cohabitation, and that the Senator owes his elevation to the apostleship to the formal action of this body of polygamists. The very year and hour the senior Senator voluntarily identified himself with this governing body of fifteen men, fourteen of its number were living in polygamy, and the members of this hierarchy were then able jointly to muster a harem of sixty women, whom they claimed, recognized, and cohabited with as their wives.

To contend that the Senator, born and reared in Utah, and identified with the Mormon organization from childhood, instructed and nurtured in its doctrines, was ignorant of the character of this hierarchy and the criminal practices of its individual members, challenges belief and would impeach his intelligence. He must have understood perfectly well the character of the organization and the criminality of the members with whom he was to cooperate and commune.

The vital question, therefore, is, Can one become a member of and identify himself with a band of lawbreakers, knowing them to be such, participate in their counsels and sustain them in their conferences, and yet escape all responsibility for their unlawful acts? Such a contention will not stand the test of either law or reason. An eminent legal authority says:

> Every person entering into a conspiracy or common design already formed is deemed in law a party to all acts done by any of the other parties, before or afterwards, in furtherance of the common design. The principle on which the acts and declarations of other conspirators, and acts done at different times, are admitted in evidence against the persons prosecuted is that by the act of conspiring together the conspirators have jointly assumed to themselves, as a body, the attribute of individuality so far as regards the prosecution of the common design, thus rendering whatever is done or said by anyone in furtherance of that design a part of the res gestæ and, therefore, the act of all.

This doctrine is sustained by an unbroken line of authority, elementary and judicial, and I am sure can not be successfully controverted. The case of Spies and others *v.* The People is directly in point in support of this contention. It will be remembered in this case that Spies was arrested and tried upon a charge of the murder of one Degan by throwing a bomb which caused Degan's death. There was no evidence in the case that Spies threw the bomb, but it was proven that he belonged to an organization known as the International Association of Chicago, having for its object the overthrow of law and the destruction of government, and that members of this organization had advised the use of any force necessary to resist the law and its officers.

In denying the motion for a new trial in the anarchist case the judge who presided at the trial used the following language:

> Now, on the question of the instructions, whether these defendants, or any of them, anticipated or expected the throwing of the bomb on the night of the 4th of May is not a question which I need to consider, because the conviction can not be sustained, if that is necessary to a conviction, however much evidence of it there may be, because the instructions do not go upon that ground. The jury were not instructed to find the defendants guilty if they believed they participated in the throwing of that bomb, or advised or encouraged the throwing of that bomb, or anything of that sort. Conviction has not gone upon the ground that they did have any personal participation in the particular act which caused the death of Degan, but the conviction proceeds upon the ground, under the instructions, that they had generally by speech and print advised large classes of the people, not particular individuals, but large classes, to commit murder, and have left the commission, time, and place to the individual will and whim, or caprice, or whatever it may be, of each individual man who listened to their advices, and influenced by that advice somebody not known did throw the bomb which caused Degan's death.

It will be observed in this case that the conviction was not had upon the ground that Spies had committed the murder or participated in it, but he was convicted because he belonged to an organization which advised the commission of such acts.

The same doctrine is held in the case of Davis *v.* Beeson, decided by the Supreme Court in 1889. The Revised Statutes of the State of Idaho provided that—

> No person who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other person to commit the crime of bigamy, polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization, association, or otherwise, is permitted to vote at any election, or to hold any position or office of honor, trust, or profit within this Territory.

The Supreme Court upheld this provision as constitutional. It will be observed that this act disfranchises persons, not for the commission of the crime of polygamy, but upon the ground that they belong to an organization which "teaches, counsels, and encourages others to commit the crime of polygamy."

In the case of Wooley *v.* Watkins, Second Idaho Reports, the court say:

> Orders, organizations, and associations, by whatever name they may be called, which teach, advise, counsel, or encourage the practice or commission of acts forbidden by law, are criminal organizations. To become and continue to be members of such organizations or associations are such overt acts of recognition and participation as make them particeps criminis and as guilty in contemplation of criminal law as though they actually engaged in furthering their unlawful objects and purposes.

It is established beyond all controversy that a majority of the ruling authorities of the Mormon Church are living in open polygamy, and thereby encouraging the practice of polygamy and polygamous cohabitation, many of them having taken plural wives since the manifesto, and that the Senator, as a member of such organization, is cognizant of their crimes and indifferent to their perpetration.

ACTS OF REED SMOOT ENCOURAGING POLYGAMY.

The Senator's complicity in encouraging polygamy and polygamous cohabitation does not consist wholly in the fact that he is one of the governing body of that church. By repeated acts he has, as a member of the quorum of the twelve apostles, given active aid and support to the hierarchy in its defiance of the statutes of this State and the laws of common decency and in its encouragement of polygamous practices by both precept and example. One of the first acts of the Senator after his elevation to the apostolate was to assist by vote and influence in the elevation of Joseph F. Smith to the presidency of the Mormon Church, with full knowledge that he was living in polygamy. He has since repeatedly voted to sustain him, and even after full knowledge that Joseph F. Smith was living in polygamous cohabitation and had asserted his intention to continue in this course in defiance of the laws of God and man. He aided in the selection of Heber J. Grant as president

of a mission when it was a matter of common notoriety that Apostle Grant was a polygamist. He voted to fill a vacancy in the apostolate by the election of Charles W. Penrose, even after testimony had been given in the investigation showing him to be a polygamist. It is difficult to perceive how the Senator could have given greater encouragement to polygamy and polygamous cohabitation than by thus assisting in conferring one of the highest honors of the church on one who has been and was then guilty of these crimes. As trustee of an educational institution he made no protest against the continuance in office of Benjamin Cluff, jr., a noted polygamist, as president of that institution, nor did he make any effort to discover the truth that said Cluff had taken another plural wife long after the manifesto, nor did he protest as such trustee against the election of George H. Brimhall, another polygamist, in the place of Benjamin Cluff, jr.

Since his election as an apostle of the Mormon Church the Senator has been intimately associated with the first president and with those who, with himself, constitute the council of the twelve apostles, and the fact that many of his apostolic associates were living in polygamous relations with a multiplicity of wives is a matter of such common knowledge in the community that it is incredible that the Senator should be wholly ignorant of the fact. Yet at no time has he uttered a syllable of protest against the conduct of his associates in the leadership of the Mormon Church, but on the contrary has sustained them in their encouragement of polygamy and polygamous cohabitation, both by his acts and by his silence.

Some of his more conspicuous acts in that regard have been adverted to, and his silence has been scarcely less culpable than his acts, for, in view of what has been said, it will hardly be contended, I think, that in order to render the Senator unworthy of a place in this body, he must have been an active participant in the crimes of his fellow-members in the hierarchy. Under the circumstances, his silence must be construed as giving his consent to the designs, acts, and course of conduct of those with whom he has been and is associated in the government of the Utah Mormon Church. That silence alone may make one amenable to punishment for the commission of an unlawful act in which he took no part is confirmed by no less an authority than the present Secretary of War, who was for some time one of the most eminent members of the judiciary of the United States, and who in his official utterances must be presumed to have in mind the rules of law, as well as the dictates of common sense. In his latest annual report the Secretary refers to the dismissal from the service of an entire battalion of United States soldiers because of the commission of a crime by a very few of their number. With the criminal act itself by far the greater number of the members of the battalion had absolutely nothing to do, their offense consisting in their keeping silence in regard to their knowledge of the perpetrators of the unlawful act. Concerning their guilt in thus being silent, Secretary Taft says:

> Instead of giving to their officers or to the military inspectors who were directed to make the examination the benefit of anything which they knew tending to lead to a conviction of the guilty persons, there was a conspiracy of silence on the part of the many who must have known something of importance in this regard. * * *
>
> Under these circumstances the question arises, Is the Government helpless? Must it continue in its service a battalion many of the members of which showed their willingness to condone a crime of a capital character, committed by from ten to twenty of its members, and put on a front of silence and ignorance which enables the criminals to escape just punishment?

The Secretary answers this question with a vigorous negative. And the question may well be asked here, Is the Senate of the United States bound to admit to its membership one who shows his willingness to condone the crimes of the members of the hierarchy to which he belongs and puts on a front of silence and ignorance, which is designed by him to encourage his associates in their nefarious conduct?

I will read what he is reported to have declared at the October conference of 1905. On the 6th of October, 1905, he addressed the seventy-sixth semiannual conference of the Mormon Church, and the Deseret News, the organ of the church, reprinted his remarks as follows:

> I believe that the Latter-Day Saints, who have the spirit of God in them, never had more confidence in a man or a set of men than they have in the presidency of the church to-day.
>
> I am indeed thankful for my standing in the Church of Jesus Christ of Latter-Day Saints [Mormon]. When I study the history of the church I find that it is at all times the same. I am not ashamed of the power and position of the Mormon Church. I say to Joseph F Smith to-day, this people will never turn against thee on the testimony of a traitor.

In view of the evidence and the law in this case applicable thereto, I do not see how the contention can be successfully maintained that the Senator is entitled to a seat in this Chamber. Suppose the Senator, instead of having his credentials presented by a fellow-member, had offered the same in person and said to the Senate "I desire to be entirely frank with this body, and therefore I wish to state that, while I hold the certificate of election from the legislature of the State of Utah in due form, yet the Senate should know that I am a member of the Utah branch of the Mormon Church and one of its twelve apostles, so called, who, with the first presidency, constitute a self-perpetuating body of fifteen men and the ruling authorities of such church; that while I am not a practicing polygamist, yet a majority of my associates are, and are now and have been living in polygamous cohabitation ever since the manifesto; that the head of the church, Joseph F. Smith, is to-day living in polygamous cohabitation with five women, by whom he has had forty-three children; twelve born since the manifesto; that he openly avows his purpose to continue such practice in defiance of all law, human or divine; that no one high in authority in the church is permitted to be a candidate for or accept a public office without first obtaining permission from the church, and I received such permission from Joseph F. Smith, the head of the organization, before becoming a candidate for the Senate, without which permission I could not have been elected; that the legislature electing me was composed of a majority of the adherents of the Mormon Church; that I sustain President Smith at every conference of the church and have never questioned or protested against his course of conduct, and, while not advocating polygamy, I have never preached against it; that we interfere with the functions of the State, and that I am obligated to avenge the death of the prophet, Joseph, and to enjoin its observance upon my children." Had the Senator made such a statement to the Senate upon his first appearance, what Senator would have voted for his admission?

With this state of facts disclosed by the testimony now before the Senate, and upon which the report of the committee is based, what Senator can conscientiously vote for his retention?

THE ENDOWMENT OATH.

Another and final reason assigned why the Senator should not retain his seat in the Senate is that, as a member of the Mormon organization, he has taken an obligation incompatible with his oath as a Senator of the United States, and is thereby incapacitated from faithfully performing the duties of a Senator. There is no question but that this organization at some time in the course of its history, and under the administration of some one of its presidents, probably Brigham Young, was converted into a secret organization with signs, symbols, and oaths. A ceremony is performed in secret, called "taking the endowments," and there is no question but that the Senator took these endowments and oaths, and that they are continued until to-day and are a part of the regular ceremony of the church. Many witnesses testified in a general way with more or less particularity as to the nature of these obligations, but Professor Wolf, of Brigham Young College, having been present when the obligation was administered many times, the last occasion being as late as 1904, gives in exact words the obligation as follows:

> You and each of you do covenant and promise that you will pray, and never cease to pray, Almighty God to avenge the blood of the prophet upon this nation, and that you will teach the same to your children and to your children's children to the third and fourth generations.

The fact that such an obligation is taken by those who go through the endowment house is unquestioned, and is of such a character as to force the courts to hold that it was a bar to citizenship. In the third judicial court of Utah, in 1889, on the application of John Moore and others to become citizens of the United States, the court in denying the application said:

> In these applications the usual evidence on behalf of the applicants as to residence, moral character, etc., was introduced at a former hearing, and was deemed sufficient. Objection was made, however, to the admission of John Moore and William J. Edgar, upon the ground that they were members of the Mormon Church, and also because they had gone through the endowment house of that church, and there had taken an oath or obligation incompatible with the oath of citizenship they would be required to take if admitted.

Investigation was had, witnesses called, and the parties were excluded from citizenship upon the ground, as the court say:

> The evidence established beyond any reasonable doubt that the endowment ceremonies are inconsistent with the oath an applicant for citizenship is required to take, and that the oaths, obligations, or covenants there made or entered into, are incompatible with the obligations and duties of citizens of the United States.

THE ALLEGATIONS IN THE PROTEST SUSTAINED.

Every witness before the committee belonging to the Mormon faith now in harmony with the church, from the president down, including the Senator himself, refused to disclose the obligation.

If the oath administered in the endowment house and assumed by the Senator is of such a character as to bar an alien from citizenship in the United States, by what process of reasoning does the same oath become a passport to a seat in the Senate of the United States?

In the light of all the testimony in the case, it is submitted that the material portions of the allegation in the protest against the right of the Senator from Utah to a seat in this Chamber have been established, that the Senator is one of a self-perpetuating body of fifteen men, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, holding the office of apostle therein; that such ruling authorities of said church claim and are believed by their followers to possess supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual; that they assume to themselves authority in church and state, and so exercise that authority as to encourage a belief in and the practice of polygamy and polygamous cohabitation, in violation of the laws of the State prohibiting such crimes and regardless of pledges made for the purpose of obtaining statehood, and of covenants made with the people of the United States. That they protect and honor those who, with themselves, violate the laws of the State of Utah; and that, as rulers of said church, they dominate the State and interfere with its functions.

It is submitted, therefore, that the Senator, by becoming a member of and identifying himself with such organization and participating in its functions, has disqualified himself for membership in this body. The law fixes his status and measures the magnitude of his offending. An organization that fosters and encourages crime, tramples upon all law, human and divine, practices polygamy and polygamous cohabitation, desecrates the home, debases man, degrades womanhood, debauches public morals, strikes at the Christian civilization of the age, undermines and shakes the foundations of society and government, destroys the sanctity of the marriage relation, defies the authority of the State and National Government, registers an oath of hostility to the American nation, and brings the name and fame of the good people of Utah into disrepute, and shame and humiliation to the American people—I submit that such an organization is not entitled to have its representative in the Senate of the United States.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. Mr. President, just a moment.

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

Mr. CULLOM. Certainly; I will withhold the motion for a moment.

Mr. FORAKER. I merely desire to make an inquiry at this time of the Senator from Michigan as to what arrangement, if any, has been made as to the further discussion of the question on which he has been speaking?

Mr. BURROWS. I will state to the Senator that I know of no arrangement, except that the Senator from Idaho [Mr. DUBOIS] has given notice that day after to-morrow he would address the Senate upon the pending resolution.

Mr. FORAKER. But no day has been asked on which to take a vote?

Mr. BURROWS. No.

Mr. FORAKER. And will not be, I presume, until after the Senator from Idaho addresses the Senate?

Mr. BURROWS. Certainly not.

EMPLOYERS' LIABILITY BILL.

During the delivery of Mr. BURROWS's speech,

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. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

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

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Michigan will proceed.

Mr. BURROWS. I am obliged to the Senator from Wisconsin.

After the conclusion of Mr. BURROWS's speech,

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 12, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 11, 1906.

COMMISSIONER OF CORPORATIONS.

Herbert Knox Smith, of Connecticut, now Deputy Commissioner of Corporations, to be Commissioner of Corporations in the Department of Commerce and Labor, vice James Rudolph Garfield, nominated to be Secretary of the Interior.

ASSISTANT APPRAISER OF MERCHANDISE.

Charles R. Skinner, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to succeed Grover H. Lufburrow, resigned.

REGISTER OF LAND OFFICE.

Henry S. Chubb, of Florida, to be register of the land office at Gainesville, Fla., by transfer from receiver of public moneys at Gainesville, vice Walter G. Robinson, deceased.

RECEIVER OF PUBLIC MONEYS.

Shields Warren, of Florida, to be receiver of public moneys at Gainesville, Fla., vice Henry S. Chubb, transferred to register of the land office at Gainesville.

PROMOTIONS IN THE NAVY.

Capt. Franklin J. Drake, on the active list of the Navy, to be a rear-admiral on the retired list of the Navy from the 10th day of December, 1906, in accordance with a provision contained in the naval appropriation act approved June 29, 1906.

Lieut. Commander John A. Dougherty, to be a commander in the Navy from the 11th day of December, 1906, vice Commander Rogers H. Galt, promoted.

Lieut. Commander John B. Bernadou, an additional number in grade, to be a commander in the Navy from the 11th day of December, 1906, with Lieut. Commander John A. Dougherty, promoted.

Lieut. Walter S. Crosley, an additional number in grade, to be a lieutenant-commander in the Navy from the 11th day of December, 1906, with Lieut. Edward H. Campbell, promoted.

Surg. George P. Lumsden to be a medical inspector in the Navy from the 6th day of September, 1906, vice Medical Inspector Ezra Z. Derr, promoted.

POSTMASTERS.

ALASKA.

Robert R. Hubbard to be postmaster at Douglas, Alaska, in place of Robert R. Hubbard. Incumbent's commission expires December 15, 1906.

ARKANSAS.

Edward Hall to be postmaster at Stuttgart, in the county of Arkansas and State of Arkansas, in place of Edward Hall. Incumbent's commission expires December 15, 1906.

CALIFORNIA.

Wellington A. Griffin to be postmaster at Mountain View, in the county of Santa Clara and State of California, in place of Arthur M. Free, resigned.

Helen C. Thompson to be postmaster at Stanford University, in the county of Santa Clara and State of California, in place of Helen C. Thompson. Incumbent's commission expires December 20, 1906.

COLORADO.

Wesley A. Martin to be postmaster at Mancos, in the county of Montezuma and State of Colorado. Office became Presidential October 1, 1906.

Daniel W. Stone to be postmaster at Trinidad, in the county of Las Animas and State of Colorado, in place of Daniel W. Stone. Incumbent's commission expires December 20, 1906.

CONNECTICUT.

James Graham to be postmaster at Taftville, in the county of New London and State of Connecticut. Office became Presidential October 1, 1906.

Bradley S. Keith to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut, in place of Bradley S. Keith. Incumbent's commission expired December 9, 1906.

Charles W. Munsinger to be postmaster at Coscob, in the county of Fairfield and State of Connecticut, in place of Charles W. Munsinger. Incumbent's commission expired December 9, 1906.

IDAHO.

Julia Conners to be postmaster at Mullan, in the county of Shoshone and State of Idaho, in place of Harry W. Ingalls, resigned.

Fred Evans to be postmaster at Burke, in the county of Shoshone and State of Idaho, in place of William E. Kittrell, resigned.

W. H. Greenhow to be postmaster at Twin Falls, in the

county of Cassia and State of Idaho, in place of William W. Dunn, resigned.

ILLINOIS.

James O. Burton to be postmaster at Dahlgren, in the county of Hamilton and State of Illinois. Office became Presidential October 1, 1906.

James S. Courtright to be postmaster at Normal, in the county of McLean and State of Illinois, in place of Charles S. Neeld. Incumbent's commission expired June 24, 1906.

James A. Lauder to be postmaster at Carterville, in the county of Williamson and State of Illinois, in place of James A. Lauder. Incumbent's commission expired December 10, 1906.

Charles S. Randolph to be postmaster at Ipava, in the county of Fulton and State of Illinois. Office became Presidential October 1, 1906.

INDIAN TERRITORY.

W. H. Harrison to be postmaster at Poteau, District 14, Indian Territory, in place of Lora L. Smith. Incumbent's commission expires December 15, 1906.

A. E. Martin to be postmaster at Marietta, District 26, Indian Territory, in place of William L. Hagan. Incumbent's commission expires December 15, 1906.

INDIANA.

John C. Fudge to be postmaster at Dunkirk, in the county of Jay and State of Indiana, in place of John C. Fudge. Incumbent's commission expired May 8, 1906.

William H. Gostlin to be postmaster at Hammond, in the county of Lake and State of Indiana, in place of William H. Gostlin. Incumbent's commission expires December 20, 1906.

Omer Guyton to be postmaster at Cambridge City, in the county of Wayne and State of Indiana, in place of Omer Guyton. Incumbent's commission expires December 20, 1906.

Winfield S. Keith to be postmaster at Bicknell, in the county of Knox and State of Indiana. Office became Presidential October 1, 1906.

Andrew Morrissey to be postmaster at Notre Dame, in the county of St. Joseph and State of Indiana, in place of John A. Zahm, resigned.

William E. Netherton to be postmaster at Winamac, in the county of Pulaski and State of Indiana, in place of Harry W. McDowell. Incumbent's commission expires December 20, 1906.

IOWA.

James C. Dinwiddie to be postmaster at Marengo, in the county of Iowa and State of Iowa, in place of David M. Rowland. Incumbent's commission expires January 22, 1907.

S. G. Goldthwaite to be postmaster at Boone, in the county of Boone and State of Iowa, in place of William R. Means. Incumbent's commission expired December 9, 1906.

A. F. Morse to be postmaster at Newell, in the county of Buena Vista and State of Iowa, in place of Edwin M. Parker. Incumbent's commission expires January 7, 1907.

Sherman F. Myers to be postmaster at Anita, in the county of Cass and State of Iowa, in place of Sherman F. Myers. Incumbent's commission expired February 28, 1906.

William G. Ray to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa, in place of Cornelius L. Robberts. Incumbent's commission expired December 9, 1906.

Adelbert J. Weeks to be postmaster at Correctionville, in the county of Woodbury and State of Iowa, in place of Adelbert J. Weeks. Incumbent's commission expired December 10, 1906.

KANSAS.

Jacob B. Callen to be postmaster at Junction City, in the county of Geary and State of Kansas, in place of Jacob B. Callen. Incumbent's commission expired December 10, 1906.

Herbert Caveness to be postmaster at Chanute, in the county of Neosho and State of Kansas, in place of David E. McClelland. Incumbent's commission expired December 10, 1906.

MAINE.

Frank L. Field to be postmaster at Belfast, in the county of Waldo and State of Maine, in place of Frank L. Field. Incumbent's commission expired December 9, 1906.

William M. Stuart to be postmaster at Newport, in the county of Penobscot and State of Maine, in place of William M. Stuart. Incumbent's commission expires December 15, 1906.

Abraham L. Wallace to be postmaster at Millbridge, in the county of Washington and State of Maine. Office became Presidential October 1, 1906.

MASSACHUSETTS.

Althamer E. Chamberlain to be postmaster at Holliston, in the county of Middlesex and State of Massachusetts, in place of Althamer E. Chamberlain. Incumbent's commission expired December 9, 1906.

David D. Streeter to be postmaster at Mount Hermon, in the county of Franklin and State of Massachusetts. Office became Presidential October 1, 1906.

MICHIGAN.

James W. Bedell to be postmaster at Wakefield, in the county of Gogebic and State of Michigan. Office became Presidential October 1, 1906.

Margaret Duncan to be postmaster at Au Sable, in the county of Iosco and State of Michigan, in place of Margaret Duncan. Incumbent's commission expired December 10, 1906.

Josephus C. Mustard to be postmaster at Scottville, in the county of Mason and State of Michigan, in place of Josephus C. Mustard. Incumbent's commission expired December 10, 1906.

C. Guy Perry to be postmaster at Lowell, in the county of Kent and State of Michigan, in place of Charles Quick, resigned.

Leonard M. Sellers to be postmaster at Cedar Springs, in the county of Kent and State of Michigan, in place of Leonard M. Sellers. Incumbent's commission expired December 10, 1906.

MINNESOTA.

William D. Hale to be postmaster at Minneapolis, in the county of Hennepin and State of Minnesota, in place of William D. Hale. Incumbent's commission expired December 10, 1906.

A. O. Lea to be postmaster at New Richland, in the county of Waseca and State of Minnesota, in place of Olaus O. Sunde, resigned.

Frank H. Kratka to be postmaster at Thief River Falls, in the county of Red Lake and State of Minnesota, in place of Ira C. Richardson, resigned.

MISSISSIPPI.

Emma Harris to be postmaster at McHenry, in the county of Harrison and State of Mississippi, in place of Emma Pringle, who changed her name by marriage.

MISSOURI.

Andrew J. Seibert to be postmaster at Ste. Genevieve, in the county of Ste. Genevieve and State of Missouri, in place of Andrew J. Seibert. Incumbent's commission expired December 10, 1906.

NEBRASKA.

Edward B. Richardson to be postmaster at Ulysses, in the county of Butler and State of Nebraska. Office became Presidential October 1, 1906.

NEW HAMPSHIRE.

George W. Cowen to be postmaster at Lincoln, in the county of Grafton and State of New Hampshire, in place of John H. Henry, resigned.

NEW JERSEY.

Samuel Bartlett to be postmaster at Pleasantville, in the county of Atlantic and State of New Jersey, in place of Samuel Bartlett. Incumbent's commission expired December 9, 1906.

John W. Davis to be postmaster at Burlington, in the county of Burlington and State of New Jersey, in place of Nathan W. C. Hays, removed.

James Freeman to be postmaster at Arlington, in the county of Hudson and State of New Jersey, in place of James Freeman. Incumbent's commission expires December 20, 1906.

Charles E. Stults to be postmaster at Hightstown, in the county of Mercer and State of New Jersey, in place of Fred B. Appleget, resigned.

NEW YORK.

Fred A. Edwards to be postmaster at Holley, in the county of Orleans and State of New York, in place of Fred A. Edwards. Incumbent's commission expires December 15, 1906.

George D. Genung to be postmaster at Waverly, in the county of Tioga and State of New York, in place of George D. Genung. Incumbent's commission expires January 7, 1907.

Arthur H. Goldsmith to be postmaster at Floral Park, in the county of Nassau and State of New York, in place of Arthur H. Goldsmith. Incumbent's commission expires January 7, 1907.

Malcolm C. Judson to be postmaster at Norfolk, in the county of St. Lawrence and State of New York. Office became Presidential October 1, 1906.

John F. Kelley to be postmaster at Kings Park, in the county of Suffolk and State of New York, in place of George L. Thompson. Incumbent's commission expires December 15, 1906.

James M. Pitkin to be postmaster at Newark, in the county of Wayne and State of New York, in place of Richard P. Groat, resigned.

Minnie N. Slaight to be postmaster at Tottenville, in the county of Richmond and State of New York, in place of Minnie N. Slaight. Incumbent's commission expired December 9, 1906.

William Smith to be postmaster at Livingston Manor, in the county of Sullivan and State of New York, in place of William Smith. Incumbent's commission expired December 9, 1906.

Eugene Vreeland to be postmaster at Dundee, in the county of Yates and State of New York, in place of Eugene Vreeland. Incumbent's commission expires December 20, 1906.

NORTH CAROLINA.

William A. Mace to be postmaster at Beaufort, in the county of Carteret and State of North Carolina, in place of William A. Mace. Incumbent's commission expires December 20, 1906.

OHIO.

Uriah J. Favorite to be postmaster at Tippecanoe City, in the county of Miami and State of Ohio, in place of Uriah J. Favorite. Incumbent's commission expires December 20, 1906.

William W. Johns to be postmaster at Bellville, in the county of Richland and State of Ohio, in place of William W. Johns. Incumbent's commission expires December 20, 1906.

OKLAHOMA.

George Y. Walbright to be postmaster at Stroud, in the county of Lincoln and Territory of Oklahoma, in place of George Y. Walbright. Incumbent's commission expired June 19, 1906.

PENNSYLVANIA.

D. James Colgate to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania, in place of James D. Ames. Incumbent's commission expired June 30, 1906.

Claude H. Heath to be postmaster at Eldred, in the county of McKean and State of Pennsylvania, in place of William G. Robarts. Incumbent's commission expired May 28, 1904.

George W. McCauslin to be postmaster at Narberth, in the county of Montgomery and State of Pennsylvania, in place of Elizabeth H. Ketcham, resigned.

Sallie M. McNitt to be postmaster at Mifflin, in the county of Juniata and State of Pennsylvania. Office became Presidential October 1, 1906.

Nora L. Pickering to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania. Office became Presidential October 1, 1906.

James M. Worrall to be postmaster at Kennett Square, in the county of Chester and State of Pennsylvania, in place of James M. Worrall. Incumbent's commission expired June 30, 1906.

SOUTH CAROLINA.

Guss E. Smith to be postmaster at Mullins, in the county of Marion and State of South Carolina. Office became Presidential October 1, 1906.

VIRGINIA.

Annie G. Davenport to be postmaster at Gordonsville, in the county of Orange and State of Virginia, in place of Annie G. Davenport. Incumbent's commission expires December 20, 1906.

WEST VIRGINIA.

George E. Work to be postmaster at Sistersville, in the county of Tyler and State of West Virginia, in place of George E. Work. Incumbent's commission expired January 13, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 11, 1906.

ASSOCIATE JUSTICE, DISTRICT COURT OF APPEALS.

Charles H. Robb, of Vermont, to be associate justice of the court of appeals of the district of Columbia.

CONSUL-GENERAL.

William P. Kent, of Virginia, to be consul-general of the United States of class 6 at Guatemala, Guatemala.

CONSULS.

William H. Gale, of Virginia, to be consul of the United States of class 9 at Puerto Plata, Dominican Republic.

Robert Brent Mosher, of the District of Columbia, lately consul of class 8 at Collingwood, to be consul of the United States of class 6 at Port Elizabeth, Cape of Good Hope.

COLLECTOR OF CUSTOMS.

Henry McCall, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana.

NAVAL OFFICER OF CUSTOMS.

Elmer E. Wood, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Edward Darlington Jones, of Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Russell Randolph Waesche, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Joseph J. Dunn, of Kentucky, who was appointed July 26, 1906, during the recess of the Senate, to be supervising inspector of steam vessels for the fourth district, in the Steamboat Inspection Service, Department of Commerce and Labor.

CIRCUIT JUDGE.

Joseph Buffington, of Pennsylvania, to be United States circuit judge for the third judicial circuit.

DISTRICT JUDGES.

Nathaniel Ewing, of Pennsylvania, to be United States district judge for the western district of Pennsylvania.

James L. Martin, of Vermont, who was appointed during the last recess of the Senate, to be United States district judge for the district of Vermont.

UNITED STATES ATTORNEYS.

Alexander Dunnett, of Vermont, who was appointed during the last recess of the Senate, to be United States attorney for the district of Vermont.

Patrick H. Rourke, of North Dakota, to be United States attorney for the district of North Dakota.

William J. Youngs, of New York, to be United States attorney for the eastern district of New York.

Lyman M. Bass, of New York, to be United States attorney for the western district of New York.

APPOINTMENTS IN THE NAVY.

To be assistant paymasters in the Navy from the 10th day of July, 1906:

Dallas B. Wainwright, jr., a citizen of the District of Columbia.
William H. Wilterdink, a citizen of New York.
George P. Shamer, a citizen of Maryland.
Harry H. Palmer, a citizen of Virginia.
Omar D. Conger, a citizen of Michigan.
John F. O'Mara, a citizen of South Carolina.
Patrick T. M. Lathrop, a citizen of Virginia.
James P. Helm, a citizen of Tennessee.
Byron D. Rogers, a citizen of Illinois.
Edward C. Little, a citizen of Maryland.
Frank H. Atkinson, a citizen of Illinois.
Frank Baldwin, a citizen of New Jersey.
Manning H. Philbrick, a citizen of New Hampshire.

Henry L. Beach, a citizen of New York, to be an assistant paymaster in the Navy from the 3d day of August, 1906.

PROMOTIONS IN THE NAVY.

Capt. William H. Everett, on the active list of the Navy, to be a rear-admiral on the retired list of officers of the Navy from the 9th day of October, 1906, in accordance with a provision contained in the naval appropriation act approved June 29, 1906.

Pay Director Eustace B. Rogers, to be Paymaster-General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear-admiral, for a term of four years.

Paymasters Henry A. Dent, Walter L. Wilson, and William J. Littell, with the rank of lieutenant, to be paymasters in the Navy, with the rank of lieutenant-commander, from the 6th day of June, 1906.

Paymasters Martin McM. Ramsay, Joseph J. Cheatham, and Richard Hatton, with the rank of lieutenant, to be paymasters in the Navy, with the rank of lieutenant-commander, from the 10th day of October, 1906.

P. A. Paymasters Noel W. Grant, Philip. J. Willett, and Ben D. McGee, with the rank of lieutenant (junior grade), to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 30th day of July, 1906.

The following-named assistant paymasters, with the rank of ensign, to be assistant paymasters, with the rank of lieutenant (junior grade), from the 30th day of July, 1906:

William L. F. Simonpietri,
Neal B. Farwell,
Reginald Spear,
Elijah H. Cope,
Brainerd M. Dobson,
William W. Lamar,
Robert B. Lupton,
Fred W. Holt,
Walter D. Sharp,
Henry I. McCrea,
William T. Sypher,
Edwin M. Hacker,
Horace B. Worden, and
Raymond B. Westlake.

Naval Constructor John D. Beuret, with the rank of lieutenant, to be a naval constructor in the Navy, with the rank of lieutenant-commander, from the 6th day of June, 1906.

Naval Constructors Daniel C. Nutting, jr., and Holden A.

Evans, with the rank of lieutenant, to be naval constructors in the Navy, with the rank of lieutenant-commander, from the 6th day of October, 1906.

To be lieutenant-commanders in the Navy from the date set opposite their names, to correct the dates of their promotion to that grade as confirmed on December 12, 1905, which is caused by the retirement of Lieut. Claude Bailey, United States Navy, who was due for promotion, but was transferred to the retired list before qualifying therefor:

John R. Edie, from July 1, 1905.
Reginald R. Belknap, from July 8, 1905.
De Witt Blamer, from July 18, 1905.
John K. Robison, from September 8, 1905.
Arthur L. Willard from September 9, 1905.
Edwin T. Pollock, from September 30, 1905, and who was previously confirmed on January 18, 1906.

Lieut. William W. Bush to be a lieutenant-commander in the Navy from the 21st day of March, 1905, with Lieut. Kenneth McAlpine, an additional number in grade.

Lieut. William H. McGrann to be a lieutenant-commander in the Navy from the 12th day of February, 1906.

Lieut. William D. Brotherton to be a lieutenant-commander in the Navy from the 26th day of May, 1906.

Lieut. George W. Laws to be a lieutenant-commander in the Navy from the 6th day of June, 1906.

Lieut. George C. Day to be a lieutenant-commander in the Navy from the 6th day of June, 1906.

Lieut. Frederick L. Sawyer to be a lieutenant-commander in the Navy from the 16th day of June, 1906.

Capt. Robert M. Berry to be a rear-admiral in the Navy from the 29th day of June, 1906.

Commander Charles W. Bartlett to be a captain in the Navy from the 29th day of June, 1906.

Lieut. Commander John H. Shipley to be a commander in the Navy from the 29th day of June, 1906.

Lieut. Charles L. Hussey to be a lieutenant-commander in the Navy from the 29th day of June, 1906.

Lieut. John R. Y. Blakely to be a lieutenant-commander in the Navy from the 30th day of June, 1906.

Commander James H. Oliver, on the retired list of the Navy, to be a commander on the active list of the Navy from the 30th day of June, 1906, in accordance with the provisions of an act of Congress approved that date.

Kenneth G. Castleman, a citizen of Kentucky, to be a lieutenant in the Navy from the 30th day of June, 1906, in accordance with the provisions of an act of Congress approved that date.

Commander Chauncey Thomas to be a captain in the Navy from the 1st day of July, 1906.

Commander William A. Marshall to be a captain in the Navy from the 1st day of July, 1906.

Commander Henry McCrea to be a captain in the Navy from the 1st day of July, 1906.

Commander Edward F. Qualtrough to be a captain in the Navy from the 1st day of July, 1906.

Commander Lucien Young, an additional number in grade, to be a captain in the Navy from the 1st day of July, 1906.

Lieut. Commander John E. Craven to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander John J. Knapp to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander John Hood to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander Edward E. Hayden, an additional number in grade, to be a commander in the Navy from the 1st day of July, 1906, with Lieut. Commander John Hood, promoted.

Lieut. Commander Benjamin C. Bryan to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander Charles C. Marsh to be a commander in the Navy from the 1st day of July, 1906.

Lieut. Commander Charles H. Harlow, an additional number in grade, to be a commander in the Navy from the 1st day of July, 1906, with Lieut. Commander Charles C. Marsh, promoted.

Lieut. Charles T. Jewell to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Gregory C. Davison to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Leon S. Thompson to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Frederick A. Traut to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Fred R. Payne to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Robert K. Crank to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Stanford E. Moses to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Powers Symington to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Yates Stirling, jr., to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Raymond D. Hasbrouck to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. George Mallison to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Walter Ball to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Lieut. Joel R. P. Pringle to be a lieutenant-commander in the Navy from the 1st day of July, 1906.

Capt. Samuel W. Very to be a rear-admiral in the Navy from the 22d day of July, 1906.

Capt. William T. Swinburne, an additional number in grade, to be a rear-admiral in the Navy from the 22d day of July, 1906, with Capt. Samuel W. Very, promoted.

Commander William H. H. Southerland to be a captain in the Navy from the 22d day of July, 1906.

Lieut. Commander Clarence A. Carr to be a commander in the Navy from the 22d day of July, 1906.

Lieut. Benjamin B. McCormick to be a lieutenant-commander in the Navy from the 22d day of July, 1906.

Ensign Myles Joyce to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1906.

Ensign Levin J. Wallace to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1906.

Lieut. (Junior Grade) Myles Joyce to be a lieutenant in the Navy from the 30th day of July, 1906.

Capt. Joseph N. Hemphill to be a rear-admiral in the Navy from the 5th day of August, 1906.

Commander Charles E. Fox to be a captain in the Navy from the 5th day of August, 1906.

Lieut. Commander William A. Gill to be a commander in the Navy from the 5th day of August, 1906.

Lieut. Edward S. Kellogg to be a lieutenant-commander in the Navy from the 5th day of August, 1906.

Commander John C. Fremont to be a captain in the Navy from the 10th day of October, 1906.

Capt. William H. Emory to be a rear-admiral in the Navy from the 2d day of November, 1906.

Lieut. Frank H. Clark, jr., to be a lieutenant-commander in the Navy from the 2d day of November, 1906.

Asst. Surg. Jesse W. Backus to be a passed assistant surgeon in the Navy from the 18th day of May, 1905.

Asst. Surg. George M. Mayers to be a passed assistant surgeon in the Navy from the 1st day of June, 1905.

P. A. Surg. Edward G. Parker to be a surgeon in the Navy from the 24th day of March, 1906.

P. A. Surg. Barton L. Wright to be a surgeon in the Navy from the 10th day of May, 1906.

Medical Inspector Ezra Z. Derr to be a medical director in the Navy from the 6th day of September, 1906.

Surg. James C. Byrnes to be a medical inspector in the Navy from the 7th day of October, 1906.

John O. Downey, a citizen of West Virginia, and James M. Minter, a citizen of Georgia, to be assistant surgeons in the Navy from the 1st day of August, 1906.

Spencer L. Higgins, a citizen of New York, to be an assistant surgeon in the Navy from the 12th day of November, 1906.

Medical directors with the rank of captain to be medical directors with the rank of rear-admiral on the retired list.

Francis M. Gunnel,
Edward Shippen,
Samuel F. Coues,
John Y. Taylor,
Richard C. Dean,
David Kindleberger,
Edward S. Bogert,
Adolph A. Hoehling,
Benjamin H. Kidder, and
George H. Cooke.

Medical inspectors with the rank of commander to be medical directors with the rank of captain on the retired list.

John C. Spear,
Archibald C. Rhoades,
Aaron S. Oberly, and
Theoron Woolverton.

Surgeons with the rank of lieutenant-commander to be medical inspectors with the rank of commander on the retired list.

Thomas Hiland,
Edward D. Payne,

Henry C. Eckstein, and
William Martin.

Asst. Surg., with the rank of lieutenant (junior grade), Almond O. Leavitt, United States Navy, to be a passed assistant surgeon with the rank of lieutenant on the retired list.

Captains to be rear-admirals on the retired list.

Allen V. Reed,
Alfred T. Mahan, and
Theodore F. Kane.

Commanders to be captains on the retired list.

Thomas L. Swann,
Smith W. Nichols,
George T. Davis,
Thomas Nelson,
Charles A. Schetky,
George R. Durand,
Francis M. Barber,
Timothy A. Lyons,
John J. Brice,
John K. Winn,
William B. Newman,
Zera L. Tanner,
Samuel Belden,
John C. Morong, and
Benjamin S. Richards.

Lieutenant-commanders to be commanders on the retired list.

Antoine R. McNair,
Charles E. McKay,
Frederick I. Naile,
Gouverneur K. Haswell,
Edward M. Stedman,
Socrates Hubbard,
Edward L. Amory,
Holman Vail,
Isaac Hazlet,
Frederick A. Miller,
William H. Webb, and
Arthur P. Osborn.

Lieutenants to be lieutenant-commanders on the retired list.

William Watts,
Charles H. Judd,
Douglas Roben,
Richard M. Lisle,
Charles P. Shaw,
John W. Hagenman,
James M. Grimes,
Andrew C. McMechan, and
Downs L. Wilson.

Pay directors with the rank of captain to be pay directors with the rank of rear-admiral on the retired list.

James H. Watmough,
Thomas H. Looker,
Charles W. Abbot,
James D. Murray,
Alexander W. Russell,
Luther G. Billings, and
Arthur J. Pritchard.

Pay inspectors with the rank of commander to be pay directors with the rank of captain on the retired list.

James Hoy,
Francis H. Swan,
Worthington Goldsborough, and
William W. Woodhull.

Paymasters with the rank of lieutenant-commander to be pay inspectors with the rank of commander on the retired list.

John Furey,
John R. Carmody, and
George H. Read.

Chief engineers with the rank of captain to be chief engineers with the rank of rear-admiral on the retired list.

Benjamin F. Isherwood,
Montgomery Fletcher,
David B. Macomb,
Edward D. Robie,
John W. Moore,
Thom Williamson,
Jackson McElmell,
Edwin Fithian,
Charles H. Loring,
William B. Brooks,
George F. Kutz,
Andrew J. Kiersted,
James W. Thomson,
Samuel L. P. Ayers,
Elijah Laws,
Edward Farmer,
Fletcher A. Wilson,
Robert Potts,
Alfred Adamson, and
Charles J. MacConnell.

Chief engineers with the rank of commander to be chief engineers with the rank of captain on the retired list.

Henry W. Fitch,
Frederick G. McKean,
Isaac R. McNary,
John A. Scot,
George W. Stivers,
Absalom Kirby,
George E. Tower,
James H. Chasmar, and
Albert C. Engard.

Chief engineers with the rank of lieutenant-commander to be chief engineers with the rank of commander on the retired list.

Henry Mason,
Edward E. Latch,
George W. Senser,
George W. Magee,
Benjamin F. Wood,
Burdett C. Gowing,
Edward A. Magee,
George W. Roche, and
Jefferson Brown.

Passed assistant engineers with the rank of lieutenant to be chief engineers with the rank of lieutenant on the retired list.

Caleb E. Lee,
Rezeau D. Plotts,
Alexander V. Fraser,
Charles H. Greenleaf,
Rudolph T. Bennett,
John J. Bissett,
Henry C. Blye,
James W. Holihan,
Jonathan M. Emanuel,
Charles H. Manning,
William A. H. Allen,
David M. Fulmer,
William L. Bailie,
Charles F. Nagle,
Robert D. Taylor, and
Robert Crawford.

Chaplains with the rank of captain to be chaplains with the rank of rear-admiral on the retired list.

William H. Stewart,
Donald McLaren,
James J. Kane, and
George A. Crawford.

Professors of mathematics with the rank of captain to be professors of mathematics with the rank of rear-admiral on the retired list.

Simon Newcomb,
Asaph Hall, and
John R. Eastman.

Naval Constructor, with the rank of captain, Thomas E. Webb, United States Navy, to be a naval constructor with the rank of rear-admiral on the retired list.

Boatswains to be chief boatswains, to rank with but after ensigns on the retired list.

Robert Anderson,
James Nash,
Thomas Savage,
Edwin Crissey,
John H. Brown, and
Woodward Carter.

Gunners to be chief gunners, to rank with but after ensigns, on the retired list.

John C. Ritter,
Thomas P. Venable,
Elisha J. Beacham,
Thomas B. Watkins,
Joseph Smith,
John G. Foster,

George P. Cushman,
William T. Devlan, and
Samuel Cross.

Carpenters to be chief carpenters, to rank with but after ensigns, on the retired list.

Ebenezer Thompson,
William D. Toy,
Robert A. Williams,
Herbert M. Griffiths,
Henry Williams, and
Benjamin E. Fernald.

Sailmaker George C. Boerum, United States Navy, to be a chief sailmaker, to rank with but after ensign, on the retired list.

To be chaplains in the Navy with the rank of lieutenant-commander from the 1st day of July, 1906, to fill vacancies created by an act of Congress approved June 29, 1906:

Curtis H. Dickins,
Louis R. Rennolds,
Charles M. Charlton,
Edward J. Brennan, and
Bower R. Patrick.

Lieut. Harry E. Smith, United States Navy, to be a professor of mathematics in the Navy from the 8th day of August, 1906.

Lieut. Daniel M. Garrison, United States Navy, to be professor of mathematics in the Navy from the 27th day of October, 1906.

Naval Constructor Washington L. Capps to be a naval constructor in the Navy with the rank of captain from the 7th day of July, 1906.

Naval Constructor George H. Rock to be a naval constructor in the Navy with the rank of commander from the 7th day of July, 1906.

The following-named civil engineers to be civil engineers in the Navy with the rank of lieutenant from the 7th day of June, 1906:

Joseph S. Shultz, and
Carl A. Carlson.

Albert A. Baker, a citizen of New Hampshire, to be an assistant civil engineer in the Navy from the 9th day of October, 1906.

Warrant Machinist Clarence E. Wood, Gunner Max M. Frucht, and Warrant Machinist Charles S. Joyce, United States Navy, to be ensigns in the Navy from the 30th day of July, 1906.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. John C. Beaumont to be a captain in the Marine Corps from the 17th day of July, 1906.

First Lieut. Sidney W. Brewster to be a captain in the Marine Corps from the 15th day of August, 1906.

POSTMASTERS.

GEORGIA.

Charles W. Parker to be postmaster at Elberton, in the county of Elbert and State of Georgia.

IOWA.

Rufus Lyman to be postmaster at Carson, in the county of Pottawattamie and State of Iowa.

Charles H. Read to be postmaster at Avoca, in the county of Pottawattamie and State of Iowa.

LOUISIANA.

Louisa F. Gause to be postmaster at Slidell, in the parish of St. Tammany and State of Louisiana.

Lena E. Henderson to be postmaster at St. Joseph, in the parish of Tensas and State of Louisiana.

NEBRASKA.

Charles H. Simmons to be postmaster at Scottsbluff, in the county of Scotts Bluff and State of Nebraska.

Samuel H. Weston to be postmaster at Dorchester, in the county of Saline and State of Nebraska.

NEW YORK.

Floyd S. Brooks to be postmaster at Ilion, in the county of Herkimer and State of New York.

Edwin A. Clark to be postmaster at Center Moriches, in the county of Suffolk and State of New York.

Edward A. Hildreth to be postmaster at Bridgehampton, in the county of Suffolk and State of New York.

NORTH CAROLINA.

Moses L. Buchanan to be postmaster at Concord, in the county of Cabarrus and State of North Carolina.

Charles E. Orr to be postmaster at Brevard, in the county of Transylvania and State of North Carolina.

NORTH DAKOTA.

Thomas S. Johnstone to be postmaster at Ashley, in the county of McIntosh and State of North Dakota.

William H. Stevens to be postmaster at Wimbledon, in the county of Barnes and State of North Dakota.

PENNSYLVANIA.

Lucian T. Claybaugh to be postmaster at Donora, in the county of Washington and State of Pennsylvania.

James Lloyd Galbraith to be postmaster at Canonsburg, in the county of Washington and State of Pennsylvania.

James Koller to be postmaster at Myerstown, in the county of Lebanon and State of Pennsylvania.

Harry M. Zimmerman to be postmaster at Derry Church, in the county of Dauphin and State of Pennsylvania.

SOUTH CAROLINA.

John R. Cochran, jr., to be postmaster at Andrews, in the county of Anderson and State of South Carolina.

Samuel J. Leaphart to be postmaster at Lexington, in the County of Lexington and State of South Carolina.

Jefferson F. Richardson to be postmaster at Greenville, in the county of Greenville and State of South Carolina.

George D. Shore to be postmaster at Sumter, in the county of Sumter and State of South Carolina.

SOUTH DAKOTA.

Robert Z. Bennett to be postmaster at Beresford, in the county of Union and State of South Dakota.

Cyrus B. Williamson to be postmaster at Watertown, in the county of Codington and State of South Dakota.

TEXAS.

William P. Fleming to be postmaster at Georgetown, in the county of Williamson and State of Texas.

Americus C. Nafus to be postmaster at Mesquite, in the county of Dallas and State of Texas.

Charley E. Smith to be postmaster at Kerens, in the county of Navarro and State of Texas.

Gustave A. Pannewitz to be postmaster at Shiner, in the county of Lavaca and State of Texas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 11, 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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. 5531) for the relief of Francisco Krebs;

An act (S. 5246) to provide for the extension of Geneseo place and Summit place, District of Columbia;

An act (S. 4323) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

An act (S. 5201) to acquire certain land in the District of Columbia as an addition to Rock Creek Park and in Hall & Elvan's subdivision of Meridian Hill for a public park; and

An act (S. 823) to rectify the boundary line of Rock Creek Park.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

An act (S. 5531) for the relief of Francisco Krebs—to the Committee on Private Land Claims.

An act (S. 5246) to provide for the extension of Geneseo place and Summit place, District of Columbia.

An act (S. 4323) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased—to the Committee on Claims.

An act (S. 5201) to acquire certain land in the District of Columbia, as an addition to Rock Creek Park, and in Hall & Elvan's subdivision of Meridian Hill for a public park—to the Committee on Public Buildings and Grounds.

An act (S. 823) to rectify the boundary line of Rock Creek Park—to the Committee on Public Buildings and Grounds.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. LITTAUER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21574) the legislative, executive, and judicial appropriation bill, Mr. HEPBURN in the chair.

Mr. LITTAUER. Mr. Chairman, I yield such time to the gentleman from Ohio [Mr. KEIFER] as he may desire.

Mr. KEIFER. Mr. Chairman, I have just been notified that I might submit some remarks on this bill. I shall violate to-day

the general rule which obtains here in Committee of the Whole House on the state of the Union in considering an appropriation bill, and that rule is, as I understand it, and it has been pretty general, not to speak of the bill before the committee at all, but on some other subject than that to which the bill relates. I will on this occasion speak strictly to provisions of the bill. I understood the distinguished chairman of the subcommittee on appropriations yesterday to say in his opening remarks that so faithful was the work of the subcommittee in preparing this bill that when it came to the whole Committee on Appropriations it was accepted without alteration of any kind. I think that the bill was accepted by the whole of that committee after a very few minutes' consideration, the time being taken up principally by those who favored the bill in all respects. I do not rise, Mr. Chairman, to-day to attack it in any general way, but there is a provision in the bill that I regard of great importance and that I am very sure got into the bill without any testimony before the whole committee or the subcommittee, so far as I know, from any source to justify it.

PENSION APPEAL BOARD.

That provision will be found, I believe, on page 106 of the bill. It is proposed there to emasculate the Board of Pension Appeals, in the Interior Department, practically to disable it in every respect and to cut it almost in two in point of numbers and working force on the Board. Now, I am sure I can make good my statement that there is not one syllable of testimony taken before the committee that warrants this, nor do the facts warrant any interference with that Board as it now exists. This has been a very important board in the administration of the pension laws of this country. I may not be as familiar as to dates as some Members of the House or the committee, but a few years ago, perhaps three or four years ago, this Board was made up of twelve permanent members of the Board, and it was then found to be from two to five years behind time in its work, so that the old soldier who appealed from the decision of the Pension Office had as much hope of getting his appeal decided, and no more, than he had of going to the grave before it was decided.

The Congress of the United States listened to the appeal of these old tottering soldiers and decided to increase that Pension Appeal Board in the Interior Department twenty members, so as to make it up to thirty-two in all, and then, Mr. Chairman, I do not want to forget that the Assistant Secretary of the Interior, who has charge especially of this Pension Board, had loaned to him, for a time at least, two assistant attorneys from the Attorney-General's office, and he had another from the Land Office, so that in effect he had thirty-five members of this Board working industriously in the matter of passing upon appeals taken from the Pension Bureau. The work was progressing rapidly toward coming up even with the appeals, so that a year ago and for this fiscal year the Congress concluded that it would be wise to reduce the Pension Board in the Interior Department, leaving it at the original twelve permanent members and reducing the additional or temporary members of the Board to sixteen, leaving the total number twenty-eight, and the Assistant Secretary of the Interior returned at the end of the last fiscal year the two attorneys from the Attorney-General's office, and the use of the clerk from the Land Office was discontinued, so that we had but twenty-eight last year. Those twenty-eight proved to be very efficient, and they disposed of a very large number of appealed cases. Subsequently they passed on appeals at the rate of about 800 a month, and before that the Board averaged a thousand a month; but with sixteen in addition to the twelve, they continued during this fiscal year to dispose of about 800 a month; and so at a recent time they had disposed of current appeals, including old delayed returns, until they were within about seventeen hundred of being up to date, without any appeal cases in arrears.

The committee that reports this bill now says that by the provisions found on page 106 of the bill that the number of our permanent appeal board shall be nine, with three detailed from the present sixteen additional, and then ask three additional, to be taken by the Secretary of the Interior from the Pension Office, persons who have already been engaged in the work of dealing with the pensions that have been appealed from perhaps. It will be seen that this reduction will bring down the number of our pension board to almost one-half the number now on it.

In the report of this committee there is this stated and this only:

A reduction is made of thirteen members of the board of pension appeals, at $2,000 each.

Not one word of explanation follows to give any reason or excuse for the reduction. Now, Mr. Chairman, the number of appeals filed per month is about 800. If the board is practically cut in two the number that will be disposed of, we will see, will be about 450 in the proportion that the board will remain efficient. So that we are certain that the appeals will again continue, as in the past, to run behind, and if the appeal board dealt alone with the current appeals at the rate of about 350 per month it would leave about 1,700 undisposed of cases to go on accumulating. Whichever way they did it, that would be adding to the undisposed of cases each month, and at the end of the next fiscal year we would have in the neighborhood of 6,000 undisposed of pension appeal cases.

Is this Board important? It has proved to be a very efficient one. About 9 per cent of the appeals as perfected—I mean perfected in the sense that they got fully and fairly before the Appeal Board—were reversals of the Pension Bureau. But the result has been greater than that in favor of the applicants for pensions. They have established through these appeals precedents and rulings which govern the Pension Commissioner or Pension Bureau in the determination of other like cases. But in the process of appeal from the Pension Bureau of the Interior Department the first step taken is for the Commissioner of Pensions, through his force, to reexamine and review the cases upon which appeals have been filed, and in about 6 per cent of the cases the Bureau has reversed itself, so that the effect of this Pension Appeal Board has been to dispose, favorably to the pensioners, of about 15 per cent of the appeals filed.

Now, I have said this much for the purpose of having it understood that the question here is one of importance to the applicants for pensions. If there be those here who are opposed to these soldiers in their old days having a review at all, then let them say so and then vote to abolish the Board because they are opposed to their being pensioned under the laws of the United States. Let us not by any means of this kind fail to give them a full and fair hearing. If we err at all, why not err on the side of the old and broken soldier? But there is no danger of this Appeal Board being idle any part of the next fiscal year, and the Secretary of the Interior can be relied on to protect the Government.

Now, I am not going to give you the result alone of my own investigation of this question, but I am going to give you the testimony taken before the subcommittee of the Appropriation Committee when and before they reported this legislation. I call attention first to a letter written by the Assistant Secretary, Jesse E. Wilson, dated September 15, 1906, and addressed to the Hon. Thomas Ryan, Acting Secretary of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 15, 1906.

SIR: Relative to the estimates for the next fiscal year, commencing July 1, 1907, for the members of the board of pension appeals, I have the honor to submit the following statement and suggestions:

You will recall that in the appropriation for the current year, commencing July 1, 1906, Congress provided for the continuance of 16 additional temporary members at $2,000 each instead of 20, as previously provided for. It was also provided that such employment shall cease at the end of the current fiscal year, and that vacancies occurring in this additional force during the year shall not be filled.

In my report to the honorable Secretary February 14, 1906, relative to the prospective work of the board, it was shown that about 600 appeals and motions had been filed each month, and attention was also invited to the fact that it was quite impossible to anticipate the volume of work connected with the board, or rather to definitely state what force will be necessary to dispose of the pending appeals and keep up with the current work.

During the last seven months, commencing February, 1906, there have been filed 5,689 new appeals and motions, an average of over 800 each month, showing an increase of 200 in the monthly average.

During that period 6,069 cases have been disposed of—an average of 867 each month. It thus appears that during the last seven months the number of pending appeals has been reduced from 2,074 to 1,694, a reduction of 380.

It is quite probable the number of new appeals will increase as we approach the current work. Every effort is being made to dispose of pending appeals as rapidly as possible consistent with efficient service, but with the prospective increase of the number of appeals, and the number now pending, it does not now seem wise to reduce the force at the end of the current year.

It is therefore respectfully suggested that Congress be recommended to continue the appropriation for the 16 additional members for the next fiscal year, commencing July 1, 1907.

Attention is also respectfully invited to the appropriation for the permanent members of the board for the current year.

It provides for 9 members at $2,000 each; also for 3 additional members to be selected from the Pension Office, etc. The latter were appointed seven years ago and have continued since as permanent members of the board. So that the appropriation should be for 12 permanent members of the board instead of 9, and avoid the confusion arising from designating each year three new members appointed from the Pension Office.

Very respectfully,

JESSE E. WILSON,
Assistant Secretary.

Hon. THOMAS RYAN, *Acting Secretary.*

Mr. PAYNE. May I ask the gentleman a question?

Mr. KEIFER. Certainly.

Mr. PAYNE. Does the gentleman who makes that statement give any reason for the prospective increase of appeals? My offhand judgment would be that they have decreased instead of increased. As he states the matter, they will be increased, with-

out giving any reasons for it, as far as the gentleman read. I want to know if he gave any reason for it?

Mr. KEIFER. I do not think there has been any reason stated. The fact is stated that the increase has taken place and——

Mr. PAYNE. He says that he expects them to increase.

Mr. BONYNGE. There had been an actual increase.

Mr. KEIFER. There has been an actual increase. On page 76 of the Book of Estimates——

Mr. PAYNE. That would explain it.

Mr. KEIFER. Now, while I am on this letter question, I think there is another one somewhere of a later date. I do not remember that this one I refer to now——

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. KEIFER. Certainly.

Mr. NORRIS. I want to read again, for the benefit of the gentleman from New York [Mr. PAYNE], a statement in this letter, as follows:

During the last seven months, commencing February, 1906, there have been filed 5,689 new appeals and motions, an average of over 800 each month, showing an increase of 200 in the monthly average.

Mr. KEIFER. I thought I had another letter, but maybe I have mislaid it. I will see.

There was another letter written, Mr. Chairman, on this subject, of a much later date, addressed to Hon. L. N. LITTAUER, House of Representatives, dated December 6, 1906. I do not remember that this letter was shown to the committee by the person to whom it was addressed. I do not know that it was ever disclosed to the subcommittee, but I only wish now to put it into the RECORD, for it brings up some later figures. I will read it:

Hon. L. N. LITTAUER,
House of Representatives.

SIR: In making my statement before your committee the other day, relative to the appropriation for the Board of Pension Appeals, I think I informed you that the figures as to the number of appeals filed and the number of cases disposed of were given largely from memory, and might not be strictly accurate. Your attention is invited to the letter of the Assistant Secretary to the Acting Secretary, dated September 15, 1906, copied in the Book of Estimates, page 76, which will give you some idea of the increasing number of appeals for seven months commencing with the month of February, 1906.

I desire also to call your attention to the following comparative statement showing the number of appeals filed and disposed of for five months commencing July, 1905, and the number filed and disposed of for the same period in 1906:

Date.	Appeals filed.	Disposed of.
July, 1905	488	476
August, 1905	600	464
September, 1905	517	976
October, 1905	523	981
November, 1905	530	937
Total	2,658	3,834

You see how efficient this Board was, as it was organized in 1905. The total appeals filed for that year for the five months were 2,658, and there were disposed of by the Board as then constituted 3,834.

Now I come to 1906, when the Board consisted of only twenty-eight members. I will read that:

Date.	Appeals filed.	Disposed of.
July, 1906	872	880
August, 1906	782	720
September, 1906	701	645
October, 1906	931	873
November, 1906	834	866
Total	4,120	3,984

This table shows the number disposed of by the Board as constituted when the twenty-eight gentlemen occupied it. I do not say that they dealt only with the current appeals, but if they dealt with those alone, they would not have kept pace with them.

You will observe that during the five months the average number of appeals filed per month in 1905 were 531, while during the five months in 1906 they have increased to an average per month of 824.

I will also state that at the close of the month of November, 1906, there were 1,776 appeals pending.

It is clear to my mind that if the increase of appeals filed continues, which is quite probable, the proposed reduction of the force by dropping the sixteen temporary members of the Board will result in increasing very largely the arrearages.

Very respectfully,
JESSE E. WILSON,
Assistant Secretary.

Now, turning to the testimony of this Assistant Secretary taken before the subcommittee of the Committee on Appropriations having this bill in charge, I find that Mr. Wilson was put under cross-examination by the distinguished members of the subcommittee for the purpose of trying to get him to admit that there was some excuse for reducing this Board below its present number, but in every case this effort failed, and the question at last being put, "Do you suggest the continuance of this entire Board with sixteen men as it was?" Mr. Wilson answered "I do." Again, Mr. Burleson asked him this question: "You think this ought to be continued one more year?" Mr. Wilson answered: "Yes, and that the vacancies be not filled." What he refers to was that if vacancies occurred in the sixteen during the year they shall not be filled, and that is the present provision of the law.

All the testimony, from every source, without any variation whatever, shows, and in fact demonstrates, that unless you intend to cut the Board down so that it will no longer be efficient, unless you intend to increase the arrears of pension appeals in the Interior Department, you must continue the Board at its present number. It has been extremely efficient as now continued. Think of these men going over and disposing of an average of 824 appeal cases in the working days of a single month, and doing it satisfactorily and carefully. Of course, in a large majority of the cases they affirm the Commissioner of Pensions. They have accomplished and expert medical officers detailed to act with the Board. They have passed upon substantively in their own Board about 9 per cent favorable to the appellants. I do not need to again remind the Committee of the Whole House on the state of the Union of the fact that these old soldiers of the civil war must have their cases disposed of early or they will be in their coffins, and their appeals will avail them nothing.

So that unless it is the policy now at this late period in the carrying out and execution of our pension laws that we shall adopt dilatory measures and prevent their cases getting through, it becomes our duty to maintain this Board with efficiency; and we can certainly not do it, in the light of facts which are known to those familiar with the matter, by cutting down this Board and almost cutting it in two. I have yet to hear from any member of the committee or from any source any testimony or any facts warranting the proposed reduction. I will wait to be interrupted, if anybody can point out anything that has developed in recent times before the committee or anywhere that warrants this effort to destroy in large part the efficacy of the Pension Appeal Board in the Interior Department.

Much more might be said in that direction, but I content myself now by leaving it.

SIMPLE SPELLING.

I have a word or two that I want to add, not so much in the way of an attack on this bill as to bear my testimony with reference to a matter discussed with great ability on yesterday. That is the matter relating to simplified spelling.

We are living in a great epoch-making age. For the first time in the history of our country, including American colonial days, it is proposed to legislate on the proper use of the English language in the public prints.

Should this bill become a law we will be required to write and spell according to law—according to Webster's or some other standard dictionary. In our observance of this bill, should it become a law, I hope we shall be given wisdom sufficient to enable us to spell correctly all the words we may use in our vocabulary; otherwise we shall violate the law of the land. It would be too much to expect us to be able to spell according to a standard dictionary all the English words—about one hundred and forty thousand (according to Webster's latest International Dictionary)—now in use and found in the latest accepted dictionaries of the English language.

The author of Shakespeare's plays and sonnets (about 1600) was not much of a speller, and he used only a vocabulary of about fifteen thousand words; and the blind poet, Milton, when he wrote Paradise Lost, only a little later (1640 or thereabout), was also a poor speller, and his vocabulary was confined to only 8,000 words. The great philosopher, Francis Bacon, was little better, and his vocabulary was less than that of the Shakespearean author. But the progress of the intervening three hundred years has given us more English words than these immortal authors ever dreamed of, and we have discovered that they did not know how to spell the few words they used, and now, fearing that our modern way of spelling may be interfered with, or that there is danger that we progressive Americans may retrograde to the degenerate days of Chaucer and others who, notwithstanding they did so much to create and build up the English language, were often silly enough to spell the words they used, including such as they coined, in the simplest and most natural way.

To avoid such a misfortune it is now proposed to call a halt, and, by law, say we have reached perfection in the accomplish-

ment of correct spelling, and henceforth this nation's public literature—and there will be much of it—shall be spelled according to a standard fixed by law.

This Congress, ever to be memorable in consequence of its interstate freight rate and other laws supposed to relate to interstate commerce, and for its meat-inspection and pure-food laws, etc., is about to become especially distinguished in consequence of its being the first and only Congress of the United States, or other parliamentary body in the history of civilized nations, to legislate on the subject of how to use the alphabet in the spelling of words. In short, we are henceforth to be required by law to spell all English words correctly according to a fixed standard.

The warrant for this may be found in existing conditions. So the Appropriations Committee of this House has decided. A majority of its members have agreed to "stand pat" on the English language, although only 300 of the 140,000 words composing it have been threatened with revision. Even some of that 300 have so far undergone revision or their spelling has been so far simplified as to have, possibly unwittingly, been adopted, so spelled, into Webster's Unabridged Dictionary and other standard dictionaries by modern lexicographers.

Understand me, Mr. Chairman, I did not rise to oppose this proposed legislation, but only to emphasize its importance, and to call the attention of the members of the Committee of the Whole House on the state of the Union, and, if possible, the whole country and the whole world to the significant and transcendent character of the legislation we are about to write upon the statute books of our beloved country.

We have in this legislation the happy concurrence of the Supreme Court of the United States, as we are advised that that body has so far adjudicated upon the wisdom and constitutionality of the proposed law as to order, in advance of its enactment, its records to be made up according to its provisions, even requiring the attorneys and counselors at law who appear in that court to write and cause their briefs to be printed in words spelled according to standard dictionaries, or rather according to usual methods.

And, lastly, we may felicitate ourselves over the fact that this law is to be underwritten, notwithstanding his previously announced conviction that the time has come for revision and reform in spelling American-English, with the word "approved," signed by the President of the United States; this unless he shall veto the bill containing the extraordinary provision. This he will hardly do, as the bill contains an appropriation of about $31,000,000 to maintain the legislative, executive, and judicial departments of the Government for the next fiscal year, including an item for the payment of his own salary.

But, Mr. Chairman, significant in character as this proposed spelling legislation may be, I did not arise here to-day to pay more than a passing tribute to it. I arose to oppose a clause in this legislative appropriation bill and to point out a defect in it which I regard of vital importance, and which, if not corrected, will result in irremediable injustice to some of my old comrades of the civil war. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, all free governments are delegated certain powers that are intended to be exercised for the benefit of the governed. When these powers are justly and properly exercised we have good government, but when the governmental powers are used not for the benefit of the people, or not exercised at all, then the object for which the government was created has miscarried, and the end and aim for which the grant of power was given is not attained.

The Constitution of the United States gives to the Federal Government the power to levy taxes, expend its revenues, provide for the Army and Navy, maintain a system of courts, all of which have been exercised for the benefit of the people; but there were some grants of power that were given to the Federal Government that have not been exercised by it for many years, and the neglect to do so has caused great loss to the people.

The Constitution provides "that Congress shall have the power to establish post-offices and post-roads." Millions of dollars have been appropriated from the Treasury for the establishment and maintenance of post-offices, but within the last six decades comparatively nothing has been expended toward the establishment of post-roads. In other words, a great governmental power, vested in Congress, has been neglected and not exercised for the benefit of the people, as it was intended it should be. Should the present Congress fail or refuse to make appropriations to carry on the present post-office system, would not everyone feel that a great wrong was done to the citizenship of the country; and when Congress refused to exercise its correlative power to build post-roads, is not an equal injury being done?

There is not an inhabitant of Alabama who is not entitled to have his mail delivered at his door by the Government to whom he has granted this power, whether he lives in the city or the country; and it is no answer to the demand for a fair delivery of mail matter to all that the county roads are so bad that the mail carrier can not travel them, when this very Government that is delivering the mail has been granted the power and directed by the Constitution to build suitable post-roads for mail deliveries to all.

Some contend that the State and county governments should provide the roads over which the United States mail is carried. It is true this has been done in the past, but it does not seem to me that the argument is a tenable one. Why should the grant have been given to the Federal Government to build post-roads if it had not been intended that it should exercise that grant of power? To establish post-roads must mean something more than merely using roads for postal service after somebody else built them.

The Congress has appropriated great sums of money and has granted vast tracts of public land for railroad building under the plea that they were public highways for carrying the mail. If that was a good argument then, why is it not an equally good argument now to insist that good roads should be built by the Government from the railroad towns to the rural districts to deliver the mail with reasonable speed and certainty?

Taxes are levied and collected that they may be expended for the benefit of the people. The last session of this Congress appropriated for this fiscal year:

For agriculture	$9,932,940
For Army	71,817,165
For diplomatic and consular service	3,091,094
For District of Columbia	10,138,692
For fortifications	5,053,993
For Indians	9,260,399
For legislative branch	29,741,019
For Military Academy	1,664,707
For Navy	102,071,650
For pensions	140,245,500
For post-offices	191,695,998
For sundry civil expenses	98,274,574
Total	672,987,734

being the total of ordinary expenditures, to which must be added appropriations for deficiencies for last year, miscellaneous and permanent annual appropriations, which bring the grand total up to $880,133,301, and out of it all not one dollar for post-roads to better the mail facilities of the country people; that of the grand total $258,968,790 was expended for the military establishment and only $9,932,940 to advance the cause of agriculture.

The revenue collected by the Government to meet the vast expenditures I have enumerated amounts to about $6.93 for each man, woman, and child in the United States. Of the total population of the United States only one-third live in cities of over 8,000 people; the balance live in the small towns and the country. Of the 80,000,000 people in the United States, it is readily seen how great a percentage of the revenues to support the Government are paid by the country people, and it is equally evident how small a proportion of the annual expenditures accrue directly for their benefit. In fact, the people living in the country districts saw no direct return to them of any of the money they paid in taxes to the Federal Government until the rural mail-delivery service was inaugurated, and now more than half of the rural population is deprived of daily mail service because the Government agents say the roads are too bad for the mail riders to travel—the very roads the Constitution contemplated the General Government should put in good condition to carry the mail.

In the last decade we have expended millions for good roads in the Philippines and in Porto Rico, but not one dollar in the United States to aid the people who paid the taxes and defended the country.

The Congress has expended millions of dollars on river and harbor improvements, has thrown open the doors of the Treasury when the railroad corporations asked for money and land to lay their lines across the continent, has given fabulous millions to connect the waters of the Atlantic with the Pacific Ocean, has listened to the cry of distress and has responded nobly, and the American people pay the taxes and approve your course; but to the aid of the toiling masses at home you give nothing.

Do not forget that these same country people who are asking Congress to keep the pledges of the Constitution are the class of our people who in the one hundred and twenty-five years of our nation's existence have never been appealed to by our country in vain. They are the men who, when war's ugly aspect overshadowed our land, have always responded to their country's call, from Bunker Hill to Santiago; from 1776 to 1898

they have given their lives at their country's call, and their sufferings and blood have vindicated their right to the citizenship that is entitled to be heard to-day on this great economic problem.

It is the duty of every government to expend the revenues intrusted to it where the people who have paid the taxes will derive the most benefit from the money expended. Viewing this great economic problem of good roads from that standpoint, I know of no expenditure of money by the Government that will make a greater direct return to the people.

The cost of transportation is the vital question in all modern commerce. With the world's markets in which to dispose of our products, our success and prosperity is largely dependent on costs of carrying our products to these markets.

The country has realized this fact so far as railroad freight charges are concerned, and the Congress has enacted wise legislation to regulate all freight rates, though our rates, on an average, are much less than in European countries. The cost of carrying a ton 100 miles in England is $2.35; in Germany, $2.25; in France, $2; in the United States, 72 cents, the cheapest freight rates in the civilized world, and we have very properly regulated them. On the other hand, the cost of moving our products from the farms to the railroad stations is from two to four times as much as it is in France or Germany. This part of the cost of transportation to the markets of the world is just as vital to our success and the development of our foreign trade as is the railroad freight, and it is not only neglected, but the direct authority of the Constitution, authorizing Congress to build post-roads, is disregarded.

I have seen it stated that it costs as much to deliver a bushel of grain over dirt roads 5 miles to a railroad in Illinois as it costs to carry it 1,100 miles by railroad to Buffalo, N. Y. In West Virginia it costs five times as much to carry tobacco 8 miles over muddy roads to the station as it costs afterwards to carry it 400 miles by rail to the manufacturers in Richmond, Va.

A circular of the Agricultural Department states that on an average it costs 25 cents per ton per mile for hauling farm products over common earth roads and shows the average distance hauled and average load for a 2-horse wagon to be:

Section.	Average wagon haul.	Average load, two horses.
	Miles.	*Pounds.*
Eastern States	5.9	2,216
Northern States	6.9	.....
Middle States	8.8	.....
Cotton States	12.6	1,397
Prairie States	8.8	2,407
Pacific States	23.3	2,197
Average in United States	12.1	2,002

Another circular of the Agricultural Department shows the average load carried and distance hauled in European countries, where they have good macadam roads, to be—

Country.	Average net load hauled by two horses.	Average distance hauled to market.
	Pounds.	*Miles.*
Belgium	4,400	2
England	4,500	5
France	8,000	4.4
Germany	6,000	6.8
Italy	8,800	10
Switzerland	5,510	13

Over these macadam roads it is stated that the cost of carrying farm products does not exceed 8 or 10 cents per ton per mile.

Consider this immense saving the European farmer has to his credit as compared with his American competitor, when you consider the difference between 25 cents per ton per mile and 10 cents per ton per mile—a saving of 15 cents per ton on an average haul of 12 miles, or $1.80 on every ton of farm produce carried to market by the American farmer.

Ten million bales would be an average cotton crop in the South. The weight of that crop would be about 2,193,000 tons, and a saving of $1.80 in hauling that crop to the railroad station would be a saving to the farmers of the South on their cotton crop alone of $3,947,000 each year. The same is true of the other great crops of the country. The saving to the farmers of the country in moving their crops alone would amount to many millions of dollars each year, and were the Government to expend twenty millions a year in building good roads, it would be more than returned to the people who pay the taxes each year, and we would have the permanent macadam roads for the future at a small cost of maintenance.

In view of these facts I have little patience with those who contend that dirt roads are good enough for the American farmer. All of the governments of Europe are giving national aid to road building. Not less than $7,000,000 each year are expended by the French Government in making new roads. This work employs 35,000 persons, and they now have 350,000 miles of well-paved roads. England is expending $15,000,000 a year for turnpikes.

One of the greatest advantages the European farmer has by reason of his good roads is that he can work in good weather and carry his crop to market in bad weather, and our farmers, on account of our bad roads in many parts of this country, can only do their hauling in good weather, when they could otherwise be at work.

In conclusion let me say that national aid to great undertakings has been repeatedly given in the past. The Congress has exercised its constitutional right by making appropriations for improvements of rivers and harbors, built railroads, canals, and highways, and constructed irrigation ditches. No country in the world that has good roads has accomplished the result without national aid.

The time has come for the Congress to act. Surplus revenues are accumulating in the Treasury and can be used for no better purposes. But little is done by the Government to aid agriculture, and yet the prosperity of the whole country is dependent on the success of our farming classes. To build good post roads along our mail routes would be a great economic undertaking, which should be started at once and pushed to a completion as rapidly as a wise and economic management of the problem will allow. [Applause.]

Mr. LITTAUER. Mr. Chairman, I now yield twenty minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I want to avail myself of the latitude in this debate to talk about the subject of railway-mail pay. There is no more intricate complex subject in the financial affairs of the Government.

Beginning next February, before this Congress will adjourn, the mails will be weighed in that section of the country comprising Indiana, Illinois, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, and that weight will call perhaps for an expenditure of $20,000,000 annually for four years. Twenty million dollars is more than this service cost over the entire country in 1888. There are practices and methods which should be changed before February 1 of 1907.

In the report of the Post-Office Department for 1905 the average daily weight of the mails on route No. 107011, being the New York Central from New York to Buffalo, is given at 411,838 pounds for a period of seventy-eight days from February 14, 1905. If I am correctly informed, it was not 411,838 pounds, but the average daily weight was 356,000 pounds; that is 55,000 pounds less per day.

The annual rate of compensation is given at $1,985,000. If I am correctly informed it should not have been that, but should have been $1,728,000, or $257,000 less.

The average daily weight of the mail on route 109004, the Pennsylvania, from New York to Philadelphia, is given for the same period at 498,874 pounds. Apparently it was not that; it was, in all probability, 432,000 pounds. That is 66,000 pounds less. The annual rate of compensation is given at $491,000, and it should have been $427,000, or $64,000 less.

The average daily weight of the mail on route 110001, on the Pennsylvania, from Philadelphia to Pittsburg, is given at 362,000 pounds. It was probably, in fact, 313,000 pounds, and the annual rate of compensation is given as $1,410,000. That should have been $1,228,000, or $182,000 less.

If this is an overpayment on these three routes, the figures would reach $503,000.

Mr. MANN. Will the gentleman yield for a question?

Mr. MURDOCK. Certainly.

Mr. MANN. Will the gentleman inform the House before he closes that portion of his remarks how he arrives at these figures?

Mr. MURDOCK. I intend to. That is the next thing in my remarks.

The basis of most of our enormous outlay for the railway carriage of mail—$45,000,000 this year—is the average daily weight. Antiquated and faulty as the system of pay is, still if we are to retain it, then the basis of that pay, the average daily weight, ought to be a true and not a false average.

That the average is mathematically false I believe, and an accountant would show, I believe, that through this false average this Government in the last ten years has paid somewhere in the region of $40,000,000 for the carriage of the mails

more than it would have paid on a true average. If the average is corrected, the system of pay is still antiquated and inequitable and should be changed.

I have three features I desire to present to the House: First, the false average of daily weight; second, the justice of a lower rate on dense routes; third, a modification of the railway post-office pay. I desire to present first the false average. To-day the mails are to be weighed for one hundred and five days, Sundays and all, and this is all totaled. Then to secure the average daily weight, I am informed, the total is not divided by one hundred and five days, but by ninety days; that is, the Sundays are excluded. Reducing the system to the basis of a week, seven days' weighings are aggregated and the result is divided by six. This increases the average, of course. As nearly all the heavy averages come from routes which have Sunday mails, the loss to the Government is enormous.

This system has continued, apparently, for years. The Department has its warrant for it in an opinion given by an Attorney-General in 1884. The practice under these rulings is costing the Government dearly and immediate action should be taken to stop it.

The original authority for the average daily weight of mails is found in section 4002 of the Revised Statutes and is as follows:

The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned.

First. That the mails shall be conveyed with due frequency and speed, and that sufficient and suitable room, fixtures, and furniture in a car or apartment properly lighted and warmed shall be provided for route agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50, * * * the average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

The law now reads "not less than ninety." The law is thirty-three years old. Only comparatively few trains in 1873 carried Sunday mails. But, as I interpret the law, it was worded not to give an advantage to those routes having Sunday mails. The pay is for three hundred and sixty-five days of service, and if the mails were weighed for every day in the year it was carried, then any business man or corporation would insist that the average be obtained by a division of the total weight of mails by 365, and not by 365 less 52 Sundays—that is, 313.

Mr. MANN. Now, the gentleman's statement is interesting and valuable. I know nothing about it myself as to the facts. Is the gentleman sure that in ascertaining the weight the Post-Office Department weighs the mail, say, for seven days, every day in the week, and then in order to ascertain the average daily weight thereafter divides the total by 6 and then proceeds to allow for the full seven days?

Mr. MURDOCK. That is my understanding, else I certainly would not be making these remarks.

Mr. MANN. Well, if the gentleman is correct, he ought to know. It is an important matter, if that is the fact. It certainly is something that not only ought to be corrected by Congress, but the men who follow such a plan ought to be put out of office.

Mr. MURDOCK. I wish the gentleman would allow me to continue with this. I am going into the matter of computation before I finish.

The words "the average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, * * * as the Postmaster-General may direct," was written to secure full weighings on days when mail was carried. It was not so construed. The construing of it now is, I understand, that the pay is not per annum, but is per a 313-day period; that where the mail is carried seven days a week it is actually carried but six working days. For one I refuse to subscribe to that construction of the law.

Nor can I see how anyone claiming that there are but six working days on a route where work is performed seven days can then find an average a day by a division of the number of days in the week by the number of "working days" in the week.

On that one New York Central route we are paying $1,985,910—almost $2,000,000 annually—not counting full railway post-office car pay. It is too much to pay on a just basis. It is far too much both in the absence of a just basis and by a computation on an antiquated method or ruling.

So long as the Government pays the New York Central on an average daily weight secured by including all Sunday weights and then dividing by the number of days weighed, less Sundays, the practice calls for a distinct legislative prohibition.

Mr. FOSTER of Vermont. Will the gentleman permit a question?

Mr. MURDOCK. Yes.

Mr. FOSTER of Vermont. If I understand the gentleman correctly, the theory is that the Government will not pay, that Congress did not arrange for the payment for carrying the mails on Sunday, and that therefore in computing the daily average, in computing the compensation for the averages, the carrying of the mails on Sundays is excluded. Am I right about that?

Mr. MURDOCK. I do not know that I catch the gentleman's question. If he will permit me to go on, I will get to the manner of computation.

Mr. FOSTER or Vermont. Very well.

Mr. MURDOCK. I have not found it easy to arrive at all the stages of computation. The weights are sent to the office of division superintendents, and the including of the Sunday weights, as nearly as I can find, is done there.

The basis of compensation—totaled daily weight—and the distance from station to station are sent on to Washington and the compensation adjusted here carefully. But the basis of compensation, the item of average daily weight is, under the Attorney-General's ruling, wrong before it reaches here if my information is correct.

Now to get to your proposition. The country is divided into four weighing districts, and the weighing takes place in each district once in four years. At the last weighing in which the New York-Buffalo route appeared, the weighing was "for seventy-eight successive working days," the seventy-eight day period beginning February 14, 1905, and ending May 15, 1905, ninety days thereafter. The mail was weighed, not seventy-eight days, in fact, but ninety days. The mail was weighed not only on successive working days, but on successive days, twelve Sundays included, and the Sunday weights, as far as I can find, were included in the total. But when the average was to be found the Sundays were subtracted from the ninety days, leaving seventy-eight days. Does that answer the gentleman's question?

Mr. FOSTER of Vermont. Partially.

Mr. MURDOCK. If it does answer it partially, then I hope to answer it wholly.

Mr. FOSTER of Vermont. Let me ask this. I was trying to ascertain just the working of the man's mind who gave this interpretation to the law.

Mr. MURDOCK. I can not answer that question.

Mr. FOSTER of Vermont. I was wondering whether you could give any information on that subject.

Mr. MURDOCK. But when the average was to be found the Sundays were subtracted from ninety days, leaving seventy-eight days.

Mr. FOSTER of Vermont. That must be on the theory the Government will not pay for services rendered on the Sabbath.

Mr. MURDOCK. I do not know what the theory was. The total weights, including Sunday weights, were divided by 78 and the false average was found. The true average would have been 356,929 pounds; that is, it would have been a true average if the total weights had been divided by the total days of weighing. As I believe it was done, and as it is done, it is false. The true average on the route, had it been employed, would have given the New York Central as an annual rate of pay $1,728,-140.60 instead of $1,985,910.27. In short, the Government is paying on this one route per year the sum of $257,769.67 more than a true average would give.

Mr. STERLING. Under that showing it is clear they do pay for carrying the mail on Sunday. They add the Sunday weights to the weights of the other days.

Mr. MURDOCK. I think they pay for that Sunday weight too. When the mails were weighed on the New York Central route from New York to Buffalo from February 14, 1905, until May 15, 1905, the aggregate of all the mails put on at each station and of all the mails put off at each station on the trips out of New York and into New York were sent into Washington. Here the adjustment of pay was made. Under the subheading of "trip out" the actual weight of mail carried from station to station is multiplied by the distance from station to station in round miles, the fractional mile under one-half mile being discarded, the fractional mile over one-half mile being added to. The total number of pounds multiplied by distance from station to station is then divided by the total number of miles and the quotient resulting is then divided by the number of days weighed for the average daily weight. This process is then repeated for the trip in. The computation is exact, save for the use of the fractional mile, which in the case of the New York Central route shows the route to be 434 miles in length for the purpose of finding the average daily weight and 439.49 miles when compensation is adjusted.

Now, in arriving at the compensation on the New York-Buffalo route allowance is made first for 5,000 pounds, at $200. As the New York-Buffalo route, No. 107011, is given an average daily weight of 411,838 pounds, after the first 5,000 pounds are deducted 406,838 pounds remain. Allowance is now made for this at the rate of $1 for every 80 pounds, giving $5,085. This and the $200 are added, giving $5,285. From this 10 per cent is taken, giving $4,756.50, and from this 5 per cent is taken, giving $4,518.67, which is the pay per mile per annum for transportation. This is then multiplied by the length of the route, this time fractional miles included. In this case $4,518.67 is multiplied by 439.49 miles, and the annual rate of pay for transportation found—in this instance $1,985,910.27.

In the section weighed in 1905, of the 880 routes weighed but 280 of them averaged twelve or less trips per week. The average of trips per week the country over is seventeen.

If the construction of the law is right, and the ruling of past Attorneys-General is to stand, and the presence of the word "working" forces a false and costly average daily weight, then it should be stricken from the law at once.

The second proposition I have to submit follows the first in that it emphasizes the antiquity of the law under which we pay for the carriage of the mail by railroads. The law of 1873 followed the law of 1845 and was a development from it. The law of 1873 provided equitable compensation when it was adopted. It provided for a decreasing rate of compensation with an increasing volume of mail handled upon the theory that as the density of traffic increases the rate should decrease.

The rates of pay under the law of 1873 and the 10 per cent horizontal reduction of 1876 and the 5 per cent horizontal reduction of 1878 are as follows:

Average weight of mail, whole distance, per day.	Original pay.	Pay, less deduction of 14½ per cent.
200 pounds or less, daily	$50	$42.75
200 pounds to 500 pounds, daily	75	64.13
500 pounds to 1,000 pounds, daily	100	85.50
1,000 to 1,500 pounds, daily	125	106.88
1,500 to 2,000 pounds, daily	150	128.25
2,000 to 3,500 pounds, daily	175	149.63
3,500 to 5,000 pounds, daily	200	171
Each additional 2,000 pounds	25	21.375

This law has as a supplement a provision for pay for full postal cars as follows:

Length of car:	Per daily line.
40 feet	$25
45 feet	30
50 feet	40
55 to 60 feet	50

I desire to handle the two provisions separately, prefacing what I have to say with the statement that all minds are confused on the subject, and there has never been an assertion vigorously made in regard to it that has not been as vigorously disputed.

I desire to pass over several points of ancient controversy at the start and go directly to my contention for a change in the law. First of these points to be passed over is the comparison between freight and mail. As mail is carried on a basis of weight multiplied by distance and freight is not, those who contend that there is analogy between freight and mail and those who contend that there is not are no nearer agreement than they were twenty years ago. Comparison of express and mail has been equally barren of agreement. There are those who have found an analogy between passenger traffic and the mail carriage, but they have not convinced those who find no analogy there. Others have brought to the solution of the difficulty a ton-mileage unit, and while this goes to a portion of the problem it can be of no service in considering all routes, for one-third of all the routes in the country carry only a few pounds per day. All hands are agreed on one proposition, find one common ground of compromise, that as the density of traffic increases the rate should decrease within certain limitations.

The law of 1873 had in it a principle of equity. The horizontal reductions of 1876 and 1878 were arbitrary.

The principle of equity in the law of 1873 was adequate in its application to its day. It provided a sliding decrease in rate of pay as the volume of mail increased, up to 5,000 pounds. Few routes carried in that day over 5,000 pounds daily. The New York-Buffalo route, which to-day carries 411,838 pounds daily, then carried 30,000 pounds. It was perhaps natural to stop the scale at 5,000 pounds and to provide a flat per-ton-per-mile rate for mail carriage above it.

If, however, in 1873 any railroad mail route had carried 411,000 pounds, the pay scale would not have stopped at 5,000 pounds, and it is indefensible not to revise it now. To deny that an extension of the 5,000-pound limit is just is flatly to deny that the graduated scale below 5,000 pounds is just. If the New York Central can carry the first 5,000 pounds on a decreasing scale with reasonable compensation, it can carry the 406,000 pounds in addition with reasonable compensation on a decreasing scale.

The scale ought to be extended beyond the 5,000-pound limit, and following a per cent of decrease on the present pay from 1 per cent to 12 per cent up to 100,000 pounds. I have framed and introduced a bill to accomplish that result.

The rate of pay provided in the bill I have introduced is as follows:

Average weight of mail whole distance per day.	Proposed rate.	Present rate.
200 pounds	$42.75	$42.75
500 pounds	64.13	64.13
1,000 pounds	85.50	85.50
1,500 pounds	106.88	106.88
2,000 pounds	128.25	128.25
3,500 pounds	149.63	149.63
5,000 pounds	171.00	171.00
6,000 pounds	180.00	183.00
8,000 pounds	200.00	204.37
10,000 pounds	216.00	225.75
12,000 pounds	235.00	247.12
15,000 pounds	260.00	277.87
19,000 pounds	296.00	320.62
24,000 pounds	345.00	375.37
30,000 pounds	400.00	439.50
40,000 pounds	490.00	546.37
55,000 pounds	625.00	705.37
75,000 pounds	800.00	919.12
100,000 pounds	1,000.00	1,187.62

For each 1,000 pounds above 100,000 pounds $9.80.

It will be asserted that this plan is unjust because of the manner in which mail cars are loaded; that inasmuch as only a few thousand pounds of mail are carried ordinarily in a single car, the proportion of live weight to dead weight defeats and nullifies the law of decreasing rate with increasing density of traffic. In other words, that the law of decreasing rate would have uninterrupted force if every car could be loaded to its storage capacity; that its force and application are interrupted when only a small part of the postal-car space is occupied by mail.

But on the dense routes the Government pays, in addition to the payment for weight, also for space and haulage. For instance, in addition to the $1,985,910.27 we pay to the New York Central on route No. 107011, New York–Buffalo, annually $265,891.45 for space and haulage. We do not pay for space on those lines where the average daily weight is small and where apartment cars are used.

And, moreover, the law of decreasing rate with increasing density is not interrupted at 5,000 pounds by the average load, as has been claimed. For years it was asserted that the average load of mail in full railway post-office cars was 2 tons. The Second Assistant Postmaster-General, in a letter to the gentleman from Minnesota last April, gave the average load from 2½ to 4 tons. On many routes it exceeds 4 tons. An illuminating item in respect to the average load is found in the storage cars—cars in which mail is packed away and removed from time to time to the distributing car. Surely on a storage car, with the mail loaded compactly and with 40,000 pounds in a car at a time, the law of decreasing rate with increasing density is uninterrupted. Now we pay for space and haulage by a law which fixes a ratio as follows:

Length of cars:	Per daily line.
40 feet	$25
45 feet	30
50 feet	40
55 to 60 feet	50

If postal-car pay, over and above pay for weight, is to remain part of the system of pay, then this table should have immediate revision. Like other features of the law of 1873, it may have been, doubtless was, fair in its day; but it has become antiquated and moss covered until to-day the table is ridiculous. In 1873 a 40-foot postal car was quite an achievement in car building, and a compensation for its space and haulage at the rate of 62½ cents per linear foot was considered reasonable; but the world of car building and car hauling has moved on and left this old table of pay standing absurdly out of date, for in those days a 45-foot car was so unusual, apparently, that in providing pay for it the rate was raised from 62½ cents per linear foot for a 40-foot car to 66⅔ cents per linear foot for a 45-foot car, and the 50-foot car was so unusual and its weight so extraordinary in the average train in those days that the pay provided was 80 cents per linear foot, and a 55-foot car, a monster in

1873, was paid for at the rate of 90 cents per linear foot, and a 60-foot car was put into the law presumably as a concession to the possibilities of the future.

To-day nearly all full railway postal cars are built 60 feet in length. Usually the Department, when it authorizes a 40-foot car on a line, has drawn for it and the use of the space of a 60-foot car. The Department pays, in this instance, for a 40-foot car only, but the railroad hauls daily and provides a 60-foot car. Now, the absurdity of the situation is here, that with some railroads hauling voluntarily 20 feet of extra space gratuitously, other railroads who are paid for hauling all 55 feet of space are paid not a proportionally increasing rate, but at an increasing rate of pay out of all proportion. The increase of 15 feet in space above 40 feet is provided for by an increase of pay of $25, or at the rate of $1.66 per linear foot. To put it in another way, the length increases from 40 to 55 feet, an increase of 37½ per cent, while the pay covering the increase jumps from $25 to $50, an increase of 100 per cent. I have endeavored to correct this discrepancy, which has followed from the fact that the law, which does not change, can not automatically keep step with the world, which does change.

My schedule for car pay is as follows:

Length of car:	Per daily line.
40 feet	$20
50 feet	25
60 feet	30

I have in the bill I have introduced provided for the elimination of the word "working" in the provision for weighing.

The Government is paying too much for the carriage of railway mail. In principle its system may be sound, but the system should be extended to meet the magnitude of the service. The law on full railway post-office cars should be adjusted to modern conditions in car construction and train equipment, and, if the basis of pay is to continue weight, then the weight should be computed not in conformity to some ancient reading of the law, but in accordance with the facts. We had in 1873 to deal with the proposition of the carriage of the mails over 63,000 miles of railroad. To-day it is carried over 200,000 miles of railroad. In 1873 our expenditure for this service was seven million; to-day it is forty-five million. [Loud applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WANGER having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LIVINGSTON. Mr. Chairman, I yield as much time to the gentleman from Alabama [Mr. RICHARDSON] as he may desire.

Mr. RICHARDSON of Alabama. Mr. Chairman, in the early part of the first session of the Fifty-ninth Congress I had the pleasure of introducing a bill that met with the approval of a large number of the manufacturing interests of our country. The bill is H. R. 295 and entitled "A bill to enlarge the trade and promote the sale of cotton products in foreign markets." The substance of that bill was to authorize the President of the United States—

to appoint five men as commissioners, who are familiar with and well informed as to the manufacture and sale of cotton products, whose duty it shall be to carefully investigate the conditions of trade in cotton products in Asiatic, African, and South American territories and find out to what uses cotton products, both fiber and seed, are put, giving technical descriptions of their construction and preparation, the prices at which they are sold in countries of origin, methods and rules of credits and discounts, details of finishing and packing, custom laws, and methods and cost of transportation from ports to interior points, the relative cost of transportation from this country and Europe to the principal foreign markets for cotton products, the bias in favor of or against American products and the causes of such bias, and all matters relating to methods and suggestions for improving and encouraging the cotton-products trade with the countries mentioned in this section as, in the judgment of said commissioners, may be most advantageous in promoting the cotton-products trade with said foreign countries.

I did not, Mr. Chairman, press the consideration of that bill, for the reason that I was advised that it infringed somewhat upon the authority and the duties of the Secretary of the Department of Commerce and Labor, for whom I have the very greatest respect and admiration; and that my purpose could be better accomplished by an appropriation under the Department of Commerce and Labor made along that line and for the purpose of sending cotton-cloth experts to visit the foreign countries mentioned in the bill. In the appropriation bill, "Making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," approved June 22, 1906, this paragraph appeared:

For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $50,000, not more than $20,000 of which shall be used in the investigation of markets for cotton products; and the results of such investigation shall be reported to Congress.

I admit, Mr. Chairman, that I was greatly disappointed at that twenty-thousand limitation in a matter of such magnitude as this. But to my very great surprise the present appropriation bill, now before the House for consideration, leaves that paragraph entirely out, and at the proper time I am advised, and believe, that the gentleman from Georgia [Mr. LIVINGSTON], who is in charge of the bill on this side of the House, will offer to have that paragraph reinstated and put in the bill. I say, Mr. Chairman, that I was greatly surprised at the limitation—the small amount of $20,000—and when it comes to the point of striking it out entirely, I confess that I am amazed.

Certainly no man that is informed, on the floor of this House or elsewhere, will pretend to deny that the manufacturing industry of cotton, coupled with the production of cotton, is to-day in all respects the greatest industry in the world. Were you to strike down that industry, Mr. Chairman, to-day, Great Britain in her business life would be absolutely prostrated. Germany, France, Switzerland, Japan, and other countries would receive a severe shock, and the New England States of our own country would also be greatly disturbed in their business interests.

Why, when we stop to think about $20,000 being appropriated to investigate certain foreign countries where our markets for the sale of cotton products can be advanced and promoted, we certainly ought to remember that to-day Great Britain, upon that one product of cotton, is paying to us a million dollars a day, including holidays and Sundays, and that this industry supplies a capital of more than two billions of money, and employs millions and millions of operators. It clothes the civilized world, and constitutes more than one-fourth of the exports of our country. And yet we hesitate to give $20,000 to push our market into the promising fields of these foreign countries. But, Mr. Chairman, I do not criticise the Committee on Appropriations. That has never been my habit, touching the work of any committee, since I have had the honor of being a Member of this House. I have believed, Mr. Chairman, since I have realized what the future holds for the South, and I have taken occasion at other times to express that belief, that the very foundation, sir, of the South's hope of wealth and prosperity is based upon cotton and cotton manufacture. There is no antagonism, and there ought not to be, between the spinner and the producer, and I take occasion to say here that the great Southern Cotton Association has done more to break down that seeming antagonism and difference between those two great interests, the producer and the manufacturer, than anything that has occurred in years past. They are no longer strangers to each other. Stability of price is what the producer and the manufacturer require. This acquired, then the success of each is secured in fair profits. The fact is, Mr. Chairman, when we talk about cotton manufacturing the whole thing practically hinges on the cotton-producing States of the South.

I shall not refer to statistics and figures to show how the South has developed, grown, and prospered in the last few years. It is enough for us to know that from 1900 to 1905 the taxable property of the South increased nine hundred and thirty millions, or two hundred and thirty millions a year, being 40 per cent of the whole increase in the South for the previous twenty years. We know that no other section of the world can compare with that. We know also that out of about 7,500 miles of railroad now under contract and being built that the South is building about 4,476 miles of the same. The fact is the South at this time is just entering a new era. We have passed the state of doubt and uncertainty that for years hung around our material matters. The necessity for proving our advantages has passed, for they are known to the world. Twenty years ago a man who would have predicted that the South, so busily engaged at that time in building up its waste places, would to-day be a formidable competitor for the commercial supremacy of the world would have been denounced as a wild hysterical infatuist. But yet it is true. The people of the South are beginning to realize what the potentialities of the South are. Our people are giving thought, attention, and energy to money making, and unprecedented wealth is coming our way.

We are learning that a bale of cotton costing $40 sent to Germany and manufactured into cotton handkerchiefs brings not

less than $2,000. We know we have absolutely a monopoly of the production of raw cotton, and we are beginning to think that sooner or later, if Germany can do that with our raw cotton, we can do the same thing. We know that our cotton crop annually is worth to the world about $600,000,000, and when manufactured into the finished fabric will sell for $2,000,000,000. Southern farmers have learned to work in conjunction with Southern bankers, and the money to move the total cotton crop of the South no longer comes from Wall street but comes from our own home bankers. I merely, Mr. Chairman, mention these incidents of our recent past in order to emphasize the necessity of looking to an enlargement of our trade in foreign countries. We see China, with 450,000,000 of people struggling to rise in civilization and take her place with the nations of the world, waiting to be clothed with our cotton products. There is Japan with 45,000,000 of people that awaits the introduction of our cotton cloth made to suit their tastes and customs.

While I believe that cotton is the strong arm of commerce that the South leans on, yet I am fully aware and appreciate the unsurpassed mineral resources of the South. The appropriation asked is for the benefit of the cotton manufactures of the United States. It is just as important to the manufacturers of the Eastern as to the Southern States.

Why do I say that the South, more than any other section of the world, looks to this great industry as the hope for its wealth and the restoration of its ancestral wealth and power, and giving back to it the political power to which it is entitled in the councils of the nation? Why, Mr. Chairman, this is a question which is exceedingly practical. You might to-day take dynamite and blow up every steel factory and coal mine in the United States—blow them into atoms, where they could not be used or be of any benefit to mankind. If you did so, you could find a substitute for their uses. Time was not long since when we built our ships out of wood. We did not use coal in our fireplaces. We used wood. Coal and steel is found and produced in nearly all sections of the world. Strike down cotton, and where is your substitute for it? There is not enough wool made to take its place.

We have 812 counties in the South upon the production of which this great cotton industry almost entirely rests. Not over one-tenth of the available cotton lands in these 812 counties is to-day in cultivation. It stands there as an invitation for the experiment of making cotton in the South about to be made by Great Britain. How often has Great Britain, in the last three-quarters of the century, experimented, at the expenditure of millions of dollars, trying to find soil and some climate which would allow it to compete with these eight Southern States in the production of cotton? Why is it to-day that a commission is investigating the matter? In order to encourage the growth of cotton in Spain exemption from taxation was granted on lands for years and valuable prizes offered. I take occasion to read what one of our own consuls says upon that subject—Special Agent W. A. Clark:

As a result of the observations made in the American cotton fields in the spring by a commission of spinners sent out by a number of the leading cotton firms of Lancashire, a second commission, invested with larger powers, has sailed from Liverpool to visit the southern cotton fields. The first party gathered valuable statistics as to the methods and cost of growing, baling, and transport of cotton, and the second commission will gain further information and experience of the actual process of cotton picking. Beyond this, the commission of three—Messrs. H. W. MacAlister, W. J. Orr, and A. Niven Whyte—are authorized to purchase suitable areas of land on behalf of certain Lancashire firms to make a practical experiment in growing their own cotton.

Italy, Belgium, Portugal, Germany, France, and other countries have experimented in the making of cotton. It is true a certain inferior classification of cotton has been produced in certain foreign countries, but it has to be mixed with American cotton to get best results. And even such as is produced could not be brought to our country and sold for less than 14 cents per pound.

We are not objecting to that commission of spinners. Let them come and buy our unoccupied and uncultivated lands. Further than that, we will welcome them to the South because they can aid us to settle our labor question. What is the condition of the Lancashire district to-day, the great center of all the manufacturing industries of Great Britain, with Manchester the radiating central figure. They have, Mr. Chairman, in the last two or three years put in nearly 8,000,000 spindles and 46 additional mills, to do what? Why, to manufacture American cotton. It is for that reason that we should, in my opinion, give every encouragement that we can fairly and properly to having the markets of foreign countries investigated, just as this bill provided for and just as was provided for by this paragraph that was stricken from the appropriation bill. I read again, Mr. Chairman, from the report of Special Agent Charles M. Pepper, writing from Amritsar, in northern India, telling what should be done to sell more American cotton goods in that part of India. He says:

My attention has been called by commission firms in Amritsar to the growing trade in colored prints as a most promising field for the introduction of American goods, and therefore samples are forwarded to the Bureau of Manufactures with the name of the native firm through whose agency they were procured. Until the mills in the United States choose to familiarize themselves more fully than they have heretofore shown a disposition to do with the requirements of the Indian trade in piece goods these samples, bought in the Amritsar bazaars, may serve to indicate the nature of the existing demand. The samples, while a small selection and not to be understood as complete, reflect the prevailing popular taste and fairly represent the class of colored prints for which the average demand is greatest in October, 1906.

They are meant to show the quality only, designs being furnished by the dealers or commission agents.

With such a statement, Mr. Chairman, coming from a special agent on the subject of cotton and cotton manufacture, I admit that it is a matter that is very strange to me, a matter of profound astonishment that the able and distinguished members of the Committee on Appropriations, consisting of many of the very best and ablest men in this House, should have stricken that appropriation out. It is impossible to say that the matter is not of sufficient importance. Commensurate to the importance of the trade we seek to develop, the appropriation ought to have been $100,000.

Let us look now and see about Japan, Mr. Chairman. Since the close of the great Russian and Japanese war Japan has not had the opportunity to indulge its taste in using the finer fabrics of cotton; but they use the coarser materials, and it is that trade that is especially inviting to the Southern States. Special Agent W. A. Graham makes the following significant comment on the Japanese market.

MARKET NEGLECTED BY AMERICANS.

The Japanese market for cotton piece goods has not been cultivated by our cotton mill manufacturers nor by our commission merchants. On most lines no effort has been made. A representative of one of the largest American importing houses told me he had not seen an American cloth salesman for three years, but he could hardly attend to his business because of the swarm of English salesmen continually wanting to show him new samples and quote him latest prices. The indifference of the American manufacturer along this line, which is in marked contrast to his keen competition on most other lines in Japan, is undoubtedly due to the impression that this is a small market for cotton piece goods, and what field there is for cloth is being rapidly taken possession of by the native mills. To a certain extent this is a cheap market, but on certain lines there is a good demand for goods on which American mills can compete and on which, also, it will be a good many years at least before the native mills can get a monopoly.

Now, I am not one of those men who believe that a man is indulging in extreme fancy when he says that the South will soon consume in its own mills all the cotton that it produces. That is true, in my judgment, but we are to go one step further. I believe that the South in the next ten years—with its unparalleled prosperity, to which there is no comparison in any other part of the world; no such development as the South has realized in the past seven years has ever occurred before in the history of the world—I say and believe that in the next ten years the South will consume in its own mills, in all probability, the 10,000,000 or 12,000,000 bales of cotton that it made last year or may make this; but when we reach that time and period when the South will consume its own cotton, then the demand for cotton in the world will amount to 30,000,000 bales, and the South will respond to the demand and produce every bale of it. Our lands are growing daily in value. Land comparatively poor and unproductive, and that a few years ago sold for $1.50 per acre, sells now at from $10 to $12 per acre. Such, cultivated by intelligent labor, with a free use of a fertilizer, can be made, with careful cultivation, to produce quite a bale of cotton to the acre.

There is no conflict between the manufacturing interests of New England and the South. There can not be any, because when the demand of the world comes for twenty, thirty, forty million bales of cotton we can produce them, and the New England mills will naturally secure what they demand for manufacturing purposes. The president of the Southern Cotton Association, Mr. Jordan, says that if the time ever comes when there is need for it, the South can produce 300,000,000 bales of cotton. Cotton is the primary hope of our section.

But I read again from the report of the special agent, William Whittam, jr. He was sent over there, an expert manufacturer, not a man who is sent on a jaunting trip; not a man to go over there merely for pleasure at the expense of the Government, but he says the cotton-cloth exports of the United States for the nine months of 1906 ending September 30 fell off nearly $10,000,000 as compared with the same period of 1905, but were still $11,000,000 in excess of the 1904 period.

The following shows the total shipments of cotton cloth:

The cotton-cloth exports of the United States for the nine months of 1906 ending September 30 fell off by nearly $10,000,000, as com-

pared with the same period of 1905, but were still $11,000,000 in excess of the 1904 period. The following shows the total shipments of cotton manufactures for the first nine months of the years named. The figures are from the summary of imports and exports furnished by the Bureau of Statistics.

Cotton cloths.	1904.	1905.	1906.
Uncolored	$11,416,691	$30,877,439	$15,853,881
Unbleached			4,288,966
Bleached			671,619
Dyed, colored, or printed	3,909,005	5,326,767	5,551,382
Wearing apparel, cotton	2,191,352	2,858,834	3,665,265
Waste, cotton	1,121,729	821,947	1,473,714
Yarn, cotton	175,612	241,324	299,691
All other cotton manufactures	2,493,638	2,548,795	2,556,744
Total	21,308,027	42,675,106	34,361,262

Certainly these figures should admonish us as to our danger. I am an earnest advocate of the expansion of our commercial trade. It is manifest that we will soon demand an outlet for our cotton trade. Why not take steps to encourage this development in foreign countries? The very small appropriation asked for is surely a forerunner of our efforts to expand our trade and not leave it to Great Britain, Germany, and other countries to take the cotton we raise, convert it into paying fabrics, and drive us or keep the United States out of all the markets of the world in the sale of our cotton cloths. That is our situation now.

Now, Mr. Chairman, it is a remarkable thing that after selling to Europe $400,000,000 worth of cotton, leaving $200,000,000 for our own consumption here at home, Great Britain should export in cotton cloth over $300,000,000 and that Germany should export more than $100,000,000, and even Switzerland exports to foreign countries more cotton cloth than the United States. We are bound to progress and improve and develop on that line if we expect to do anything. It is no sectional question. It is a question of material development and growth of the United States.

Why, Mr. Chairman, I said that we have a monopoly—that those eight States, 812 counties, cultivating only one-tenth of the arable cotton land in those States, have a greater monopoly than the Standard Oil Company or the beef trust, the steel trust, or any of those great combnations; but it is a monopoly, if you please, not given to us by the Dingley tariff, but given by the beneficent goodness of God, and it can not be taken from us by law.

Why is it that this cotton monopoly exists? I have recently read for the second or third time one of the most valuable books that have ever given an explanation of why the South alone is capable of producing cotton. Take it here in the District of Columbia; the experiment has been tried, and it has been found that here the stalk will grow most beautifully and vigorously. The white and red blooms will come, and the boll will form apparently healthy and vigorous, and there it stops. The boll dries up and dies. There is something wanting in the climatic conditions. In that great work, Service Afloat, written by Admiral Semmes, the great Confederate admiral, whose book is daily growing in value and importance and will continue to do so as the world lives, is the only satisfactory explanation I have ever seen of why it is. Of course it is attributable to the Gulf Stream. He says that the trade winds, as they pass over the Gulf Stream, by suction draw up the heat of that stream, and it is gently dispensed on the earth as a warm bath, beginning at the State of Virginia and ending at the western borders of Oklahoma. At a certain season that tepid bath is drawn back into the trade winds and produces the dry season that is necessary for the maturity of the boll and the production of cotton.

Mr. Chairman, when this provision is brought up, and the gentleman from Georgia [Mr. LIVINGSTON] makes his motion to reinstate that paragraph, as I said just now, for $50,000, twenty thousand of which is to be used by the Department of Commerce and Labor in sending these expert men to these foreign countries to find out what kind of cloth our mills must manufacture, adapted to the markets of those foreign countries, I hope attention will be given to it and that it will be reinstated in the bill.

Mr. LITTAUER. Mr. Chairman, I yield one hour to my colleague [Mr. PERKINS].

The CHAIRMAN. The gentleman from New York [Mr. PERKINS] is recognized for one hour.

Mr. PERKINS. Mr. Chairman, a few days ago I introduced a bill into this House on the subject of a progressive inheritance tax. I know full well, Mr. Chairman, that question will not be a practical question in the immediate future, certainly not at this session. I also know full well that a tax of that nature is as certain to be a part of the legislation of this Government in the future as the sun is to rise, and for that reason I do not think it will be a waste of the time of the House to discuss the principle that underlies an inheritance tax, and the reason why, as it seems to me, it is a form of legislation peculiarly adapted to the uses of the state.

I wish to say first a word on the question of the legality of such a tax. Resolutions have been introduced into this House suggesting an amendment of the Constitution in order that an income and inheritance tax may be imposed. How far that is required for an income tax it is not for me to say, but certainly a progressive inheritance tax this Congress, if it sees fit, has a right to impose.

The history of this legislation, even in this country, is not without interest. It may not be known to many of the Members that an inheritance tax was passed by this Government so far back as 1797, when the framers of the Constitution were still alive. When Hamilton and Madison and Jefferson formed a part of our Government an inheritance tax was passed and was regarded by them as within the plain powers given Congress by the Constitution.

Mr. SHACKLEFORD. Will the gentleman yield for a question?

Mr. PERKINS. Certainly.

Mr. SHACKLEFORD. I would like to ask the gentleman if he thinks that the levying of an inheritance tax would interfere with an inheritance tax levied by the State?

Mr. PERKINS. Not necessarily. How far it might be necessary to adjust that between the State and the Government is, of course, a question.

Mr. SHACKLEFORD. The reason I ask is that we have an inheritance tax levied by our State.

Mr. PERKINS. Yes; there are inheritance taxes in many States, as I shall discuss further. Now, Mr. Chairman, this first inheritance-tax law bore the respectable signature of George Washington. It was collected without opposition, but at the expiration of a few years, it being no further needed, it was repealed.

The next inheritance law was passed in the civil war, and then for the first time the question of the constitutionality of the law was raised, as was also the question of the constitutionality of an income tax. The Supreme Court of the United States, in the case of Schooley against Reu (23 Wallace, 331), held that Congress had the power to impose a tax upon inheritances; that it was not a direct tax, but was an imposition upon the devolution of property, levied upon the inheritance, and was within the powers of the Federal Congress. The tax was enforced for some years and was then repealed because it was no further required.

Then we come to the third inheritance tax, imposed by this Government in the Spanish war. Then, as the House will remember, although laws of this character had been enacted more than a hundred years before, and though the constitutionality of the law had been approved by the Supreme Court of the United States, the question was again raised. The Supreme Court of the United States saw fit to reverse the established law in reference to an income tax, and held that an income tax was unconstitutional. I suppose the hope was entertained that a similar ruling would be made as to an inheritance tax, and that question also was taken to the Supreme Court of the United States. But if the hope was entertained that the court would follow the tendencies of the income-tax decision, that hope was disappointed.

In Knowlton *v.* Moore (178 U. S., 41) the court unanimously held that a progressive inheritance tax was constitutionally imposed. The court said this was not a duty imposed on property, real or personal; that it was not subject to the reasoning by which an income tax had been declared unconstitutional; that this imposition reached the transfer of property by will or descent and was legally imposed upon the transmission of property from one person to another. Those opposing the tax claimed when the court decided an income tax unconstitutional the same reasoning would affect the principles of an inheritance tax, but this position the court had expressly decided was erroneous. The judges who had voted that an income tax was unconstitutional were of the opinion that an inheritance tax was constitutional. Thus all agreed in sustaining the law, except Mr. Justice Brewer, while regarding an inheritance tax as valid, was of the opinion that a progressive rate of tax could not be imposed. Mr. Justice White refers to the fact that many economic writers contend that a progressive tax is more just and equal than a proportional one, and that in the absence of constitutional limitation the question whether it is or not is legislative and not judicial.

A progressive inheritance tax imposed in the State of Illinois

was in like manner assailed in that State as violating the provisions of the Constitution which required uniform taxation. The validity of the law was sustained by the State court, and the United States Supreme Court, on appeal in Magoun *v.* Illinois Trust and Savings Bank (170 U. S., 283), upheld the validity of the law. Justice McKenna there says:

> The right to take property by devise or descent is a creature of the law and not a natural right—a privilege, and therefore the authority which confers it may impose conditions upon it.

So much, Mr. Chairman, as to the law. Now, let us consider for a moment legislation of this character in other countries. We are the only great nation in the world that does not have upon its statute books an inheritance tax.

It is found practically in every country in Europe, in Australia, in many of the South American states. It is an established and an approved form of revenue. Not only that, Mr. Chairman, but the principle of a progressive inheritance tax has steadily grown in use among the great powers. There are now progressive inheritance taxes in France, Switzerland, Italy, Sweden, and in Australia, and, most interesting of all, perhaps, is the progressive inheritance tax in England. It is certainly curious, Mr. Chairman, to see how much more conservative is the legislation of this country, an absolute democracy with universal suffrage, than has been the legislation of a country where the government is largely under the control of a wealthy aristocracy, such as England. In England there is imposed a tax upon all estates varying with their size, and running from 1 to 8 per cent, the highest tax being levied on estates that exceed in value $5,000,000. In addition to that there is a tax increasing for collateral relatives, so in certain cases there is collected in the conservative and wealthy country of England as much as 15 per cent of an inheritance.

In almost every European country the duty is imposed not only upon collateral relatives or strangers, but also upon children. In Australia, for example, rates vary from 1 to 5 per cent, depending upon relationship; in Belgium, from 1 to 7; in Portugal, from 5 to 15. The tax is found in variable forms in almost all the European governments. So a tax that has been established and enforced in all the great countries of the world certainly does not come before us as an experiment, is not a tax to be branded as a socialistic endeavor, but is a tax the character of which is approved by the experience of mankind and of the great nations.

A word as to the amount that is produced by this tax: In France there is a progressive inheritance tax, moderate in its features, but which yields on an average no less than $40,000,000 a year. It is collected with ease and paid with contentment. A tax established on the same lines as the French law in this country would manifestly produce a much larger revenue.

There is another consideration which, it seems to me, peculiarly commends the inherent justice of such an imposition because it falls chiefly upon personal property. The endeavor to reach personal property in the hands of the living is always and always will be to a large extent unsuccessful. Personal property in the hands of the living is like quicksilver. It is elusive, it flows from one place to another place, and it always flows out of the line of taxation. The difficulty of reaching personal property makes a tax upon it necessarily unfair. The time comes, the one time in the history of every individual, when a man's property must necessarily pass through the courts, when the exact amount of it can be ascertained, when no dollar of it can escape the observation, and, if seen fit, the taxation of the state, because only by the assistance of the state can the property of a man who is dead be transferred at all.

We are apt to say that the right of property is an inherent right upon which civilization rests. The right that a man has to use what he has himself earned in his own lifetime is undoubtedly an inherent right. When one of our remote ancestors went out and killed a deer that deer was his. When he sent out his wife to till the scanty crop, the product of the crop was his. But you can not extend that right and say that the control—the natural right to control a man's estate in his own lifetime—enables him, empowers him, to say what shall be done with his property when he himself is under the sod. The right to transmit property rests, and must rest, solely upon the state. If anyone thinks that is a radical doctrine, I will refer him to the opinion of Lord Chief Justice Coleridge, the chief justice of England, in which he lays down as an undoubted rule of law that the right of inheritance is a purely artificial right, resting solely upon the power and the consent of the state. So, when we consider the question of imposing a tax on inheritances we first meet the undoubted proposition that, except by the agency of the state, there can be no inheritances; that only by the action of the state is a man allowed to say what shall be done with his property after he himself shall have ceased to live.

Mr. SMITH of Iowa. Mr. Chairman, I would like to ask the gentleman a question, for information.

Mr. PERKINS. Certainly.

Mr. SMITH of Iowa. I agree with the gentleman, but I want to ask him whether in this country it is not a fact that the laws of descent are by the States, and the power of Congress over the laws of descent is but very limited, and whether, in view of that fact, the rule he cites is not more especially applicable to State inheritance taxes than to Federal inheritance taxes.

Mr. PERKINS. Oh, no; because the Supreme Court in these decisions to which I have referred has held that although the law of descent was a State law, yet just the same the General Government had jurisdiction over the property that passed from one to another, and could impose a tax upon the transmission.

Mr. SMITH of Iowa. So I understand; but when the gentleman refers to these authorities, especially to the authorities in England, as I understand in almost all of continental Europe the governments that impose inheritance taxes are also the governments that have the power to pass laws regulating the descent of property.

Mr. PERKINS. Undoubtedly.

Mr. SMITH of Iowa. So that there is that distinction here.

Mr. PERKINS. Yes; but it does not result in any legal distinction, and I do not see that it results in any distinction in principle. I do not see how it affects the force of the argument, and certainly it does not affect the legal principle.

Mr. SMITH of Iowa. I may have missed a portion of your remarks, but, now, is it your idea that we ought to continue to have varying State inheritance taxes as well as a Federal inheritance tax?

Mr. PERKINS. In my judgment an inheritance tax, which, I believe, is destined to be one of the most important taxes in the future, should be equal from the Atlantic to the Pacific; the burden imposed on inherited wealth, and especially on large inherited wealth, should be equal all over the land, and that is an essential element of this theory of taxation. If that is so, that result can only be accomplished by a Federal inheritance tax.

Mr. SMITH of Iowa. And a repeal of State laws on the subject?

Mr. PERKINS. Of course Congress can not dictate to the States what they will do. That is beyond our jurisdiction. The States must take such action as they see just. The laws imposed by them—and there are inheritance laws in some thirty States—are for the most part exceedingly small. There is no State, except the State of New York, where the proceeds of the inheritance-tax law are of substantial importance. Of course, they might be increased, but under the present condition of legislation the inheritance-tax law is not important in the economy of any State except perhaps the State of New York.

Now, to pass on, Mr. Chairman, to a further branch of this subject. There is a question which attracts the attention of the public, and may well attract our attention—and that is the problem of great fortunes. No man can shut his eyes or say that this does not have a large influence upon the thoughts of the community. Whether we think they are right or wrong, no man can deny that this is an actual, living present question. Mr. Chairman, I do not believe that the size of the fortune that any man can accumulate honestly will ever be restricted or regulated in this land, and certainly I trust it never may. I do not think it is possible to have legislation to restrict the size of an individual fortune without necessarily restricting individual and corporate enterprise.

And there is another thing we should consider. While there are many more industrial fortunes now, more than there ever were in the history of the world, yet the greatest fortunes to-day are not larger in their purchasing power, are not larger in reference to the aggregate wealth of the community, than have been great fortunes in the remote past. You may go back to Roman history and you will find men there who, in their ability to build great palaces, to give games in the circuses for the entertainment of the populace, to have princely residences all over the known world, were as rich as Mr. Rockefeller is to-day.

When we come further down we can find in the middle ages plenty of men just as rich in purchasing power, just as rich in proportion to the aggregate wealth of the community as our richest men are now, and, Mr. Chairman, in that connection there is a thing worthy of consideration and agreeable to suggest. For the most part the great fortunes of the past were made by men who used their political power either for squeezing money from some district under their control or in obtaining from the central power immense gifts and gratuities. The enormously rich men of a few centuries ago were cardinals who were

great statesmen, British peers who enjoyed the favor of the sovereign and who as a result of that became the richest men in the community. It is to be regretted that a man should make millions out of the control of a trust if that trust is not honestly operated, but it is a great deal better that our millionaires should come from trusts, no matter how operated, than they should have built up their fortunes as were great fortunes in the past, by the use and abuse of political power. We may talk about graft, Mr. Chairman. It still exists, but the graft of the present as compared with graft from the misuse of political power in the past is petty larceny compared with grand larceny.

We reach the result, at least I reach the result, that it is unlikely and that it is inexpedient that any attempt should be made to restrict the size of any individual fortune. I see no reason why we should regulate the size of an honestly made fortune.

It is almost impossible that the accumulation of a large fortune should not contribute to the business development of the country, to the employment of laborers, to the establishment of enterprises, in the prosperity of which others may share, though in less degree. Mr. Harriman and Mr. Hill have made great fortunes in the development of railroad systems, but they have built up great systems; they have made them more useful to the public. I doubt if the State will ever attempt to restrict the amount that any man can honestly make from the combination of his own intelligence with the opportunities offered by the growth of wealth and business and population in modern times.

We then come to the question of imposing a tax upon the property that a man leaves when he himself departs from this world. The saying of Mr. Hay is familiar, that the American people ask in reference to a proposition, first, "Is it just?" And, second, "Will it pay?" In like manner I intend to ask whether a progressive inheritance tax is just; can it be defended upon principles of broad justice as between the State and the citizen; and, second, is it expedient? Is it for the interest of the State and the interest of the citizen also that such a tax should be imposed? First, is it just? There are persons who say, "A heavy inheritance tax, a tax of 20 or 30 per cent on a great fortune, is socialism, is robbing a man of the wealth he has acquired."

Let us see a little how wealth is acquired, and upon what rests the right of the state to impose a heavy burden upon the fortunes accumulated within it. How does a man make his money? Let us take Mr. Rockefeller. Let us assume that Mr. Rockefeller, with the same proportion of business ability and business genius that he possesses, was born, for instance, in Patagonia, and there spent his days. Would he have accumulated $300,000,000? He could not have accumulated 3,000,000 cents. No man can make money by himself alone. The wealth that is accumulated is accumulated by the opportunities that the state affords. First, it creates a police to guard a man and his property; second, it passes laws by which his rights can be enforced; and third, and most important in a great nation like this, it furnishes a community of 80,000,000 of people, having money from whom he can accumulate money. Let a man have the same ability, the same industry, the same capacity, and pass his life in a poor and hungry land, the problem of what will be done with his millions will never be a practical one, because his millions will not be accumulated. It requires the brains of the man to create a fortune, but it requires just as much the opportunities of the state.

The great commercial fortunes in this country have been built up because the men had brains and because it was their good fortune to deal with 80,000,000 people who had money. Mr. Carnegie's iron works would never have earned one dollar if there had not been manufacturers and railroads to buy their products. The Standard Oil Company would never have been a wealthy corporation if there had not been a vast population of people who desired to buy its products and had the money to pay for them. The Hill and Harriman railroads would be in the hands of receivers to-day if there were not people—vast numbers of people—who wished to travel over them, to send freight upon them, and had the money to pay for it.

So, Mr. Chairman, it seems to me perfectly apparent that the state has the right to say to any person who has accumulated a fortune, "You shall have the enjoyment of it; you shall have the use of it, but when you come to pass it over to some one else the state has the inherent right to levy upon it such a tax as may fairly represent what the people of the state have contributed toward the fortune."

There can be no tax that rests more solidly upon the principles of inherent justice than an inheritance tax.

We next reach the question of the people who are affected by it. When a tax is levied upon a living man he gets rid of it if he can, and dissatisfaction and sometimes even interference with commercial activity are produced by it. But there is no tax collected so easily, there is no tax yielded to so gracefully, as the tax that does not take from a man what he has himself earned, but takes from an heir some proportion of what he had hoped to receive. It is human nature. A man has earned a certain amount of money and 10 per cent of it is taken from him. It seems to him a heavy imposition. He inherits or receives a certain amount of money. His inheritance is not quite as large as he had hoped, but still he is content. To lose what you have is very different from not gaining quite as much as you had hoped. No form of taxation—and this is an important consideration—will impose so little irritation upon those from whom it comes as an inheritance tax.

I have considered cursorily the rights of the man who has earned the money and the right of the State to ask, as between the State and the originator or earner of the fortune, for its fair proportion.

We now come to the question of the rights of his children or his heirs. Mr. Chairman, I say without any hesitation that they certainly have no rights to be considered. Mr. Rockefeller or any other man who has acquired a large fortune may say that he has the right to the enjoyment of it during his lifetime, and that how far he should have the right to dispose of it after his death is a question to be fairly considered. But a child that is born into the world, and happens to be the child or the grandchild or the grandnephew of Mr. Rockefeller, that has given itself no trouble except the trouble of being born, has no right to demand that a great share of the national wealth shall be set apart for it. It has the same right as every other child born, to have the fair and equal protection of the State, the same opportunities as are given to others—that and nothing more. But to talk about the right to inherit $50,000,000 or $100,000,000, possessed by some child just come into the world, is absurd.

Mr. LACEY. Before the gentleman leaves that point, would the gentleman draw a distinction between the children and the widow, who perhaps has helped to earn or save the estate?

Mr. PERKINS. Why, certainly; I think the widow should have a fair share. But I do not think there is any inherent justice in saying that Mrs. Russell Sage shall have $70,000,000 or $80,000,000. That she should have enough to keep her in comfort and in luxury no one would question, but that she has the right to receive a fortune large beyond any possibility of spending I do not concede.

Mr. PARSONS. Do you deny that the children have the right to some share of the estate?

Mr. PERKINS. It is not necessary to deny that, because a law forbidding it would be absurd. The children of rich men have the right to a sufficient amount to be able to live in comfort, to be able to obtain an education, even, to a certain extent, to be placed beyond the necessities of life. No one questions that. No one would approve of legislation to deprive them of that, or would think for one moment of introducing it. But my friend knows perfectly well that a child when it comes into possession of wealth sufficient for every form of luxury—that a child with $5,000,000 is just as well off as a child with $10,000,000 or $50,000,000. Yes, Mr. Chairman, better off.

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. PERKINS. Certainly.

Mr. STANLEY. In speaking of the inherent right of a child to inherit, the law does not contemplate any such right and never did, if I understand it. The fact that the father, the possessor of the property, has the absolute right in all States of this Union, and a right not denied by any Federal statute, to dispose of his property, recognizes the old common-law maxim, as old as the law, that the heir has no inherent right to the property of the parent.

Mr. PERKINS. Undoubtedly.

Mr. PARSONS. Is it not true that in the continental countries of the world, where this inheritance tax is in vogue, laws provide that a certain proportion of the inheritance shall go to the children?

Mr. PERKINS. That is so in some of them—in France and some others—but not in all.

But, Mr. Chairman, what I was suggesting was not the strict legal question, but the moral question. The child had the right to complain if instead of being the possessor of $20,000,000 he finds himself the possessor of $15,000,000. What are the advantages of enormous wealth? It does not bring happiness, greater happiness than possessed by others, but it brings what is a dangerous element in the community and leads to civil discord. The envy—you may say the unfounded envy—the ill will in large masses of the community toward persons of very great wealth is strong and unfortunate, even when that

wealth has been acquired by the man himself. It is very much stronger when the spectacle is presented of a man possessed of wealth far beyond the capacity of most to acquire, the result of no labor of his own, and when to that is added, as is often added, the spectacle of the misuse of great wealth, the indulgence in vice, and dissipation and dissoluteness, then we have not only a very unsavory social problem, but we have a dangerous political problem.

Let us consider whether it is for the benefit of the child that a vast fortune should be set aside for it. That parents should desire a reasonable competency for their children, property that will secure to them the advantages of education and reasonable freedom of action in life, is natural and is commendable. No one would seek to interfere with this. But the desire that a child should inherit $20,000,000 or $50,000,000 or $100,000,000, a sum vastly in excess of any possible or reasonable need for any profitable mode of life, presents a very different question. Though the parent may entertain such a desire, the state is not bound to regard it. Such accumulations are usually neither for the benefit of the state nor the heir.

We need not go as far as Mr. Carnegie, who thinks any inheritance a curse to those who inherit, but we can surely agree with him when he says of a progressive inheritance tax:

> Every dollar of taxes required might be obtained in this manner without interfering in the least with the forces which tend to the development of the country.

He adds further:

> By taxing the estate heavily at death the state marks its condemnation of the selfish millionaire's unworthy life.

It is not necessary to say this. We need not condemn the millionaire. If his selfishness in the administration of his estate does not excite our admiration, there is no reason that the state should levy a penalty upon it. But, on the other hand, there is no reason that a man having $50,000,000 to dispose of, made out of the advantages which the state affords, should assert the right to give every dollar of it to his children. If the father harbors the desire that his descendants should be enormously rich people in the community, this is a vulgar desire, entitled to no consideration. Certainly it is no advantage to his daughters if they are allowed to inherit a sum so vast that it becomes a temptation to some worthless foreign nobleman to marry them.

I do not say it would be absurd to say that many persons inheriting great wealth do not use their property judiciously, but it is true that in ninety-nine cases out of a hundred it is better that a large estate be divided among a number of people upon whom the stimulus of endeavor still remains than to have it held by one. Almost necessarily the possession by inheritance, not as the result of our own labor, of an enormous fortune, tends first to indolence, and that is bad; and beyond that tends strongly to a feeling that a man so situated is to some extent raised above the laws that control the most of us; that feeling may merely result in idleness, it may result in dissoluteness, it may result in vice, and all those things are most unfortunate in the case of those who, because of their great wealth, are specially prominent before the community.

Mr. Chairman, shall it be said that it is unfair for us to so restrict the amount of property that may be left that a man may be prevented from ruining his own descendants? Is it an advantage to a man who inherits enormous wealth, and lacking the stimulus of endeavor, leads a worthless and sometimes a dissipated life? Is it an advantage for the daughters of families of great wealth that they should become the objects of temptation to fortune hunters? Was it an advantage to Miss Vanderbilt or Miss Gould that her share should pass untouched by the state and attract the attention of some worthless foreign adventurer? I think not.

Let me say, in passing, Mr. Chairman—and it is one of the many things to be said to the credit of this land—they talk about this being the land of dollars. It is about the only land in the world where any romance still remains. [Applause.] In this country the great majority of American men, thank the Lord, marry their wives because they want to and do not consider solely the patrimony of their brides. In foreign lands, among those of a certain social rank, the matter is as purely a financial problem as if one was making an investment in bank stocks. If the result of a progressive inheritance tax shall be so to diminish the share of the daughters of very rich families that they may stay at home and marry Americans instead of going broad and marrying worthless dukes and princes, then happiness will be increased and the welfare of the land would not be lessened.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. PERKINS. Certainly.

Mr. LONGWORTH. Does the gentleman believe that some good might be accomplished by limiting the period for which estates may now be entailed in this country?

Mr. PERKINS. Yes; I think that is desirable. It has been done to some extent and ought to be done to a larger extent.

Mr. LONGWORTH. Is the gentleman familiar with the French law on that subject?

Mr. PERKINS. Well, mildly so.

Mr. LONGWORTH. I believe there is no entailment whatever allowed in France.

Mr. PERKINS. That is my understanding.

Mr. LONGWORTH. Which, of course, would substantially diminish the amount to which an estate might increase before coming into the hands of the heirs.

Mr. PERKINS. Precisely. That, I understand, is the French law. Now, some say, in reference to possible evil from the accumulation of great estates, that they will disintegrate by themselves. Mr. Chairman, that is not entirely correct. The old saying, that it took only three generations from poverty to poverty, is not true in reference to the great fortunes of the present day. Right in our own country, take families like the Vanderbilts, the Astors, and I might name many others, among whom wealth has been found for several generations. Certainly there is no sign in any of those families of any rapid return to a condition of destitution. Estates are often dissipated as a result of the recklessness or the vice of the person having the property. That is, of course, a misfortune. It is a misfortune to the public that any man, worth more or worth less, should dissipate his estate by vice, by waste in any way. But taking out the case of those who are ruined by inheriting too much money and so go to the devil, the tendency of estates to increase will not be seriously checked as a general thing, considering the great size they often reach by the ordinary processes of division through will or inheritance. And so, unless the State levies its reasonable percentage upon the money that has been gained by its citizens, the tendency to the growth of estates will become a more serious problem as the future progresses.

Now, Mr. Chairman, without any further discussion upon the general principles that are involved, I wish to say a word or two in reference to possible legislation on this subject.

The rate of taxation upon these great estates that would be just to the public, that would utilize the proper proportion of them for the advancement of public weal, that would also accomplish a useful purpose in preventing the rapid piling up of fortunes so unwieldly as to be injurious alike to the community and the possessor is a problem to be carefully considered. Mr. Carnegie declared himself in favor of an inheritance tax which would equal 50 per cent in the case of the largest fortunes. It could be strongly argued that even a tax as great as that is not inherently unjust.

As I said in the beginning, I do not expect the bill I have introduced to be reported upon at this Congress. I do believe, however, that we are starting a live and important question, important as a source of revenue to the Government and important for its direct and indirect social effect on the community. The question of how much this tax should be is one that is to be gravely considered. This objection will be made by some, that if you impose a heavy inheritance tax it will be evaded by the man in his lifetime disposing of his own property. In the first place, Mr. Chairman, in any proper bill, in the bill that I introduced, we impose the same tax on a gift that is made either to take effect at the death of the donor or with intent to evade the law. I do not mean a gift made by a man in the vigor of life, but under such circumstances that the court would say that it was made in anticipation of his death and to evade the law. So that can be reached.

Further, if the indirect effect of this legislation was that men to a larger extent disposed of their estate in their own lifetime, certainly that would be an unmixed advantage. If the man who intends to give his money to charity would give it when he is alive and would be his own executor, instead of leaving other people to execute his will, it would be infinitely better for the public.

We can take a case so well known as the Tilden will, where a great charity devised by a great lawyer failed of effect because the great lawyer was unwilling to execute it in his lifetime, and left it to the courts and others to carry into effect, in which they failed.

Furthermore, Mr. Chairman, let no one be disturbed by the idea that there would be any large evasion of the inheritance-tax law. A man will go a great way to avoid a tax he has to pay himself, but the man that strips himself of his own estate in order to save other people paying a tax, I do not care if they be his own heirs, is exceedingly rare.

Nature fights on our side in this matter. A man will resort to

many devices in order to avoid taxation which he himself must pay, but few are the men who are willing to strip themselves of the enjoyment of their own wealth in their own lifetime to lessen the burden of taxation that will fall on others. The example of King Lear was not so fortunate that it is apt to excite followers among modern multi-millionaires. The desire of a man to hold during his own lifetime and under his own control and for his own enjoyment that which is his own is one of the strongest principles of human nature, and it will not lose its force no matter what inheritance law Congress may enact.

Now, as to the amount. I think it is inherently right that in any tax imposed, if it is a progressive tax, that the rate should be based upon the share that the person receives. Indeed, I doubt if an inheritance-tax law which said that the rate of taxation should be increased, not by the amount which the beneficiary receives but by the size of the estate, would be constitutional. In the last decision on this question Judge White suggested the question as to whether it would be constitutional to say that a man's tax should be increased, not by what came into his possession but by the aggregate size of the estate, and this question it is certainly wise to avoid.

Apart from that, anyone can see the injustice in many cases. A man, for instance, leaves a million dollars, all to one child. Then our tax is levied upon the million dollars the one child receives. But suppose, on the other hand, it was levied on the size of the estate and the man with a million dollars gave one-half of it to charity and $100,000 each to five different persons. Anyone can see the injustice of fixing the same rate of taxation. Everybody, Mr. Chairman, would see the unfairness of that, and, I think, also the illegality. In the bill I have suggested for consideration the tax increases with a good deal of rapidity as the amount of the share increases.

What is the reasonable proportion of a great estate that should fall to the public, what is the just proportion that should be made subject to the direction of the deceased, is a problem to be considered. I have presented a bill which provides that where the share of any beneficiary is less than a million dollars the rates shall vary, amounting in the case of a direct heir to about 2 per cent. This certainly is reasonable. Where the share shall exceed that amount there shall be levied on the excess duties varying from 12 per cent to something over 25 per cent on all sums in excess of thirty millions. These duties are fixed by the share received by the beneficiary and not by the size of the estate. This principle modifies considerably the severity of the tax and meets the suggestions thrown out by the courts.

Will anyone say that such a rate of imposition is unfair as between the state and the beneficiary, or will be injurious to the person who receives his estate to that extent diminished? No; Mr. Chairman. It is often said that we should legislate for the greatest good of the greatest number. I believe that a reasonably drawn progressive inheritance-tax law is for the greatest good of all. It is for the good of the citizens who will receive their proportion of the benefit. It is for the good of the heir, who will receive an unwieldly fortune to some extent lessened. It will benefit the state, it will assist in the solution of social problems, it will not check the development of enterprise or the desire to acquire wealth on the part of the individual, it will lessen some of the evils of our present condition, it will harm none and help all.

Though I recognize that this law is not to be practically considered, yet I believe that within a very few years a progressive inheritance tax will be as much the established law of this land as it is of England, of France, of every great European nation, and that no tax will be more fair, the justice of no tax will be more thoroughly recognized by the community, and the results of no tax will be more satisfactory to the people of the land. [Applause.]

Mr. DE ARMOND. Mr. Chairman, listening to the remarks of the gentleman from New York [Mr. PERKINS] upon the subject of an inheritance tax, my attention is directed also to the matter of an income tax, and to some things that are involved in the consideration of the two questions. All know that as matters now stand, unless through change in the personnel of the Supreme Court, leading to a change in its views and decision upon this subject, an income tax can not be imposed and sustained. There are a great many people of the nation, and I am one of them, who believe that a graduated tax upon incomes is a most righteous and most desirable tax. I quite agree with the gentleman from New York [Mr. PERKINS], and with those taking a similar view, that an inheritance tax also is most desirable, and I hope the time is not far distant when we may have it established in this country.

In view of the fact, however, that an income tax is a mere experiment—not as to the qualities of the tax or its beneficial features, but as to the opinion of the court concerning its constitutionality—and inasmuch also as there are a good many other things that in the estimation of a good many people in this country would be wholesome as matters of legislation, which perhaps are not constitutional at this time, efforts are made from time to time to amend the Constitution, and such efforts will be continued almost indefinitely. When we reflect that no amendments to that great instrument have been made in more than a hundred years, excepting only the three which grew out of the civil war, and that excepting these civil war amendments and the one in relation to the electoral college, growing out of the contest between Jefferson and Burr for the Presidency more than a century ago, all the other amendments may be regarded as practically part of the original Constitution, we may safely conclude that the Constitution will not be amended in our day through the submission of amendments by the Congress.

The Constitution itself, however, provides another way of securing amendments to that instrument—that is, by the action in the first instance of the several States themselves. Article V is as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

There has been a great deal of agitation in the country from time to time, and there is perhaps a good deal now, over the proposed amendment of the Constitution in a good many important particulars. With some of this agitation and some of these movements I am in sympathy; with others I am not. A great many very good people, entitled to their views and entitled to a hearing upon them, are of the opinion that in a good many important particulars the Constitution ought to be amended. For instance, there are those who believe that it ought to be amended so as to provide for female suffrage. Others would have a marriage and divorce amendment. Some believe it should be amended with reference to the liquor traffic, or by way of prohibition of the liquor traffic. Many believe there ought to be a constitutional provision for the election of United States Senators by direct vote of the people. There are those who are of the opinion that the President and Vice-President should also be chosen by a direct vote. Some believe the Presidential term ought to be six years instead of four years, and that the President ought to be ineligible for reelection as his own successor. Some people, particularly in the latitude of Washington, believe it is vastly important to have the Presidential term begin later in the season, so that inauguration day may fall at a time when the weather is more agreeable and fit for a pageant than it is likely to be about the 4th day of March. A great many people believe that Congress ought to be convened shortly after the election, instead of thirteen months after the Members of the House of Representatives are chosen. There are some who believe that provision ought to be made in the Constitution whereby the Government, under suitable regulations of law, might insure the lives of citizens of this great Republic. I am one of those who entertain that opinion. Life insurance by the Government could be made both safe and profitable; and what a boon to the people to get insurance at what it is worth! There are people who believe that by an amendment to the Constitution greater power, better-defined power, power that may be more easily exercised and more effectively employed, might be supplied for dealing with great trusts and other mighty corporate agencies of the land. I need not take the time of the House in enumerating the various matters concerning which amendments have been and are persistently urged and earnestly desired. I mention some of them merely as preliminary to the consideration of whether or not it might be advisable for the people of this country, by action of their various State legislatures, to call upon Congress to make provision for a constitutional convention, in which all the plans and schemes of amendment might be presented. Such a convention surely would be composed, in part at least, of the ablest men in the land. It would be a very great body of American statesmen and citizens. I believe the very fact of the assembling of such a convention—I believe, indeed, the preliminary discussions leading up to it or designed to bring it about—would be productive of much good in legislation in Congress and in the several State legislatures. The convention, I presume, would submit some amendments for the ratification of the people, and State conventions might follow, for consider-

ing and determining the adoption or rejection of the amendments submitted.

Now, I am not one of those who believe that the old Constitution is worn out, or that the ingenuity and statesmanship and patriotism of to-day would be likely to supply something which in its fundamental principles would be any improvement upon, or even as good as, that old instrument; but I am one of those who do believe that a constitution made more than a hundred years ago, when conditions were vastly different, when corporations were in their infancy, when our population was sparse, when wealth was not concentrated, when great agencies in government were not employed as they are employed now, before the day of the telegraph and telephone and the many triumphs of electricity, before many of the mighty inventions of to-day and yesterday were dreamed of; that a constitution made then may lack something now. I believe the makers did not embody in that instrument of matchless worth, our Constitution, all that might be or is now sufficient or desirable for present needs or to equip the people to meet the rapidly growing needs of the future of a great country. I believe a convention of American citizens, assembled for the purpose of considering various propositions to amend that Constitution, would be likely to submit some wholesome and timely amendments, perhaps a good many, but some, at least, which would meet the approval of the American people, and, by their sovereign will, be made part of the Constitution.

I believe there is enough of wisdom and patriotism and justice in the American people, enough pride in their past, interest in the present, and hope of the future, to protect us against any possible danger that the Constitution might be impaired by the adoption of an unwise amendment. It requires three-fourths of the States, either through conventions or through State legislatures, to ratify any amendment to the Constitution. I can not believe that any amendment not deserving ratification, any amendment which really would not be an improvement, an enlargement, a perfecting, of the Constitution would meet with the approval of legislatures or conventions in three-fourths of the States of this Union. Of course, our action here, if any action is to be taken along this line, would be action only after the State legislatures, to the number of two-thirds of those in the Union, shall have called upon us for action. A good deal of time has been taken in committee and some in the House and in the Senate on various propositions to amend the Constitution. Every session these propositions are up. There are hearings before committees and occasional reports, sometimes lengthy and sometimes learned, upon this or that proposition, but no amendments are made, and no opportunity is given the people to consider whether or not any amendment should be made.

I am one of those who believe that there ought to be recurrence as frequently as possible to the judgment of the mass of American citizens. I believe that under our system of government it is wise every now and then, and quite frequently, to get at the sense of our people, affording them full opportunity to make themselves heard. There is a growing feeling, I think, and I think it is one that has foundation in real fact and real need, that very often legislation is too far away from the masses of the people; that their will is expressed in legislation too slowly and too imperfectly; that combined powers that can make known their wishes quickly, that exert their potent influence rapidly, that can concentrate at the very point where things are to be done, are more likely to prevail than the profound sentiments of the scattered citizenship of the country.

There are a great many people who believe that in our Constitution there ought to be provision made for what is popularly known as the Initiative and Referendum, by means of which the people themselves might directly suggest and initiate and directly pass upon legislation. I believe our Constitution would be improved by providing in it for this exercise of power by the people.

The whole problem of modern government, where the people seek to govern themselves, is involved in the one proposition of enabling the great masses of people, the 999, scattered and dispersed in their various vocations over the country, to make their power felt, register their will, and have done that which they desire to have done, in their own interest, for the welfare of the whole community and for the perpetuity of the Government. It is vastly important for the people that they be provided with the means of opposing effectively, and surely and swiftly overcoming those who have usurped authority, and those who by the concentration of wealth and by the powerful modern agencies for its creation and utilization in all sorts of ways, good and bad, are constantly pushing on to further their own interests and are constantly growing more heedless of the rights and interests of the plain American citizen. Now, if the Constitution could be amended so that the people will have more power, so that there may be quicker response to popular demands, so that there may be a correct and more authoritative registering of the popular will, very much will have been done toward insuring the perpetuity of our government and perserving and enforcing the rights of our citizens.

An election was held last month for Members of the House of Representatives of the Sixtieth Congress. Unless there should be an extraordinary session called, the Members then elected will not assemble to discharge the duties of their office until December of next year—1907—thirteen months after they were elected. There really ought to be in the Congress of the United States, as there is in all of the State legislatures, an assembling of the newly elected body quickly after the election, while the Members are fresh from the people, whence they come with the authorization of the people, the command of the people, to do certain things and to refrain from the doing of certain other things; to make new laws; to amend or repeal old laws. A great many things happen in this country in the space of thirteen months, and Representatives who do not serve the people early, often do not actually serve them at all.

It is true that a Congress could be assembled, under the Constitution as it is, very much earlier than we meet. Instead of meeting on the first Monday of December, we could fix our meeting day at any time after the commencement of the Congressional term. Any time after the 4th of next March the Sixtieth Congress, by operation of law, if we saw proper to change the law with reference to the time of meeting, might be assembled. Somehow or other, I know not why, there seems to be opposition to any change, and the result is, Congress after Congress, we meet first in December, thirteen months after our election. We choose Members of the House of Representatives for two years, and thirteen months of that period are suffered to pass before the Representatives enter upon the discharge of their duties. This would appear passing strange if it were not so familiar and common, if it were not the order of things. It is strange that we do not amend the law, do the best that we can. But there could very easily be an amendment to the Constitution, if a convention were assembled to consider such things, by means of which Congress would be assembled soon after the election, speedily, in January or even in December following the election.

Then there is no reason why a Congress, after its successor has been chosen, should sit at all, except in extraordinary session, before the new Congress comes in—when there is, in the judgment of the President, an emergency for Congressional action before the new Congress can act.

There is no reason in the nature of things, there is no reason in the essence of good government, why this Congress instead of the new Sixtieth Congress should now be in session. Those who declined reelection or failed to secure it are supposed not to be so vigilant, so zealous, in the closing months of a term as those newly elected, who have the stimulus of a fresh baptism of popular favor, and something here for ambition to feed upon. I speak of this in generalties, because I know in many instances men whose terms are soon to expire have enough vigilance and are patriotic enough to be useful up to the very last hour of their service in a short session of Congress, when they know they will not be Members of the next Congress.

There can be no good reason why a Congress should be elected in November, for a period of two years, to assemble thirteen months later, and in a few months perhaps be involved in the throes of the on-coming campaign, a very large share of the membership being candidates for renomination and reelection. Now, it may be supposed, and if we were not acquainted with the history of things and did not know how things go here, it would be supposed, that a change in the meeting time of Congress could be easily effected; but it can not be easily effected. We know that for years and generations, even, there have been efforts made without effect for a change, and perhaps other years and other generations may pass without its being accomplished. But I think it is very fair to assume that through a constitutional convention this change at least might be made; and if the Constitution were amended in no other particular, if no other change were made in it, there would be enough of consideration for all the expense and all the labors of the convention if provision were made for assembling Congress speedily after election. To-day a constitutional amendment is necessary, because now the term begins on the 4th day of March, and, by shortening or lengthening one term, it should be made to begin in December or January next after the election.

Now, I believe there would be wisdom in an amendment limiting the incumbency of the Presidential office to a single

term. In some of the States the governor is ineligible to reelection as his own successor, as in Missouri, where the treasurer likewise is ineligible.

When you look to the new State constitutions, there will be found many minor provisions which might, with great propriety, be incorporated in the Federal Constitution. For instance, a number of these constitutions enable the governor to veto items in appropriation bills. A bill may contain thousands of items, and the governor has the right to veto any one or any number of them and approve the bill as to the others.

I believe such a provision would be immensely beneficial. There are a number of abuses it would cut off, and the saving would be great. Too often it is only necessary to get an item, no matter how objectionable, into a great appropriation bill, and as the bill must go through and does go through, that item stands with the very best and the most necessary ones in it. The result is that combinations are invited, and sometimes, I fear, combinations are made, by which A assists B and B assists A, and the unholy alliance extends through the alphabet, with the result that probably two or three or a dozen or fifty or a hundred items are incorporated in the bill, not one of which, perhaps, has merit enough to stand alone or to win by itself upon its own merits. Now, if the President, when he comes to pass upon such a bill, could veto any item or items in it, there would be cut off the tendency to the abuse of combinations for the purpose of loading up bills, and in large part the possibility of success, because it might be assumed that most objectionable items would be vetoed.

Then I think the veto power itself ought to be limited, for I do not believe that the President's power in legislation ought to be equal to the voting power and the persuasive power of one-sixth of the membership of the House and one-sixth of the membership of the Senate. It is one thing for the President to veto a bill and it is another thing for that veto to be effective, unless one-sixth of the membership of this House and one-sixth of the membership of the Senate, added to a majority of each body, unite to override the veto. The real purpose of a veto, it seems to me, ought to be to invite the attention of the legislative body to supposed objections in the matter vetoed. It ought to be rather in the way of a holding up, a cautionary sort of proceeding. It ought not to require so large a vote to overcome a veto. It ought to be rather a check upon legislation, a challenging of the special attention of the lawmakers to the matter regarded as objectionable. "I do not believe this matter ought to pass. Please look into it more carefully; please give it reconsideration and see what your deliberate judgment about it is." But of late years there has been no particular abuse of the veto power, and a change in it is perhaps a matter of comparatively small importance.

But, as to the main proposition. Here we have a Constitution, one of the greatest and best ever brought into being by human brains; we have a Constitution framed in the infancy of the Republic, framed in the primitive days, before the great railroad had an existence, before great electric motors and telegraph and telephone were known; before the modern agencies called "trusts" had a being or were dreamed of; before the appearance of the millionaire as a common, every-day citizen; before the near approach of the billionaire; before the aggregation of hundreds and thousands of millions of dollars under single control; and it seems to me that in our progress, in the history of our nation and of the world, we certainly have reached a time when it might be wise to assemble a convention to consider whether or not amendments could with profit be proposed to the great conservator of our liberties; and if they should be proposed, for the people deliberately, after their own manner, in their own fashion, to consider whether or not the Constitution should be amended.

Now, out of the discussion that would necessarily arise in a convention and after a convention certainly would come an awakening that could not be anything else than beneficial to the people of this country. There would be attention centered upon matters that are now overlooked and neglected. The people would have opportunity to assert their power and resume their control over some of the things, control of which has largely slipped from their hands. For instance, there is going on all the time now a conflict in opinion, and sometimes a conflict beyond opinion, between capital and labor, where serious questions as to the writ of injunction are involved. There has been a great deal of discussion and much uncertainty in a great many minds as to how the matter really stands. There is one school of thought that takes the view that the courts have the inherent power to determine what writs they ought to issue, and, if they decide they ought to issue particular ones, to issue them; that it is an inherent, necessary, preservative power and prerogative of the courts; that the court must say what is necessary to maintain its dignity and preserve its authority and execute its mandates, and that there is no power under the Constitution, no agency in the Government, to interfere with that exercise of authority.

Then there is another school of thought claiming that the courts, excepting alone the Supreme Court of the United States, being creatures of the lawmaking power, are within the scope of such laws as are made and such laws as may be made; that the question whether or not particular writs should issue, the circumstances under which they shall issue, if issued at all, are legislative questions and not judicial questions; that the power to make courts is the power also to unmake courts; that the right to confer, through legislative action, power upon courts carries with it also the constitutional right to circumscribe that power, take away part of it, and direct how it shall be exercised.

Now, that is an unsettled question in this country, with a tendency all the time in the courts to magnify themselves and to determine more and more and more that they have this power and that power, never given to them, as was foreseen by the wise men of the early day; a tendency ever toward magnifying the power of the courts and lessening the power of the legislative and executive branches when brought into conflict with them, and what is of far more importance, lessening in a good many instances the inherent and vital privileges and immunities of the people.

I believe a great deal of good might be done by a constitutional convention considering that among other questions. Shall our courts be final and supreme arbiters? Shall the court determine what its powers are? Shall the court, independently of the Congress, determine when it shall issue a particular writ, who violates an injunction or a writ of prohibition or any other extraordinary writ, and what the punishment shall be—all determined by a single lifetime appointee—or shall the people, through those whom they elect to Congress from time to time and who are responsible to them, determine what the power of the courts shall be? Shall the Congress determine within what bounds the powers given shall be exercised, what powers they will give to the courts, and what powers they will withhold from them? I believe a question like this is worthy of the consideration of the ablest minds of the country, and I believe that a great constitutional convention would give to it, as to other great questions that would naturally arise and naturally be suggested, the consideration which they really merit.

Now, I believe one of the troubles of this country at this time in the conflict between labor and capital grows out of the assumption on the part of the courts of the right to issue certain writs when they have no right to issue them unless authorized by the lawmaking power to issue them. A court created by law possesses no power except what the law gives it. [Applause.] Those who can create can destroy, if they see proper to destroy; those who can grant power can withhold power. The question of whether or not a particular writ should issue in a particular instance—barring only the United States Supreme Court, created by the Constitution itself—certainly ought to be, it seems to me, a question to be determined, as all other questions of lawmaking are determined, by the lawmaking body of the country—the Congress of the United States. And there ought to be some way of getting at undesirable judges, whether unfaithful or no longer efficient, and something more expeditious, something less cumbersome, something surer than the one remedy provided by the Constitution—impeachment—ought to be available. There ought to be something equivalent to removal by address. There ought to be some added sense of responsibility imposed upon every man who holds a judicial office in this country by life tenure.

Mr. STANLEY. Is it not true that that was one of the first defects pointed out in the Constitution within a few years after it was adopted? If my memory serves me correctly, Thomas Jefferson pointed out the danger of putting that power into the hands of the court.

Mr. DE ARMOND. Well, of course, Mr. Chairman, Jefferson's writings I think are full of warnings and admonitions and expressions of fear as to what may result from an encroaching judiciary.

Everybody in this country has respect for the courts, and in a body like this, where a large majority are members of the bar and a good many of them ex-judges, of course respect to the highest degree exists, but there is a tendency in the human mind and in human conduct to gather power, and, unconsciously perhaps—sometimes unconsciously and sometimes consciously—to usurp authority. You appoint a man judge for life, removable only by impeachment, a slow, tedious process, which, as the history of the country shows, usually brings no results. All he has to do is to avoid an offending on account of which he can be removed by the process of impeachment. A

large number of his actions are not reviewable in higher courts. Either there is no provision for review or those affected injuriously are too poor to go to a higher court. The result is that there is a tendency all the time for the judge—assuming he is trying to do what is right and proper—if he thinks the case is one calling for a strong remedy to bottom his decision and justify his action upon the most extreme action, the most radical assertion of power, of any other court or judge whose ruling falls under his notice. He may go a little grain beyond any other one. Another case arises, and another judge goes further still, following and enlarging upon precedent; and so it goes, a constant, steady, gradual, and sure advance in the claim of power, in the assumption of power, in the exercise of power, with no unquestioned agency to check or correct. Now, take the matter of injunctions, if you please.

Mr. STANLEY. Will the gentleman yield for an interruption at that point? I am very deeply interested, and I would like to ask the gentleman if he does not think it would be wise, in cases of constructive contempts, where heavy fines and long terms of imprisonment may probably be imposed, to have the punishment inflicted by the intervention of a jury?

Mr. DE ARMOND. Mr. Chairman, I have heretofore expressed myself in favor of that, but I am trying to talk now about the fundamental principles rather than about the details of legislation.

The writ of injunction of course is an old writ. The courts assume to apply it to new facts, to new cases as they arise. The question comes up, and a most interesting question it is—it is one, in my judgment, that could be dealt with by legislation, but more effectively dealt with by a constitutional convention—when the new facts arise, when the new conditions are brought about, when there is supposed to be occasion for the application of an old principle to a new case—who is to say, who has the right to say, whether the old principle or the old writ shall be applied to the new state of facts, to the new condition of things? The judges assume that they have the right, and for a century in this country and more they have been steadily moving forward on that theory. My judgment is that the legislative body, and that alone, has the right to say whether when a new state of things arises, when new conditions develop, when new agencies are brought into play, this or that writ or this or that process shall be employed.

Now, take, for instance, the great development in railroad building and railroad operation. In the olden days, when the writ of injunction came into being, there were no railroads. No question arose as to whether there ought to be an injunction issued in a dispute between the mighty employer and the humble employee, because none could arise. There were no such conditions and no such situation at that time. In the process of time, by means of inventions, development of the country, growth of population, multiplication of corporations, vast increase in their power, functions, and ramifications, new questions arose, entirely different from the issues of the dead centuries. Yet the contention is that in order to determine what a court of its own power and right—its own inherent, necessary power, as they say, and its own constitutional and prerogative right—may do or shall do, the courts are justified in drifting away back to the pretended fountain of judicial power, the decisions of English judges and English courts, centuries ago, in cases having really no analogy, when you consider them properly, to the cases in which the principles thence deduced are now applied. Now, is it in the power of the courts to go on eternally in that way? Is it the right of the courts to determine when new conditions arise, when new agencies come into play, what they shall do, and how they shall do it, or is the determination within the power of the lawmaking body? My judgment is that the lawmakers have the right to determine about it. Some people talk as if when you interfere with the courts in any particular, when you raise any question as to whether a court possesses power which different judges of the country assume to have and which they exercise, you are seeking to undermine the foundations of our Government and destroy property rights; invading the province wherein the courts stand as the guardians and protectors of everything that the citizen enjoys under the law.

Who make the laws? The representatives of the body of our citizenship itself, men selected for the very purpose of doing that very work, men responsible to their constituents for the way in which they do it or for neglect to do it. What reason is there to suppose that these men will not have as tender a regard for those upon whom they directly depend as will these lifetime judges who are not dependent at all upon the great body politic?

I did not mean to drift off into a discussion of this matter, because it is really foreign to the subject to which I wished to address myself. What I wished was merely to throw out the suggestion that I think the time has arrived when a constitutional convention might by action of Congress, stimulated and brought about under the Constitution by the State legislatures, be assembled to consider whether or not in some important particulars this great Constitution of ours might not be made better. This little discussion with regard to injunctions, by way of illustration, although it went much further than illustration, is an afterthought, and just simply happened.

Now, having disposed of that and being upon the floor I wish to address myself to the provision in the bill upon the subject of the new spelling. It is traveling a long way to go from the question of amendment of the Constitution to an amendment of our orthography, but not caring to take the floor simply for a discussion of the minor amendment matter, I wish to make an observation or two upon it now. I was a little surprised to find that provision in the bill, and I am a little surprised to find how seriously some people seem to take it. It seems to me it is somewhat of a new thing to legislate upon the subject of spelling, to provide by statute how people shall spell; and it is somewhat new, it seems to me, to cut off, in so far as you could cut off by statute, the possibility of improvement in spelling. I suppose there is such a possibility. It certainly seems so to those who support what is called the "new spelling;" they seem to think there is not only possibility, but great promise of reform. This proposed legislation proceeds upon the theory that we had better nail down English where we have it, and let the reformers break through the statute, if they can, or repeal it, if they may, in order to make any changes or any improvement in spelling.

There are all sorts of imaginary difficulties seen down at the Printing Office, and there seems to be danger, in the estimation of some gentlemen, of our surplus vanishing in the increased expenses to come if some people be indulged in their taste for the new spelling. I do not know much about that subject, but I do not exactly understand how changes in spelling are going to be so very costly. Take the word "though." I do not see how it will cost much more to print that word "tho" than "though." I do not see what great racking there is to be of the printing machines; I do not see what great mental disturbance is going to take place among those who set the type or those who correct the proofs. And I am rather of the opinion that an individual, whether he be in public office or out of public office, has some little inherent right to a choice in spelling. I think that a man has a right to depart from what is regarded as the most generally authorized spelling and try to introduce a new way of spelling a particular word or particular words. It seems to me he has, and if he furnishes "copy" for the Printing Office in an official document, and has any pride of opinion or any desire to further his propaganda in reference to spelling, I do not see where there is any objection to allowing him to be indulged in that fancy or that ambition. Nor can I see how demoralization is to come into the Printing Office. I do not see why anybody is going to throw away the old books and get new print; I do not see why all the school books are to be turned out and new books to be bought, merely because somebody chooses to spell some words in a way which he regards as better than the more common spelling. If instead of legislating as the committee proposes we should legislate just the other way and provide that this new spelling should be followed in the printing of public documents, I would not fear a destruction at once of the old dictionaries or old school books or anything else that has gone into print. I do not understand how difficulties will come about in the stereotyping process. Why, if a letter or two be lopped off, or if one letter be substituted for two or three letters, there is going to be any difficulty in stereotyping, I do not know. I do not think there is to be any difficulty about it. I believe seriously that our good Committee on Appropriations has, in a spasm of needless care for the welfare of the Republic in an orthographic way, gone a little further than it is necessary for it to go, and, let me say also, a little further than it is desirable for it to go. Will not the Appropriation Committee indulge us a little longer in the freedom and liberty which we have enjoyed heretofore, under the august authority of Webster, Worcester, and the rest of them, with reference to spelling? Let them give us a little more time, and see whether we can bring something out of it even without their aid. Will they not suspend for a year or two? Let us wait until the new Congress comes in. Let the Appropriations Committee deliberate upon this a little longer.

How are you going to familiarize yourself with the new spelling unless there be some new spelling. Spelling is very much a matter of habit. It is very much a matter of what we are familiar with and what we are not familiar with. Take some of these words; for instance, the word "though," which I instanced before. Suppose in a little while we should get used

to the spelling "tho." Would we not get along very well with it? Great changes have taken place in the orthography of the language, great changes have taken place in the language itself, and great changes will take place, but I do not recollect that any of them in this country have taken place by virtue of any statute of the Congress of the United States or of any suggestion of the Committee on Appropriations, ripened and crystallized into law.

There are some things we can get along with, it seems to me, without legislation, and spelling, I believe, is one of them. There is no need for uniformity in it. The truth is that there is no uniformity about it. If we were to make a test here, you could give out 100 or 500 words, perhaps a very much smaller number, and let each Member of the House write them down, and I will venture to say that there would be some variety in the spelling. You can do that anywhere. Some people have the faculty of spelling and some people have it not.

Well, now, the spelling of words has changed greatly in the last half century; very greatly in a century. Why do these gentlemen not go back to the good old Elizabethan era, the palmy and glorious era of English literature, and adopt the spelling of those days? Why not swing us back over the turbulent period of latter-day change? And why not go back to the old forms of letters, as well as of words, or just let us alone a little while longer?

The President, I understand, wishes to spell in a new way, and is doing it. Why not, if you wish, deny to the President the right to spell as he pleases in any document which he sends to the Public Printer? Why not make the issue a little more direct with him? Why bury it in the bowels of a great appropriation bill? Let the matter come up in a simple way. Put your reasons forth in speech and in reports, and let the President put his reasons forth in a veto message if he chooses to veto your bill. I wish to have a chance to look at some words as they spell them in the new way, and by and by, perhaps gradually, I may drop into that way. I would not have this new spelling eternally new. I think it ought to have such a chance as it may have without legislation against it. I think it is one of the subjects that we can let alone. I think that this committee can withdraw its attention from this subject and concentrate on something else, something upon which its attention has already rested, or upon some other new and interesting subject. At all events, I think the committee need not go into the business of coercing everybody or anybody about the manner of spelling. When the Public Printer cries for relief, when the compositors fail to properly execute the work they have to perform, when the proof readers are weary and grow faint in the discharge of their duties, then it will be time for this mighty committee to intervene, then it will be time for these gentlemen to turn aside from the general subject of appropriating away our money and interpose legislative barriers against appropriating away any of the letters in some of our words. I hope the chairman of the Committee on Appropriations and his associates will see whether or not there can be found something else upon which for the time being they can exercise their surplus power and zeal.

Mr. TAWNEY. Do I understand the gentleman from Missouri to say that the committee has made the change?

Mr. DE ARMOND. No.

Mr. TAWNEY. Or that the proposed legislation makes the change?

Mr. DE ARMOND. No; I do not suppose that it does, or at least there is no reason to suppose so. But what I was saying was that the committee proposes to provide by law that certain words shall be spelled in certain ways. Now, I think—of course I suggest this very modestly—I think the committee has gone a little beyond its province as limited under the rules.

Mr. TAWNEY. What has the gentleman from Missouri to say with respect to the province of the Executive, who proposes that certain words shall be spelled and printed in public documents only in a certain way?

Mr. DE ARMOND. Nothing in the world. I am just wishing that the gentleman at the head of that committee and his associates, when they desire to say anything about the Executive in reference to this matter of spelling, would get into a direct discussion with the Executive upon the subject, and not resort to an expedient which is not as bold or open as the Executive order, by hiding a little bit of a provision in a large appropriation bill, which they think the Executive dare not veto on account of the necessity for the appropriations carried. [Laughter.] Just go and meet the President in the open. I hope you gentlemen will go out and meet the Executive in the open—and you will find him there—and the probability is that by the time you are through with him you may desire some change in the spelling of some words that you will feel like using. [Great laughter and applause.]

Mr. LITTAUER. I yield to the gentleman from Ohio such time as he may desire.

Mr. GROSVENOR. Mr. Chairman, if I understood the gentleman from Missouri correctly, he suggests that a change in the Constitution, or perhaps he said in the legislation, of the country would be beneficial, in his judgment, from the fact, among many other reasons, that it would enable Congressmen, Members of the House of Representatives, to legislate the full extent of the two years of their term prior to the election that would select their successors. The argument, if I caught the purport of it, was that the incentive to correct action and wise and proper legislation would be far greater if a Member of Congress should finish his two years' legislation prior to the election of a successor for his district.

I want to enter my solemn protest against that proposition. Is there any man in the world now that can legislate with the same degree of intelligence, and the same degree of patriotism, and the same degree of independence as can the fellow who is going out? [Laughter.] Rather than have the change made that the gentleman from Missouri suggests, I would suggest that the legislation of this House be turned over to the gentlemen who are going out at the end of this term. [Laughter and applause.] They will act with much greater disinterestedness than can the gentleman from Missouri, in the very nature of things.

Doubtless the gentleman from Missouri believes that in all his votes now, during this short session, and in all his votes during the long session of the Sixtieth Congress, he will be actuated by simple patriotic purpose to do right; but he will be wonderfully mistaken at the end of his career. Who is affected now that he is going out of Congress by the bluster of some walking demagogue in the form of a walking delegate? He who is going out is secure from the danger, and it could have no effect upon him. Mr. Chairman, no man can tell that until he has tried it. [Laughter.] What a wonderful thing it is at the end of a long career of devotion to public duty to be enabled to look in the face of the critic who denounces him for some act of his and invite that gentleman to go to any place, hot or cold. [Laughter.] There is something about it that is refreshing to any man. [Renewed laughter.] And you, Mr. Chairman, who know nothing about it, when you come to experiment upon it remember what I have said, and see if I have overestimated the ecstasy of the moment when you are able to deliver that sort of an answer to somebody who interferes with your judgment. Therefore, I think that this House should pay especial and great attention to the suggestions that I myself and a number of distinguished gentlemen will make to you during the next sixty or seventy days. [Laughter.]

We shall get upon the highest plane of American patriotism, without any question of what some fellow in my district or your district will say about our action, and if you will permit us to take the leadership and go forward to the end of this short session and will follow our action, you will find yourselves in a better condition than you will be if you think you are acting independently, in view of your next election.

I was greatly delighted to hear a discussion yesterday on the subject of the misspelling of words, and I was particularly delighted at the reference made by the gentleman from Missouri [Mr. CLARK] to the subject of mispronunciation of words. When I got home last night I told my wife what he said, and asked her whom she thought the gentleman from Missouri [Mr. CLARK] had reference to. She said, "I have warned you on that subject many a time. There is no doubt to whom he referred." [Laughter.]

"Well," I said to her, "now, this thing of mispronouncing words comes from lapsing into ancient habits. Sometimes even the best educated men make slips in pronunciation of words and even in the construction of sentences." My wife greatly regretted that I should have been made an example in the House of Representatives, so I said, "A much greater man than I am once perpetrated a much worse thing than that in the House of Representatives," and I told her what it was. I said I knew one of the best educated men in the House, a man of distinguished ability—it would be invidious to name him—who boasted that he had been the youngest president of a college in the United States up to that date, and he grew very warm and earnest and eloquent, as he always does in advocacy of something that he thinks is right. He is a man of fine education. I regret I had not the early opportunities that he had. He is a man with a finely furnished vocabulary, but he got a little bit excited on the question of the pay of the

school-teachers of the District of Columbia, and as he was going smoothly along and forming his fine sentences delightfully he suddenly burst forth and said, "Mr. Chairman, I hain't got no use for nobody that is in favor of cutting down the wages of school-teachers." [Laughter.]

Why, Mr. Chairman, this is too big a country for everybody to pronounce words exactly alike. You go to the average best educated man from the section of country where I was born and ask him if he will do a thing, and if he wants to give you a strong statement of it he will say "suttenly." You go to the country where my friend from Missouri [Mr. CLARK] lives and the same honest expression of promise will be "sartin," and if you ask the gentleman from Illinois, Speaker of the House of Representatives, he will say "cert," and there you have got the whole country covered. [Laughter.] But it will not do to undertake to say that the particular sound or pronounciation of a letter is a question of education. It is a question of use—a question of locality. So much for the improved spelling. I am very much interested in it, for I used to be a first-rate speller. I am sorry to see the innovation coming, but it is a great relief at last. When it gets to that period of development which I think will come, when every fellow can spell just as he has a mind to and nobody can criticise him, that will be delightful.

Now, Mr. Chairman, my object in taking the floor on this occasion was none of these things about which I have spoken. [Laughter.] I ask unanimous consent to extend in the RECORD my remarks upon the topic of the merchant-marine bill. [Laughter.] It is a proposition not quite so old as the question of orthography. It is about the same age as initiative and referendum, and getting worn a little bit threadbare, as that proposition is; but it does not involve an amendment to the Constitution. And I warn my friend from Missouri [Mr. DE ARMOND] that while he may be exercising his great power in an academic discussion of these great questions, neither he nor his grandchildren will live long enough, in my judgment, to see another amendment to the Constitution, unless it shall come in the stress and storm of war. [Applause.]

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, under the leave granted, I desire to print in the RECORD the following:

ADDRESS BY ELIHU ROOT BEFORE THE TRANS-MISSISSIPPI COMMERCIAL CONGRESS, KANSAS CITY, MO., TUESDAY, NOVEMBER 20,1906.

Mr. President and gentlemen of the Congress:

A little less than three centuries of colonial and national life have brought the people inhabiting the United States, by a process of evolution, natural and with the existing forces inevitable, to a point of distinct and radical change in their economic relations to the rest of mankind.

During the period now past the energy of our people, directed by the formative power created in our early population by heredity, by environment, by the struggle for existence, by individual independence, and by free institutions, has been devoted to the internal development of our own country. The surplus wealth produced by our labors has been applied immediately to reproduction in our own land. We have been cutting down forests and breaking virgin soil and fencing prairies and opening mines of coal and iron and copper and silver and gold, and building roads and canals and railroads and telegraph lines and cars and locomotives and mills and furnaces and schoolhouses and colleges and libraries and hospitals and asylums and public buildings and storehouses and shops and homes. We have been drawing on the resources of the world in capital and in labor to aid us in our work We have gathered strength from every rich and powerful nation and expended it upon these home undertakings; into them we have poured hundreds of millions of money attracted from the investors of Europe. We have been always a debtor nation, borrowing from the rest of the world, drawing all possible energy toward us and concentrating it with our own energy upon our own enterprises. The engrossing pursuit of our own opportunities has excluded from our consideration and interest the enterprises and the possibilities of the outside world. Invention, discovery, the progress of science, capacity for organization, the enormous increase in the productive power of mankind, have accelerated our progress and have brought us to a result of development in every branch of internal industrial activity marvelous and unprecedented in the history of the world.

Since the first election of President McKinley the people of the United States have for the first time accumulated a surplus of capital beyond the requirements of internal development. That surplus is increasing with extraordinary rapidity. We have paid our debts to Europe and have become a creditor instead of a debtor nation; we have faced about; we have left the ranks of the borrowing nations and have entered the ranks of the investing nations. Our surplus energy is beginning to look beyond our own borders, throughout the world, to find opportunity for the profitable use of our surplus capital, foreign markets for our manufactures, foreign mines to be developed, foreign bridges and railroads and public works to be built, foreign rivers to be turned into electric power and light. As in their several ways England and France and Germany have stood, so we in our own way are beginning to stand and must continue to stand toward the industrial enterprise of the world.

That we are not beginning our new rôle feebly is indicated by $1,518,561,666 of exports in the year 1905, as against $1,117,513,071 of imports, and by $1,743,864,500 exports in the year 1906, as against $1,226,563,843 of imports. Our first steps in the new field indeed are somewhat clumsy and unskilled. In our own vast country, with oceans on either side, we have had too little contact with foreign peoples readily to understand their customs or learn their languages; yet no one can doubt that we shall learn and shall understand and shall do our business abroad, as we have done it at home, with force and efficiency.

Coincident with this change in the United States, the progress of political development has been carrying the neighboring continent of South America out of the stage of militarism into the stage of industrialism. Throughout the greater part of that vast continent revolutions have ceased to be looked upon with favor or submitted to with indifference; the revolutionary general and the dictator are no longer the objects of admiration and imitation; civic virtues command the highest respect; the people point with satisfaction and pride to the stability of their governments, to the safety of property and the certainty of justice; nearly everywhere the people are eager for foreign capital to develop their natural resources and for foreign immigration to occupy their vacant land. Immediately before us, at exactly the right time, just as we are ready for it, great opportunities for peaceful commercial and industrial expansion to the south are presented. Other investing nations are already in the field—England, France, Germany, Italy, Spain; but the field is so vast, the new demands are so great, the progress so rapid, that what other nations have done up to this time is but a slight advance in the race for the grand total. The opportunities are so large that figures fail to convey them. The area of this newly awakened continent is 7,502,848 square miles—more than two and one-half times as large as the United States without Alaska and more than double the United States including Alaska. A large part of this area lies within the Temperate Zone, with an equable and invigorating climate, free from extremes of either heat or cold. Farther north, in the Tropics, are enormous expanses of high table-lands, stretching from the Atlantic to the foothills of the Andes, and lifted far above the tropical heats; the fertile valleys of the western cordilleras are cooled by perpetual snows even under the equator; vast forests grow untouched from a soil of incredible richness. The plains of Argentina, the great uplands of Brazil, the mountain valleys of Chile, Peru, Ecuador, Bolivia, and Colombia are suited to the habitation of any race, however far to the north its origin may have been; hundreds of millions of men can find healthful homes and abundant sustenance in this great territory.

The population in 1900 was only 42,461,381, less than six to the square mile. The density of population was less than one-eighth of that in the State of Missouri, less than one-sixtieth of that in the State of Massachusetts, less than one-seventieth of that in England, less than 1 per cent of that in Belgium.

With this sparse population the production of wealth is already enormous. The latest trade statistics show exports from South America to foreign countries of $745,530,000, and imports of $499,858,600. Of the five hundred millions of goods that South America buys we sell them but $63,246,525, or 12.6 per cent. Of the seven hundred and forty-five millions that South America sells we buy $152,092,000, or 20.4 per cent—nearly two and a half times as much as we sell.

Their production is increasing by leaps and bounds. In eleven years the exports of Chile have increased 45 per cent, from $54,030,000 in 1894 to $78,840,000 in 1905. In eight years the exports of Peru have increased 100 per cent, from $13,899,000 in 1897 to $28,758,000 in 1905. In ten years the exports of Brazil have increased 66 per cent, from $134,062,000 in 1894 to $223,101,000 in 1905. In ten years the exports of Argentina have increased 168 per cent, from $115,868,000 in 1895 to $311,544,000 in 1905.

This is only the beginning; the coffee and rubber of Brazil, the wheat and beef and hides of Argentina and Uruguay, the copper and nitrates of Chile, the copper and tin of Bolivia, the silver and gold and cotton and sugar of Peru, are but samples of what the soil and mines of that wonderful continent are capable of yielding. Ninety-seven per cent of the territory of South America is occupied by ten independent Republics living under constitutions substantially copied or adapted from our own. Under the new conditions of tranquillity and security which prevail in most of them their eager invitation to immigrants from the Old World will not long pass unheeded. The pressure of population abroad will inevitably turn its streams of life and labor toward those fertile fields and valleys. The streams have already begun to flow; more than two hundred thousand immigrants entered the Argentine Republic last year; they are coming this year at the rate of over three hundred thousand. Many thousands of Germans have already settled in southern Brazil. They are most welcome in Brazil; they are good and useful citizens there, as they are here; I hope that many more will come to Brazil and every other South American country, and add their vigorous industry and good citizenship to the upbuilding of their adopted home.

With the increase of population in such a field, under free institutions, with the fruits of labor and the rewards of enterprise secure, the production of wealth and the increase of purchasing power will afford a market for the commerce of the world worthy to rank even with the markets of the Orient as the goal of business enterprise. The material resources of South America are in some important respects complementary to our own; that continent is weakest where North America is strongest as a field for manufactures; it has comparatively little coal and iron. In many respects the people of the two continents are complementary to each other; the South American is polite, refined, cultivated, fond of literature and of expression and of the graces and charms of life, while the North American is strenuous, intense, utilitarian. Where we accumulate, they spend. While we have less of the cheerful philosophy which finds sources of happiness in the existing conditions of life, they have less of the inventive faculty which strives continually to increase the productive power of man and lower the cost of manufacture. The chief merits of the peoples of the two continents are different; their chief defects are different. Mutual intercourse and knowledge can not fail to greatly benefit both. Each can learn from the other; each can teach much to the other, and each can contribute greatly to the development and prosperity of the other. A large part of their products find no domestic competition here; a large part of our products will find no domestic competition there. The typical conditions exist for that kind of trade which is profitable, honorable, and beneficial to both parties.

The relations between the United States and South America have been chiefly political rather than commercial or personal. In the early days of the South American struggle for independence the eloquence of Henry Clay awakened in the American people a generous sympathy for the patriots of the South as for brethren struggling in the common cause

of liberty. The clear-eyed, judicious diplomacy of Richard Rush, the American minister at the Court of St. James, effected a complete understanding with Great Britain for concurrent action in opposition to the designs of the Holy Alliance, already contemplating the partition of the southern continent among the great powers of continental Europe. The famous declaration of Monroe arrayed the organized and rapidly increasing power of the United States as an obstacle to European interference and made it forever plain that the cost of European aggression would be greater than any advantage which could be won even by successful aggression.

That great declaration was not the chance expression of the opinion or the feeling of the moment; it crystallized the sentiment for human liberty and human rights which has saved American idealism from the demoralization of narrow selfishness, and has given to American democracy its true world power in the virile potency of a great example. It responded to the instinct of self-preservation in an intensely practical people. It was the result of conference with Jefferson and Madison and John Quincy Adams and John C. Calhoun and William Wirt—a combination of political wisdom, experience, and skill not easily surpassed. The particular circumstances which led to the declaration no longer exist; no holy alliance now threatens to partition South America; no European colonization of the west coast threatens to exclude us from the Pacific. But these conditions were merely the occasion for the declaration of a principle of action. Other occasions for the application of the principle have arisen since; it needs no prophetic vision to see that other occasions for its application may arise hereafter. The principle declared by Monroe is as wise an expression of sound political judgment to-day, as truthful a representation of the sentiments and instincts of the American people to-day, as living in its force as an effective rule of conduct whenever occasion shall arise, as it was on the 2d of December, 1823.

These great political services to South American independence, however, did not and could not in the nature of things create any relation between the people of South America and the people of the United States except a relation of political sympathy.

Twenty-five years ago Mr. Blaine, sanguine, resourceful, and gifted with that imagination which enlarges the historian's understanding of the past into the statesman's comprehension of the future, undertook to inaugurate a new era of American relations which should supplement political sympathy by personal acquaintance, by the intercourse of expanding trade, and by mutual helpfulness. As Secretary of State under President Arthur he invited the American nations to a conference to be held on the 24th of November, 1882, for the purpose of considering and discussing the subject of preventing war between the nations of America. That invitation, abandoned by Mr. Frelinghuysen, was renewed under Mr. Cleveland, and on the 2d of October, 1889, Mr. Blaine, again Secretary of State under President Harrison, had the singular good fortune to execute his former design and to open the sessions of the First American Conference at Washington. In an address of wisdom and lofty spirit, which should ever give honor to his memory, he described the assembly as "an honorable, peaceful conference of seventeen independent American powers, in which all shall meet together on terms of absolute equality; a conference in which there can be no attempt to coerce a single delegate against his own conception of the interests of his nation; a conference which will permit no secret understanding on any subject, but will frankly publish to the world all its conclusions; a conference which will tolerate no spirit of conquest, but will aim to cultivate an American sympathy as broad as both continents; a conference which will form no selfish alliance against the older nations from which we are proud to claim inheritance—a conference, in fine, which will seek nothing, propose nothing, endure nothing that is not, in the general sense of all the delegates, timely, wise, and peaceful."

The policy which Blaine inaugurated has been continued; the Congress of the United States has approved it; subsequent Presidents have followed it. The first conference at Washington has been succeeded by a second conference in Mexico, and now by a third conference in Rio de Janeiro, and it is to be followed in years to come by further successive assemblies in which the representatives of all American States shall acquire better knowledge and more perfect understanding and be drawn together by the recognition of common interests and the kindly consideration and discussion of measures for mutual benefit.

Nevertheless, Mr. Blaine was in advance of his time. In 1881 and 1889 neither had the United States reached a point where it could turn its energies away from its own internal development and direct them outward toward the development of foreign enterprises and foreign trade, nor had the South American countries reached the stage of stability in government and security for property necessary to their industrial development.

Now, however, the time has come. Both North and South America have grown up to Blaine's policy. The production, the trade, the capital, the enterprise of the United States have before them the opportunity to follow, and they are free to follow, the pathway marked out by the farsighted statesmanship of Blaine for the growth of America, North and South, in the peaceful prosperity of a mighty commerce.

To utilize this opportunity certain practical things must be done. For the most part these things must be done by a multitude of individual efforts; they can not be done by government. Government may help to furnish facilities for the doing of them, but the facilities will be useless unless used by individuals. They can not be done by resolutions of this or any other commercial body; resolutions are useless unless they stir individual business men to action in their own business affairs. The things needed have been fully and specifically set forth in many reports of efficient consuls and of highly competent agents of the Department of Commerce and Labor, and they have been described in countless newspapers and magazine articles; but all these things are worthless unless they are followed by individual action. I will indicate some of the matters to which every producer and merchant who desires South American trade should pay attention:

1. He should learn what the South Americans want and conform his product to their wants. If they think they need heavy castings, he should give them heavy castings and not expect them to buy light ones because he thinks they are better. If they want coarse cottons, he should give them coarse cottons and not expect them to buy fine cottons. It may not pay to-day, but it will pay to-morrow. The tendency to standardize articles of manufacture may reduce the cost and promote convenience, but if the consumers on the River Plata demand a different standard from the consumers on the Mississippi you must have two standards or lose one market.

2. Both for the purpose of learning what the South American people want and of securing their attention to your goods you must have agents who speak the Spanish or Portuguese language. For this there are two reasons: One is that people can seldom really get at each other's minds through an interpreter, and the other is that nine times out of ten it is only through knowing the Spanish or Portuguese language that a North American comes to appreciate the admirable and attractive personal qualities of the South American, and is thus able to establish that kindly and agreeable personal relation which is so potent in leading to business relations.

3. The American producer should arrange to conform his credit system to that prevailing in the country where he wishes to sell goods. There is no more money lost upon commercial credits in South America than there is in North America; but business men there have their own ways of doing business; they have to adapt the credits they receive to the credits they give. It is often inconvenient and disagreeable—and it is sometimes impossible—for them to conform to our ways, and the requirement that they should do so is a serious obstacle to trade.

To understand credits it is, of course, necessary to know something about the character, trustworthiness, and commercial standing of the purchaser, and the American producer or merchant who would sell goods in South America must have some means of knowledge upon this subject. This leads naturally to the next observation I have to make.

4. The establishment of banks should be brought about. The Americans already engaged in South American trade could well afford to subscribe the capital and establish an American bank in each of the principal cities of South America. This is, first, because nothing but very bad management could prevent such a bank from making money; capital is much needed in those cities, and 6, 8, and 10 per cent can be obtained for money upon just as safe security as can be had in Kansas City, St. Louis, or New York. It is also because the American bank would furnish a source of information as to the standing of the South American purchasers to whom credit may be extended and because American banks would relieve American business in South America from the disadvantage which now exists of making all its financial transactions through Europe instead of directly with the United States. It is unfortunately true that among hundreds of thousands of possible customers the United States now stands in a position of assumed financial and business inferiority to the countries through whose banking houses all its business has to be done.

5. The American merchant should himself acquire, if he has not already done so, and should impress upon all his agents that respect for the South American to which he is justly entitled and which is the essential requisite to respect from the South American. We are different in many ways as to character and methods. In dealing with all foreign people it is important to avoid the narrow and uninstructed prejudice which assumes that difference from ourselves denotes inferiority. There is nothing that we resent so quickly as an assumption of superiority or evidence of condescension in foreigners; there is nothing that the South Americans resent so quickly. The South Americans are our superiors in some respects; we are their superiors in other respects. We should show to them what is best in us and see what is best in them. Every agent of an American producer or merchant should be instructed that courtesy, politeness, kindly consideration, are essential requisites for success in the South American trade.

6. The investment of American capital in South America under the direction of American experts should be promoted, not merely upon simple investment grounds, but as a means of creating and enlarging trade. For simple investment purposes the opportunities are innumerable. Good business judgment and good business management will be necessary there, of course, as they are necessary here; but, given these, I believe that there is a vast number of enterprises awaiting capital in the more advanced countries of South America, capable of yielding great profits, and in which the property and the profits will be as safe as in the United States or Canada. A good many such enterprises are already begun. I have found a graduate of the Massachusetts Institute of Technology, a graduate of the Columbia School of Mines, and a graduate of Colonel Roosevelt's Rough Riders smelting copper close under the snow line of the Andes; I have ridden in an American car upon an American electric road, built by a New York engineer, in the heart of the coffee region of Brazil, and I have seen the waters of that river along which Pizarro established his line of communication in the conquest of Peru harnessed to American machinery to make light and power for the city of Lima. Every such point is the nucleus of American trade—the source of orders for American goods.

7. It is absolutely essential that the means of communication between the two countries should be improved and increased.

This underlies all other considerations, and it applies both to the mail, the passenger, and the freight services. Between all the principal South American ports and England, Germany, France, Spain, Italy, lines of swift and commodious steamers ply regularly. There are five subsidized first-class mail and passenger lines between Buenos Ayres and Europe; there is no such line between Buenos Ayres and the United States. Within the past two years the German, the English, and the Italian lines have been replacing their old steamers with new and swifter steamers of modern construction, accommodation, and capacity.

In the year ending June 30, 1905, there entered the port of Rio de Janeiro steamers and sailing vessels flying the flag of Austria-Hungary 120, of Norway 142, of Italy 165, of Argentina 264, of France 349, of Germany 657, of Great Britain 1,785, of the United States no steamers and 7 sailing vessels, 2 of which were in distress!

An English firm runs a small steamer monthly between New York and Rio de Janeiro; the Panama Railroad Company runs steamers between New York and the Isthmus of Panama; the Brazilians are starting for themselves a line between Rio and New York; there are two or three foreign concerns running slow cargo boats, and there are some foreign tramp steamers. That is the sum total of American communications with South America beyond the Caribbean Sea. Not one American steamship runs to any South American port beyond the Caribbean. During the past summer I entered the ports of Para Pernambuco, Bahia, Rio de Janeiro, Santos, Montevideo, Buenos Ayres, Bahia Blanca, Punta Arenas, Lota, Valparaiso, Coquimbo, Tocopilla, Callao, and Cartagena—all of the great ports and a large proportion of the secondary ports of the southern continent. I saw only one ship, besides the cruiser that carried me, flying the American flag. The mails between South America and Europe are swift, regular, and certain; between South America and the United States they are slow, irregular, and uncertain. Six weeks is not an uncommon time for a letter to take between Buenos Ayres or Valparaiso and New York. The merchant who wishes to order American goods can not know when his order will be received or when it will be filled. The freight charges between the South American cities and American cities are generally and substantially higher than between the same cities and Europe; at many points the deliveries of freight are uncertain and its condition upon arrival doubtful. The passenger accommodations are such as to make a journey to the United States a trial to be endured and a journey to Europe a

pleasure to be enjoyed. The best way to travel between the United States and both the southwest coast and the east coast of South America is to go by way of Europe, crossing the Atlantic twice. It is impossible that trade should prosper or intercourse increase or mutual knowledge grow to any great degree under such circumstances. The communication is worse now than it was twenty-five years ago. So long as it is left in the hands of our foreign competitors in business we can not reasonably look for any improvement. It is only reasonable to expect that European steamship lines shall be so managed as to promote European trade in South America rather than to promote the trade of the United States in South America.

This woeful deficiency in the means to carry on and enlarge our South American trade is but a part of the general decline and feebleness of the American merchant marine, which has reduced us from carrying over 90 per cent of our export trade in our own ships to the carriage of 9 per cent of that trade in our own ships and dependence upon foreign shipowners for the carriage of 91 per cent. The true remedy and the only remedy is the establishment of American lines of steamships between the United States and the great ports of South America, adequate to render fully as good service as is now afforded by the European lines between those ports and Europe. The substantial underlying fact was well stated in the resolution of this Trans-Mississippi Congress three years ago:

"That every ship is a missionary of trade; that steamship lines work for their own countries just as railroad lines work for their terminal points, and that it is as absurd for the United States to depend upon foreign ships to distribute its products as it would be for a department store to depend upon wagons of a competing house to deliver its goods."

How can this defect be remedied? The answer to this question must be found by ascertaining the cause of the decline of our merchant marine. Why is it that Americans have substantially retired from the foreign transport service? We are a nation of maritime traditions and facility; we are a nation of constructive capacity, competent to build ships; we are eminent, if not preeminent, in the construction of machinery; we have abundant capital seeking investment; we have courage and enterprise shrinking from no competition in any field which we choose to enter. Why, then, have we retired from this field in which we were once conspicuously successful?

I think the answer is twofold.

1. The higher wages and the greater cost of maintenance of American officers and crews make it impossible to compete on equal terms with foreign ships. The scale of living and the scale of pay of American sailors are fixed by the standard of wages and of living in the United States, and those are maintained at a high level by the protective tariff. The moment the American passes beyond the limits of his country and engages in ocean transportation he comes into competition with the lower foreign scale of wages and of living. Mr. Joseph L. Bristow, in his report upon trade conditions affecting the Panama Railroad, dated June 14, 1905, gives in detail the cost of operating an American steamship with a tonnage of approximately thirty-five hundred tons, as compared with the cost of operating a specified German steamship of the same tonnage, and the differences aggregate $15,315 per annum greater cost for the American steamship than for the German; that is, $4.37 per ton. He gives also in detail the cost of maintaining another American steamship with a tonnage of approximately twenty-five hundred tons, as compared with the cost of operating a specified British steamship of the same tonnage, and the differences aggregate $18,289.68 per annum greater cost for the American steamship than for the British; that is, $7.31 per ton. It is manifest that if the German steamship were content with a profit of less than $15,000 per annum, and the British with a profit of less than $18,000 per annum, the American ships would have to go out of business.

2. The principal maritime nations of the world, anxious to develop their trade, to promote their shipbuilding industry, to have at hand transports and auxiliary cruisers in case of war, are fostering their steamship lines by the payment of subsidies. England is paying to her steamship lines between six and seven million dollars a year; it is estimated that since 1840 she has paid to them between two hundred and fifty and three hundred millions. The enormous development of her commerce, her preponderant share of the carrying trade of the world, and her shipyards crowded with construction orders from every part of the earth indicate the success of her policy. France is paying about $8,000,000 a year; Italy and Japan between three and four millions each; Germany, upon the initiative of Bismarck, is building up her trade with wonderful rapidity by heavy subventions to her steamship lines and by giving special differential rates of carriage over her railroads for merchandise shipped by those lines. Spain, Norway, Austria-Hungary, Canada, all subsidize their own lines. It is estimated that about $28,000,000 a year are paid by our commercial competitors to their steamship lines.

Against these advantages to his competitor the American shipowner has to contend, and it is manifest that the subsidized ship can afford to carry freight at cost for a long enough period to drive him out of business.

We are living in a world not of natural competition, but of subsidized competition. State aid to steamship lines is as much a part of the commercial system of our day as state employment of consuls to promote business.

It will be observed that both of these disadvantages under which the American shipowner labors are artificial; they are created by governmental action—one by our own Government in raising the standard of wages and living by the protective tariff; the other by foreign governments in paying subsidies to their ships for the promotion of their own trade. For the American shipowner it is not a contest of intelligence, skill, industry, and thrift against similar qualities in his competitor; it is a contest against his competitors and his competitors' governments and his own Government also.

Plainly, these advantages created by governmental action can be neutralized only by governmental action, and should be neutralized by such action.

What action ought our Government to take for the accomplishment of this just purpose? Three kinds of action have been advocated.

1. A law providing for free ships—that is, permitting Americans to buy ships in other countries and bring them under the American flag. Plainly this would not at all meet the difficulties which I have described. The only thing it would accomplish would be to overcome the excess in cost of building a ship in an American shipyard over the cost of building it in a foreign shipyard; but since all the materials which enter into an American ship are entirely relieved of duty, the difference in cost of construction is so slight as to be practically a negligible quantity and to afford no substantial obstacle to the revival of American shipping. The expedient of free ships, therefore, would be merely to sacrifice our American shipbuilding industry, which ought to be revived and enlarged with American shipping, and to sacrifice it without receiving any substantial benefit. It is to be observed that Germany, France, and Italy all have attempted to build up their own shipping by adopting the policy of free ships, have failed in the experiment, have abandoned it, and have adopted in its place the policy of subsidy.

2. It has been proposed to establish a discriminating tariff duty in favor of goods imported in American ships—that is to say, to impose higher duties upon goods imported in foreign ships than are imposed on goods imported in American ships. We tried that once many years ago and have abandoned it. In its place we have entered into treaties of commerce and navigation with the principal countries of the world expressly agreeing that no such discrimination shall be made between their vessels and ours. To sweep away all those treaties and enter upon a war of commercial retaliation and reprisal for the sake of accomplishing indirectly what can be done directly should not be seriously considered.

3. There remains the third and obvious method—to neutralize the artificial disadvantages imposed upon American shipping, through the action of our own Government and foreign governments, by an equivalent advantage in the form of a subsidy or subvention. In my opinion this is what should be done; it is the sensible and fair thing to do. It is what must be done if we would have a revival of our shipping and the desired development of our foreign trade. We can not repeal the protective tariff; no political party dreams of repealing it; we do not wish to lower the standard of American living or American wages. We should give back to the shipowner what we take away from him for the purpose of maintaining that standard, and unless we do give it back we shall continue to go without ships. How can the expenditure of public money for the improvement of rivers and harbors to promote trade be justified upon any grounds which do not also sustain this proposal? Would anyone reverse the policy that granted aid to the Pacific railroads, the pioneers of our enormous internal commerce, the agencies that built up the great traffic which has enabled half a dozen other roads to be built in later years without assistance? Such subventions would not be gifts. They would be at once compensation for injuries inflicted upon American shipping by American laws and the consideration for benefits received by the whole American people—not the shippers or the shipbuilders or the sailors alone, but by every manufacturer, every miner, every farmer, every merchant whose prosperity depends upon a market for his products.

The provision for such just compensation should be carefully shaped and directed so that it will go to individual advantage only so far as the individual is enabled by it to earn a reasonable profit by building up the business of the country.

A bill is now pending in Congress which contains such provisions; it has passed the Senate and is now before the House Committee on Merchant Marine and Fisheries. It is known as Senate bill No. 529, Fifty-ninth Congress, first session. It provides specifically that the Postmaster-General may pay to American steamships, of specified rates of speed, carrying mails upon a regular service, compensation not to exceed the following amounts: For a line from an Atlantic port to Brazil, monthly, $150,000 a year; for a line from an Atlantic port to Uruguay and Argentina, monthly, $187,500 a year; for a line from a Gulf port to Brazil, monthly, $137,500 a year; for a line from each of two Gulf ports and from New Orleans to Central America and the Isthmus of Panama, weekly, $75,000 a year; for a line from a Gulf port to Mexico, weekly, $50,000 a year; for a line from a Pacific coast port to Mexico, Central America, and the Isthmus of Panama, fortnightly, $120,000 a year. For these six regular lines a total of $720,000. The payments provided are no more than enough to give the American ships a fair living chance in the competition.

There are other wise and reasonable provisions in the bill relating to trade with the Orient, to tramp steamers, and to a naval reserve, but I am now concerned with the provisions for trade to the south. The hope of such a trade lies chiefly in the passage of that bill.

Postmaster-General Cortelyou, in his report for 1905, said:

"Congress has authorized the Postmaster-General, by the act of 1891, to contract with the owners of American steamships for ocean mail service, and has realized the impracticability of commanding suitable steamships in the interest of the postal service alone by requiring that such steamers shall be of a size, class, and equipment which will promote commerce and become available as auxiliary cruisers of the Navy in case of need. The compensation allowed to such steamers is found to be wholly inadequate to secure the proposals contemplated; hence advertisements from time to time have failed to develop any bids for much-needed service. This is especially true in regard to several of the countries of South America, with which we have cordial relations and which, for manifest reasons, should have direct mail connections with us. I refer to Brazil and countries south of it. Complaints of serious delay to mails for these countries have become frequent and emphatic, leading to the suggestion on the part of certain officials of the Government that for the present and until more satisfactory direct communication can be established important mails should be dispatched to South America by way of European ports and on European steamers, which would not only involve the United States in the payment of double transit rates to a foreign country for the dispatch of its mails to countries of our own hemisphere, but might seriously embarrass the Government in the exchange of important official and diplomatic correspondence.

"The fact that the Government claims exclusive control of the transmission of letter mail throughout its own territory would seem to imply that it should secure and maintain the exclusive jurisdiction, when necessary, of its mails on the high seas. The unprecedented expansion of trade and foreign commerce justifies prompt consideration of an adequate foreign mail service."

It is difficult to believe, but it is true, that out of this faulty ocean mail service the Government of the United States is making a large profit. The actual cost to the Government last year of the ocean mail service to foreign countries other than Canada and Mexico was $2,965,624.21, while the proceeds realized by the Government from postage between the United States and foreign countries other than Canada and Mexico was $6,008,807.53, leaving the profit to the United States of $3,043,183.32; that is to say, under existing law the Government of the United States, having assumed the monopoly of carrying the mails for the people of the country, is making a profit of $3,000,000 per annum by rendering cheap and inefficient service. Every dollar of that three millions is made at the expense of the commerce of the United States. What can be plainer than that the Government ought to expend at least the profits that it gets from the ocean mail service in making the ocean mail service efficient. One-quarter of those profits would establish all these lines which I have described between the United States and South and Central America and give us, besides a

good mail service, enlarged markets for the producers and merchants of the United States who pay the postage from which the profits come.[a]

In his last message to Congress President Roosevelt said:

"To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need to reenforce our battle line. It can not but be a source of regret and uneasiness to us that the lines of communication with our sister republics of South America should be chiefly under foreign control. It is not a good thing that American merchants and manufacturers should have to send their goods and letters to South America via Europe if they wish security and dispatch. Even on the Pacific, where our ships have held their own better than on the Atlantic, our merchant flag is now threatened through the liberal aid bestowed by other governments on their own steam lines. I ask your earnest consideration of the report with which the Merchant Marine Commission has followed its long and careful inquiry."

The bill now pending in the House is a bill framed upon the report of that Merchant Marine Commission. The question whether it shall become a law depends upon your Representatives in the House. You have the judgment of the Postmaster-General, you have the judgment of the Senate, you have the judgment of the President. If you agree with these judgments and wish the bill which embodies them to become a law, say so to your Representatives. Say it to them individually and directly, for it is your right to advise them and it will be their pleasure to hear from you what legislation the interests of their constituents demand.

The great body of Congressmen are always sincerely desirous to meet the just wishes of their constituents and to do what is for the public interest; but in this great country they are continually assailed by innumerable expressions of private opinion and by innumerable demands for the expenditure of public money; they come to discriminate very clearly between private opinion and public opinion and between real public opinion and the manufactured appearance of public opinion; they know that when there is a real demand for any kind of legislation it will make itself known to them through a multitude of individual voices. Resolutions of commercial bodies frequently indicate nothing except that the proposer of the resolution has a positive opinion and that no one else has interest enough in the subject to oppose it. Such resolutions by themselves, therefore, have comparatively little effect; they are effective only when the support of individual expressions shows that they really represent a genuine and general opinion.

It is for you and the business men all over the country whom you represent to show to the Representatives in Congress that the producing and commercial interests of the country really desire a practical measure to enlarge the markets and increase the foreign trade of the United States, by enabling American shipping to overcome the disadvantages imposed upon it by foreign governments for the benefit of their trade and by our Government for the benefit of our home industry.

Mr. LITTAUER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. BOUTELL] such time as he may desire.

Mr. BOUTELL. Mr. Chairman, yesterday our President was awarded one of the five great prizes that are annually distributed under the munificent provisions of the will of that illustrious Swedish scientist and philanthropist, Alfred Nobel. Although these prizes have been distributed for five years, this is the first occasion on which one of them has been given to an American citizen. It is, therefore, quite fitting that we, while congratulating the President of the United States as the recipient of this great international honor, should pay a tribute of respect to the memory of the eminent man whose wisdom and generosity established the now famous Nobel prizes.

Yesterday was the tenth anniversary of Nobel's death, which occurred at San Remo on the 10th of December, 1896. He left a voluminous will, said to have been drawn without the aid of lawyers, and in his own handwriting. The provision of this remarkable document that relates to the establishment of the prizes that bear the name of their founder is as follows:

With the residue of my convertible estate I hereby direct my executors to proceed as follows: They shall convert my said residue of property into money, which they shall then invest in safe securities; the capital thus secured shall constitute a fund, the interest accruing from which shall be annually awarded in prizes to those persons who shall have contributed most materially to benefit mankind during the year immediately preceding. The said interest shall be divided into five equal amounts, to be apportioned as follows: One share to the person who shall have made the most important discovery or invention in the domain of physics; one share to the person who shall have made the most important chemical discovery or improvement; one share to the person who shall have made the most important discovery in the domain of physiology or medicine; one share to the person who shall have produced in the field of literature the most distinguished work of an idealistic tendency, and, finally, one share to the person who shall have most or best promoted the fraternity of nations and the abolishment or diminution of standing armies and the formation and increase of peace congresses. The prizes for physics and chemistry shall be awarded by the Swedish Academy of Science (Svenska Vetenskapsakademien) in Stockholm; the one for physiology or medicine by the Caroline Medical Institute (Karolinska Institutet) in Stockholm; the prizes for literature by the Academy in Stockholm (i. e. Svenska Akademien), and that for peace by a committee of five persons to be elected by the Norwegian Storthing. I declare it to be my express desire that, in awarding the prizes, no consideration whatever be paid to the nationality of the candidates—that is to say, that the most deserving be awarded the prize, whether of Scandinavian origin or not.

All Americans are to-day justly proud that the first of these prizes to come to the United States has been awarded to the illustrious citizen who holds the most exalted office in the gift of this Republic and the highest place in the esteem of his fellow-citizens. It is interesting, therefore, and intensely gratifying for us to know that he occupies a place on the roll of honor with such men as Dr. Wilhelm Konrad Röntgen, the discoverer of the wonderful Röntgen rays; Dr. Jacobus Henricus Van't Hoff, the distinguished Dutch scientist; Emil von Behring; René François Armand Tully Prudhomme; Jean Henry Dunant, the founder of the Red Cross Society; Frederick Passy; Lord Rayleigh, and Sir William Ramsey.

One of the peace prizes, such as has been given to President Roosevelt, was awarded to the Institut de Droit International. Another of the peace prizes was given to that distinguished Austrian noblewoman, the Baroness von Suttner, whose work "Die Waffen nieder" (Ground Arms) is so well known through its vivid portrayal of the horrors of war.

What manner of man was it who left this unique testament, reflecting glory alike on his own memory and upon the country of his birth? The estate at the time of his death amounted to something like $10,000,000, and the five annual prizes now average about $40,000 each.

Alfred Nobel, who left this testament, doing a grand thing in such a grand way, was born in Stockholm October 21, 1833, and died, as I have said, on the 10th of December, 1896. His father was a scientist and inventor of some reputation, both in Sweden and in Russia, where he had factories for the manufacture of explosives. Young Alfred Nobel was associated first with his father and afterwards with his brothers in various manufacturing enterprises. It is interesting for us to recall that from the age of 17 to 21 years, or from 1850 to 1854, Alfred Nobel lived in the United States, where he was sent by his father to study and work with that great Swedish-American, John Ericsson, the inventor of the modern ironclad, and, we may say, the founder of the present navies of the world and the inventor of the screw propeller. On his return to Europe young Nobel engaged with his father and brothers in their enterprises and very early became interested in perfecting high explosives. In 1862, at Stockholm, he first manufactured nitroglycerin on a commercial scale.

His experiments with nitroglycerin soon led to his discovery of dynamite, a discovery which some one has said marks a new epoch in the civilization of the world. It was through this discovery and the practical uses to which Nobel put his dynamite that we owe some of the greatest engineering feats of the last generation and the vast mining operations that have been prosecuted on such an unprecedented scale. Nobel, singularly enough, is described by his friends as an extremely modest, shrinking, and sensitive man, who frequently in carrying on his experiments was compelled from sheer weakness to do his work while lying in a recumbent position. But he had an unconquerable will and undaunted courage, and no losses, no dangers, incident to his calling ever deterred him from carrying on his work. After the Franco-Prussian war had demonstrated the use in warfare of high explosives Alfred Nobel perfected gun cotton and smokeless powder, and by the time he was 40 years of age, or in the early seventies, his fame and his fortune were assured. Later he became associated with his brothers in the rectifying and transportation of oil in Russia, which further increased his fortune. He never married, and his entire property, with the exception of a few bequests, was placed in the hands of trustees for the establishment of these prizes.

Shortly after Nobel's death a sympathetic biographer thus wrote of the intentions of this singular man in the disposition of his property:

A good deal has been said in explanation of this extraordinary will. The intimate friends of Mr. Nobel have been invited to give information which might throw light on his intentions, and two gentlemen, who witnessed the will, have declared that he had told them that he was a socialist, but one with moderate views; that in his opinion it was not good for people to inherit large amounts, because it does not stimulate them to work.

He wanted his fortune to benefit those who were working in the interest of humanity, and therefore he wanted those in the first instance to profit by it who were occupied with scientific research, because they could not, as a rule, reap much material benefit from their labor. The fifth prize is to be explained by the fact that toward the latter part of his life Nobel became deeply interested in all that was done to promote peace by congresses and societies. He always considered that by improving war material, and thus increasing the dangers of war, he was contributing his share toward the pacification of the world.

One of the prizes provided by him throws a very interesting side light upon his character, namely, the prize which was to be given for the best literary work of idealistic character. It seems strange that this man, who was occupied in the manufacture of high explosives and those materials which have made warfare so terrible and devastating, should in his leisure moments have devoted himself to the study of languages, in many of which he was proficient, and found delight in idealistic literature.

Our representative in Christiania, Mr. Peirce, in accepting on

[a] There would be some modification of these figures if the cost of getting the mails to and from the exchange offices were charged against the account; but this is not separable from the general domestic cost and would not materially change the result.

behalf of the President the prize which was awarded yesterday, delivered this message from the President to the committee of the Storthing:

I am profoundly moved and touched by the signal honor shown me through your body in conferring upon me the Nobel peace prize. There is no gift I could appreciate more; and I wish it were in my power fully to express my gratitude. I thank you for myself, and I thank you on behalf of the United States, for what I did I was able to accomplish only as the representative of the nation of which for the time being I am President. After much thought I have concluded that the best and most fitting way to apply the amount of the prize is by using it as a foundation to establish at Washington a permanent industrial peace committee. The object will be to strive for better and more equitable relations among my countrymen who are engaged, whether as capitalists or wageworkers, in industrial and agricultural pursuits. This will carry out the purpose of the founder of the prize, for in modern life it is as important to work for the cause of just and righteous peace in the industrial world as in the world of nations. I again express to you the assurance of my deep and lasting gratitude and appreciation.

THEODORE ROOSEVELT.

[Great applause.]

In his disposition of this prize money the President has enhanced the luster of the honor conferred upon him in this award.

And so I think it is quite fitting for this House to take notice not only of the gratification and pride which the citizens of this country feel that one of these prizes has come to our most illustrious citizen, but also to express our appreciation of the modesty and the splendid and noble humanitarianism with which the President has disposed of this fund—in a method that I am sure would meet the approval of the great founder, himself a life-long employer of labor, could he look down and make known to us his opinion of the disposition which has been made by President Roosevelt of the prize awarded to him.

I have said that one of these peace prizes was awarded to the Baroness von Suttner, whose remarkable book, Ground Arms, has attracted the attention of all the civilized world. In that book one of her characters, Rudolph, the advocate of peace, says:

The prince or statesman is perhaps already alive who is to bring to perfection the exploit which will live in all future history as the most glorious and most enlightened of all exploits—that which will carry universal disarmament.

And he proposes this toast:

Hail to the future! To fulfill its tasks, shall we clothe ourselves in steel? No! Shall we endeavor to show ourselves worthy of our fathers' fathers, as the old phrase goes? No! But of our grandsons' grandsons!

That, of course, is a noble sentiment, Mr. Chairman. No sane man desires war. No man who loves his country wishes to see her drawn into war. The language of the greatest poet of the Victorian era expresses the earnest wish of every patriot:

Ah! When shall all men's good
Be each man's rule, and universal peace
Lie like a shaft of light across the land
And like a lane of beams athwart the sea,
Thro' all the circle of the golden year?

But, Mr. Chairman, no man can foretell the day that will usher in the golden year. Our President has received this prize, known as the "peace prize," for the services which he rendered in bringing to a close the terrible conflict between Russia and Japan. It is well for us to remember also at this time the wise policy which he has always advocated for keeping this great Republic at peace with the nations of the world. While a practical statesman often may use this prayer of the poet, he will at the same time, though working with all the energy of his being to bring about universal peace, see to it that, so far as his own nation is concerned, her credit and her armament will be always in such a condition as to insure her safety from attack. We often speak of great armies and navies as the surest guaranty of peace. Armies and navies, however, are but symbols of a greater power, the power that creates and maintains them. The reality back of the symbol is national credit.

No man who has had to do with wars ever said a wiser thing than the greatest captain of all time when he was asked the three chief requisites for carrying on war and replied: "First, money; second, money; and third, more money." National credit is the surest guaranty of peace, and the United States, with her interest-bearing debt, less available cash, a bare $600,000,000, with her great natural resources and her 2 per cent bonds commanding a premium, has to-day a financial strength equal to the combined strength of any three of the greatest powers on earth. It is for us to see to it that in the future this national credit is preserved; that our small nucleus of an Army is composed of men of the highest training and proficiency, and that our Navy is kept always in the highest state of efficiency, both in ships and men. Thus, while doing our best to bring about the reign of universal peace, we shall see to it that our Republic at least is impregnable from outside attacks. [Great applause.]

Mr. GAINES of Tennessee. Mr. Chairman, last session of this Congress I said on the floor of this House that I would vote for a measure to raise the salaries of our successors. Both before and since this, on the stump in Tennessee, I have insisted that the salaries of Members of Congress, Senators and Representatives, were insufficient and should be raised, and that I would support a measure to do so. Nothing was done on this subject last session. Since then, last November, the Members of the Sixtieth Congress have been elected. Their term of office begins March 4 next.

I have introduced this session a bill to raise the salaries of the Members of the Sixty-first Congress to $7,500 per year, also paying them their necessary and proper traveling expenses in going to and from the regular and extra sessions of Congress, but only such amounts as are actually paid. My bill further provides that proper writing supplies shall be furnished to each Member on demand, including a typewriting machine, to be used in official business. We are now allowed $5,000 salary, our railroad fare, and $125, to be used in whole or in part, in purchasing stationery, etc.

I know this reform is needed. So does every Member of Congress, including the ex-Members, while the people believe it should be made.

The present salary of $5,000 was first fixed in 1866, forty years ago. The cost of living was then less than now. The work of Members in 1866 was much less than in 1906. You know the work we must do to-day is many fold greater than ever before, and necessarily so.

I shall not take up, just now, at least, the time of the committee showing the necessity for this reform; you are familiar with the facts. My purpose now is to show the history of and cite the precedents made from the First Congress, which passed the first act fixing these salaries, down to the Forty-third Congress, which, in 1874, passed the last act—the present law, the same law in dollars and cents passed in 1866—forty years ago.

I believe these salaries would have been raised long before this had not the Forty-second Congress, March 3, 1873, about twelve hours before that Congress died, passed a retroactive statute, giving Members of that Congress, on the very last day of its service, a back salary at the rate of $7,500 per year. Just the day before—that is, March 3, 1873—that Congress died, it passed that law, giving, with possibly some deductions, the Members of that Congress that salary for the whole time, I believe, that they had been Members of the Forty-second Congress, and the people very rightfully rebelled.

That Congress had already, from time to time, been paid for its year work. It was strictly a "back salary grab," a Congress paying itself for work for which it had already been paid, or had the right to be paid under the old law, of $5,000 per annum and mileage at the rate of 20 cents per mile, under the act of July 28, 1866, passed during President Johnson's Administration.

The next, or Forty-third Congress, in 1874, reduced the $7,500 salary back to the old amount of $5,000 and 20 cents mileage, the law to-day.

The increase in salaries which I insist should be made is not for past services, but for future services, and more than that for the members of the Sixty-first Congress, to be elected two years hence. Persons of unfair minds can not criticise those who vote for it as being selfish.

I am on record in and out of this House as favoring the enactment of a law by this the Fifty-ninth Congress to increase the salaries of our successors, which then meant the successors to the Fifty-ninth Congress, to wit, the Sixtieth, the Sixty-first, or any other Congress to which this Congress may in its wisdom may make the law applicable.

The public service requires this increase. In justice to the Member it is required. But I desire to get to the question of precedents. I read the Constitution on the power of Congress to fix compensation of Members of Congress before I introduced this bill. I had not read any other authority or precedent on the subject before then, but, desiring to go to the bottom of the question, I have, since Saturday last, looked up the statutes on the subject, which I shall insert in the RECORD, if permitted.

The Constitution ordains that—

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.

This provision was fixed by the framers of the Constitution by a vote of 9 to 2 after considerable debate as to whether Members should be paid at all and whether by the State or Federal Government. You see the vote was overwhelming.

THE FIRST CONGRESS.

The First Congress at its first session, September, 1789, fixed the salaries and mileage of the Members of the First Congress, the Second and Third also, and President Washington approved the act. This precedent, as I will show, has been repeatedly followed.

The First Congress submitted twelve proposed amendments to the Constitution, ten of which were adopted. Two were defeated, one of which reads as follows:

PROPOSED AMENDMENT DEFEATED.

ARTICLE II. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

This amendment was defeated.

It is very similar, you observe, in its purpose to the bill I have introduced proposing to fix the salaries of Members yet to be elected for the Sixty-first Congress. If that bill, or one similar, is passed, the Sixtieth Congress, just elected, can repeal it at either the long or short session. The Members of the Sixty-first can repeal it.

PRESIDENT WASHINGTON'S SALARY.

The First Congress also fixed the salary of the President, then Mr. Washington, and the Vice-President, then Mr. Adams, at $25,000 for the President and $5,000 for the Vice-President. Mr. Washington, as President, approved this act, although in his inaugural address he at least intimated to Congress that he did not desire any compensation, but asked for certain furniture, etc. Here is what he said:

WHAT WASHINGTON ASKED FOR.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will, therefore, be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed; and being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department; and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

On February 18, 1793, near the close of the first term of President Washington, he again approved a bill refixing his salary and the Vice-President's at the same figures, "to be paid quarter-yearly," and "from and after the 3d of March, 1793," his second term beginning March 4, 1793.

FOURTH CONGRESS FIXED ITS SALARY.

The Fourth Congress, in 1796, at its first session, fixed its salary. The date of the act is March 10, 1796, and provides:

That every session of Congress and at every meeting of the Senate in the recess of Congress, from and after the 3d day of March, in the present year (1796), each Senator shall receive $6 per day, etc., and $6 for every 20 miles to and from sessions of Congress, etc.

President Washington approved this act.

There were many Members of the First, Second, Third, and Fourth Congresses, at least the First, who were members of the Constitutional Convention, over which Mr. Washington presided, and thus they construed the powers of Congress to act, legally and morally, in fixing salaries. The people had before 1791 defeated the proposed amendment prohibiting the changing of the compensation of Members by any law taking effect "until an election of Representatives shall have intervened."

FIFTH CONGRESS—1797.

The Fifth Congress at its first session, July 6, 1797, paid its Members mileage who attended an extraordinary session of Congress. John Adams was then President.

FOURTEENTH CONGRESS—1816.

The Fourteenth Congress, at its first session, fixed the compensation of its Members, and those of future Congresses, changing the law from a per diem to a fixed salary of $1,500. President Madison approved this act. He was a member of the Constitutional Convention and is called the "Father of the Constitution."

Another act was passed by the same Congress at its second session repealing the act of the previous session of March 19, 1816, which Mr. Madison also approved.

FIFTEENTH CONGRESS—1818.

During Mr. Monroe's Administration the Fifteenth Congress, first session, January 22, 1818, fixed the salaries of *that* Congress by raising the per diem to $8 and the mileage to $8 for every 20 miles.

THIRTY-FOURTH CONGRESS—1856.

This remained the law, I believe, down to the Thirty-fourth Congress, which, at its first session, August 16, 1856, refixed the salaries or compensation and raised it to $6,000 "for each Congress," allowing the old mileage, $8 for each 20 miles.

Section 3 of that act provided:

That this law shall apply to the *present* Congress, and each Senator, Representative, and Delegate shall be entitled to receive the difference only between their per diem compensation already received under the law now in force and the compensation provided by this act.

This act was passed during the Administration of President Pierce.

THIRTY-FIFTH CONGRESS—1857.

The next, or Thirty-fifth Congress, first session, December, 1857, during President Buchanan's Administration, the act of 1856 was changed so as to make the mileage payable on the first day of each session and the compensation at $250 per month.

THE WIDOWS OF MEMBERS.

This Thirty-fifth Congress also passed, March 3, 1859, second session, an act giving the widows of deceased Members of Congress the benefit of certain portions of the salary of the deceased Member if he should die "after the commencement of Congress," etc. The third section made the law applicable "to the widows and heirs at law of Members elected to the present Congress who have died since its commencement." This act was approved March 3, 1859, just the day before the Thirty-fifth Congress died. It was approved by President Buchanan.

THIRTY-NINTH CONGRESS—1866.

During President Johnson's Administration, the sundry civil bill of the Thirty-ninth Congress, first session, July 28, 1866, fixed the compensation of Members and Delegates at $5,000 per annum, "to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile."

Members of Congress and Delegates are now paid $5,000 per annum and 20 cents mileage.

BACK-SALARY ACT—1873.

In 1873, March 3, the "back-salary grab act" was passed, with which you are familiar. It was retroactive, as stated, and was extra pay for work the Members had already done, and for which they had already been paid in part or totally. President Grant signed this act, which you see was passed a few hours before his second term begun, the Forty-second Congress died, and the Forty-third Congress begun.

FORTY-THIRD CONGRESS—1874.

The Forty-third Congress refixed the salary of the Members of Congress at $5,000, but allowed the salary of the President to remain at $50,000 and the salaries of the Federal judges to stand unchanged.

I have thus briefly and rapidly as possible explained to you the precedents on this subject, from the First Congress down to the Forty-third Congress, covering a period when Members who had framed the Constitution, as Members of Congress framed the first laws, which fixed compensation of Members and of the Presidents from Washington on down. I have covered the period when salaries have been refixed and the example set by Washington and the First Congress clear on down and shown to you that there is no constitutional prohibition against an existing Congress fixing its own salary, if it chooses, or in fixing those of succeeding Congresses. It is a question of justice and wise public policy which should guide us looking to the end, to wit, the public service and a fair and reasonable compensation for the Members of Congress of the present period, taking into consideration the amount and kind of work they must do, and have to do, and their inability to engage in outside business, which they must do in many cases "to make buckle and tongue meet." Members are entitled to a compensation, which, if used with reasonable care and propriety, will not only defray their proper expenses while Members of Congress, but they are due a compensation from which they can save something for a "rainy day" when they leave Congress to fight again the battles of life that are more real then than ever before.

But I shall argue in a general way the necessity for increased salaries as I proceed in discussing other propositions with which the Members may be less familiar.

I shall now make some comparisons. There are limitations on Congress in unfixing and fixing the salaries of the President and our Federal judges.

The Constitution declares:

The President shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive during that period any emolument from the United States or any of them.

The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

PRESIDENT'S SALARY.

The First Congress, we see, fixed the salary of President Washington during his first term. The First Congress did that.

Just before the end of his first term the Second Congress refixed the terms for paying the President's salary during his second term. Washington approved both acts. We have seen that just before the end of President Grant's first term Congress passed a law refixing the President's salary and fixing it at $50,000, to take effect during his second term. The next Congress reaffirmed, and all succeeding Congresses, this act by not repealing it.

Here are two Congressional constructions placed upon the power of Congress to unfix and refix the President's salary.

In addition to this Presidential salary, Congress allows a certain amount of money for maintaining the White House and the premises. Congress recently appropriated a sum of money to be spent by President Roosevelt and his successors in taking certain trips, instead of, as heretofore, accepting free transportation, private or special trains, etc., as the President and his predecessors have done, we are officially and publicly informed by Senator LODGE in his speech in the Senate. We have thus lifted the President above the suspicion and criticism of accepting free transportation. We have made him independent. If the President takes no trips, this money will not be spent and will remain for his successors to use. It is not his. It is money held in trust. I thought the act appropriating this money constitutional, a proper expenditure, and voted for it. I wanted our President and his successors independent and above suspicion or criticism.

PAY TO FEDERAL JUDGES.

Take the judges of the Federal court. Our first Chief Justice was paid $5,000 annually. The present Chief Justice receives $13,500, his associates $12,500, while the salaries of all the inferior Federal judges have been recently raised. To a certain extent the law fixes the amount of work each of these courts must do by saying what they can do, by restricting appeals, by creating the court of appeals, and increasing the number of circuit or district judges. In other words, the courts do not have to work at most everything. The law allows them to work at certain things and not at all things.

DUTIES OF MEMBERS BOUNDLESS.

But how about Members of Congress? Their work is practically boundless. They are called on to make laws and do most everything else that the law provides shall be done for the people of the United States, our Territories, and colonies; yet we are paid much less than any Federal judge, whose duties are limited. The judges are paid these increased salaries, their mileage, and more; their hotel bills are paid while they are holding court, if away from home. Are the board bills of Members of Congress paid by Congress? [Laughter.] Yes; they are paid, but out of our own pockets from the salary we receive. What else? Why, every one of these judges is given, free of charge, an office in which to work. They are furnished with libraries, I think. Who pays for the Member's office in Washington, or at home, as to that? The Member himself out of his salary. Who pays for our books, so necessary for Members in investigating great constitutional questions and the study of historical matter pertinent to official work? The Members have to go and buy them, if they are bought, or go to the Library, or, if you are at home, go ahead and make out you know it anyhow. [Laughter.] But you can not do that in my district. [Laughter.] My friend from Ohio [Mr. GROSVENOR] knows that is true. [Laughter.]

These, gentlemen, are a few of the adverse conditions which confront Members of Congress. A great many people criticise Members, or Congress, rather, and wonder how it is, with the present salary, that we live, move, and have our being while Members of Congress "without holding out our hands behind us."

People have met me on the street and seriously said: "How do you Members manage to get along on your small salary, fixed forty years ago, when the expenses of living were about half as great as they are now? I don't see how you do it. You can not do any other work and do your full duty to the public; why doesn't Congress raise your salaries?"

[The time of Mr. GAINES having expired Mr. LIVINGSTON yielded him ten minutes more.]

Mr. BRUMM. What about election expenses?

Mr. GAINES of Tennessee. Members are elected every two years. There are certain, proper expenses, though they should be limited—legitimate election expenses. We all know what they are. The candidates must pay for these expenses out of their own pockets, which is proper, being purely personal or private, but it must be, and is, done every two years; the Senators every six years. I have never had any election expenses of any importance, save once or twice. I have been here nearly ten years, and I do not think that I have spent over a thousand dollars, except once or twice, when I had to furnish about $600 in each of two elections—primary elections—once when I had no opponent for the nomination and once when I did. This money was used to pay for printing the official primary ticket and pay the clerks and judges holding the election in five counties. During the election last fall I paid for my tickets and those of other candidates, all told $2.75, and as I could not go to an outer county for want of time to see about my tickets there and their distribution to the several precincts, I sent my check for $25, the usual amount for that county. I do not know whether that check has been cashed or not. I presume it has, to cover my legitimate expenses in that county.

Railroad expenses, going here and there at the call of the people to help them, is a heavy outlay.

Gentlemen, when I read in the public press about the election expenses of candidates in Pennsylvania—with all due respect to my good friend [Mr. BRUMM]—and in New York, I think they are absolutely disgraceful to the American people. [Applause.] I do not refer to my friend from Pennsylvania. I know nothing of his district. I am glad my friend is back in Congress, as long as some Republican had to come from his district. He is a good, square man. He fights for what he thinks is right. I like that kind only. Think of a man in any State—and there are other States like the two named—having to pay $50,000 to be elected to any office on American soil! How can it be used, unless it is to bend the public will, choke freedom, poison the public mind, corrupt the public conscience, buy newspapers, and thus stain the fair name of the American people at home and abroad?

But, gentlemen, I have been diverted from what I was about to say.

I will not consume your time or burden your patience by reading you from Judge Story's work on the Constitution the reasons he sets forth for allowing Members compensation for their services. I will try and give you the substance of a few of the reasons he sets out that were in the mind of the framers of the Constitution which directs that compensation be allowed. Substantially they were: That the poor man or the man in ordinary circumstances as well as the rich, I may add, should come to Congress, and be put upon a reasonable parity when they get here; to get the best talent possible from every class of good society, whether from laborers or professional men or the commercial class; to have as many candidates as possible from which to select; to have the Member independent in fact and above the suspicion of "selling out;" to be plain and brief, to pay for the services rendered and to be rendered.

I may add, the same reasons caused the framers of the Constitution to write into that instrument that the President and judges shall be paid fixed compensation, to be changed only at certain times, and never diminished, at least during the incumbency.

Now, gentlemen, let us get down to a moral proposition. When a man marries, it is his duty to remain with his family, properly protect his wife, and carefully rear his children. [Applause and laughter.] I am astonished that some of you gentlemen laugh when I tell you what a husband and father's moral and legal duty is to his wife and children. When a man comes to Congress, we all have observed, that too often he has been compelled to leave his family at home, or bring his wife only and leave his children, or bring a part of them along. And why? Because of the great expense coming and going and of living in Washington with such heavy incumbrances. Thus the husband is separated over half of the term from his wife and children, or the husband and wife are separated from a part, or all, of the children for months and months. At all events, a father and husband for months is practically divorced from his family—the father from his son and the mother from the daughter.

Neither God Almighty nor the laws of this country ever intended that the father should be separated from his son at least, who is just budding into boyhood, or into his teens, or into young manhood. We all know that the presence of the father is needed, especially at these periods. We all know that his counsel and his very presence is needed, not only for the son, but for all his children, his wife not excluded, and it is his duty to be with them, and we should not make it practically impossible for him to fill these high and sacred offices, and particularly inasmuch as some one must make a sacrifice for our country, homes, and civilization, otherwise we would have no Congress, or a Congress of rich men only.

But where are the mothers and the children, as a rule, when Congress meets, and why is it so? They are at home, as a rule, and you know that January next your free passes will be cut off—a thing I helped to do, and I am glad of it. But suppose you bring your family here and put your children in school, as some

do. The father or mother, or both, must stay here after Congress adjourns to look after the little folks until after the school term is ended. This can be done during the long session, which ends in the summer, but not so easily in the short session, which ends in March.

Thus you see a Member with a family—and nearly every Member has a family—is inevitably hampered, whether he brings his family here or leaves them at home.

Now, suppose a Member of this House is a lawyer—and about 80 per cent are, I should say. Members living near here I know practice law regularly at home when they ought to be here attending to the public business, and I dare say if all the lawyers lived near enough that they would all more or less practice law at home while Congress is in session. And why? Simply because the man has to run the mill at home in order to have something left when the people, justly or unjustly, turn him out of Congress at the end of two or more terms.

His salary is inadequate, and he must make buckle and tongue meet. He must do work "on the side" to keep up. And the lawyer is not alone in thus increasing the long list of absentees.

The banker goes home to see whether his coupons are regularly clipped or not. The few farmers in Congress, though usually present, so far as I know, feel that they must return to see if the cows have broken into their patches, their corn or wheat fields; and the coal king and the cattle king, no matter how rich they are, must go back home to look after their business. The call of the sick at home and here keeps us away sometimes, while others must and should go back to see their families at home.

Ah, gentlemen, some of you, I see, smile over these statements, but each of you know I am stating the facts, and it is a serious matter, both to the Member and to the public service. The undoing of both these official and moral obligations should be limited as much as justice and right and the public service will permit, since they are obligations we must all meet.

You may work year in and year out, devoting your best thought, as you should, to the public service; that is the standard. With the present salary you know at the end of the year it is useless to strike any salary balance, for you know there is nothing in the bottom of your pockets but your Barlow knife. [Laughter.] Gentlemen, "buckle and tongue must meet," whether you are in or out of office.

During the time when the salary was so small the work of the Members was comparatively small. During this period Congress found it necessary to buy a Congressional burying ground down here. [Laughter.] That is so, gentlemen, while now when a Member dies he is buried at the public expense. Buying this graveyard—sad commentary on Congress, or Congressional salaries, rather—was a charitable act, of course, pure and simple.

Members of Congress come here poor, but honorable, intelligent, and patriotic. The love of country brings them here, and without that love we would have no country. That is something every nation covets and should foster. It should be taught in every school. The greatest class of men who have ever been in Congress or ever will be have not been the men who were the richest. Our great men, as a class, have been poor. When any man enters this hall to make laws for his country, to protect your home and my home and the home of the humblest man in the land, he pledges the people, directly or indirectly, and they expect of him, that he will devote proper time to the public service and give at all times that service his *best thought*, not only for the betterment of his constituents, but the public at large.

Gentlemen, do you give, under the circumstances can you give, your best thoughts to the public service? No. You are broken up in your purposes in trying to make buckle and tongue meet. You are looking after what little you left at home, that seed may be left when you return voluntarily or are kicked out of Congress, whether rightfully or wrongfully.

There are some Members who make Congress a mere playground; but the people soon find them out. Where is the Member who day in and day out works here or at home at the public business? Where is the Member, however, who month in and month out fails to draw his salary from the Federal Treasury?

Where is the Member who does not feel he is forced to work at something on the outside, thus dividing his time between the public and his business?

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to proceed.

Mr. LIVINGSTON. I yield the gentleman five minutes more.

Mr. GAINES of Tennessee. Gentlemen, as a rule you can not stay here on $5,000 and do justice both to yourself and to your country. You can not, and you know it. Some of you do; you are able to do it. It is a sad commentary that many of our Presidents have been buried in almost paupers' graves and are almost unmarked. Is it right? Do the American people expect this? No; they do not. Do they expect that we shall come here, whether a President or not, whether judges or Members, with an overflowing Treasury, and work year in and year out on a salary from which we can not save a little, at least, for a "rainy day?" The salary of $5,000 was first fixed in 1866, and refixed at that figure in 1874 by repealing the act of 1873, which raised it.

Compare the work then and now of the Government, the scope of the laws we make and the increased burdens of Members in making these laws and the limitless demands made on us at all times by our constituents, who want things that are supplied by the Government or want private legislation they may or may not be entitled to have. There is a great difference. The civil war pension list has increased since 1866 and 1874. We have now the Spanish war pension list. We did not have the latter in 1874, 1873, or 1866. We must now legislate for the veterans of the Mexican, civil, and Spanish wars.

Under Cleveland's Administration we created the Department of Agriculture, that the farmers rightfully look to for advice and assistance. The Bureau of Commerce and Labor has been recently created. Our trust laws and their execution, the starting of "proceedings" under these laws, are new burdens daily increasing. We must legislate for our colonial possessions, an unfortunate incubus. We must look after our people over there, both the living and the dead. A day or two ago a young soldier wrote me for a book that he could not get there, which I got here and sent him. A few months back a widowed mother, whose son died in the Philippines, came and asked me to see about having his remains brought back to his native heath, that she might have them buried close by the old log home. It was done.

Oh, gentlemen, need I allude to the thousand and one things you well know in our Congressional life that we must do, brought about by the ordinary and extraordinary growth of the country, internal and external, making the labors of the Members greater and more continuous than the fathers ever dreamed of.

These duties we can not avoid and should not. They are vital to the interested parties, however humble they are, albeit they consume much of our valuable time and prevent us from considering real legislation and its study.

I believe the people, certainly with all the facts before them, would cheerfully agree to an increase in Congressional salaries. If not, refix them. They object, and rightfully, to reaching back and grabbing extra pay, as was done in 1873. But no one proposes such a law. But it is proposed to increase the salary of your successors. The Presidents, from Washington down, and the construction given by the fathers who wrote the Constitution, have thus defined your legal and moral rights. I prefer myself to vote for my bill because it fixes the salary of the Sixty-first Congress. No criticism by a fair-minded man should be made of that proposition, so far as I can see. But, rather than there shall be no legislation on the subject, I shall vote to fix the salary for the Sixtieth Congress. We have worked, many of us, for ten years with the present salary by making personal sacrifices. We can stand it two years longer; and as there can not be any just criticism, charging this Congress with selfishness in fixing the salary to apply to the Sixty-first Congress, and as the next Congress, the Sixtieth, can, before or after the election for the Sixty-first Congress, repeal or modify the law if desirable, it seems to me that a bill along the lines of mine enacted, fixing a salary for the Sixty-first Congress, is the least objectionable. Certain it is that the public service demands and justice calls for such a reform. [Great applause.]

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21574, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter above referred to is as follows:

APPENDIX.

[H. R. 21201. Fifty-ninth Congress, second session.]

In the House of Representatives, December 5, 1906. Mr. GAINES of Tennessee introduced the following bill; which was referred to the Committee on Appropriations, and ordered to be printed.

A bill fixing the salary of Members of Congress and Delegates, and their necessary expenses, and for other purposes.

Be it enacted, etc., That each Senator, Representative, and Delegate in Congress shall be paid an annual salary, to wit, $7,500, and, when duly authenticated and filed, all reasonable and proper expenses incurred and actually paid in coming to and going from each session, whether regular or extra, of Congress.

SEC. 2. That there shall be furnished on demand, free of charge, each Member of Congress and Delegate all proper and necessary writing material and supplies, including typewriting machines, to be used in executing their official duties.

SEC. 3. That this act shall take effect on and after March 4, 1909, applying first to the Sixty-first Congress.

LEGISLATION HERETOFORE HAD FIXING THE COMPENSATION OF MEMBERS OF CONGRESS, THE PRESIDENT, AND VICE-PRESIDENT.

The First Congress, first session, September 22, 1789 (obsolete), passed an act entitled:

An act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That at every session of Congress PRIOR to the *fourth* day of March, in the year *one thousand seven hundred and ninety-five,* each Senator shall be entitled to receive SIX dollars for every DAY he shall attend the Senate, and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for EVERY TWENTY MILES OF THE ESTIMATED DISTANCE, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance:

Provided always, That no Senator shall be allowed a sum exceeding the rate of six dollars a day from the end of one such session or meeting to the time of his taking his seat in another.

SEC. 2. *And be it further enacted,* That at every session of Congress, and at every meeting of the Senate in the recess of Congress, AFTER the aforesaid *fourth* day of March, in the year ONE THOUSAND SEVEN HUNDRED AND NINETY-FIVE, each Senator shall be entitled to receive SEVEN dollars for every DAY he shall attend the Senate; and shall also be allowed at the commencement and end of every such session and meeting, SEVEN DOLLARS FOR EVERY TWENTY MILES OF THE ESTIMATED DISTANCE, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same allowance of seven dollars a day: *Provided always,* That no Senator shall be allowed a sum exceeding the rate of seven dollars per day from the end of one such session or meeting to the time of his taking a seat in another.

SEC. 3. *And be it further enacted,* That at EVERY SESSION OF CONGRESS each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives, and shall also be allowed at the commencement and end of EVERY SESSION SIX DOLLARS FOR EVERY TWENTY MILES OF THE ESTIMATED DISTANCE, by the most usual road, from his place of residence to the seat of Congress; and in case any Representative shall be detained by sickness or after his arrival shall be detained by sickness, on his journey to or from the session of Congress or after his arrival shall be unable to attend the House of Representatives, he shall be entitled to the allowance aforesaid; and the Speaker of the House of Representatives, to defray the incidental expenses of his office, shall be entitled to receive in addition to his compensation as a Representatives six dollars for every day he shall attend the House: *Provided always,* That no Representative shall be allowed a sum exceeding the rate of six dollars a day from the end of one such session or meeting to the time of his taking a seat in another. (See pages 70, 71, vol. 1, Stat. Approved by President Washington.)

The First Congress, first session, September 24, 1789, passed an act entitled:

An act for allowing a compensation to the President and Vice-President of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be allowed to the President of the United States, at the rate of twenty-five thousand dollars, with the use of the furniture and other effects now in his possession belonging to the United States; and to the Vice-President, at the rate of five thousand dollars per annum, in full compensation for their respective services, to commence with the time of their entering on the duties of their offices, respectively, and to continue so long as they shall remain in office and to be paid quarterly out of the Treasury of the United States.

Approved September 24, 1789. (See page 72, vol. 1, Stat. Signed by President Washington.)

The Second Congress, session two, on February 18, 1793, passed an act entitled:

An act providing compensation to the President and Vice-President of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the *third day of March in the present year* (1793) the compensation of the President of the United States shall be at the rate of twenty-five thousand dollars per annum, with the use of the furniture and other effects belonging to the United States and now in possession of the President; and that of the Vice-President at the rate of five thousand dollars per annum in full for their respective services, *to be paid quarter-yearly at the Treasury.*

Approved February 18, 1793 (see p/ 318, vol. 1).
Signed President Washington.

The Fourth Congress, 1st session, on March 10, 1796, passed an act entitled:

An act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to certain officers of both Houses.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That at every session of Congress, and at every meeting of the Senate in the recess of Congress, *from and after the third day of March in the present year,* each Senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance by the most usual road from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always,* That no Senator shall be allowed a sum exceeding the rate of six dollars per day from the end of one such session or meeting to the time of his taking a seat in another.

SEC. 2. *And be it further enacted,* That at each session of Congress each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress. And in case any Representative shall be detained by sickness on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, six dollars for every day he shall attend the House: *Provided always,* That no Representative shall be allowed a sum exceeding the rate of six dollars per day from the end of one such session or meeting to the time of his taking a seat in another.

Approved March 10, 1796. (See pages 448–449, vol. 1, Stat.)
Signed by President Washington.

The Fifth Congress, 1st session, July 6, 1797, passed an act entitled:

An act for allowing full mileage to the Members of the Senate and House of Representatives of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at the present extraordinary meeting and session of Congress the respective Members of the Senate and House of Representatives shall be entitled to receive a full allowance of mileage, any law to the contrary notwithstanding.

Approved July 6, 1797. (See page 533, vol. 1, Stat.)
Signed by President Jno. Adams.

The Fourteenth Congress, first session, March 19, 1816, passed this:

"An act to change the mode of compensation to the members of the Senate and House of Representatives and the Delegates from Territories:

"*Be it enacted, etc.*, That instead of the daily compensation now allowed by law, there shall be paid annually to the Senators and Representatives and Delegates from Territories, of *this* and every future Congress of the United States, the following sums, respectively—that is to say, to the President of the Senate pro tempore, where there is no Vice-President, and to the Speaker of the House of Representatives, three thousand dollars each; to each Senator, Member of the House of Representatives, other than the Speaker, and Delegate, the sum of fifteen hundred dollars: *Provided, nevertheless,* That in case any Senator, Representative, or Delegate shall not attend in his place at the day on which Congress shall convene, or shall absent himself before the close of the session a deduction shall be made from the sum which would otherwise be allowed him, in proportion to the time of his absence, saving to the cases of sickness, the same provisions as are established by existing law. And the aforesaid allowance shall be certified and paid in the same manner as the daily compensation to Members of Congress has heretofore been."

Approved March 19, 1816. (See page 258, vol. 3, public acts.)
Signed by President Madison.

The Fourteenth Congress, second session, February 6, 1817, passed this:

An act to repeal, after the close of the present session of Congress, the act entitled "An act to change the mode and compensation to the members of the Senate and House of Representatives and Delegates from Territories."

[Passed March 19, 1816.]

Be it enacted, etc., That on and after the close of the present session of Congress the act entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives and Delegates of Territories," passed March 19, 1816, shall be, and the same is hereby, repealed: *Provided always,* That nothing herein contained shall be construed to revive any act or acts, or parts of acts, repealed or suspended by the act hereby repealed.

Approved February 6, 1817.
Signed by President Madison.

The Fifteenth Congress, first session, January 22, 1818, enacted this:

An act allowing compensation to the members of the Senate, Members of the House of Representatives of the United States, and to the Delegates of the Territories, and repealing all other laws on that subject.

Be it enacted, etc., That at every session of Congress, and every meeting of the Senate in the recess of Congress, after the third day of March, in the year one thousand eight hundred and seventeen, each Senator shall be entitled to receive eight dollars for every day he has attended, or shall attend, the Senate, and shall also be allowed eight dollars for every twenty miles of estimated distance, by the most usual route, from his place of residence to the seat of Congress at the commencement and end of every such session and meeting; and that all sums for travel already performed to be due and payable at the time of passing this act. And in case any member of the Senate has been, is, or shall be detained by sickness on his journey to or from such session or meeting, or after his arrival has been, is, or shall be unable to attend the Senate, he shall be entitled to the same daily allowance. And the President of the Senate pro tempore, when the Vice-President

has been, or shall be, absent, or when his office shall be vacant, shall, during the period of his services, receive, in addition to his compensation as a member of the Senate, eight dollars for every day he has attended or shall attend the Senate: *Provided always,* That no Senator shall be allowed a sum exceeding the rate of $8.00 a day from the end of one such session or meeting to the time of his taking his seat in another: *Provided also,* That no Senator shall receive more for going to and returning from a meeting of the Senate on the fourth day of March last than if this act had not been passed.

SEC. 2. *And be it further enacted,* That at every session of Congress after the said third of March, one thousand eight hundred and seventeen, each Representative and Delegate shall be entitled to receive eight dollars for every day he has attended, or shall attend the House of Representatives, and shall also be allowed eight dollars for every twenty miles of the estimated distance, by the most usual route, from his place of residence to the seat of Congress at the commencement and end of every such session and meeting, and that all sums for travel already performed to be due and payable at the time of passing this act. And in case any Representative or Delegate has been, is, or shall be detained by sickness on his journey to or from the session of Congress, or after his arrival, has been, is, or shall be unable to attend the House of Representatives he shall be entitled to the same daily allowance. And the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, eight dollars for every day he has attended or shall attend the House: *Provided always,* That no Representative or Delegate shall be allowed a sum exceeding the rate of eight dollars a day from the end of one session to the time of his taking his seat in another.

SEC. 3. *And be it further enacted,* That the said compensation which shall be due to the members of the Senate shall be certified by the President thereof and that which shall be due to the Representative and Delegate shall be certified by the Speaker, and the same shall be passed as public accounts and paid out of the Public Treasury.

SEC. 4. *And be it further enacted,* That all acts and parts of acts, on the subject of compensation to Members of the Senate and House of Representatives, and Delegates of the Territories, be, and the same are hereby, repealed from and after the third day of March last. (Pages 404–405, Vol. 3, Public Acts.)

Approved January 22, 1818.

President Monroe signed this act.

The Thirty-fourth Congress, first session, August 16, 1856, enacted this:

An act to regulate the compensation of Members of Congress.

Be it enacted, etc., That the compensation of each Senator, Representative, and Delegate in Congress shall be six thousand dollars for each Congress, and mileage as now provided by law for two sessions only, to be paid in amounts following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for one session, and on the first day of each month thereafter, during such session, compensation at the rate of $3,000.00 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session, compensation at the rate of $3,000.00 per annum until the fourth day of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive any balance of the $6,000.00 not theretofore paid in the said monthly installments as above directed.

SEC. 2. *And be it further enacted,* That the President of the Senate pro tempore, when there shall be no Vice-President, or the Vice-President shall have become President of the United States, shall receive the compensation provided by law for the Vice-President; and the Speaker of the House of Representatives shall receive double the compensation above provided for the Representatives, payable at the time and in the manner above provided for payment of the compensation of Representatives.

SEC. 3. *And be it further enacted,* That this law shall apply to the present Congress, and each Senator, Representative, and Delegate shall be entitled to receive the difference only between their per diem compensation, already received under the law, now in force and the compensation provided by this act.

SEC. 4. *And be it further enacted,* That in event of the death of any Senator, Representative, or Delegate prior to the commencement of the first session of Congress, he shall be neither entitled to mileage or compensation; and in the event of death, after the commencement of any session, his representative shall be entitled to receive so much of his compensation, computated at the rate of $3,000 per annum, as he may not have received, and any mileage that may have actually accrued and may be due or unpaid.

SEC. 5. *And be it further enacted,* That if any books shall hereafter be ordered to and received by Members of Congress by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation hereinbefore provided for such Member or Members: *Provided, however,* That this shall not extend to books ordered to be printed by the Public Printer during the Congress for which the said Member shall have been elected.

SEC. 6. *And be it further enacted,* That it shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate, respectively, to deduct from the monthly payment of Members as herein provided for the amount of his compensation for each day as such Member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as a reason for such absence the sickness of himself or of some member of his family.

SEC. 7. *And be it further enacted,* That all acts or parts of acts inconsistent with or repugnant to the provisions of this act be, and the same are hereby, repealed.

Approved August 16, 1856.

This act was signed by President Pierce. (See pages 44–49, Vol. 11, Stat.)

The Thirty-fifth Congress, first session, December 23, 1857, passed the following:

Joint resolution to amend the act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856:

Resolved by the Senate and House of Representatives, etc., That the compensation allowed to Members of Congress by an act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856, be paid in the following manner, to wit: On the first day of the first session of each Congress, or as soon thereafter as may be in attendance and apply, each Senator, Representative, and Delegate shall receive his mileage, as now provided by law, and all his compensation from the beginning of his term, to be computed at the rate of $250.00 per month, and during the session compensation at the same rate. And on the first day of the session, or any subsequent session, he shall receive his mileage as now allowed by law, and all compensation which has accrued during the adjournment, at the rate aforesaid, and during the said session compensation at the same rate.

SEC. 2. *Be it further resolved,* That so much of said act approved August 16, 1856, as conflicts with this joint resolution and postpones the payment of said compensation until the close of each session be, and the same is hereby, repealed.

Approved December 21, 1857.

President Buchanan signed this resolution.

The Thirty-fifth Congress, second session, March 3, 1959, passed—

A joint resolution amendatory of an act entitled "An act to regulate the compensation of Members of Congress, approved August 16, 1856, so far as relates to such Members as shall die during their terms of service."

Be it resolved, etc., That whenever, hereafter, any person elected a member of the Senate or House of Representatives shall die after the commencement of the Congress to which he shall have been so elected compensation shall be computed and paid to his widow, or, if no widow survive him, to his heirs at law, for the period that shall have elapsed from the commencement of such Congress as aforesaid to the time of his death, at the rate of $3,000.00 per annum: *Provided, however,* That compensation shall be computed and paid in all cases for a period of not less than three months: *And provided further,* That in no case shall constructive mileage be computed or paid.

SEC. 2. *Be it further resolved,* That the compensation of each person elected or appointed afterwards to supply the vacancy so occasioned shall hereafter be computed and paid from the time the compensation of his predecessors is hereby directed to be computed and paid for, and not otherwise.

SEC. 3. *Be it further resolved,* That the provisions of this joint resolution, so far as the same are beneficial to the widows or heirs at law of Members of Congress as aforesaid, shall be extended and applied to the widows and heirs at law of Members elected to the present Congress who have died since its commencement.

Approved, March 3, 1859.

President Buchanan approved this resolution. (See pages 442–443, vol. 11.)

Act of July 28, 1866. (Sundry civil bill, 39th Cong., 1st sess.)

SEC. 17. *And be it further enacted,* That the compensation of each Senator, Representative, or Delegate in Congress shall be five thousand dollars per annum, to be *computed from the first day of the present Congress,* and in addition thereto mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually travelled in going to and returning from each regular session, but nothing herein contained shall affect mileage accounts already accrued under existing laws: *Provided,* That hereafter mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives: *And provided further,* That the pay of the Speaker shall be eight thousand dollars per annum.

Signed by President Johnson.

Act 1873, March 3. "Back-salary grab act."

* * * * * * *

And the Speaker of the House of Representatives shall, after the present Congress, receive in full for all his services compensation at the rate of ten thousand dollars per annum, and Senators, Representatives, and Delegates in Congress, including Senators, Representatives, and Delegates *in the Forty-second Congress holding such office at the passage of this act* and whose claim to a seat has not been adversely decided, shall receive seven thousand five hundred dollars per annum each, and this shall be in lieu of all pay and allowance, except actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Member, or Delegate belongs, to be certified to under his hand to the disbursing officer and filed as a voucher: *Provided,* That in settling the pay and allowances of Senators, Members, and Delegates in the Forty-second Congress all mileage shall be deducted and no allowance made for expenses of travel.

Signed by President Grant.

The act of 1874 refixed the salary at $5,000, the present law.

REPRINT OF BILLS.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 6018, a bill to enable the President of the United States to call an international conference for the purpose of securing an international agreement relative to the regulation of the emigration of aliens to the United States, and report thereon.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 10840, a bill to provide for the investigation of controversies affecting interstate commerce, and for other purposes.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the reprint of the bill named. Is there objection? [After a pause.] The Chair hears none.

MESSAGES FROM THE PRESIDENT.

The SPEAKER laid before the House a message from the President.

[For message, see Senate proceedings of December 11, 1906.]

The SPEAKER. So much of the message as relates to revenues is referred to the Committee on Ways and Means; so much as relates to insular affairs, not excepted by the rule, is referred

to the Committee on Insular Affairs; so much as relates to rivers and harbors is referred to the Committee on Rivers and Harbors, and ordered to be printed.

The SPEAKER also laid before the House the following message from the President; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the report to the President by the committee on Department methods relative to the purchase of Department supplies. I heartily approve the recommendations of the committee.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 11, 1906.*

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hay (West) Harbor, Fishers Island, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oconee River, Georgia, from the Georgia Railroad bridge to the northern boundary of Greene County—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oconee River in the vicinity of Milledgeville, Ga.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Thames River to Allyns Point, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of a ship channel on the waters of the Great Lakes—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Cleveland Harbor, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed with accompanying illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the harbor at Mayaguez, P. R.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of harbor at Ponce, P. R.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of New Bedford and Fairhaven Harbors, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed with accompanying illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hendricks Harbor, Maine—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of New York Bay from Kill von Kull to the vicinity of Bedloe (Liberty) Island—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Norwalk Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Penobscot River near Frankport, Me.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bridgeport Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. P. Salyer against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of increase of limit of cost for five tenders for the Light-House Service—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of the findings of the Comptroller of the Treasury as to the claim of the State of Minnesota for suppressing the Indian hostilities in 1862—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for tender and scow for the fifteenth light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a proposed bill for allotting timber lands to Indians of the Standing Rock Agency, in North and South Dakota—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a bill for allotment of lands to married women on certain Indian reservations in North and South Dakota—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriations for fitting up and furnishing new police-court building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of Indian Affairs, a recommendation for the payment of the purchase price of the lands of Indians of the Round Valley Reservation, in California—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, in response to the inquiry of the House, a statement of permits, etc., granted in St. Marys River or on lands adjacent thereto as affecting water supply and navigation—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Doorkeeper of the House, submitting a list of public property under his charge in the various committee rooms of the House—to the Committee on Accounts, and ordered to be printed.

A letter from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the report for the fiscal year ended June 30, 1906—to the Committees on Appropriations and Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rue XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BENNET of New York, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 20465) to validate certain certificates of naturalization, reported the same with amendment, accompanied by a report (No. 5407); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20510) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, about 6 miles above the town of Geneva, Ala., reported the same without amendment, accompanied by a report (No. 5408); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. J. Res. 196) relating to the construction of a bridge at Fort Snelling, Minn., reported the same without amendment, accompanied by a report (No. 5409); which said joint resolution and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20988) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, reported the same without amendment, accom-

panied by a report (No. 5410); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 189) to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H., reported the same without amendment, accompanied by a report (No. 5411); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19639) granting a pension to Lucy A. Kephart, reported the same with amendment, accompanied by a report (No. 5368); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18218) granting an increase of pension to Joseph L. Topham, reported the same with amendment, accompanied by a report (No. 5369); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19117) granting an increase of pension to Mary E. Higgins, reported the same with amendment, accompanied by a report (No. 5370); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20962) granting an increase of pension to Franklin H. Bailey, reported the same with amendment, accompanied by a report (No. 5371); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19411) granting an increase of pension to James L. Estlow, reported the same without amendment, accompanied by a report (No. 5372); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18410) granting an increase of pension to Andrew J. Cushing, reported the same with amendment, accompanied by a report (No. 5373); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20154) granting an increase of pension to George H. Dyer, reported the same with amendment, accompanied by a report (No. 5374); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20096) granting a pension to Theresia Bell, reported the same with amendment, accompanied by a report (No. 5375); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13815) granting an increase of pension to Christian M. Good, reported the same with amendment, accompanied by a report (No. 5376); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15150) granting an increase of pension to John O'Connor, reported the same without amendment, accompanied by a report (No. 5377); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12676) granting an increase of pension to Francis M. Morrison, reported the same with amendment, accompanied by a report (No. 5378); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10531) granting an increase of pension to William G. Binkley, reported the same with amendment, accompanied by a report (No. 5379); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10364) granting an increase of pension to John P. Patterson, reported the same with amendment, accompanied by a report (No. 5380); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8683) granting an increase of pension to William D. Voris, reported the same without amendment, accompanied by a report (No. 5381); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8563) granting an increase of pension to William H. Hays, reported the same without amendment, accompanied by a report (No. 5382); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9113) granting a pension to Elizabeth Cleaver, reported the same with amendment, accompanied by a report (No. 5383); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3228) granting an increase of pension to Michael Doyle, reported the same with amendment, accompanied by a report (No. 5384); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2909) granting an increase of pension to Jacob T. Wise, reported the same with amendment, accompanied by a report (No. 5385); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1249) granting an increase of pension to William R. Fulk, reported the same with amendment, accompanied by a report (No. 5386); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1068) granting an increase of pension to William S. Quigley, reported the same with amendment, accompanied by a report (No. 5387); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1067) granting an increase of pension to Jacob Bender, reported the same with amendment, accompanied by a report (No. 5388); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1144) granting an increase of pension to Franklin McFalls, reported the same with amendment, accompanied by a report (No. 5389); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 562) granting an increase of pension to John F. Mohn, reported the same with amendment, accompanied by a report (No. 5390); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20559) granting an increase of pension to John Bradley, reported the same with amendment, accompanied by a report (No. 5391); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21001) granting an increase of pension to George Rhodes, reported the same with amendment, accompanied by a report (No. 5392); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20724) granting an increase of pension to Rhoda A. Hoit, reported the same with amendment, accompanied by a report (No. 5393); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20617) granting an increase of pension to Isaac N. S. Will, reported the same with amendment, accompanied by a report (No. 5394); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20683) granting an increase of pension to James Bond, reported the same with amendment, accompanied by a report (No. 5395); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20714) granting an increase of pension to Robert Turley, reported the same without amendment, accompanied by a report (No. 5396); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20712) granting an increase of pension to Samuel W. Searles, reported the same with amendment, accompanied by a report

(No. 5397); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21058) granting an increase of pension to William H. Isbell, reported the same with amendment, accompanied by a report (No. 5398); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20968) granting an increase of pension to Waitman T. Mathers, reported the same with amendment, accompanied by a report (No. 5399); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21641) granting an increase of pension to Levi Eddy, reported the same with amendment, accompanied by a report (No. 5400); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20958) granting an increase of pension to Darius E. Garland, reported the same without amendment, accompanied by a report (No. 5401); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to whom was referred the bill of the House (H. R. 20928) granting an increase of pension to Ruben A. George, reported the same with amendment, accompanied by a report (No. 5402); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20735) granting an increase of pension to Berge Larsen, reported the same with amendment, accompanied by a report (No. 5403); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21015) granting a pension to Evan H. Baker, reported the same with amendment, accompanied by a report (No. 5404); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20891) granting an increase of pension to Hugh Blair, reported the same with amendment, accompanied by a report (No. 5405); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21045) granting an increase of pension to Unity A. Steel, reported the same with amendment, accompanied by a report (No. 5406); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

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

By Mr. KALANIANAOLE: A bill (H. R. 21926) for the establishment of a light-house at Mana Point, on the island of Kauai, Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 21927) for the establishment of a light-house at Kalaupapa, on the island of Molokai, Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS: A bill (H. R. 21928) causing a survey to be made of the harbor at Lynn, Mass.—to the Committee on Rivers and Harbors.

By Mr. HOLLIDAY: A bill (H. R. 21929) providing for the payment of a bounty to soldiers of the Regular Army on reenlistment—to the Committee on Military Affairs.

By Mr. COUSINS: A bill (H. R. 21930) authorizing the Secretary of the Treasury to sell certain land and buildings belonging to the United States Government at Cedar Rapids, Iowa, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington: A bill (H. R. 21931) providing for the disposal of the interests of Indian minors of the Yakima Indian Reservation, State of Washington, in real estate—to the Committee on Indian Affairs.

Also, a bill (H. R. 21932) providing for the disposal of the interests of Indian minors in real estate—to the Committee on Indian Affairs.

By Mr. BROWNLOW: A bill (H. R. 21933) to vest in the United States district judge for the western judicial district of Tennessee jurisdiction and power to hold the United States circuit and district courts for the middle district of Tennessee at Nashville—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 21934) to provide for reports and registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District—to the Committee on the District of Columbia.

Also, a bill (H. R. 21935) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: A bill (H. R. 21936) to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation—to the Committee on Ways and Means.

Also, a bill (H. R. 21937) to provide for the compensation of the appraiser of merchandise at the port of New York—to the Committee on Ways and Means.

By Mr. ACHESON: A bill (H. R. 21938) to amend the civil-service act known as "An act to regulate and improve the civil service of the United States"—to the Committee on Reform in the Civil Service.

By Mr. McKINNEY: A bill (H. R. 21939) to provide for the purchase of additional ground for the public building at Rock Island, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21940) to increase the limit of cost of public building at Moline, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. SLAYDEN: A bill (H. R. 21941) to provide for the purchase of a site and the erection of a United States post-office building at Brownwood, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. HUGHES: A bill (H. R. 21942) to construct bridges across the Tug Fork of Big Sandy River—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: A bill (H. R. 21943) to increase the amount fixed as the limit of cost of site and building at Murfreesboro, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. KINKAID: A bill (H. R. 21944) to amend section No. 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904; to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act—to the Committee on the Public Lands.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 21945) for the erection of a public building at Glasgow, Barren County, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Texas: A bill (H. R. 21946) to appropriate $80,000 for improving Buffalo Bayou from the upper end of Long Reach to the foot of Main street, Houston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MURDOCK: A bill (H. R. 21947) to amend sections 4002 and 4004 of the Revised Statutes and acts amendatory thereof and supplementary thereto—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: A bill (H. R. 21948) to provide for the erection of a District of Columbia building and an appropriate exhibit therein at the Jamestown Tercentennial Exposition, and for other purposes—to the Committee on Appropriations.

By Mr. MAYNARD: A bill (H. R. 21949) authorizing the appropriation of the sum of $1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Ter-Centennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of $1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from the concessions after the opening of said exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. BRADLEY: A bill (H. R. 21950) for the erection of a public building at Middletown, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. BANKHEAD: A bill (H. R. 21951) to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Bigbee River in the State of Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: A bill (H. R. 21952) to provide for the purchase of a suitable site and the erection of a public building for the United States post-office at Waxahachie, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21953) to provide for the purchase of a suitable site and the erection of a public building for the United States post-office at Ennis, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: A bill (H. R. 21954) to provide for the erection of a public building at Richfield, Utah—to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON of South Carolina: A bill (H. R. 21955) to improve and extend the navigation of Salkehatchie River, South Carolina—to the Committee on Rivers and Harbors.

By Mr. MUDD: A bill (H. R. 21956) to amend section 188 of the Code of Laws for the District of Columbia relating to the salaries of United States deputy marshals—to the Committee on the District of Columbia.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 21957) authorizing a survey of Steeles Bayou and Washington Bayou, Mississippi—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 21958) authorizing the Secretary of War to survey Roe Buck Lake, Mississippi—to the Committee on Rivers and Harbors.

By Mr. DALZELL: A resolution (H. Res. 654) to pay Mrs. —— Wasson, widow of W. H. H. Wasson, deceased, a certain sum of money—to the Committee on Accounts.

By Mr. SHERMAN: A resolution (H. Res. 655) increasing the salary of certain employees of the House—to the Committee on Accounts.

By Mr. CAMPBELL: A joint resolution (H. J. Res. 199) providing for the appointment of a commission to inquire into the relation of the tariff to trusts and monopolies and the industrial and labor interests of the United States, if any, in existing schedules, as will better promote the common welfare—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: A joint resolution (H. J. Res. 200) providing for a survey of Little Elk River, Maryland—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 201) providing for a survey of Pocomoke River, Maryland—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 202) providing for a survey of the Lower Thoroughfare at and near Wenona Deals Island, Maryland—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDRUS: A bill (H. R. 21959) granting an increase of pension to John H. Terry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21960) granting an increase of pension to Sarah Betts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21961) granting an increase of pension to Harvey F. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21962) granting an increase of pension to Henry Osterheld—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 21963) granting a pension to Mary A. Hird—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 21964) granting an increase of pension to Washington L. Waugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21965) for the relief of the estate of James A. Cleveland—to the Committee on War Claims.

By Mr. BIRDSALL: A bill (H. R. 21966) granting compensation to P. B. Bannon, for injuries received while in the employ of the United States Government—to the Committee on Claims.

By Mr. BONYNGE: A bill (H. R. 21967) granting a pension to James McCarney—to the Committee on Pensions.

Also, a bill (H. R. 21968) granting an increase of pension to William Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21969) granting an increase of pension to James E. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21970) granting an increase of pension to Charles H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21971) granting an increase of pension to Edwin Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21972) granting an increase of pension to Michael McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21973) granting an increase of pension to Mary E. Elwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21974) granting an increase of pension to John W. Lowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21975) granting an increase of pension to J. M. Essington—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 21976) granting a pension to James Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21977) granting an increase of pension to Maria Green—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 21978) granting an increase of pension to Mathias K. Benson—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 21979) granting a pension to James C. Southerland—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 21980) granting a pension to Florence Nichols—to the Committee on Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 21981) granting an increase of pension to Ebe Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21982) granting an increase of pension to Charles Rumford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21983) granting an increase of pension to James E. Pusey—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 21984) to amend the army record of the late Richard Parke—to the Committee on Military Affairs.

Also, a bill (H. R. 21985) for the relief of Robert Lennan—to the Committee on Naval Affairs.

Also, a bill (H. R. 21986) granting a pension to Waldemar A. W. Tegner—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 21987) granting an increase of pension to John M. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21988) granting a pension to Philip Dieter—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 21989) for the relief of William Sutherland—to the Committee on Claims.

By Mr. CHAPMAN: A bill (H. R. 21990) granting an increase of pension to William W. Riggs—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 21991) granting an increase of pension to Redmond Roche—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 21992) granting an increase of pension to John A. Tucker—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21993) granting an increase of pension to John J. Fields—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 21994) granting an increase of pension to Bryngel Severson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21995) granting an increase of pension to Mary A. Brick—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 21996) granting an increase of pension to Dilman Rosenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21997) granting an increase of pension to Martha Joyce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21998) granting an increase of pension to Henry Hate—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 21999) granting an increase of pension to James S. Maxwell—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 22000) granting an increase of pension to William P. Crowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22001) granting an increase of pension to Amos Bishop—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 22002) granting an increase of pension to John W. Hall—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 22003) granting an increase of pension to Alexander Matchett—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 22004) granting a pension to George J. Pinckard—to the Committee on Pensions.

Also, a bill (H. R. 22005) granting a pension to David W. Taliaferro—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 22006) granting an increase of pension to William E. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22007) granting an increase of pension to Sanford D. Payne—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 22008) granting an increase of pension to Henry C. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22009) granting an increase of pension to S. P. Leith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22010) granting a pension to Tilden Aderholt—to the Committee on Pensions.

Also, a bill (H. R. 22011) granting a pension to Richard Robinson—to the Committee on Pensions.

By Mr. DOVENER: A bill (H. R. 22012) granting a pension to Elizabeth F. Brubaker—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 22013) granting an increase of pension to Eleazer Reynolds—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 22014) granting an increase of pension to George Harkless—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22015) granting an increase of pension to William Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22016) granting an increase of pension to George R. White—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 22017) granting an increase of pension to Adolphus Cooley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22018) granting an increase of pension to Charles Sells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22019) granting a pension to Elizabeth L. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22020) granting an increase of pension to Samuel Keller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22021) granting an increase of pension to William M. McCrary—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 22022) granting a pension to Josiah H. Shaver—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 22023) granting an increase of pension to Myron C. Burnside—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 22024) granting an increase of pension to Eldrige Underwood—to the Committee on Pensions.

Also, a bill (H. R. 22025) granting an increase of pension to Thomas H. Cook—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 22026) granting an increase of pension to Stephen Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22027) to place Harold D. Childs on the retired list of the United States Navy—to the Committee on Naval Affairs.

By Mr. GILBERT: A bill (H. R. 22028) granting an increase of pension to William Trusty—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 22029) granting an increase of pension to Amos Fell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22030) granting an increase of pension to Noah Bixler—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 22031) granting an increase of pension to David J. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22032) granting an increase of pension to Emily M. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22033) granting a pension to James T. Lewis—to the Committee on Pensions.

By Mr. GRAFF: A bill (H. R. 22034) granting an increase of pension to James A. Wonder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22035) granting an increase of pension to Benjamin Swayze—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 22036) granting a pension to Emma A. Hawkes—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 22037) granting a pension to John W. Phillips—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 22038) to grant an extension of certain letters patent to Will F. Hoyt, of Dowagiac, Mich.—to the Committee on Patents.

By Mr. HENRY of Texas: A bill (H. R. 22039) granting a pension to Alethia White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22040) granting an increase of pension to James W. Burns—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 22041) granting a pension to John Walker—to the Committee on Pensions.

By Mr. HIGGINS: A bill (H. R. 22042) granting an increase of pension to Mary A. Hill—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 22043) granting an increase of pension to John P. Neu—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22044) granting an increase of pension to John Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22045) granting an increase of pension to Luman Van Hoosen—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 22046) granting an increase of pension to R. M. Taylor, alias Rolla T. Marshall—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 22047) granting an increase of pension to George Tinkham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22048) granting an increase of pension to Orrin Freeman—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 22049) granting a pension to John N. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22050) granting an increase of pension to John W. Frost—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 22051) granting an increase of pension to George Hoxworth—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 22052) granting a pension to James A. Meredith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22053) granting a pension to Cynthia E. Tramel—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 22054) granting a pension to Paul E. Ayer—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 22055) granting an increase of pension to Maria Lorch—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 22056) granting a pension to Annie E. Osgood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22057) granting a pension to Ida Gordon Peirce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22058) granting an increase of pension to Oliver W. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22059) granting an increase of pension to Adelaide M. Snell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22060) granting an increase of pension to Joseph W. Randall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22061) granting an increase of pension to Sarah A. Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22062) granting an increase of pension to Samuel A. Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22063) granting an increase of pension to Horace F. Packard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22064) granting an increase of pension to William Wallace Lanman—to the Committee on Invalid Pensions.

By Mr. McGAVIN: A bill (H. R. 22065) granting an increase of pension to Henry Utter—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 22066) granting an increase of pension to John H. Bacon—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 22067) granting an increase of pension to Levi E. Miller—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 22068) granting an increase of pension to John P. Macy—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 22069) granting an increase of pension to Caroline W. Congdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22070) granting an increase of pension to Sylvester Byrne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22071) granting an increase of pension to Frederick Bender—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 22072) for the relief of settlers on certain lands in Wyoming—to the Committee on the Public Lands.

By Mr. NEEDHAM: A bill (H. R. 22073) granting an increase of pension to Eliza M. Scott—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 22074) granting an increase of pension to Thomas Greer—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 22075) granting an increase of pension to W. S. Noe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22076) granting an increase of pension to Thomas Horner—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 22077) granting an increase of pension to Daniel Bowers—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 22078) granting an increase of pension to Samuel Bushong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22079) granting an increase of pension to James D. Grayson—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 22080)

granting an increase of pension to Jasper F. Morton—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 22081) to correct the military record of William T. Fenton—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 22082) granting an increase of pension to John H. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22083) granting a pension to Andrew Garrett—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 22084) granting an increase of pension to Joseph W. Jenkins—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 22085) granting an increase of pension to Randolph Wesson—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 22086) granting a pension to Amelia Schmidtke—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 22087) granting an increase of pension to Jacob Ballerer—to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 22088) granting an increase of pension to Gottlieb Schweitzer—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 22089) granting an increase of pension to Adaline G. Bailey—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 22090) granting an increase of pension to Severt Larson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22091) granting an increase of pension to Charles L. Mueller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22092) granting an increase of pension to Simon McAteer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22093) granting an increase of pension to Lars Isaacson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22094) granting an increase of pension to Albert J. Hamre—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 22095) granting an increase of pension to William C. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22096) granting a pension to Ruth Garrison—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 22097) granting an increase of pension to Sarah A. Adams—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 22098) to place upon the muster-in rolls the name of John O. Kinney—to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 22099) granting an increase of pension to Libbie D. Lowry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22100) granting an increase of pension to Frederick W. Sedgwick—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 22101) granting a pension to Mack Rittenberry—to the Committee on Pensions.

By Mr. VOLSTEAD: A bill (H. R. 22102) granting an increase of pension to Borre Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22103) granting an increase of pension to Warran P. Hubbs—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 22104) granting an increase of pension to James Crothers—to the Committee on Invalid Pensions.

By Mr. WATSON (by request): A bill (H. R. 22105) for the relief of Mary D. Farrar—to the Committee on Claims.

Also, a bill (H. R. 22106) granting a pension to Catharine Frank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22107) granting a pension to Joseph B. Israel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22108) granting a pension to Maria E. Walcutter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22109) granting a pension to John W. Shoemaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22110) granting a pension to James E. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22111) granting a pension to Edward S. Van Cleve—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22112) granting a pension to Christina B. Shelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22113) granting a pension to Winfield S. Conde—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22114) granting a pension to Sarah E. Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22115) granting a pension to George Atchison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22116) granting a pension to Margaret A. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22117) granting a pension to Mary J. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22118) granting a pension to William Coe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22119) granting a pension to Daniel W. Mason—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 22120) granting an increase of pension to John D. Myers—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 21758) granting an honorable discharge to Amasa Hodge—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 21782) granting an increase of pension to Anderson Graham—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

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

By Mr. ACHESON: Petition of Star of the Valley Council, No. 136, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Robert D. Keffer—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Sarah E. Cleveland—to the Committee on War Claims.

By Mr. BONYNGE: Petition of Kensington Council, No. 16, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of L. C. Ballard, manager of the American Ice Company, and the Knickerbocker Steam Towage Company, for an appropriation for improvements in the Kennebec River—to the Committee on Rivers and Harbors.

Also, petition of Rev. L. G. March, of Athens, Me., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURNETT: Petition of the Cullman Quartette Club, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Delaware: Petitions of Overbrook Council, No. 38, Daughters of America; Industry Council, No. 25; Millville Council, No. 37; John M. Clayton Council, No. 24, and Diamond Council, No. 5, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Eby Jones—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petition of the librarian of Haverford College library, against bill H. R. 19853, against legislation which will abridge the existing right of libraries to import books in the English language (previously referred to the Committee on Ways and Means)—to the Committee on Patents.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Sanford D. Payne—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of the Iowa State Retail Merchants' Association, for repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. DE ARMOND: Papers to accompany bills for relief of Mary J. Kerens and Daniel Palmer—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Petition of Onondaga Council, No. 10, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DUNWELL: Petition of the New York Produce Exchange, against free distribution of seeds—to the Committee on Agriculture.

Also, petition of the Philadelphia Board of Trade, against

repeal of the bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Japanese and Korean Exclusion League, against employment of Chinese coolies on the Panama Canal—to the Committee on Labor.

Also, petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of B. F. Middleton Post, Grand Army of the Republic, Department of New York, and Harry Lee Post, No. 89, Grand Army of the Republic, for restoration of the canteen in Bath Soldiers' Home—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for a pharmaceutical corps in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for the Mann patent bill—to the Committee on Patents.

By Mr. FITZGERALD: Petition of the International Brotherhood of Teamsters, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the librarian of the Long Island Historical Library, of Brooklyn, N. Y., against section 30 of bill H. R. 19853, against right of librarian to import books in English—to the Committee on Patents.

Also, petition of the executive committee of the Grand Army of the Republic, of Kings County, Department of New York, for restoration of the canteen to Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for organization of a pharmaceutical corps in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of General Warren Council, No. 46, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. FLETCHER: Petition of the Minnesota ex-Prisoners of the Civil War, for the Hamilton bill granting them pensions—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Tims—to the Committee on Pensions.

Also, paper to accompany bill for relief of S. H. Britts (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FOSTER of Indiana: Petition of the German Society of Indiana, against the Dillingham-Gardner bill for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FULKERSON: Paper to accompany bill for relief of Orson M. Markcum—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Oliver P. Jackson—to the Committee on Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of Jesse Harral—to the Committee on Pensions.

By Mr. GRAFF: Petition of citizens of Perkin, Ill., for free art legislation (H. R. 15268)—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of the librarian of Brown University Library, of Providence, R. I., against section 30 of bills H. R. 19853 and S. 6330, relative to the importation of books in English language (previously referred to the Committee on Ways and Means)—to the Committee on Patents.

By Mr. HALE: Paper to accompany bill for relief of John W. Phillips—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the trustees of the Chamber of Commerce of San Francisco, for an appropriation to improve the harbor of Oakland, Cal.—to the Committee on Rivers and Harbors.

By Mr. HENRY of Texas: Paper to accompany bill for relief of James Burnes—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Paper to accompany bill for relief of John P. Neu—to the Committee on Invalid Pensions.

By Mr. HUFF: Petitions of Youghiogheny Council, No. 255; Banner Council, No. 310; Crystal Council, No. 300, and Mayflower Council, No. 159, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. JOHNSON: Papers to accompany bills for relief of Libby Barnhill and Elizabeth Jane Hancher—to the Committee on Pensions.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Frank H. Loud—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of members of the Keokuk County Bar, for a Federal court at Ottumwa, Iowa—to the Committee on the Judiciary.

Also, petition of the Oskaloosa Commercial Club, favoring a parcels-post law and 1-cent postage—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Cynthia E. Tramel—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of Levi Mitchell—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Papers to accompany bills for relief of John A. Casey, Harrison Baswell, Walter S. Withers, William G. Forsyth, John G. Pound, Rodic W. Turnipseed, Seaborn S. Smith, John H. Webb, John M. Ozburn, John C. White, Kate Diehl, Ezra Andrews, Elizabeth B. Lee, Mary N. Hutchinson, Darius S. Willingham, Thomas Dye, trustee of Sarah Dye; Timothy D. Lyons, Peter Lynch, Maxwell R. Berry, Albert Hope, James M. Kimberly, Levi S. Waggoner, and Matilda W. Allen et al.—to the Committee on War Claims.

By Mr. MAHON: Petition of Landisburg Council, No. 707, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. MANN: Paper to accompany bill for relief of Levi E. Miller—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Fresno County Chamber of Commerce, approving of the Wilson bills (H. R. 9753) for regulation of the hours of first and second class clerks in post-offices, and (H. R. 9754) for classification of salaries of said clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the San Benito County Improvement Club, for an appropriation to improve Monterey Harbor—to the Committee on Rivers and Harbors.

Also, petition of the board of trustees of the city of Monterey, for an appropriation to improve Monterey Harbor—to the Committee on Rivers and Harbors.

Also, petition of the Oakland Chamber of Commerce, for an appropriation for improvement of Oakland (Cal.) Harbor—to the Committee on Rivers and Harbors.

Also, petition of the Central Labor Council of San Joaquin County, for the passage of the Senate shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Southern California Wholesale Grocers' Association, against legislation in antitrust laws to militate against the necessary cooperation of small dealers—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of San Francisco, for an appropriation to increase the water front of the harbor of San Francisco—to the Committee on Rivers and Harbors.

By Mr. PADGETT: Paper to accompany bill for relief of W. S. Noe—to the Committee on Invalid Pensions.

By Mr. PALMER: Petitions of Snyder Council, No. 967; Plains Council, No. 660; Slocum Council, No. 271; Ashley Council, No. 149; Colonel H. B. Wright Council, No. 896, and Willow Grove Council, No. 139, Junior Order United American Mechanics, and Forty Fort Council, No. 190, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PEARRE: Petitions of Excelsior Council, No. 33, and Golden Rod Council, No. 42, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of Resolution Council, No. 6, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of the New York State Pharmaceutical Association, for increase in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the New York State Pharmaceutical Association, for the Mann patent bill—to the Committee on Patents.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy act—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of Gottlob O. Greiner—to the Committee on Pensions.

By Mr. SLAYDEN: Paper to accompany bill for relief of Amelia Schmidtke—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Petitions of Asbury Council, No. 151; Worcester Council, No. 29, and Snow Hill Council, No. 167, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Burris Subers—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: Petition of librarian of the Toledo

Public Library, against bill H. R. 19853, relative to importation of English books (previously referred to the Committee on Ways and Means)—to the Committee on Patents.

By Mr. STAFFORD: Petition of the Allis-Chalmers Company, of Milwaukee, Wis., for relief of that company, in support of bill H. R. 21174—to the Committee on Appropriations.

By Mr. TIRRELL: Paper to accompany bill for relief of John O. Kinney—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of the Spanish War Veterans of Jackson, Mich., and elsewhere, for extension of the time required for residence on the Shoshone Reservation, in Wyoming—to the Committee on the Public Lands.

By Mr. WANGER: Petition of Lancaster Council, No. 111, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *December 12, 1906.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

KONGO FREE STATE.

Mr. LODGE. I ask that 300 copies of Senate Report 393, Forty-eighth Congress, first session, March 26, 1884, may be reprinted. It is a report relating to the Kongo Free State, by Senator MORGAN, and contains many papers of great value.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Massachusetts? If not, it is so ordered.

The order was reduced to writing, as follows:

Ordered, That 300 copies of Senate Report No. 393, Forty-eighth Congress, first session, March 26, 1884, be printed for the use of the Senate.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Wildey Lodge, No. 27, Independent Order of Odd Fellows, of Charleston, W. Va., against The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and opinion filed by the court in the cause of Adolph Hartiens, tutor to his three infant children, Sidney L., William W., and Mary R. Hartiens, being the issue of his marriage with Mary C. Osborne Hartiens, deceased, his late wife, who was the daughter and only heir at law of William H. Osborne, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. MCCREARY presented the credentials of Thomas H. Paynter, chosen by the legislature of the State of Kentucky a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. DRYDEN presented a memorial of Thorofare Grange, No. 59, Patrons of Husbandry, of Thorofare, N. J., and a memorial of Upper Township Grange, No. 139, Patrons of Husbandry, of Tuckahoe, N. J., remonstrating against any further appropriation being made for the free distribution of seeds and plants; which were referred to the Committee on Agriculture and Forestry.

He also presented the memorial of J. W. Beardsley Sons, of New York City, N. Y., remonstrating against the adoption of an amendment to the meat-inspection act requiring the cost of inspection to be paid by the packers, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. BEVERIDGE presented memorials of sundry citizens of Russiaville, Middletown, Ligonier, Anderson, Monroe County, Brown County, Sullivan County, Alaska County, Grant County, and Noble County, all in the State of Indiana, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Deming, N. Mex., praying for the enactment of legislation providing for a home in Africa for ex-slaves and their offspring, where they shall have a free and independent government of their own; which were referred to the Committee on Education and Labor.

Mr. LA FOLLETTE presented a petition of the common council of Superior, Wis., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to require certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. BENSON presented a memorial of Osage County Grange, No. 442, Patrons of Husbandry, of Lyndon, Kans., and a memorial of the State Agricultural College of Kansas, remonstrating against the enactment of legislation providing for the free distribution of seeds; which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of the Rock Island Business Men's Association, of Rock Island, Ill., praying that an appropriation be made for the improvement of the waterways of the country; which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Galesburg and Noble, in the State of Illinois, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the improvement of the channel at Oakland, in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the Santa Barbara County Horticultural Society, of California, remonstrating against further apropriations for the free distribution of garden seeds and plants; which was referred to the Committee on Agriculture and Forestry.

Mr. ELKINS presented a paper to accompany the bill (S. 4383) for the relief of Elizabeth M. Earle, administratrix of the estate of J. B. Earle, deceased; which was referred to the Committee on Claims.

Mr. KEAN presented the petition of George Oakley, of Paterson, N. J., praying for the enactment of legislation providing for a readjustment of postal rates; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the city council of Woodbury, N. J., praying for the enactment of legislation providing for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Redbank, N. J., praying for the enactment of legislation to increase the salaries of railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLARD presented a petition of the Woman's Christian Temperance Union of Esceola, Nebr., praying for an investigation into the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; and also for the adoption of an antipolygamy amendment to the Constitution; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Commercial Club of Omaha, Nebr., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Albion and Hebron, in the State of Nebraska, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

Mr. HOPKINS presented a petition of the Merchants' Association of Elgin, Ill., praying for the enactment of legislation to increase the salaries of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

REPORT OF A COMMITTEE.

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

A bill (H. R. 19215) granting an increase of pension to John Lingenfelder; and

A bill (H. R. 18363) granting an increase of pension to Rudolph Bentz.

SEIZURE OF AMERICAN SCHOONER SILAS STEARNS.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the resolution submitted by Mr. MALLORY