

demagogic appeal made to arouse the public mind for the enactment of schemes which in his mind were inimical to the public good. He was a close attendant upon his duties in this Chamber as a Representative of the people, and often when it seemed most painful to him to walk in and out of the Capitol in the last year of his service; yet he was at his seat considering the work of the session and voting on measures he thought the public interests required. He believed with the poet that:

He  
That through the channels of the state  
Conveys the people's wish is great;  
His name is pure; his fame is free.

In reviewing the career of Major LESTER in this body we are forcibly reminded of the brief tenure of political life to the most of us. Looking over the 386 Members of this House, many in their young manhood and in the best of physical health, with ambition and with talents equal to the best, an onlooker would conclude that a large proportion would still be found in their present places for many years to come. And yet the contrary is true. A retrospect to only eighteen years ago to the Georgia delegation then in Congress will suffice.

On March 4, 1889, RUFUS E. LESTER entered this body from that State. His colleagues at that time were Charles F. Crisp, John D. Stewart, Judson C. Clements, Allen D. Candler, Henry H. Carlton, and George T. Barnes. It seems but a short time since that I listened to their sturdy voices in answer to the roll call or in debate. And yet not a single one now remains here. They have all gone from these places. RUFUS E. LESTER was the last. I recall Charles F. Crisp when he was the honored Speaker of this body, and who was one of the most even-tempered, impartial, and just men that ever wielded a gavel in any deliberative assemblage of fellow-men and peers.

And there was Henry G. Turner, judicial, able minded, serious in thought and action, and measured and logical in debate, with rarely a gesture and with few words of suave and patronizing rejoinder. It was the famous Speaker Reed who remarked of Turner that he regarded him as the ablest jurist and scholar of the House. Then there was the genial, good-humored George T. Barnes, of large body and well-stored brain, and, above all, of matured and righteous judgment and honest endeavor.

Judson C. Clements, who, with Allen D. Candler, alone survive in life all of this splendid constellation of Georgia's eminent and forceful delegation of those days, long since retired, and was honored with a position on the court of the Interstate Commerce Commission, where his genial presence, his love of justice, and his inflexible integrity honors that body as the same qualities made him conspicuous and admired here.

Judge Candler is spending the evening of his days in active pursuits among his friends and former constituents in Georgia, honored and esteemed by all.

The others of that honored and once familiar group were all men of eminence in their own State, while some were of national renown. But, as I have said, how transient is fame and how brief our tenure of political life! Of the entire Southern States only two of the Representatives who were Members of this body from there but eighteen years ago remain in Congress today, and they go out with this session.

Of the twenty-five from Illinois only two remain; of the eleven from Iowa but one remains; of the thirty-seven from New York but two remain; of the thirty-two from Pennsylvania only three remain; of the sixteen from Texas not one remains, and none of the delegation from Mississippi.

In fact, of the entire membership of the National House of Representatives eighteen years ago, only nine will remain on the 4th of the coming month. It was of such associations of men that RUFUS E. LESTER was a part. They performed with him their representative duties, and performed them well, and then one by one they departed from these scenes. Others come, fall into line, and serve their allotted course and soon retire. It is thus the endless procession appears and disappears, while the drama still goes on.

Some ambitions are satisfied, while some are not. Some are successful and achieve greatness, while others have failure and obscurity.

One faith alone remains for all—the hope and the blessed assurance of a glorious immortality, so that as I began I also close, with the ever-recurring question: "If I die, shall I live again?" And the answer is the same for all: "There is no death."

There is no death! The stars go down  
To rise on some fairer shore,  
And bright in Heaven's jeweled crown  
They shine for ever more.

There is no death! The leaves may fall  
And flowers may fade and pass away,  
They only wait through wintry hours  
The coming of the May.

There is no death! An angel form  
Walks o'er the earth with silent tread;  
He bears our best-loved things away,  
And then—we call them dead.

Mr. LACEY. Mr. Speaker, the tragic death of Colonel LESTER brings us together to-day in his memory.

My first service in this body was in the Fifty-first Congress, a body of men recognized as one of exceptional strength. Colonel LESTER also began his service in the same Congress, and was honored by continuous reelection until his death.

In the Fifty-first Congress no delegation exceeded in strength that of the Empire State of the South. Indeed, it is doubtful if any other delegation equaled it in aggregate ability in that Congress.

There were LESTER, Turner, Crisp, Grimes, Stewart, Blount, Clements, Carlton, Candler, and Barnes. When the present Congress convened only one of those ten names remained upon the roll, and that was Colonel LESTER. Nearly all the others had not only gone beyond the companionship of this House, but had passed to the Great Beyond, including Crisp and Turner, the giants among them all.

Colonel LESTER had no more sincere friends than those who as Members of this House stood opposed to his political views, many of whom were also opposed to him in the dark days of the great civil war.

When death has come the survivors can always trace back the great chain of events that has led to the last and final scene; but unconsciously and unknowingly we tread the road that leads to the end of life. Madam Sevigne, in describing the drowning of a friend in the Rhone, says:

The day was stormy, but he would not be dissuaded. Death had an appointment with him in the whirlpool at the foot of the cliff, and he must keep his engagement. He entered the skiff alone, and the waters have just given up their dead.

So with Colonel LESTER. The pleasant voices of children, thought to be in danger upon the roof, led him up the fatal ladder to the skylight through which he fell to his death.

He had gone through many a battle unscathed. He had met danger by flood and field, and disease had sorely stricken him, but in vain. It was a great shock to his many friends who had known him so long and so well when the sudden announcement came that his kind and honest life had been crushed out.

No more genial and courteous soul ever added his example to the good side of the record of the American Congress than RUFUS E. LESTER, the thorough gentleman from Georgia.

Mr. LIVINGSTON. Mr. Speaker, in accordance with the resolutions heretofore adopted, and as a further mark of respect to the memory of RUFUS E. LESTER, I move that the House do now adjourn.

The motion was agreed to; and (at 4 o'clock and 47 minutes p. m.) the House adjourned to meet on Monday at 12 m.

## SENATE.

MONDAY, February 11, 1907.

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

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM MICHIGAN.

Mr. BURROWS presented the credentials of Wm. Alden Smith, chosen by the legislature of the State of Michigan a Senator from that State for the term ending March 3, 1907, to fill the vacancy caused by the death of Russell A. Alger; which were read and ordered to be filed.

Mr. BURROWS. Mr. Smith is present and ready to take the oath of office.

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Smith was escorted to the Vice-President's desk by Mr. BURROWS; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CHARLES S. HANKS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, stating, in response to a resolution of the 7th instant, that Charles S. Hanks has not at any time been paid from public funds for service in the Department of Commerce and Labor or any bureau, division, or branch thereof; which was ordered to lie on the table.

## FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Heber L. Thornton and Grayson L. Thornton, trustees of the estate of Gottlieb C. Grammer, deceased, *v.* The United States;

In the cause of The Trustees of the Methodist Episcopal Church South, of Stephens City, Va., *v.* The United States; and

In the cause of The Trustees of the Methodist Episcopal Church, of Bunker Hill, W. Va., *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. LACEY, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. ROCKWOOD HOAR, late a Representative from the State of Massachusetts.

The message further transmitted to the Senate resolutions commemorative of the life and public services of Hon. RUFUS E. LESTER, late a Representative from the State of Georgia.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona, in favor of an appropriation of \$15,000 to defray the expense of conducting the legislative assembly of that Territory; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,  
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, TERRITORY OF ARIZONA, ss:

I, W. F. Nichols, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 3, which was filed in this office the 2d day of February, A. D. 1907, at 3 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Arizona, at the city of Phoenix, the capital, this 5th day of February, A. D. 1907.

[SEAL.]

W. F. NICHOLS,  
Secretary of the Territory of Arizona.

## MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, respectfully represent:

That there is now pending in the Congress of the United States a bill appropriating the sum of \$15,000 for the payment of the expense of conducting the legislative assembly of the Territory of New Mexico: Therefore, be it

*Resolved*, That your honorable bodies are requested to make the same appropriation for conducting the Territorial legislative assembly of this Territory, to be used in the employment of clerks not now allowed by the organic act, and in the same manner as is contemplated by the appropriation for the relief of New Mexico; and be it further

*Resolved*, That Hon. M. A. SMITH, Delegate to Congress from this Territory, is hereby requested to formulate and introduce a bill in Congress containing the above sentiment.

NEILL E. BAILEY,  
Speaker of the House.  
A. J. DORAN,  
President of the Council.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona, in favor of an appropriation of at least \$200,000, to be expended under the direction of the Secretary of the Interior, to aid in controlling the flood waters of the Gila River, in Graham County, Ariz.; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,  
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, TERRITORY OF ARIZONA, ss:

I, W. F. Nichols, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 2, which was filed in this office the 2d day of February, A. D. 1907, at 3 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Arizona, at the city of Phoenix, the capital, this 5th day of February, A. D. 1907.

[SEAL.]

W. F. NICHOLS,  
Secretary of the Territory of Arizona.

## MEMORIAL.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the twenty-fourth legislative assembly of the Territory of Arizona, respectfully represent that—

Whereas what is known as the "Gila Valley," in Graham County, Ariz., embracing 100,000 acres of fertile land, lies adjacent to and on both sides of the Gila River; and

Whereas after twenty-five years of toil and hardship incident to the pioneering of the arid west approximately 50,000 acres of said land has been reclaimed and transformed from a desert waste into fruitful lands until now, under the almost magic touch of the industrious husbandman, it provides comfortable homes for 5,000 people; and

Whereas in the cultivation of the said land the people are entirely dependent upon the waters of the said Gila River for the purposes of irrigation, said waters being conveyed to the land by means of canals, all of which are owned and operated by the farmers themselves; and

Whereas the frequent floods and unprecedented high waters of the past two years have swept away dams and dam sites, destroyed canals, and devastated hundreds of acres of the most fertile land, sweeping away the accumulation of a lifetime in an hour; and

Whereas this devastation and ruin can only be checked, the perpetuation of these homes and the continued cultivation of all these fertile acres be secured by the partial control of said flood waters; and

Whereas the settlers of this said Gila Valley are all people of very moderate means and in no way capable of coping with a situation so serious;

Therefore your memorialists most earnestly request that in order to perpetuate these hundreds of homes, to protect and conserve this, one of the garden spots of the arid West, the officers of the United States Geological Survey be at once instructed to make a careful examination of the situation, to promptly report thereon, and that Congress make an appropriation of at least \$200,000 to be expended under the direction of the Secretary of the Interior, for the controlling of the said flood waters of the Gila River in Graham County, Ariz.

The secretary of the Territory is hereby directed to immediately transmit one copy of this memorial to the President of the United States, one copy to the President of the Senate of the United States, one copy to the Speaker of the House of Representatives of the United States, one copy to the Hon. REED SMOOT, member of the United States Senate from the State of Utah; one copy to the Hon. GEORGE SUTHERLAND, member of the United States Senate from the State of Utah; one copy to the Hon. GEORGE HOWELL, Member of the House of Representatives from the State of Utah, and one copy to the Hon. MARCUS A. SMITH, Arizona's Delegate to Congress.

NEILL E. BAILEY,  
Speaker of the House.  
A. J. DORAN,  
President of the Council.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona, in favor of the enactment of legislation to increase the per diem allowance of the legislators of all the Territories; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,  
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, TERRITORY OF ARIZONA, ss:

I, W. F. Nichols, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 1, which was filed in this office the 2d day of February, A. D. 1907, at 3 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Arizona, at the city of Phoenix, the capital, this 5th day of February, A. D. 1907.

[SEAL.]

W. F. NICHOLS,  
Secretary of the Territory of Arizona.

## MEMORIAL.

To the honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, most respectfully represent that:

Whereas since June 19, 1878, the date at which the compensation of members of the legislative assembly of this Territory was fixed at \$4 per day, the population and business of the Territory have greatly increased, the legislative business of the Territory has so grown, the needs for legislation so enlarged; and

Whereas the necessary expenses of members of the Territorial legislature, including only the cost of living in decency and comfort at any of the hotels at the capital is alone greater than the allowance per diem, viz, \$4 per day; and

Whereas it is now an absolute pecuniary sacrifice upon the part of a legislator to accept a commission and serve in this legislative body because of the facts as above set forth; and

Whereas in consequence thereof it has become difficult to induce persons of proper qualifications to accept seats in either house of the legislature;

Therefore, your memorialists most earnestly and respectfully petition your honorable body to increase the per diem of the legislators of all Territories, as the necessity now so urgently demands;

That the secretary of the Territory is hereby directed to forward copies of this memorial to the honorable President of the Senate, to the honorable Speaker of the House of Representatives of the United States, and to the Hon. MARCUS A. SMITH, Delegate to Congress from Arizona.

NEILL E. BAILEY,  
Speaker of the House.  
A. J. DORAN,  
President of the Council.

The VICE-PRESIDENT presented memorials of sundry citizens of Moline, Ill., remonstrating against any intervention on the part of the United States in the affairs of the Kongo Free State; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Sandy Hill,

N. Y., and a petition of sundry citizens of Philadelphia, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Odorless Refrigerator Company, of Chattanooga, Tenn., praying for the enactment of legislation to permit the manufacture by consumers of denatured alcohol in small quantities; which was referred to the Committee on Finance.

He also presented a petition of the city council of Sulphur, Ind. T., praying for the enactment of legislation providing for the relocation of the Carlisle Indian School upon the Platte National Park, at that city; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Will County Farmers' Institute, of Joliet, Ill., remonstrating against the passage of the so-called "ship-subsidy bill," which was ordered to lie on the table.

He also presented a petition of the Will County Farmers' Institute, of Joliet, Ill., praying that an appropriation be made for the construction of a deep waterway from the Great Lakes to the Gulf of Mexico; which was referred to the Committee on Commerce.

He also presented petitions of the Woman's Christian Temperance Unions of Martinsville, Hebron, Lafayette, West Middleton, Dillsboro, Batesville, Rockport, Pittsburg, and New Albany, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

He also presented the petition of Liliuokalani, ex-Queen of the Hawaiian Islands, submitting additional evidence in relation to her claim against the Government of the United States for certain crown lands; which was referred to the Committee on Claims.

Mr. HALE. I present a memorial of the Williston Church, of Portland, Me., and other religious associations and prominent citizens of that city, in the form of telegraphic messages, urging the passage of the resolution relative to affairs in the Kongo Free State. The dispatches which are sent to me come from many of the religious societies of Portland and from prominent and eminent citizens of that city, showing their deep interest in this matter. I ask that they be referred to the Committee on Foreign Relations.

Mr. FRYE. The resolution has been reported to the Senate.

Mr. HALE. Then, if the resolution has been reported to the Senate, let the dispatches lie on the table.

Mr. FRYE. I wish simply to state that I have also received a very large number of telegrams from the same city of Portland urging the passage of the same resolution.

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

Mr. NELSON presented petitions of sundry citizens of Cottonwood and Minneapolis, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. MILLARD presented a petition of sundry citizens of Lexington, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Delanson, Fabins, Binghamton, Newstead, Bergen, New Paltz, Syracuse, Rose, Wallsville, and Clinton Corners, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union of Perry, N. Y., and a petition of the congregation of the Congregational Church of Norwich, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of L. Norwich Brown & Co., of Utica, N. Y., remonstrating against the passage of the so-called "free leaf tobacco bill;" which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Lyons, Buffalo, Syracuse, Jamestown, Rochester, and New York City, all in the State of New York, praying for the adoption of certain

amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. HOPKINS presented a petition of sundry citizens of Eureka, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of All Souls' Church, of Evanston, Ill., praying for an investigation into existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented a petition of the Chicago Grocers and Butchers' Association, of Chicago, Ill., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a memorial of the Grand Army of the Republic, Department of California and Nevada, of San Francisco, Cal., remonstrating against the enactment of legislation to abolish the pension agencies throughout the country; which was referred to the Committee on Pensions.

Mr. SMOOT presented a petition of sundry citizens of Salt Lake City, Utah, remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

Mr. CULBERSON presented petitions of sundry citizens of Galveston and Jefferson, in the State of Texas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of sundry citizens of West Hartford, Conn., 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.

He also presented a petition of sundry citizens of West Hartford, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Trades Council, American Federation of Labor, of New Haven, Conn., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of Roneys Point, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. KEAN presented petitions of sundry citizens of Branchville, Woodstown, Succasunna, Bridgeton, and Hancock's Bridge, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BLACKBURN presented a memorial of the Ryan-Hampton Tobacco Company, of Louisville, Ky., remonstrating against the passage of the so-called "free leaf-tobacco bill;" which was referred to the Committee on Finance.

He also presented a paper to accompany the bill (S. 5320) for the relief of David B. Dowdell; which was referred to the Committee on Claims.

Mr. MONEY presented a paper to accompany the bill (S. 7644) for the relief of the estate of James S. Wilson; which was referred to the Committee on Claims.

Mr. LODGE presented petitions of sundry citizens of Baldwinville, Lowell, Foxboro, Cambridge, Lynn, Boston, and Leominster, all in the State of Massachusetts, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. CLARK of Wyoming. By request, I present a memorial of the Cherokee Indians, relative to the matter of the order of the Government allowing intermarried white citizens whose rights to take allotments have been denied by the courts to dispose of their improvements. I move that the memorial be printed, and referred to the Committee on Indian Affairs.

The motion was agreed to.

#### LARGE BATTLE SHIPS.

Mr. HALE. I present an important compilation for information as to certain battle ships building or recently built abroad in comparison with the *South Carolina* and her sister ship, the *Michigan*. I ask that it may be printed as a document and referred to the Committee on Naval Affairs. I find the size of the paper is such that it can be printed in the RECORD.

There being no objection, the paper was ordered to be printed as a document and referred to the Committee on Naval Affairs, and it was ordered to be printed in the RECORD, as follows:

Country.	Name.	By whom and where built or building.	Condition January 1, 1907.	Ship as designed, fully equipped ready for sea, normal stores, ammunition, and coal.						Length over all.	Designed full load displacement.	Speed on trial.	I. H. P. of propelling machinery and its auxiliaries on trial.	Displacement on trial.	Bunker capacity to 6 inches below beams (43 cubic feet to the ton).
				Length between perpendiculars.	Breadth on load water line.	Mean draft.	Displacement (normal).	Tons per inch immersion at normal draft.	Displacement (normal).						
United States	South Carolina	Wm. Cramp & Sons, Philadelphia, Pa.	Building	450 0	80 2 1/2	24 6	16,000	64.20	452 9	17,617	18.50	16,500	16,000	2,200	
England	Dreadnought	Portsmouth	In commission	490 0	82 0	26 6	17,900				21.25	24,712		2,700	
	Bellerophon	do		(?)	(?)	(?)	18,400	(?)	(?)	(?)	21.6	27,518			
	Temeraire	Doonport	Building	(?)	(?)	(?)	18,400	(?)	(?)	(?)	21	(?)	(?)	(?)	
	Superb	Armstrong		(?)	(?)	(?)	18,400	(?)	(?)	(?)	21	(?)	(?)	(?)	
France	Patrie	La Seyne, Toulon	Built	439 0	79 6	27 6	14,860				19.1	17,859		1,825	
	6 provided for	2 at navy-yards; 4 at private yards.	Building	476 0	84 0	27 8	18,350				19	22,500		2,010	
Germany	Deutschland	Krupp, Germania	Built	398 6	72 10	25 3	13,250				18.8	16,939		1,800	
	Pommern	Various	Building	398 6	72 10	25 3	13,250				18	16,000		1,800	
	Hannover	Various	Building	398 6	72 10	25 3	13,250				18	16,000		1,800	
	Schlesien	Various	Building	398 6	72 10	25 3	13,250				18	16,000		1,800	
	Schleswig-Holstein	Various	Building	398 6	72 10	25 3	13,250				18	16,000		1,800	
Japan	4 provided for	do	To be built	(?)	(?)	(?)	68,000	(?)	(?)	(?)	(?)	(?)	(?)	(?)	
	Aki	Kure Navy-Yard	Building	(?)	(?)	(?)	19,800	(?)	(?)	(?)	20	24,000		(?)	
	Satsuma	Yokosuka	do	(?)	83 6	27 6	19,200		482 0		19	18,000		(?)	
Russia	Andrei Pervovanni	St. Petersburg	do	430 0	80 0	28 0	16,630		430 0		18	18,000		3,030	
	4 provided for	do	To be built				About 21,000.							General type of Dreadnought; details not known.	

Country.	Name.	Batteries.				Armor.				Protective deck (total thickness).		
		Main.		Secondary.	Torpedo tubes.	Water-line belt amidships.	Turrets.		Barbettes.		At ends.	Amidships.
		In turrets.	Broad-side.				Size.	Thick-ness.	Size.	Thick-ness.		
United States	South Carolina	8 12" B. L. R.		22 3" S. A., 2 3-pdr. S. A., 81-pdr. S. A., 2 3" T., 2 30 cal. A., 2 30 cal. M.	2 21" submerged.	6 Top 11, bottom 9, water line 10.	12	12-8	12	10-8	1 1/2	1 1/2
England	Dreadnought	10 12" B. L. R.			(?)	11	(?)	(?)	(?)	(?)	14-24	14-24
	Bellerophon				(?)	(?)	(?)	(?)	(?)	(?)	(?)	(?)
	Temeraire											
	Superb											
France	Patrie	4 12" B. L. R.	107.6" B. L. R.		2 above, 2 submerged.	Top 9 1/2, water line 11, bottom 4.	7.6	6.3	7.6	6.3	14	24
	6 provided for	4 12" B. L. R., 12 9.5" B. L. R.			do	10.5	9.5	9	12	12		
Germany	Deutschland	4 11" B. L. R.	146.6" B. L. R.		6 submerged.	9.5	11	11	11	11	1.6	3
	Pommern											
	Hannover											
	Schlesien											
	Schleswig-Holstein	4 11" B. L. R.	146.6" B. L. R.		do	9.5	11	11	11	11	1.6	3
Japan	4 provided for	(?)	(?)		(?)	(?)	(?)	(?)	(?)	(?)	(?)	(?)
	Aki	4 12" B. L. R., 12 10" B. L. R.			(?)	(?)	(?)	(?)	(?)	(?)	(?)	(?)
	Satsuma	4 12" B. L. R., 12 10" B. L. R.	124.7" B. L. R.		1 above, 4 submerged.	9	(?)	(?)	(?)	(?)	(?)	(?)
Russia	Andrei Pervovanni	4 12" B. L. R., 12 8" B. L. R.			1 above, 5 submerged.	8.5	12	10	12	8	1.5	2.4

Country.	Name.	Rig and number of funnels.	Type of boilers (engines).	Com- plement.	Contract price of hull and machinery.	Date of act authorizing the building.	Contract signed.	Keel laid.	Launched.	Contract date of completion.	Date of first and latest commission.
United States	South Carolina	2 military masts, 2 funnels	Water tube	869	\$3,540,000	Mar. 3, 1905	July 21, 1906			Dec. 21, 1909	
England	Dreadnought	2 tripod masts	B. and W. turbines.	690	\$8,202,492	1904		Oct. —, 1905	Feb. —, 1906		Oct. 2, 1906
	Bellerophon	(?)	Water tube turbine.	(?)	\$1,135,000			Dec. 3, 1906		2 years	
	Temeraire				\$1,400,000			Jan. 1, 1907		do	
	Superb				3,300,000					2 1/2 years	
France	Patrie	2 masts—fore, military main pole, 3 funnels	Nielausse vert., 3 exp.	768	\$8,081,250	1901	Aug. 7, 1901	1902	Dec. —, 1903	Oct. —, 1906	
	6 provided for	2 masts, 5 funnels	Water tube turbines.	681	\$9,653,926	1906	Jan. —, 1907				
Germany	Deutschland	2 military masts, 3 funnels	Schultz vert., 3 exp.	729	\$3,724,700	1902		June —, 1903	Nov. —, 1904	1906	1906
	Pommern		do	729	\$3,724,700	1902-1904	1904-5	1904-5	1905-6	1907-8	
	Hannover										
	Schlesien										
	Schleswig-Holstein										
Japan	4 provided for	(?)	(?)	(?)	\$5,300,260	1905-6					
	Aki	(?)	(?)	(?)	(?)			Dec. —, 1905			
	Satsuma	(?)	(?)	(?)	(?)			Apr. —, 1905	Nov. —, 1906		
Russia	Andrei Pervovanni	2 military masts, 3 funnels	Belleville vert., 3 exp.					Jan. —, 1903	Oct. —, 1906		

a Two-thirds full supply of ammunition and stores. b Estimated. c In way of magazines 12" to 10". d Result of eight hours' full power trial. e Mean of four runs over the measured mile. f Total, except guns. g Machinery.

## REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. LODGE on the 30th ultimo, proposing to appropriate \$235,000 for expenses of fog signals, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 6704) to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905, reported it with an amendment, and submitted a report thereon.

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

A bill (S. 7168) granting an increase of pension to Edward B. Shepherd; and

A bill (S. 7194) granting an increase of pension to Lawrence Over.

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

A bill (S. 5558) granting an increase of pension to George Paine;

A bill (S. 8235) granting a pension to James Huntington;

A bill (S. 5621) granting an increase of pension to Frederick Buehrle; and

A bill (S. 4531) granting an increase of pension to L. M. Stephenson.

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

A bill (S. 8259) granting an increase of pension to Henry B. Love; and

A bill (S. 5756) granting an increase of pension to Charles A. Bell.

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

A bill (S. 8195) granting an increase of pension to Asa E. Swasey;

A bill (S. 6672) granting an increase of pension to Hannah Peavey;

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

A bill (S. 7138) granting an increase of pension to George H. Allen; and

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

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

A bill (S. 1350) granting an increase of pension to Michael Cullen; and

A bill (S. 6731) granting a pension to Elizabeth Huntington Rice.

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

A bill (S. 6140) granting an increase of pension to Julia A. Birge; and

A bill (S. 3552) granting an increase of pension to Joseph P. Wilcox.

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

A bill (S. 6093) granting a pension to Hester A. Collier;

A bill (S. 6319) granting an increase of pension to Angus Fraser; and

A bill (S. 2109) granting an increase of pension to E. T. Arnold.

Mr. CARMACK, 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. 4208) granting an increase of pension to Charles V. Nash;

A bill (S. 5752) granting an increase of pension to Ruth M. Hoag; and

A bill (S. 6078) granting an increase of pension to Elijah B. Hudson.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above

the city of Augusta, in the State of Georgia, reported it without amendment, and submitted a report thereon.

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

A bill (S. 5718) granting an increase of pension to William D. Hoff;

A bill (S. 6774) granting an increase of pension to James B. Hackett; and

A bill (S. 1980) granting an increase of pension to Mary Foster.

Mr. PATTERSON, 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. 8197) granting an increase of pension to Arabella J. Farrell;

A bill (S. 8104) granting an increase of pension to Henry Shelley;

A bill (S. 7698) granting a pension to Fannie S. Grant;

A bill (S. 2502) granting an increase of pension to Stephen M. Fitzwater; and

A bill (S. 1935) granting an increase of pension to Charles Church.

Mr. BURKETT, 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. 7129) granting a pension to Susan J. Chandler;

A bill (S. 6952) granting an increase of pension to Martin A. Rubert;

A bill (S. 161) granting an increase of pension to Ruth E. Rogers;

A bill (S. 8056) granting an increase of pension to William H. Fountain;

A bill (S. 6768) granting an increase of pension to John E. Hayes;

A bill (S. 7476) granting an increase of pension to Oliver S. Boggs; and

A bill (S. 7616) granting an increase of pension to Ezekiel C. Ford.

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

A bill (S. 883) granting an increase of pension to T. A. Willson;

A bill (S. 2336) granting an increase of pension to Annie E. Smith;

A bill (S. 6724) granting a pension to Mary W. Grannis;

A bill (S. 435) granting an increase of pension to L. H. Canfield; and

A bill (S. 496) granting an increase of pension to Lewis Young.

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

A bill (S. 8278) granting an increase of pension to Calvin Herring;

A bill (S. 7968) granting an increase of pension to James Slater; and

A bill (S. 7878) granting an increase of pension to Richard J. Gibbs.

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

A bill (S. 6281) granting an increase of pension to Joseph C. Bowker; and

A bill (S. 7947) granting an increase of pension to Charles G. Sweet.

Mr. TALIAFERRO, 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. 8302) granting a pension to Ella B. Morrow; and

A bill (S. 8201) granting an increase of pension to Clara A. Keeting.

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

A bill (S. 3197) granting an increase of pension to Hiram Focht; and

A bill (S. 8397) granting an increase of pension to Martin Peacock.

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

A bill (S. 8147) granting an increase of pension to Ann E. Macy; and

A bill (S. 7429) granting a pension to Caroline A. Gilman.  
Mr. OVERMAN, 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. 8196) granting an increase of pension to Michael J. Geary;

A bill (S. 7670) granting a pension to Sarah E. Lungren;

A bill (S. 8212) granting a pension to Azelia Mittag;

A bill (S. 8144) granting an increase of pension to Elizabeth A. Bonner; and

A bill (S. 7622) granting an increase of pension to George K. Taylor.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 7936) granting an increase of pension to Liberty W. Foskett, reported it without amendment, and submitted a report thereon.

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

A bill (S. 2387) granting an increase of pension to Harvey Smith;

A bill (S. 8378) granting an increase of pension to Eli B. Woodard;

A bill (S. 7478) granting an increase of pension to William H. Brown;

A bill (S. 4008) granting an increase of pension to Charles B. Saunders;

A bill (S. 8023) granting an increase of pension to Harry N. Medbury;

A bill (H. R. 4678) granting an increase of pension to John F. Casper;

A bill (H. R. 22443) granting an increase of pension to Lyman S. Strickland; and

A bill (S. 2285) granting an increase of pension to William W. Herrick.

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

A bill (S. 8049) granting an increase of pension to Daniel C. Swartz;

A bill (S. 5144) granting an increase of pension to Morgan H. Weeks;

A bill (S. 7655) granting an increase of pension to Francis G. Brown;

A bill (S. 8407) granting an increase of pension to Reuben C. Webb;

A bill (S. 8258) granting a pension to Mary B. Yerington;

A bill (S. 7838) granting an increase of pension to Ole Gunderson;

A bill (S. 8390) granting an increase of pension to Joseph H. Kinsman; and

A bill (S. 2181) granting an increase of pension to Mary G. Potter.

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

A bill (S. 7930) granting an increase of pension to Joseph Hare;

A bill (S. 7657) granting an increase of pension to Herman Grass;

A bill (S. 7890) granting an increase of pension to Henry Zacher;

A bill (S. 8379) granting an increase of pension to Bertha M. Johnson;

A bill (S. 8345) granting an increase of pension to Frank Holderby;

A bill (S. 6518) granting an increase of pension to William H. Stiles;

A bill (S. 3432) granting an increase of pension to Samuel Ellis;

A bill (S. 5420) granting an increase of pension to Thomas W. Gilpatrick; and

A bill (S. 6616) granting an increase of pension to J. P. Crooker.

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

A bill (S. 8263) granting an increase of pension to Martha L. Bohannon;

A bill (S. 7344) granting an increase of pension to Clara P. Coleman; and

A bill (S. 3495) granting a pension to Joseph H. Boucher.

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. 7679) granting an increase of pension to George M. Shaffer; and

A bill (S. 6177) granting an increase of pension to Louisa Anne Morton.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 8125) granting an increase of pension to Mary O. Cherry, reported it without amendment, and submitted a report thereon.

Mr. PILES, 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. 3691) granting a pension to Rollin S. Belknap;

A bill (S. 8006) granting an increase of pension to Epaminondas P. Thurston;

A bill (S. 4580) granting an increase of pension to William Hale;

A bill (S. 8153) granting an increase of pension to Henry B. Johnson;

A bill (S. 1896) granting a pension to Smith Bledsoe; and

A bill (S. 5724) granting an increase of pension to George C. Saul.

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

A bill (S. 990) granting an increase of pension to Relf Bledsoe;

A bill (S. 3652) granting an increase of pension to Sallie Noble;

A bill (S. 2011) granting a pension to Lucinda McCorkle; and

A bill (S. 2792) granting a pension to John W. Organ.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 8064) granting an increase of pension to Carlos Trowbridge, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. FULTON on the 7th ultimo, providing for the payment of \$337,870.94 to the Lower band of Chinook Indians of the States of Oregon and Washington for lands taken from them, etc., asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 8161) in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois, reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 31st ultimo, proposing to appropriate \$3,000 to pay John M. McDowell, of Council City, Alaska, for services rendered in preparing a new set of indices of all the records of Council City, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

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

A bill (S. 8347) granting an increase of pension to Ervin F. Mann;

A bill (S. 8089) granting a pension to Mary E. Jacobs; and

A bill (S. 8090) granting a pension to Inger A. Steensrud.

Mr. LA FOLLETTE, 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. 8349) granting a pension to Mary Ellen Van Amringe;

A bill (S. 8348) granting an increase of pension to Cornelius E. Bliss; and

A bill (S. 6818) granting an increase of pension to John E. Anthony.

#### PRINTING OF DOCUMENTS.

Mr. PLATT, from the Committee on Printing, reported the following order; which was considered by unanimous consent, and agreed to:

*Ordered*, That there be reprinted, for the use of the document room of the Senate, 300 copies each of Document 147, Fifty-ninth Congress, second session, being the President's message on Japanese in the city of San Francisco; House Document 561, Fifty-ninth Congress, second session, being report of the Interstate Commerce Commission on Discriminations and Monopolies in Coal and Oil; House Document 606, Fifty-ninth Congress, second session, being report of the Interstate Commerce Commission on Railroad Discriminations and Monopolies in Coal and Oil; Senate Document 252, Fifty-ninth Congress, second session, being Rules and Regulations for Enforcement of the Food and Drug Act; Public Law 337, approved June 29, 1906, and Public Law 219, approved June 11, 1906.

## BOULEVARD THROUGH FORT DOUGLAS MILITARY RESERVATION.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 8362) to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah, to report it favorably without amendment, and I submit a report thereon. I call the attention of the senior Senator from Utah to the bill.

Mr. SMOOT. I ask unanimous consent that the bill may be now considered.

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

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

## BILLS INTRODUCED.

Mr. NELSON (by request) introduced a bill (S. 8420) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 8421) for the relief of the trustees of the Presbyterian Church of Edisto Island, S. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PATTERSON introduced a bill (S. 8422) granting an increase of pension to Overton E. Harris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER (by request) introduced a bill (S. 8423) to authorize the Keetoowah Society to purchase the Cherokee Advocate and the general convention grounds of the Cherokee Nation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLARK of Montana introduced a bill (S. 8424) granting an increase of pension to Thomas Weller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 8425) granting a pension to David S. Oliphant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 8426) authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULBERSON introduced a bill (S. 8427) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

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

A bill (S. 8428) for the relief of the trustees of Tabernacle Methodist Episcopal Church South, of Culpeper County, Va.;

A bill (S. 8429) for the relief of the trustees of the Presbyterian Church of Culpeper, Va.; and

A bill (S. 8430) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works (with accompanying papers).

Mr. LA FOLLETTE introduced a bill (S. 8431) to authorize the cutting and sale of timber on land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

## AMENDMENTS TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. PLATT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CULBERSON submitted four amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. MONEY submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. BULKELEY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the bill (S. 8303) to establish the foundation

for the promotion of industrial peace; which was referred to the Committee on Education and Labor, and ordered to be printed.

## SENATOR FROM UTAH.

Mr. BERRY. Mr. President, I ask the Chair to lay before the Senate the resolution reported by the Committee on Privileges and Elections in reference to the seat of the senior Senator from Utah, and I ask that the resolution may be read.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution, at the request of the Senator from Arkansas, and it 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. BERRY. Mr. President, I wish to say in the beginning that in what I shall say to-day I have no personal feeling whatever of unkindness toward the Senator from Utah. I have served on a committee with him for some four years; the relations between us have always been pleasant, and he has always been courteous to all the members.

I wish to say further, Mr. President, that I do not think any feeling of bias of a political character influences my judgment or has caused me to make the remarks which I intend to submit. I say this the more readily because some seven years ago when the question was pending in the other House with reference to the seat of Brigham Roberts, while he was a Democrat, I said to numerous Members of the House that I thought the proper practice was first to swear him in, and after he was sworn the case should be referred to a committee, and if that committee found the facts as stated they ought to declare that he was not qualified to sit in the House.

I will add also, Mr. President, that I do not think any religious prejudice biases my judgment in any way whatever. I have always regarded the provision in the Constitution which guarantees the right of religious liberty as perhaps the most important paragraph within that great instrument.

I think I may say here that in all probability I would have contented myself with simply casting my vote had it not been for certain occurrences which took place years ago that peculiarly and especially affected the people of the State in which I live, and therefore caused an interest there that probably does not exist in many other localities throughout the nation. Of that, however, I will speak hereafter.

I wish, in the first place, to say a few words in regard to the constitutional power and the constitutional right of the Senate to pass the resolution reported by the committee. I do not make any pretense, and never have, of being a great constitutional lawyer, and therefore I do not hope to convince, and I hardly expect to enlighten, many members upon this floor. But in a matter of this kind where we sit, I think, as judges, each man must judge the Constitution for himself, with such lights as he can procure or secure, and the final judgment must be between him and his conscience as to what he thinks the Constitution means.

There are three questions arising in this case which have been discussed with reference to the constitutional power and the right of the Senate to exercise that power. The first of these to which I shall refer is the clause which provides that two-thirds of the Senators may expel any member of this body. I do not think it will be denied by anyone that as a question of power simply—I am not discussing the right at this time, but of absolute power—the Senate can, by a two-thirds vote, expel any member of this body for any reason, or without reason, and it would be binding and effective. There is no appeal from it. It does not follow, however, because that power exists that it ought to be exercised unless it was right to exercise it.

I have been told that certain Senators on this side of the Chamber hold the view that while we have the unquestioned power and the right in this particular case, based upon this testimony, to expel the Senator from Utah, we have no right to pass the resolution reported by the committee, which simply excludes him.

I will not go into a lengthy citation of authorities. I will insert some in my remarks, by permission of the Senate, that I do not read. But so far as I have been able to ascertain there is no case either in this House or the other where any Senator or Member has ever been expelled for any act which occurred prior to the time when he was elected. It is laid down by the text writers, so far as I have been able to read them—there may be exceptions—that the Senate has no right to expel a member except it be for some act after he is elected to the office or some wrongful act which occurred in connection with that election. Some of the authorities go so far as to say that

even after he is qualified and elected the Senate has no power to expel him unless it be for some wrongful act done in connection with his office as Senator.

To that last proposition I do not fully agree. I believe that a Senator might be guilty of many acts in no way and in no wise connected with the duties of his office here for which it would be the duty of the Senate to expel him from this body. The authorities in regard to that, as I said, I will insert hereafter. I have not the strength to read them all.

I think, however, if I am not mistaken, in an early case in the Senate, that of Humphrey Marshall, of Kentucky, where it was proposed to expel him for an act done prior to the time of his election, the Senate held that they had no jurisdiction, and the case was dropped and it was never brought to a vote.

Therefore, repeating that so far as the power goes there can be no question about it, so far as what the proper action should be if the facts in this case show that the Senator from Utah is not entitled to a seat on this floor.

A majority of the Committee on Privileges and Elections have reported a resolution which simply declares that he is not entitled to a seat.

In my own judgment, this is the proper practice: If a man comes to the Senate with his credentials in due form from the proper authorities, showing that he is qualified to be a Senator, I have always believed that the proper practice is that pursued in this case, to administer the oath, and if protests and objections are filed, to refer them then to a committee of this body, and give him a chance to be heard, and then report upon the facts; and if they find that he was not qualified at the time he took his seat, simply to so declare by resolution.

I have said that the power to expel is unlimited. I wish to state that, in my judgment, it is not any more unlimited, not any more absolute, than the power contained in another clause of the Constitution which says that each House shall be the judge of the election, returns, and qualification of its own members. The power to pass on qualifications given by the Constitution is just as great, just as absolute, just as binding, in my opinion, as the clause which provides for the expulsion of a member. In that same clause is the provision I have just quoted, that the Senate judges of the election.

Mr. President, the universal rule in cases of contest is that a Senator who bears the credentials is seated, a hearing is had, and if they find he is not entitled to a seat under that clause, that he is not elected, by a simple majority vote they so declare.

That same clause gives the power to the Senate to pass on the qualifications precisely as it gives the power to pass on the question of his election or the correctness of the returns.

As I have already said, when a man presents his credentials to be sworn in in due form, I have never thought it was fair that he, by a simple objection, should be set aside and not be permitted to participate in the organization of this body; but if after due investigation and full hearing on his part it was found that he was not qualified, we have the same power, the same right, to so declare as we would have the right to expel him if we thought his action justified it.

Now, I want to read a number of authorities in the House. There is one that I was able to find in the Senate. I will state, however, that most of the cases in the House arose during the war or immediately after the war, and that it is true that at that time party feeling and party prejudice existed in that body to a greater degree than at any other time. It may be that many of these decisions lose a part of their force for that reason, because most of the objections where men were excluded from the House were on account of disloyalty. But they are not all that way.

There is one case to which I especially refer, which was in no wise connected with the war, nor did the question of loyalty or disloyalty arise in any way. It is the case of Whittemore, of South Carolina. I simply state the facts. The full case, with a number of others, will be found in the speech of Mr. Taylor, of Ohio, made in the House January 23, 1900, in the case of Brigham Roberts.

Whittemore was a Member of Congress. A committee of that body found that he had sold a cadetship, and the committee so reported to the House of Representatives. He ascertained that fact and resigned his seat in the body; and the House thereafter determined that he having resigned they had no right to expel him, and simply contented themselves with passing a resolution of censure. He went back to the State of South Carolina and within a short period of time, I think not exceeding sixty days, he was reelected and returned to that body, with his credentials in due form. The question arose as to whether it was proper that he should occupy a seat there. General Logan, of Illinois, led the fight against him. I will say, too, that it was a Republican House and that Whittemore was a

Republican in politics. General Logan said, amongst other things:

It is said that the constituency had the right to elect such a Member as they may think proper. I say, No. We can not say that he shall be of a certain politics, or of a certain religion, or anything of that kind; but, sir, we have the right to say that he shall not be a man of infamous character.

There is a good deal more in that same line.

The House by a vote, by a large majority, 130 to 24, denied him a seat in that body for this act committed during his prior service. They exercised the right and they did not claim to find that it was necessary to expel him, but they declared that he was not qualified for a seat in the House of Representatives.

There are a number of other cases of the same character. They have again and again asserted the right. In the Senate of the United States, in the case of Thomas, of Maryland, they refused him a seat in this body, not by expulsion, but on the ground that he had committed acts prior to the time of his election which disqualified him as a Senator.

Those are the two propositions that I lay down. I want to repeat once more that the power to expel is not greater or not more absolute than the power to pass upon the qualifications of any Member.

But we are met with the proposition, Mr. President, that we can not add—the way it is usually put, I believe—that we can not add any qualifications to those which are laid down in the Constitution.

Mr. HOPKINS. Mr. President—

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

Mr. BERRY. I yield.

Mr. HOPKINS. Before the Senator leaves the Whittemore case from South Carolina and the point he was discussing there regarding the exclusion of Mr. Whittemore from the House of Representatives, I should like to ask him if there was any point made as to whether it took less votes to keep him from becoming a Member of the House than it would take to expel him?

Mr. BERRY. There was no such contention, I think, ever made. If so, I have overlooked that in the case.

Mr. HOPKINS. Then, as I understand the Senator's position, it is that in the case of Smoot in order to adopt the resolution that is now pending it would require a two-thirds vote.

Mr. BERRY. No; I beg pardon; that is not my position, but directly contrary to that. I have taken the position that we can adopt the resolution reported by the Committee on Privileges, and it requires only a majority vote to determine the qualifications of any Senator. That is the position I take.

Mr. HOPKINS. If in the Whittemore case the point was not made as to whether Mr. Whittemore could be excluded from becoming a Member by a certain vote, is it any authority on the question as to whether in the case of REED SMOOT his exclusion should be by a majority or a two-thirds vote?

Mr. BERRY. Mr. President, if the Senator from Illinois will permit me, I will say that it depends altogether on the character of the resolution upon which we are acting. The resolution reported by the Committee on Privileges and Elections is simply that the Senator from Utah is not entitled to a seat in this body, and that requires but a majority vote, whereas if you seek to expel him under the other clause of the Constitution it requires a two-thirds vote.

Mr. HOPKINS. What I want to know from the Senator from Arkansas is whether the Whittemore case is an authority on the question of expulsion or exclusion?

Mr. BERRY. It is an authority on the right of the House of Representatives to exclude.

Mr. HOPKINS. But in that case, as I understand the Senator, the point was not made as to whether the exclusion should be by a majority vote or by a two-thirds vote.

Mr. BERRY. The report of the case that I have before me does not show that any such question was raised. The only question discussed was whether or not the House of Representatives had a right to pass upon his qualifications, and to add a qualification to those that were not named in the Constitution of the United States, if those were all the qualifications that were required. Everyone understood that this only required a majority vote. Some said it ought to be a motion to expel, which, of course, requires two-thirds. In regard to that I was about to say in my judgment there are no qualifications specified in the Constitution of the United States, but there are certain disqualifications named in that instrument. The framers of the Constitution did not undertake to lay down all the objections that might be raised. They stated that no person shall be a Senator—putting it in the negative—unless he is 30 years of age, has been a citizen of the United States for nine years, and a resident of the State from which he is chosen.

I repeat, I am going to read to sustain that position from the



proceedings of the convention that made the Constitution, so as to show that it was not the purpose or the intention—but the facts show that it was directly the reverse of that—to undertake to name all the qualifications that a Senator or a Member of the other House should have. I want to read something on that point. First, Mr. President, I will read what was said by John Randolph, of Virginia, in 1807. Among other things he said:

If the Constitution had meant (as was contended) to have settled the qualifications of members, its words would have naturally run thus: "Every person who has attained the age of 25 years and been seven years a citizen of the United States and who shall, when elected, be an inhabitant of the State from which he shall be chosen shall be eligible to a seat in the House of Representatives." But so far from fixing the qualifications of the Members of that House the Constitution merely enumerated a few disqualifications within which the States were left to act.

It is said to the States: You have been in the habit of electing young men barely of age. You shall send us none but such as are five and twenty. Some of you have elected persons just naturalized. You shall not elect any to this House who have not been seven years citizens of the United States. Sometimes mere sojourners and transient persons have been clothed with legislative authority. You shall elect none whom your laws do not consider as inhabitants.

I repeat that Mr. Randolph lays down the proposition that the Constitution never intended that the disqualifications named there should be the only disqualifications for which a man should be excluded from this or from the other body. To sustain that position I will now quote from a speech made by Mr. Taylor, of Ohio, in the Brigham Roberts case. In that speech—and I shall get to it in a moment—he states what occurred in the Constitutional Convention. But I will first read what Mr. Taylor said:

It is a notable fact that in the first draft of this constitutional provision which provides for qualifications of Representatives in Congress the language was affirmative and positive, and that when it was finally presented for adoption it appeared in the form in which we now find it.

The slight contemporaneous discussion in the Constitutional Convention was upon the provision in the affirmative form. Why was it changed to the negative? Surely not for the sake of euphony, and certainly not to make it more explicitly exclusive.

In the report of the committee of detail, submitting the first draft of the Constitution, this section read in the affirmative and as follows:

Every Member of the House of Representatives shall be of the age of 25 years at least; shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

In the discussion Mr. Dickinson opposed the section altogether, expressly because it would be held exclusive, saying he was against any recitals of qualifications in the Constitution. It was impossible to make a complete one; and a partial one would, by implication, tie up the hands of the legislature from supplying omissions.

Mr. Wilson took the same view, saying: "Besides a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters."

The next day in that discussion it was changed to the negative form, and the provision was brought in as containing certain qualifications purely, but it was never intended to be the recital of all the qualifications. Why, Mr. President, as has been frequently decided, as I have said, in the House of Representatives, other disqualifications except those mentioned can be used against a man. Are we bound to admit a man to a seat in this body who is a confessed felon and may be fresh from the penitentiary of his State, it may be unpardoned and disqualified to even vote in the State in which he lives, and yet must we say that he is entitled to occupy a seat in this body unless he is expelled by a two-thirds majority?

Not only that, but take, for instance, the case of an insane man. If such a man should be sent here, will any Senator tell me that the proper method would be to expel him from this body, for no wrongful act of his, but simply because of his misfortune? This Senate undoubtedly has the power to protect itself against criminals or against those who would disturb or interfere with its proceedings, and would anyone contend that expulsion would be the proper method of procedure as to a man who exhibited symptoms of insanity?

So I return to the original proposition, and say that this Senate can exclude a man if he be a notorious felon, if he has been convicted of crime prior to the time of his election. If we had not that right, Mr. President, it would be impossible for the Senate to protect itself against vicious characters or from being overrun by those who had no regard for honesty or law.

Mr. HOPKINS. Mr. President—

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

Mr. BERRY. Certainly.

Mr. HOPKINS. If it does not disturb the Senator—

Mr. BERRY. Not at all.

Mr. HOPKINS. I desire to call his attention to the fact that an insane man would not be able to qualify, and hence could not take the necessary obligation.

Mr. SPOONER. And could not accept the office.

Mr. HOPKINS. And could not accept the office.

Mr. BERRY. Mr. President—

Mr. HOPKINS. One proposition before I sit down, and I shall not interrupt the Senator any further.

Mr. BERRY. Very well.

Mr. HOPKINS. The Senator has been reading from the speech of Judge Taylor, of Ohio, in reference to the Brigham Roberts case.

Mr. BERRY. Yes.

Mr. HOPKINS. My remembrance—I have not examined that matter for some time, but I was a Member of the House at the time that discussion took place—my remembrance is that there was a majority and a minority report, and that the minority report contended that Roberts could not be excluded except by a two-thirds vote or kept from taking the oath of office.

Mr. BERRY. Not all of them made that contention.

Mr. HOPKINS. But that was the position of the minority.

Mr. BERRY. Not of all of them.

Mr. HOPKINS. The majority contended that Mr. Roberts could be excluded by a majority vote—

Mr. BERRY. And he was.

Mr. HOPKINS. But that if he were permitted to take the oath of office and be placed on the rolls of the House he could exercise in that body the same rights as every other Member of the body; that the only way the House could get rid of him was by expelling him, and that that required a two-thirds vote. So that the debate which was had was on the proposition as to whether Roberts should be excluded and not permitted to take the oath of office and be placed on the rolls by a majority vote or whether he should take the oath of office and then be expelled by a two-thirds vote.

Mr. BERRY. I beg the Senator's pardon. There were those who participated in that debate who held, as the Senator has stated, that Roberts must be sworn in, and that then the only way to get rid of him would be to expel him by a two-thirds majority. There were a number of others who held that he ought to be sworn in, and that then the case should be referred to the proper committee, where he would have an opportunity to be heard, and that after a full investigation, if that committee reported that he was disqualified, then they would vote to exclude him; but they objected to voting to exclude him upon the mere objection of a Member, contending, and properly contending, that if you can exclude one Senator or one Member by the objection of a Senator or a Member you could exclude another, and in many cases in that way change the majority of the organization. There were some, I admit, who held to that principle; and there were others who held, as I hold, that the mere administering of the oath to him did not change the situation; and this Senate, by the adoption of the resolution which went to the Committee on Privileges and Elections, showed that it took that view of it. If I am not mistaken, the Senator from Michigan [Mr. BURROWS], either in this or in some other case, stated upon the floor that he would not object to the Senator taking the oath, because he had the proper certificate.

Mr. HOPKINS. Mr. President—

Mr. BERRY. I hope the Senator will wait until I get through.

Mr. HOPKINS. Very well.

Mr. BERRY. And then, with the objection or protest or whatever it might be termed, the case should be referred to the Committee on Privileges and Elections, and after full hearing before the committee, where the Senator from Utah himself could be heard to show that the charges against him were not true, then, if the Senate thought he was not qualified to a seat in this body, they could exclude him by a majority vote, and that it was not necessary to expel him. It is the same as in the case of a contested election, where, as a rule, the contestee is permitted to take his seat—

Mr. HOPKINS. Mr. President—

Mr. BERRY. I hope the Senator will let me get through with what I am stating first, and then I will yield.

The contest goes on. If it is determined that the man was never elected, a simple vote of the majority gives the seat to the other man and excludes the contestee from the House or the Senate, as the case may be. Therefore this provision with regard to qualifications being in the same clause of the Constitution that each House should be judge of the election and should judge as to the qualifications, the power to do that in this case is just as great as it is to declare that a man is not elected.

Mr. HOPKINS. Mr. President—

Mr. BERRY. One word, and then I will yield to the Senator.

I say here to-day, if there was no contest, if a Senator appeared with his credentials, and a protest was filed which declared that he had never been elected, or that he had not been fairly elected, or that he had been elected by fraud, and that

was supported by sufficient authority, the Senate could take it up, refer it to the Committee on Privileges and Elections, and if that committee found that there was no election it would not take a two-thirds vote to keep that man out of this body any more than it would take a two-thirds vote to keep him out if he was disqualified.

Mr. HOPKINS. Now, if the Senator will allow me. As to the Roberts case—

Mr. BERRY. Yes.

Mr. HOPKINS. There was a committee appointed to investigate the question as to whether or not he should become a Member of that House. That committee divided, as I understand it, on the proposition as to whether he should be excluded or expelled; but both the minority and the majority of the committee agreed, as I remember it—I have not looked at it for several years—that if he was permitted to take the oath of office and have his name placed on the rolls of the House, then, under the Constitution, he could only be deprived of his seat by a two-thirds vote. Hence the majority of the committee took the position that, inasmuch as he had not taken the oath of office and was not on the rolls as a Member, they could meet him at the threshold of the House of Representatives, he being a confessed criminal at the time, and refuse to permit him to take the qualifying oath.

Mr. BERRY. I hope the Senator will not take any more of my time, but will let me get through. He is making a speech nearly as long as mine.

Mr. HOPKINS. I will not interrupt the Senator further.

Mr. BERRY. I do not agree with the statement of the Senator as to the Roberts case.

Mr. BURROWS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Michigan?

Mr. BERRY. I yield to the Senator from Michigan.

Mr. BURROWS. Allow me just a word in reply to what the Senator from Illinois [Mr. HOPKINS] has said. It has been decided by the Senate in contested election cases over and over again that the fact that a Senator has been sworn does not cure any defect in his qualifications. In the case of Roberts, to which the Senator from Illinois has referred, he was not permitted to take the oath, but my recollection is that Senator BAILEY, now a member of the Committee on Privileges and Elections of the Senate, stated in the committee that if the Senate should find that the Senator from Utah was disqualified for any reason the disqualification could be enforced "after the oath is taken as well as before."

Mr. HOPKINS. Mr. President—

Mr. BERRY. A little later I will yield to the Senator from Illinois.

I repeat, Mr. President, that in the Brigham Roberts case—and I am familiar with that case—there were a number of Democrats—and I hope the Senator from Illinois will hear what I have to say on that matter.

Mr. HOPKINS. I am following the Senator.

Mr. BERRY. I say there were a number of Democrats who I know voted against the resolution as presented, which prohibited Roberts from being sworn in, who announced that if he was sworn in, as he had a right to be on his certificate in due form, and it was then found by a committee that he was disqualified by reason of the confirmation of the charges against him, they would have voted not to expel but to exclude him from the House, and who insisted that the proper practice was to let him first take the oath, because he had the proper certificate.

I should like some Senator to tell me what distinction there can be made in this clause of the Constitution where it says that the Senate is the judge of the elections and qualifications of its members. If we can by a majority vote say that a man is not elected, we can by a majority vote, beyond any doubt, say that he is not qualified, the only question being whether or not we can add any qualifications except those mentioned in the Constitution.

I do not think any Senator here will insist that if the Senator from Utah after having been sworn and his case had been referred to the Committee on Privileges and Elections, and that committee reported that he was not 30 years of age, that he was not a citizen of the United States, and that he was not an inhabitant of the State from which he had been chosen, this body could not have declared that he was not qualified at the time and have excluded him from this Chamber by a majority vote. That is the proposition.

I say that the framers of the Constitution never intended or expected to set out in that instrument all the qualifications for a Senator or a Member of the other House. They simply stated them in the negative, that no one shall be a Senator who shall

not be 30 years of age, nine years a citizen of the United States, and an inhabitant of the State from which he was chosen. That is what they placed in that instrument.

I again call the attention of the Senate to the fact that if there is no power in this body to say that a convicted boodler—if we had such a case as that brought before us here, as we have not—a man who had been notoriously guilty of crime after crime, who had been convicted and served a term in the penitentiary, would have to be sworn in and then that we should be obliged to let him remain here unless a two-thirds vote could be secured to expel him, when, as I said before, the authorities say—not all perhaps, but a great majority of them—that you can not expel a Senator at all for any act which he committed prior to the time of his election. If that be true, then there is no way to exclude him from this Chamber. He may be known as a vicious character; he may be insane; he may have an infectious disease, and yet, Mr. President, we are told that it is a dangerous idea to exclude him by a majority, and yet they admit a majority of the Senate, in passing upon his election, may exclude a man from this floor. There are a number of cases, at least in the other House, where a man was sworn in and afterwards turned out of his seat.

If they can pass upon that, why is it not equally dangerous in that case as it would be in the case I have mentioned?

In discussing the question as to our power and right I have spent more time than I intended. The authorities to which I have referred will be found in the speech of Mr. Taylor, to which I have already referred.

Mr. President, the next question, and the great question, is, Do the facts in this case, as shown by the testimony before the committee, warrant either a majority or two-thirds of the Senate in saying that the Senator from Utah is not entitled to a seat in this body?

Mr. President, it is admitted by the chairman of the committee, and, I think, by all, that there was no proof before the committee that the Senator from Utah had ever practiced polygamy. It was admitted that he had but one wife. That is no longer in dispute. The questions which are left, in my judgment, and they are vital in this case, are—he being a high official, with great power in the Mormon Church—whether or not the fact that that church has notoriously violated the laws; whether or not his association amongst the presidency and the twelve apostles from day to day; his voting to sustain a president who admitted and confessed before the committee that he had been violating the law many years after Utah was admitted into the Union—I say, Mr. President, the question is whether or not such facts should operate to prevent him from holding his seat in the Senate.

Another question is whether or not any church, under any name, I care not what it is, can assume power and authority to violate the law and defy the Government of the United States or any State of this Union, and yet try to shelter themselves behind the constitutional privilege which guarantees religious liberty. That was the contest in Utah for years and years. From the time the Mormon Church was organized, or at least from the time polygamy was proclaimed, they always justified themselves upon the ground that it was a religious belief; that the law could not interfere with it; that they were a church which was in direct communication with God Almighty Himself; that He revealed His will by revelations to the head of that church or some of the governing officials, which were binding upon the conscience, and they dared not hesitate to obey, even though a revelation was in direct conflict with the Constitution of the United States or the laws of the land. That was their position for years and years.

The Supreme Court settled that in 1878, and settled it forever. Yet, Mr. President, for years afterwards—and the testimony taken before the committee shows it—for years afterwards they continued to claim that polygamy was a religious belief; that it was binding on their consciences, and that they had the right to determine that and take the consequences. Even before the committee the president of that church boldly and defiantly said that since the manifesto issued by Woodruff in 1890 he had continued polygamous relations with his five—I think it was—different wives; that since that time eleven children had been born to him; that he believed it was his duty under the revelations that had been made to pursue that course, and that he would take the chances on the law. That is in the testimony and it will be found in the record. He is the all-powerful man in that church. I think the Senator from Utah has himself testified that the twelve apostles, of which he is one, only have advisory power; that they advise the president, but that the final decision rests with President Smith. And yet, Mr. President, after the Mormons had agreed solemnly in the constitution of the State—after they had been admitted into the Union upon that solemn pledge—the president of their church tells the

committee openly and defiantly that he has violated the law; that it was his religious duty to violate it, and therefore he would take his chances on the law.

Now, Mr. President, I want to read from the speech of the Senator from Michigan [Mr. BURROWS] a few words in regard to the Senator from Utah and his opinion in regard to President Smith. The Senator from Michigan in his speech said that it was reported in the *Deseret News*, the organ of the Mormon Church in Utah, that on the 6th of October, 1905—that is, since Mr. SMOOT has been a Senator here and since this investigation has been under way—he said:

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.

That was in 1905, and the Senator from Utah tells us, Mr. President, that the church is the same; that it has not changed. I agree to that proposition. I agree that they believe to-day as they have always believed, and as the Senator from Utah said in his testimony, if I remember it correctly, that he believed the revelation proclaimed by Brigham Young in 1852 as having been given Joseph Smith some time in the forties came from God. That revelation, the Senator says, permitted polygamy, and the doctrine of the leaders of his church, as construed by Brigham Young himself, did not only permit polygamy, but it commanded polygamy.

The Senator from Utah says again, in another part of his testimony, that he believes the members of that church do receive revelations direct from Almighty God, and that if such a revelation should come to him, not through the head of the church, but if he himself should receive a revelation from God, which was in conflict with the oath that he had taken here and his duty as a Senator, he would leave the United States before he would obey his oath and obey the Constitution of his country.

Mr. President, I heard it stated the other day by one of his friends that it required a good deal of assurance upon the part of a southern Senator, who a few years ago was engaged in making war upon the United States, to come here and say that the Senator from Utah should be expelled because of his want of loyalty to the Government of the United States.

I desire to say in answer to that suggestion, Mr. President, that if we were at war with the United States it was done openly in the face of all the world. We threw down the gage of battle to more than three times our numbers, and we fought it to a finish and stood ready to take whatever punishment might be inflicted. We never pledged fidelity to this Union and to the Constitution and then sought by indirection to violate it from day to day. When our great chief laid down his arms at Appomattox he promised for us future peace and submission to the laws. We have kept that pledge, and we will keep it to the end. I do not believe you can find a southern Senator who, if called before a committee and asked the question what he would do if he had to choose between the commands of any church or any other governing body and his oath and the Constitution, would not answer at once that he would stand by his oath and by the Constitution of the United States. I do not think one of them would seek to leave the country in order to evade doing that which we swore we would do when we came here as Senators.

Mr. President, it is not possible for me to go all over this testimony. But you can warp and twist it as you like, and yet at last the issue comes back to the proposition for which the Mormons have always contended, that the clause in the Constitution which protects them in their religious liberty authorizes them to practice polygamy, because it was commanded by the head of the church and came by revelation direct from the Lord himself. But Chief Justice Waite, in the Reynolds case in 1878, speaking of the claim that polygamy was justified as a religious institution, said:

To permit this would be, in effect, to permit every citizen to become a law unto himself. Government can exist only in name under such circumstances.

Stanley Matthews said, in another case:

A free, self-governing commonwealth is founded on the idea of the family as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony, and that all political influences are to be withdrawn from those who are practically hostile to its establishment.

Mr. President, it is true that the proofs do not show that the Senator from Utah has plural wives, but, as the Senator from Michigan [Mr. BURROWS] said in his splendid speech the other day, he is associated in governing powers with those who approve and practice polygamy. He is associated with those, and

acting in concert with them day by day, who believe and practice it. Eight out of the twelve apostles, so the Senator from Michigan stated in his speech, have been guilty of keeping up polygamous relations even after the manifesto of Woodruff, which was published in 1896. Bear in mind that this manifesto of President Woodruff does not claim to be a revelation, but simply a manifesto issued by the head of the church that they shall no longer practice polygamy or indulge in polygamous relations. President Smith when asked the question by this committee if that changed the views of the Mormon people first answered it did not. Then he added, "At least, it did not change my views. I speak only for myself." We all know that it did not change them. The Senator from Utah in the address I have read says the church has not changed. "It is to-day the same, and it will be the same for all time." I do not quote his exact language. He said also that he believed this revelation in regard to polygamy came to Joseph Smith directly from the Lord. If he believes that, he believes as he has always believed, that it is a regulation, an order from the church which permits any man to practice it. For years he has been one of the twelve apostles. He knew that his fellow-apostles were violating the law. There is no word in this testimony anywhere to show that he has ever raised his voice against it, but on the contrary he voted for Joseph Smith for head of the church, knowing all these facts. As the Senator from Michigan correctly quoted the law, whoever aids and abets, countenances and encourages, or acts with those in pursuance of a line of policy which is in violation of the law is equally guilty with the men who do it.

Mr. President, the Senator says the church is the same for all time. In view of that statement I do not think that he can justly complain if we go back to review some of the acts of this church in the past—and if it is the same for all time—to see what those acts were. If any excuse were needed for going back, I can say that the minority of the committee have already gone back to 1850 to assert, if not in justification, at least in the way of mitigation or excuse for polygamy in Utah, the fact that President Millard Fillmore and again Franklin Pierce, as President, in 1852 appointed Brigham Young to be governor of Utah; that they knew of the polygamous practices; that they knew his view on that subject, and thereby the minority seek in some way to make two Presidents of the United States and the United States Senate a party to it. Therefore whatever its action in the past may have been, if the church is the same for all time, I repeat we are perfectly justified in speaking of the past acts of the institution.

President Buchanan said in one of his later messages that it was no longer possible to enforce the laws of the United States in the Territory of Utah; that the Government officials, if I remember it correctly, had left the Territory; that there was no law except the law of the Mormon Church; that they alone judged, and if history can be believed they often judged men in secret, without a hearing, and executed the judgment without the knowledge of the party until he was called upon to answer for it. The whole history of the church from its very inception through its entire pathway through life has been strewn with the wrecks of violated laws, of outraged justice, harboring eternal hostility to the laws of the United States, and now to the laws of the State of Utah. Not only that, but its greatest effort has been to fasten upon this country a system of polygamy which would, in the language of Judge Waite, destroy the very foundations of the Government.

I said in the beginning of my remarks that perhaps I would not have spoken had it not been for a matter that peculiarly touched the people of my State. I do not desire to offer any excuse for presenting it. It was the act of the Mormon Church, and the Senator from Utah says the Mormon Church is the same for all time. In 1857 I lived in the county of Carroll, in the State of Arkansas. In the spring of that year there left that county and two adjoining counties between a hundred and forty and a hundred and fifty, including men, women, and children, emigrants for California. They consisted of the best citizens in that country. It was a large train. It excited large interest throughout the section of country from which they went. They had about 600 head of cattle, several mule teams, a number of wagons, and each head of a family had more or less money; how much I do not know. Late in the fall or the early winter the news came back that the train had been assaulted by the Indians far out West, and every soul had perished.

Later on there came news that some of the children, how many we did not know at that time, were saved, and that they were in the hands of the Mormons in Utah. Our Senators and Representatives here called upon the Interior Department. An agent, a Mr. Forney, was sent there by the Commissioner of Indian Affairs. He gathered those children together, sixteen of

them, who had been preserved from the massacre on that fatal 13th day of September. He brought those children back to Leavenworth, and there Colonel Mitchell, of our county, went and met him and took charge of the children.

I was a boy 17 years old on that day when they were brought to the village court-house. I saw them as they were lined up on the benches, and Colonel Mitchell told the people whose children they were, at least whose he thought they were. There were sixteen of them. One little girl, I distinctly remember, had had an arm broken by a gunshot wound. It had not united, and the arm hung dangling by her side. I have seen much of life since that day; I have seen war along the lines of the border States in all its horrors; but no scene in my life was ever so impressed upon my mind as that which I saw there that day presented by those little children, their fathers, mothers, brothers, and sisters dead on the far-off plains of Utah and they, absolutely without means, with no human being to look to.

A short time after Forney had gotten through, news came that it was not the Indians alone who had committed the massacre, but that the Mormons had participated. When he first got the children, he reported to the Secretary of the Interior, and you will find it in the report of the Commissioner of Indian Affairs, that they had been so frightened and scared by the Mormons that he could get nothing from them; that they would not talk; and that it was long before he could gain their confidence. The oldest of them were 5 or 6 years of age, and perhaps there was one 7 years of age. But when they got back to Leavenworth and from there to Arkansas, they had lost the fears that had been instilled in them by the Mormon families in which they had lived. They did talk. They could not tell much, but they could tell that white men and not all Indians assisted in committing the massacre. They could tell it was a white man who came into their corral and induced the emigrants to give up their guns; that it was white men who drove the wagons in which they rode; that it was white men who shot the wounded men who had been placed in one of the wagons. The inquiry possibly would have gone on, but war came on not a great while after. It was almost impossible, so Mr. Forney reported, to get any testimony whatever. But the war came on and time rolled by.

Twenty years afterwards, however, there came to the Government officials so much knowledge of the participation that this church had in the massacre of the immigrant train that John D. Lee was arrested and brought to trial. He was a Mormon of long standing. He has said himself that he had fourteen wives. He was with the Mormons at Nauvoo and in Missouri. He was the trusted friend and lieutenant of Brigham Young for a number of years. Young had him appointed farmer for the Indians, and he held that Government office at the time of the massacre. The first trial I think resulted in a hung jury. On the second trial he was convicted and under the Utah law was sentenced to be shot.

Mr. President, at that time there was printed a book, bound either in sheep or calf, a leather-bound book, in which appeared the entire testimony given on that trial. As I remember it now—I read it twenty-five years ago and reread it—it contained also the speeches of the attorneys, the charge of the court, the verdict of the jury, and to that was attached these confessions of John D. Lee as to the manner in which this massacre was perpetrated.

I desire to say now before I quote from Lee that I have been unable, and I have tried in various ways, to get a copy of the original book. I tried through two officials of the Senate and they failed. I asked the Senator from Michigan. He tried to get it and went to the Library for that purpose, but it had disappeared from there.

But some two years ago a man wrote a book which he called "The Mormon Menace," and in that he copied the confession of Lee so far as it relates to this massacre. I desire to say here to-day that I have read that confession as it was printed in the book to which I have referred, and I assert now that this book is a true copy in all essentials, and I think in every particular, of the original confession made by Lee. Efforts have been made of late years to discredit this confession. I was told some time ago by a man from Utah that John D. Lee was a martyr; that the Gentiles had had him shot, and that he had never made any confession. But I repeat that that book shows the history of the entire trial, and that Lee was corroborated absolutely in all the essential particulars by the witnesses who testified on that occasion. A number of those who testified had participated with him in the massacre which had taken place, and so swore upon the stand.

Mr. President, what were the facts? I have before me Lee's confession. I will not undertake to read at any great length from it, but I say to the Senate to-day that in all the history of

the world, not excepting the massacre of St. Bartholomew, except in the number who perished, no more inhuman, cruel, diabolical, infamous massacre was ever perpetrated than took place on the 13th day of September, 1857, at Mountain Meadows, in the Territory of Utah. It is not pleasant to read it. It is not pleasant for me to speak of it. I state here to-day upon my honor that it gives me no pleasure to repeat anything that would wound the feelings of any innocent man. The Senator from Utah is in no way and in no wise responsible for that massacre. It occurred more than four years before he was born. I know that much about him, learned since he has been here, to say that in my judgment he could not and would not approve it. But bear in mind he has said that the church is the same for all time. He believes that and believes in the church. He has indorsed whatever has been done by the leaders of that church; at least if he has not, he has remained silent and has never protested. I do not believe that he or any other prominent member of his church to-day would stand upon this floor and say that they did not believe every revelation which has ever been published as coming through the head of the church from God Almighty himself. I repeat that he is not responsible for this thing, but he upholds and sustains and is one of the powerful factors to-day in the institution that perpetrated this act. I will read a few passages and let us see who was responsible. Let us see whether or not the Senator can say that it was not done by order of the church. Lee says:

Those who were connected with the massacre and took part in the transaction were moved by a religious duty. All were acting under the orders and by command of their church leaders. The immediate orders for the killing of the emigrants came from those in authority at Cedar City. I and those with me moved by virtue of positive orders from Brother Haight and his associates.

Before I started on my mission to the Mountain Meadows I was told by Brother Haight that his orders to me were the result of full consultation with Bishop Dame and all in authority. The massacre was decided on by the headmen of the church.

President Haight, as I understand, was president of what is called a "stake." Mr. Worthington, the Senator's attorney, stated before the committee that next to the president of the church the greatest man in power is the man who is president of a stake in the locality where his authority extends. Therefore I say these orders came from President Haight of the stake, and Lee said that Haight assured him that it was after full consultation with Bishop Dame.

Again, the confession says:

Brother Haight said that unless something was done to prevent it the emigrants would rob every one of the outlying settlements in the south, and that the whole Mormon people were liable to be butchered by the troops the emigrants would bring back with them from California. I was then told that the council had held a meeting that day to consider the matter, and it had been decided by the authorities to arm the Indians, give them provisions and ammunition, and send them after the emigrants.

Further along he says that the Indians surrounded the emigrants at Mountain Meadows and the emigrants corralled their wagons and for two or three days they defended themselves with great bravery. There were six or seven of them shot in the first assault of the Indians, but they killed a number of Indians and held them off. Lee continues that he believes the emigrants would have succeeded in defeating these Indians altogether. He says:

On Thursday evening Higbee, chief of the Iron Danites, and Klingensmith, bishop of Cedar City, came to our camp with two or three wagons and a number of Danites, all well armed. I can remember the following as a portion of those who came to take part in the work of death which was so soon to follow—

This was the Mormon camp at Mountain Meadows.

Then he names Brothers John M. Higbee, chief of the Iron Danites, and also first counselor to Brother Haight; Phillip Klingensmith, bishop of Cedar City; Ira Allen, of the high council; Robert Wiley, of the high council; Richard Harrison, of Pinto, also a member of the high council, and a number of other officials, and then a number of names of those who are not officials. Then he says:

I then told all that had happened at the Meadows, so that every person might understand the situation. Brother Higbee reported as follows:

"It is the orders that the emigrants be put out of the way. President Haight has counseled with Bishop Dame, and has orders from him to put the emigrants to death; none who is old enough to talk is to be spared."

Brother Higbee then said substantially that the emigrants had come through the country as our enemies, and as the enemies of the Church of Jesus Christ of Latter-Day Saints.

I want the Senator to hear this:

The Danites then in council now knelt down in a prayer circle and prayed, invoking the Spirit of God to direct them how to act in the matter. After praying, Brother Higbee said:

"Here are the orders," and handed me a paper from Haight.

The paper read, in substance, that we were to decoy the emigrants from their position and kill all that could talk.

He goes on to state, and probably I will print more of his

language in my speech, that they gathered there at the Meadows, where these men with their wives and children were defending themselves against the attack of the Indians. He says it was arranged that he should go inside the corral and promise the emigrants that if they would give up their arms that the Mormons could and would protect them from the Indians and bring them back to Cedar City. What occurred there, I think, would touch the heart of anything human. I do not turn to it just at this moment, but he says that when he entered the corral men, women, and children gathered around him; that they were burying two of their leaders who had been killed by the Indians, and that they gathered around him, and many thought that the day of deliverance had come. Some of them were suspicious and doubtful as to the purpose. But before he went in there Lee and Haight and Higbee and Dame, all officials of the Mormon Church, agreed that if the emigrants gave up their guns, which they did, the guns should be placed in wagons in front; that in another wagon the wounded emigrants should be placed, and behind them the wagon containing these sixteen little children, and next to them came the women, and behind them came the men. He states what the orders were, and they were carried out to the letter. As they marched along he was to give the signal of attack on the wounded men in the front wagon, then that each Mormon was to fire upon one of the men belonging to the emigrant train and the Indians were to attack the women. Then he describes it in the minutest detail.

Mr. President, it is too horrible for me to go over it all, but he tells the terrible story of how these Indians murdered the women and the Mormons shot the men, and how a little boy who ran from the Indians to Brother Higbee, as he calls him, for protection prayed for safety, and this Mormon churchman, a member of the church, too, and not only that but an officer, brained the 14-year-old boy with the butt of his gun. Then he goes on to tell the story of the horrible massacre of the women and many children, how they were left unburied, their clothing stripped from them, and how the little children, those in the wagon, were taken afterwards to the different houses.

I wish to show to the Senate to what extent men can go and will go when misled by religious frenzy, when a man is taught to believe and does believe that God Almighty communicates directly with the leaders of the church, and that he is bound not only for his temporal welfare, but for his eternal salvation to obey absolutely the first presidency and the twelve apostles, of whom the Senator from Utah is one.

I wish now to show what occurred afterwards. Lee says:

After the dead were covered up or buried (it was not much of a burial)—

He adds "that it was not much of a burial"—

the brethren were called together and a council was held at the immigrant camp. All the leading men made speeches: Bishop Dame, President Haight, Bishop Kilgusmith, Brothers Higbee, Hopkins, and myself. The speeches were, first, thanks to God for delivering our enemies into our hands; next, thanking the brethren for their zeal in God's cause, and lastly, the necessity of saying that the Indians did it alone.

Mr. President, some of the men who died on that terrible day I knew as a boy knows a man. Captain Baker and his son and a man who bore my name, I think distantly related, had been guests at my father's house. I knew many of the families. I knew the little children after they grew to manhood and womanhood since the war. On the 10th day of last August I saw a lady, now 54 or 55 years of age, who was one of the little girls, a baby then. She told me that at the time it occurred she was nearly 6 years of age. I asked her how much she remembered of the details of the horrible massacre. She stated that it was very difficult for her to distinguish that which she remembered from that which had been told her later on, but there was one fact which had been burned upon her memory and that remained with her through all the years that had come and gone; that even in the night she would awaken and scream for years afterwards, as the picture came to her mind. She said: "I remember standing by my mother, holding onto her skirt, while my mother stood with my baby brother in her arms, and when the white man, not an Indian, raised his gun to take the life of my mother, she said: 'God, have mercy on my children!'" That, this lady told me last August, she had never forgotten.

Mr. President, can you fail to understand my feeling, knowing those people as I knew them, and when I have seen those children as they came back, and when this man Lee, who was a long-trusted lieutenant of Brigham Young and at one time was captain of the Danites, and says here in various ways that he had only executed the orders?

Mr. President, he does not say that Brigham Young had knowledge of this slaughter before it was committed. Upon the contrary, he says a man was sent from Cedar City to get permission to slaughter these people. But the man did not return

until after the horrible deed had been perpetrated, and when he did return reported that President Young said, "Let the emigrants pass."

He says, furthermore (and if any man doubts my word I will read it from the book), that after it was over a council was held and he was detailed to go to Salt Lake City and report it to the president of the church, Brigham Young; that he went there and laid the facts of all the horrible details before him; that President Young said at that time that he feared this would be the greatest blow that the church ever had, but told him to come back again next morning. He came back, and Young said he had prayed over it and that Brother Haight had sent him word that there was not one of these emigrants who was innocent, but they were all guilty, and he said, "Brother Lee, I am going to let it pass, but impress upon all the brethren and all the members of the church the absolute necessity of putting it on the Indians and denying forever that the Mormons had any part or parcel in it."

Is that all? No. Lee said that there were 500 head of cattle and that part of them were divided among those who had committed the murder, after the brand of the church was put on 50 of the cattle by order of Brigham Young himself. He said that he took back word as to what disposition should be made of them and that the brand of the church was put on 50 of the cattle. There were 500 head of cattle, he says. I presume, although he does not say so, that the 50 were the tithe that went to the church, the one-tenth part of the property of these slaughtered people.

Now, I want to say once again, I hope no Senator will undertake to misrepresent me in regard to it. I have already repeated twice that I think this terrible massacre occurred before the Senator from Utah was born; that he is in no way either directly or indirectly responsible for it; but I do say he is bound to know of this and many other acts of the church in the past and that he stands up in Utah, in speaking to the Mormon people, and says, "The church is the same for all time; I am proud of this church."

To-day, Mr. President, he is one of the chief officials of that church. The evidence shows here that the church sent him to the Senate. It shows much more, which I will not repeat or go over, that when another Mormon who sought to come to the Senate and failed to get the permission of the church they not only defeated him, but excommunicated him, and in the language of one of the witnesses "they brought him to his knees and to an abject apology."

This church has always claimed, and it is claimed forever, that what they call their revelation is authority far above every law.

I say, Mr. President, with no feeling against the Senator himself and not through malice on account of the horrible murder, only a part of the details of which I have recited, but because I believe a church that inculcates doctrines that the leaders of that church can dictate absolutely not only in spiritual, but in temporal matters, a church that teaches that it gets its authority directly from God and overrides all human authority, ought not to be permitted to dictate who shall come to this Senate, and when they select as their candidates and put forth one of the leaders, one of the apostles, who says himself that he may receive these same revelations, I say that I believe it is the duty of the Senate to say that he is not qualified to sit as a member of this body.

Senators, in reading the account of the execution of John D. Lee, after judgment was rendered against him in the court, you will find that he was taken back to Mountain Meadows on the very spot where this horrible crime was committed. He was executed by shooting, for such at that time was the Utah law. The man who described the shooting at that execution and his death says that Lee, having perpetrated that deed, having been guilty of treachery in inducing those people to surrender; the man who murdered men, women, and children contended that he had done no wrong; that he felt sure that he was a saint of the Lord; that he had simply obeyed orders from the church officials and that they, and not he, were responsible if there was any wrong to it. He said in another place that if he failed to obey the leaders of the church his soul would be damned forever.

He died, Mr. President, expressing no regret, but saying that he was going straight home to heaven. The man who wrote the account of it in describing it said that in 1857 the land in Mountain Meadows was covered with luxuriant grass and beautiful flowers, that a spring ran through it, and it was the brightest spot in all the West; that when John D. Lee died on the same spot, in 1877, the spring had dried up, it was a barren and desolate waste, and the curse of God had fallen upon this spot where the inhuman crime was committed.

Now, Mr. President, repeating once again that if I know myself I am not moved by any desire for vengeance on REED SMOOT because of the action of this church. I felt it was my duty to the memory of the men who fell and who lived near my home and who have been since slandered in every conceivable way by the Mormons about their acts prior to the killing in order to try to justify the deed. I felt that I owed it to their relatives and to their friends, many of whom are living to-day, that these facts should go into the Record.

I do not know what the Senate will decide. Senators, it is for you to determine. As I look upon it, the vote on the 20th of this month is the most important of any that has been taken here for years.

In my judgment, the vote that is taken then will be far-reaching in its consequences. If, in view of all the facts that have been produced before the committee, in view of the report of the majority of the committee, headed by the distinguished Senator from Michigan [Mr. BURROWS], you think it is your duty to say that REED SMOOT is fully qualified to be a Senator, if you say that you think he should retain his seat, you give an encouragement and impetus to polygamy and polygamous practices in this country that will be far-reaching in its consequences. President Smith can still boast that he sacrificed nothing; that he told the Senate of the United States he was violating the law. He told them that he did not regard the manifesto of Woodruff. He told them, in effect, that he would take his chances on the law and obey what he considered the demand of God Almighty communicated to him. He then can boast that he is approved, that his action is indorsed, that the saints of Utah can look to him, and that the Lord, through him, has come to their relief and has indorsed the doctrines which they have always taught.

If, on the other hand, a majority of the Senate shall vote that no man representing a church of that character ought to sit in this Chamber, then in 10,000 homes in every State in this Union the mothers and wives and daughters will gather around the fireside and thank God that the Senate of the United States has put its everlasting seal of condemnation not only upon polygamy, but upon every organization that seeks to set itself up above the Constitution of the United States and the laws which we have all sworn to obey.

#### ISSUANCE OF LAND PATENTS.

During the delivery of Mr. BERRY'S speech,

The VICE-PRESIDENT. The Senator from Arkansas will suspend. 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. Table Calendar 26, Senate resolution 214, by Mr. CARTER.

Mr. CLAPP. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. After the conclusion of Mr. BERRY'S speech,

#### INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on behalf of the Senate.

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

#### SNAKE RIVER (WASHINGTON) DAM.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company, returned by the House of Representatives in compliance with the request of the Senate.

Mr. HEYBURN. I move that the votes by which the bill just returned from the House was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

#### JOSEPH P. W. R. ROSS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross; which was, in line 7, after "Maryland," to insert:

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

Mr. RAYNER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### RIGHTS OF INTERMARRIED CITIZENS OF CHEROKEE NATION.

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

To the Senate and House of Representatives:

The Supreme Court of the United States, in its decision of November 5, 1906, in the case of Daniel Red Bird, the Cherokee Nation, et al. v. The United States, held that "the rights and privileges of those white citizens who intermarried with Cherokee citizens subsequent to the 1st day of November, 1875, do not extend to the right of soil or interest in any of the vested funds of the Cherokee Nation, and such intermarried persons are not entitled to share in the allotment of the lands or in the distribution of any of the funds belonging to said nation, and are not entitled to be enrolled for such purpose; that those white persons who intermarried with Delaware or Shawnee citizens of the Cherokee Nation either prior or subsequent to November 1, 1875, and those who intermarried with Cherokees by blood and subsequently, being left a widow or widower by the death of the Cherokee wife or husband, intermarried with persons not of Cherokee blood, and those white men who, having married Cherokee women and subsequently abandoned their Cherokee wives, have no part or share in the Cherokee property, and are not entitled to participate in the allotment of the lands or in the distribution of the funds of the Cherokee Nation or people, and are not entitled to be enrolled for such purpose."

I invite your attention to the urgent necessity for legislation for the relief of intermarried citizens of the Cherokee Nation adversely affected by such decision, many of whom have made permanent and valuable improvements upon lands of the nation, where they have resided for many years, undisturbed in their possession, under the belief that they were entitled to the same rights in the lands as native-born citizens of such nation.

In the decision of the court it was stated that, as to the improvements made by these intermarried citizens, "they seem to have been treated as those of a tenant who had made them under an agreement that they should remain his."

As the lands of the nation are being allotted under the act of June 28, 1898 (30 Stat., 495), and subsequent legislation to the other members of the tribes, these intermarried citizens will lose their improvements unless remedial legislation is had. In order to avoid serious hardships to very many of these intermarried citizens, they should be given a definite time within which to dispose of their improvements to citizens of the nation entitled to enrollment. I therefore earnestly recommend the passage of an act substantially as follows:

"That for sixty days after the approval of this act white persons who intermarried with Cherokee citizens prior to July 1, 1902, and made permanent and valuable improvements on lands belonging to the Cherokee Nation prior to the decision of the Supreme Court of the United States in the case of Daniel Red Bird, the Cherokee Nation, et al. v. The United States (203 U. S., 76), shall have the right to sell such improvements to citizens of the Cherokee Nation entitled to select allotments at a valuation to be approved by an official to be designated by the Secretary of the Interior for that purpose, and the vendor shall have a lien on the rents and profits of the land on which the improvements are located for the purchase money remaining unpaid, and shall have the right to enforce such lien in any court of competent jurisdiction."

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 11, 1907.

#### BILL RECOMMENDED.

Mr. CLAPP. I move that the bill (S. 8365) authorizing the Secretary of the Interior to cancel certain Indian allotments and substitute therefor smaller allotments of irrigable land, and providing for compensatory payments to the irrigation fund on lands so allotted within the Truckee-Carson irrigation project, be recommended to the Committee on Indian Affairs.

The motion was agreed to.

#### ARMY APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to resume the consideration of House bill 23551.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908.

The VICE-PRESIDENT. The pending question is on the amendment of the Committee on Military Affairs on page 39 as amended.

Mr. CARTER. Will the Senator from Wyoming yield to me for a moment?

Mr. WARREN. The Senator rises for some purpose connected with the bill?

Mr. CARTER. Yes; for some purpose connected with the bill. An engagement requires me to retire from the Chamber presently, and I ask the Senator to yield to me for a moment to make a statement.

I doubt not the amendment I propose might be subject to a point of order, if the point of order is raised. The amendment authorizes the President to appoint William H. Crook on the retired list as a major in the Army. I think every Senator present knows Mr. Crook. For the last forty-two years he has been the confidential clerk of the various Presidents of the United States who have occupied the office. Prior to that time he was a private soldier during the war between the States.

The proposed amendment is explanatory of the facts I have

suggested, and I ask unanimous consent to have the amendment inserted at the close of the bill for the consideration of the committee of conference, if after full investigation it shall be determined to be worthy.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be read.

Mr. SCOTT. As I understand the Senator, he wants to have it considered at the close of the bill, and he is offering it now.

Mr. CARTER. No; I ask that it be inserted at the close of the bill.

Mr. SCOTT. I hope the Senator will let it go over until we get further along with the bill.

Mr. CARTER. I only offer the amendment now because I am compelled to leave the Chamber.

The VICE-PRESIDENT. Is there objection to having the proposed amendment stated?

Mr. WARREN. I understand the Senator offers it to come in at the end of the bill, so far as its position is concerned, and asks now unanimous consent for its adoption. Am I right?

Mr. CARTER. That is a correct statement of the case.

The VICE-PRESIDENT. The amendment will be stated.

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

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint William H. Crook, who served as a private under the President's first call for troops in 1861 and subsequently as an employee and clerk in the office of the President for over forty-two continuous years, a major in the United States Army and place him on the retired list thereof, with retired pay of said rank, the retired list being increased for that purpose only.

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

Mr. SPOONER. I think there is nothing in it about "the war between the States."

Mr. CARTER. Not in the amendment.

Mr. SPOONER. But only in the Senator's speech?

Mr. CARTER. That was in the speech of the Senator from Montana only.

The amendment was agreed to.

#### CUMBERLAND RIVER BRIDGES NEAR NASHVILLE, TENN.

Mr. CARMACK. Will the Senator from Wyoming yield to me for a moment?

Mr. WARREN. What is the object the Senator has in view?

Mr. CARMACK. I want at this time to ask unanimous consent for the consideration of a small bridge bill. It is important that it should be passed at an early date, and it will lead to no discussion.

Mr. WARREN. Under the circumstances I will yield to the Senator on his statement that it is a very small bill, providing it leads to no discussion whatever.

Mr. CARMACK. I am sure it will not. I ask unanimous consent for the present consideration of the bill (S. 8274) to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.

There being no objection, the Senate, as in Committee of the Whole proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 5, after the name "Tennessee," to insert "approved April 24, 1906;" in line 6, after the word "for," to insert "commencing;" and in line 7, after the word "bridges," to strike out "until three years from the passage of this act" and insert "one year, and for completing the same three years, from April 24, 1907;" so as to make the bill read:

*Be it enacted, etc.*, That an act entitled "An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn," approved April 24, 1906, be so amended as to extend the time for commencing the construction of said bridges one year, and for completing the same three years, from April 24, 1907.

The amendments were agreed to.

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

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

#### TERMS OF COURTS AT BELLINGHAM, WASH.

Mr. SPOONER. Mr. President—

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

Mr. WARREN. I will if the subject which the Senator desires considered leads to no debate.

Mr. SPOONER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 21383) providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham, to report it with an amendment. I ask unanimous consent for its present consideration.

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

The amendment reported from the Committee on the Judiciary was to strike out sections 3 and 4, as follows:

Sec. 3. That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere, but the court intervening may be adjourned until the business of the court in session is concluded.

Sec. 4. That the city of Bellingham shall furnish a suitable room in which to hold said court, and light and heat the same without any expense to the United States.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

#### CHATTAHOOCHEE RIVER BRIDGE, GEORGIA.

Mr. CLAY. Mr. President—

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

Mr. WARREN. For what purpose?

Mr. CLAY. I have a very short bill, which can not lead to any discussion, which has been reported from the Committee on Commerce.

Mr. WARREN. I shall be glad to yield if the bill will cause no debate, but I hope there will be no further appeals for the consideration of bills until the Army appropriation bill shall be completed.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (H. R. 25043) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River, in the State of Georgia.

The PRESIDING OFFICER (Mr. NELSON in the chair). The bill will be read for information, subject to objection.

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

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

#### ARMY APPROPRIATION BILL.

Mr. WARREN. I now ask that the consideration of the Army appropriation bill may be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. WARREN. I do, if the Senator rises to the pending bill.

Mr. HALE. Yes; I rise to the pending bill. I ask the Senate to return to the amendment on page 34, from line 12 to line 15, inclusive. At my suggestion on Saturday that part was struck out by agreement of Senators interested, including the chairman of the committee. On examination I find that the item has been regularly estimated for. It is not, therefore, subject to a point of order. I ask that the vote by which it was rejected be reconsidered, and that the amendment be adopted. I should like to have the assurance of the chairman of the committee that he will not take this as a precedent for putting such things upon the Army bill rather than upon the sundry civil bill.

Mr. WARREN. I appreciate the suggestion made by the Senator from Maine in regard to this matter. I do not quite know whether there is a rule of the Senate which provides for discrimination between different bills. I think not, unless it be some unwritten rule. But I am glad, and ready always, to recognize the wisdom of having proper matters under proper headings and in the proper bills.

I want to say in this connection that the committee hoped to have early action in placing the item in this bill, and I am very much gratified that the Senator from Maine wishes to reconsider the vote by which the amendment was rejected.

Mr. HALE. I ask that the vote by which the Senate rejected the amendment may be reconsidered.

The PRESIDING OFFICER. The Senator from Maine moves that the vote by which the paragraph on page 34, from line 12 to line 15, inclusive, was rejected, be reconsidered.

The motion was agreed to.

Mr. HALE. Now let the amendment be adopted.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment.

Mr. CULLOM. I should like to hear it read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 34, after line 11, the Committee on Military Affairs reported an amendment to insert:

For the acquisition of not exceeding 50 acres of land near or adjoining Fort Taylor, at Key West, Fla., \$150,000, or so much thereof as the Secretary of War may deem necessary.

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Mr. President, I believe when we discontinued the consideration of the bill on Saturday last we were on page 39, the clause from line 10 to line 19.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Idaho [Mr. HEYBURN] to the amendment of the committee.

Mr. CULBERSON. I desire to ask what has become of the point of order that the item as reported is general legislation?

The PRESIDING OFFICER. The Chair understands the point of order was reserved until the amendment could be perfected.

Mr. WARREN. I see there are quite a number who are desirous of making the point of order against the amendment, and I am not going to prolong the discussion, so far as I am concerned, but if I may have a moment I desire to say—

Mr. CULBERSON. I do not find it necessary to make the point of order, as it has already been made. I was inquiring what had become of it.

Mr. WARREN. The point of order has been made.

The PRESIDING OFFICER. The Chair understands that the point of order has been made by the Senator from North Dakota [Mr. McCUMBER] and reserved.

Mr. WARREN. I have only to say that in all this discussion I have not changed my opinion, but still think that this was a proper matter for the committee to bring before this body, and that it is in the interest of economy and good government. I will confess that I was not so strenuously in love with the rate bill, or the necessity for it, as were a great many others, but, on the other hand, I was ready to bow to the will of Congress and to have the law, until changed, applied and obeyed; but I do not think that that law is one of perfection or divinity. I do not think it is an idol that we must bow to and worship, and never attempt to correct. I think we shall find, as time progresses, that there are a great many corrections necessary. I want to call the attention of the Senate to the fact that this amendment was to carry out what was really the spirit of that law, namely, the equalization of rates. Unfortunately, instead of equalizing them, in this case it has caused just the opposite effect. Furthermore, it was in the line of economy. That is the view of the committee.

Of course, I shall make no comment upon the point of order, whether it is right or wrong. The Chair will decide that. But I want the Senate to know that, in my judgment, there will be a larger transportation appropriation asked for next year if this proposition goes out on a point of order than if the provision remains in the bill. Having said that much, and with probable larger appropriations in the minds of the Senate for next year, I wish to be permitted to vote upon it; but, of course, it comes directly upon a parliamentary basis if the point of order is insisted upon, and we shall have to accept it in that way.

Mr. CULBERSON. Mr. President—

Mr. WARREN. One moment please. Of course I accuse no man of being a czar. When a point of order is interposed against an amendment it is because the Senator making it knows it is necessary in the consideration of great appropriation bills that they should be guarded.

I have an item from a newspaper here, which I ask to have read. It relates to the matter of transportation for the Government. I ask to have it read simply to show that the Government is doing the best it can under the rate law to save money to the people.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

UNCLE SAM BEATS RAILROADS—WAR DEPARTMENT WILL WAIT AND SHIP SOLDIERS BY COLONISTS' RATES.

OMAHA, NEBR., February 8.

The War Department has found a way to get even with the Union Pacific and the Northwestern railroads for refusing to haul the Tenth Cavalry from Nebraska forts to San Francisco at lower than tariff rates. Although the soldiers were scheduled to start on February 26, to-day orders were issued to hold the men until March 1, when colonists' rates will be put in effect on all western railroads, and the soldiers will be hauled at half the regular fare plus \$2.

This is a lower rate than the Quartermaster's Department expected to procure from the railroads on a regular bid.

Mr. CULBERSON. Mr. President, I only rose for the purpose of suggesting, in reply to the Senator from Wyoming, that he will recall that this proposed amendment by his acquiescence has been very greatly enlarged—that is, the exemptions have been very greatly increased over those in the original bill as reported by the committee.

Mr. WARREN. I will say to the Senator that it has been

both restricted and extended. It has been restricted by cutting out free passes, and it has been extended by having it apply to the Army and Navy and the Revenue-Cutter Service.

Mr. CULBERSON. I recall distinctly that the amendment suggested by the Senator from Georgia [Mr. BACON], which includes in the provision the families of Army officers and enlisted men, greatly enlarging the list of those who may receive reduced rates, at least; and another one suggested, as I recall, by the Senator from Idaho [Mr. HEYBURN], were accepted. Therefore if a Senator were not previously inclined to make a point of order against this amendment, there would be room to do so now, and there would be that in the provision as it stands to suggest to him to do so, put there by the acquiescence of the Senator from Wyoming.

Mr. WARREN. Mr. President, I have not acquiesced in the amendment offered by the Senator from Idaho, because there has been no opportunity. It was during the time he was offering his amendment that this discussion went off into broad waters; so that, as I understand it, his amendment was not adopted or accepted, and in fact no action was had on it at all.

Mr. CULBERSON. The Senator accepted the amendment of the Senator from Georgia, as I understand.

Mr. WARREN. What amendment was that?

Mr. CULBERSON. The amendment including the families of officers and enlisted men.

Mr. WARREN. That, I will say, was intended to be covered originally. I was very glad to accept that amendment. I wished it to be a part of the provision if we passed it.

Mr. FULTON obtained the floor.

Mr. HEYBURN. If the Senator from Oregon will yield to me a moment, I should like to say—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Yes.

Mr. HEYBURN. I should like to say, in reply to the suggestion of the Senator from Texas [Mr. CULBERSON], that the amendment which I offered and to which he referred is now pending and is the pending amendment. The discussion that has taken so wide a scope led off from the consideration of the amendment which I offered.

Mr. WARREN. I am right, then, am I not, that it was open when the discussion commenced?

Mr. HEYBURN. Yes.

Mr. FULTON. Mr. President, I have doubted very seriously the propriety of extending either free transportation or reduced rates to officers when not traveling on duty or to the families of the officers at any time.

Mr. SPOONER. It covers the men, too.

Mr. FULTON. Certainly; it applies to enlisted men as well. When traveling on duty they are paid their expenses. When not traveling on duty or under orders, while I admit that there are many strong arguments that would favor making a distinction between them and other citizens, it seems to me that, after all, it is of doubtful propriety. But I do not propose to discuss that.

I only wish to say that I hope no Senator will insist on a point of order against this entire proposed amendment, for I think it is one of very great value and importance to the Government.

I asked the Senator from North Dakota [Mr. McCUMBER] on Saturday, when this matter was up for discussion, if he did not think there was a marked distinction between granting a preferential rate to the Government and granting it to a private individual? I suggested, furthermore, that where it is granted to the Government, it is granted to the people, the Government being simply the representative or the agent of the people. The Senator responded that that might be true if, as a matter of fact, all the people were equally engaged in patronizing the railroads, but his contention was—

Mr. SPOONER. They are all under the Government.

Mr. FULTON. They are all under the Government, as the Senator from Wisconsin says. But the contention of the Senator from North Dakota was that because all of them do not patronize the railroads equally, believing, as he did, that any railroad would have to make up the loss that is sustained by reason of the lower rate to the Government, the few who do patronize the railroads would have to make up that loss.

The contention, Mr. President, is, it seems to me, fallacious, because of the assumption, in the first place, that the railroad is going to carry the Government freight or the officers and men of the Army at a loss. The amendment does not contemplate anything of that character. The amendment simply allows the railroads to give a reduced rate to the Government. It does not contemplate that it is going to give them a rate by which the railroads will carry at a loss, and I do not imagine



that it is to be presumed that the railroads will give any such rate. We all know very well that in carrying for the Government, where the railroads take train loads from the initial point through to the point of delivery, they can carry at much lower rates than they can where they are distributing the passengers or the freight along the line at different points.

I do not suppose that anyone has every questioned that there were some elements of honesty and good business sense in the practice that has been followed by the railroads in the past of giving large shippers preferential rates. I do not doubt that a railroad company can well afford to carry the Standard Oil Company's business, for instance, at less rates, and make money, than it can carry the freight of smaller shippers. But experience shows that when you permit the granting of preferential rates to private individuals the abuses are so numerous that the result is the public is ultimately the sufferer, and a wise public policy has, on consideration, suggested the importance and the necessity of denying the right to give preferential rates to individual shippers at all. Hence this provision of the rate law.

But the arguments and reasons that induced Congress to enact that character of legislation have no force whatever when you are speaking of giving preferential rates to the Government. The Government is not a competitor. The Government is not competing with any private individual. The Government is not shipping its stores and its supplies for the purpose of sale. It is shipping them for its own use. Consequently it enters into competition with no person. No person is injured by reason of its getting or receiving a preferential rate. On the other hand, every dollar that is saved to the Government by that is saved to the people.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I yield to the Senator.

Mr. HEYBURN. I should like to ask the Senator from Oregon, do I understand that the Senator is referring now only to the transportation of property of the Government and is not discussing the proposed amendments that include the carrying of individuals or the families of officers or men?

Mr. FULTON. No. I said in the beginning that I did not care to discuss them. While I doubt somewhat the propriety of adopting them, I do not care to oppose them or to antagonize them. I think the important proposition is that the Government shall be allowed to accept or secure preferential or reduced rates from the railroad companies.

Mr. HEYBURN. I should like to ask another question at that point, with the permission of the Senator. Does not the Senator think now that the Government itself in transporting its property, which is at the expense of the General Treasury, is exempt from the operation of the interstate-commerce law?

Mr. FULTON. That may be. I have not given that question sufficient consideration to have a definite opinion; but even if that be true there can be no objection to making it clear and definite. I can not understand what possible objection there can be to allowing the Government to accept from the other railroad companies of this country the same rate that is accepted now from the fifty-six land-grant railroads, namely, 50 per cent of the regular tariff. Now, I hope—

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. McCUMBER. I will wait until the Senator is through. I thought he had concluded.

Mr. FULTON. I am practically through. I was simply going to say that I hoped no one would insist upon a point of order against this amendment. Of course, it is said by some that this is the entering wedge that will ultimately destroy the principle of the rate law. Well, that depends very much upon who is behind the wedge. I do not think that a wedge that is thrust into that law simply to trim down the objectionable features of it, a wedge that is driven by the friends of the measure, threatens any danger to the rate law. Everybody knew when the rate law was enacted that experience would discover some objectionable features. If that were not true, it would be a very extraordinary thing in the enactment of legislation of such importance. This is one defect that experience has discovered, namely, that we have denied the Government the right to accept rates at less than the scheduled tariff. I think it is greatly to the interest of the Government that this amendment should be adopted, and I trust no point of order will be insisted on against it.

Mr. McCUMBER. Mr. President, the Senator asks that no point of order be insisted on so far as the amendment relates to Government property. That is my understanding. The Senator says that he can not understand how there can be any loss

to be made up by the other shippers if the railroad, in carrying for half price, does not carry at an absolute loss.

Mr. President, I have the right to assume, in the first place, that the railroads only carry passengers and goods for a fair and reasonable remuneration. If the law which we passed last winter is enforced at all, no railway to-day is receiving exorbitant prices, and if it can afford to carry the property of the Government for 50 per cent less than the rate at which it carries the property of private individuals, then it is charging an exorbitant price for carrying the property of the individual.

Mr. FULTON. Does not the Senator recognize the fact that when a common carrier takes the freight of the Government, amounting to a train load, as it usually does, in moving troops at least, carrying them from one point directly over its lines through to the point of discharge, not being required to stop at way stations to take on other passengers or to let off other passengers, or to take on or let off freight, it can afford to do that transportation at less than it can other transportation where it has to stop, to carry a large train crew, and to incur all the expenses that the Senator will understand are incident to it? If that is true, why not let the Government take advantage of it?

Mr. McCUMBER. The trouble is, it is not wholly true. The railroads can carry a carload of freight from New York to San Francisco just as cheaply for me as they can for the Government. They can transport a train of cars just as cheaply for the private individual as for the Government.

Mr. FULTON. Certainly they can.

Mr. McCUMBER. I am placing my argument upon the basis of a like charge for a like character of service.

Mr. FULTON. But if the Senator will allow me—

Mr. McCUMBER. That should be the basis throughout all this controversy.

Mr. FULTON. The Senator understands, however, that whereas it is true that the carrier can carry a train load through for him just as cheaply as it can for the Government, there are objections to allowing preferential rates to be given to an individual, to a competitor with others engaged in business, which objections do not exist as to the Government. Does not the Senator recognize that?

Mr. McCUMBER. To a very limited extent, possibly.

Mr. FULTON. Where you carry for the Government you carry for the whole people. The Government is not in competition with anybody. But where you carry for a private individual you carry for one who is in competition with others, and you give him an opportunity to create a monopoly at the expense of others.

Mr. McCUMBER. Let us see whether or not the Government is in competition. We will assume that the regular rate for carrying a given amount of goods from New York to San Francisco is \$100,000. We will assume that that hundred thousand dollars is the reasonable compensation to the railways. If the railways carry that freight for the Government for \$50,000, then the railways have lost in profits \$50,000. If they have lost \$50,000 in profits—I do not care whether they could have carried the freight for nothing at all or not—and if they are not receiving any more profit than they ought to make from their other business, then they have to make up the difference, \$50,000, not necessarily from the whole public, but from the balance of the shippers who are shipping goods over the same line.

Mr. FULTON. Will the Senator stop for a moment and think of this? There are fifty-six railroad companies, several of them transcontinental lines, which are already carrying for the Government and are required to carry for the Government at 50 per cent of the regular rate.

Mr. McCUMBER. I understand that; but they are doing so for a valuable consideration. We have paid the other 50 per cent.

Mr. FULTON. We will say it is for a valuable consideration; but they are doing it. The other roads can not do it under the present law, and therefore they will not do it, and they will get none of the business. But if we adopt this amendment we allow them to get business which they otherwise could not get. If we give them new business, even if they make only a small profit out of it, are we working any hardship on them? They get something they never had before.

Mr. McCUMBER. You are working a hardship upon the other shippers. The Senator can not argue out of existence the fact that every loss has to be paid by some one. It has to be borne, if not directly then indirectly, by some one else.

Mr. FULTON. They are not doing the business at all now.

Mr. McCUMBER. Those roads which the Senator says are carrying for 50 per cent have already received the other 50 per cent. They have already received it in something, which I as-

sume, was the equivalent, and I believe was many times more than the equivalent, to the difference of 50 per cent.

Mr. FULTON. Will the Senator allow me?

Mr. McCUMBER. Certainly.

Mr. FULTON. These other roads are not now doing this business at all. The land-grant roads are required to do it for 50 per cent of the regular tariff rate. Hence these other roads can not get it. That is, where they are parallel or anywhere near parallel to the land-grant roads.

Mr. McCUMBER. Very well.

Mr. FULTON. If we allow them to do the business, the Senator surely will not contend that they will be doing it at a loss and, therefore, their patrons will have to make it up in some other way?

Mr. McCUMBER. That argument does not appeal to me in the slightest degree. If the Government has already paid to certain roads one half of the transportation charges in a consideration which it has given to those roads, then let it use the road that gives the service for the other half. If it has already paid half to one road, there is no reason in the world why it should ship over a different road if this road can give exactly the same service and the service that is demanded.

Outside of that proposition—and I say that is sufficient at least to justify me in holding to this point of order—there is the other proposition, and that is that the families of officers of the Army shall have free transportation over all the lines in the United States, not limited to bringing their families where the officers are compelled to serve, but without limitation to travel anywhere over any line at any time. If it is proper that when a soldier goes from one point to another his family should be taken with him, I have not the slightest objection in the world to appropriating enough to pay the transportation of his family. I have not any objection, if it is a proper thing for the soldier to take his family to the post where he is to serve, to the Government paying for moving the family there, if it can be shown to be for the best interest of the service.

Mr. SPOONER. Will the Senator permit me to call his attention to the fact that the word "free" has been stricken out? There is no provision now in the bill for free transportation.

Mr. McCUMBER. Let us suppose it is reduced transportation. Reduced transportation may mean one-tenth or three-fourths or any proportion of the regular fare. It is an advantage. It is a special advantage. There is no reason in the world why the major-general, living in the city of Washington, in service here, should get transportation for his family, who want to go to San Francisco, for one-tenth the regular fare any more than there is why the Senator from Wisconsin should receive the same courtesy. There is no reason, in my opinion, why we should make a difference between one class of American citizens and another class of American citizens. That is practically what this provision means.

I am willing to pay proper salaries; I am willing to pay for transporting families if it is the proper thing to transport families; but I am not willing to make an official position the basis for making a distinction between the ordinary rights of American citizenship, and I think I am justified in drawing the line there. For that reason alone I should object to that portion of the amendment.

Mr. President, there is another portion of the amendment which the Senator from Wyoming has called to my attention, commencing with the word "Provided," in line 19, and going to the end of the amendment. That is something I know nothing about. It is not really a part of this other amendment. It might as well be put—

Mr. LODGE. It has no connection with it.

Mr. McCUMBER. It has no connection whatever with the other portion. It could just as well be placed in any other part of the bill, although it commences with "Provided."

Mr. WARREN. Both of them are provisos of the main proposition and both are apropos. The point of order can be made against the first proviso down to a certain line and the other proviso can be left in the bill.

Mr. McCUMBER. That is what I was going to say. Without knowing the necessity for the latter proviso, although I admit it is subject to the same point of order, I wish to limit my point of order to that portion of the amendment commencing in line 10 and ending with the word "rates," in line 19.

Mr. HEYBURN. I should like the privilege of interrupting the Senator from North Dakota for a question.

Mr. McCUMBER. I yield.

Mr. HEYBURN. Under the interstate-commerce act the parties who are bound by its provisions are:

Any person, corporation, or company.

Those are the terms used in each instance. Does the Senator believe that those terms include the Government of the United

States and that the Government within those terms is prohibited from making a contract that carries with it a rebate?

Mr. McCUMBER. No; I do not think so.

Mr. HEYBURN. Then, if that is true, there is no necessity for any part of this amendment, because the amendment seeks only to except the United States Government from the operation of the interstate-commerce act when, as the Senator suggests and as I believe, the Government of the United States is not included within the force or effect of those words—"any person, corporation, or company."

Mr. BACON. As the Senator from North Dakota has indicated that he agrees with that view as to what constitutes a proper construction of the rate law, I should like to ask him if he does not think, whether the letter of the law binds the Government or does not bind it, that the Government is bound morally by the spirit of that law to observe its terms?

Mr. McCUMBER. That is just what I was going to say. I believe that the same rule should apply to the Government that applies to all of the citizens, that the Government ought not to ask for special privileges from any railway company when it declares that special privileges shall not be given to private parties. I believe that the same rule should apply in one instance as in the other.

Mr. HEYBURN. Mr. President—

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

Mr. McCUMBER. I yield.

Mr. HEYBURN. I rise merely to make a suggestion. If it was intended that the Government should be placed upon the same footing as persons, corporations, or companies, would it not have been entirely proper for Congress to have said so in enacting the interstate-commerce law, and should we enlarge that law by implication which itself as yet is a very new provision of law and somewhat of an experiment?

Mr. McCUMBER. We will not enlarge it by implication if we cut this out. The law will stand as it is to-day. I have no doubt myself that if the Government should ask and receive special privileges from the railways in the moving of Government property, it would not be amenable to this law as I now remember it. But I believe that it ought not to ask it. I believe whenever the Government gets an advantage in any way from the railroad companies, some one has to pay for it, and those must pay for it who are paying for like service, because by reason of the Government paying a less compensation the private individual must pay a greater compensation.

Mr. HEYBURN. Mr. President—

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

Mr. McCUMBER. I do.

Mr. HEYBURN. I would suggest, then, that the subject under discussion should be an amendment providing that the Government should be included instead of that it should not be included, inasmuch as the Senator, I understand, agrees with the suggestion that the Government now is not included within the language of the interstate-commerce act, and that it can only be included by a construction based not upon the statute or its language, but upon what the Senator is pleased to term the "justice of the situation," and that if the amendment under discussion were attempting to enlarge the scope of the interstate-commerce act then it would be subject to the point of order. It is subject to a point of order now merely because it is a useless declaration of a thing that already exists.

Mr. McCUMBER. So far as that part of it is concerned—

Mr. HEYBURN. Yes.

Mr. McCUMBER. That part relating to the proposition that the old act shall not be considered so and so. That is true as it relates to that, but the other portions are objectionable upon their face.

Mr. SPOONER. Mr. President, I have very great doubt whether the premise upon which the Senator from North Dakota [Mr. McCUMBER] based his argument is sound, and it is important for a moment to consider it. I do not know upon what theory, from the standpoint of logic, it can be contended that under the interstate-commerce law, or any other law of the kind, the Government in its operations, unless it is expressly included, is to be placed upon the same basis as the citizen. There is nothing invidious about that. The Senator from North Dakota speaks of "privileges" and "special privileges" and all that. I do not understand that it is appropriate—I use that word in the logical sense, not to criticize the Senator for its use—to speak of privileges conferred by Congress upon the Government in contradistinction to the citizens of the Government. The Government has never been treated in its operations upon the same basis in law as the citizen.

The States and the Government of the United States enact

statutes of limitation which bind the citizen, but which do not bind the Government unless the act includes the Government. The Government enacts statutes under which suits may be brought by one citizen against another, in this court or in that court; but the Government can not be sued at all under any provision of law general in its terms and applicable to citizens unless expressly therein the Government consents to be sued.

Mr. HEYBURN. Mr. President—

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

Mr. SPOONER. Certainly.

Mr. HEYBURN. I should like to make a suggestion in the nature of an inquiry. Then is it not true that as the law stands it is unnecessary to make any further provision—

Mr. SPOONER. I was coming to that.

Mr. HEYBURN. In order to allow the Government to make any contract it pleases in regard to transportation over interstate lines—

Mr. SPOONER. No; the Government may not make any contract it chooses.

Mr. HEYBURN. For its own use and purposes.

Mr. SPOONER. Because the Government is composed of an executive department, a judicial department, and a legislative department, each having its appropriate functions, and what the law shall be, so far as concerns authority to the executive department outside of the Constitution, is to be determined by the legislative department. The Congress may provide that the Government shall transport troops and munitions of war, paying therefor the same rates that are exacted under the authority of law by the railway carriers from individual shippers.

Mr. HEYBURN. Mr. President—

Mr. SPOONER. If the Senator will pardon me a moment, but I doubt very much—it is only my doubt—whether the interstate-commerce law, passed to secure equality among the citizens of the United States as to the transportation of passengers, and among the shippers of the United States as to the transportation of merchandise, or, using a generic term, freight, includes the Government of the United States.

Mr. HEYBURN. I would inquire of the Senator, in the nature of a suggestion, whether it is not true that the interstate-commerce law, as we have it under consideration, left the Government in exactly the same position that it was under the pre-existing law?

Mr. SPOONER. That is the point which I was approaching, as my friend the Senator from Idaho must see. But I do not know that. Neither does the Senator. It is not a question just now what construction would be placed by the court upon the interstate-commerce law, but it is a question what is the sound public policy in relation to the transportation by the Government of troops and munitions of war; whether the Government is to be placed upon the same basis (transacting only the business of the people at the expense of the people) as the shippers of the United States transacting private business for their own profit.

Now, if there is any doubt about that in the interstate-commerce law and I am right in my view of public policy, it ought to be eliminated, and so far only as the military operations of the Government of the United States are concerned, the amendment ought to be regarded by unanimous consent, in my judgment only, as germane to this bill.

Mr. TILLMAN. Mr. President—

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

Mr. SPOONER. Certainly.

Mr. TILLMAN. Do I understand the Senator to contend that the Congress, in good morals, has the right and power to pass a law governing the transactions of shippers with the railroads, and compelling the railroads to treat all shippers alike, without discrimination, and then itself claim the right to have the railroads discriminate in its favor?

Mr. SPOONER. Probably my notion about morals is not as sensitive as that of my friend, if he will permit me to refer to him.

Mr. TILLMAN. Certainly.

Mr. SPOONER. But I have not the slightest doubt about it that it is no question of morals—none at all. Whose Government is this?

Mr. TILLMAN. It is the Government of the people, we hope, although it does not seem to be run altogether in that interest just now.

Mr. SPOONER. Oh, well, that is the Senator's notion. Theoretically it is the Government of the people, and if it is not practically the Government of the people that is the fault of those whom the people chose to transact the people's business.

Mr. TILLMAN rose.

Mr. SPOONER. I yield to the Senator from South Carolina.

Mr. TILLMAN. I want to let the Senator finish that eloquent observation of his.

Mr. SPOONER. I have finished that "eloquent observation."

Mr. TILLMAN. Where does the Senator get the idea that this great Government, the most wealthy in the world, we think, the most powerful in the world, should have the right to compel all of its citizens to obey a law in regard to the transaction of business, and then should get on its knees and go around and play the poor man and beg for special favors?

Mr. SPOONER. Oh, Mr. President, the Government is not some far-away, fanciful thing, apart from the people. It is a mere agency created by the people.

Mr. TILLMAN. We do not treat the mails in that way. We hire the railroads to haul the mail every year.

Mr. SPOONER. Yes.

Mr. TILLMAN. And there is a debate on at the other end of the Capitol as to whether the Government shall reduce the rates of pay provided by law for compensation to the railroads.

Mr. SPOONER. Certainly.

Mr. TILLMAN. Now, when we come to the transportation of articles of war or munitions or soldiers, what is the difference? In what way does the Government differ from the private individual in this transaction any more than it does in the transportation of the mails?

Mr. SPOONER. In every way, Mr. President.

Mr. TILLMAN. I should like for the Senator to point it out.

Mr. SPOONER. I may not be able to point it out so that the Senator will agree to it. Probably not. I only speak of what seems to me to be the truth. I may be all wrong. But, Mr. President, when the Government, in the transaction of its business, avails itself of private instrumentalities—the use of private property, services rendered by the owners of that private property at their own risk—of course, like the citizen, it should pay fair compensation for the service which it receives, just as the Government, when it condemns your land or mine—and no matter how dear it is to us, no matter if we would not sell it to anyone else on earth, we must yield it to the Government—takes it at a just compensation, fixed according to—

Mr. TILLMAN. By a jury of citizens.

Mr. SPOONER. Fixed according to law. The Senator says by a jury of citizens. This is a Government of citizens. There is no function of this Government which is not rendered as the agency of citizens and for the benefit of citizens. Talk about the wealth of the United States; it is the wealth of the States. Talk about the commerce of the United States; it is the commerce of the States. What is the commerce of the United States, disregarding the States, which are the constituent elements of the Government?

Mr. BEVERIDGE. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. Might it not be true that it is the commerce of the people; not the commerce of the States?

Mr. SPOONER. That is a distinction without a difference, in my opinion.

Mr. BEVERIDGE rose.

Mr. SPOONER. I yield to the Senator.

Mr. BEVERIDGE. No; I have asked my question. I want to ask the Senator another when the Senator answers it.

Mr. SPOONER. I will answer it. I can answer two at a time.

Mr. BEVERIDGE. I do not want to give the Senator two at a time.

Mr. SPOONER. I prefer that he should.

Mr. BEVERIDGE. I prefer that the Senator should answer my question, and then I will ask him another.

Mr. SPOONER. I will take it in installments if it pleases the Senator better. The governments of the States are created by the people of the States. They are merely governmental agencies of the people of the States, in the last analysis, both the government of the States and the Government of the United States. It is the government of the people of the States and the people of the United States.

Mr. BEVERIDGE. My question of the Senator—

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

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. If the Senator will pardon me—after he had said that the commerce of the country was the commerce of the States, my question was whether, as a matter of fact, it might not be said the commerce of the people. A State ships nothing. The people ship everything.

Mr. SPOONER. Mr. President, that is axiomatic.

Mr. BEVERIDGE. Then, if that is axiomatic—

Mr. SPOONER. If there were no people in a State there

would not be any State, and if there were no people in a State there could not be much commerce. The State government, like the Government of the United States, is a mere instrumentality of the people. When I speak of the commerce of the State I speak of the commerce of the people of the State.

Mr. BEVERIDGE. No; that is not the question. As the Senator said very directly and clearly and politely, in answer to my question, whether all that might not be said to be commerce not of the State, but of the people of the United States, he answered that that was axiomatic. It answers my question fully.

Mr. SPOONER. I am glad to have one question put to me by the Senator from Indiana answered fully.

Mr. BEVERIDGE. I am glad, too.

Mr. SPOONER. The Senator is entitled to his joy. I have always done it.

Mr. President, it would be a waste of time to draw a distinction between the people of a State and the State. What constitutes a State? I will not quote the ode. It is the people. What constitutes the Government of the United States? It is the State governments, created by the people.

When I read a speech not long ago which challenged the exercise by the States of their reserved powers and spoke about the commerce of "the United States," and how it had grown and was monitory to the States as to the manner in which they should exercise their reserved powers, it quickly came to my mind that there was no commerce, and is not much, if any, really, of the United States, but it is the commerce of the people of the States.

Mr. ALDRICH. Mr. President—

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

Mr. SPOONER. I do.

Mr. ALDRICH. I have been unfortunate enough not to hear all of the Senator's argument, but I understand—

Mr. SPOONER. I congratulate the Senator.

Mr. ALDRICH. I understand he takes the position that in treating munitions of war and the transportation of munitions of war—

Mr. SPOONER. Troops.

Mr. ALDRICH. Troops and munitions of war, we should take a different position than that taken in regard to other business transactions.

Mr. SPOONER. I do. I did not say of the Government, I said the people.

Mr. ALDRICH. I am talking about the Government, because the Government in the first place deals with this question.

Mr. SPOONER. I am not talking about the Government, but as to the effect on the people eventually. The Senator and I perhaps might not agree.

Mr. ALDRICH. I think we would. I am speaking of a transaction primarily with the Government, and the Senator says that the Government itself must treat or ought to treat the transportation of munitions and of soldiers differently from all other transportations or large business transactions?

Mr. SPOONER. I think Congress in legislating for the Government and the people may with perfect propriety and morality treat the operations of the Government upon a different basis so far as transportation is concerned, and on different principles from that with which they treat shipments and transportation of the people, and the products of the labor of the people.

Mr. ALDRICH rose.

Mr. SPOONER. No; if the Senator will allow me a moment, he separates the Government from the people in a manner which to my mind is without justification. In this connection, what is the Government? Will the Senator from Rhode Island say that the Government is to be dissociated from the people? Is it not a mere agency of the people, of the States, which is the same thing in the sense in which I am using it, for governmental purposes.

Why, Mr. President, whose Army is this? The Senator smiles. Is it the Army of an artificial entity remote from the people, to be differentiated from the people in the sense in which the Senator seeks to do it?

For what purpose is the Army to be used, Mr. President? It is to be used for the protection of the people. Why are the mails carried? They are carried not for the benefit of the Government, but for the benefit of the people. Why are troops transported from station to station? For the benefit not of this mere governmental entity, but of the people whose agency and instrumentality it is. Now I will listen to the Senator.

Mr. ALDRICH. Does the Senator, to use a concrete illustration, think that if the Government of the United States were shipping a hundred tons of steel, say, from Pittsburg to the

New York Navy-Yard, it ought to pay a different rate of transportation from what a shipbuilding company situated in New York would pay for the transportation of the same quantity of steel from Pittsburg to New York?

Mr. SPOONER. Yes; I do.

Mr. ALDRICH. It ought to pay a different rate?

Mr. SPOONER. Yes; and it is not immoral and not against public policy.

Mr. ALDRICH. I imagine it is not a question of morals. I do not understand that any of this controversy is over a question of morals.

Mr. SPOONER. What is it?

Mr. ALDRICH. It is a question as to whether the Government should adhere to a principle.

Mr. SPOONER. That begs the question. What is the principle?

Mr. ALDRICH. The principle is equal treatment before the law of every individual, of every corporation, and that the Government on the part of Congress should be treated exactly as it treats its citizens.

Mr. SPOONER. That is treating the Government as an individual, as a citizen. It is fundamental that the Government shall not stand, and it never has stood, on the same basis as the citizen.

Mr. ALDRICH. I will use another illustration, which I think the Senator himself took a part in. Up to the year 1890, for more than a century, the Government insisted that articles imported for the use of the United States should be imported free of duty. In 1890, practically by unanimous vote of Congress, we said, and I think said truthfully and properly, that when the United States imported articles for its own use it should pay the same rate of duty that every individual had to pay throughout the country. That is an exactly parallel case, in my judgment.

Mr. SPOONER. I think it is not a parallel at all, and if it were I think the argument is not with the Senator from Rhode Island. From the foundation of the Government, he says, up to 1890 articles transported from abroad for the use of the United States came in free.

Mr. ALDRICH. For the use of the United States.

Mr. SPOONER. I say for the use of the United States. Were the great statesmen who sat where we sit and who legislated for the Government of the United States for over ninety years so far wrong or are we wrong? It is easy to laugh about it, but there is no argument in a sneer.

If the Government of the United States imports articles from abroad to be sold in competition with the citizen, imports articles from abroad except for the use of the people and for the benefit of the people, then there would be logic in that argument. But it does not do it.

Mr. ALDRICH. Will the Senator permit me to use another illustration?

Mr. SPOONER. I will get through with this illustration.

Mr. ALDRICH. I should like to use another.

Mr. SPOONER. I should like to get through with this illustration.

I do not yield assent to the proposition that the change made in 1890 has a solid foundation in statesmanship or wisdom, although, in all human probability, following the lead of the Senator from Rhode Island and my good friend from Iowa [Mr. ALLISON], to whom I am greatly devoted, I voted for it.

When the Government of the United States has occasion to use an article manufactured abroad, for whom does it use it? For whom is it imported? For some Department? No. For the Government—this mere entity which of itself, apart from the people, is nothing? For the States and the people behind them. It is imported for the use and benefit of all the people of the United States, and why should it be subject to duty?

Mr. ALDRICH rose.

Mr. TILLMAN. Will the Senator allow me a question?

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

Mr. SPOONER. I yield to both Senators.

Mr. ALDRICH. I hope the Senator will permit me.

Mr. TILLMAN. I will give way to the Senator from Rhode Island.

The VICE-PRESIDENT. The Senator from Wisconsin yields to the Senator from Rhode Island.

Mr. ALDRICH. I want to use another concrete illustration.

Mr. SPOONER. Let us get through with this one.

Mr. ALDRICH. It is one of more recent date. I think the two might come together.

Mr. SPOONER. No; let me answer this. What does the Senator say about this?

Mr. ALDRICH. Which one is that?

Mr. SPOONER. When an article is imported from abroad for

the use of the people of the United States by the Government, should it be dutiable?

Mr. ALDRICH. Certainly it should.

Mr. SPOONER. Why?

Mr. ALDRICH. Because the tariff duties are imposed for the protection of domestic manufactures, and not for the benefit of the whole people, except in the sense that the people of the United States are interested in having the development of our manufactures.

Mr. SPOONER. The Constitution of the United States for over ninety years was not so construed. The Constitution of the United States requires duties to be uniform. Yet for ninety years and over, articles of the same kind imported by citizens of the United States were subject to duty, and the same articles imported by the Government of the United States for the use of the people of the United States or their benefit came in free. Was the question as to the legality ever raised or challenged?

Mr. ALDRICH. Yes; it was, indeed.

Mr. SPOONER. Was it decided?

Mr. ALDRICH. It was perhaps not decided by the courts, but it was challenged in the discussion of the question from the earliest history down to 1890.

Mr. SPOONER. It never was raised in the world except by manufacturers.

Mr. ALDRICH. The Senator is mistaken about that.

Mr. SPOONER. I do not think it was.

Mr. ALDRICH. Oh, yes; it was. If the Senator will allow me to use right here another concrete illustration—

Mr. TILLMAN. Will the Senator from Rhode Island allow me to get in there for just a moment?

Mr. ALDRICH. Well, I can not help it.

Mr. TILLMAN. Of course, I do not want to interfere, but the Senator from Wisconsin seems to want to answer your first question and you want to propound a second. I should like to make an observation on the first one.

Mr. ALDRICH. All right.

Mr. SPOONER. I am between the upper and the nether millstone.

Mr. TILLMAN. No; it is the right and the left. I want to ask the Senator from Wisconsin this question: What difference does it make to the Government of the United States if it charges a duty on articles which it itself uses and pays the money to itself?

Mr. SPOONER. What sense is there in it?

Mr. TILLMAN. There is no sense in it. But we quit importing because the manufacturers had such a grip over us that we could not continue to import for our own use.

Mr. SPOONER. Oh, no; we did not quit importing, but we resorted to the sham of paying the duty.

Mr. TILLMAN. Out of one pocket into the other.

Mr. SPOONER. Into the other.

Mr. TILLMAN. For what purpose?

Mr. SPOONER. It was the difference between tweedledum and tweedledee. That is all there is to it.

Mr. ALDRICH. Now, if the Senator will allow me, I will use another illustration, which is more recent.

Mr. SPOONER. A concrete one?

Mr. ALDRICH. A concrete one in which the Senator from Wisconsin, I think, participated.

Mr. SPOONER. I have participated in many here probably, and I have made mistakes.

Mr. ALDRICH. In the last session of Congress the question as to the purchase of material and machinery for the Panama Canal came up in the Senate. The War Department notified Congress that they desired to purchase dredging machines. They could purchase them in Scotland for one price. They could purchase them in the United States for a higher price, a price, perhaps, here less the duties, or in Scotland plus the duties. We said, "We will not permit the Government of the United States to import machinery in competition with our domestic manufacturers free of duty." That is absolutely, as a matter of principle, the very question we are now discussing.

Mr. SPOONER. It has nothing in the world to do with it.

Mr. ALDRICH. It has everything to do with it.

Mr. SPOONER. Nothing in the world.

Mr. ALDRICH. If we are legislating for the whole people and for the benefit of the whole people, then we should import our dredging machinery, less the duties, from Scotland, because it is a benefit to the whole people. We should not impose duties upon articles imported by the Government of the United States for its use, which means the use of the whole people. It seems to me that is perfectly and clearly an analogous case.

Mr. SPOONER. That was a matter of policy in a special case.

Mr. TILLMAN. Will the Senator allow me?

Mr. ALDRICH rose.

Mr. SPOONER. Perhaps it was well judged; perhaps it was not. But, Mr. President, when the Government of the United States has occasion to import armor plate, if you please, into the United States for use in the construction of one of its war ships, which is to protect our coasts, to protect the honor of our flag, which stands for all the people and the interest of all the people, I can this moment see no sort of reason why the Government should take out of one part of the Treasury the people's money to pay a duty on it and pay it back into another part of the Treasury.

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

Mr. SPOONER. I yield to both Senators at once.

Mr. TILLMAN. Two of us can not talk at the same time. To which one do you yield?

Mr. SPOONER. You may settle that between you.

The VICE-PRESIDENT. The Chair recognizes the Senator from South Carolina.

Mr. TILLMAN. I want to ask the Senator from Wisconsin what would be the effect of the Government getting reduced rates on its soldiers and munitions of war under this amendment, if it would not be to save some taxes of the whole people?

Mr. SPOONER. Of course, Mr. President, it would save taxes.

Mr. TILLMAN. Why is not this case then analogous with the one in which we pay duty to save something for the whole people?

Mr. SPOONER. But it does not save it. We pay the duty.

Mr. TILLMAN. To put it in the other pocket. If the Senator will take a hundred dollars out of one pocket and put it into the other pocket I think he will have the same hundred dollars.

Mr. ALDRICH. Mr. President—

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

Mr. SPOONER. Let me state that it is a sham.

Mr. ALDRICH. Will the Senator yield to me?

Mr. SPOONER. Yes.

Mr. ALDRICH. Does the Senator from Wisconsin think that the United States ought to import vessels and arms of all kinds and everything else which it uses free of duty?

Mr. SPOONER. Why not?

Mr. ALDRICH. Why not? That is what I ask.

Mr. SPOONER. If the Government of the United States can obtain the vessel which it wants here at home, it does it generally, because of our views of public policy. But when the time of stress comes, when we are on the verge of war, when we have occasion to use more ships than we can purchase in the United States, we buy them abroad at tremendous prices, as we did in the Spanish war.

Mr. ALDRICH. No.

Mr. SPOONER. Did we not in the Spanish war?

Mr. ALDRICH. Oh, no.

Mr. SPOONER. We did not. I do not mean war ships.

Mr. ALDRICH. I do not think we bought any.

Mr. TILLMAN. If the Senator will allow me, we bought war ships in the Spanish war, and we would have bought more if we could have gotten them.

Mr. SPOONER. One of the arguments against free ships has always been that it would dismantle our shipyards in the United States, and then that when war came we would be obliged to seek beyond the sea the ships which we wanted in a time of stress, when the supply was small, and when those who had them to sell could take the Government by the throat and make us pay whatever they chose to exact or not sell at all.

Mr. WARREN. As they did in the Spanish war.

Mr. SPOONER. As they did in the Spanish war.

Mr. ALDRICH. Does the Senator mean to say he thinks the Government of the United States ought to buy its ships and its materials for transportation, and everything connected with the supply of articles that it buys, without observing its own laws in regard to tariff duties?

Mr. SPOONER. The Senator from Rhode Island is very artful.

Mr. ALDRICH. I am not artful at all. I am simply asking the Senator a plain question.

Mr. SPOONER. It is not a plain question. I have not argued at all for a moment that the Government of the United States ought to buy its ships abroad as a rule. I am as good a protectionist as the Senator from Rhode Island, although I have thought for some years that the tariff ought to be revised.

Mr. ALDRICH. If the Senator will allow me to put a concrete illustration—

Mr. SPOONER. In time of stress and danger, when we need ships and our own people can not furnish them, we are obliged to go abroad and purchase ships. But if the policy were

changed and the Government of the United States bought its ships abroad or bought abroad material for all of its ships or a part of its ships, I see no reason why the Government in purchasing the ships abroad or buying the material for the ships abroad should pay duty on the material or the ships.

Mr. GALLINGER. Mr. President—

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

Mr. SPOONER. Certainly.

Mr. GALLINGER. I will call the Senator's attention to the fact that not only the Government but the people of the country have free material at the present time. They can import it and get a drawback upon the duty paid.

Mr. SPOONER. I know that. That is a different thing.

Mr. ALDRICH. The illustration which I used a few minutes ago in regard to the legislation of last year about the purchases of material for use upon the canal is entirely pertinent, it seems to me, to this discussion. We could have purchased abroad dredging machinery for the Panama Canal at less price than we could have bought it in the United States. If the Senator's argument is good for anything, we ought to have imported that machinery.

Mr. SPOONER. That does not follow.

Mr. ALDRICH. Then the Senator's argument does not hold water, it seems to me.

Mr. SPOONER. That is the Senator's opinion.

Mr. ALDRICH. It may be a matter of understanding the argument.

Mr. SPOONER. That does not follow. We have had a policy for a great many years to protect American industries by the levying of adequate duties. I have been in favor of that policy. I have always supported it. I am in favor of it now, although I think a great many of the duties are excessive and therefore detrimental because they are excessive.

Mr. ALDRICH. Does the Senator from Wisconsin think the Government ought to pay the same rates of duty that its citizens pay for their purchases?

Mr. SPOONER. Not necessarily at all. That is what I do not think.

Mr. ALDRICH. Does the Senator think we ought to pay any?

Mr. SPOONER. Where the Government of the United States imports articles from abroad for the use of the people of the United States I do not think there is any sense in its paying duties on them.

Mr. ALDRICH. In other words, the Senator thinks that the Senate and the Congress of the United States adopted an unwise policy in providing that the purchases for the Panama Canal should be made in the United States.

Mr. SPOONER. That does not follow.

Mr. ALDRICH. It does follow, because it is a case exactly in point. They could have bought the dredging machinery in Scotland at a much less price than they could have bought it in the United States.

Mr. SPOONER. But our declared policy was to buy it in the United States.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. If we had not decided to buy it in the United States—

Mr. ALDRICH. For what reason did we buy it in the United States?

Mr. SPOONER. Wait a moment. If we had decided not to buy it in the United States, but to buy it abroad, then the question would have arisen whether we should have paid duty on its importation.

Mr. ALDRICH. We could have bought it for 30 per cent less in Scotland than in the United States; and if there had been no question of public policy otherwise involved, if it was the duty of the Government to buy where they could buy cheapest, and to get the lowest rate of transportation and everything else in connection with it, without regard to the interest or the rights of their own citizens, then we ought to have bought that dredging machinery abroad.

Mr. SPOONER. I do not say that at all, nor do I say it is the duty of the Government to buy where it can buy cheapest. I only say that where the Government decides to buy abroad, there is no reason why it should pay duty on the importation of articles for governmental uses. That is all I say.

Mr. TILLMAN and Mr. ALDRICH addressed the Chair.

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

Mr. SPOONER. I can not choose between the Senator from South Carolina and the Senator from Rhode Island.

The VICE-PRESIDENT. The Chair will recognize the Senator from South Carolina.

Mr. TILLMAN. I wanted to ask the Senator from Wisconsin if his argument in regard to this amendment was not along the line that we would save money for the whole people, the taxpayers, by getting these reduced rates?

Mr. SPOONER. Well?

Mr. TILLMAN. Did he argue that?

Mr. SPOONER. What of it?

Mr. TILLMAN. Will the Senator say "yes" or "no"?

Mr. SPOONER. Admit it.

Mr. TILLMAN. All right. Then why should we not have bought the dredges in Scotland, and thus have saved money for the whole people, who are going to pay for the canal?

Mr. SPOONER. Because of the larger policy against foreign labor and in favor of our own labor.

Mr. TILLMAN. In other words, we want to protect the manufacturers of dredges and have the Government pay 30 per cent more than we could buy them elsewhere for; but when you come to the poor, pitiful railroads you force them to give the Government reduced rates because we are so poor!

Mr. SPOONER. I never before heard the Senator from South Carolina mourn in such an excessively pathetic way about the poor, pitiful railroads.

Mr. TILLMAN. I was only trying to illustrate in a sarcastic way the Senator's attitude toward the railroads.

Mr. SPOONER. I do not intend to be beguiled—and I have spoken very much longer than I intended—

Mr. BACON. Mr. President—

Mr. SPOONER. Excuse me for a moment. I did not intend to be beguiled into a discussion of the tariff. We have adopted, and for a great many years have adhered to, a large governmental policy which keeps, as far as we may, our own market for our own labor and for our own capital on higher grounds than the mere matter of dollars. I would never give any advantage in our American market to foreign capital over our own capital or to foreign labor over our own labor. But I do not agree at all, Mr. President, that the proposition for which I am contending as to this bill has any relation whatever to the larger policy of a protective tariff.

Mr. ALDRICH. Will the Senator permit me?

Mr. SPOONER. Yes.

Mr. ALDRICH. Then the Senator must have agreed to change the policy made by the McKinley Act as to Government importations from abroad.

Mr. SPOONER. I presume I did, but I do not remember it to-day. I do not see very much sense in it.

Mr. ALDRICH. In other words, the Senator thinks that the earlier policy was better, does he?

Mr. SPOONER. The policy of protection?

Mr. ALDRICH. No; I am speaking about the policy of allowing the Government of the United States to import its articles free of duty.

Mr. SPOONER. I think if the Government of the United States wanted an article which it could not obtain here at home and imported it from abroad there is no reason why it should pay duty on it.

Mr. BACON. Mr. President—

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

Mr. SPOONER. Yes.

Mr. BACON. Mr. President, I have been reluctant to interfere in this interesting debate between Senators both of whom are ardent protectionists; and I would not now but that I suppose the colloquy is about ended, and I want to call the Senator's attention back to the direct proposition out of which this debate grew.

If I understand the proposition of the Senator, it is that it is proper that the Government should receive 50 per cent reduction in its freight rates—for instance, as provided in this amendment—upon the ground that all the people get the benefit of it. That is, as I understand, the argument of the Senator. The thing I want to suggest to the Senator is this: The basis of the argument against any discrimination between individuals in freight rates is not that there is such an indisposition to have anybody benefited by such reduction, but because, when a railroad makes a reduction in favor of one man, if it is limited to the proper return upon its investment and for its work, it must make it up by overcharging somebody else. That is the basis upon which the rate legislation proceeded. The point to which I want to call the attention of the Senator is this: Nobody will pretend that when the Interstate Commerce Commission has fixed a rate at a reasonable profit for the railroads, the railroads can carry for the Government for 50 per cent of that rate without great loss to themselves in the transaction. Now, must it not necessarily follow that, if the Government puts this burden upon the railroad, by which it is subjected to loss in the

transportation of the Government's troops and munitions of war, as a consequence an excessive rate must be imposed on individuals in order to make up that loss, provided the railroad is compelled to carry at a reasonable rate.

Mr. McCUMBER. May I interrupt the Senator right there?

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

Mr. BACON. I have the floor by the courtesy of the Senator from Wisconsin [Mr. SPOONER].

Mr. McCUMBER. With the Senator's permission, I would ask who pays for this difference between the half rate and the full rate? The position of the Senator from Wisconsin is that the general public generally gets the benefit; but who pays the extra burden?

Mr. BACON. I was endeavoring, Mr. President—

Mr. McCUMBER. Let me ask the Senator this question: Is not the extra burden paid by everyone who ships freight over that particular line?

Mr. BACON. That is exactly what I was endeavoring to say; and I am very much obliged to the Senator from North Dakota for stating it more plainly than I had previously stated it. I had endeavored to say—and I will repeat it if I did not make myself clear—that necessarily if railroad rates are proper rates, and the railroads are carrying only at a legitimate profit, to carry at 50 per cent of that rate must necessarily subject the railroad to loss; and in order that it may still have a proper profit that loss must be made up by an overcharge on the general public, the people generally, who ship freight over the railroad. I will not interrupt the Senator from Wisconsin further on that point, because I desired to propound a question, not to argue it.

Mr. SPOONER. Well, Mr. President, everyone in the United States and everyone in the States derives the protection which the Government is intended to afford—protection to his property, protection to his liberty, and in one way and another, some more than others, pay their proportion to the support of the Government. What the Government would pay for the transportation of the troops, and munitions of war is, as related to the general transportation of the country, a mere bagatelle—I suppose an absolutely undiscoverable fraction of the business of the railway companies. But that is not quite it. The Government uses the Army for the people as a conservator of the peace. The Army oftentimes must be quickly sent from place to place, for no private purpose ever. There is no profit in it to the Government—none in the world. Its function is a public function always.

Sometimes the Army is sent to protect interstate commerce against violent interruption, which is in the interest of all the business of the people; sometimes it is required to prevent interruption of the United States mail, which is in the interest of all the people. It is the furthest removed from any private function, and no one can conceive of any profit to be derived to the Government from its transportation one way or the other, treating the Government as something distinct from the people, because, in the last analysis, the people, and all the people—those who patronize or utilize the railroads and those who do not—must pay the expenses of the Government. Sometimes it is to carry out the guaranty of the Constitution of a republican form of government in the States, and I sometimes think that the time will come, Mr. President, when that may become a very important provision of the Constitution.

I was led into this discussion by the contention that the Government, in this matter of transportation, is on the same basis, and intended to be on the same basis by law, as the individual shippers of the country, and I arose only to call attention to the fact that the principle which moved us to the enactment of the rate law was not at all applicable, Mr. President, to the transportation of Government property.

Mr. ALDRICH. Will the Senator permit a question?

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

Mr. SPOONER. Yes.

Mr. ALDRICH. The Senator is arguing with great force that we ought to treat the Government of the United States in this matter differently from what we treat shippers generally; and that really, as I understand the argument, it makes no difference whether the Government is charged one rate or another, that it bears finally upon the whole people as much in one case as it would in the other. Is that the Senator's argument?

Mr. SPOONER. Well, admit it.

Mr. ALDRICH. Why not have the Government of the United States pay the same rate as do the people of the country for the transportation of their property?

Mr. BEVERIDGE. We can not hear the Senator, and we are very much interested in the discussion.

Mr. ALDRICH. I say, why not have the Government of the United States pay the same rate for transporting its merchandise that the private shipper has to pay?

Mr. WARREN. But we are not doing it.

Mr. ALDRICH. Why not?

Mr. WARREN. Because the Government can not pay the same rates, under the law, owing to land-grant and bond-aided railroad differences.

Mr. ALDRICH. That is on account of another consideration entirely, where certain benefits have been given which are supposed to be in law equivalent to this reduction in rates. That is entirely a different thing from what we are now talking about.

Mr. WARREN. But even then these are partial and unequal rates. The roads that have paid in full their Government loans are entitled to the same treatment from the Government as are nonpaid-up roads. The condition is that now they are debarred when in competition with other roads because, having paid the full amount of their own indebtedness, they must charge 100 cents on the dollar, while the other roads that are still delinquent and have not paid up get the advantage of the 50 per cent—that is, the road that is allowed to quote the lowest rate commands the business. Therefore the necessity for this legislation.

Mr. ALDRICH. I think it would be the part of a great government, when it had required its citizens to pay rates which are the same to all, not to regard transactions which took place a century ago, but to pay for its transportation what I would be required to pay for my transportation and what every other man in the United States would be required to pay for his transportation.

Mr. SPOONER. The object of the rate law was mainly to prevent discriminations among citizens.

Mr. ALDRICH. But why discriminate between the citizen and the Government which imposes this limitation?

Mr. SPOONER. That begs the question. The Senator's theory is to punish the Government for the limitation.

Mr. ALDRICH. Not to punish it at all; but after having legislated promptly and properly on this subject it seems there is no principle in it, because it only means to punish the people.

Mr. SPOONER. Mr. President, it was found that all over the country the railroad companies were charging less to large concerns in the same community than they were to smaller and weaker concerns engaged in the same business and transporting to the same market. That was, Mr. President, an infamy perpetrated by a corporation which derived its right to exist and held its franchise from the public, coupled with the power of eminent domain for the benefit of the public.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. If the Senator will pardon me a moment, nothing could be worse, if the Senator and I were conducting in competition a business of the same kind in the same community, than for the railway company to give him a lesser rate for transporting carloads or train loads of his commodities to the same market than it gave me for transporting my commodities to that market.

Mr. ALDRICH. Why should not those same equitable considerations apply to the Government of the United States?

Mr. SPOONER. Because as between the Senator from Rhode Island and myself we are competitors. We are carrying on a business for profit, to make money out of it, and the Government of the United States in transporting its troops and its munitions of war is not a competitor with anyone, nor does it carry on that business for a profit.

Mr. ALDRICH. But having the power, the Senator from Wisconsin proposes that the Government of the United States shall say to the railroads of the United States: "You shall treat shippers equally, except the Government of the United States; but we intend to use our force, as the Government of the United States, to reduce your rate one-half, and that deficiency must be made up by charging the other shippers in the United States an additional rate."

Mr. SPOONER. That comes back, Mr. President, to the question with which I started, whether the Government and the individual shippers are upon the same basis or are to be considered from the same standpoint.

Mr. ALDRICH. Well, why should they not be in any court of conscience or equity of which we can conceive?

Mr. HEYBURN. If the Senator will allow me, I should like to suggest, in reply to the inquiry just made—

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

Mr. SPOONER. Oh, yes; I yield always.

Mr. HEYBURN. One answer to the question of the Senator

from Rhode Island is that the interstate-commerce law is a penal act, and the Government does not make penal acts to control its own action.

Mr. ALDRICH. Is that an equitable consideration?

Mr. HEYBURN. That is a lawful consideration, and we are a body that makes laws, and not rules of equity. The first clause of the interstate-commerce act, in referring to whom it shall apply, says, "the provisions of this act shall apply to any corporation or any person or persons engaged in the transportation," etc. It is a penal statute, and it is enforced only through the penal clause. How could you enforce it against the United States Government? The fines are payable to the Government. Can the Government pay a fine to itself for entering into a contract in violation of the provisions of this act?

Mr. ALDRICH. Suppose it is an equitable consideration the Senator is trying in the courts?

Mr. HEYBURN. I am not dealing with equitable considerations. With the permission of the Senator from Wisconsin, I desire to say that I opened this question by suggesting the propriety of including the Government within the provisions of the act, and I was dealing purely with the legal rights of the Government in view of the legislation as it is and not as it might have been or should have been.

Mr. SPOONER. This question will arise, Mr. President, if the Interstate Commerce Commission shall decide that the Government in the transportation for governmental purpose of troops and munitions of war is not subject to the restrictions of the interstate-commerce law, and I shall not be surprised if they so hold.

Now, one word further and I shall have finished. I suppose this provision is subject probably to a point of order, but I want to say this, and only this, that a Government which sends enlisted men, paid \$13 a month, for tours of duty in the Philippines, etc., and precludes them from a reduced rate of transportation for their families—and there are long periods during which they will be separated from their families and association with their families—is engaged, in my judgment, in very small business.

Mr. McCUMBER. Mr. President, I want to answer first the last proposition of the Senator from Wisconsin, in which he says if a soldier is compelled to go to the Philippines and we do not allow him to get reduced rates for his family—in other words, if we do not amend the solemn law which we enacted last year so as to make an exception to that particular class—it is pretty small business. This is the first time, Mr. President, that I have ever known the Senator from Wisconsin to crawl under a fence when he could step over it just as easily.

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

Mr. McCUMBER. Certainly.

Mr. SPOONER. Is this law any more solemn than all the other laws enacted by Congress?

Mr. McCUMBER. The point is this, Mr. President: If the Senator wants to provide that a soldier may take his family to the Philippines, why not do it by direct legislation?

Mr. SPOONER. I would vote for that.

Mr. McCUMBER. Why not simply provide funds sufficient to enable him to do so? Why do we not declare in this very bill that in every case where it is proper to take his family to the place where the soldier is located the cost of the transportation shall be paid by the Government, and that will dispose of that matter?

Mr. WARREN. The Senator of course knows—

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

Mr. McCUMBER. Certainly.

Mr. WARREN. The Senator of course knows that a proposition of that kind would be subject to a point of order on this bill, and any one Senator could stop it.

Mr. McCUMBER. It would be no more subject to a point of order, Mr. President, than is this provision.

Mr. WARREN. That is true; but it would be subject to the same kind of a point of order.

Mr. McCUMBER. It would be subject to the same kind of a point of order, but I do not believe in doing indirectly by the destruction of a principle that which we can do directly without interfering with any principle.

Mr. TILLMAN. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. TILLMAN. I rise to a parliamentary inquiry.

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

Mr. TILLMAN. It is whether there is a point of order now pending or whether it has been withdrawn?

Mr. McCUMBER. The point of order was suspended by general consent until this matter might be argued, for the very purpose of allowing the Senator in charge of the bill to show good cause, if any he had, why the point of order should not be insisted upon.

Mr. TILLMAN. I give notice that as soon as the Senator now occupying the floor has finished I shall renew the point of order and insist upon its being determined.

Mr. BEVERIDGE. I hope the Senator will not do that. Other Senators want to speak.

Mr. McCUMBER. All right. I can not speak for what the Senator may do afterwards. But just now I want to say to the Senator from Wisconsin [Mr. SPOONER] that his argument, so far as it relates to the transportation of Government goods, is based upon a faulty assumption in his premises, or, I should say, the incompleteness of his first premises. The Senator states, and rightfully states, that if we save \$500,000 the people get the benefit of that \$500,000, because they save that much which they would have to pay in taxation. That part is absolutely true, and that benefit goes to all the people. But the Senator leaves out the burden. He considers only the benefit to come to all the people and forgets the burden that is laid upon a class of people.

Just right here I want to make that perfectly clear. Suppose, for instance, Mr. President, the Government transports goods from New York to Chicago over the Baltimore and Ohio Railroad, the regular rate for which would amount in a year to a million dollars. The Government now gets the benefit of a half rate and saves \$500,000. The people, of course, have saved that \$500,000, and so far no harm would be done, provided it would balance on those two propositions alone. But do we stop there? The Baltimore and Ohio Railroad Company have two accounts—a passenger account and a freight account. They expect to make that freight account pay a sufficient amount to give a fair profit and remuneration for the carrying of freight between Chicago and New York. They lose by reason of the Government cutting them down \$500,000, do they not? They absolutely lose that which they do not get. If they have not got that \$500,000, which would come to them in the natural course of business during that year, they have then lost \$500,000. They have got to make up that \$500,000, if it is a loss, and they are not already making more than they ought to make.

From what source will they make it up? Not from the whole people. The people doing business on the Great Northern Railroad between St. Paul and Tacoma are not concerned in the loss of the people doing business on the line of the Baltimore and Ohio between New York and Chicago. Who does make it up? The merchants who ship their goods over the Baltimore and Ohio all along the line from New York to Chicago have got to make up the difference of \$500,000. So the burden has been placed upon a locality, upon the people doing business along a certain line, that the whole country may benefit to the extent that has to be made up by their losses. I think that is a fair statement of the proposition.

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

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

Mr. McCUMBER. Certainly.

Mr. SPOONER. Under the act of 1866 the Postmaster-General fixes the rates which the telegraph companies are permitted to charge for the transaction of Government business. They are about half the rates charged citizens of the United States for the transaction of their business; and every Senator has a frank which entitles him to send over the telegraph lines of the United States messages on Government business at half the rates which are charged citizens for the same number of words. Of course the citizens have to make that up, but I have never heard any complaint about that in the Senate, and I am not in favor of "drawing the line" on the enlisted men of the Army.

Mr. KNOX. Mr. President—

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

Mr. McCUMBER. I yield, Mr. President.

Mr. KNOX. I should like to add to what the Senator from Wisconsin [Mr. SPOONER] has said that in the agreement between the United States and the Pacific Cable Company, which permitted the Pacific cable to land its cable at Manila, running from San Francisco by way of Hawaii to Manila, and thence to Hongkong, there is a provision under which the Government of the United States shall have priority in the service over the lines of the Pacific cable at all times, and at a rate to be fixed



by the Postmaster-General of the United States without regard to the commercial rate.

Mr. McCUMBER. There was a special grant there, Mr. President, a special consideration, a special benefit, to be obtained from the Government of the United States.

Mr. KNOX. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. KNOX. If the Senator will permit me just a word, there was no such grant in respect to the Pacific cable at all. There was nothing that it got from the Government of the United States. It started from the State of California and it landed at Hawaii and at Manila, occupying no property of the Government at all, merely making a physical contact with property which was under the dominion of the United States.

As to the act of 1866, to which the Senator from Wisconsin refers, the only privilege which a telegraph company has in respect to crossing Government territory is the right to use certain materials for the construction of foundations for telegraph poles and to build telegraph poles on Government land.

Mr. BACON. Will the Senator from North Dakota pardon me for a moment?

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

Mr. McCUMBER. Certainly.

Mr. BACON. The Senator from Pennsylvania overlooked a very important concession which the telegraph companies enjoy, and that is the right to construct telegraph lines along all the post-roads of the United States, and all railroads carrying United States mails are in the same act declared to be post-roads.

Mr. KNOX. That has exclusive reference to inland telegraph lines?

Mr. BACON. Yes.

Mr. KNOX. It has no reference at all to the Pacific cable.

Mr. BACON. Not to that. I was speaking only of inland telegraph lines.

Mr. McCUMBER. The proposition which I made to the Senator from Wisconsin has not been answered, and, in my opinion, it can not be answered, because everyone must see that the burden would be upon the people of a particular locality. That is not equally true in the matter of the telegraph service, which is distributed over the entire United States, and possibly one line may be used as much as another. It must also be borne in mind that we have only two or three telegraph companies in the United States, and so the burden would fall practically equally over the entire country.

But, Mr. President, what I maintain is that if by giving the Government special privileges, by giving it certain benefits, any particular segregated portion of the people of the United States must pay for those benefits, then we ought not to grant them. If it is so distributed that it is general over the entire United States, it makes not so much difference.

Mr. ALDRICH rose.

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

Mr. McCUMBER. I yield.

Mr. ALDRICH. I was about to ask the Senator from Pennsylvania [Mr. Knox] a question—not the Senator from North Dakota.

Mr. McCUMBER. I yield to the Senator from Rhode Island.

Mr. ALDRICH. The question I desire to ask the Senator from Pennsylvania is this: The difference in rates between different shippers prior to the adoption of the so-called "Elkins law"—and I have heard some intimations that even since that time—was not so great as the difference he is now calling attention to between the rates paid by the United States and those paid by private people for the use of the cable in a private way. It was the purpose of the Elkins Act and of the act which we passed last year to equalize the charges for transportation to the shippers of the United States, and it comes with very ill grace, I think, from the Congress to ask that this great Government be treated in a different way from that in which its citizens are treated and that the rate which it shall be charged, not by suggestion, but practically by force, shall be half those charged to the people who patronize those roads, who are all the people of the United States, because they are all interested.

I suggest to the Senator from Pennsylvania that the case of a cable, laid under certain conditions and restrictions imposed by the Government of the United States as to its own service, is hardly an analogous case to that which we now have under discussion, where the Government itself has enforced upon all of its citizens an equality of rates for transportation and where the Government is the first to violate this principle, and is now

asking that the rates perforce shall be reduced one-half to this Government for the same kind of transportation that citizens are required to pay for in full.

Mr. TILLMAN. In accordance with my notice that I should insist on the point of order—

Mr. BEVERIDGE. Unless the Senator from South Carolina is especially anxious to make his point of order immediately, I should like, with the Senator's courteous permission, to occupy two or three minutes. I want the point of order settled. I do not desire to speak for more than a minute or two.

Mr. TILLMAN. I will yield to that Senator, but to no other, until the point of order is determined.

Mr. BEVERIDGE. Before the Senator yields I will say—

The VICE-PRESIDENT. The Chair will recognize the Senator from South Carolina as soon as the Senator from Indiana concludes.

Mr. BEVERIDGE. I was about to say to the Senator before he yields for this purpose that what I shall say is not an argument upon the direct point of order, but on an important statement made in the course of this debate. If the Senator from South Carolina feels that he should insist upon the point of order now, all right.

Mr. TILLMAN. I am entirely willing to yield to the Senator, in order to give him an opportunity to make the remarks he wishes to make. I do not want to be discourteous at all.

Mr. BEVERIDGE. I thank the Senator. As I said, I shall not detain the Senate more than a moment, and in that moment I shall not speak upon the point of order which has been argued, but upon a statement made, not once, but reiterated by the Senator from Wisconsin [Mr. SPOONER], in the course of his remarkably brilliant debate upon this question, where he touched, not only on this point of order, but made statements of importance upon other questions—upon the tariff, upon the nature of our Government, and, in general, upon the philosophy of our constitution as a nation.

The Senator from Wisconsin in the course of his remarks said with great emphasis, as Senators will remember, that there was no such thing as commerce of the United States, that it was commerce of the States; and when I asked the Senator the question whether it might not more properly be called the commerce of the people, the Senator did correct himself for a moment, but later on returned and again said there is no such thing as commerce of the United States—that it is the commerce of the States.

Mr. President, this remark taken alone might not require either time or attention for reply, but as a part of a general—I will not say movement—but a general activity in reading into the Constitution the philosophy of the Articles of Confederation, it perhaps at least does challenge some, if not more than a moment's attention. For, Mr. President, it is not true either in law or in fact that the commerce of this country is the commerce of the States. It is true both in law and in fact that it is the commerce of the people.

When a merchant in the city of New York consigns his goods to a person living on the Pacific slope it is not the State of New York sending those goods to California, nor even a citizen of New York shipping those goods to a citizen of California. It is a citizen of the United States shipping those goods to another citizen of the United States; and throughout the entire 4,000 miles of its transit it is not for one single instant under the control or the jurisdiction of the States so far as commerce is concerned. It is the commerce of the country, which makes the life of the country and the strength of the nation. So when the Senator said there is no commerce except the commerce of the States it was a statement which is not correct, either as a matter of law or as a matter of fact.

Mr. President, I should have passed that with the Senator's admission that he was wrong, but later on, perhaps five minutes later, the Senator again asserted that there was no such thing as commerce of the United States. I hold in my hand a publication with which every Senator is familiar, the Monthly Summary of the Commerce and Finance of the United States. I find that all the figures are made with reference to the commerce of the nation. No importations by any citizen of this country come in through the ports of a State, so far as ports of entry are concerned. They come in through the ports of the nation. All of our foreign commerce is the commerce of the citizens, not of the State, but of the citizens of the nation, and is so treated not only in law but in fact.

And what is true of the foreign commerce of the United States, as set out in the Government's publication, issued by authority and by direction of the Congress of the United States, is true of its domestic commerce. In these pages [exhibiting] are set out not only the figures with reference to the foreign commerce of the country, but of its domestic trade as well. And it is all

treated not as the commerce of a State with another State, not even as the commerce of a citizen of Illinois with a citizen of Georgia, but as the commerce of a citizen of the United States with another citizen of the United States, utterly regardless of State lines.

Mr. President, when a thing becomes commerce and passes the lines of a State, the States, for the purposes of that commerce, absolutely cease to exist. They do not exist so far as that commerce is concerned, just as the nation does not exist so far as commerce exclusively within a State is concerned. In support of that I will read two sentences from a jurist and a judge who afterwards became one of the very greatest of the justices of the Supreme Court of the nation:

In this matter—

That is, he is speaking of the matter of commerce, which the Senator from Wisconsin says is the commerce of the States—

In this matter—

Says Mr. Justice Bradley in *Stockton v. Baltimore and New York Railroad Company* (32 Fed Rep., on p. 17)—

In this matter—

That is, in commerce—

the country is one and the work to be accomplished is national, and State interests, State jealousies, and State prejudices do not require to be consulted.

I call especial attention to this last sentence, which I shall now read. It is a sentence which rings with vigor and eloquence, as did many of the great passages from the great Chief Justice Marshall:

In matters of foreign and interstate commerce there are no States.

Mr. President, neither I nor many here who believe with me have felt it was necessary at any time during many of the assertions that have occurred during this session—during this recrudescence of the philosophy of the Articles of Confederation, this constant assertion that the States were the things that had to deal with commerce—to notice them before, because we have been busy, and the days speed by.

But finally this assertion, made so repeatedly, does command attention. But, even now, it requires no more than to quote the words of one of the most learned justices who ever sat upon the Supreme Bench of the Republic. I assert what everybody will say is a truism, but which after all is increasingly denied, that this country in matters of commerce is one country and not forty-seven countries. It is one people dealing among themselves, and not forty-seven peoples dealing with one another. They live under one flag and not under forty-seven flags.

So, Mr. President, as a matter of fact, as proved by this volume of figures, and as a matter of law, as proved by this decision and many others, the Senator from Wisconsin, I submit, was in error when he said that the commerce of this country is the commerce not of the United States, but of the States.

Mr. SPOONER. Mr. President—

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

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. I will not interrupt the Senator.

Mr. BEVERIDGE. Go ahead.

Mr. SPOONER. I rose to ask the Senator a question.

Mr. BEVERIDGE. I yield.

Mr. SPOONER. From what decision was the Senator reading? I was out of the Chamber.

Mr. BEVERIDGE. I read from *Stockton v. Baltimore and N. Y. R. Co.*, 32 Federal Reporter, page 17, the opinion by Mr. Justice Bradley, who subsequently was on the bench of the Supreme Court.

Mr. SPOONER. What does it hold?

Mr. BEVERIDGE. I will read it again. It will take but a second. I will not detain the Senator from South Carolina [Mr. TILLMAN].

Mr. SPOONER. I am not the Senator from South Carolina.

Mr. BEVERIDGE. I know; but the Senator from South Carolina is impatient to make his point of order.

Mr. SPOONER (to Mr. TILLMAN). Do you want to say something?

Mr. TILLMAN. I gave notice, when the Senator from Wisconsin was out of the Chamber, that as soon as the Senator from Indiana had finished—

Mr. BEVERIDGE. I will take but a moment.

Mr. TILLMAN. I should insist upon the point of order being ruled on. Of course I do not want the Senator from Wisconsin to be cut off from this interesting intellectual discussion that is going on between these two great constitutional lawyers.

Mr. BEVERIDGE. Mr. Justice Bradley said:

In this matter—

I was replying, if I may be permitted to observe, to the Senator from Wisconsin, to his statement, which was repeated two or three times, about as follows: "Talk about the commerce of the United States," said the Senator; "there is no such thing. It is the commerce of the States." And then, when I asked him if it might not more properly be considered the commerce of the people, he replied: "Of course that is axiomatic;" and I let it go at that. Later on the Senator returned to the charge and said: "There is no such thing as commerce of the United States." I was attempting to show that in that statement the Senator was, which is very unusual—almost unprecedented, in fact—in error. Now the Senator asks for the quotation from the decision. Mr. Justice Bradley says:

In this matter—

That is, in the matter of commerce which the Senator says is the commerce of the States—

the country is one and the work to be accomplished is national, and State interests, State jealousies, and State prejudices do not require to be consulted.

And this is the crowning sentence:

In matters of foreign and interstate commerce there are no States.

Mr. SPOONER. I have no occasion whatever to quarrel, if I had the temerity to do so, with that statement made by Mr. Justice Bradley, which I think the Senator from Indiana [Mr. BEVERIDGE] has read accurately and failed to understand. The Supreme Court of the United States had said before that that in regulating commerce among the States there were no State lines. That is to say, Congress could not regulate commerce among the States if it were stopped at State lines. There is such a thing as commerce among the States.

Mr. BEVERIDGE. Yes. Commerce of the people among the States.

Mr. SPOONER. There is such a thing as commerce of the States, because the Constitution gives to Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." I have never consciously played at all upon words. The Senator from Indiana asked me to draw the distinction, from the standpoint from which I was speaking, between the States and the people. I said it was axiomatic that the foundation of the States was the people. They ordained the State governments. They could destroy—

Mr. BEVERIDGE. And they ordained the National Government.

Mr. SPOONER. No.

Mr. BEVERIDGE. Yes.

Mr. SPOONER. Well, Mr. President, sub modo; that is academic—

Mr. BEVERIDGE. Will the Senator pardon me?

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

Mr. SPOONER. Of course.

Mr. BEVERIDGE. I ask this question: Does the Senator say the people ordained the States, but that they did not ordain the Constitution of the United States?

Mr. SPOONER. In a way they did, and in a way they did not.

Mr. BEVERIDGE. Will the Senator permit an interruption?

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. The Constitution, in the preamble, says:

"We, the people," etc., "do ordain."

Mr. SPOONER. Yes.

Mr. BEVERIDGE. That Constitution was adopted at the polls by the votes of the people and not in conventions by the States.

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. That establishment of the Constitution by the people, both the preamble to the Constitution and in actual voting at the polls, is declared to have been the ordination of the Constitution by the people and not the States, in those exact words by Chief Justice Marshall in *Gibbons v. Ogden* and again in *McCulloch v. Maryland*. So when the Senator says the people did ordain the government of the States and did not ordain the Government of the United States, I merely call his attention to those facts.

Mr. SPOONER. The people have ordained everything in this country.

Mr. BEVERIDGE. I am glad to hear the Senator say it.

Mr. SPOONER. They ordained the States. They created them. They ordained, of course, the Constitution and the Federal Government. In the last analysis the whole foundation of the Government is the people.

Mr. BEVERIDGE. Yes; and very nearly in the first analysis.

Mr. SPOONER. Of course the State government or the Federal Government is really an agency, an instrumentality, of the

people. But the people are banded into States, and the States are technically and really the constituent elements of the Union. The States as States are represented in the Senate.

Mr. BEVERIDGE. They are.

Mr. SPOONER. Not the people. Delaware has as many Senators in this body as has Indiana or New York.

Mr. BEVERIDGE. Will the Senator permit an interruption here? I shall not interrupt him very much.

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. I not only concede but assert as strongly as the Senator can that the people ordained the States. The State rests on the people. But I ask the Senator to admit and assert as warmly as I do that the people also directly ordained the United States Constitution, and it rests directly upon them, and that is as much an agency of the people as the States are agencies of the people.

Mr. SPOONER. Yes; but an amendment to the Constitution of the United States is not submitted to the people. It is submitted to the legislatures of the States, and the relation of the people of the States to the Federal Government is conducted, in our form of Government, through the States.

Mr. BEVERIDGE. Part of it.

Mr. SPOONER. Well, mainly. I do not know what the Senator and I are discussing. I think we agree upon everything.

Mr. BEVERIDGE. I think we are agreed upon these fundamental things; but I will tell the Senator what I was discussing. I was attempting to show, after the Senator had retired from the Chamber—I wish he had been here; I did not take very long—

Mr. SPOONER. The Senator did not notify me that he was going to speak.

Mr. BEVERIDGE. No; nor would I. I did not want to interrupt the Senator during his debate.

Mr. SPOONER. The Senator did.

Mr. BEVERIDGE. I asked a question, but I did not want to interrupt the thread of his argument just at that time, which was very vivid and entertaining.

Mr. SPOONER. I thank the Senator for his sarcasm.

Mr. BEVERIDGE. I say that very sincerely and very earnestly. I seldom indulge in sarcasm or anything else except what I mean. I rose to say that the Senator's statement that there is no such thing as the commerce of the United States, that it is the commerce of the States, was not accurate either as a matter of law or as a matter of fact.

Mr. SPOONER. From the standpoint of the Constitution of the United States and the clause in it which gives the Congress the power to regulate commerce, it is absolutely accurate.

Mr. BEVERIDGE. In reply to that, I will state that the Constitution says that Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," and not commerce with the States. And just that distinction that is drawn between those two words—the word "of" which the Senator uses and the word "among" which the Constitution employs and I quote—is the vital distinction between the Articles of Confederation and the Constitution, so far as commerce is concerned.

Mr. SPOONER. I think I understand the history of the Constitution.

Mr. TILLMAN. I desire to ask the Senator from North Dakota now if he is going to ask for a ruling on the point of order. If not, I shall ask for it.

The VICE-PRESIDENT. The Chair is ready to rule upon the point of order, if it is interposed. Does the Senator from North Dakota renew the point of order?

Mr. McCUMBER. I renew the same point of order and, of course, to that portion of the amendment which I have already designated.

The VICE-PRESIDENT. The Secretary will again report the portion of the amendment to which the point of order is addressed.

The SECRETARY. On page 39, beginning with line 10, where it starts "Provided further," and ending with the word "rates," in line 19.

The VICE-PRESIDENT. The Chair is clearly of opinion that the portion of the amendment to which the point of order is addressed is an effort to amend the interstate-commerce law, a general law, and is therefore repugnant to the rule which provides that no amendment which proposes general legislation shall be received to a general appropriation bill. The point of order is therefore sustained.

Mr. TILLMAN. Unless the Senator in charge of the bill can explain—

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

Mr. TILLMAN. I wish to call the attention of the Senator

in charge of the bill to it and to ask him to explain what is meant by it. I note here that it says, "that leaves to be absent from the Philippine Islands, other than to return to the United States." I should like to know what that means. To what part of the world would leaves to be absent, for officers, apply if it were not to come home?

Mr. WARREN. They might want to go in the other direction—to go around the world.

Mr. TILLMAN. That might be; but they would either come home by the east or the west—either through the Isthmus of Suez or across the Pacific. I want to know if this is intended to send officers on junketing tours around in Asia or somewhere else. It is the latter part of this amendment, from line 19, on page 39, to the top of the next page, page 40. I do not understand it, and the Senator can probably explain very clearly what is intended to be accomplished by it.

Mr. WARREN. I will be glad to do so when the Senator is through.

Mr. TILLMAN. I am through.

Mr. WARREN. The officers of the Army are entitled to leaves of absence the same as civilian employees and others. It is for thirty days in a year. After we had placed a part of our Army in the Philippines it was perfectly obvious that an officer in the Philippines would be unable to use his leave of absence of thirty days to come home to the United States to visit his family, he being in most cases unable to take his wife and children with him. Therefore the leaves were made cumulative, so that an officer serving in a foreign place could let his leave accumulate until he might have sixty or ninety days in the course of three years, we will say. An officer to-day may be in Zamboanga, another in Manila, perhaps another in Jolo. They desire leave of absence, and they are entitled to it. They are at these remote places because they have been ordered there. With the modes of transportation that we have between those points and Manila, which is the common point from which all our transports sail to the United States, it takes one, two, or three weeks to get from those lower points to Manila, and on return to get back. So a man starting from Zamboanga on leave of absence for ninety days would really get less than sixty, while the man starting from Manila would get his full time. It is simply to equalize it.

Mr. TILLMAN. It is to equalize travel in the islands?

Mr. WARREN. That is all.

Mr. TILLMAN. From Mindanao and Luzon?

Mr. WARREN. That is all.

Mr. TILLMAN. Now I understand it.

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

The amendment was agreed to.

Mr. OVERMAN. I offer the amendment which I send forward, to be inserted at the end of the bill.

The VICE-PRESIDENT. The Senator from North Carolina proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert at the end of the bill:

That a statue of Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County.

That to pay for the construction, erection, and completion of said statue, and the preparation of a site for the same, the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

That the site for said statue, within the limits of said battlefield of Guilford Court House, shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the site so selected shall be conveyed free of cost to the United States, and there shall be provided for the public use an open highway thereto.

Mr. GALLINGER. Mr. President, I rose to suggest that if that amendment is a serious amendment, I have one to offer on behalf of the erection of a statue to General Stark. I apprehend the Senator does not seriously think that that amendment will go in the bill.

Mr. OVERMAN. If the Senator objects to it, it will not, I suppose.

Mr. GALLINGER. I make the point of order against it, Mr. President.

Mr. OVERMAN. It is an amendment that passed the Senate in the form of a bill. The bill was introduced by the Senator from Rhode Island [Mr. Wetmore], and was reported here, and passed the Senate. It was before the committee, and the committee made no objection to it, and said they would make no objection if I introduced it here.

Mr. GALLINGER. I will say to the Senator that a bill for the erection of a statue to General Stark on the banks of the Merrimac, in New Hampshire, has passed the Senate three times.

The VICE-PRESIDENT. The Chair is of opinion that the

proposed amendment is out of order and therefore sustains the point of order.

Mr. DICK. I desire to offer an amendment, to come in on page 52 of the bill, after line 10.

The SECRETARY. On page 52, after line 10, insert:

For marking the places where American soldiers fell and were temporarily interred in Cuba and China, \$4,000, said sum to be immediately available.

The amendment was agreed to.

Mr. FOSTER. I offer an amendment to come in at the end of the bill.

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

That the sum of \$25,000 be, and the same is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the completion of a monument to the memory of the soldiers who fell in the battle of New Orleans in the war of 1812, said monument to be completed under the direction and approval of the Secretary of War: *Provided*, That the State of Louisiana shall cede and transfer its jurisdiction to the property on which said monument is to be completed in accordance with the provisions of act No. 41 of the legislature of that State, approved July 19, 1902: *Provided further*, That when said monument is completed the responsibility of maintaining the same and keeping the grounds surrounding it shall remain with the United Daughters of 1776 and 1812, free of any expense or responsibility on the part of the Government of the United States.

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

The amendment was agreed to.

Mr. DICK. On page 21, after line 7, I move to insert what I send to the desk.

The SECRETARY. After line 7 on page 21 it is proposed to insert:

On and after July 1, 1907, the minimum pay of all officers, non-commissioned officers, and enlisted men of the Army be, and the same is hereby, increased 20 per cent over and above that now provided by law: *Provided*, That section 1267, Revised Statutes, be, and the same is hereby, repealed, and for the payment of such increase \$5,504,853.84 is hereby appropriated.

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

Mr. HALE. Mr. President, it is not, I suppose, to any Senator an agreeable thing to interpose a point of order to an amendment that affects so many worthy people and which would carry to so many people and to so many households additional income and additional comfort. But we ought not, on an appropriation bill, without discussion and without deliberation, to consent to an amendment of this kind. If the amendment should pass without a point of order being made, I should certainly feel constrained to put the Navy and all other branches of the Government that are military or quasi military upon the same basis, to say nothing of the civilian branches. The Revenue Marine Service, the Life-Saving Service, the men who are leading lives that are in peril every hour of the day, ought not to be left out. I think the Senate ought not to adopt a measure of this kind without full consideration.

I understand that the Senator from North Dakota [Mr. McCUMBER] has introduced a bill which has been referred to some proper committee, providing for an investigation and a report as to the branches of the Government to be affected by a rearrangement of salaries. Whenever this is done, the Army ought not to be selected as the one beneficiary, nor the Navy, nor the Revenue Marine, nor the Life-Saving Service, nor the postal service, nor any one branch.

Under this consideration, Mr. President, while it is not, as I have said, an agreeable thing to do, I am constrained to make the point of order that the amendment is, under Rule XVI, an amendment increasing an appropriation, not estimated for, and not reported by any committee.

Mr. DICK. Mr. President, it certainly was not expected when the amendment was offered to the Senate that a vote would be had upon it without a full and fair discussion of the question as to whether the conditions merited this increase of pay to the Army. Certainly, it is utterly impossible to submit an amendment to the bill which will affect alike the Navy and other branches of the service. I quite agree with the Senator from Maine that if the increase is made in the Army pay the same increase ought finally to obtain and apply in other branches of the Government.

The increase is not a large percentage, being 20 per cent, over pay that was fixed over thirty-six years ago, the last Army pay having been fixed by Congressional action in July, 1870. It is well understood by Senators that the increased cost of living in that period is much greater than the proposed increase of pay would cover. It is also generally understood that there is better pay and higher pay in every line of occupation, in every branch of every profession, in this country than obtained in 1870.

The Senate is also familiar with the fact that largely increased expenses are entailed by reason of new conditions

which have obtained since the war with Spain in 1898. Frequent and unexpected transfers are made to various posts not only within the country, but in the island possessions, until it is a well-understood fact among Army officers and those who have interested themselves sufficiently to make inquiry into the matter that only the higher grades in Army service secure more than is fairly sufficient to meet the absolutely necessary expenses, if quite that.

Service in the Tropics has added to the expense not only as to clothing and uniform, but as to the cost of living and the cost of the education of the children of officers. Then there are increased premiums of insurance and other items which go to make up the total cost of living and increase it beyond the point at any earlier period.

This increase of pay ought to work a much better class of enlistments than we have been able to get under the low pay which now obtains. I have no doubt if adopted the percentage of desertions, which are already very large, 7 per cent during the last year, I am informed, and which is a percentage above that which obtained before, would be greatly reduced, in that it would offer an inducement for the retention of men in the service who are desirable as soldiers and who by reason of the greater contentment resulting from increased pay would feel an inclination to continue their service in the Army.

The amendment applies alike to officers and to enlisted men. It is so late in the session that I assume it would be a very difficult task to make a readjustment on equalization of pay. I am not sure that it is fairly equalized; I am not sure but that it is fairly equalized. It is fair to presume that in the adjustment of pay during all the legislation which has obtained in more than a century of time in the creation and development of our Army conditions have been understood and reasons sufficient have been given or presented which make the pay of the highest officers seem to us more than adequate, when perhaps it is not. I think it is universally conceded that the pay of enlisted men is too low, and that of all the lower grades of noncommissioned and commissioned officers the pay is too low. I would rather that some few of the highly paid officers should receive perhaps even more than might seem to all a sufficiency than that those of the lower grades should not receive what is fairly just and their merited due.

We are spending a great deal of money in many branches of the service, and I know of no appropriation which pays better for the security and the insurance to life and property than that which is appropriated for the common defense of the country and the enforcement of the nation's laws. Nor do I begrudge any soldier his pay, however much it may be, so long as he performs that service honorably, loyally, and patriotically.

I shall regret very much, Mr. President, if we may not at the end of the discussion of this proposition secure consent to have this question voted upon by the Senate and a fair test of its strength made possible here.

Mr. WARREN. Mr. President, I think I appreciate the feelings of my good friend from Maine [Mr. HALE] in performing what he considers are his duties here, as he always unquestionably does even when such duty may be repugnant to generous impulses.

The VICE-PRESIDENT. The Chair is prepared to rule upon the point of order.

Mr. WARREN. I would prefer to have a moment before the Chair makes the ruling if the point of order is not pressed.

The VICE-PRESIDENT. Does the Senator from Maine withhold his point of order?

Mr. WARREN. Will the Senator withhold it for a moment?

Mr. HALE. Certainly; I withhold the point of order.

The VICE-PRESIDENT. The Senator from Wyoming will proceed.

Mr. WARREN. We recognize that the Senator from Maine is a senior on this side of the Chamber; that he is a veteran in all legislative matters, especially in matters of appropriations. He naturally guards jealously the rights of the Senate, the conditions of each appropriation bill, and, putting the matter upon strictly parliamentary grounds, I must confess that perhaps I erred in not immediately making a point of order.

We all understand that a question of this kind is a large one to put on at a late hour in an appropriation bill; that we should have time for debate. But the equities in the case appealed to me so strongly that I wished some expression of opinion upon it, and so refrained from making a point of order.

It is true that there are those other than Army people who need an advance in salary. I have listened with interest to the debate on one of the angles, if I may call it an angle, of the difficult questions we have had up in debate the last day or two in connection with this bill, where expressions have been brought out by nearly all the Senators who have referred to it,

and it seems to be unanimously admitted that certain men, if not all, in the Army are underpaid. I did not plainly hear the reading of the terms, but as I understood the amendment, it covers not only the Army, but the Navy and the Marine Corps, which is a part of the Navy, and the Revenue-Cutter Service.

Now, as to the Army itself, we have in the past decade indirectly cut down the salaries of officers and men. Formerly the Army was moved less frequently, it was moved short distances, and the expenses incident to such removals were very slight. We had a style and supply of uniform that cost about one-third, in the first place, and not much more than one-half in annual expense of what the uniform of the officers costs them to-day. They have suffered the same as have all the employees, by the rise of the commodities of life that they have had to purchase.

Mr. President, if we were all of the same opinion and there were no objections, we would waive the point of order and consent to this increase.

But I can not contend, and am not going to contend for a moment that a point of order can not be made, or, indeed, from a parliamentary standpoint that it ought not to be made.

But I want to make an appeal to the Senate. I believe I have a right to expect the Senator who makes the point of order to be willing to admit that this is a pressing question, and one that must very soon come up and be treated with, and I hope liberally. As to the sum total of cost, possibly in the way of information, we ought to have something of record, and unless there is objection I will ask that this paper which I send to the desk may be inserted in the RECORD, so as to show what the cost will be to the United States if the increase is made. It is not as large as many people think.

The VICE-PRESIDENT. Without objection, the matter will be inserted in the RECORD.

The matter referred to is as follows:

Increase required to pay 20 per cent additional to Army, Navy, and Marine Corps, as proposed by the Capron bill:

Army	\$5,667,260.29
Navy and Marine Corps	2,294,721.00
Revenue-Cutter Service	121,155.50
<b>Total</b>	<b>8,083,136.79</b>

NAVY DEPARTMENT,  
Washington, January 29, 1907.

DEAR SIR: In compliance with the request contained in your letter of the 23d instant, addressed to the Paymaster-General of the Navy, I inclose herewith an estimate prepared by that officer showing the amount of money that will be required for the proposed increase pay for the Navy and Marine Corps under the provisions of H. R. 21400.

Very truly yours,

V. H. METCALF, *Secretary*.

HON. A. B. CAPRON,  
*House of Representatives*.

ESTIMATED INCREASE TO PAY OF NAVY AND OF MARINE CORPS CARRIED BY CAPRON BILL, \$2,294,721.

	Increase.
Pay of officers on active list (includes pay clerks, mates, and warrant officers)	\$1,670,618
983 midshipmen under instruction	98,300
Extra pay of 168 retired officers performing active duty	106,040
<b>Total increase for the Navy</b>	<b>1,875,558</b>
Pay of officers of the Marine Corps	118,752
20 per cent increase enlisted men Marine Corps	300,411
<b>Total increase for Marine Corps</b>	<b>419,163</b>
<b>Total pay of the Navy for current year (Book of Estimates)</b>	<b>23,643,117</b>
<b>The above increase for Navy</b>	<b>1,875,558</b>
<b>Total pay of the Navy as increased by Capron bill</b>	<b>25,518,675</b>
<b>Total pay of Marine Corps for current year (Book of Estimates)</b>	<b>3,268,986</b>
<b>The above increase for Marine Corps</b>	<b>419,163</b>
<b>Total pay of Marine Corps as increased by Capron bill</b>	<b>3,688,149</b>

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, January 24, 1907.

HON. A. B. CAPRON,  
*House of Representatives, Washington, D. C.*

Sir: Replying to your letter of the 23d instant requesting to be furnished with a statement showing the amount of money that will be required for the increase of pay contemplated in H. R. 21400 as it affects the Revenue-Cutter Service, I have the honor to state the same to be as follows: \$121,155.50.

I suggest a few changes in the wording of the bill. "Revenue-Marine Service" should be changed to "Revenue-Cutter Service" in the title and in line 5, page 1, and in line 19, page 3. These changes will comply with the law in respect to the proper designation of the Service.

In line 13, page 3, after the word "Academy," there should be inserted "and cadets of the line of the Revenue-Cutter Service." Our

cadets now receive the same compensation as cadets of the Military Academy.

In line 15, page 3, after the word "clerks," there should be inserted "of the Navy;" so that the provision will have no reference to these officers in the Revenue-Cutter Service, who are not of the same rank as warrant officers and mates of the Navy. I return the bill containing the changes I have suggested.

Respectfully,

J. B. REYNOLDS,  
*Acting Secretary.*

WAR DEPARTMENT,  
OFFICE OF THE PAYMASTER-GENERAL,  
Washington, January 28, 1907.

HON. A. B. CAPRON,  
*House of Representatives.*

SIR: In reply to your request of the 23d instant, I have the honor to inclose herewith an estimate in detail, showing that \$5,667,260.29 will be the additional amount of money required for the proposed 20 per cent increase in the pay of the Army under bill introduced by you December 6, 1906 (H. R. 21400), to regulate and equalize the pay of officers of the Army, Navy, Marine Corps, and the Revenue-Marine Service.

Respectfully,

C. C. SNIFFEN,  
*Paymaster-General, United States Army.*

	Present pay of the Army.	Proposed increase of 20 per cent under H. R. 21400, 59th Congress, 2d session.	Amount required for pay of the Army, including 20 per cent increase.
Line officers	\$5,368,100.00	\$1,073,620.00	\$6,441,720.00
Longevity of	1,075,000.00	215,000.00	1,290,000.00
Enlisted men:			
Line	9,424,442.25	1,881,888.45	11,306,330.70
Longevity of	1,200,000.00	240,000.00	1,440,000.00
Engineers	269,604.00	53,920.80	323,524.80
Longevity of	33,000.00	6,600.00	39,600.00
Ordnance	174,372.00	34,874.40	209,246.40
Longevity of	46,000.00	9,200.00	55,200.00
Quartermasters	81,600.00	16,320.00	97,920.00
Longevity of	15,000.00	3,000.00	18,000.00
Subsistence	81,600.00	16,320.00	97,920.00
Longevity of	16,000.00	3,200.00	19,200.00
Electricians A. C.	63,300.00	12,660.00	75,960.00
Longevity of	6,000.00	1,200.00	7,200.00
Signal	344,448.00	68,889.60	413,337.60
Longevity of	28,000.00	5,600.00	33,600.00
Hospital	783,360.00	156,672.00	940,032.00
Longevity of	87,000.00	17,400.00	104,400.00
Artillery increase:			
Officers	188,100.00	37,620.00	225,720.00
Longevity of	73,730.00	14,746.00	88,476.00
Enlisted men	909,204.00	181,840.80	1,091,044.80
Staff Corps officers	76,500.00	15,300.00	91,800.00
Longevity of	24,000.00	4,800.00	28,800.00
Inspector-General's Department	50,500.00	10,100.00	60,600.00
Longevity of	16,000.00	3,200.00	19,200.00
Corps of Engineers, engineers	387,800.00	77,560.00	465,360.00
Longevity of	90,000.00	18,000.00	108,000.00
Ordnance Department	191,000.00	38,200.00	229,200.00
Longevity of	37,500.00	7,500.00	45,000.00
Quartermaster's Department	223,500.00	44,700.00	268,200.00
Longevity of	59,000.00	11,800.00	70,800.00
Subsistence Department	104,500.00	20,900.00	125,400.00
Longevity of	28,000.00	5,600.00	33,600.00
Medical Department	679,000.00	135,800.00	814,800.00
Longevity of	92,000.00	18,400.00	110,400.00
Pay Department	128,000.00	25,600.00	153,600.00
Longevity of	26,000.00	5,200.00	31,200.00
Judge-Advocate Department	40,000.00	8,000.00	48,000.00
Longevity of	7,000.00	1,400.00	8,400.00
Chief Bureau of Insular Affairs	5,500.00	1,100.00	6,600.00
Signal Corps	94,800.00	18,960.00	113,760.00
Longevity of	19,000.00	3,800.00	22,800.00
<i>Miscellaneous.</i>			
Retired officers	2,300,000.00	460,000.00	2,760,000.00
Longevity of	392,000.00	78,400.00	470,400.00
Retired enlisted men	900,000.00	180,000.00	1,080,000.00
Foreign service:			
Enlisted men	575,000.00	115,000.00	690,000.00
Officers	210,000.00	42,000.00	252,000.00
<i>Porto Rico Regiment.</i>			
Officers	47,800.00	9,560.00	57,360.00
Longevity of	6,500.00	1,300.00	7,800.00
Enlisted men	94,800.00	18,960.00	113,760.00
Longevity of	15,000.00	3,000.00	18,000.00
<i>Philippine Scouts.</i>			
Officers	178,300.00	35,660.00	213,960.00
Longevity of	34,720.00	6,944.00	41,664.00
Enlisted men	297,131.20	59,426.24	356,557.44
Veterinarians	58,500.00	11,700.00	70,200.00
Longevity of	6,000.00	1,200.00	7,200.00
<i>Military Academy.</i>			
Professors, chaplain, and master of sword	27,500.00	5,500.00	33,000.00
Longevity of	9,800.00	1,960.00	11,760.00
Cadets	240,000.00	48,000.00	288,000.00
Band	12,360.00	2,472.00	14,832.00
Longevity of	1,800.00	360.00	2,160.00

\* This item in present appropriation act is \$132,000, but \$27,500 is not subject to increase.

	Present pay of the Army.	Proposed increase of 20 per cent under H. R. 21400, 59th Congress, 2d session.	Amount required for pay of the Army, including 20 per cent increase.
Field musicians .....	\$4,020.00	\$804.00	\$4,824.00
Longevity of .....	250.00	50.00	300.00
General Army service .....	32,268.00	6,453.60	38,721.60
Longevity of .....	11,284.00	2,256.80	13,540.80
Cavalry detachment .....	16,368.00	3,273.60	19,641.60
Longevity of .....	2,180.00	436.00	2,616.00
Artillery detachment .....	12,360.00	2,472.00	14,832.00
Longevity of .....	1,500.00	300.00	1,800.00
Teacher of music .....	1,400.00	280.00	1,680.00
Total .....	28,336,301.45	5,667,260.29	34,003,561.74

Mr. SCOTT. Mr. President, I ask the Senator from Maine to bear with me a moment with his point of order.

Mr. HALE. I yield to the Senator from West Virginia.

Mr. SCOTT. Mr. President, I am sure the Senator from Maine [Mr. HALE] is very gallant, and he will remember that a very prominent general notified the country and the officers of the Army that he did not believe it was advisable for a lieutenant to marry. I am very sure we have plenty of very sweet American girls who would be delighted to marry some of these young men with the beautiful uniform, brass buttons, and epaulettes. Yet these young men feel too poor; and when they have been admonished by the Department that they should not marry until they have sufficient means of their own, they go on and become confirmed bachelors, and we lose a number of established good homes and some of our best American girls lose good husbands.

Mr. President, we all admit that the salary is inadequate. Only this last week I had two young men—one from my own State—asking my advice about resigning from the Army. One was offered much better pay by the company which is putting a tunnel under the city of New York. He told me that it would be seven years and a half before he could possibly hope to be a first lieutenant, and that his pay would be much better in the employment of a company outside of the Army.

Now, if the Senator will stop to think a moment, will it not lead eventually to our getting a lower class of men to attend the academies? Young men who have the snap and the brains will conclude that they can go into other schools and acquire an education and immediately step into civil employment that will pay them much better than the salary of officers in the Army.

Mr. President, if I had my way in this matter, I certainly would vote a greater increase than 20 per cent, because it has been shown that the difference between the conditions of life now and in 1872, when the wages were established, is enormous.

I can hope nothing from this talk unless I could persuade my genial friend from Maine, in consideration of my first suggestion, which, I think, is one that would appeal most to him, to withdraw his objection and let us increase the salaries of these young lieutenants so as to enable them to marry.

Mr. CULBERSON. Mr. President—

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

Mr. CULBERSON. I wish to make an inquiry of the Senator from Wyoming.

Mr. HALE. I yield to the Senator from Texas.

Mr. CULBERSON. The amendment proposed by the Senator from Ohio [Mr. DICK] carries with it an appropriation of \$5,504,853.84. I was called out of the Chamber while the Senator from Wyoming [Mr. WARREN] was speaking upon that point, but as I came in he sent to the desk some manuscript containing an estimate of the increase that would be made necessary by the adoption of the amendment of the Senator from Ohio. I should be glad if the Senator from Wyoming would state what is the aggregate amount as shown by the paper he sent to the desk.

Mr. WARREN. Mr. President, there was some confusion, and I do not know that I caught the exact language of the amendment, and do not know whether the amendment carries an exact appropriation in dollars and cents.

Mr. DICK. It does.

Mr. WARREN. What is the amount?

Mr. CULBERSON. It is \$5,504,853.84.

Mr. DICK. It only applies to the Army.

Mr. WARREN. And confines it to the Army?

Mr. DICK. Yes.

Mr. WARREN. The figures I sent to the desk may be read if desired. The amount, including the Army, the Navy, the Marine Corps, and the Revenue-Cutter Service, is but a little

over \$8,000,000; but I assume that the figures in the amendment are correct as regards the Army alone.

Mr. CULBERSON. Undoubtedly that is true; but I supposed the Senator from Wyoming in the statement sent to the desk had segregated the Army from the Navy.

Mr. WARREN. Yes. I have no figures before me, but if the Senator wishes they might be read from the desk.

Mr. CULBERSON. I shall not stop for that. I merely want to get in the neighborhood of what is necessary to provide for this increase.

Mr. DICK. The amount is stated in my amendment, I will say to the Senator.

Mr. CULBERSON. On what does the Senator from Ohio base his amendment in that respect—upon the report of the War Department?

Mr. DICK. Yes, sir.

Mr. BACON. I should like to have the Senator from Maine [Mr. HALE], as I did not catch all of his remarks, state whether he intends to suggest to the Senate that we should not proceed with this proposed increase because of the fact that there is not now time to estimate as to the other branches of the service, or whether he intends to be understood that he does not think there ought to be, either now or in the near future, any increase in any branch of the service.

Mr. HALE. Well, Mr. President, I did not rush in with this point of order.

Mr. BACON. The Senator does not ordinarily rush into anything.

Mr. HALE. No; I hope not. I waited until the Chair was just putting the question whether we should adopt this amendment. It is clearly subject to the provisions of Rule XVI, and I did not consider when I made the point of order under that rule that it was necessary or that it would be anything but an intrusion for me to state whether, in my opinion, this increase ought to be here in an appropriation bill. I think if I had put it upon that ground it would have been an intrusion. I make the point simply upon the rule, and I think the amendment is clearly subject to the point of order.

Mr. BACON. I understood the Senator to say in the portion of his remarks which I heard that if this increase were granted it would be nothing but just and proper to grant a corresponding increase in the other branches of the service, to wit, the Navy, the Marine Corps, the Revenue-Cutter Service, etc. That is what prompted the inquiry from me to know whether the Senator, in whose judgment we all have the greatest confidence, in view of the fact not only of his position upon the Appropriations Committee, but he being at the head of the Naval Committee—to know whether, in the judgment of the Senator, there should be no increase in the present or in the near future, or whether the Senator is simply of the opinion that the time is not now convenient to estimate and make provision as to the other branches of the service, and therefore there should not be a discrimination made as to this.

I am prompted also to seek to make inquiry of the Senator by the fact that we do not seem to have hesitated, when other increases were proposed for the different branches of the service, to make the increase in view of the fact that at that time there was no provision or contemplation of increase in other branches of the service.

Mr. HALE. Well, Mr. President, I will consider that question when we have the bills before us.

Mr. BACON. I am very sorry not to have the Senator's suggestion in that regard now, but I hope we shall have it very soon.

Mr. HALE. I shall not disregard it when such a bill is properly before the Senate.

Mr. MALLORY. I should like to ask the Senator from Ohio [Mr. DICK] a question.

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

Mr. HALE. Well, I will yield if the Senator is one of those Senators who wants to put himself on record with the Army people as in favor of their increase. I do not want to shut out any Senator who seeks the opportunity of letting the Army know that he is in favor of their increase, and if the Senator rises for that purpose, I will yield.

Mr. MALLORY. Mr. President, I have not asked permission to interrupt for that purpose at all. The Senator from Maine misconstrues my object if that is what he wishes to imply. I wish to ask the Senator from Ohio a question based upon the answer he made a while ago, to the effect that he got his information from a report. I should like to inquire where that report came from and whether it was an estimate made by the Department?

Mr. DICK. It could not be termed an estimate made by the

Department, but it was an estimate made, I will say, based upon a computation of the pay now received by the Army.

Mr. WARREN. May I ask, did it not come as an answer to an inquiry directed to the Paymaster-General from some one in the other House who desired that information?

Mr. DICK. Yes, sir; it came in that way.

Mr. WARREN. It was not a Department matter, except in response to an inquiry from the introducer of the bill in the other House?

Mr. DICK. A bill was introduced in the House of Representatives and a like bill was introduced in the Senate to increase the pay of the Army, the Navy, the Marine Corps, and the Revenue-Cutter Service 20 per cent. The author of the bill in the other House wrote to the Department for estimates, which were forwarded, and the figures sent to the desk were the same as those received in response to the inquiry of the gentleman who introduced the bill in the House of Representatives.

Mr. MALLORY. Did the response, in answer to that inquiry, contain any recommendation?

Mr. DICK. Yes, sir; there were also recommendations that came from the Department.

Mr. MALLORY. That that should be done?

Mr. DICK. In each instance it was recommended that it should be done.

Mr. MALLORY. Then I submit, if that is the case, if there was an estimate and a recommendation, the amendment is not subject to the point of order.

The VICE-PRESIDENT. Rule XVI provides, among other things, that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

The Chair is of the opinion that the point of order is well taken, and sustains the point of order, the proposed amendment being in contravention of the rule just cited.

Mr. OVERMAN. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] having kindly withdrawn his objection, I desire to reoffer the amendment which I heretofore offered.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

That a statue of Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County, N. C.

That to pay for the construction, erection, and completion of said statue and the preparation of a site for the same the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

That the site for said statue, within the limits of said battlefield of Guilford Court House, shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the site so selected shall be conveyed free of cost to the United States, and there shall be provided for the public use an open highway thereto.

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

Mr. GALLINGER. Mr. President, the Senator from North Carolina [Mr. OVERMAN] suggested to me that, at a time when I was absent from the Chamber, an amendment for the erection of a statue had been inserted in the bill, and he appealed to me to withdraw the point of order, which I did; but, Mr. President, I desire to offer an amendment to that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the Senator from North Carolina [Mr. OVERMAN] will be stated.

The SECRETARY. It is proposed to amend the amendment by adding thereto the following:

That the sum of \$40,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of an equestrian statue of Maj. Gen. John Stark within the limits of the city of Manchester, N. H., and for the proper preparation, grading, and inclosing of the lot and foundation upon which said statue shall be erected, which sum shall be expended under the direction of the Secretary of War or such officer as he may designate: *Provided*, That the money hereby appropriated shall be drawn from time to time only as may be required during the progress of the work and upon the requisition of the Secretary of War: *And provided further*, That no part of the money hereby appropriated shall be so expended until a design for said statue shall be accepted by the Secretary of War and the Joint Committee on the Library, and until a suitable lot of land in said Manchester for the erection of said statue shall be conveyed, with all the right, title, and interest therein of the owner thereof, to the United States, and the deed duly recorded, and the city of Manchester shall have provided for public use an open highway or other satisfactory means of access thereto.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the Senator from North Carolina [Mr. OVERMAN].

Mr. OVERMAN].

Mr. CULBERSON. Mr. President, I should like to ask the Senator from New Hampshire what is the reason for this extraordinary difference in the cost of these statues? One is \$15,000 and the other is \$40,000.

Mr. GALLINGER. The difference is that this provides for an equestrian statue, I will say to the Senator, which I think is more expensive than the other.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, I ask if this is the proper time to interpose a point of order?

The VICE-PRESIDENT. Is it to an amendment that has already been agreed to? The bill is not yet in the Senate.

Mr. CLAPP. I thank the Chair.

The VICE-PRESIDENT. If it is desired that the amendment shall be reserved, it may be done, and the Senate can act upon the other amendments.

Mr. CLAPP. I call attention to the amendment on page 17, line 10. This amendment provides that a clerk in no way connected with the Army, except that he may be a clerk in the paymaster's department, after thirty-five years of faithful service may be nominated for the office of first lieutenant. It seems to me that that is subject to the suggestion that it is general legislation. The difficulty about it is that it involves a question which the country and Congress are considering more or less, and have got to consider—the question of a civil pension list. I do not believe that this is the time or the place to establish a precedent in the matter of a civil pension list. So I make the point of order against the amendment.

Mr. WARREN. Will the Senator withhold the point of order for a moment?

Mr. CLAPP. Certainly.

Mr. WARREN. Was the Senator in the Chamber when this matter was discussed the other day?

Mr. CLAPP. No, sir.

Mr. WARREN. If the Senator had been in the Chamber when this was under discussion, I do not believe that he would have raised the point of order. This is not, as the Senator thinks, the establishment of a civil pension roll. We have a few men employed in the Army as paymasters' clerks. They occupy a position entirely different from that of any other employee or officer. They are to all intents and purposes commissioned officers, but they have no commissions. They have been treated largely as such in the matter of the requirements demanded of them, etc. Many of our most useful paymasters came from the corps of paymasters' clerks. Formerly, and until law forbade it, paymasters could be appointed from civil life; and it was usually the pleasure of the President to appoint and of the Senate to confirm largely from these well-trying men, and they are to-day among the best paymasters in the Army. Paymaster Towar, who stands next to the top and would be the Paymaster-General to-day except for his courtesy in standing aside for an older man, also Muhlenberg, and others came from the corps of paymasters' clerks.

A paymaster's clerk is under bond; he serves at different points all over the country, and he is in reality a paymaster a good deal of the time. If he has served as long as thirty-five years he ought to have some of the advantages that are accorded everyone else in the Army who is called upon to perform anything like the duties he performs and to travel all over the country as he does. As it is now, he is not entitled to a pension; he is not entitled even to a burial in one of the cemeteries of the Government. He is not entitled after long service to the privileges of the Soldiers' Homes. He is entitled to nothing; while the enlisted men on the one side and those who hold commissions on the other are all provided for.

It seems to me that we are pretty safe when we take a man who has been able for thirty-five years to so perform his duties as to meet the approbation of all his superiors, and say that he has merited selection by the President for appointment to the very low position of a first lieutenant, retired, with pay of that grade. It makes the sum smaller than he would receive if he continued in active service; so that at the end of thirty-five years, if he is able to perform service, he would be liable to serve longer, say, forty or forty-five years, as he could thereby get more in the way of pay than he could by retirement.

It does seem to me heartless, it seems to me almost inhuman, not to permit a man who is the companion of the paymaster, who often shares the same blankets when out in the field, who occupies, sometimes necessarily, the same bed and quarters in different places, and who at every point is subjected to all the

expenses of the paymaster, to enjoy the small privilege which is sought to be accorded by the provision in question.

It will affect but a few men. There are only two who can possibly be benefited now. Others, when they have served thirty-five years, will also be able to avail themselves of it. I believe that we ought to accord to this most deserving class the recognition to which they are entitled.

Furthermore it is in the interest of good service. What have you got to put before a man who is the kind of man you wish to have for the position of paymaster's clerk and who frequently acts as paymaster? There is nothing now, but if you put before him as a prize that at the end of long and faithful service he will have at least something for his family, you will get better men and they will do better service.

Mr. CLAPP. Mr. President, the same inquiry might be made as to everyone on the civil list of the United States.

Mr. WARREN. Oh, no, Mr. President; those on the civil list of the United States are not required to do the things that paymasters' clerks are required to do.

Mr. CLAPP. No; but they are required to do those things which their position demands that they should do; and at the proper time and on consideration as to what relation this pension bears to their present salary Congress has to face the question of a civil pension list and decide it one way or the other. For one I do not believe that in this bill we should establish a precedent that will confront us when we come to deal with that question.

It is late in the day and I do not want to precipitate any discussion. I simply call attention to the nature of this provision, but rather than prolong the discussion I will withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn.

Mr. BACON. Mr. President, I desire to offer a very modest amendment to the same portion of the bill as that which contains the amendments already adopted with reference to the erection of certain monuments. The amendment I propose provides for an appropriation of \$10,000 for the erection of a monument to Gen. James Scriven, an officer of the Revolutionary Army, who was killed in battle.

Mr. WARREN. Mr. President, I had almost as lief build that monument myself—

Mr. BACON. I will accept the Senator's proposition.

Mr. WARREN. Than to make a point of order against the amendment; but this thing of monuments has gone on, I think, as long as it ought to in this bill. The amendments that have been already accepted are ones that have been passed upon by committees of the Senate, and, indeed, bills containing the same subject-matter have passed the Senate several times; but I think it is perfectly useless, even after admitting the others, to expect that we can get the provision the Senator wishes enacted into law. I wish the Senator would refrain from offering the amendment and let it come up at some other time, when we can treat it alone and on its merits.

Mr. BACON. I simply desire to state to the Senator, with his permission, that this amendment proposes a very small appropriation. It provides for the erection of a monument to an officer who bore the commission of a general in the Colonial Army and who was killed in battle during the Revolutionary war. Immediately after the Revolutionary war the Congress of the United States proposed to erect a monument to his memory, and a bill for that purpose passed one of the Houses—which one I do not now recollect, but I have sent to the Library for a book which will tell me—but in some way we can not trace what became of the bill ultimately, though it did not become a law.

Of course I do not desire to press this amendment unduly upon this particular bill. I had intended to present it, however, during this session of Congress. It is not a sudden and impulsive action on my part. I have had it in mind during the entire session, and it was only a question as to which bill I should offer it. As amendments providing appropriations for monuments to Revolutionary officers have been put on this bill, I thought this was a particularly good place to offer the amendment. I hope the Senator, in view of the facts which I have stated, will accept the amendment; and I will state to the Senator, if he will give me his attention, that if when the bill goes into conference I do not succeed in convincing the committee that it is a meritorious and proper appropriation, I shall not complain if they knock it out.

Mr. SPOONER. What is the amount called for?

Mr. BACON. Only \$10,000. I will state that, while I would be glad to have \$10,000, if the committee thinks a smaller amount should be given, I would rather have five than not to have any. The truth is that this officer is now buried in a cemetery with no sufficient mark to indicate his place of burial, and it is due,

either on this bill or some other, that there should be the recognition of an officer of this kind who was slain in battle—a general officer of the Revolutionary war.

Mr. WARREN. Now, Mr. President, this shows very conclusively that "the way of the transgressor is hard." But if the Senator wishes to reduce the amount to \$5,000 I shall not make any opposition.

Mr. BACON. I will reduce it to \$5,000, with the understanding that what I said about taking it out in conference is withdrawn.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

To erect a statue at Midway, Ga., to the memory of Gen. James Scriven, who was killed in battle during the war of the Revolution in an action with the British forces in Liberty County, Ga., \$5,000.

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### NOTICES OF BUSINESS.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. The Chair will recognize the Senator from Massachusetts in a moment. The Senator from Minnesota [Mr. NELSON] wishes to give a notice.

Mr. NELSON. I desire to give notice, on behalf of the Judiciary Committee, that to-morrow, after the close of the routine morning business, I or some other member of the committee will ask the Senate to take up and consider the bill (H. R. 15434) to regulate appeals in criminal prosecutions.

Mr. LODGE. I gave notice that to-day—and that is the reason I rose for recognition—and the notice was printed on the Calendar, I would call up the Philippine bank bill. I have been deprived of any opportunity to do so by the prolonged debate on the Army appropriation bill, and I was about to give notice that I would call it up to-morrow immediately after the routine morning business.

Mr. NELSON. I desire to say to the Senator from Massachusetts that last Saturday I gave notice I would call up this bill on Monday, but I have been prevented up to this time from calling it up on account of the Army appropriation bill.

Mr. LODGE. I remember that the Senator gave his notice subsequent to mine.

Mr. NELSON. I gave it before yours, last Saturday.

Mr. LODGE. I do not find it on the Calendar.

I desire to say that I shall move to take up the agricultural bank bill as soon as the Senator from Minnesota concludes his bill with reference to appeals in criminal cases, which I hope will not take long. As he knows, I am as much interested in it as he is.

#### COMMITTEE SERVICE.

Mr. BEVERIDGE was, on his own motion, excused from further service upon the Committee on Enrolled Bills.

Mr. HOPKINS was, on his own motion, excused from further service upon the Committee on the Examination and Disposition of Documents.

#### EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 12, 1907, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate February 11, 1907.*

##### ASSISTANT APPRAISERS OF MERCHANDISE.

John J. Bell, of Maryland, to be assistant appraiser of merchandise in the district of Baltimore, in the State of Maryland, in place of James Campbell, resigned. This nomination is in lieu of that of Richard J. Bruce, dated February 1, 1907, which is hereby withdrawn.

Louis M. Martin, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York. New office, created by an act of Congress approved February 1, 1907.

Henry M. Clapp, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York. New office, created by an act of Congress approved February 1, 1907.



## APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Raymond Lockwood Jack, of Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Thomas Andrew Shanley, of Connecticut, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Wales Alfred Benham, of Ohio, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Phillip Francis Roach, of Wisconsin, to be a third lieutenant in the Revenue-Cutter Service of the United States.

## COLLECTOR OF INTERNAL REVENUE.

Edward I. Seyburn, of Louisiana, to be collector of internal revenue for the district of Louisiana, in place of William E. Howell, resigned.

## UNITED STATES MARSHALS.

Charles K. Darling, of Massachusetts, to be United States marshal for the district of Massachusetts. A reappointment, his term expiring February 10, 1907.

George H. Green, of Texas, to be United States marshal for the northern district of Texas. A reappointment, his term expiring February 18, 1907.

## UNITED STATES DISTRICT JUDGE.

Eugene D. Saunders, of Louisiana, to be United States district judge for the eastern district of Louisiana, vice Charles Parlange, deceased.

## UNITED STATES ATTORNEY.

Charles W. Hoitt, of New Hampshire, to be United States attorney for the district of New Hampshire, in the place of Charles J. Hamblett, resigned.

## PROMOTION IN THE NAVY.

Capt. George A. Bicknell to be a rear-admiral in the Navy from the 18th day of February, 1907, vice Rear-Admiral William W. Mead, retired.

## APPOINTMENT IN THE NAVY.

John L. Chatterton, a citizen of New York, to be an assistant paymaster in the Navy from the 1st day of February, 1907, to fill a vacancy existing in that grade on that date.

## POSTMASTERS.

## ARIZONA.

John G. Virkamp to be postmaster at Grand Canyon, in the county of Coconino and Territory of Arizona. Office became Presidential January 1, 1907.

## CONNECTICUT.

James H. Pilling to be postmaster at Waterbury, in the county of New Haven and State of Connecticut, in place of John H. Guernsey. Incumbent's commission expires February 19, 1907.

## ILLINOIS.

William Austin to be postmaster at Effingham, in the county of Effingham and State of Illinois, in place of Richard F. Lawson, resigned.

## INDIAN TERRITORY.

Joseph R. Sequichie to be postmaster at Chelsea, in District 2, Indian Territory, in place of Charles W. Poole. Incumbent's commission expired December 15, 1906.

## IOWA.

Henry Barnes to be postmaster at Elliott, in the county of Montgomery and State of Iowa, in place of Henry Barnes. Incumbent's commission expired January 29, 1907.

John C. Campbell to be postmaster at Bellevue, in the county of Jackson and State of Iowa, in place of John C. Campbell. Incumbent's commission expires February 28, 1907.

## KANSAS.

Irving Hill to be postmaster at Lawrence, in the county of Douglas and State of Kansas, in place of George J. Barker. Incumbent's commission expires February 12, 1907.

## LOUISIANA.

Goldman L. Lassalle to be postmaster at Opelousas, in the parish of St. Landry and State of Louisiana, in place of Danic' S. Edwards, resigned.

## MAINE.

George H. Roberts to be postmaster at Springvale, in the county of York and State of Maine, in place of George H. Roberts. Incumbent's commission expires February 13, 1907.

William T. Smart to be postmaster at Lewiston, in the county of Androscoggin and State of Maine, in place of William T. Smart. Incumbent's commission expired January 23, 1907.

## MICHIGAN.

Charles E. Kirby to be postmaster at Monroe, in the county of Monroe and State of Michigan, in place of George Spalding. Incumbent's commission expires March 3, 1907.

## MISSOURI.

Moses M. Adams to be postmaster at Seneca, in the county of Newton and State of Missouri, in place of Moses M. Adams. Incumbent's commission expires February 11, 1907.

Isidore Schwartz to be postmaster at Ilasco, in the county of Ralls and State of Missouri. Office became Presidential October 1, 1906.

William L. H. Silliman to be postmaster at Clarksville, in the county of Pike and State of Missouri, in place of William L. H. Silliman. Incumbent's commission expires February 24, 1907.

## NEW MEXICO.

Thomas Branigan to be postmaster at Las Cruces, in the county of Donna Ana and Territory of New Mexico, in place of Henry H. Carter, resigned.

Robert Wherritt to be postmaster at Clayton, in the county of Union and Territory of New Mexico, in place of Otto F. Menger, removed.

## NEW YORK.

Chauncey E. Argersinger to be postmaster at Albany, in the county of Albany and State of New York, in place of Chauncey E. Argersinger. Incumbent's commission expires February 26, 1907.

Thomas B. Gibson to be postmaster at Walden, in the county of Orange and State of New York, in place of Thomas B. Gibson. Incumbent's commission expires February 12, 1907.

Lewis B. Jewell to be postmaster at Ovid, in the county of Seneca and State of New York, in place of Lewis B. Jewell. Incumbent's commission expired February 4, 1907.

William B. Le Roy to be postmaster at Cohoes, in the county of Albany and State of New York, in place of William B. Le Roy. Incumbent's commission expired February 4, 1907.

## NORTH CAROLINA.

Clarence M. McCall to be postmaster at Marion, in the county of McDowell and State of North Carolina, in place of General W. Crawford. Incumbent's commission expired January 13, 1907.

## OREGON.

Marshall E. Merwin to be postmaster at Independence, in the county of Polk and State of Oregon, in place of Marshall E. Merwin. Incumbent's commission expired January 7, 1907.

## OKLAHOMA.

Rolland D. Barnes to be postmaster at Eldorado, in the county of Greer and Territory of Oklahoma. Office became Presidential January 1, 1907.

## PENNSYLVANIA.

Thomas H. Bailey to be postmaster at Mansfield, in the county of Tioga and State of Pennsylvania, in place of Thomas H. Bailey. Incumbent's commission expires February 19, 1907.

William M. Bennett to be postmaster at Nazareth, in the county of Northampton and State of Pennsylvania, in place of C. Edwin Michael. Incumbent's commission expires March 18, 1907.

Harold C. Carpenter to be postmaster at Troy, in the county of Bradford and State of Pennsylvania, in place of Harold C. Carpenter. Incumbent's commission expires February 13, 1907.

John S. Read to be postmaster at Factoryville, in the county of Wyoming and State of Pennsylvania. Office became Presidential April 1, 1906.

## SOUTH DAKOTA.

John H. Dobson to be postmaster at Alexandria, in the county of Hanson and State of South Dakota, in place of John H. Dobson. Incumbent's commission expired January 19, 1907.

Evan J. Edwards to be postmaster at Bowdle, in the county of Edmunds and State of South Dakota, in place of Evan J. Edwards. Incumbent's commission expires February 28, 1907.

J. N. Fulford to be postmaster at Oacoma, in the county of Lyman and State of South Dakota. Office became Presidential July 1, 1906.

Elmer E. Gilmore to be postmaster at Lennox, in the county of Lincoln and State of South Dakota. Office became Presidential January 1, 1907.

Fred deK. Griffin to be postmaster at Selby, in the county of Walworth and State of South Dakota. Office became Presidential January 1, 1907.

John B. Long to be postmaster at Kimball, in the county of Brule and State of South Dakota, in place of Charles W. Nugen. Incumbent's commission expired March 26, 1906.

Ole A. Stumley to be postmaster at Volga, in the county of Brookings and State of South Dakota. Office became Presidential October 1, 1906.

John W. Walsh to be postmaster at Montrose, in the county of McCook and State of South Dakota. Office became Presidential October 1, 1906.

## TEXAS.

Lucy Breen to be postmaster at Mineola, in the county of Wood and State of Texas, in place of Thomas Breen, deceased.

John M. Cape to be postmaster at San Marcos, in the county of Hays and State of Texas, in place of Owen Ford, deceased.

Josephine Chesley to be postmaster at Bellville, in the county of Austin and State of Texas, in place of Josephine Chesley. Incumbent's commission expired April 18, 1906.

Garfield Hershner to be postmaster at Angleton, in the county of Brazoria and State of Texas. Office became Presidential January 1, 1907.

Leander Hopkins to be postmaster at Ferris, in the county of Ellis and State of Texas, in place of Leander Hopkins. Incumbent's commission expires March 2, 1907.

William D. McCaslin to be postmaster at Detroit, in the county of Red River and State of Texas, in place of William D. McCaslin. Incumbent's commission expired January 20, 1907.

Bassett R. Miles to be postmaster at Luling, in the county of Caldwell and State of Texas, in place of Clemons E. Littlefield. Incumbent's commission expired January 20, 1907.

Edward W. Morten to be postmaster at Farmersville, in the county of Collin and State of Texas, in place of Edward W. Morten. Incumbent's commission expires March 16, 1907.

William Myers to be postmaster at Seguin, in the county of Guadalupe and State of Texas, in place of Carrie E. Vaughan. Incumbent's commission expires March 16, 1907.

William D. Rathjen to be postmaster at Canadian, in the county of Hemphill and State of Texas, in place of William D. Rathjen. Incumbent's commission expires February 18, 1907.

Elizabeth Rhea to be postmaster at Greesbeck, in the county of Limestone and State of Texas, in place of Elizabeth Rhea. Incumbent's commission expires March 3, 1907.

Jay S. Richard to be postmaster at Itasca, in the county of Hill and State of Texas, in place of Jay S. Richard. Incumbent's commission expires February 19, 1907.

Ulysses G. Roach to be postmaster at Celeste, in the county of Hunt and State of Texas, in place of Ulysses G. Roach. Incumbent's commission expires March 2, 1907.

William E. Sayers, sr., to be postmaster at Bay City, in the county of Matagorda and State of Texas, in place of William E. Sayers, sr. Incumbent's commission expires February 19, 1907.

Seth B. Strong to be postmaster at Houston, in the county of Harris and State of Texas, in place of Seth B. Strong. Incumbent's commission expires February 19, 1907.

E. R. Yeary to be postmaster at Alice, in the county of Nueces and State of Texas, in place of Sidnan Overton, resigned.

## WISCONSIN.

Herbert A. Pease to be postmaster at Cumberland, in the county of Barron and State of Wisconsin, in place of John F. Fuller. Incumbent's commission expired January 7, 1907.

## WYOMING.

Harry A. Thompson to be postmaster at Sunrise, in the county of Laramie and State of Wyoming. Office became Presidential January 1, 1907.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 11, 1907.*

## SURVEYOR OF CUSTOMS.

James H. Bolton, of Iowa, to be surveyor of customs for the port of Sioux City, in the State of Iowa.

## MEMBER OF CALIFORNIA DÉBRIS COMMISSION.

Capt. Thomas H. Jackson, Corps of Engineers, United States Army, for appointment as a member of the California Débris Commission, provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California."

## PROMOTIONS IN THE ARMY.

*Infantry Arm.*

MaJ. George R. Cecil, Thirtieth Infantry, to be lieutenant-colonel from January 31, 1907.

Capt. Joseph P. O'Neil, Twenty-fifth Infantry, to be major from January 31, 1907.

## REGISTERS OF THE LAND OFFICE.

Edward E. Armour, of Sterling, Colo., to be register of the land office at Sterling, Colo.

John E. Evans, of North Platte, Nebr., to be register of the land office at North Platte, Nebr.

Lawrence N. Houston, of Enid, Okla., to be register of the land office at Guthrie, Okla.

## RECEIVER OF PUBLIC MONEYS.

William H. C. Woodhurst, of North Platte, Nebr., to be receiver of public moneys at North Platte, Nebr.

## UNITED STATES ATTORNEY.

John J. Boyce, of California, to be United States attorney for division No. 1, district of Alaska.

## MARSHAL.

Harry A. Wiel, of Wisconsin, to be United States marshal for the eastern district of Wisconsin.

## POSTMASTERS.

## NEW MEXICO.

Thomas Branigan to be postmaster at Las Cruces, in the Territory of New Mexico.

Robert Wherritt to be postmaster at Clayton, in the Territory of New Mexico.

## PENNSYLVANIA.

Abel H. Byers to be postmaster at Hamburg, in the county of Berks and State of Pennsylvania.

## HOUSE OF REPRESENTATIVES.

MONDAY, *February 11, 1907.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Sunday was read and approved.

## EULOGIES.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that Sunday, February 24, immediately after the conclusion of eulogies upon the late Hon. JOHN H. KETCHAM, be set apart for the purpose of pronouncing eulogies upon the life and character of Hon. WILLIAM H. FLACK, late a Representative from the State of New York.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

## INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Now, Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments to the Indian appropriation bill and ask for a conference thereon with the Senate, and I will say, Mr. Speaker, that since Saturday I have consulted with the senior member of the minority committee and this course is agreeable to him.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I will not object, as I believe that is the proper course for the bill to take.

The SPEAKER. The Chair hears no objection, and the Chair announces the following conferees.

The Clerk read as follows:

Mr. SHERMAN, Mr. LACEY, and Mr. STEPHENS of Texas. REMOVAL OF OBSTRUCTIONS FROM PAVED SIDEWALKS AND ALLEYS.

Mr. BABCOCK. Mr. Speaker, I ask immediate consideration for the bill H. R. 20067, which is unfinished business.

The SPEAKER. The gentleman from Wisconsin asks consideration of a bill as unfinished business, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20067) to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes.

Mr. BABCOCK. Mr. Speaker, the question is simply on the passage of the bill.

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

## AMENDING SECTION 878 OF THE DISTRICT OF COLUMBIA CODE.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (H. R. 25482) to amend section 878 of the Code of Law for the District of Columbia.

The SPEAKER. The gentleman from Wisconsin calls up the bill which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That section 878 of the Code of Law for the District of Columbia be, and the same is hereby, amended by adding thereto the following:

"SEC. 878a. That the following words shall, in addition to their ordinary meaning, have the meaning herein given: The word 'person' or 'persons,' in sections 878 b, c, d, e, and g, inclusive, shall include 'firms' or 'corporations'; the word 'vessel' or 'vessels,' in sections 878 b, c, d, and e, shall include 'cans,' 'bottles,' 'siphons,' and 'boxes'; the word 'mark' or 'marks' shall include 'labels,' 'trade-marks,' and all other methods of distinguishing ownership in vessels, whether printed upon labels or blown into bottles or engraved and impressed upon cans or boxes.

"SEC. 878b. That persons engaged in producing, manufacturing, bottling, or selling milk or cream, or any other lawful beverage composed

principally of milk, in vessels, with their name, trade-mark, or other distinctive mark, and the word 'registered' branded, engraved, blown, or otherwise produced thereon, or on which a pasted trade-mark label is put upon which the word 'registered' is also distinctly printed, may file with the clerk of the supreme court of the District of Columbia a description by facsimile, or a sample of an original package so marked or branded or blown, showing plainly such names and marks thereon, together with their name in full, or their corporate name, and also their place of business in the District of Columbia, and if so filed shall cause the same to be published for not less than two weeks successively in a daily or weekly newspaper published in the District of Columbia.

"SEC. 878c. That whoever, except the person who shall have filed and published a description of the same as aforesaid, fills with milk or cream, or other beverage, as aforesaid, with intent to sell the same, any vessel so marked and distinguished as aforesaid, the description of which shall have been filed and published as provided in the preceding section, or defaces, erases, covers up, or otherwise removes or conceals any such name or mark as aforesaid, or the word 'registered,' thereon, or sells, buys, gives, takes, or otherwise disposes of, or traffics in the same without having purchased the contents thereof from the person whose name is in or upon such vessel, or without the written consent of such person, shall, for the first offense, be punished by a fine of not less than 50 cents for each such vessel, or by imprisonment for not less than ten days nor more than one year, or by both such fine and imprisonment; and for each subsequent offense by a fine of not less than \$1 nor more than \$5 for each such vessel, or by imprisonment for not less than twenty days nor more than one year, or by both such fine and imprisonment.

"SEC. 878d. That the use or possession by any person not engaged in the production or sale of milk or cream or other beverage as aforesaid, except the person who shall so have filed and published a description of the same as aforesaid, of any vessel marked or distinguished as aforesaid, the description of which shall have been filed and published as aforesaid, without purchase of the contents thereof from, or the written consent of, the person who shall so have filed and published the said description, shall be prima facie evidence of the unlawful use, possession of, or traffic in, such vessel, and the person so using or in possession of the same, except the person who shall so have filed and published the said description as aforesaid, shall be punished as in the next preceding section provided.

"SEC. 878e. That upon complaint of any person who has complied with section 878b, or of his agent, to the police court of the District of Columbia, or one of the judges thereof, that such person, or agent, has reason to believe, and does believe, that any person within the District of Columbia is guilty of the violation of any provision of this act, the said court or judge may issue a search warrant to discover and obtain such vessels as aforesaid and their contents, and may also cause to be brought before the said court or judge the person so believed to be guilty, or his agent or employee, in whose possession or upon whose wagon or premises any such vessel or vessels may be found; and any such person, agent, or employee found guilty of a violation of any of the provisions of this act shall be punished as aforesaid, and the said court or judge shall also order the property taken upon any such search warrant to be delivered to its owner.

"SEC. 878f. That the clerk of the supreme court of the District of Columbia is hereby authorized to make regulations and prescribe forms for the filing of labels, trade-marks, or other distinctive marks under the provisions of the foregoing amendments to section 878.

"SEC. 878g. That nothing in the foregoing amendments to section 878 shall prevent or restrain any person who is the legal owner of a trade-mark or label from proceeding in an action of tort against any person found guilty of violating any subsection of section 878."

Mr. CRUMPACKER. Mr. Speaker, I think there ought to be an explanation of this bill. I would like to know what change it makes in the law as it now exists and the necessity for it.

Mr. BABCOCK. Mr. Speaker, I want to say to the House that the subject-matter of this bill has passed the House and Senate during the present Congress and was sent the President for approval. The Attorney-General found in it some ambiguities of language that he thought possibly might affect some other statute, and the President notified us that he could not approve the bill in the form that it was before him. The bill was withdrawn by resolution of the House and the Senate, and the changes incorporated in the bill herewith reported are those suggested to make clear the points brought up by the Attorney-General and to accomplish the results sought to be accomplished in the former bill on this subject. There is no new matter in it whatever, except simply to make clear what the Congress intended to accomplish in the measure previously passed.

Mr. CRUMPACKER. I had in mind the bill that was up on a former occasion, and I supposed it was amendatory of that bill. Does the gentleman from Wisconsin [Mr. BABCOCK] say that it does not broaden the scope of the bill that this Congress passed at the last session?

Mr. BABCOCK. No, sir.

Mr. CRUMPACKER. It is explanatory and interpretative of that bill?

Mr. BABCOCK. It simply meets the views of the Attorney-General, in order to make it so clear that there would be no question about its provisions. That is all.

Mr. CRUMPACKER. It is simply to carry into effect more fully the purpose of the bill that was passed before?

Mr. BABCOCK. That is it.

Mr. CRUMPACKER. I remember of having made a criticism before upon the penalty. It seemed to me that a penalty of a year in jail was pretty severe if a man appropriates a milk bottle worth 5 cents; but a man can avoid the penalty by letting the bottle alone, I suppose.

Mr. BABCOCK. I ask for a vote, Mr. Speaker.

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

#### EXTENSION OF FORTY-FIFTH STREET NW.

Mr. BABCOCK. Mr. Speaker, I ask for consideration of the bill H. R. 24875.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24875) authorizing the extension of Forty-fifth street NW.

*Be it enacted, etc.*, That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Forty-fifth street from its present terminus in Wesley Heights to Nebraska avenue, with a width of 90 feet.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of \$500, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceeding taken pursuant hereto, to be repaid to the District of Columbia from the assessments for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

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

#### OPENING OF WARREN AND FORTY-SIXTH STREETS NW.

Mr. BABCOCK. Mr. Speaker, I ask for consideration of the bill H. R. 24284.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24284) for the opening of Warren and Forty-sixth streets NW., in the District of Columbia.

*Be it enacted, etc.*, That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute, in the supreme court of the District of Columbia, a proceeding in rem to condemn those small undedicated parcels of land lying within the lines of Warren street (formerly Xenia street) between Forty-fourth and Forty-fifth streets and within the lines of Forty-sixth street between Alton place (formerly Lyles street) and Murdock Mill road, according to the permanent system of highway plans adopted in and for the District of Columbia.

SEC. 2. That the assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the jury as benefits.

SEC. 3. That the sum of \$500, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessments for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

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

#### EXTENSION OF NEW HAMPSHIRE AVENUE.

Mr. BABCOCK. Mr. Speaker, I ask for consideration of the bill H. R. 23576.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23576) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes.

*Be it enacted, etc.*, That within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the extension of New Hampshire avenue on a straight extension of the lines thereof, as now established in the city of Washington, with a uniform width of 120 feet, from its present terminus to the District line: *Provided, however*, That the entire amount found to be due and awarded as damages for and in respect of the land condemned, plus the costs and expenses of the condemnation proceedings, shall be assessed by the jury as benefits, and to the extent of such benefits, against any and all lots, pieces, or parcels of land which the jury may find will be benefited by the said extension, as the jury may find said lots, pieces, or parcels of land will be benefited.

SEC. 2. That the sum of \$600 is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessments levied by the jury for benefits, when the same are collected.

Also the following amendments:

Page 1, line 10, strike out all after the word "avenue" down to and including the word "benefited" in line 7 on page 2 and insert in lieu thereof the following:

"in accordance with the highway-extension plans, from its present

terminus north of Buchanan street to the District line, with a uniform width of 120 feet.

"Sec. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: *Provided*, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits."

Page 2, line 8, strike out the figure "2" and insert in lieu thereof the figure "3."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

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

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 6833. An act granting an increase of pension to Bettie May Vose;

S. 822. An act granting a pension to Michael V. Hennessy;

S. 5041. An act granting an increase of pension to George A. Tucker; and

S. 4908. An act granting an increase of pension to William H. Kimball.

The message also announced that the Senate had passed the following resolutions:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of Hon. JOHN F. RIXEY, late a Representative from the State of Virginia.

*Resolved*, That a committee of seven Senators be appointed by the Vice-President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And, in compliance with the foregoing, the Vice-President had appointed as said committee Mr. DANIEL, Mr. TALIAFERRO, Mr. DICK, Mr. PATTERSON, Mr. ANKENY, Mr. FLINT, and Mr. CLARKE of Arkansas.

Also:

*Resolved*, That the business of the Senate be now suspended that opportunity may be given for tributes to the memory of Hon. BENJAMIN F. MARSH, late a Representative from the State of Illinois.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

*Resolved*, That the Secretary be instructed to communicate a copy of these resolutions to the family of the deceased.

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

S. 8288. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns;

S. 8012. An act to erect a monument on the Tippecanoe battle ground, in Tippecanoe County, Ind.; and

S. 2708. An act for the relief of B. Jackman.

The message also announced that the Senate had passed with amendment bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases; and

H. R. 25242. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication;

H. R. 20168. An act for the relief of F. Kraut, of Leon Springs, Tex.; and

H. R. 18007. An act to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 24541. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes; and  
H. R. 3393. An act granting an honorable discharge to Galen E. Green.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 7:

H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illinois, not navigable water;

H. R. 1142. An act for the relief of Ephraim Greenawalt;

H. R. 1808. An act for the relief of J. J. L. Peel;

H. R. 6417. An act for the relief of T. J. H. Harris;

H. R. 7014. An act to provide American registers for the steamers *Marie* and *Success*; and

H. R. 13031. An act granting an increase of pension to Thomas H. Leslie.

On February 8:

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered;

H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;

H. R. 19752. An act for an additional term of court at Quincy, Ill.;

H. R. 24932. An act for the extension of School street NW.;

H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee;

H. R. 4299. An act for the relief of John Stinson;

H. R. 9778. An act for the relief of Philip Loney;

H. R. 10015. An act for the relief of the estate of Capt. Charles E. Russell, deceased;

H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves;"

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa;

H. R. 1738. An act for the relief of Sarah A. Clapp;

H. R. 4300. An act for the relief of A. J. Stinson;

H. R. 5167. An act for the relief of William H. Stiner & Sons;

H. R. 10595. An act for the relief of Nye & Schneider Company;

H. R. 23219. An act to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 2½ miles west of Devon, W. Va., a station on the Norfolk and Western Railway;

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904;

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans.; and

H. R. 24603. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama.

On February 9:

H. R. 12560. An act for the relief of John C. Lynch;

H. R. 15594. An act for the relief of John B. Brown;

H. R. 19568. An act vacating Alexander place and Poplar street, in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner;

H. R. 24541. An act making appropriations to supply addi-

tional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 3393. An act granting an honorable discharge to Galen E. Green;

H. R. 5223. An act to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States;

H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures;

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia; and

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

On February 11:

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8012. An act to erect a monument on the Tippecanoe battle ground in Tippecanoe County, Ind.—to the Committee on the Library.

S. 2708. An act for the relief of B. Jackman—to the Committee on Claims.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 25123. An act providing for the construction of a bridge across the Mississippi River;

H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River; and

H. R. 8685. An act for the relief of Charles E. Danner & Co.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6833. An act granting an increase of pension to Bettie May Vose.

#### PRACTICE OF PHARMACY, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill H. R. 25475.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25475) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906.

*Be it enacted, etc.,* That the board of pharmaceutical examiners of the District of Columbia, created under the provisions of an act to regulate the practice of pharmacy and the sale of poisons, and for other purposes, approved May 7, 1906, be, and is hereby, vested with each and every power, right, duty, and function with respect to the issue of licenses to practice pharmacy and to the revocation of such licenses and with respect to the issue of permits for the sale of poisons as are by said act now vested in the board of supervisors in medicine and pharmacy of said District; and the name and title of said board of pharmaceutical examiners is hereby changed to the board of pharmacy of the District of Columbia. And the board of supervisors aforesaid is hereby divested of every power, right, duty, and function, aforesaid, and the name and title of said board is hereby changed to the board of medical supervisors of the District of Columbia. From and after the taking effect of this act, the membership of the president of the board of pharmaceutical examiners on the board of supervisors aforesaid shall cease and determine.

SEC. 2. That the board of pharmacy shall elect a president, a secretary, and a treasurer, and shall have a common seal; and said treasurer shall give such bond for the faithful performance of his duties as the Commissioners of the District of Columbia deem necessary. Immediately upon the filing of the required bond by the treasurer of the board of pharmacy and upon demand by said treasurer the treasurer of the board of medical supervisors shall pay to said treasurer of the board of pharmacy, for the use of said board of pharmacy, all such unexpended money then in the possession of the treasurer of the board of medical supervisors which came into the possession of said board from the late commissioners of pharmacy as the Commissioners of the District of Columbia deem equitably payable to and for the use of the board of pharmacy; and the board of medical supervisors, and each member thereof, upon demand shall deliver to such person as may be designated by the board of pharmacy all records in the possession of said board of medical supervisors, or in the possession of any member thereof, relating to the licensing of pharmacists and to the issue of permits for the sale of poisons, and all property in the possession of said board of medical supervisors, or any member thereof, which came into the possession of said board of medical supervisors, or any member of said board, from the late commissioners of pharmacy, or which has been purchased solely from funds received from said commissioners.

SEC. 3. That an applicant, in order to be entitled to an examination for the determination of his fitness to be licensed as a pharmacist in the District of Columbia, must have had not less than four years' experience in the practice of pharmacy under the instruction of a regularly licensed pharmacist: *Provided, however,* That the board of pharmacy, in its discretion, may establish, by general rules, conditions, upon compliance with which by any school or college of pharmacy, and upon the submission by said school or college of evidence sufficient to prove

such compliance to the satisfaction of said board, applicants who have been graduated by such school or college during any specified year or years may be allowed credit for not more than one year's experience in the practice of pharmacy by reason of attendance at and graduation by said school or college.

SEC. 4. That section 18 of "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, be, and it is hereby, repealed.

SEC. 5. That this act shall take effect from and after the expiration of thirty days immediately following its passage, and from and after the expiration of said period all acts and parts of acts contrary to the provisions of this act or inconsistent therewith, be, and the same hereby are, repealed.

The SPEAKER. The question is on the passage of the bill.

Mr. CRUMPACKER. Mr. Speaker, I would like to have an explanation of the bill that is now under consideration. I want to know whether the board of medical supervisors now issues licenses to pharmacists.

Mr. TAYLOR of Ohio. They were supervisors in medicine and pharmacy. That was in the old act. Now they transfer it to a new board, with a view to issuing these licenses to pharmacists. This is a Commissioners' measure.

Mr. CRUMPACKER. Does this bill create a new board?

Mr. TAYLOR of Ohio. Yes.

Mr. CRUMPACKER. A board of pharmaceutical examiners?

Mr. BABCOCK. Not a new board.

Mr. TAYLOR of Ohio. Not a new board, but to transfer the power to issue the licenses.

Mr. CRUMPACKER. Is there a board of pharmaceutical examiners independent of the board of medical supervisors?

Mr. BABCOCK. Yes, sir.

Mr. CRUMPACKER. So the bill does not create any new administrative board or board of pharmaceutical examiners. Now, does the present law give the existing board, that has authority to issue licenses to pharmacists, the discretion that this law does in relation to admitting graduates of pharmacy schools to the practice of pharmacy in the District of Columbia?

Mr. TAYLOR of Ohio. The exact provision of the present act, which was passed last year, I have not before me, but I believe the only changes between the act of last year and this are explained in this short note of the Commissioners. It provides for this new board, and the act of May 7, 1906, section 3, permitted any graduate of a school or college to take the examination without other practical experience than that furnished by his course in pharmacy. The amendment to section 3 revises the qualifications of applicants; so that four years' practical experience is uniformly required.

Mr. CRUMPACKER. Now four years' practical experience is required unless the board of pharmacy, in its discretion, shall establish, by general rules, conditions that will admit applicants who have taken a course of instruction in any school or college of pharmacy.

Mr. TAYLOR of Ohio. The only discretion left with the board is that they may, if the applicant is a graduate from a regular school of pharmacy, order him to be examined.

Mr. CRUMPACKER. Now, the question is agitated a good deal in the country, and there is a great deal of jealousy and rivalry between pharmacy schools and colleges, and most institutions would question the advisability of vesting absolute discretion in a board of the city of Washington to determine what schools are standard. Does this bill include—and I presume it does, because of its general character—colleges of pharmacy all over the country?

Mr. TAYLOR of Ohio. Undoubtedly it is intended to apply to any school that is recognized.

Mr. CRUMPACKER. In our own State this identical problem has come to be a subject of controversy. We have a State school of pharmacy—

Mr. TAYLOR of Ohio. I understand.

Mr. CRUMPACKER. Which is located in the district which I have the honor to represent, and there is a very excellent private school in the city in which I live.

Mr. TAYLOR of Ohio. And they do not get along very well.

Mr. CRUMPACKER. And they do not always get along well, because the State inclines to legislation that will promote the interests of the graduates of the State institution, and thereby give an advantage to them over the students of private institutions, and I have been called upon to protest against any further exercise of a power of this kind; but this bill is in general terms, and I suppose both of my schools can take care of themselves under it.

Mr. TAYLOR of Ohio. I do not think there is any danger about that.

Mr. CRUMPACKER. What is the purpose of the change that you say this bill makes in creating this board?

Mr. TAYLOR of Ohio. We have a law, passed last year, and it is simply on the advice of the Commissioners and at their request that we pass this, because they put it in practical oper-

ation from May last on, and they believe and have stated that with a few amendments which they now favor this new bill will strengthen the machinery. We have taken their word for that, as they have had experience of the operation of the law, and we have taken their judgment as to this change.

Mr. CRUMPACKER. The bill provides for a board of supervisors, and in this board is vested all the powers along certain lines.

Mr. TAYLOR of Ohio. It is transferred to this other board.

Mr. CRUMPACKER. In relation to pharmaceutical examinations the name and title of the board is changed, and as respects other matters the board of medical directors of the District of Columbia still exists. Now, if you do not create a new board, you subdivide the power. You continue the board of medical examiners, and you take from the existing board certain powers and functions and confer them upon a portion of the board, or another board, and you call that the "board of pharmacy examiners."

Mr. TAYLOR of Ohio. We separate medicine from pharmacy. That seems to be the very thing this does. Then it provides for the organization of a board strictly confined to the examination of candidates as pharmacists and leaves the balance of the old pharmacy and medicine board as a medical board, with which this act has nothing to do.

Mr. CRUMPACKER. So that it does not increase the personnel of the board, does not increase its size.

Mr. TAYLOR of Ohio. No; it divides it.

Mr. CRUMPACKER. And it provides that a certain portion of its powers shall be conferred upon certain members, who shall be known as the "board of pharmaceutical examiners," and other powers shall be exercised by the balance of the board, which shall be known as the "board of medical examiners."

Mr. TAYLOR of Ohio. That seems to be the idea.

Mr. CRUMPACKER. It does not increase salaries?

Mr. TAYLOR of Ohio. Not at all. The fees are provided for exactly as they were in the other act.

Mr. CRUMPACKER. The members of the board are paid by fees, are they not?

Mr. TAYLOR of Ohio. By applicants' fees, which are turned in if there is anything left.

Mr. BABCOCK. I call for a vote, Mr. Speaker.

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

#### TUBERCULOSIS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the 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.

The bill was read, as follows:

*Be it enacted, etc.,* That tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. It shall be the duty of every physician in the District of Columbia to report to the health officer of said District, in writing, on forms to be provided by said officer, the name, age, sex, color, occupation, and address of every person in said District having pulmonary or any other communicable form of tuberculosis who has been attended by such physician for the first time within one week after the disease is recognized. It shall also be the duty of the chief officer having charge for the time being of each and every hospital, dispensary, asylum, or other similar public or private institution in said District to report in like manner the name, age, sex, color, occupation, and last address of every patient afflicted with pulmonary or any other communicable form of tuberculosis who is in his care or who has come under his observation within one week of such time.

SEC. 2. That the health officer of the District shall make, or cause to be made, a microscopical examination of the sputum of persons having symptoms of tuberculosis, which shall be accompanied by a blank giving name, age, sex, color, occupation, and address of the patient, whenever it be requested by the attending physician or by the proper officer of any hospital or dispensary; and shall promptly make a report thereof, free of charge, to the physician or officer upon whose application the examination was made.

SEC. 3. That the health officer of the District shall cause all reports made in accordance with the first section and all reports showing the presence of tubercle bacilli received in accordance with the second section of this act to be recorded in a register of which he shall be the custodian and which shall not be open to inspection by anyone outside the health department of said District, and neither said health officer nor anyone connected with said health department shall permit any such report or record to be divulged in such manner as to disclose the identity of the person to whom it relates except as it may be necessary in carrying out the provisions of this act.

SEC. 4. That in case the attending physician fails to request in his report that they shall not be furnished, it shall be the duty of the health department to supply to each patient, or those in charge of such patient, printed instructions as to the methods to be employed to prevent the spread of the disease in each case of tuberculosis so reported.

SEC. 5. That in case of the vacation of any apartments or premises by death from pulmonary or any other communicable form of tuberculosis, or by the removal therefrom of a person or persons so afflicted, it shall be the duty of the attending physician, or, if there be no such physician, or if such physician be absent, of the owner, lessee, tenant, occupant, or other person in charge of said apartments or premises to notify the health officer, in writing, of such death or removal, within

twenty-four hours thereafter, and such apartments or premises shall then be disinfected by the health department at public expense, or, if the owner prefers, by the owner to the satisfaction of the health department, and shall not again be occupied until so disinfected.

SEC. 6. That it shall be the duty of every person afflicted with tuberculosis and of every person in attendance upon anyone afflicted therewith and of the authorities of public and private institutions or dispensaries in said District to observe and enforce all sanitary rules and regulations of the Commissioners of the District for preventing the spread of tuberculosis.

SEC. 7. That upon the recovery of any patient from the tuberculous condition for which he was previously reported a report to that effect to the health department, made by the attending physician, shall be recorded and shall relieve said patient from further liability to any requirements imposed by this act.

SEC. 8. That any person violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding \$25.

SEC. 9. That all prosecutions under this act shall be in the police court of said District upon information brought in the name of the District of Columbia and on its behalf.

SEC. 10. That all acts and parts of acts contrary to the provisions of this act, or inconsistent therewith, be, and the same are hereby, repealed.

With the following committee amendment:

Page 1 strike out all of lines 1 and 2 and insert in lieu thereof the words "that it."

Mr. CRUMPACKER. Mr. Speaker, I think this bill ought to be discussed somewhat. This is quite an important measure and probably a good one, but I read a few days ago in the public press the statement of Doctor Wiley, before one of the committees of the House or Senate, that every individual in the city of Washington in all probability had in his mouth or about him somewhere the germs of tuberculosis; that these germs are common; that they exist everywhere; and if Doctor Wiley is correct in his view of the matter, as he almost always is correct on such questions, the examination of the sputum of any person would be apt to disclose tuberculosis germs. I do not know that this bill interferes with the rights of the citizen, and I do not know what its real purpose is, whether the intent is to assist in eradicating tuberculosis or what its object is. The simple procuring of information, unless that information is put in such form that it can be used scientifically for the benefit of the community, is not a matter of great importance. I should like to hear from the gentleman who reported the bill respecting its real object.

Mr. CAMPBELL of Kansas. Mr. Speaker, replying to the questions of the gentleman from Indiana, the object of this bill is to prevent, in so far as it is possible to do so, the spread of consumption.

Briefly stated, the bill provides:

Section 1 provides for the report of the usual details as to cases, but, unlike the laws for contagious diseases, allows one week in which this may be done; and this dates from the time when the disease is recognized, thus providing in a reasonable way against any hardship in the case of mistakes in diagnosis in incipient cases. The second part, providing for reports of cases in institutions, will cover cases not under the care of a physician, and so reach all cases.

In both parts the reports are required only of pulmonary or other communicable form, thus avoiding any injury to the more obscure forms not dangerous or requiring supervision, like some kinds of affections of the joints.

Section 2 provides for the free examination of all specimens of sputum by the health department, when submitted by the attending physician or proper officer of a hospital or dispensary. While this encourages the examination and so promotes an early diagnosis, it fully protects the interests of physicians who do such work by limiting the obligation to samples submitted as above, and leaves the doctor in every case to send the sample to a physician if the patient prefers or if the doctor wishes.

It will be noticed that there is no compulsion about having the examination made in this section, as the law in this respect is permissive. The provision is useful in securing early reports in cases of the disease.

Section 3 is very strict in securing privacy of the records, and is in advance of any other law in this respect, as most laws leave this feature to the good judgment of the health department. The provision removes all reasonable objection to allowing the reports to be made. As only a very few cases of any annoyance or hardship to the patient have been found in all the thousands reported in other cities without this safeguard, it seems certain that there will be no trouble in this respect with the law here.

Section 4 guards against any interference by the health department in any case which is being properly taken care of by a physician who requests that the health department take no action in regard to instruction or supervision of it, and at the same time does not restrain the health department from doing what is necessary in any cases where there is no physician or

where the public health is endangered or where the physician requests it.

Section 5 provides for the disinfecting by the health department of any apartment or premises wherein has occurred a death from tuberculosis upon the vacation of such apartment or premises.

Section 6 provides for the observance of all sanitary rules and regulations of the Commissioners for the prevention of the spread of tuberculosis.

Section 7 provides for the report to the health department by the attending physician of any patient who has recovered from tuberculosis.

Section 8 provides a penalty for violation of this act.

Section 9 provides for the method of prosecution.

Section 10 is the usual repeal clause reserved by Congress.

Mr. CRUMPACKER. A question.

Mr. CAMPBELL of Kansas. Yes.

Mr. CRUMPACKER. The bill provides that after a person dies of tuberculosis the premises or house shall not be occupied until disinfected. Suppose a member of a family living at home should die of tuberculosis, and the premises should not be disinfected by the health officers. Would the family be expelled?

Mr. CAMPBELL of Kansas. Oh, that is a matter, of course, that would have to come under the discretionary control of the administrative officers. At present if an inmate of a house, a member of a family, dies of scarlet fever or diphtheria, the premises are wisely disinfected immediately after the death of the patient. It is wise that for the purpose of preventing the communication of consumption to others every precaution should be taken to fumigate the house or rooms after they have been vacated by one who has had the disease.

Mr. Speaker, tuberculosis, which was formerly supposed to be a hereditary and in most cases a fatal disease, has been shown by the developments of the last twenty-five years, since the discovery of Koch that it was caused by a bacillus, to be communicable and if taken in time to be curable. It is now claimed, although it is communicable, it is not contagious in the ordinary sense of the word, and if proper means can be taken to guard against the infection of others, there is no danger from ordinary association with those affected by the disease.

Most of the large cities of the United States have passed laws requiring that all cases be reported to the health department, so that if any attention is necessary for preventing infection it can be given. The first attempt in this direction was made by New York City in 1894, in which the report of all cases in institutions was required and reports of private cases were requested. Many cases were reported and the results indicated the wisdom of the provision. In 1897 a law was passed requiring the report of all cases of pulmonary tuberculosis, which has since been extended to cover all cases of any form. This law also provided that it should be the duty of every person sick with the disease, and the authorities of private institutions and dispensaries, to observe and enforce all sanitary regulations of the board of health for preventing the spread of pulmonary tuberculosis.

The measure when proposed met with very decided opposition on the part of the medical societies of New York City, but a judicious enforcement has shown the wisdom of it and removed all objections to it, so that now cases are reported as a matter of course, and more than 90 per cent of all those who die from tuberculosis are found to have been previously reported. The death rate since registration was begun has shown a general decline, with some variations, in spite of the increasingly unfavorable conditions in the city, due to the addition to the population each year of about 100,000 foreign born, and often almost destitute immigrants, giving a density of population unequal anywhere in the world. The number of reports made in Greater New York in 1905 was 31,963, and an inquiry of some of the principal physicians practicing under this law indicates its wisdom and efficacy, and they state that they have known of but one or two cases in which any hardship whatever has resulted to patients from such reports.

Other cities have passed similar laws at various dates since, and an investigation of the 86 largest shows that 53 of them have laws requiring the reports of all cases, and that the number enacting such laws has increased rapidly during the last three or four years because of the greater knowledge of the disease and of the necessity of its administrative control. This situation is shown by the table appearing below. All these laws require the reporting of all cases. No city or State has even had a law requiring the report only of indigent cases and cases in institutions, except New York, from 1894 to 1897. Since 1897 New York has required reports of all cases.

The following cities, with an estimated population of more

than 8,000 in 1903, on February 20, 1906, had laws requiring reports of all cases of tuberculosis:

City.	Date of law.	Population, 1900.	Forms to be reported.
New York	Jan. 18, 1897	3,437,202	All.
Camden, N. J.	Dec. 27, 1897	75,935	All.
Cincinnati, Ohio	Aug. 19, 1898	325,902	Not stated.
Elizabeth, N. J.	Mar. 6, 1899	52,130	Not stated.
Boston, Mass.	May 1, 1900	560,892	Pulmonary.
Buffalo, N. Y.	do	352,387	Not stated.
Rochester, N. Y.	do	162,608	Not stated.
Trenton, N. J.	Jan. 8, 1901	73,307	Pulmonary.
Bridgeport, Conn.	Apr. 23, 1902	70,996	Pulmonary.
Lowell, Mass.	Sept. —, 1902	94,969	Pulmonary.
Worcester, Mass.	Oct. 6, 1902	118,421	Pulmonary.
Louisville, Ky.	Oct. —, 1902	204,721	Not stated.
Atlanta, Ga.	do	89,872	Not stated.
Oakland, Cal.	do	66,900	Pulmonary.
Providence, R. I.	Jan. 15, 1903	175,597	All.
Hartford, Conn.	Mar. 4, 1903	79,880	All.
Cambridge, Mass.	Mar. 11, 1903	91,886	Pulmonary.
Omaha, Nebr.	June 30, 1903	102,555	Not stated.
San Francisco, Cal.	Oct. 27, 1903	342,782	All.
Los Angeles, Cal.	Oct. —, 1903	102,479	Not stated.
Memphis, Tenn.	do	102,320	Not stated.
St. Paul, Minn.	Jan. —, 1904	163,055	All.
Minneapolis, Minn.	Aug. 23, 1904	202,718	All.
Reading, Pa.	Sept. 1, 1904	78,961	All.
Somerville, Mass.	Oct. 6, 1904	61,643	Pulmonary.
Des Moines, Iowa	Oct. 28, 1904	62,139	All.
Springfield, Mass.	Nov. 1, 1904	62,059	Not stated.
Cleveland, Ohio	Feb. 3, 1905	381,788	Not stated.
Youngstown, Ohio	Feb. 6, 1905	44,885	Pulmonary.
Yonkers, N. Y.	Feb. —, 1905	47,931	Not stated.
Paterson, N. J.	Mar. 3, 1905	105,171	Pulmonary.
Salt Lake City	Mar. 9, 1905	58,531	Pulmonary.
Grand Rapids, Mich.	Mar. —, 1905	87,565	Pulmonary.
St. Louis, Mo.	Apr. 7, 1905	575,228	Pulmonary.
Baltimore, Md.	Apr. 8, 1905	508,957	Pulmonary.
Philadelphia, Pa.	Apr. 27, 1905	1,293,697	Pulmonary.
New Haven, Conn.	Apr. —, 1905	108,027	Not stated.
Milwaukee, Wis.	May 15, 1905	285,315	All.
Fall River, Mass.	June 13, 1905	104,863	Pulmonary.
Waterbury, Conn.	Sept. 5, 1905	45,859	All.
Pittsburg, Pa.	Sept. 10, 1905	321,616	All.
New Bedford, Mass.	Nov. 8, 1905	62,442	Not stated.
Columbus, Ohio	do	125,560	Not stated.
Erie, Pa.	Jan. 1, 1906	52,733	Not stated.
Chicago, Ill.	do	1,698,575	All.
Lawrence, Mass.	Feb. 19, 1906	62,559	All.
Peoria, Ill.	Feb. 20, 1906	56,100	Not stated.
Detroit, Mich.	do	285,704	Not stated.
Holyoke, Mass.	do	45,712	Not stated.
Seattle, Wash.	do	80,671	All.
Wilkes-Barre, Pa.	do	51,721	Not stated.
Troy, N. Y.	do	60,651	Not stated.
Indianapolis, Ind.	do	169,164	Not stated.

a State law. b State law; enforcement in this city begun about this time.

By February 20 last the number of cities having compulsory report laws had been increased to 53 out of the 86 largest, as shown by the table.

It appears that in this matter the United States has taken the lead, but its experience is attracting increasing attention in Europe. In March last the local government board of Scotland adopted very thorough measures for the administrative control of tuberculosis and provided for reports of all cases. On October 25, 1906, such a law as this was unanimously adopted by the town council of Glasgow, and on December 18 last the town council of Edinburgh also adopted such a law by a vote of 35 to 3. The necessity of such measures seems to be definitely established by the experience of other large cities of the country.

It seems that one of the most important points in the treatment of the disease is that cases taken in time, in this vicinity as well as elsewhere, show that proper treatment by means of fresh air, nourishing food, and rest will restore most cases to health and usefulness. The most certain method of detecting the disease is by a bacteriological examination of the sputum, and in order to encourage this early diagnosis most of the large cities of the country have for some time provided for the free examination of it, just as provision is made for the detection of diphtheria and other contagious diseases.

The investigation made in connection with this measure showed that out of the eighty-six largest cities of the United States sixty have a provision for the free examination of sputum in all cases. The number of sputum examinations in New York City last year was 18,639, and physicians there state that this provision is of the greatest usefulness in readily and easily determining whether the disease is present or not; and it often relieves the physician of the responsibility of himself giving a decision which might be unwelcome to the patient.

All the cities of the country larger than Washington have provisions for the free examination of sputum, and of the largest Washington is the only one which is yet without facilities for this.

This situation is best shown by the following list of cities having such provision, with the population and the rank of Washington in size, and the answers made to the inquiry as to whether there was such a provision or not:

New York, N. Y. (3,437,202): "Full and complete."  
 Chicago, Ill. (1,698,575): "We examine all specimens sent in by physicians."  
 Philadelphia, Pa. (1,293,697): "Abundant provision for this. All sputa are examined free of charge."  
 St. Louis, Mo. (575,238): "All sputum is examined free by the city bacteriologist."  
 Boston, Mass. (560,892): "Diagnosis of this and several other diseases made free of expense in our laboratory."  
 Baltimore, Md. (508,957): "Municipal and State laboratories."  
 Cleveland, Ohio (381,768): "Any physician can send sputum to the city bacteriological laboratory and have it examined free of charge."  
 Buffalo, N. Y. (352,387): "All sputum examined free."  
 San Francisco, Cal. (342,782): "We have a bacteriological laboratory attached to our department where examinations of sputum may be had absolutely free of charge to the doctor."  
 Cincinnati, Ohio (325,902): "A bacteriologist is employed for the purpose."  
 Pittsburg, Pa. (321,616): "Yes; all samples sent to laboratory are examined free."  
 New Orleans, La. (287,104): Report of board of health shows free examinations of sputum by city bacteriologist.  
 Detroit, Mich. (285,704): "The analyst and bacteriologist of the board examines gratis all samples of sputum brought to him."  
 Milwaukee, Wis. (285,315): "Sputum of patients residing in the city analyzed free of charge by health department."  
 (Washington, D. C., with 278,718, should come in here, but has no such provision.)

In 1900 the 20 largest cities in the United States had a population of 11,971,406. Of these, 16, containing 10,953,081, or 91½ per cent of this population, have laws requiring reports of all cases of tuberculosis, while only 4, having but 1,018,325, or 8½ per cent of the population, among which is Washington, do not have such laws.

Washington should no longer hesitate to do what all the largest cities in the country have found it expedient to do in encouraging the early discovery of this disease, which is so important to the whole community, and should take her proper place among those which make such examinations free to all.

Mr. CRUMPACKER. The purpose of this bill is simply to establish safeguards for the prevention of the communication of tuberculosis. I notice there are a couple of typographical errors in the bill. On line 21, page 2, the word "tubercle" is spelled t-u-b-u-e-r-c-l-e, and on page 3, line 16, the word "attending" is spelled a-t-t-e-h-d-i-n-g. Those errors should be corrected. I think the bill is all right, and I believe in any reasonable precaution for checking, if possible, the dread disease, the "white plague," as it has been termed, but I do not have great faith in this kind of a remedy. I am not opposed to the bill, but I think the way to prevent consumption is to develop the individual resisting powers. I have an indefinite idea that tuberculous germs are abundant and exist pretty nearly everywhere, and that the remedy is in the resistance of the individual more than in prevention by police regulation, but that does not mean that preventive measures should not be adopted.

Mr. HINSHAW. May I ask the gentleman a question?

Mr. CAMPBELL of Kansas. Certainly.

Mr. HINSHAW. This bill primarily provides that physicians in the District shall send in a report to the health department of each case of tubercular disease?

Mr. CAMPBELL of Kansas. Yes.

Mr. HINSHAW. And makes it compulsory on the physician to do so?

Mr. CAMPBELL of Kansas. Yes.

Mr. HINSHAW. Does the gentleman know whether statistics show that in the cities where similar precautions and legislation have been adopted the death rate thereby is made any less than it is in a city like Washington?

Mr. CAMPBELL of Kansas. It is claimed that the death rate has decreased, and if the gentleman from Nebraska will turn to the report on this bill he will find a table showing what the claim in these cases is. It is claimed, on the other hand, by those who oppose this bill that it does not in any material sense decrease the disease nor the fatalities from it.

Mr. HINSHAW. Have the physicians in the city of Washington been allowed a hearing before your committee?

Mr. CAMPBELL of Kansas. They have appeared individually before members of the subcommittee and have filed pamphlets and protests, and we know their position.

Mr. HINSHAW. Their position is against the bill?

Mr. CAMPBELL of Kansas. Yes; some of them are, but I refuse to believe that all or a majority of the physicians of the city of Washington are against the provisions of this bill as it is reported by the committee.

Mr. HINSHAW. Has any physician in the city appeared in favor of this bill?

Mr. CAMPBELL of Kansas. I do not recall that there has

I have hoped that I would not be called into a discussion of this phase of the case. The attitude of the medical fraternity toward this class of legislation is not friendly, and I have some very pronounced views on their attitude.

Mr. BURTON of Delaware. Let me say to the gentleman that it is not the attitude of the profession generally. You may find it in this city, but, generally, the medical profession is in favor of this kind of legislation. If it does no other good it will cause the attending physician to be careful with his patient and take care of the expectoration and do those things which will have a tendency to prevent the spread of the disease. I think it is a very wise thing to do and very important that it should be done. The gentleman from Indiana [Mr. CRUMPACKER] said that Doctor Wiley said that in the mouth of almost every human being could be found tuberculous germs. That may be so accidentally; but if all of the disease germs which could be found in our mouths should develop we should all be dead in a week. It depends upon the amount of resisting force we have to get rid of them. They are constantly with us, ready to make an invasion, and this kind of legislation is very wise and, I think, should be passed by all means. I do not think it is any too strict.

Mr. CAMPBELL of Kansas. I thank the gentleman from Delaware, who is a most noted physician himself.

Mr. HINSHAW. Any method of preventing the spread of tuberculosis should be adopted if adapted to the purpose, but it strikes me as peculiar, since it has been made manifest that the physicians of the city are opposed to it, and I could not understand why, because I should believe naturally they would be in favor of restrictive measures when it came to the spread of this disease.

Mr. CAMPBELL of Kansas. I will say for the medical societies here, as they have been represented to the members of the committee who have had the bill under consideration, that they are in favor of reporting such cases as do not come under their treatment.

It is the contention of the medical society that when a case is called to their attention it is in hands sufficiently qualified to make all investigations and examinations of sputum and to give all necessary instruction to the patient and to give every encouragement and help that a patient with consumption should have. They do say that cases which do not come under their treatment should be reported and taken care of as provided for in this bill.

Mr. HINSHAW. It was suggested to me by one citizen that one objection to the bill was that it puts down upon the records of the department here against a particular patient a record of tuberculosis, which would therefore follow that patient even though he might recover, and that life insurance companies possibly might have access to that record and that record might militate against the chances of the patient getting life insurance. Various other objections were made because they contend that a large number of these patients do ultimately recover, and do not like to have the record made against them.

Mr. CAMPBELL of Kansas. Provision is made for the record to show recovery when there is recovery. The physicians here have not had formal hearings, but their case has been given full consideration in the preparation of this bill and the report on it. The provisions of this bill practically as it has been reported have been in operation in the city of New York for about ten years now, and I will yield a few moments to the gentleman from New York [Mr. OLCOTT] with a view of having him state how it works there.

Mr. OLCOTT. Mr. Speaker, in connection with this matter I would say that I have had considerable conversation with Dr. Hermann H. Biggs, who is the general medical officer of the city of New York. This system of the free examination of sputum and of the registration of all tuberculosis patients has been in operation in New York City for a considerable length of time and has been of highly beneficial results. I, of course, not being a physician, can do nothing better than to ask the clerk to read the letter which I send to the desk which I have received from Doctor Biggs, as to the effect of a similar law in the city of New York.

The Clerk read as follows:

CITY OF NEW YORK,  
 DEPARTMENT OF HEALTH,  
 January 25, 1907.

Hon. J. VAN VECHTEN OLCOTT,  
 The Capitol, Washington, D. C.

MY DEAR SIR: I am informed that bill H. R. 21934, relating to the compulsory reporting of cases of tuberculosis and the free examination of sputum for the city of Washington is in charge of the District Committee of the House, of which you are a member, and I am writing to most earnestly urge the favorable reporting of this bill by your committee.

It has been my privilege to have the supervision of this work in the city of New York for many years. In 1894 the board of health, on



my recommendation, first provided for the free examination of sputum and the partially voluntary and partially compulsory reporting of cases of tuberculosis. In 1897 an ordinance was passed declaring this disease to be a communicable one, dangerous to the public health, and requiring reports of all cases. You will readily understand that when we took up this work in New York City, thirteen or fourteen years ago, the scientific knowledge in regard to the subject was far less complete than it is now, and both the medical profession and the laity were without information as to the actual facts, and it seemed wise then to follow the course suggested. At the present time there is absolutely no valid objection in any civilized community to the passage and enforcement of such regulations, which are absolutely necessary for the protection of the public health and even more so in Washington than in New York, because of the great susceptibility to and the prevalence of tuberculosis among the negroes.

Notwithstanding the very dense population which we have in New York on the lower east side, running from 600 to 1,000 to the acre—much the densest population of any city in the world—and notwithstanding the enormous and almost insuperable difficulties in the education of our tenement-house population, because of their foreign birth and training and inability to understand English, it has been possible, by the procedures which we have adopted, to reduce the death rate from tuberculosis fully 35 per cent in the period since the work was begun. When I say that there is not one single valid objection to the adoption of such regulations I speak with full knowledge of the subject, as I was responsible for the introduction of these regulations in New York City and have had the supervision of them since that time. Last year nearly 31,000 cases of tuberculosis were reported to the department of health.

I sincerely trust that for the good of the people of Washington and for the general reputation of the national capital, the House committee will see its way to reporting favorably on this bill and urging its passage.

I have the honor to remain, very respectfully, yours.

HERMANN M. BIGGS,  
General Medical Officer.

Mr. CAMPBELL of Kansas. Mr. Speaker, I wish at this time to offer two amendments to correct the spelling of two words in the bill. On page 2, line 21, correct the spelling of the word "tubercle;" and on page 3, line 16, correct the spelling of the word "attending."

The SPEAKER. Without objection, the amendments indicated by the gentleman from Kansas will be considered as agreed to.

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Kansas two or three questions about this bill. Who wants this bill, anyway?

Mr. CAMPBELL of Kansas. We have here the petition of the council of the Civic Center Society, who have petitioned for the passage of the bill. The board of health wants it, and the District Commissioners want it, and many citizens have called upon the subcommittee in support of the bill and have asked that it be reported favorably and passed.

Mr. CLARK of Missouri. What do the doctors say about it?

Mr. CAMPBELL of Kansas. The doctors are pretty generally against the passage of this bill as it has been reported.

Mr. CLARK of Missouri. They want a substitute passed that will not be so stringent?

Mr. CAMPBELL of Kansas. Yes; they want a substitute passed. They want to give homeopathic treatment, as it were, where we would give allopathic treatment.

Mr. CLARK of Missouri. Does that in any way interfere with the management of his own affairs of any man keeping house in this town a member of whose family is supposed to have consumption?

Mr. CAMPBELL of Kansas. I contend that it in no way interferes with the family in that way. In New York City they have been trying to devise a way in which they could interfere in proper cases, but have not yet been able to do so.

Mr. CLARK of Missouri. What is the provision in this bill as to the registration of these cases?

Mr. CAMPBELL of Kansas. The bill requires that an attending physician, believing or having reason to believe that he is attending a patient who has tuberculosis, is required to have an examination made of the sputum at public expense by the health officer. Having ascertained that the patient has tuberculosis, that physician is required to report that case to the health officers.

Mr. CLARK of Missouri. Is that to be registered in a public place?

Mr. CAMPBELL of Kansas. Not in a public place. The registration is for the information of the health department, and every safeguard is placed around it. It is only for the information of the health office.

Mr. CLARK of Missouri. Well, is one doctor to be permitted to certify up there that I have consumption or that you or anybody else has it?

Mr. CAMPBELL of Kansas. No; he may certify his suspicions, but one is not registered as a consumptive until an examination of the sputum has been made which shows conclusively that he has the disease, and then registration is made of it.

Mr. CLARK of Missouri. They compel the examination.

Mr. CAMPBELL of Kansas. Of the sputum—well, I should say that it is not compulsory.

Mr. CLARK of Missouri. Well, I dislike exceedingly to have one doctor—

Mr. CAMPBELL of Kansas. "Shall make or cause to be made an examination" is the language of the bill.

Mr. CLARK of Missouri. Say that anybody had consumption, or tuberculosis, I believe, is the technical name for it. I know of a case where one doctor said a boy had incipient tuberculosis and there is not a healthier boy in the city of Washington. Well, now, my judgment about it is that a man would not like to have his wife or himself or his child certified in a public record that they have tuberculosis unless it is a clear case. Of course, there is nothing disgraceful about having tuberculosis, but it might work a great many bad results if you are registered as having it.

Mr. BURTON of Delaware. I want to ask if your friend in that case had his sputum examined?

Mr. CLARK of Missouri. No, he did not; but there is not a healthier boy in the city of Washington.

Mr. BURTON of Delaware. That diagnosis would have been avoided probably in that very case had the doctor submitted his sputum to the proper kind of an examination.

Mr. CLARK of Missouri. You know ten times as much about medicine as I do, but I know the common-sense idea about it is this: People who have good sense when they come to marry consider the antecedents of the person they are going to marry as to health, insanity, and all that kind of stuff. Now, you take a girl down here, or a boy either, it does not matter which, a child, and register them in a public register as having tuberculosis and it turns out that they do not have it, it might interfere very materially with the prospect of that girl or boy in regard to their marrying or getting on generally, and marrying is one of the most important functions people discharge in this life now. Another thing about it—there is a great dispute in the world whether consumption can be cured at all or not. Now, if it was ascertained definitely that it can be cured, then it would not make so much difference if a person accidentally had his name registered as consumptive—

Mr. BURTON of Delaware. It has been demonstrated—

Mr. CLARK of Missouri. But if it is admitted it is an incurable disease, then to have the name of a child put on a public record as having an incurable disease I do not think it—

Mr. BURTON of Delaware. It has not been demonstrated that it is incurable. The fact is, it has been demonstrated beyond the question of doubt that it can be cured, and the earlier the disease is recognized the better the chances of curing it.

Mr. SHERLEY. Will the gentleman answer a question? Is it not true that nearly every person at some time or other in life has consumption, in the sense that there is an attack by the germ, but a healthy person is capable of throwing it off and curing it without any disastrous results?

Mr. BURTON of Delaware. That is true.

Mr. SHERLEY. If that be true, is it not possible that a person then might be registered as having consumption who would not have it in the sense in which it would be considered by the public?

Mr. BURTON of Delaware. Well, but he has the opportunity to go and be examined afterwards and be registered as cured and as free from tuberculosis, and it is his duty to do so.

Mr. SHERLEY. The gentleman, however, will realize this fact, that while the medical profession may recognize that a man may have it and be cured, the general public look upon it as a disease not capable of cure, and once being noted as having consumption would carry to the lay mind the idea that the person always has it.

Mr. BURTON of Delaware. I understand that; but do you not know there are hundreds of cases that are diagnosed as tuberculosis when an examination would reveal the fact that there was no tuberculosis? So far as I am concerned, in my practice many times in my life the diagnosis of a case would disclose the patient had tuberculosis, but if I had some doubt I would go to another place and get a report on the sputum, showing that it was entirely free from the germs of tuberculosis.

Mr. SHERLEY. The gentleman's statement brings forward an additional argument. If there is so much doubt as to whether or not a person has tuberculosis, a doubt that exists among the members of the medical profession, then is it not going a little far to say upon the statement of a health officer that a man shall be certified as having it, when he might not have it at all?

Mr. BURTON of Delaware. That is just the point. They are not obliged to stop there. They can go to another scientist and have it examined again.

Mr. SHERLEY. Upon the opinion of whom does the certification depend?

Mr. CAMPBELL of Kansas. Now, Mr. Speaker, I want to read section 2 of the bill in answer to the gentleman from Missouri [Mr. CLARK] and the gentleman from Kentucky [Mr. SHERLEY]. It is as follows:

Sec. 2. That the health officer of the District shall make, or cause to be made, a microscopical examination of the sputum of persons having symptoms of tuberculosis, which shall be accompanied by a blank giving name, age, sex, color, occupation, and address of the patient, whenever it be requested by the attending physician or by the proper officer of any hospital or dispensary; and shall promptly make a report thereof, free of charge, to the physician or officer upon whose application the examination was made.

Now, Mr. Speaker, it is the contention of the committee and those favoring this legislation that this examination made by a proper officer discloses the fact as to whether or not the person has or has not consumption, and the examination is in the nature of a protection to him.

Mr. SHERLEY. If the gentleman will permit, that is hardly in accordance with the statement made by the gentleman from Delaware [Mr. BURTON], that it is a matter of doubt among physicians frequently. Now, you are permitting one man's certificate to determine the matter.

Mr. CAMPBELL of Kansas. No; we are permitting here the certificate of the officer who has made a microscopical investigation of sputum to determine the matter, just as we permit the same officer to decide whether or not a child has scarlet fever or diphtheria to-day. There seems to be no question among medical men that it can be ascertained definitely whether there is tubercular bacilli in the sputum or not.

Mr. SHERLEY. I simply appeal from the gentleman's statement to the statement made by the gentleman from Delaware [Mr. BURTON], who is himself a physician.

Mr. CAMPBELL of Kansas. No doubt the gentleman from Delaware has reference to his own examinations, not as a specialist making an examination of the sputum, but as a physician giving his opinion upon the case.

Mr. BURTON of Delaware. No, Mr. Speaker; I contend that the ordinary physician would diagnose a case as tuberculosis, as the gentleman from Missouri [Mr. CLARK] said a while ago, when an examination by a scientist would have shown that it was not tuberculosis, and had that examination not been made the patient would have nothing to show that he had recovered and was now a healthy man. It is a protection to the patient as well as to the public.

Mr. SHERLEY. The point I desire to bring out is this: As I understand it—of course I do not pretend to have accurate knowledge in regard to the matter—all of us may at times be infected with the germ that produces tuberculosis, but the system itself is capable of coping with the disease and throws it off, so that it does not become acute or chronic, and the result is that that person is not a consumptive in the ordinary sense of the term. Otherwise all of us would be; and yet under the provisions of this bill such a person might be registered. Now, the fact that subsequently the registration can be canceled by the statement that the person is cured does not put him back in the position he would have been in if he had never been registered, because in the lay mind there is always an idea that consumption, differing from the diseases mentioned by the gentleman, is incurable, and is also capable of being transmitted, and as a result the stigma would be one that could never be gotten rid of.

Mr. BURTON of Delaware. The gentleman will admit that that same condition of things would exist in connection with the physician who denominates maybe a hundred cases as tuberculosis where there never was an examination, and it goes out all over the community that a man so examined has consumption and has still got it, because the average man believes it incurable. Now, the statement of Dr. Wiley, that it can be found in the sputum or in the mouth of men, does not prove that the system is infected with it or that it has made any inroads, for every day of our lives, no doubt, we drink the typhoid germ, and it is probably by the antiseptics that we put in our stomachs we fight off the disease. Three of us might to-day take the typhoid germ into our systems, and one might be a victim of it in a week, and another man in two weeks, and another man in three months. The latter would fight it off until it finally exhausted his vital force. You can not claim a man has consumption because of the undeveloped tuberculosis germ that is found in the mouth.

Mr. SHERLEY. And yet upon the ascertainment that the germ is in the sputum this is to be done.

Mr. BURTON of Delaware. The gentleman does not understand. That is the expectorator. A man has a cough. You take that sputum that he expectorates from the lungs and have that examined. It is not simply saliva or what you may find

it, and you spit that out or you chew it out or smoke it out or kill it by alcohol or tobacco or anything else. It is not the germ that you find in the mouth or you find in the stomach or throat, but is the germ that is found in the sputum that is often expectorated from the lungs. It is an expectoration of germs from tuberculous ulcers. There are a great many cases, when there is profuse expectoration, of at least a suspicious character, but examination shows it to be harmless. Now, I had one that came home very close to me. My brother was very ill. He had grip, and in cases of grip we frequently find occasions of profuse expectoration, and he was expectorating very great quantities of ugly sputum. I called in a physician, and he stated that there was no question that it was tuberculous. I did not believe that it was. My belief was that it was simple sputum of diffused bronchitis, profuse, as we often find in cases of epidemic influenza, and an examination by scientists proved that it was not tuberculous, and the man got well, and he is as well as he ever was.

Mr. CAMPBELL of Kansas. I call for a vote, Mr. Speaker.

Mr. GARRETT. Mr. Speaker—

Mr. COUSINS. I would like to ask the gentleman from Delaware a question. Do you regard the existence of universal pavements in the city as more likely to cause an exhalation of this tuberculous matter than if the pavement did not exist and the sputum fell on the ground, and whether there would be less liability of its rising than there is now?

Mr. BURTON of Delaware. Decidedly so.

Mr. COUSINS. And is it the opinion of physicians that it is in the very driest state that this sputum is the most dangerous?

Mr. BURTON of Delaware. Yes. When it falls on a pavement it dries more rapidly, and is also less likely to meet with an enemy than it would be if it fell upon clay or soil where other germs are often found to destroy it.

Mr. COUSINS. That it becomes pulverized and rises in the air?

Mr. BURTON of Delaware. It rises in the air. A person expectorates on the carpet and it dries and rises in the dust.

The SPEAKER. Without objection, the bill will be ordered to be engrossed, read the third time, and passed.

Mr. SHERLEY. Mr. Speaker, quite a number of gentlemen are interested in the bill just passed by the Chair—I mean nothing unkind in reference to the action of the Chair—and some of us desired to be heard, and I did not know that debate was closed.

The SPEAKER. The Chair was notified that a vote was called for by a member of the committee, and the Chair stated that if there was no objection the bill would be passed, nor was there objection.

Mr. CAMPBELL of Kansas. I called for a vote. After that some questions were asked on the bill, and the gentleman from Tennessee [Mr. GARRETT] had asked me to yield to him for a question.

The SPEAKER. By unanimous consent the House can vacate its action. Is there objection?

Mr. BABCOCK. I object.

The SPEAKER. Objection is made.

#### PROHIBITION OF DISTRIBUTION OF ADVERTISING MATTER.

Mr. BABCOCK. I call up for consideration the bill H. R. 24930.

The bill was read, as follows:

A bill (H. R. 24930) prohibiting the distribution of circulars and certain other advertising matter on private property within the District of Columbia, and for other purposes.

*Be it enacted, etc.,* That hereafter it shall be unlawful for any person, firm, corporation, or company or association of any character to throw, push, cast, deposit, drop, scatter, or leave, within the building line, vestibule, or yard of any premises within the District of Columbia any paper, handbills, dodgers, cards, circulars, or advertising matter of any kind whatsoever: *Provided, however,* That nothing herein shall be construed to interfere with the distribution of newspapers or any class of mail matter in the ordinary course of mail delivery: *And provided further,* That nothing herein shall be taken to modify, annul, or repeal the power to make police regulations heretofore given the Commissioners of the District of Columbia by Congress, nor any present or future police regulation prohibiting deposits upon parks, parking streets, avenues, or alleys, or other public space.

Sec. 2. That no person, firm, corporation, or company or association of any character shall do or employ any other person, firm, corporation, or company or association of any character to do or perform any one or more of the things forbidden by section 1 of this act, or by any present or future police regulation mentioned in the provisos thereof; and any such person, firm, corporation, or company or association of any character, whether acting as employer or employee, as principal or agent, either directly or indirectly, shall be liable for a violation of any provision of this act.

Sec. 3. That any person, firm, corporation, or company or association of any character violating any of the provisions of this act shall be punished by a fine of not less than \$5 nor more than \$50 for each violation thereof. Prosecutions under the terms of this act shall be in the police court of the District of Columbia in the name of the said District.

Mr. CRUMPACKER. Mr. Speaker, I want to suggest an amendment to this bill.

Mr. GREENE. I have an amendment I desire to offer on behalf of the committee.

The Clerk read as follows:

Page 1, line 11, after the word "delivery," insert the following: "Or with the orderly delivery upon the premises of printed or written advertisements inclosed in an envelope addressed to some person in the house or to the man or lady of the house."

The SPEAKER pro tempore. The question is on the amendment.

Mr. CRUMPACKER. Mr. Speaker, I think this bill would prevent the custom that generally prevails throughout the city of Washington of making social calls by leaving cards—the ordinary visiting cards. I do not think that very admirable and convenient practice ought to be prohibited.

Mr. BABCOCK. Does the gentleman consider that advertising?

Mr. CRUMPACKER. The provision is not limited to advertising matter. Let me call the attention of the gentleman to the phraseology of the bill:

It shall be unlawful for any person, firm, corporation, or company or association of any character to throw, push, cast, deposit, drop, scatter, or leave within the building line, vestibule, or yard of any premises within the District of Columbia any paper, handbills, dodgers, cards, circulars, or advertising matter of any kind whatsoever.

These enumerated things are not necessarily of an advertising character. The depositing of a calling card on the front porch would be on the premises and within the building line. I think, at the end of line 7, a word should be added, so it would read "handbills, dodgers, cards, circulars, or 'other' advertising matter of any kind."

Mr. BABCOCK. I have no objection to that.

Mr. CRUMPACKER. "Papers, dodgers, handbills, cards, circulars, or other advertising matter."

Mr. BABCOCK. I have no objection to that. Submit the amendment to the Clerk.

Mr. CRUMPACKER. Mr. Speaker, I move to amend—

The SPEAKER pro tempore. Does the Chair understand that this is an amendment to the amendment offered by the gentleman from Massachusetts?

Mr. CRUMPACKER. No; I move to amend by adding, after the word "or," in line 7, page 1, the word "other."

The Clerk read as follows:

Insert, after the word "or" and before the word "advertising," on line 8, page 1, the word "other;" so as to read: "or other advertising matter."

The SPEAKER pro tempore. The first amendment was the one proposed by the gentleman from Massachusetts [Mr. GREENE]. Does the gentleman desire to be heard on that amendment?

Mr. GREENE. I do not think it is necessary.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment of Mr. GREENE was agreed to.

The SPEAKER pro tempore. The question now is on the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER].

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

#### WASHINGTON WATER SUPPLY.

Mr. BABCOCK. Mr. Speaker, I desire to all up Senate bill 7042, which was called up when we adjourned on last District day and is on the Union Calendar.

Mr. SIMS. Which bill is that?

Mr. BABCOCK. The Washington Aqueduct bill?

Mr. SIMS. That is on the Union Calendar?

Mr. BABCOCK. Yes; I just said that it is on the Union Calendar.

Mr. SIMS. What about H. R. 25326?

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged and that Senate bill 7042 may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of the bill mentioned and that it now be considered in the House as in Committee of the Whole.

Mr. SHERLEY. I object.

The SPEAKER pro tempore. Objection is made by the gentleman from Kentucky.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of

the Union for the consideration of bills on the Calendar reported by the District Committee.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 7042.

Mr. BABCOCK. No, Mr. Speaker—

The SPEAKER pro tempore. For the consideration of bills on the Union Calendar reported by the Committee on the District of Columbia.

Mr. MADDEN. Mr. Speaker, I want to make a parliamentary inquiry, whether there is going to be any general debate fixed on this bill before we go into the Committee of the Whole House?

Mr. FITZGERALD. Oh, no; let it run.

The SPEAKER pro tempore. That can be agreed to only by unanimous consent, the Chair will state to the gentleman from Illinois. The question is on the motion of the gentleman from Wisconsin.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar reported by the Committee on the District of Columbia, with Mr. GROSVENOR in the chair.

Mr. BABCOCK. Mr. Chairman, I ask for the present consideration of Senate bill 7042, to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.*, That from and after July 1, 1907, the Commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations which under existing law are delegated to and imposed upon the Chief of Engineers of the United States Army in so far as the same relate to the jurisdiction and control over the Washington Aqueduct and its appurtenances in the District of Columbia, State of Virginia, and State of Maryland; and the said Commissioners are hereby given sole control over the Conduit road and the filtration plant, it being the intention of this act that the entire control over the Washington Aqueduct and all of its appurtenances, the filtration plant, Conduit road, all water mains, and the water-distribution system of the District of Columbia shall, on and after said date, be under the sole and exclusive jurisdiction and control of the said Commissioners of the District of Columbia, and that the Secretary of War and Chief of Engineers of the United States Army shall be relieved of all duty and responsibility in connection with all of such work; and the Secretary of War and Chief of Engineers shall, on request of the Commissioners of the District of Columbia, deliver to them all existing plans, surveys, and records, or duly certified copies thereof, deemed necessary or required by said Commissioners to enable them to discharge the duties imposed on them by this act, the cost of making said copies to be paid by said Commissioners; and all property connected with said works shall be delivered to said Commissioners; and all appropriations available for the Washington Aqueduct, District of Columbia, and its appurtenances, including the filtration plant, shall be expended under the direction and control of the Commissioners of said District, and the employees paid from said appropriation shall be transferred to the jurisdiction of the said Commissioners for assignment to such duties as may be deemed necessary to carry into effect the provisions of this act: *Provided, however*, That the supply of water to all buildings, parks, structures, lands, and so forth, owned or used by the United States shall be at all times free and unrestricted.

SEC. 2. That all laws and parts of laws inconsistent with the provisions hereof are hereby repealed.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. FITZGERALD. Mr. Chairman, that was the first reading of the bill. Is the gentleman from Wisconsin going to explain it?

The CHAIRMAN. The bill is now open for general debate. The Chair recognizes the gentleman from New York.

Mr. FITZGERALD. I desire to know whether the gentleman from Wisconsin intends to explain this bill?

Mr. BABCOCK. Mr. Chairman, I should be very glad to have an opportunity to explain the bill fully, and for that purpose I yield to the gentleman from Ohio [Mr. TAYLOR], who reported the bill.

Mr. TAYLOR of Ohio. Mr. Chairman, the waterworks system of the District of Columbia has been partly under the control of the War Department and partly under the control of the District Commissioners. The dam at Great Falls, the aqueduct, the reservoir, and the filtration plant and a portion of the trunk mains have been under the control of the War Department. The balance of the water mains and the machinery of distribution are under the control and direction of the District Commissioners. This bill simply seeks to consolidate that entire water system under one control. The District Commissioners have advocated it on grounds of economy, and the War Department are anxious to get rid of the authority they hold over this portion of the waterworks. By the original act, which was passed a long time ago, the War Department had control of the aqueduct up to Cabin John Bridge and the dam and a portion after it comes into the District. The Commissioners are obliged to take the water and distribute it. This is all there is to the bill.

There is nothing behind it, except to turn over the control of the entire system to one body.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAYLOR of Ohio. Certainly.

Mr. MANN. This involves the filtration plant?

Mr. TAYLOR of Ohio. Yes.

Mr. MANN. Does it involve the reservoir?

Mr. TAYLOR of Ohio. Yes; and the aqueduct.

Mr. MANN. All of that which has been constructed under the control of the engineers of the War Department?

Mr. TAYLOR of Ohio. Under the control of the War Department engineers.

Mr. MANN. You now propose to turn it over to the District Commissioners?

Mr. TAYLOR of Ohio. To the District, and that such funds as are used by the War Department for the purpose shall be put into the hands of the Commissioners. In other words, that one party will control the whole water system.

Mr. MANN. Is there not some talk about enlarging the water supply of the District?

Mr. TAYLOR of Ohio. I know of no such talk beyond the fact that they have just finished a large filtration plant and there is now pending a bill to construct a small auxiliary filtration plant, I think involving an expenditure of about \$5,000.

Mr. MANN. The gentleman from Ohio is aware that it is stated here by the committees having jurisdiction that it will be necessary to enlarge the water supply or decrease the water consumption within the very near future?

Mr. TAYLOR of Ohio. I know that they have recently adopted the meter system, or rather I am so informed. Doubtless that will save water and the cost of production.

Mr. MANN. They are also asking additional methods of water supply.

Mr. TAYLOR of Ohio. Not in this bill.

Mr. MANN. Oh, no; not in this bill. These things come in by piecemeal.

Mr. TAYLOR of Ohio. I know nothing about that.

Mr. MANN. What is the reason for the Engineering Department of the Government, which has constructed a filtration plant, having it in hand and having the capacity and the force to look after it—what is the reason for turning it over to the District Commissioners, who know nothing about that subject?

Mr. TAYLOR of Ohio. In the first place, I do not agree with the gentleman from Illinois that the District Commissioners or their agents having charge of the water system of Washington do not know about the source of the water supply. It seems absolutely necessary to a successful operation that they should know about the water supply. The letter from the District Commissioners states the fact, and it seems unanswerable, that a water system controlled by two bodies, one portion of it under the control of the War Department and the other portion under the control of the District, could not be as economically managed as the same system consolidated and controlled by one governmental body.

Mr. HULL. Wouldn't it be more economical to put it all under the War Department?

Mr. TAYLOR of Ohio. I might say to the gentleman that the War Department is pretty busy managing the real duties of that Department without becoming the District water-supply agent.

Mr. HULL. I do not know much about it, but I am seeking for information. My impression was that it was economy for it to be administered in the way it is.

Mr. BABCOCK. The gentleman from Iowa understands that the War Department has assented to the provisions of this bill?

Mr. HULL. No; I was not aware of it; I am trying to find out.

Mr. BABCOCK. They are in favor of the legislation.

Mr. TAYLOR of Ohio. In the report we have a letter from the Chief of Engineers and also an indorsement of the approval of Secretary Taft, together with a letter from the Commissioners, fully explaining what they think would be an economical administration of the water system. It is an agreed matter between the Department and the Commissioners, and we are seeking only to acquiesce and carry it out.

Mr. MANN. Will the gentleman yield for another question?

Mr. TAYLOR of Ohio. Certainly.

Mr. MANN. If the purpose of this is economy, I want to suggest to the gentleman that there are other matters for economical administration. For instance, we have a large number of little parks belonging to the General Government. It is very costly to have those policed by the War Department.

Mr. TAYLOR of Ohio. I agree with the gentleman.

Mr. MANN. Has the District Committee ever brought in a bill to change it?

Mr. TAYLOR of Ohio. I do not know whether the committee has ever brought in a bill to change it, but it has not since I have been a member of the committee.

Mr. MANN. If they have it has not been passed?

Mr. TAYLOR of Ohio. It has not been passed.

Mr. MANN. There are some reasons in this case that could easily be given why the Government should retain control of the water supply and not turn it over to the District Commissioners.

Mr. TAYLOR of Ohio. They do not give up the title to the property, only transfer the administration.

Mr. MANN. The title does not make any difference, they turn over the control from the Engineer Department of the War Department. They turn these matters over to the District office, as though it was a mere matter of registering the water by meters. As a matter of fact, it is quite a different proposition.

Mr. TAYLOR of Ohio. Under the present system there are now of necessity a number of positions duplicated by reason of the two jurisdictions. That could be done away with, and that is, of course, a matter of economy. Because the park system may be in the minds of the gentleman and myself wrong, in that the Department employs policemen for the parkings, I do not see that that is any reason why this bill should not pass because of the committee's failure to bring in a bill correcting the other extravagance.

Mr. MANN. That is the reason we want to know why the committee selects one and not the other.

Mr. TAYLOR of Ohio. The only answer I could give to that lies in the fact that the Commissioners and the War Department have called this matter to our attention and have urged this legislation. I have no recollection of having the other thing urged upon us.

Mr. MANN. What positions are duplicated?

Mr. TAYLOR of Ohio. They are not given in sequence, but the statement is this: That considerable economy will result from their administration of the aqueduct and the filtration plant, as a number of employees now necessarily duplicated on account of the division of the work could be dropped. I do not know what positions are referred to, but I can readily see why there would be a duplication.

Mr. MANN. I will offer to give the gentleman a valuable chromo if this bill passes and he can find a single case or person that is dropped.

Mr. TAYLOR of Ohio. Then it is the fault of the District Commissioners, and they and not the committee should receive the criticism. I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. FITZGERALD. Mr. Chairman, I desire to be recognized in opposition to this bill. It seems to me that the committee should consider this bill somewhat carefully before it lays it aside with a favorable recommendation. The Commissioners have for several years urged the Committee on Appropriations to turn over the aqueduct and the filtration plant to their control. At present the aqueduct and filtration plant are under the control of the engineers of the War Department. The administration of the service is satisfactory and the evidence shows that it is more economical than it would be in any other way. The Federal Government built the aqueduct and between the years 1850 and 1879 paid all the expenses of maintaining it. In that period there were expended \$3,800,000 for that purpose. It is important that the Federal Government should have control of the water supply in this city. There is no more important function for the Federal Government in connection with the District than to have control of the water system. This movement did not originate, as I am informed, with the War Department, but it originated with the Commissioners of the District, who in all of the hearings simply assert that in their opinion it would tend to better and more economic administration. In my experience I am convinced that the economic administration of this service will be conserved by continuing it in the control of the engineers of the War Department. If there be any necessity to consolidate the control of the water-supply system in this District it would be better, in my opinion, to place the control of that part of it now under the Commissioners of the District with the engineers of the War Department. The Secretary of War has not specifically approved this project. He has simply returned the proposed bill with a recommendation that the committee's attention be given to the recommendations of his subordinate officials. They suggest that there is no objection to the bill. One of these officials, Captain Cosby, suggests that it might be a proper matter for consideration that the District should pay, if it is to have the entire control of the water system, at least one-half of the amount that was ex-

pended prior to 1879. In my judgment the result of this bill, if enacted into law, will be to gradually increase the cost of maintenance without any advantage whatever to anyone desiring a better or a more efficient water supply. It seems to me that before the aqueduct, which was built and paid for by the Federal Government, and the filtration plant, which has been paid one-half by the Federal Government and one-half by the District (but which has always been controlled in an economical manner by the engineers of the War Department) are put into the control of the Commissioners more forcible reasons should be given than those assigned in advocacy of this bill. There is no special haste, there is no pressing necessity for this legislation, and I trust that the committee will not, with the meager explanation given, approve the bill.

Mr. GOULDEN. Mr. Chairman, I regret that I can not agree with my distinguished colleague from New York. I am heartily in favor of the passage of this bill as recommended by the committee, and it seems to me that the reasons assigned by the Commissioners and the officials of the War Department, as found in the report of the committee, are ample and satisfactory. I find these views set forth in that document, taken from the report of President Macfarland, of the Board of Commissioners of the District of Columbia:

The conditions which then seemed to make it advisable to terminate the dual responsibility for the water supply of the District exists to-day, and the recommendation is renewed. The completion of the filtration plant will give an added reason for the transfer, as its maintenance and operation are even more intimately connected with the distribution system than is the aqueduct itself.

There seems to be a division of authority here that should not exist in a well-regulated department of this character. A division of authority and responsibility is certainly not in the interest of good, economical administration of affairs. The Commissioner goes on to say:

At present the dam at Great Falls, the aqueduct and reservoir along the route, the filtration plant, and a portion of the trunk mains are under the control of the War Department, and the high-service reservoirs, the pumping station, the greater part of the trunk mains, and all the distributing system are under the Commissioners.

The Conduit road, running from Great Falls to the city, is now placed by law under the control of the War Department, and by reason of the lack of jurisdiction of the Commissioners over this road they are unable to light it, to lay sidewalks, service mains, and service sewers without special authorization from Congress. They are at present only authorized to carry on such improvement on highways under their jurisdiction, and as a number of these municipal constructions involve assessments on abutting property such assessments if levied would not be collectible against the property. The necessity for these improvements as the property develops is evident.

Now, I am familiar with the Conduit road; I have been over it several times. Some friends have built residences there; another one has erected a church on this thoroughfare, and it is impossible for them to obtain any public improvements—water, gas, electricity, pavements, etc.—unless this bill becomes law. I hope, therefore, in the interest of economy which seems clearly demonstrated, in the interest of a better administration of affairs, in the interest of improvements which are absolutely necessary in that rapidly growing section, that this bill will pass and the recommendation of the committee be adopted.

The arguments against it by the gentlemen from New York [Mr. FITZGERALD] and from Illinois [Mr. MANN] are not sound nor in the interest of good government.

The bill, Senate No. 7042, having passed that body and been reported favorably by the District Committee, should speedily be enacted into law, and I believe will receive the approval of this House.

Mr. MADDEN. Mr. Chairman, the distinguished Commissioners have tried for a long time to get control of this aqueduct. It was kept under the jurisdiction of the War Department because it was believed the War Department was better qualified to run it economically than the District Commissioners. The War Department believes that it should be allowed to retain jurisdiction over the source of the water supply for reasons which it gave the Committee on Appropriations, namely, that while it had control it was sure that the Government would never have onerous conditions placed upon its use of what water supply the Government needs. The Committee on Appropriations obtained information to the effect that greater economy was practiced in the operation of the aqueduct by the War Department than was practiced by the Commissioners over that part of the water supply which they control. The filtration plant, which is under the jurisdiction of the War Department, is much more economically administered than is that part of the water system under the jurisdiction of the Commissioners of the District. The judgment of the Committee on Appropriations was that the best interests of all the people of the District would be served by allowing the War Department to retain the jurisdiction which it has had for many years.

Mr. BABCOCK. Will the gentleman permit?

Mr. MADDEN. Certainly.

Mr. BABCOCK. I desire to call his attention to the fact that the Committee on Appropriations had no authority under the rules of the House to report legislation.

Mr. MADDEN. It realizes that and it is not attempting to do so. And I am only making an explanation of how we came into possession of the information which led to the conclusion that the work could be done more economically by the War Department than by the District Commissioners. We necessarily were obliged to go into the details of how many men were employed, why they were employed, and the duties they were required to perform in connection with that service, and it was evident to us that the War Department had much better control over the men employed by them and were able to administer their affairs much more economically than the Commissioners of the District, and it seemed to us that business prudence dictated the wisdom of leaving this matter under the control of the War Department, and it seems to me now there is no good reason why the transfer should be made to the District Commissioners and that there is every reason why it should not be.

Mr. OLCOTT. Does the gentleman understand that the Commissioners are absolutely prohibited from taking care of the highways which lead out in that direction?

Mr. MADDEN. Yes.

Mr. OLCOTT. That they have not any control over them and the War Department has no control over it and that part of the city must be left without necessary facilities in regard to public utilities owing to the fact of these divided responsibilities?

Mr. MADDEN. That matter was all gone over in the investigation which was made by the subcommittee on appropriations of the District, and after all explanations which were made it was still the judgment of the subcommittee that jurisdiction ought not to be given to the District Commissioners.

Mr. FITZGERALD. I desire to offer an amendment.

Mr. SHERLEY. Mr. Chairman, I desire to question the gentleman in charge of the bill. I note in the letter of the Acting Chief of Engineers that he suggests that inasmuch as the cost was borne entirely by the Government for many years of this aqueduct, whether if it is to be transferred there should not be a payment by the District of a portion of that sum? I fail to note anything in the bill carrying out that suggestion.

Mr. TAYLOR of Ohio. That is a mere suggestion of the engineer wanting to know if the Government should not be reimbursed. There is nothing in the bill looking to such reimbursement.

Mr. SHERLEY. That mere suggestion, as the gentleman puts it, seems to me to be an exceedingly wise one, and I would like to know whether the committee considered the advisability of having part of this sum repaid.

Mr. TAYLOR of Ohio. To the Government?

Mr. SHERLEY. To the Government.

Mr. TAYLOR of Ohio. It certainly did not intend it should be so. The bill has provided nothing for carrying that suggestion out.

Mr. SHERLEY. What reason has the gentleman to give why it should not be? The equities all seem to point that way according to the statement made by the engineer.

Mr. TAYLOR of Ohio. Well, the engineer's statement does not carry any more weight to the committee as to reimbursement—I never heard of a case where old matters turned over by the Government were paid for.

Mr. SHERLEY. It is rare when the Government gets anything paid for.

Mr. TAYLOR of Ohio. Why break the rule?

Mr. SHERLEY. It is high time we were breaking that custom, and I would suggest to the gentleman that here is a splendid opportunity.

Mr. TAYLOR of Ohio. I have not any doubt if the bill were brought in by a proper committee, asking that a certain sum be appropriated, the gentleman would have a chance to discuss it, but I do not think it germane at this point.

Mr. SHERLEY. Would the gentleman be willing to have the bill recommitted until that very important feature of it could be considered in connection with its passage?

Mr. TAYLOR of Ohio. No; I would not, personally.

Mr. SHERLEY. Does the gentleman think we ought to give up control and then make our claims afterwards?

Mr. TAYLOR of Ohio. If there is anybody going to make a claim, I do not assume they will. I think the purpose for which the bill was introduced was exactly right, to transfer the authority and control, and the question of reimbursement does not enter into it at all.

Mr. FITZGERALD. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.  
The Clerk read as follows:

On page 3, line 2, insert:  
"Provided, That there shall be transferred to the credit of the United States from the revenues of the District of Columbia the sum of \$1,902,168.43."

Mr. FITZGERALD. Mr. Chairman, the sum mentioned in the proposed amendment is one-half of the sum that was paid by the Federal Government for maintenance of the aqueduct prior to the time when the District of Columbia shared the expense.

Mr. OLCOTT. Does not the gentleman believe that he ought to add the interest from 1850 to 1879 on that money?

Mr. FITZGERALD. Is that the gentleman's question?

Mr. OLCOTT. Yes.

Mr. FITZGERALD. I will explain my position, and if the gentleman is not satisfied with it he can go further and provide for the payment of interest. Evidently the amendment does not impress him very favorably. I believe that the people of the District of Columbia, those who reside here, who have one-half of the expenses of its government paid from the Federal Treasury, are obtaining sufficient benefits without having donated to them this aqueduct and filtration plant. It is a notorious fact that not only are the taxes upon real estate in the District of Columbia extraordinarily low, but that nearly all of those classes of property that would be taxed in any other community under the personal-tax law are free from taxation here. Some gentlemen imagine that they should go out of their way to continue further to donate improvements or to relieve the taxpayers of the District from their obligations. I am inclined to believe that we should at least take some steps to compel them to pay a fair share of the burdens of the District government. The sum that is mentioned in this item is one-half of the maintenance charges of the Federal Government from 1850 to 1879. If Congress is now to turn over the control of this plant to the District government, it seems only equitable, as recommended by Captain Cosby, of the Corps of Engineers, that a portion of this sum should be paid by the District, and I suggest that one-half be paid, because that is the percentage that the Federal Government pays of all of the expenditures made in the District for the maintenance of the government here. I take it that nobody can object to the people of the District of Columbia continuing to pay at least a fair portion of the cost of maintaining the government or of obtaining these improvements.

Mr. MUDD. May I interrupt the gentleman?

Mr. FITZGERALD. Yes.

Mr. MUDD. I am asking for information, because it has been some time since I was a member of this committee, and I do not know; but I would like to know who has been paying the expenses of this aqueduct all of these years?

Mr. FITZGERALD. From 1850 to 1879 the Federal Government paid all of the expense, amounting to \$3,800,000. Since that time the expense has been borne half by the District and half by the Federal Government.

Mr. MUDD. Since what year?

Mr. FITZGERALD. Since 1879. But this bill contemplates transferring to the control of the District Commissioners the aqueduct and filtration plant. The aqueduct was not only maintained by the Federal Government during those years, but the cost of building it was paid for entirely out of the Federal Treasury. It does not seem unreasonable that the people of the District should at least reimburse the Government for part of the cost of maintenance.

Mr. MUDD. Well, but, Mr. Chairman, were not all these expenses paid by the Federal Government paid in pursuance of an act of Congress and by virtue of law? If that be the fact, would it be fair to go back and, in effect, repeal that law and saddle these expenses on the District?

Mr. FITZGERALD. It is as fair as it is to ask for what is to be done here.

Mr. MUDD. After the Government has determined to pay the expense of obtaining the viaduct, and actually paid it in pursuance of law, then the gentleman comes in and says that after all this has been done we shall now put this past expenditure on the District.

Mr. FITZGERALD. I simply desire, by act of Congress, to have the District reimburse the Federal Government for this expenditure. It is not taking from them, except by act of Congress, in accordance with the manner in which the control is to be given them.

Mr. MUDD. Is not the Government asking that the District government should now pay for something that in pursuance of legislation heretofore had the Government undertook and agreed to pay, and after authorizing it and the Government

paid for it they now are asking the District to return the money? That would, in effect, be retroactive legislation.

Mr. SHERLEY. Will the gentleman from New York permit me?

Mr. FITZGERALD. Certainly.

Mr. SHERLEY. If the District asked the Government to get an aqueduct for them, ought they not to be required to pay a part of the cost of creating that aqueduct?

Mr. MUDD. That might be so.

Mr. SHERLEY. That is the question we are confronted with.

Mr. MUDD. That might be so, if that was provided in the bill at the time the aqueduct was provided for.

Mr. SHERLEY. Certainly it is. It is for the expenses of the aqueduct and to require them to pay part of it. Here they are asking us to make a donation, and we put a condition on the donation—that they shall pay a proper part of it.

Mr. MUDD. But it is a condition applicable not to what they are going to do, but what has already been done.

Mr. SHERLEY. They have already got the aqueduct, but they are coming and asking for something, and we say we will give them that on their paying their fair part.

Mr. MADDEN. The District Commissioners are coming in and asking to secure not only the ownership and control of the aqueduct—

The CHAIRMAN. The Chair will endeavor to pick up the fragments. The gentleman from New York had the floor. Does he yield to the gentleman from Illinois?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MADDEN. I was saying that the District Commissioners come in here and ask that they be given the control and management of the aqueduct, which was built by the Federal Government out of moneys from the Federal Treasury; and if we ask the District Commissioners in return to pay one-half of the cost of its construction we are not asking an unreasonable thing, it seems to me. The question is, Is what the District Commissioners want worth anything to the District? If it is, how much is it worth? If it is worth anything, they should pay whatever the sum is ascertained to be. How does the fact that it was paid for by the Government long years since enter into the consideration of this question? Is it to be understood that the District has but to ask that for which the Government paid and it will be given? Are the people of the District entitled to receive from the Federal Government that which cost \$3,000,000, more or less, without being required to pay their proper share of the cost? That is the only question involved here; and it seems to me there ought not to be any trouble in reaching the right kind of a conclusion, and that conclusion should be that the District ought to pay its proper proportion of the cost of the construction and maintenance of the aqueduct.

Mr. OLCOTT. Will the gentleman yield to me?

Mr. FITZGERALD. I yield to the gentleman from New York.

The CHAIRMAN. Debate is proceeding under the five-minute rule.

Mr. FITZGERALD. The bill has not been read for amendments.

The CHAIRMAN. There is a pending amendment to the bill.

Mr. FITZGERALD. But the bill has not been read by paragraphs for amendment. General debate is not closed.

The CHAIRMAN. The gentleman had an amendment read, and the gentleman is estopped from saying that the bill is not now open for amendments.

Mr. MANN. The gentleman had the amendment read in his own time.

The CHAIRMAN. And it has been offered. It has been formally offered from the Clerk's desk, and the question is on the amendment offered by the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman—

Mr. MANN. The bill has not been read for amendments. I call the attention of the Chair to that.

The CHAIRMAN. It is very clear to the Chair. There is but one section to the bill.

Mr. FITZGERALD. No; there are two sections to the bill.

The CHAIRMAN. The other does not amount to anything. The question is upon this amendment. That is open for discussion, and the Chair will recognize the gentleman from New York now in behalf of his own amendment. He has made one speech. Does the gentleman yield to the gentleman from New York?

Mr. FITZGERALD. I will ask my colleague to wait and get his own time. I presume there is ample time for discussion. I shall call the attention of the committee to this fact, that although it has been asserted here several times that this bill has the approval of the War Department, that is not the fact. There is a statement in the report from the War Department

that there is no objection known to its passage. But I take it that that is very different from a recommendation from the Department that the bill should pass. The fact is that the bill should not pass. The aqueduct at present is controlled and operated economically and satisfactorily, and it is better to leave it in that position. This amendment merely suggests that the people of the District of Columbia—those who own the property here subject to taxation, if their representatives are to obtain from Congress the control of this aqueduct, paid for by the Federal Treasury—that they should, in consideration for that control, reimburse the Federal Treasury one-half of the expense, not of building the aqueduct, not of building the conduit, but merely of maintaining it prior to the time that the District contributed to the maintenance. It seems to me to be a very reasonable request, and I know of no reason why it should be objected to. Now I will yield to the gentleman.

Mr. OLCOTT. I wanted to ask the gentleman if between 1850 and 1879 the taxes were not paid by the private owners of real estate in the District, and if it did not go into the Treasury of the United States?

Mr. FITZGERALD. Prior to 1879 they had a local government, and they have as a result of that government debts aggregating \$23,000,000, upon which the interest is being paid. That government was abolished for several reasons, among others that if it had continued its bonded obligations would have overwhelmed even the Federal Treasury.

There seemed to be no limit to the extent of the obligations those conducting the government were ready to incur, and we still have a legacy in the shape of this bonded debt upon which interest is being paid. But I am not sufficiently familiar with the details of that government to know just what was done, except this, that none of the revenues raised by the former city government of Washington prior to 1879 was devoted to the maintenance or the construction of the aqueduct and the Conduit road, of which the Commissioners now desire to obtain complete control.

Mr. MADDEN. I move to strike out the last word for the purpose of making a statement. The War Department informed the Committee on Appropriations that it desired to retain control of the aqueduct because it wanted to have control of the water supply in case of war or any danger arising by which there might be a chance of the water supply being cut off from the Army that might be stationed here. And if there was no other reason why this bill ought not to pass, it seems to me that would be a sufficient reason.

Mr. BABCOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BABCOCK. How much time is left on this amendment?

The CHAIRMAN. The Chair will make an explanation, which he hopes will be satisfactory to the gentleman from Illinois. The bill was read, general debate ensued, and then, without the formal waiving of the second reading of the bill for amendments, an amendment was offered and has been debated. The Chair rules that that brings the procedure now under the five-minute rule, having waived, as we do in hundreds of cases, the formal second reading of the bill.

Mr. BABCOCK. Mr. Chairman, has not the time practically been exhausted?

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD], who has just yielded the floor, offered an amendment and made a speech in favor of it. It can be debated on the other side if any gentleman desires to. If not, the question is on the amendment offered by the gentleman from New York.

Mr. SHERLEY. Does the fact of this amendment having been offered and debated now dispense with the reading of the bill?

The CHAIRMAN. It does. The Chair has so held.

Mr. MADDEN. I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] withdraws his pro forma amendment, and the question now recurs on the amendment of the gentleman from New York [Mr. FITZGERALD].

Mr. SHACKLEFORD. Mr. Chairman, if it be in order, I move that all debate on the section and amendments thereto be closed.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] moves that debate upon the section, with all amendments thereto, be now closed.

Mr. MANN. Does the gentleman from Missouri propose to adopt gag tactics?

Mr. SHACKLEFORD. The gentleman from Illinois proposed to adopt filibustering tactics.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Missouri [Mr. SHACKLEFORD].

The question being taken, the motion was agreed to.

The CHAIRMAN. Debate is closed at the end of five minutes. Mr. SHACKLEFORD. Mr. Chairman, who has that five minutes?

The CHAIRMAN. Whoever the Chairman recognizes. If there is no one who desires to debate it, the question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes, 20, noes 30.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will read the second section.

The Clerk read the second section of the bill.

Mr. SHACKLEFORD. I move that all debate upon that section be closed.

Mr. MANN. I make the point of order that the gentleman has not the right to move to close debate when there has been no debate.

The CHAIRMAN. If there is no amendment to be offered to the section, the question is on laying the bill aside with a favorable recommendation.

The question being taken, on a division (demanded by Mr. MADDEN) there were—ayes 40, noes 18.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McCALL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River, in the State of Georgia.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. McCUMBER, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross.

BALTIMORE AND WASHINGTON TRANSIT COMPANY OF MARYLAND.

The committee resumed its session.

Mr. BABCOCK. Mr. Chairman, I now call up the bill (H. R. 22123) to amend an act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, approved June 8, 1896.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Baltimore and Washington Transit Company of Maryland, a corporation created by the laws of the State of Maryland, authorized by act of Congress to extend its line into the District of Columbia by an act approved June 8, 1896, be, and is hereby, authorized and required to further extend its line of street railway within the District of Columbia over, along, and upon the following-described route: Beginning where Third street NW. (as said street is designated on the map of the first section of the highway-extension plan of said District) intersects the present line of the railway of said transit company; thence south on said Third street to Madison street; thence west on said Madison street to Colorado avenue; thence south-westerly along said Colorado avenue to the intersection of Fourteenth street NW.; that the said company is further empowered to extend its line, under the provisions of this act, from its line on Aspen street through Willow street whenever the requirements of its patrons and the operation of the road may require: *Provided*, That said company shall acquire thereby no right to extend its said railway over, along, or upon any portion of the aforementioned route which is not now a dedicated street of the said District of Columbia until it shall have obtained the written consent of the owner or owners of the real property covered thereby or acquired said right of way by condemnation.

Sec. 2. That the said transit company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by electricity, compressed air, storage battery, or other motive power, to be approved by the Commissioners of said District: *Provided*, That if electric power propulsion is used upon said extension or on any other portion of the line or lines of said company no portion of the electrical circuit shall be through the earth, but a return circuit of proper capacity and located similarly to the feed-wire circuit shall be provided for the electrical current, and that wherever the trolley system is used each car shall be provided with a double trolley, and that no earth connection shall be made with any dynamo furnishing power for the road. That section 4 of the act entitled "An act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia," approved June 8, 1896, be, and the same is hereby repealed.

Sec. 3. That within sixty days from the approval of this act the company shall deposit \$1,000 with the collector of taxes of the District of Columbia to guarantee the construction of its railway within the

prescribed time. If this sum is not so deposited, this charter shall be void. If the sum is so deposited and the road is not in operation as herein prescribed, said \$1,000 shall be forfeited to the District of Columbia and this charter shall be void.

Sec. 4. That failure or neglect to comply with any of the provisions of this act, except as hereinbefore provided for, shall render the said corporation liable to a fine of \$25 for each and every day during which such failure or neglect shall continue, which penalty may be recovered in the name of the District of Columbia by the Commissioners of the said District in any court of competent jurisdiction: *Provided, however,* That unless the line of the said railway shall be completed, with cars running regularly thereon for the accommodation of passengers, within two years from the date of the passage of this act this charter shall be null and void.

Sec. 5. That the said company, in conjunction with the Capital Traction Company, may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid and the route of the said Capital Traction Company within the District of Columbia, or any part thereof, and shall sell tickets at the rate of six for 25 cents.

Sec. 6. That all the powers, rights, duties, and limitations imposed by the act of Congress authorizing said Baltimore and Washington Transit Company to enter the District of Columbia, approved June 8, 1896, shall be applicable to the extension of the line of said company as proposed herein except as said act may be amended by the provisions hereof, it being the intent that said original act shall be applied to this extension in the same manner as if said extension had been included in the original act.

Sec. 7. That Congress reserves the right to alter, amend, or repeal this act.

The Clerk read the following committee amendments:

Page 2, line 5, strike out all after the semicolon down to and including the word "condemnation" in line 15, and insert in lieu thereof the following:

"*Provided,* That said company shall not construct its said railway over, along, or upon any portion of the aforementioned route which is not now a public highway of the District of Columbia until it shall have obtained, by dedication or condemnation, title to a right of way not less than 30 feet in width along such portion of said route as is now a public highway, and before it shall have authority to lay tracks in said right of way it shall dedicate the same to the District of Columbia as a public highway."

Page 3, line 10, strike out the period and insert in lieu thereof a colon and add the following:

"*Provided, however,* That said railway shall be constructed of good material, with rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Commissioners of the District of Columbia, the standard gauge to be used and the surface of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia; and where the tracks lie within the streets of the District of Columbia the same to be paved between the rails and 2 feet outside thereof with such material and in such manner as shall be approved by the said Commissioners, and kept in repair by the said railway company."

Mr. MADDEN. Mr. Chairman, I would like to have the chairman of the committee or some gentleman in charge of the bill explain to the House just what additional facilities the enactment of this law will afford the people of the District of Columbia.

Mr. GREENE. Mr. Chairman, this is fully explained in the report that accompanies the bill. The route as laid out is for the accommodation of the people in the neighborhood of Takoma Park, and will give additional accommodation to a section of the city that is not now covered by street railway companies. It has been fully considered by the committee, also by the District Commissioners, who have suggested amendments that have been made to the bill.

Mr. MANN. I would like to ask the gentleman from Massachusetts a question. There has been more or less agitation in the District in relation to free transfers; how far downtown does this road come?

Mr. GREENE. It connects with the Fourteenth street line at its terminus on Fourteenth street extended, at its extreme limit.

Mr. MANN. Is there an extra charge for coming into the District?

Mr. GREENE. No; only outside of the District. They make no extra charge in the District and give a free transfer to the Fourteenth street line.

Mr. MANN. Is there a new fare collected at once after they cross the District line?

Mr. GREENE. Not inside the District; when they get into Maryland they have a right to collect an additional fare.

Mr. MANN. They give a free transfer to the Fourteenth street line?

Mr. GREENE. Yes; and receive free transfers from the Fourteenth street line. It covers a section of the territory not now covered by any other road, and was petitioned for by the citizens' organizations in that neighborhood.

Mr. MANN. The right, I suppose, is reserved in this bill in some way so that if Congress should provide hereafter for universal transfers this company would be subject to that provision?

Mr. GREENE. Section 7 says that Congress reserves the right to alter, amend, or repeal the act. All the rights of the public are preserved. The Commissioners had it carefully under their consideration and reported back several amendments

to the original bill which was introduced and which the committee have adopted, and all the rights of the public are preserved.

Mr. MANN. While it is true that that provision is in section 7 of the bill, as it is in other bills, it is not certain that under that provision of the law Congress can alter, amend, or repeal the act without liability.

Mr. GREENE. I do not think there will be any trouble in that regard. If Congress should authorize free transfers, I think this company would be subject to its provisions.

Mr. MANN. But it is quite a question, I want to say to the gentleman, as to whether Congress can amend a law, giving free transfers, without making it liable to the railroad company for taking private property.

Mr. GREENE. I do not know; and if the gentleman from Illinois does not know, I do not think anybody knows. [Laughter.]

Mr. MANN. I do not think anybody will know until it is decided by the Supreme Court.

Mr. SHERLEY. I would like to ask the gentleman from Massachusetts if the street railway company was an applicant for this grant?

Mr. GREENE. Yes.

Mr. SHERLEY. Did the committee consider the advisability of having the company pay something for the franchise?

Mr. GREENE. No; it goes over an entirely new territory and connects with a trunk line. I know of no reason why the road going over a new territory should be compelled to pay for the franchise.

Mr. SHERLEY. The gentleman will find many reasons in ten years from now, when the franchise has become exceedingly valuable. I suggest that it might be proper for the committee to consider it.

Mr. GREENE. They pay the tax required from their receipts, and there is this provision in the bill for the altering or amending the law, and I think that would cover the grant.

Mr. SHERLEY. I would like to ask the gentleman one further question. When may the House expect to have reported from the committee the bill dealing with the street-railway systems of the District generally relative to the service they shall give the residents of the District?

Mr. GREENE. Possibly it may be reported on the next District day. I know of no reason why it should not be reported two weeks from to-day.

Mr. PERKINS. I would like to ask the gentleman a question. What percentage of the gross receipts is the railroad required to pay?

Mr. GREENE. Four per cent; the same as any other railroad.

Mr. PERKINS. What other obligation is imposed upon it?

Mr. GREENE. To take care of the streets—to pave between the rails and put the streets in proper condition over which they lay the rails.

Mr. SHERLEY. Is there any provision as to the character of cars which shall be used?

Mr. GREENE. All regulated by direction of the Commissioners of the District.

Mr. SHERLEY. The present cars on most of the lines are so antiquated that I was in hopes there would be some requirement that they should use modern ones.

Mr. GREENE. The probability is that they would not take antiquated cars, because the present roads need to use them all.

Mr. MADDEN. Is there any provision in the bill giving authority to the Commissioners of the District to compel the owners of the line to operate the cars within a specified period of time, and is there any provision in the bill to give the Commissioners the power to force the exercise of such authority if it is contained in the bill?

Mr. GREENE. I don't think there is any difficulty at all about that, and that the Commissioners of the District have the right to control this road, and Congress has the right to exact whatever it pleases if it finds this road has not sufficient cars or facilities.

Mr. PERKINS. Will the gentleman tell me where the provision is requiring the railroad to pay 4 per cent?

Mr. GREENE. It is usual under the law. If the gentleman wishes to offer any amendment to that effect, I shall not object to it.

Mr. PERKINS. But there is no provision in this bill to that effect.

Mr. GREENE. I think not.

Mr. PERKINS. Why is the railroad obliged to pay 4 per cent if there is no provision of that kind in the bill?

Mr. GREENE. I think it is customary with all of the District railroads.



Mr. PERKINS. But it is not a question of custom; it is a question of law.

Mr. GREENE. If the gentleman has any suggestion to make, any amendment which would make it apply, I have no objection.

Mr. PERKINS. I am asking what the law is as proposed.

Mr. GREENE. I do not pretend to know the law. I am not a lawyer.

Mr. PERKINS. But the gentleman reports the bill.

Mr. GREENE. I reported the bill; yes.

Mr. PERKINS. It will be the law, then, if it is passed, and I do not see any provision that compels that.

Mr. GREENE. I am informed that it is the law of the District of Columbia that every separate railroad in the District must pay 4 per cent of its gross receipts.

Mr. PERKINS. All street railroads coming into the District.

Mr. GREENE. Yes.

Mr. PERKINS. This is, I see, a corporation of the State of Maryland.

Mr. GREENE. Created by Congress also.

Mr. TAYLOR of Ohio. This grant is for the use of the territory within the District.

Mr. PERKINS. Would this corporation be subject to the provision of which the gentleman speaks?

Mr. TAYLOR of Ohio. Oh, yes. Clearly every one of these corporations run outside of the District, and they all pay their 4 per cent tax on fares collected in the District. That is the general law covering traction lines.

Mr. GREENE. If the gentleman will allow me, I will call his attention to section 6 of the bill, which provides as follows:

SEC. 6. That all the powers, rights, duties, and limitations imposed by the act of Congress authorizing said Baltimore and Washington Transit Company to enter the District of Columbia, approved June 8, 1896, shall be applicable to the extension of the line of said company as proposed herein except as said act may be amended by the provisions hereof, it being the intent that said original act shall be applied to this extension in the same manner as if said extension had been included in the original act.

It was a regular charter granted by Congress. Congress has full control of it, and there is no way in which it can be taken out of their control.

Mr. PERKINS. In my ignorance I do not know what the provisions of that law are.

Mr. GREENE. Mr. Chairman, I ask for the reading of the bill by sections under the five-minute rule.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That the Baltimore and Washington Transit Company of Maryland, a corporation created by the laws of the State of Maryland, and authorized by act of Congress to extend its line into the District of Columbia by an act approved June 8, 1896, be, and is hereby, authorized and required to further extend its line of street railway within the District of Columbia over, along, and upon the following-described route: Beginning where Third street NW. (as said street is designated on the map of the first section of the highway-extension plan of said District) intersects the present line of the railway of said transit company; thence south on said Third street to Madison street; thence west on said Madison street to Colorado avenue; thence south-westerly along said Colorado avenue to the intersection of Fourteenth street NW.; that the said company is further empowered to extend its line, under the provisions of this act, from its line on Aspen street through Willow street whenever the requirements of its patrons and the operation of the road may require: *Provided,* That said company shall acquire thereby no right to extend its said railway over, along, or upon any portion of the aforementioned route which is not now a dedicated street of the said District of Columbia until it shall have obtained the written consent of the owner or owners of the real property covered thereby or acquired said right of way by condemnation.

With the following amendment:

Page 2, line 6, strike out all after the word "northwest" and insert in lieu thereof the following:

*Provided,* That said company shall not construct its said railway over, along, or upon any portion of the aforementioned route which is not now a public highway of the District of Columbia until it shall have obtained, by dedication or condemnation, title to a right of way not less than 30 feet in width along such portion of said route as is not now a public highway; and before it shall have authority to lay tracks in said right of way it shall dedicate the same to the District of Columbia as a public highway."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the said transit company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by electricity, compressed air, storage battery, or other motive power, to be approved by the Commissioners of said District: *Provided,* That if electric power propulsion is used upon said extension or on any other portion of the line or lines of said company no portion of the electrical circuit shall be through the earth, but a return circuit of proper capacity and located similarly to the feed-wire circuit shall be provided for the electrical current, and that wherever the trolley system is used each car shall be provided with a double trolley, and

that no earth connection shall be made with any dynamo furnishing power for the road. That section 4 of the act entitled "An act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia," approved June 8, 1896, be, and the same is hereby, repealed:

With the following amendment:

Insert at the end of the section the following:

*Provided, however,* That said railway shall be constructed of good material, with rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Commissioners of the District of Columbia; the standard gauge to be used and the surfaces of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia, and where the tracks lie within the streets of the District of Columbia the same to be paved between the rails and 2 feet outside thereof with such material and in such manner as shall be approved by the said Commissioners, and kept in repair by the said railway company."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the said company, in conjunction with the Capital Traction Company, may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid and the route of the said Capital Traction Company within the District of Columbia, or any part thereof, and shall sell tickets at the rate of six for 25 cents.

Mr. JAMES. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out all of section 5 and inserting in lieu thereof the following:

"That from and after the passage of this act the rate of fare that may be charged for the transportation of passengers over any and all street railway lines in the District of Columbia shall not exceed 3 cents each, good for transportation of one passenger over the whole or any part of the line of such street railway company over which such tickets are sold."

Mr. BABCOCK. Mr. Chairman, I make the point of order on that.

Mr. MUDD. Mr. Chairman, I make the point of order.

Mr. BABCOCK. This matter is foreign to the bill and applies to other lines and interests that are not being considered at this time in the House.

Mr. JAMES. Mr. Chairman, I do not believe the point of order is well taken, because they undertake in this section to regulate the charge that shall be made by the Traction Company for the transportation of passengers within the District.

It is a well-known fact, however, that the street car companies in this city, which in reality cost at the beginning not more than \$2,000,000, have at least \$11,000,000 worth of water in them. The fact is they have about taken all of the water out of the Potomac River and added it to the stock of these traction companies here in the city of Washington and have declared a dividend upon a fictitious value of \$13,000,000 of stock of 6 per cent, but in reality they never cost exceeding \$2,000,000. They declared a dividend last year of \$720,000. That was the dividend they declared, when in reality by juggling the figures, applying them in another place, the profit was much greater. The receipts from one traction company in the city of Washington were \$1,639,786, being the gross receipts; operating expenses, 44 per cent, leaving 56 per cent, or \$918,000 profit for one traction company in the city of Washington. Now, nearly a million dollars, or almost one-half the cost—I should say more than one-half the cost—of this traction company was made in one year's time. Now, you are endeavoring to regulate the railroads of the country. Commence by regulating petty larceny in the District of Columbia. Commence on behalf of the laboring people of the District of Columbia and say that while you are willing to regulate railroads throughout the country, that this class of robbery shall not be permitted within your sight here under the swish of the flag of the Republic itself. Now, I am informed that these roads originally cost per mile \$60,000. To-day they are capitalized at \$600,000, and on that \$600,000 of capitalization they declare a dividend of 6 per cent. I do not believe that any sane man will dispute the proposition that they can carry passengers for 3 cents each in the District of Columbia and make money, and a very great deal of money at that. In the city of Cleveland, Ohio, they have a 3-cent rate. I believe there they have the best street car service in the world, but let Washington start the fight. Let this Congress start the fight in favor of a lower transportation rate. Start it right here in the District of Columbia. [Loud applause.]

Mr. MUDD. Mr. Chairman, I apprehend the Chair does not want to hear from anyone else as against the point of order, but still I would like to make one or two observations. It was decided years ago, by Speaker Henderson, that a bill to open one street in the District of Columbia could not be amended by making regulations touching the opening of other streets or

streets generally. We have several times had it decided in this House that a special tariff bill, such as a bill to fix rates on imports from Porto Rico or the Philippines, can not be amended by going into the general question of tariff legislation, and while I am not sure whether or not this identical point has been passed upon here it seems to me, by analogy, you can not, under the title of a bill which is simply to authorize one railroad to enter the city of Washington, make regulations as to the charges for street-car fare for all the railroads of this city. The amendment is clearly not germane to the title of the bill, not germane to the subject-matter of the bill, nor is it in any sense germane to the section to which it is offered. I think it is very clear the point of order must be sustained.

The CHAIRMAN. This is a bill authorizing a street railway company or trolley line from outside—

Mr. MADDEN. Mr. Chairman—

The CHAIRMAN. Does the gentleman wish to speak on the point of order?

Mr. MADDEN. No, sir; I thought the Chair had decided it.

The CHAIRMAN. No; the Chair had not. This is a bill authorizing a street railroad company from outside the District of Columbia to come into the District of Columbia and connect in the city of Washington with what is called the "Traction Company." It provides for a point of contact, and then provides that a single fare shall carry a passenger from his occupancy of the car outside to the end of the traction line in the city of Washington. The point of order is made to the amendment that it is not germane to the bill under consideration. It has been distinctly ruled heretofore, it seems to the Chair, exactly on all fours with that question:

To a provision requiring two railroad companies in the District of Columbia to issue free transfers over the lines of one another an amendment requiring the two companies to issue universal transfers with all other intersecting lines in the District of Columbia was offered and held not to be germane.

Following that opinion and following the opinion which the Chair has, the point of order is sustained.

Mr. JAMES. Mr. Chairman, I move to strike out the word "six," in line 8, section 5; so that it shall read, "and shall sell tickets at the rate of eight for 25 cents."

Mr. MADDEN. I would suggest that the gentleman strike out the word "five," in line 5, and insert the word "four;" so as to make the amendment complete.

Mr. JAMES. I will accept the amendment. In line 5, strike out the word "five" and insert the word "four;" and in line 8, strike out the word "six" and insert "eight;" so that the section will read:

A rate of fare not exceeding 4 cents for each passenger for one continuous ride over the route aforesaid and the route of the said Capital Traction Company within the District of Columbia, or any part thereof, and shall sell tickets at the rate of eight for 25 cents.

Mr. BABCOCK. Mr. Chairman, I suggest that the amendment be put in writing under the rules.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

On page 5, line 5, strike out the word "five" and insert "four;" and in line 8 strike out the word "six" and insert "eight;" so that the section will read:

"That the said company, in conjunction with the Capital Traction Company, may receive a rate of fare not exceeding 4 cents for each passenger for one continuous ride over the route aforesaid and the route of the said Capital Traction Company within the District of Columbia or any part thereof, and shall sell tickets at the rate of eight for 25 cents."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Kentucky.

Mr. BABCOCK. Mr. Chairman, I want to say a word.

Mr. MANN. There may be a desire on the part of the committee to reduce the rate of fare in the District of Columbia, but there is a proper way to do that. I do not know anything about this company, know very little about the locality through which it is to run, but it is perfectly self-evident to everybody that this company can not afford to run in the country districts at a 4-cent rate of fare, and if the purpose of Congress is to require those companies who carry many passengers in their cars to reduce the rate of fare, there is a proper way to do that. That can be done in proper form by a proper bill reducing the rate of fare or amending the charters of the companies in the District, and the vengeance of Congress against the existing companies ought not to be taken out against the new company, inaugurated probably at the request of the property owners for the development of a new territory. If we want to fight the existing companies, let us fight them, and not take out our fighting capacity upon an unborn child.

Mr. JAMES. I would like to ask the gentleman a question.

Mr. MANN. Certainly.

Mr. JAMES. The question is this: If you require them to

charge 4 cents a passenger and to sell eight tickets for 25 cents, will it not force the other traction companies in this city to meet that competition?

Mr. MANN. It will not force the other companies to do anything, because if you put that provision in the bill the bill will be as dead as a thing can be. That will end it.

Mr. SHACKLEFORD. I would like to ask why?

Mr. MANN. The gentleman knows perfectly well that this or any other company can not afford to build a line out in the country for a 3-cent rate of fare, and if it could afford to and was controlled by one of the other companies, it would not do it. If you want to meet the fare question, meet it with the companies that are in existence.

Mr. TALBOTT. The fare of the company in the State of Maryland is regulated by the charter granted by the Maryland legislature. I do not know what it is in the franchise.

A MEMBER. Five cents.

Mr. TALBOTT. Five cents. I agree with the gentleman from Illinois [Mr. MANN] that whenever this company agrees to take travelers at the rate of 4 cents for a single fare or to sell eight tickets for 25 cents all companies ought to be made to do it, and until then I do not think that the gentleman from Kentucky [Mr. JAMES] ought to compel this company to attempt it.

Mr. JAMES. I would like to suggest that the amendment ruled out by the Chair sought to reach all of the companies and give to all the people, the toilers and the rest, a universal 3-cent rate, and there is a bill now pending before the Committee on the District of Columbia on the subject, but has never found the floor of this House. Of course gentlemen can always say this is not the proper way. The trouble is that the "proper way" will not get it, and when it will not get it it is proper to try another way, because what gentlemen here declare a "proper way" is always improper.

Mr. TALBOTT. Under the rules you can not do it, and it is not fair to this company, incorporated under the laws of Maryland and the rate of fare fixed in Maryland, that when they come into the District of Columbia they should be treated different from the other companies in the District. If they are all put on the same footing, I will vote for a bill, whenever it is reported, to make a uniform rate of eight tickets for a quarter. Still I am not willing to require that this company have the fare fixed at 3 cents when all the other companies are given 5 cents for a single fare or can sell six tickets for a quarter.

Mr. SHACKLEFORD. Mr. Chairman, this is an amendment providing this street car company shall not charge more than 3 cents for single fares and shall sell eight tickets for 25 cents. I have no doubt from what I have heard stated on the floor and from information which is within the knowledge of every other Member of this House that all the roads in this District could run at a 3-cent fare. Nobody doubts that. The gentleman from Maryland says because the road gets a 5-cent fare in Maryland it ought to be allowed to charge the same fare within the District.

Mr. TALBOTT. I did not say that they ought to collect a 5-cent fare, but that they ought to collect the same fare as the other companies do.

Mr. SHACKLEFORD. The gentleman says they should collect the same fare as the other companies do. I favor the same reduction as to the other roads. A few moments ago the gentleman from Kentucky [Mr. JAMES] offered an amendment to this bill making the same reduction on all the roads. The chairman declared the amendment out of order and would not allow a vote on it.

The gentleman from Maryland says we should wait till a general bill on the subject is reported and comes up for consideration, when we could properly offer these amendments. The gentleman from Maryland has lived in vain if, after his long service in this House, he believes that it is possible to report a bill out and get consideration of it here that would look to a general reduction of the street car fares. I believe that two-thirds of the membership of this House are in favor of a 3-cent fare on all the roads in the District, and I believe that they will vote for it if an opportunity is given them. I also believe three-fourths of the membership of this House are in favor of passing what is known as the "La Follette bill," but they have not voted on it, and to the day of judgment they never will vote upon it, if the present organization shall continue. I believe that will be true of every other demand for reform until a change is made. Gentlemen say: "Oh, let us not load this bill down with amendments. Let us wait till another time and for a more appropriate bill." Gentlemen are not willing to take the responsibility of voting against reduction of car fares and attempt to avoid the consequences by asking us to wait for a more appropriate bill and a more convenient season. They seek to

excuse themselves to their constituents by saying they favor a reduction of fares, but "Let us do it in some other way. Let it be done on a general bill." But so long as the House is organized as at present no general bill will be voted upon. [Applause.]

Mr. BABCOCK. The gentleman is a member of the District Committee, and is aware that what is known as the terminal bill is before that committee. The terminal bill will be reported to this House, and an amendment of this character will be germane to that bill.

Mr. SHACKLEFORD. Mr. Chairman, true I am a member of that committee; and I have small hopes that such a provision as this will be reported, or, if it were brought into the House, that it would be allowed to be voted upon. I speak not of this bill alone, but of the multitudes of bills buried in that committee and other committees, and buried so deeply that they never can be dug out. Gentlemen will go back and say to their constituents: "I favored these bills, but never was allowed to vote upon them." And the organization of this House says to its followers: "Go on home and tell your people that you were in favor of these measures, and we will see to it that you are never put on record by a vote."

Mr. Chairman, we are face to face with our duty. We know car fares in the District are too high. We have an opportunity to reduce them by voting for this amendment. If we adopt this amendment we shall have won a victory for the people for good government. If we vote the amendment down, it will be a victory for the corporations. Let us vote for the people and make a record upon which we can face those whom we represent.

Some propose to vote this amendment down, they say, because they prefer to have it offered to another bill. Where is the other bill? If it were introduced it would probably be smothered in committee. If not, then the organization of the House, through the Committee on Rules or by some other operation, would deprive us of a vote.

Now, Mr. Chairman, we are up against a real, living proposition. Are we in favor of the people, or do we stand for the great corporations and railroad companies of the country? Let every man answer that question by his vote.

Mr. BARTHOLDT. Will my colleague allow me to ask him a question?

Mr. SHACKLEFORD. Yes.

Mr. BARTHOLDT. There was a proposition up here a few days ago which was not smuggled into the committee. It was up here for every man to vote upon it.

Mr. SHACKLEFORD. I yielded for a question, not a speech.

Mr. BARTHOLDT. I should like to ask my friend how he voted on the proposition of the deep waterway from the Lakes to the Gulf? [Laughter.]

Mr. SHACKLEFORD. Now, Mr. Chairman, the gentleman from The Hague, my colleague [Mr. BARTHOLDT], that lover of peace, that enemy of all military preparedness, wants to know how I voted on the deep waterway from the Lakes to the Gulf. I want to say to him that I will answer his question when he answers me one first, and that is to tell me how many times the Committee on Improvement and Levees of the Mississippi River held meetings during the Fifty-eighth Congress. The gentleman from St. Louis, who parades here as the great and only friend of the deep waterway, the great apostle of the Mississippi, if you listen to his own words, was chairman of the Committee on Improvements and Levees of the Mississippi River during two sessions of Congress—throughout the entire Fifty-eighth Congress. Bills were introduced by the gentleman from Arkansas [Mr. MACON] and by others and referred to that committee. Not once did he call his committee together to consider those bills. I ask him to answer me why he did not call his committee together to consider these bills. Then on some occasion when I have plenty of time I will answer his question. [Laughter.]

Mr. BARTHOLDT. Mr. Chairman—

Mr. SHACKLEFORD. Wait a minute. There is another way in which to defeat this bill, and that is to bring up some sort of a ghost, the departed ghost of the great boom that was gotten up for the deep waterways by my colleague from St. Louis and the Business Men's League that was behind him. Is the gentleman going to erect that now as a barrier behind which the corporations of the city of Washington will intrench themselves and continue to rob the people? [Applause and laughter.] I say to the gentleman from St. Louis that it is up to him to determine what he will do, not what I did do. It is the duty of my colleague to vote in the interest of the people. He can vote here now in favor of a lower rate of street car fare. He can still leave a sufficient margin of profit to the street car company and at the same time relieve the poor people of this District

from the extortionate rate that is now charged them. Aye, that is not all. By commencing here at the capital of the Republic we can set an example that will be taken up and emulated throughout the land by every city whose people are oppressed by these corporations. Here we are, the assembled representatives of the Whole Republic. We see the people being oppressed by corporate tyranny. We have an opportunity to get relief for the people. Why shall we not set the example that others may follow, and bring these corporations within the realm of reasonableness and fairness? I believe that is all I care to say, Mr. Chairman. The best way to discuss this question is to vote. Choose ye this day whom ye will serve, the corporations or the people.

Mr. BABCOCK. Mr. Chairman—

The CHAIRMAN. The gentleman from Wisconsin.

Mr. BARTHOLDT. I merely want to call attention to the fact that although my colleague has had his time extended five minutes—

The CHAIRMAN. The Chair notifies the gentleman from Missouri that the gentleman from Wisconsin has been recognized.

Mr. SHACKLEFORD. I will say that I was one of seventeen who voted for the gentleman's [Mr. BARTHOLDT'S] amendment for the Mississippi Valley.

Mr. BARTHOLDT. The gentleman has not answered the question whether he voted for the deep waterway. That is what I want to know.

Mr. SHACKLEFORD. I did.

Mr. BARTHOLDT. The gentleman did?

Mr. SHACKLEFORD. Yes; I voted for a survey to see what it would cost and what kind of a plan should be inaugurated.

Mr. BARTHOLDT. Did you vote for the amendment that we offered?

Mr. SHACKLEFORD. I was one of the seventeen who under the gentleman's lead voted in favor of the reach from Cairo to St. Louis. I realized before the ignominious defeat to which the gentleman would lead us, but notwithstanding, as a true soldier I followed his leadership. I was one of the immortal seventeen that rallied around his flag in favor of an increased appropriation from St. Louis to Cairo.

Mr. JAMES. Mr. Chairman—

Mr. BABCOCK. A parliamentary inquiry, Mr. Chairman. In the first place would it be in order to say a few words about the bill pending before the committee?

The CHAIRMAN. In the opinion of the Chair that is in order. [Laughter.]

Mr. BABCOCK. Mr. Chairman, I want to say, in the first place, that if this proposed amendment is adopted there will, in my opinion, be no road built.

Mr. SHERLEY. Does the gentleman speak by authority?

Mr. BABCOCK. It has been a question with all of our suburban lines whether they could maintain themselves at the present rates of fare. Another thing the committee wants to understand is that practically every fare that is collected is divided between the connecting roads. If they collect 4 cents after crossing the District line and give a transfer, the other line gets one-half of that, which leaves them 2 cents for the fare.

Mr. JAMES. I understood the gentleman a moment ago to say that his committee perhaps would report a bill making a 3-cent rate.

Mr. BABCOCK. I will get to that if the gentleman will contain himself.

Mr. JAMES. Is it not true that the gentleman has been chairman of the committee four years at least, to my knowledge, and that he has never brought in any such bill, notwithstanding the enormous charges and profits made by the street cars in this District?

Mr. BABCOCK. What bill?

Mr. JAMES. Establishing a 3-cent rate of fare.

Mr. BABCOCK. No, sir; and I hope the committee never will.

Mr. JAMES. Did not the gentleman state that his committee would bring in such a bill?

Mr. BABCOCK. I made no such statement.

Mr. JAMES. What did the gentleman say?

Mr. BABCOCK. If the gentleman will permit, I will tell the committee. Every member of the District Committee is aware that before this Congress adjourns a bill will have to be reported to this House, and must necessarily be reported, taking all of the street-car lines to the Union Depot. Any amendment for a 2-cent fare, or a 3-cent fare, or for universal transfers, or anything relating to those lines, will be in order on that bill.

Mr. JAMES. Will that bill be reported on the 4th of March, about 11 o'clock? [Laughter.]

Mr. BABCOCK. No, sir; it will not. I want to say, further, Mr. Chairman, that that bill, in my opinion, would have been

before the House to-day had it not been for the insistent demands of the Citizens' Association of the District of Columbia for further hearings. I declared the hearings closed on the last committee day, and three or four presidents of these associations insisted that they have further time to be heard on these various questions of free transfers, rate of fares, as well as of street-railway regulation. Now, Mr. Chairman, the committee has a further hearing next Wednesday on this matter. Every Member of the House understands the absolute necessity of reporting that bill and passing it before this Congress adjourns or else we shall have the Union Station with no communication by street-car lines. On that bill, when it is reported, Mr. Chairman, amendments will be germane, because it refers to all of the city lines. I concur with the gentleman from Illinois [Mr. MANN], which is very unusual [laughter], and I want to indorse what he said and compliment him on his remarks. But if you adopt this amendment you simply kill this proposition.

Mr. JAMES. I would like to ask the gentleman a further question.

Mr. BABCOCK. Certainly.

Mr. JAMES. The gentleman had an opportunity a moment ago, if he wanted to give the House an opportunity to vote for a 3-cent rate applicable to all the lines in the District of Columbia, and didn't that amendment go out on a point of order made by the gentleman himself?

Mr. BABCOCK. I made the point of order, for I am against the proposition, because I do not think the street-car lines that are operated in the District of Columbia could be operated on that basis.

Mr. JAMES. The gentleman will admit further that hearings were had before his committee which showed that one street-car line declared a dividend of \$900,000 on stock at \$13,000,000, reckoning the cost of the route to be \$600,000 a mile when it only cost \$60,000 a mile to build it?

Mr. BABCOCK. Sixty thousand dollars to build a road?

Mr. JAMES. Does the gentleman deny that it cost only \$60,000 a mile to build and equip the road and that they reckon it now at \$600,000 a mile?

Mr. BABCOCK. I do not know of any road having the underground construction in the District that did not cost more than \$60,000 per mile. Does the gentleman refer to District roads, or roads in other cities?

Mr. CHARLES B. LANDIS. Sixty thousand dollars per mile.

Mr. JAMES. Sixty thousand dollars per mile, and was not that hearing before the gentleman's committee on the 31st of January, 1907?

Mr. BABCOCK. The testimony was given before the committee that it cost \$60,000 a mile of single track or practically that to build an underground road now, outside of the equipment.

Mr. JAMES. Are they not capitalized in this city at \$600,000 a mile, and is not a dividend declared of 6 per cent upon the capitalization of \$600,000 per mile, where it did not cost much more than \$60,000 per mile to build and equip the railroads?

Mr. BABCOCK. At the same hearings I will call the gentleman's attention to the fact that it was shown that the recent construction in the District of Columbia, the extension of the Fourteenth street line, did cost \$600,000 for the construction and the buildings connected with it. Now, the gentleman can not pick out a single mile. He might just as well take a mile of railroad on the prairies, where there is no grading, and that cost \$10,000, and say that he can build the New York Central for \$10,000 per mile. One proposition is as good as the other.

Mr. JAMES. If the gentleman will permit this question: Twenty-two miles of double track in this city never cost this construction company more than \$3,000,000, and to-day it is capitalized at \$13,000,000. Is not that true?

Mr. BABCOCK. I can not answer whether that is true or not.

Mr. JAMES. And is it not true, I will ask the gentleman from Wisconsin, that there is \$10,000,000 worth of water to-day in the stock of the traction companies of the District of Columbia?

Mr. BABCOCK. I don't think that is true.

Mr. JAMES. Is it not a further fact that they are declaring a dividend of 6 per cent upon that false capitalization?

Mr. BABCOCK. They are declaring a dividend of 6 per cent upon their \$12,000,000 of capital stock.

Mr. MADDEN. I would like to ask the gentleman a question.

The CHAIRMAN. The gentleman's time has expired. The gentleman from Illinois can take five minutes in his own time.

Mr. MADDEN. I do not want to take the floor in my own right. I want to ask the chairman of the committee a question.

Mr. BABCOCK. I ask that my time be extended sufficiently to answer that.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MADDEN. I wish to ask the chairman of the committee whether or not this company which is seeking a franchise to build a street-car line in the District of Columbia is not the company which is building the interurban line between Baltimore and Washington?

Mr. BABCOCK. I will have to leave that to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE. It is not the same company that is building an interurban line or that has a charter to build a line between Baltimore and Washington.

Mr. MADDEN. I would like to ask whether or not it is not the purpose of this company to run an interurban car service, instead of an urban service?

Mr. GREENE. It is going to run a line to accommodate the people from where the line starts north on the Fourteenth-street line, in this city.

Mr. MADDEN. Where does the line start?

Mr. GREENE. At Takoma Park, on the line as shown on the map here—at Takoma Park, and runs down to connect with the Fourteenth-street line over the new territory not yet occupied.

Mr. MADDEN. Is all of that territory within the District of Columbia?

Mr. GREENE. Not quite; but nearly all of it is within the District of Columbia.

Mr. MADDEN. How much of it is outside of the District?

Mr. GREENE. There is no appreciable portion, probably not more than a quarter of a mile, outside of the District.

Mr. MADDEN. Then there is only a quarter of a mile of this proposed line outside of the District of Columbia, and it is admitted by the gentleman in charge of the bill that 5 cents additional fare is to be allowed to be collected when the District line is reached.

Mr. GREENE. It has 2 miles outside of the quarter mile included in this grant in its present line; it has 2 miles of track outside of that.

Mr. MADDEN. It is proposed, then, to give the right to charge 5 cents for carrying passengers 2½ miles?

Mr. GREENE. No; it is not proposed to charge a single cent inside of the District. It gets transfers over the line that it connects with—free transfers—and it does not charge a single fare until it gets outside of the District.

Mr. MADDEN. That is what I say. When it reaches the District line it charges an extra fare.

Mr. GREENE. Which the people who live on the line are very glad to pay.

Mr. MADDEN. And up to the point where it reaches the District line it charges a fare.

Mr. GREENE. Yes, sir; and gives a transfer.

Mr. MADDEN. So there are two fares to carry you not to exceed perhaps 6 miles.

Mr. GREENE. I will state to the gentleman that inside the District there is no other fare charged; when it gets outside the District it charges a fare, as it has the right to do.

Mr. MADDEN. Let me ask the gentleman this question, then: If the car starts at the point in Maryland where the road begins it charges a fare to the District line, does it not?

Mr. GREENE. No, sir.

Mr. MADDEN. There is no fare collected when you get on the car at the point where the railroad begins?

Mr. GREENE. The railroad has 2 miles on which anybody who lives on the line or uses that end of the line pays a fare.

Mr. MADDEN. When they get on the car.

Mr. GREENE. And get a free transfer, as do all suburban lines.

Mr. MADDEN. I understand the gentleman to say when they get to the District line they pay no additional fare.

Mr. GREENE. No additional fare; they get a free transfer on to the city line. They carry them over into the District without charge and give a free transfer from the Fourteenth street line.

Mr. MADDEN. And what is the grant in this bill of a right to the company to charge 25 cents for six tickets?

Mr. GREENE. It gives them the right to sell six tickets for 25 cents just the same as lines do in the city and give a free transfer over the line, with its connections.

Mr. MADDEN. I understood the chairman of the District Committee to say in the beginning of this discussion that an additional fare was charged for a ride beyond the District line, and now I would like to find somebody who knows whether that is true or not.

Mr. GREENE. I stated clearly that the passenger coming over the Fourteenth street line, when he leaves at the point of connection with this line, gets a transfer within the District without payment. If he rides in the State of Maryland, he gets six tickets for 25 cents, which are accepted—

Mr. MADDEN. Then you pay an extra fare.

Mr. GREENE. Certainly, when you get outside of the District.

Mr. MADDEN. That is just exactly what I have been endeavoring to ascertain.

Mr. GREENE. I thought I stated it plainly.

Mr. MADDEN. If you pay an extra fare to go out, you also pay an extra fare to come in.

Mr. GREENE. You pay one fare and get a free transfer. They do not charge anything in the District.

Mr. MADDEN. Do you mean to say passengers are carried free after getting to the District line?

Mr. GREENE. In the District.

Mr. LONGWORTH. Does the gentleman mean to say that it costs more to go to Takoma Park than to come back from Takoma Park?

Mr. GREENE. There is no difference. When he comes in he pays 5 cents and gets a transfer inside the District.

Mr. TALBOTT. Suppose he is going out into Maryland. Does he get a transfer?

Mr. GREENE. He gets a transfer out into Maryland.

Mr. MADDEN. Then he only pays one fare.

Mr. GREENE. In the District.

Mr. MADDEN. In and out?

Mr. GREENE. Yes; one fare.

Mr. MADDEN. I do not understand this bill provides any such condition of things.

Mr. GREENE. I do not understand the District has any control over fares in the State of Maryland.

Mr. MADDEN. I understand that when a man gets on a car in the District he pays a fare to the District line and when he gets to the District line he is compelled to pay another fare if he goes outside.

Mr. GREENE. If he rides, he pays.

Mr. MADDEN. Of course, if he walked, he would not have to pay. [Laughter.]

Mr. GREENE. Men can not run a road on air and not collect anything for people riding over it.

Mr. MADDEN. Now, we are legislating here to give authority to some corporation to charge 9½ cents for carrying passengers not to exceed 6 miles, and that is an unfair proposition. Now, gentlemen in charge of the bill have said that if we refuse to give the privileges sought to be secured to this corporation in the way in which they want those privileges they will refuse to build the line.

Mr. GREENE. I have not said so.

Mr. MADDEN. I did not claim that the gentleman had said so.

Mr. GREENE. I have not said so.

Mr. MADDEN. I said that the gentleman in charge of the bill, the chairman of the Committee on the District of Columbia, said so.

Mr. BABCOCK. They could not get the money anywhere.

Mr. MADDEN. I say this, that this is one of the stale, worn-out arguments always used on every such occasion as this, that whenever any company seeks a franchise and the Members of Congress seek to regulate the conditions under which the franchise shall be granted, they are told that if they do not act with the greatest degree of liberality the companies seeking to accommodate the people by conducting a street car railway for their benefit will refuse to grant the privileges to the people which the people are demanding of them. We are told that the people in the neighborhoods through which this street car line is proposed to run are clamoring for street car service. We are told that unless it is granted on the terms demanded by the corporation they will get no service. We are told that we have no right to demand consideration on behalf of the people. We are told that it is unfair to demand a reduction of the street car fare. We are told that all of the other street railway companies are allowed to charge certain fares. We are told that it would be unfair to exact from this infant monopoly some concessions which are not granted by other corporations of a similar character. We are told that this railroad is to be constructed through a sparsely settled territory. We are told that the expense of its construction will be so enormous that these men can not borrow money on their bonds to build it unless they are allowed to charge an exorbitant fare. We are told that this demand of ours for fair treatment of the people of the District is unjust and discriminatory.

Mr. SIMS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, having given some attention to the capitalization and outstanding existing bonded indebtedness of the street railroads here, I think I can make a somewhat correct statement so far as it has been gone into. The outstanding stock of the Capital Traction Railroad is \$12,000,000. Its bonded indebtedness is \$1,080,000. When the capital stock of the Capital Traction road was first issued, it was for \$12,000,000. It has never been increased or reduced since. According to the testimony before our committee, given at a public hearing, the president of that company stated that after this stock was issued it went down in the market to 45 cents on the dollar. Twelve million dollars of stock multiplied by 45 cents will give something over \$5,000,000 as the total value of the Capital Traction Company, measured by the market value of the stock. That value included all of the tangible property and all the value attaching to the franchise. The stock of that company is still \$12,000,000, and the stock sells on the market to-day at \$1.41, \$1.42, and as high as \$1.45. In other words, the profits due to increased value of stock is about \$12,000,000. Since that time they sold the power-house site for \$550,000, and declared an extra dividend of \$480,000 out of that amount and put it in their pockets, which reduced the original value of \$5,000,000 by \$480,000. They pay a 6 per cent dividend, or \$720,000, on the \$12,000,000, and 4 or 5 per cent on \$1,000,000. The enhanced value of the stock, the excessive dividends, and the construction of about 3 or 4 miles of double track that has since been met out of earnings, makes this entire property a clear profit to its present owners. And yet that company persistently refuses to agree to free universal transfers. I notified them that I would offer an amendment to that effect on the bill referred to by the chairman, and they stoutly resisted it; and yet when I asked them if this amendment was adopted and passed would they take 1 cent less for their stock than its present market value, the answer was, "No; it is not for sale."

Take up the other company here. It has a capital stock of \$15,000,000, and a bonded indebtedness of \$12,913,000, and pays a dividend of 5 per cent on the preferred stock of eight and one-half millions and 4 or 5 or 6 per cent on the bonds. It has 20.28 miles of track in the District.

In all, the Washington Railway and Electric Company, measured by the stock and bond issue, is bonded and stocked at over \$1,200,000 to the mile. Yet they say they will be wrecked and ruined to even agree to a universal free transfer. Now, I am only seeking to give a free transfer; and afterwards we can consider, after a proper investigation, an amendment to reduce the fares and give universal transfers. I am only proposing free transfers, and in doing that it is said we are making an attack upon the bonded and stock value of this property. Now, these are the facts reported by the companies themselves: The stock of the Capital Traction Company is \$666,666 per mile par. The bonded indebtedness of the company is \$1,000,000, and that makes, with the capital stock and bonded indebtedness, something over \$700,000 per mile. The president of that company stated that he only claimed it cost \$60,000 per mile single track underground; some of it constructed within a year cost more. But you must remember that there are 5 miles of this Capital Traction road that is overhead trolley that does not cost more than half what the other does.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I should like to have two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. The taxes paid by the Capital Traction Company on \$18,000,000 of actual market value is \$76,000, in a city where we have the lowest tax value of any city where property is taxed at all. Yet we stand here helpless for some reason or other—I do not know what it is—and seem to regard as sacred and holy the rights of corporations whose very life depends upon a repealable franchise. No franchise has been given that has not a repeal or amendment clause in it. They even claim there is no franchise value; yet when you calculate by the most liberal method possible it would not cost \$6,000,000 to produce every mile, all the equipment, and all the real estate in the most modern style at the present price of material and labor, the highest known in the history of this country. I would like the House to take some note of these things, and when the time comes they may know something about what they are acting on.

We are asked for an increase in the salaries of the clerks in the District of Columbia, and we are not willing that when they come to their work they shall have a free transfer, while the value of these companies is two-thirds franchise, and the franchise will grow more valuable every day without added operating expense to the railroads themselves of a substantial character. I do not think that this ought to be gotten at by piecemeal, by undertaking to force a 3-cent rate on a road not

yet built, and when they come to this city have to fight these well-equipped railroads now in existence. I think it is a mistaken policy to put these new roads at a disadvantage with this formidable opposition that they have got to meet from these well-equipped railroads when they seek to secure permission to cross the streets of Washington.

Mr. CLARK of Missouri. Mr. Chairman, I do not know whether this proposition is in order or not, and it does not make any difference whether it is or it is not. This debate has done a great deal of good, whether the point of order is sustained or overruled.

There is just one way in which the chairman of the committee, the gentleman from Wisconsin, can settle this whole thing, and that is to agree to get his committee together to-morrow morning and report a general 3-cent-fare bill, and then get the Committee on Rules together and induce them to give us the right of way for that bill, because that is where we are coming to.

A MEMBER. It would be a pretty hard job to do that.

Mr. JAMES. But the point of order was made by the chairman against just such a proposition half an hour ago.

Mr. CLARK of Missouri. I do not think it would be quite as hard a job as you think.

I have always protested against Congress sitting as the city council of the city of Washington, and I protest yet; but this District is used as a legislative experiment station for the rest of the country, and instead of this city's being behind all other cities in all municipal improvements, it ought to be ahead of all the other great cities in that line. If you are going to continue it as a legislative experiment station, you ought to pass some legislation here that has some good and some sense in it. It has been demonstrated—it is no longer a question to be debated—that a 3-cent fare in a great city is a good thing for the people and a good thing for the street railroads, too, because it increases greatly the number of persons who do the riding. If Tom Johnson never does another good thing while he lives in this world, he deserves a monument as high as Washington's for having forced that gang in the city of Cleveland to accept his theories on this kind of legislation at least. [Applause.]

There is another thing about it, Mr. Chairman, that might as well be said here as anywhere else, and that is that no street railroad charter in this city or any other great city of the land ought to have ever been given to any corporation under the shining sun. Every one of them ought to have been put up at auction and sold to the highest bidder. Then Congress ought to legislate fairly on the whole subject.

This proposition of the gentleman from Tennessee [Mr. SIMS], that there shall be a universal-transfer law passed for the benefit of the people of the District of Columbia, ought to be agreed to by every man in this House. It is a gross outrage the way they run it. That is the plain English of the whole situation. For instance, you ride two or three blocks on the F street line and you run somewhere into this other line on Pennsylvania avenue—I don't know the name of one of them from the other. You can not get a transfer. Will any man say that it is worth 5 cents to ride two or three blocks on one of these cars? Another thing about it. You, Mr. Chairman, and myself and the most of us here, if we are in a hurry, can afford to pay two or three fares to get eight or ten blocks in this town and not miss it; but you take the average citizen of Washington, take these clerks that they are always talking about raising the salaries of, and whether they have to walk half a mile or dig down into their pockets for another nickel to contribute to these street railroad companies is a very serious proposition for them. They have to count the nickels in order to keep their heads above water, financially speaking. You can bowl this proposition out here now on a point of order, but you can not keep this proposition out of this House in a way that we will get a fair crack at it, and I serve notice on you to that effect right now.

Mr. BABCOCK. Mr. Chairman, just a word. I want to say to the committee and to the gentleman from Missouri, as I said before, that there is a bill pending before the District Committee that necessarily must be reported at this session, to which all of these amendments will be germane, and on which the sense of the House can be taken, but not on a little suburban line like this.

Mr. CLARK of Missouri. Let me ask you a question.

Mr. BABCOCK. No, no; I am talking.

Mr. CLARK of Missouri. Go on.

Mr. BABCOCK. We can not get one of the companies in the District of Columbia to construct these suburban lines, because it is not profitable construction.

Mr. SHACKLEFORD. May I ask a question right there?

Mr. BABCOCK. No; I refuse to yield until I have finished.

The CHAIRMAN. The gentleman declines to yield.

Mr. BABCOCK. Just a moment. As to the construction of

this very line, except for this Maryland connection, I would oppose it and insist that one of the lines in Washington build it. They will not do it unless they are forced to do it, and these Maryland people will. There is the situation. But I will say further to the gentleman, if you tack these amendments onto this new construction you stop it. No one will furnish money or take the bonds of these lines to build roads on a 3-cent fare on a suburban line. Now, I am only one of eighteen members of the Committee on the District of Columbia, but each member of that committee will bear me out in the statement when I say that there will be before the House an important bill to which all of these amendments will be germane and proper.

Mr. CLAYTON. When?

Mr. BABCOCK. Just as soon as the committee can get it out.

Mr. CLAYTON. Oh!

Mr. BABCOCK. I want to say further that the bill would be before the House to-day had it not been for the insistence of the different citizens' associations in Washington for further hearings, and I refer to the leader of the minority on that committee to confirm my statement.

Mr. SIMS. Mr. Chairman, I want to make a statement in that connection. The chairman was indifferent, I might say almost opposed, to further hearings, for the reason that it would take up so much time he was afraid that the bill would not get before the House in time to be passed before adjournment. We heard the officers of the gas company and the Capital Traction Company, but not a word from the Washington Traction Company. Upon my own request Wednesday was set aside for hearings, one-half to go to one side and one-half to the other. The chairman is not to blame for this bill not being reported favorably or unfavorably up to this time.

Mr. CLARK of Missouri. Mr. Chairman, I want to ask the gentleman from Wisconsin a question in order to get information. When is the committee going to report this general bill?

Mr. BABCOCK. I am only one member out of eighteen, and I should have to have an opportunity to consult the other seventeen in order to answer the question.

Mr. CLARK of Missouri. Does the gentleman from Wisconsin believe that the bill will be reported?

Mr. BABCOCK. I will say to the gentleman from Missouri that I have every reason to believe that that bill will be on the Calendar the next District day.

Mr. CLARK of Missouri. Another question. Suppose that it turns out that these present principal railroad corporations of this town refuse to build this road with a 3-cent-fare feature attached to it, does not the gentleman believe that there are men in this District of Columbia who have money that would jump at the chance?

Mr. BABCOCK. They would jump away from it just as fast as they could jump, and probably it would take two jumps to make it. [Laughter.]

Mr. CLARK of Missouri. Do you not think it would be better to wait until some fellow would build it?

Mr. SHACKLEFORD. I want to ask the gentleman from Missouri, my colleague, a question. Taking it to be true that the corporations that are operating the railroads in this District would refuse to carry out the provision of this bill, is not the revenue of this District and of this Government ample so that we ourselves could build and operate that sort of a line?

Mr. CLARK of Missouri. I think there is a plenty of revenue.

Mr. SHACKLEFORD. Ought we not to do it?

Mr. CLARK of Missouri. I am opposed to giving franchises to these franchise grabbers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

Mr. JAMES. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be reported again.

The Clerk again read the amendment.

The question was taken; and on a division (demanded by Mr. JAMES), there were—50 ayes and 50 noes.

So the amendment was agreed to.

Mr. MADDEN. Now, Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend section 5 by adding at the end thereof the following:

"And grant transfers over all connecting lines, entitling the holder thereof to a continuous ride in either direction without the payment of an additional fare over the line or lines over which the transfer is given."

Mr. BABCOCK. I make the point of order on that, Mr. Chairman.

Mr. MADDEN. I suggest, Mr. Chairman, that it is not subject to a point of order.

Mr. BABCOCK. I raise the point of order that it is not germane and that it is unconstitutional; that Congress can not compel other lines of street cars to carry passengers without consideration.

The CHAIRMAN. The Chair will point out the difference between this amendment and the one offered by the gentleman from Kentucky. In that case it was an attempt to compel other companies of the District to carry passengers at reduced rates of fare. In the present instance the proposition is to compel the new company, if chartered, to extend the travel of their passengers over all the lines of the District of Columbia without the payment of any additional fare. It puts no duty upon the other companies to carry them nor does it appear to the Chair how one railroad company can force another one to carry its passengers free of charge.

Mr. MADDEN. Mr. Chairman, then I would like to suggest an amendment to the amendment.

The CHAIRMAN. Without objection the gentleman can withdraw his amendment and modify it. The Chair hears no objection.

Mr. MADDEN. Mr. Chairman, I now offer my amendment as perfected.

The Clerk read as follows:

Amend section 5 by adding at the end thereof the following: "And grant transfers over all connecting lines entitling the holders thereof to a continuous ride in either direction without the payment of an additional fare over the line or lines over which the transfer is given; and it shall be incumbent on the connecting lines to accept said transfers."

Mr. BABCOCK. Mr. Chairman, I raise the point of order on that.

The CHAIRMAN. The point of order is sustained. The same question has been passed upon by the Chair.

The Clerk read as follows:

Sec. 6. That all the powers, rights, duties, and limitations imposed by the act of Congress authorizing said Baltimore and Washington Transit Company to enter the District of Columbia, approved June 8, 1896, shall be applicable to the extension of the line of said company as proposed herein except as said act may be amended by the provisions hereof, it being the intent that said original act shall be applied to this extension in the same manner as if said extension had been included in the original act.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, creating a new section, numbered 7, which I send to the desk and ask to have read.

The CHAIRMAN. If there is no further amendment to be offered to section 6, the gentleman's proposition will be read.

The Clerk read as follows:

Insert a new section as section 7, as follows: "The privileges herein granted are granted on the express condition that cars shall be run under such rules as may from time to time be made by the District Commissioners, and any violation of which shall be a misdemeanor, and for any such violation said corporation shall be liable to a fine of not less than \$50 and not to exceed \$200."

Mr. MADDEN. Mr. Chairman, the companies existing at present within the District of Columbia, or some of them at least, run street cars without any regulations whatever by the Commissioners. They run them either in bunches or they do not run them at all.

Mr. BABCOCK. There is no objection to the amendment.

Mr. MADDEN. Very well; I have nothing further to say.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word of the section in order that I may ask the chairman of the committee a question, and that question is this: I would like the chairman of the committee to tell the House if he can who the men are who are seeking this franchise, and whether anybody connected with the organization of the railroads proposed to be constructed under this bill is identified in any way with any of the street car companies at present operated and owned within the District of Columbia.

Mr. BABCOCK. Mr. Chairman, I am personally unable to answer the question. I yield to the gentleman from Massachusetts.

Mr. GREENE. Mr. Chairman, I will state that there is no one connected with the present lines who is connected with this company.

Mr. MADDEN. Will the gentleman tell the House who the gentlemen are who are interested in it and whether they are qualified to build the road?

Mr. GREENE. The line is very largely owned in Baltimore by some gentlemen there of the name of Williams, the largest owners of it, a prominent law firm in the city of Baltimore.

Mr. MADDEN. It seems to me, Mr. Chairman, that there ought to be some evidence of the ability of the men in whose favor this law is to be enacted to carry out the plan proposed in the bill—not only their ability to do that, but their willingness to

do it. We ought to know who they are, where they are, how much money they have, what their ability is to get money if they have not enough, and all about it. It seems to me that this is a matter in which the people of the District are interested. It seems to me that there ought not to be any valuable franchise of this sort granted until the House is informed as to the ability of the men in whose favor the law is being enacted, and as to their identity as well.

Mr. CRUMPACKER. Has the gentleman examined sections 3 and 4 of the bill, containing conditions providing for good faith from the company?

Mr. MADDEN. Oh, it requires a deposit of a thousand dollars.

Mr. CRUMPACKER. Yes; section 3 requires a deposit of a thousand dollars and section 4 requires some action to be taken within a certain time, and carries with it a penalty and provides that unless the road has been constructed and is in operation within two years the charter shall be absolutely void.

Mr. MADDEN. Well, will anybody contend that a thousand dollars is any kind of security for the construction of a railroad?

Mr. CRUMPACKER. There is the forfeiture of the charter within two years.

Mr. MADDEN. I presume they could enjoin themselves from going on with the improvement if they wanted to, and the Government would then be stopped from interfering and annulling the charter.

Mr. CRUMPACKER. If there is any money in the enterprise I suppose there would be no question about its being constructed.

Mr. MADDEN. Does the gentleman think it an unreasonable proposition to ask the names of the men and the ability of the men to do the thing which they are seeking to do?

Mr. CRUMPACKER. Oh, I am not criticising the gentleman for the questions he is asking, but simply call his attention to the safeguards that the bill already contains, which, it seems to me, are reasonably sufficient to secure action, and if no action is taken within two years there is no charter; and I think that that is a reasonable safeguard and about all that is usually connected with similar companies.

Mr. MADDEN. Well, what is usual—

Mr. CRUMPACKER. This road, I understand, is intended for the accommodation and convenience of the community at Takoma Park, and it does not look as if it would be a very profitable enterprise.

Mr. MADDEN. I do not see why it would not. They are starting 2½ miles outside of the District line, and they are allowed to charge a 5-cent fare to the District line. They are allowed to charge 4 cents for a single fare from the District line to the Fourteenth street line. It is only about 3½ miles at the utmost. Assuming they divided that fare within the District with the other company, the connecting company, then they have 7 cents and something more for carrying a passenger 6 miles.

Mr. CRUMPACKER. They will get 2 cents—

Mr. MADDEN. So I do not see that they are to be pitied—

Mr. CRUMPACKER. The other company will get 2½ cents and these people all there is left of the fare that the bill provides.

Mr. MADDEN. We would like to get the information as to who these people are.

Mr. CRUMPACKER. I do not know myself.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk resumed and concluded the reading of the bill.

The bill was ordered to be laid aside with a favorable recommendation.

WASHINGTON, SPA SPRING AND GRETTA RAILROAD COMPANY.

Mr. BABCOCK. Mr. Chairman, I ask present consideration of the bill (S. 3668) to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Washington, Spa Spring and Gretta Railroad Company, a body corporate under the laws of the State of Maryland, be, and it is hereby, authorized to extend its line of street railway within the District of Columbia with single and double tracks, equip and operate the same for the carrying of passengers, parcels, milk, garden truck, and other small freight, with the necessary switches, turn-outs, buildings, mechanical devices, along the following route: Beginning on the Bladensburg road, or Baltimore and Washington turnpike, at the dividing line between the District of Columbia and Prince George County, Md., thence along said Bladensburg road to Fifteenth street east and H street where it intersects with Maryland avenue and said Bladensburg road; that the motive power of said road shall be electricity, operated by the overhead wire or trolley system, and a return wire, similar in capacity, situation, and insulation to the feed wire, shall be provided with a double trolley; and no dynamo furnishing power to the road or any portion thereof shall have either of its wires connected with the earth.

SEC. 2. That the said Washington, Spa Spring and Greta Railroad Company may acquire, by gift, grant, or purchase, such real estate on either side of its line as may be necessary for depot, freight purposes, and car barns, and shall have the right to connect its line with the same.

SEC. 3. That all plans of location and construction shall be subject to the approval of the Commissioners of the District of Columbia.

SEC. 4. That excavations in the highways shall be made only under permits from the Commissioners of the District of Columbia and subject to regulations prescribed by them.

SEC. 5. That the said railway and its appurtenances shall be constructed in a substantial and durable manner, subject to inspection by the Commissioners of the District of Columbia. All changes to existing structures in public space shall be made at the expense of the company.

SEC. 6. That the said company shall deposit such sums as the Commissioners of the District of Columbia may require to cover the cost of inspection and the cost of changes to public works in the streets caused by the construction of said railway.

SEC. 7. That the company shall keep the space between its rails and tracks and 2 feet exterior thereto in good condition, to the satisfaction of the Commissioners of the District of Columbia. The pavement of these spaces shall be at least as good as that of the contiguous roadway. The proper authorities shall have the right to make changes of grade and other improvements which they may deem necessary, and when said Bladensburg road is improved the company shall bear the entire expense of improving said spaces to correspond with the remainder of the roadway. The requirements of this section shall be enforceable under the provisions of section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878.

SEC. 8. That the cars shall be first class and shall be kept in good condition, to the satisfaction of the Commissioners of the District of Columbia.

SEC. 9. That the cars shall be run as often as public convenience requires, on a time-table satisfactory to the Commissioners of the District of Columbia and approved by them, and it shall be the duty of said railroad company to submit such time-table for approval whenever required by said Commissioners, and said company is required to run its cars in accordance with said approved time-table.

SEC. 10. That the speed of the cars shall be subject to the police regulations of the District of Columbia.

SEC. 11. That persons drunk, disorderly, contagiously diseased, or refusing to pay the legal fare may be ejected from the cars by the officers in charge thereof.

SEC. 12. That, as far as possible, articles left in the cars shall be cared for by the company, to the end that they may be returned to the rightful owner.

SEC. 13. That the rate of fare which may be charged for the transportation of passengers over the line of said company within the District of Columbia shall not exceed 5 cents per passenger, and six tickets shall be sold for 25 cents, each good for the transportation of one passenger over the whole or any part of said line in the District of Columbia.

SEC. 14. That the company is authorized to erect and maintain the buildings necessary to the operation of this road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners of the District of Columbia. All passenger rooms and transfer stations shall be provided with such conveniences for the public as said Commissioners may direct.

SEC. 15. That the said company, through its proper officers, shall annually, on or before August 1, make return under oath to the board of personal-tax assessors of the District of Columbia of the amount of its gross receipts in the District of Columbia during the preceding year ending June 30, and shall pay to the collector of taxes of the District of Columbia, at the same time and in the same manner as other personal taxes are paid, an amount equal to 4 per cent per annum thereon, in lieu of other personal taxes; that the real estate of the said company in the District of Columbia shall be assessed and taxed as is other real estate in said District.

SEC. 16. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of the street or highway occupied by said railway, or from altering and improving streets, avenues, highways, and the sewerage thereof; and the company shall change its railway construction and pavements so as to conform to such grades and improvements as may have been or may be established.

SEC. 17. That said company is authorized to construct and operate, for its own use only, telegraph and telephone lines along its railway, as herein provided for, subject to the approval of the Commissioners of the District of Columbia.

SEC. 18. That the construction of said extension on the lines of said railway company within the District of Columbia shall be commenced within one year of the passage of this act and be completed and cars running thereupon or passenger traffic within two years from the passage of this act, in default of which this act shall be void and of no effect.

SEC. 19. That all the conditions, requirements, and obligations imposed by this act shall be complied with by any of the successors to or assigns of said company within said District.

SEC. 20. That within sixty days from the approval of this act the company shall deposit \$1,000 with the collector of taxes of the District of Columbia, to guarantee the construction of this railroad within the prescribed time, and if this sum is not so deposited this act shall be null and void. If the sum is so deposited and the road is not in operation as herein prescribed, said \$1,000 shall be forfeited to the District of Columbia and this act shall be void.

SEC. 21. That the construction, adoption of motive power, erection of buildings, regulation of schedule, and speed of running shall be at all times under the supervision and control of the Commissioners of the District of Columbia.

SEC. 22. That each and every violation of the requirements of this act or of the regulations of the Commissioners of the District of Columbia made under the authority thereof shall be punishable by a fine of not less than \$20 nor more than \$100, in the discretion of the court, such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.

SEC. 23. That the company shall, on or before the 1st day of February in each year, make a report to each the Senate and House of Representatives, as prescribed in section 10 of the act of June 10, 1896, entitled "An act to extend the routes of the Eckington and Soldiers'

Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes."

SEC. 24. That this act shall take effect from and after the date of its passage.

SEC. 25. That Congress reserves the right to alter, amend, or repeal this act.

During the reading of the above,

Mr. SHACKLEFORD. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SHACKLEFORD. Is the bill subject to amendment now?

The CHAIRMAN. It is not.

Mr. SIMS. Mr. Chairman, this bill is somewhat similar to the one the House has considered, except it is not connected, as I understand, with any Baltimore enterprise. It is a suburban road coming into the District of Columbia and joins the Washington Traction at Eighth street. People living along this line are much interested in having this road constructed. It would have been constructed long ago, except that the Bladensburg road was too narrow, being only 66 feet, but we have passed a law this Congress authorizing the widening of Bladensburg road to 90 feet, which makes it abundantly wide for a double trolley line without injury to the road. Now, this bill has passed the Senate. It has been thoroughly considered by the Commissioners, and I have been unable to hear a word in any direction in opposition. The people along the line are interested as much as they possibly could be.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SIMS. Just a moment; and I want to state to every Member of the House that I hope this bill will not be amended from the fact if it is amended and goes back to the other body, with the crowded condition of public business at this time, in all probability it will not be considered and will not be passed. If it is passed now, the road can be constructed during the vacation, and as to the rate of fare and things of that sort, Congress will have abundant time to regulate anything of that sort before anybody will travel over this line, and the right to alter, amend, and repeal is reserved in this as in other acts. Now, Mr. Chairman, I want to yield to the gentleman from Maryland [Mr. MUDD], whose district this road runs into, and who introduced the bill in the House similar to the one that passed in the Senate, but if the gentleman from Illinois wishes to ask me personally any question, I will yield to him.

Mr. MANN. Will the gentleman yield?

Mr. MADDEN. I notice that this provides that freight can be carried on the streets of the District of Columbia.

Mr. SIMS. Of certain kinds.

Mr. MADDEN. It provides that milk, garden truck, and other small freight. Now, what is "other small freight?" What does "garden truck" consist of, and what are the kinds of articles to be limited to the right of this road to carry and all that? Then another question I would like to ask is, how far outside of the District line does this road begin?

Mr. SIMS. That is a question that I could not answer, but the gentleman from Maryland [Mr. MUDD] can. Mr. Chairman, I suggest that I yield to the gentleman from Maryland [Mr. MUDD] to answer all these questions, as he is thoroughly familiar with the bill in all its aspects.

Mr. MUDD. This railroad begins at a point which I find in the bill is designated as Greta. Greta is a suburb in the neighborhood of—in fact I may say, adjoining—a place called Riverdale, which is a station on the Baltimore and Ohio Railroad, just beyond Hyattsville, in Prince George County, Md. It is not over 4 or 5 miles beyond the District line.

Mr. MADDEN. What character of country is it through which this runs outside of the District?

Mr. MUDD. The character of the country in the District as well as outside of the District is almost exclusively rural. It does not run to any place of larger size than Hyattsville, to the extent that you may say it goes to Hyattsville at all. In fact, it runs about half a mile, I think, at the nearest point, of the village of Hyattsville, a village of from 1,500 to 2,000 inhabitants, situated a few miles outside of the District of Columbia.

Mr. MADDEN. What kind of freight originates within that territory?

Mr. MUDD. The country is composed to a large extent of truck gardeners. I suppose milk, vegetables, just about the kind that were permitted to come in over the railroad that we chartered about two years ago, which comes in over the Anacostia Bridge, just over the line into the District of Columbia.

Mr. MADDEN. Is it proposed to allow these cars to be transferred from one railroad track to another within the District?

Mr. MUDD. There is no provision in the bill permitting that, and I take it for granted it could not be done without such a provision.



Mr. MADDEN. Does the gentleman believe that it is a wise provision to allow a railroad to bring freight onto the streets of the District of Columbia?

Mr. MUDD. I am not prepared to say that I think, as a general proposition, that would be wise. But, as a matter of fact, taking into consideration the character of the population to be served by this railroad and that their livelihood is obtained to a large extent from the proceeds of the products mentioned herein and the further fact that the railroad company does not, in fact, come into the city, properly speaking, at all, but stops, as stated in the bill, at the intersection of Fifteenth street and H street NE., just at the boundary, I think no harm can come to the city by allowing that.

Mr. MADDEN. Does the gentleman believe that the city of Washington is going to become a great residence city some time in the future?

Mr. MUDD. I do not see that that has very much to do with the merits of the pending measure.

Mr. MADDEN. What I want to get at is, that if it is going to become a great city, and you allow, in advance of the population living here, freights to be carried on any of the streets of the city, you are putting an embargo on the progress of the community.

Mr. MUDD. Mr. Chairman, I think the gentleman does not carry in his mind the statement I just made, that the terminus of the railroad in the District of Columbia is in effect in the country, on the line of what was called a few years ago and what is understood now as being the county. It only comes to what is called the "boundary," away out here where the Bladensburg road ends, and from that point, of course, the city begins.

Mr. MADDEN. Does the gentleman mean by the words "county line" that it is the boundary line between the District of Columbia and the State of Maryland?

Mr. MUDD. Oh, no; it is the boundary line—

Mr. MADDEN. What is known as the "city" as distinguished from the District of Columbia?

Mr. MUDD. What was called years ago, and what I think is perhaps properly called now, "the county."

Mr. MADDEN. It would come to Florida avenue?

Mr. MUDD. Florida avenue.

Mr. MADDEN. That, I submit, Mr. Chairman, is right in the center of the city of Washington now, and it seems to me that we ought not to pass any bill that would give the right to any railroad company to come through the most thickly settled portion of the city.

Mr. MUDD. Why, the gentleman does not mean to say that there is any thickly settled portion of the city, or even of the District, out there on that suburban road?

Mr. MADDEN. I may not know that particular road, but I do know this, that outside of Florida avenue the most aristocratic part of the city exists.

Mr. MUDD. Not in the northeast.

Mr. MADDEN. Perhaps not in the northeast. But it seems to me it would be a very dangerous provision to allow to go into any bill an authorization to any railroad company to use the streets of the District or the city of Washington to carry freight.

Mr. MUDD. Mr. Chairman, I believe I have some time allotted to me by the gentleman from Tennessee [Mr. SIMS], and I think a little explanation will convince the members of the committee that there is nothing dangerous in this little modest railroad proposition; that there is no monopoly in it; that there is no oppression in it, but that the effect of allowing the road to come into the District of Columbia will be to reduce passenger fares and to the extent that the small truck freight would be allowed to come—and I apprehend that the time will never come when the people of this city will not want vegetables to come in here at reduced rates—will be to very substantially reduce the rate of freight on those small articles.

In the first place, bear in mind, Mr. Chairman and gentlemen, that this railroad, properly speaking, does not come into the city at all. When the gentleman from Illinois spoke of the thickly settled portion of the city in the District of Columbia he evidently had in his mind's eye that portion of the city in the direction of Mount Pleasant and the northwest which is beyond the boundary, and where many fine residences are being constructed and where many have been constructed until it is in fact in some portions as thickly settled as in the heart of the city itself.

The terminal of this road in the District is here on Florida avenue, or right about where Fifteenth and H streets NE. intersect. Beyond that is what you might very properly call a county road in that part of the District, and Prince George County, in the State of Maryland, a region that is inhabited by

farmers. It is in fact a farmers' road. It is not any giant corporation; there is no trust or monopoly in it; there is nothing of the character of an anaconda about it. It is simply a little road running through a section of the District and a section of Prince George County where the people are without railroad facilities because they have not yet had one built, and unless this road is constructed no man along the route of the road will be able to come into the city except by means of the usual class of vehicles that have obtained there, some of them at least, for half a century.

Now, Mr. Chairman, I hope there will be no attempt to saddle this road with an amendment of the character put on the other railroad proposition just acted upon. This is an entirely different proposition. It will certainly not be for years to come a paying road to any extent, comparing with those inside of the city. It may be answered in reference to this road, as it was contended in reference to the other, that the road may not be built if the rates are reduced. In this connection I would like to say that in the Fifty-second Congress a railroad was chartered over almost identically the same route. I think it was called the City and Suburban. It went from Riverdale, in Prince George County, to Florida avenue, just as this railroad will go, and they were allowed precisely the same fares as are allowed in this bill. The railroad was not built, because the people interested in it could not procure the capital. I happened to have had a rather sad experience in connection with that, because I happened to be one of the incorporators, one of the stockholders, and one of the directors. I was not a Member of Congress at that time, I want to say in this connection.

Mr. SHACKLEFORD. How long is the line that is contemplated?

Mr. MUDD. Altogether I do not think over 8 miles.

Mr. SHACKLEFORD. Has the gentleman some information as to what it will probably cost per mile?

Mr. MUDD. No; I do not know that. It will be an overhead trolley, just as the other was.

Mr. SHACKLEFORD. Going to some point out in the country. Is it a single or double track?

Mr. MUDD. Double track.

Mr. MADDEN. I will state to the gentleman that it costs about \$15,000 per mile to build an overhead-trolley double-track line.

Mr. MUDD. The information I have given to the House will throw some light on the ability to obtain money. In or about the year 1892-93, under a charter granted in the Fifty-second Congress, I happened to be named as one of the incorporators. I do not know why it was. I suppose they thought that an ex-Member of Congress amounted to something—had, perhaps, some slight prestige that might be useful. Of course I knew to the contrary.

Mr. PAYNE. We had a proposition here a few years ago, in a measure for a road to come in from Maryland into the District, providing that they should run freight cars on every line in the District. Is there any such provision as that in this bill?

Mr. MUDD. There is not, I think.

Mr. PAYNE. I have not seen the bill, and I do not know whether that proposition is in it.

Mr. MUDD. I think not.

Mr. PAYNE. I remember the House by a very decided majority put in a provision that would prevent their running freight cars in the District on even a single road, and if this bill would allow that, and I ask the gentleman because he is familiar with it, there should be a similar prohibition in this bill.

Mr. MUDD. I think there is no such provision in this bill. Mr. Chairman, I think the gentleman from New York refers to the bill called the "Washington and Surrattsville Railroad," which came in here in the closing hours of the session two years ago. I am frank to say he is mistaken in one respect. That railroad, if I recollect aright, did contain a provision that the cars should be allowed to come over what I think is termed the "Washington and Potomac Railroad," which runs from this side of the Anacostia Bridge down near to the Washington Market. That was considered an unusually liberal charter, much more so than is being asked in this bill. Now, I want to say that this bill was introduced in the Senate by the late Senator Gorman, who wanted to gratify and to benefit the people of that section of Maryland through which he passed to go to his home. I introduced the same bill in this House at the same time. The Senate bill is the one now before us. It was reported unanimously.

I am informed by his successor in the Senate and upon the Committee of the District of Columbia of the Senate it has passed the Senate unanimously. So far as my information goes, it was reported unanimously by the House committee. I do not undertake to say that the people interested will not en-

deavor to build this railroad if they do not get the rates they want. I make no threat or any such statement as that; but, judging from the experience I have related, and as far as my information goes as to the present conditions, I honestly am of the opinion that they could not possibly build the road.

Now, gentlemen talk about the extortions of railroad companies. Gentlemen grow eloquent, as they always do grow eloquent, in talking of the exactions and the transgressions of great corporations. Now, what will be the result of not allowing this road to come in here? This line goes from the city limits to Hyattsville, or to Bladensburg and Riverdale. I beg the gentleman from Missouri [Mr. SHACKLEFORD], who made that eloquent speech, to listen to me for a moment.

Mr. SHACKLEFORD. Was the speech referred to eloquent or vociferous?

Mr. MUDD. Both, I think; certainly vociferous, and I should say eloquent. [Laughter.]

Mr. CLARK. Are you referring to the speech which I made?

Mr. MUDD. To your colleague's. Yours was eloquent, but not so vociferous. Now, the present fare to Riverdale on the Baltimore and Ohio Railroad is 20 cents, or a little over. It is 20 cents to Hyattsville, and I apprehend it may be a little more to Riverdale, to which this railroad will go. This railroad will bring passengers in for 10 cents, so you will be preventing the occurrence of those awful things you say are done by big corporations. You will be establishing competition and establishing cheaper rates for passengers by 50 per cent, and you also establish cheaper rates for the little, modest country products that will be brought over this railroad to the city limits, if you allow this bill to go through.

Mr. PAYNE. Mr. Chairman, I think if the gentleman will allow me I will ask if his attention has been called to the first section of this bill:

That the Washington, Spa Spring and Greta Railroad Company, a body corporate under the laws of the State of Maryland, be, and it is hereby, authorized to extend its line of street railway within the District of Columbia with single and double tracks, equip and operate the same for the carrying of passengers, parcels, milk, garden truck, and other small freight, with the necessary switches, turn-outs, buildings, mechanical devices, along the following route: Beginning on the Bladensburg road, or Baltimore and Washington turnpike, at the dividing line between the District of Columbia and Prince George County, Md., thence along said Bladensburg road to Fifteenth street east and H street where it intersects with Maryland avenue and said Bladensburg road.

Mr. MUDD. Yes.

Mr. PAYNE. I understood the gentleman to say that this bill did not allow any freight car to run within the District of Columbia.

Mr. MUDD. Oh, no, Mr. Chairman; the gentleman misunderstood me. Perhaps I did not make myself plain.

Mr. PAYNE. I guess you did not understand the question I asked.

Mr. MUDD. I repeat that it does not allow them to come within what are called the "city limits." The point that is here referred to as the terminus this way is just on or about the line of Florida avenue, which is the boundary between the city limits and the country.

Mr. PAYNE. The gentleman is making a distinction between the city and the District of Columbia.

Mr. MUDD. Unquestionably. I think there is a very great and material difference between running cars in here on Pennsylvania avenue, for instance, and running through what is called the "country section" of the District along a country road and on out into Prince George County.

Mr. PAYNE. I would ask the gentleman whether Fifteenth and H NE. is not within the city limits?

Mr. MUDD. I understand that the intersection of Fifteenth and H NE. is just about upon the boundary between what is called the city and the country, but in the District of Columbia, of course.

Mr. PAYNE. The gentleman is familiar with the locality. I am only asking for information.

Mr. MUDD. Yes; it is right out here on the road to Bladensburg, about where the thickly built up section ends.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. MUDD. Certainly.

Mr. PERKINS. Is this district now as thinly settled as was the farther part of Connecticut avenue ten years ago, and which has now become a densely settled part of the city?

Mr. MUDD. I can not answer, because I do not know how thinly settled the part of Connecticut avenue referred to was ten years ago.

Mr. PERKINS. It was very scantily settled.

Mr. MUDD. I do not think it was as scantily settled as the portions of the District through which this road will run. Now, Mr. Chairman, in all fairness, when that time comes, when this

portion of the District through which this road runs becomes populous, when it becomes fair and equitable to people along the road and to the taxpayers in the District, and fair and equitable as compared with other railroads, to impose lower rates of travel, then it will be time to consider that; but I think the gentleman will agree with me—certainly he would if he knew anything about the character of this section of the District through which this road is to pass—that this railroad could not be maintained at all if you put the fare down to 4 cents and eight tickets for a quarter. I suppose that the gentleman from New York, Mr. PERKINS, and the gentleman from New York, Mr. PAYNE, have not had occasion to go out to that part of the District of Columbia; but I want to say to them that it is little more than a farming locality, and that is the character of the country from where the road begins to where it ends out in Maryland.

Mr. CRUMPACKER. That is just what I was going to inquire of the gentleman. How far beyond the city terminus of the proposed route are the stock yards?

Mr. MUDD. I do not know that I can state that exactly to the gentleman.

Mr. CRUMPACKER. It is not a great distance, and that part of the city, as it seems to me, is not well adapted for residential purposes.

Mr. MUDD. No; and will not be for years to come. The Reform School is situated out there; I suppose gentlemen have seen it. It sits on a hill, somewhat isolated, no buildings other than those belonging to the school close to it. The people there are interested in this road, as well as the citizens of Maryland. I will say that I have no objection to acquainting the Members of the House with the people connected with the road. They are all Maryland people, reputable gentlemen of moderate means. None of them have any stock, as far as I am aware, in any railroad in Washington City, or in any other corporation that I know of.

Mr. MADDEN. Put their names in the RECORD.

Mr. MUDD. I shall be very happy to do so. I will name them here now. They are James C. Rogers, of Hyattsville; J. Enos Ray—and I may say this of him, which ought to recommend him to the kindly consideration of some gentlemen here, that he was the very able floor leader in the last Maryland legislature; I have no especial desire to advance his interests, certainly not politically, although I do not mind doing justice to him financially, as well as to the others and all others of my constituents—Marion Duckett, Fillmore Beall, and Benjamin D. Stephen, who, I am sorry to say, was elected a few years ago on the Democratic ticket as clerk out here in this territory of mine—of Prince George County—and I am sorry to say he got in; but it makes him none the less a good business man of fairly good means and good business integrity.

These people are none of them speculators; there is not a touch of the speculative feature about this measure. It is simply an earnest endeavor by the people who live along the road to try to get into this city without walking or riding in a wagon or other vehicle drawn by horses. I do not think the objection of the gentleman from Illinois, that small freight is to come over the road, is an objection that ought to weigh at all. I am not an expert upon the subject-matter of electric railroads. Since I have been in Congress I have tried a number of times to get some constructed through the country I represent. I have been thus far unsuccessful, because they would run through a sparsely settled country and the needed capital could not thus far be obtained.

I am told by my colleague that in Baltimore city—I assume not in the central portion of it—they allow freight to be brought in on street-car lines from the country. I understand it is allowed in quite a number of other cities.

Mr. MADDEN. Do they allow freight cars in the city?

Mr. WACHTER. Yes.

Mr. MUDD. Now, freight cars containing milk and vegetables and other small products would probably not weigh any more than a passenger car and could probably be kept in as good sanitary condition and state of cleanliness as cars that brought in passengers.

I hope that this bill will not be amended. I have no interest in it on the face of the earth except the interest that I feel in every opportunity to build up and bring something like modern progress and prosperity to the sections of my district bordering on this city.

Mr. FITZGERALD. Will the gentleman from Maryland claim that they are going to carry milk in ordinary passenger cars?

Mr. MUDD. Oh, I apprehend not.

Mr. FITZGERALD. Then they will have an ordinary freight car equipped for that purpose.

Mr. MUDD. When the gentleman says an ordinary freight

car, I take it it will not be a freight car of the ordinary kind that we see, for instance, on the Pennsylvania Railroad entering the city.

Mr. FITZGERALD. It is a box car so built as to operate on these tracks.

Mr. MUDD. On what tracks?

Mr. FITZGERALD. The tracks they are going to build for this road to connect with the tracks running through the District.

Mr. MUDD. Assuming that to be true, what harm would that do?

Mr. FITZGERALD. I am asking if that is what is intended.

Mr. MUDD. I answer frankly that I do not know just the character of cars they do construct where they are used for small freights of this character.

Mr. FITZGERALD. I have seen them in some places.

Mr. MUDD. I have not. I know so little about capital and capitalists that I really know practically nothing about these cars. I am a sort of modest farmer myself, like these people I am trying to help get their products into this District.

Mr. GILLETT. I suppose if we allow freight cars on this line we would have to allow them on all other lines, will we not?

Mr. MUDD. Oh, no.

Mr. GILLETT. Why not?

Mr. MUDD. Because we allow freight cars going out of the city here, over a route that is as much rural as any portion of the gentleman's district, is no reason why we should permit them to run in the populous sections of the city.

Mr. GILLETT. But after it comes into the city—

Mr. MUDD. It does not come into the city.

Mr. GILLETT. It does not come into the city at all?

Mr. MUDD. No; there is a difference between what is called the "city" proper and what is called the "country," and which is a part of the District. There is a marked line, which is called "Florida avenue" on the one side and the river on the other side.

Mr. GILLETT. The gentleman well knows that was passed years ago, and that long since there has been but little distinction between the suburbs and the city, and that really now what is called the "boundary line" is within a large part of the thickly settled portion of the city.

Mr. MUDD. Certainly; that is the case up here in the northwest, but it simply happens not to be the case where this railroad comes. It simply happens that it has not been built up to this point in this direction.

Mr. GILLETT. But it will be built out there some day, of course.

Mr. MUDD. Well, when it comes to building out there some day in the distant future, I am going to say to the gentleman that I shall look forward with a feeling of security in the integrity and wisdom of the Members of Congress of that future time to look after the conditions that prevail then—

Mr. GILLETT. Then the gentleman admits that freight cars ought not to be in the city.

Mr. MUDD. It may be that a day will come when it will be easier to get bills reported. I do not know. Some gentlemen complain that it is rather difficult now.

Mr. GILLETT. The gentleman admits, then, that freight cars ought not to come into the city.

Mr. MUDD. Into what is called a thickly settled portion of the city?

Mr. GILLETT. Yes.

Mr. MUDD. I can be satisfied and consistent as to their running over this route, and contend for it, and still not contend that they should come down into the city. We will cross that bridge when we get to it.

Mr. MANN. Does not the gentleman expect this country to be settled out there?

Mr. MUDD. I hope so. I hope this railroad will contribute to it.

Mr. MANN. And if the country is settled, then does the gentleman think they ought to have a freight-car line on a street-car track?

Mr. MUDD. Well, I will answer the gentleman in this way and to this extent, that there would not be as good reason for it then as there may be reason for it now. But I will be willing to consider the propriety of removing the freight car under those conditions, if I am in Congress at that time.

Mr. MANN. Oh, I hope the gentleman will be in Congress, one body or the other—

Mr. MUDD. And I would not be happy unless my friend from Illinois remained with me. [Laughter.]

Mr. MANN. I know the District Committee could not get anybody who is as industrious for the District as is the gentleman from Maryland.

Mr. MUDD. I will admit a good portion of that. [Laughter.] But it is proper that I should say here that I do not happen to be a member of the District Committee. It is perhaps due to the committee that I say that. I have not been a member of that committee for some years and, I suppose, I must have ceased to be considered a good man for that place.

Mr. SPERRY. To what extent have land speculators through which this road runs an interest in this concern?

Mr. MUDD. To no extent that I know of at all, except that felt by every man in the world who owns a farm. He hopes some day it will increase in value. I hope that it will. It may be said with fairness that almost any section, any rural section, through which a railroad runs will have the value of its farm lands somewhat increased. It is to be hoped so.

Mr. MANN. I understood the gentleman to say the Bladensburg road had been widened recently.

Mr. MUDD. In answer to that, Mr. Chairman—and I am glad the gentleman called my attention to it, because I want to say this bill as it stands to-day embraces all the amendments recommended by the Commissioners, except one—when this bill was introduced a little over a year ago and was referred to the Commissioners they reported it back, recommending an amendment to the effect that the railroad be required to widen the Bladensburg road to the uniform width of 90 feet; but since that time a bill then pending in Congress has passed both Houses and become a law by which, in the usual way of providing for opening streets generally in the District, Bladensburg road has been widened or will be widened at the joint expense, if I recall aright, of the city and the landowners along the road. That amendment therefore was omitted.

Mr. FITZGERALD. The fact is, that condition being recommended by the Commissioners of the company, the company held up this question of getting the franchise and has had the road widened at the expense of the city, and they now come back to get the franchise without the condition.

Mr. MUDD. No; that is not the fact.

Mr. FITZGERALD. It looks very suspicious.

Mr. MUDD. I will answer quite frankly to my friend by saying that the owners of this railroad in Maryland were not as anxious to have this charter with that burden imposed upon it and upon the railroad, but I will say this, that it ought not to be said that these gentlemen were the instruments of or used for the purpose of having this done. They are none of them, so far as I know, men of any power to influence legislation here; certainly they have no such influence with me, except in so far as the measures they present may seem to me to be possessed of merit.

Mr. MANN. What other purpose was there in widening this country road to 90 feet?

Mr. MUDD. Why, Mr. Chairman, I have been trying to get this and other roads leading to my district widened for the past ten years. I think it ought to have been widened years ago without any reference to the question whether a railroad was to go over it or not.

Mr. MANN. Is it the customary width for a country road in the gentleman's district to have it 90 feet?

Mr. MUDD. Oh, no.

Mr. MANN. What particular object was there in widening this road except for the mere purpose of a street-car line on it?

Mr. BABCOCK. Let me answer the question.

Mr. MUDD. I can answer it.

Mr. BABCOCK. I want to say that the residents along the road asked to have it done, and paid the entire expense of widening the road, and it did not cost the District a dollar.

Mr. MUDD. And may I not ask if they have not been endeavoring to get this road widened before this railroad was ever mentioned before the committee or Congress?

Mr. BABCOCK. Yes.

Mr. PAYNE. Do the people living on the road want this?

Mr. MUDD. They do. Mr. Chairman—

Mr. MANN. Did they sign a petition for this road?

Mr. MUDD. I do not know of any formal signing of a petition. If I could acquaint the gentleman with the extent of the gatherings I have had in the corridors of this building of people along that line to get this railroad, the letters I have received, and also the action of various citizens' associations of this District and outside, I think he would be fully convinced that every man, woman, and child in that section are almost praying for the construction of this road.

Mr. HULL. Have you any protests against it?

Mr. MUDD. I have not, from any source whatever. I understand there has not been a single protest of any man before the District of Columbia Committee or anywhere else.

Mr. MANN. What is the length of this road?

Mr. MUDD. In other words, practically every citizen living

out there is asking for this road and no one is protesting against it.

Mr. MANN. What is the length of this road?

Mr. MUDD. I think it is a little less than 8 miles.

Mr. MANN. That is, in the District?

Mr. MUDD. Oh, there are only about 3 miles in the District; perhaps not that much.

Mr. MANN. Is there to be two fares?

Mr. MUDD. There will be one in the District and one outside.

Mr. MANN. Is the gentleman willing to accept an amendment to this bill similar to the one just passed by the Committee of the Whole in regard to the previous bill?

Mr. MUDD. I have been arguing for some time, Mr. Chairman, that that ought not to be done because of the very vastly different character of the two projects.

The bill that we have just acted upon comes with its lines down into the thickly settled portions of the city. It is an interurban railroad, and, as I take it from its title, is to run from Baltimore city, a fairly well built up and prosperous sort of a village over there in Maryland, to Washington. I do not believe that the railroad for which I am arguing now will for years pay anything like a dividend to the extent of more than 5 per cent, if that much.

Mr. MANN. Does the gentleman now mean to tell us that the road that we were considering on the previous bill is to run from Baltimore, when the gentleman in charge of the bill assured the House that it only ran two miles and a half out of the District?

Mr. MUDD. I suppose he meant by that that it was all that was built now.

Mr. MANN. But we had the distinct assurance from the Committee on the District of Columbia, on the previous bill, that the road did not connect with Baltimore and only ran 2½ miles outside of the District.

Mr. MUDD. I do not have the good fortune, or maybe ill fortune—I do not know which I should call it—of being a member of the Committee on the District of Columbia, but I do know that this other bill refers to what is called the "Baltimore and Washington Transit Company."

I think this is all I ought to say. This road which I am now advocating runs almost exclusively through a rural section. It is asked for by rural people, most of them farmers.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment to the bill.

Mr. BABCOCK. Mr. Chairman, I ask unanimous consent that general debate be now closed.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I move that amendments be admitted at any point of the bill without further reading.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that it shall be in order to offer amendments to any part of the bill. Is there objection?

Mr. MANN. I object to that.

Mr. MADDEN. Mr. Chairman, I desire to have my amendment pending, then.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 13. That the rate of fare which may be charged for the transportation of passengers over the line of said company within the District of Columbia shall not exceed 5 cents per passenger, and six tickets shall be sold for 25 cents, each good for the transportation of one passenger over the whole or any part of said line in the District of Columbia.

Mr. SHACKLEFORD. Mr. Chairman, I move to amend by striking out, in line 18, on page 4, the word "five" and inserting in lieu thereof the word "four;" and in line 19 strike out the word "six" and insert in lieu thereof the word "eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, line 18, strike out "five" and insert "four;" and in line 19 strike out "six" and insert "eight;" so that it will read:

"Shall not exceed 4 cents per passenger, and eight tickets shall be sold for 25 cents, each good for the transportation of one passenger over the whole or any part of said line in the District of Columbia."

Mr. SHACKLEFORD. I hope that the gentleman in charge of this bill will see proper to accept the amendment which I have offered. When the same amendment was offered to the bill that has just preceded it the argument was made by some that we ought not to discriminate, that the line embraced in the other bill was being discriminated against because we made them give a lower rate of fare than was furnished by other railroads.

Now, Mr. Chairman, here is an opportunity to extend the effect of that amendment put on the other bill and embrace within its provisions a larger number of these traction com-

panies. If it was fair to put the amendment onto the other bill, it is fair to put it onto this. If it was a proper amendment to put onto the other bill, then certainly the House ought not to discriminate in favor of this proposed railroad.

Mr. MUDD. Does the gentleman think it is the same thing to put a provision of this kind upon a railroad that will pay large dividends and a railroad that will run through a sparsely settled section and that will find trouble in living at all, even at 5 cents?

Mr. SHACKLEFORD. I believe it would, for this reason: These interurban railroads that are being built throughout the country now will result in the building up of a large population along their lines. I believe these gentlemen who are pressing this bill now and who are the owners of large farms in that country will find after while their farms will be divided up into smaller tracts, and a large population will live along the lines of this railroad. I believe there is nothing more healthful than the extension of a system of interurban railroads. I believe with the gentleman from Maryland [Mr. MUDD] that they should be permitted to carry small freight into the heart of the city, whether it be Washington or Baltimore. I believe these interurban roads are in the near future to largely take the place of our highways. I believe that they will radiate from every city into the country and build up the farming districts. I believe that this is one of that character. It is meritorious and should receive the approval of this House. But, Mr. Chairman, we should take into consideration not only what conditions are now, but what they must come to be in the near future.

We are starting; let us start right. Let us compel these transportation companies to start upon a proper basis and give to the people a fair rate of transportation. It will only be a short time until there will be a dense population along this road if it is built, and I hope to see it built, and hope in the near future to see that country have a dense population, when the land will be made many times as productive as it is now.

The gentleman from Maryland says it will kill the bill if we make the company carry passengers for 4 cents and to sell eight tickets for 25 cents instead of six. I think he is mistaken in saying that that road if built will not be a money-making road. I believe it will be a money-making road from the start. I hope it will; and, Mr. Chairman, I would be very sorry to do anything that would cripple it or in any manner prevent it from being a success financially.

Mr. MUDD. How do you account for the fact that when a bill was passed in 1892 or 1893 for the building of practically the same road, with rates of fare the same as provided in this bill, the company actually failed because they could not get people to take stock at those rates?

Mr. SHACKLEFORD. Mr. Chairman, I do not know why, but I will say that money was more difficult to get hold of then than now in all sections, and in all sections of the land through which your road runs the land values were much less than they are now.

I want to say, further, in reply to what the gentleman has said, and the same argument was made by the chairman of the District Committee on the bill just preceding this, that it will not do to undertake to check the action of Congress by saying that the corporations will not submit to it. We are not to be told that we dare not do what we ought to do and not to cast a vote for the people that the people demand we should, because the corporations will balk and not carry out the authority given them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, in reply to the gentleman I wish to make a statement, as I had the honor of reporting this bill. To adopt this amendment means what? It means a vote to prevent anyone excepting the present street railroad monopolies or steam railroads, who are hauling these people and their little freight, from doing any business for these people. It means to deprive the people along this line in Maryland of such advantage as they would obtain by it. If they are willing to pay 5 or 10 or 25 cents, as far as that portion of this road lying outside of the District is concerned, that is all right. That portion that is within the District we may regulate at any time.

We have just been assured by the chairman of the committee that there will be a bill brought in here after this bill on which such a proposition can be offered. But I may be asked why not place it in this bill? That bill will come up and then it may be carried. This is a Senate bill. It has passed the Senate. The session is getting short, and any kind of an amendment now will perhaps put the matter where it can not be considered at all. I hope the House will pass this measure as it ought to be; and to put an amendment on the bill, whether intended or not, means its defeat. Let us have some competition. Let us have

some company show what can be done in competition; and let those rural people out in Maryland have an opportunity to come in here. I know that those people want to do this. I do not believe they are deceiving us in trying to have this bill passed. They are honest, earnest, and sincere. They want it; and I believe this House will make a mistake if we do not pass this bill, pass it quick, and pass it without any amendments. [Cries of "Vote!"]

Mr. BABCOCK. Mr. Chairman, I move that debate be now closed upon the pending paragraph and amendment.

The question was taken; and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Sec. 14. That the company is authorized to erect and maintain the buildings necessary to the operation of this road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners of the District of Columbia. All passenger rooms and transfer stations shall be provided with such conveniences for the public as said Commissioners may direct.

Mr. HEFLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting after the word "Columbia," at the end of line 25, section 13, the following:

"That after the passage of this act the street-car companies of the District of Columbia shall be, and they are hereby, required to provide and operate separate street cars for negro passengers, and it shall be unlawful for said street-car companies to allow white and negro passengers to ride in the same street car, and for each offense shall be fined \$100.

Mr. MUDD. A point of order, Mr. Chairman. The proposed amendment is not germane to the provisions of this bill.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Sec. 23. That the company shall, on or before the 1st day of February in each year, make a report to each the Senate and House of Representatives, as prescribed in section 10 of the act of June 10, 1896, entitled "An act to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes."

Mr. BABCOCK. Mr. Chairman, I desire to offer a new section, to come in after section 23.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, insert between lines 16 and 17 the following:

"Sec. 24. That the time for the completion of the Anacostia, Surrattsville and Brandywine Electric Railroad in the District of Columbia is hereby extended for twelve months from March 3, 1907."

Line 17, strike out "24" and insert "25."

Line 19, strike out "25" and insert "26."

Amend title to read:

"To authorize the Washington, Spa Spring and Greta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia, and for other purposes."

Mr. MADDEN. Mr. Chairman, I make the point of order that that is not germane to the bill now under consideration.

Mr. BABCOCK. Mr. Chairman, that provision extends the charter of another road for twelve months.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed and completed the reading of the bill.

Mr. BABCOCK. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

The motion was agreed to.

Mr. BABCOCK. Mr. Chairman, I move that the committee do now rise and report the several bills to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bills S. 7042 and S. 3668 and had directed him to report the same to the House without amendment and with a favorable recommendation; also that the committee had had under consideration the bill H. R. 22123 and had directed him to report the same back to the House with amendments and with a favorable recommendation.

#### WASHINGTON WATER SUPPLY.

Mr. BABCOCK. Mr. Speaker, I ask for a vote on the bill S. 7042.

The first bill reported from the Committee of the Whole House on the state of the Union was the bill (S. 7042) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia.

Mr. FITZGERALD. Mr. Speaker, I move to recommit that bill to the Committee on the District of Columbia.

The SPEAKER. The gentleman from New York moves to recommit the bill to the Committee on the District of Columbia.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the House to this bill at this time, as many of the Members were not present when it was discussed in the Committee of the Whole House on the state of the Union. This bill provides for the transfer from the Engineer Corps of the War Department to the Commissioners of the District of Columbia of the Washington Aqueduct and filtration plant. It is now being conducted in an economical and satisfactory manner. There is no good reason why the control should be transferred. It seems to me that the transfer should not be made without a very full investigation, and I trust that the House will recommit the bill, in order that for the present, at least, the control of the aqueduct and filtration plant may be left in its present situation.

Mr. BABCOCK. Mr. Speaker, I want to say just a word. We have a divided supervision over the water plant which has caused a great deal of friction, and both departments agree that it should be under one head instead of two. I hope the House will concur in the committee recommendation. Mr. Speaker, I move the previous question.

Mr. MANN. Mr. Speaker, I hope the gentleman will not insist upon the motion. Is the gentleman not willing to let this go over? It is very evident that at present there is no quorum in the House.

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

The SPEAKER. If there be no objection, the bill will go over as unfinished business.

Mr. FITZGERALD. Would that make it in order to-morrow?

The SPEAKER. No; but it would make it in order on the next District day.

Mr. FITZGERALD. I have no objection to that.

#### WASHINGTON, SPA SPRING AND GRETTA RAILROAD COMPANY.

The next bill reported from the Committee of the Whole House on the State of the Union was the bill (S. 3668) to authorize the Washington, Spa Spring and Greta Railroad Company of Prince George County to extend its street railway into the District of Columbia.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

#### BALTIMORE AND WASHINGTON TRANSIT COMPANY OF MARYLAND.

The next business reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 22123) to amend an act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, approved June 8, 1896, reported with amendments and a favorable recommendation.

The SPEAKER. The question is on agreeing to the amendments.

Mr. BABCOCK. Mr. Speaker, the same amendment that is to be voted upon in this bill was offered to the bill authorizing the Washington, Spa Spring and Greta Railroad Company to extend its railway in the District of Columbia, which bill has passed the House, and the amendment was not adopted. If the House adopts the amendment reported on this bill, it will place itself in the position of adopting an amendment to one bill, and on another bill of exactly the same character refusing to adopt the amendment. I hope the House will refuse to adopt this 4-cent and eight-car-ticket amendment.

Mr. JAMES. Mr. Speaker, I ask that the amendment be again reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, in line 5, strike out the word "five" and insert the word "four." In line 8 strike out the word "six" and insert the word "eight;" so as to read: "Four cents for each passenger and eight tickets for 25 cents."

The SPEAKER. The question is on the first amendment just reported.

The question was taken; and on a division (demanded by Mr. JAMES) there were—ayes 54, noes 61.

Mr. SHACKLEFORD. Mr. Speaker, is that a quorum?

The SPEAKER. It is not.

Mr. SHACKLEFORD. I raise the point that there is no quorum.

Mr. JAMES. I make the point, Mr. Speaker, that there is no quorum.

Mr. BABCOCK. Mr. Speaker, I move that the House do now adjourn.

#### MINORITY VIEWS—POST-OFFICE APPROPRIATION BILL.

Mr. HEDGE. Mr. Speaker, pending that motion I would like to ask that the time for filing minority views on the post-office appropriation bill be extended three days.

The SPEAKER. If the point of order is temporarily with-

drawn, without prejudice, the gentleman's request can be considered.

Mr. JAMES. I will withdraw the point of order temporarily.

Mr. HEDGE. I now ask that the time for filing minority views on the post-office appropriation bill be extended for three days.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, may I inquire to what date that will extend the time?

Mr. HEDGE. I do not intend that it shall extend beyond Thursday.

Mr. STAFFORD. But it is contemplated to bring up the post-office bill for consideration on Thursday, and we should have time to consider the minority views.

Mr. HEDGE. I will make it until Wednesday night, then.

The SPEAKER. The gentleman modifies his request to Wednesday evening. Is there objection? [After a pause.] The Chair hears no objection.

#### LEAVE OF ABSENCE.

Mr. KELIHER, by unanimous consent, was given leave of absence for one week on account of sickness in his family.

#### PHILIPPINE AGRICULTURAL BANK BILL.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the minority may have until the close of the legislative day on Wednesday to file minority views on the bill H. R. 25186, the Philippine agricultural bank bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, I now insist on the point of order of no quorum.

The motion of Mr. BABCOCK was then agreed to; accordingly the House (at 5 o'clock and 10 minutes p. m.) adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for compensation of certain inspectors of customs at the port of New York—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 Assistant Secretary of Commerce and Labor submitting an estimate of appropriation for additional land at Edgemoor (Del.) light-house depot—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 War submitting an estimate of appropriation for removal of snow and ice in the District of Columbia—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 president of the Spanish Claims Commission submitting an estimate of appropriation for payment of certain awards—to the Committee on Appropriations, 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 Maud Polk Johnston, James Polk, and Burns Polk, jr., heirs of estate of Burns Polk, sr., against The United States—to the Committee on War Claims, 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 Trustees of the Methodist Episcopal Church South, of Triune, Tenn., against The United States—to the Committee on War Claims, and ordered to be printed.

#### ADVERSE REPORT.

Under clause 2, Rule XIII, the following adverse report was delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3338) for the relief of John L. O'Mara, reported the same adversely, accompanied by a report (No. 7590); which said bill and report were laid on the table.

#### 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. STAFFORD: A bill (H. R. 25574) to authorize the

location of the light and fog-signal station heretofore provided for at the south end of the proposed extension of the break-water, harbor of refuge, Milwaukee, Wis.—to the Committee on Interstate and Foreign Commerce.

By Mr. MCGUIRE: A bill (H. R. 25575) for the relief of property owners and purchasers of lots in error on Osage town sites—to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 25576) giving jurisdiction to the Court of Claims to adjudicate the claims for removal of the Mississippi Choctaws—to the Committee on Indian Affairs.

Mr. BURKE of South Dakota: A bill (H. R. 25577) authorizing the joining of Florida avenue and P street NW.—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: A bill (H. R. 25578) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: A bill (H. R. 25579) to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah—to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 25580) to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district—to the Committee on the Judiciary.

By Mr. MCGUIRE: A bill (H. R. 25581) to provide for the survey and sale of a certain island in Grand River, Cherokee Nation, heretofore unsurveyed—to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 25582) to compensate the members of the Eastern Cherokee council and executive committee for expenses incurred and services rendered in administering the affairs of the said Eastern Cherokees—to the Committee on Indian Affairs.

By Mr. POLLARD: A memorial from the legislature of Nebraska, praying for more adequate inspection of cattle and sheep in Nebraska—to the Committee on Agriculture.

Also a memorial from the legislature of Nebraska, requesting the Nebraska delegation in Congress to vote against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By the SPEAKER: A memorial of the legislature of Arizona, praying that the rate of compensation of all Territorial legislators may be increased—to the Committee on the Territories.

Also, a memorial of the legislature of Arizona, praying for an appropriation for works to control the floods in the Gila Valley, Arizona—to the Committee on the Public Lands.

By Mr. DALZELL: Order No. 11, providing for the consideration of bills on the Private Calendar—to the Committee on Rules.

By Mr. STEPHENS of Texas: A resolution (H. Res. 828) directing the Secretary of the Interior to furnish the House certain information concerning the cashier of the Indian agency at Muskogee, Ind. T.—to the Committee on Indian Affairs.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 25583) granting an increase of pension to Enoch French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25584) granting an increase of pension to Chauncey R. Dever—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 25585) granting an increase of pension to Montcalm J. Stinson—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 25586) for the relief of Charles W. Hutcheson—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 25587) for the relief of Lars P. Peterson—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 25588) granting an increase of pension to Annie Miller—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 25589) for the relief of Hiram N. Davis—to the Committee on Claims.

By Mr. HEFLIN: A bill (H. R. 25590) granting a pension to Louisa J. Nelson—to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 25591) for the relief of the heirs of John G. Burris—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 25592) granting a pension to William F. Johnson—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 25593) for the relief of the heirs of Richard Parsons and Mildred Parsons—to the Committee on War Claims.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 25594) granting an increase of pension to Sarah A. Stephenson—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 25595) granting an increase of pension to Nathan F. Buck—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 25596) granting an increase of pension to Valentine Lapham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25597) granting a pension to Margaret Matthews—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 25598) granting an increase of pension to William L. Duvall—to the Committee on Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 25599) for the relief of Mrs. Ann H. Rainey, widow, and the heirs of William S. Rainey, deceased—to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 25600) granting a pension to Martha Spencer—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25601) to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 25602) granting a pension to Hattie W. Lord—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 25603) granting an increase of pension to Nancy Harmon—to the Committee on Pensions.

By Mr. ZENOR: A bill (H. R. 25604) granting an increase of pension to Adam Myer—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

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

By the SPEAKER: Petition of Liliuokalani, for restitution to her of certain properties in the Hawaiian Islands—to the Committee on the Judiciary.

Also, petitions of various organizations of citizens of Philadelphia, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of the board of directors of the Ancient Order of Hibernians of Erie County, N. Y., against the immigration act—to the Committee on Immigration and Naturalization.

Also, petition of Typographical Union No. 9, of Buffalo, N. Y., for the copyright bill (H. R. 19853)—to the Committee on Patents.

By Mr. BENNET of New York: Petition of Ludwig & Co., for an amendment to the free-alcohol law—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of the Kansas State board of agriculture, for a reciprocal trade treaty—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Olathe, Kans., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of Ella Priest, of Castine, Me., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Lila L. Ellis—to the Committee on Pensions.

By Mr. CALDER: Petition of the Chamber of Commerce of New York City, for the Olcott bill for a new post-office building in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Jerry M. White—to the Committee on War Claims.

Also, paper to accompany bill for relief of Montcalm J. Stinson—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of the library board of the State University of Iowa, for bill H. R. 15268—to the Committee on Ways and Means.

Also, petition of the Tuesday Club, of Davenport, Iowa, for repeal of the duty on works of art—to the Committee on Ways and Means.

Also, petition of the general executive council of the International Association of Machinists, for a new building for a new foundry at the Naval Gun Factory, Washington Navy-Yard—to the Committee on Naval Affairs.

By Mr. DOVENER: Petition of Typographical Union No. 79, of Wheeling, W. Va., for bills S. 6330 and H. R. 19853—to the Committee on Patents.

Also, petition of the State board of agriculture of West

Virginia, for legislation to stop newspaper and magazine publishers from sending publications after paid-up subscriptions have expired—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of the Chamber of Commerce of New York City, for a new post-office building—to the Committee on Public Buildings and Grounds.

By Mr. DUNWELL: Petition of the American Musical Copyright League, of New York, for bill H. R. 25133 (the copyright bill)—to the Committee on Patents.

Also, petition of Arnold T. Aborn, of New York, and Clarence Kenyon, of the Bay Ridge Yacht Basin, against the shoaling of Bay Ridge channel below 40 feet, as originally authorized—to the Committee on Rivers and Harbors.

Also, petition of the Illinois Manufacturers' Association, for construction of a deep waterway between Chicago and St. Louis—to the Committee on Rivers and Harbors.

Also, petition of the National Convention for the Extension of Foreign Commerce of the United States—to the Committee on Ways and Means.

By Mr. ESCH: Petition of Madison Division, No. 73, Brotherhood of Locomotive Engineers, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Machinists, for a new foundry at the Naval Gun Factory—to the Committee on Naval Affairs.

By Mr. FITZGERALD: Petition of the Chamber of Commerce of New York, for a post-office building for the Pennsylvania Railway depot—to the Committee on the Post-Office and Post-Roads.

Also, petition of the International Association of Machinists, for a new foundry at the Naval Gun Factory at the Washington Navy-Yard—to the Committee on Naval Affairs.

Also, petition of the National Wool Growers' Association, against forest reserves on land not timbered—to the Committee on Agriculture.

Also, petition of the Illinois Manufacturers' Association, for a deep waterway from Chicago to St. Louis—to the Committee on Rivers and Harbors.

Also, petition of the Chicago Real Estate Board, for improvement in all the branches of the Chicago River—to the Committee on Rivers and Harbors.

Also, petition of the Third Maryland Conference of Charities and Corrections, for an appropriation of \$300,000 for investigation of woman and child labor—to the Committee on Labor.

Also, petition of the Mechanics' Association of New York City, for an appropriation for a post-office building in New York City at the Pennsylvania Railway terminal—to the Committee on Public Buildings and Grounds.

Also, petition of the Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the German-American Alliance of the United States, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of the National Convention for the Extension of Foreign Commerce of the United States, for a dual tariff—to the Committee on Ways and Means.

Also, petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

Also, petition of the Samuel Mundheim Company, for legislation to permit distillation of alcohol on a small scale—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the National Wool Growers' Association, against forest reservations on land not already timbered—to the Committee on the Public Lands.

Also, petition of Prescott F. Hall, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Moline Business Men's Association, for improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of R. S. Waddell, against the Du Pont powder trust—to the Committee on Military Affairs.

By Mr. GAINES of West Virginia: Petition of the West Virginia board of agriculture, for legislation to stop sending newspapers after expiration of paid subscription—to the Committee on the Post-Office and Post-Roads.

By Mr. GARRETT: Paper to accompany bill for relief of John Douglass—to the Committee on War Claims.

By Mr. GILLESPIE: Petition of Typographical Union No. 198, of Fort Worth, Tex., for the copyright bill (H. R. 19853)—to the Committee on Patents.

By Mr. GOLDFOGLE: Petition of the Chicago Real Estate

Board, for improvement of Chicago River in all of its branches—to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of New York City, for a new post-office building in New York City—to the Committee on Public Buildings and Grounds.

Also, petition of the International Association of Machinists, for a sanitary condition in the foundry of the Washington Gun Factory—to the Committee on Naval Affairs.

Also, petition of the American Copyright League, for bill H. R. 25133—to the Committee on Patents.

By Mr. GRAHAM: Petition of the American Musical Copyright League, for bill H. R. 25133 (the copyright bill)—to the Committee on Patents.

Also, petition of the Chicago Real Estate Board, for widening, deepening, and improving the Chicago River—to the Committee on Rivers and Harbors.

Also, resolution of the Moyer, Haywood, and Pettibone Protest Conference of Philadelphia, against the refusal of the Supreme Court to recognize the constitutional rights of Moyer, Haywood, and Pettibone—to the Committee on the Judiciary.

Also, petition of the Ohio Valley Improvement Association, for improvement of the Ohio River from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

Also, petition of the International Association of Machinists, for sanitary improvement of the foundry of the Gun Factory at the Washington Navy-Yard—to the Committee on Naval Affairs.

Also, petition of William H. Graham et al., for increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Civic Club of Allegheny County, Pa., against amendment of the pure-food bill—to the Committee on Agriculture.

Also, petition of the National Wool Growers' Association of the United States, against creation of forest reservations on land not already timbered—to the Committee on Agriculture.

By Mr. GRANGER: Petition of the League of Improvement Societies of Rhode Island, for the Appalachian forest reserve bill—to the Committee on Agriculture.

By Mr. GROSVENOR: Paper to accompany bill for relief of Hazen E. Soule—to the Committee on Invalid Pensions.

By Mr. HALE: Paper to accompany bill for relief of Annie Miller—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Harrison—to the Committee on War Claims.

By Mr. HAMILTON: Petition of civil war veterans of Portland, Oreg., for bill H. R. 15585—to the Committee on Invalid Pensions.

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

Also, paper to accompany bill for relief of Mrs. Louisa J. Nelson—to the Committee on Pensions.

By Mr. HINSHAW: Resolution of the house of representatives of Nebraska, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the house of representatives of Nebraska, for an amendment of the meat-inspection law to secure shipment within a period of thirty days after inspection—to the Committee on Agriculture.

Also, petition of J. W. Taylor et al., for increase of salary of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of Utah: Petition of I. E. Diehl, for a modification of the antipass provision of the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of P. F. Peixotto Lodge, No. 421, of Salt Lake City, Utah, against unreasonable restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HUFF: Petition of the International Association of Machinists, for a new foundry for the Naval Gun Factory in Washington—to the Committee on Naval Affairs.

By Mr. HULL: Petition of citizens of Indianola, Iowa, for the Littlefield bill—to the Committee on the Judiciary.

By Mr. HUNT: Petition of the International Association of Machinists, for a sanitary foundry in the Washington Gun Factory—to the Committee on Naval Affairs.

Also, petition of St. Louis Typographical Union, No. 8, for the copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

Also, petition of the National Convention for the Extension of Foreign Commerce, for a maximum and minimum rate of tariff—to the Committee on Ways and Means.

By Mr. KAHN: Petition of the Board of Trade of San Francisco, for bill H. R. 21671—to the Committee on Naval Affairs.

Also, petition of the San Francisco Board of Trade, for an

appropriation to improve the harbor at Hilo, Hawaii—to the Committee on Rivers and Harbors.

Also, petition of the Board of Trade of San Francisco, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Camp Reinhold Richter, No. 2, United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. KEIFER: Petition of P. P. Hayward and 36 other members of Keifer Command, No. 52, of the United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of South End Boston Lodge, No. 226, O. B. A., against further restrictions of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of the Corn Belt Meat Producers' Association of Iowa, for amendment of the free-alcohol law—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of the National Wool Growers' Association of the United States, against creation of forest reserves on land not already timbered—to the Committee on Agriculture.

Also, petition of the American Musical Copyright League, for bill H. R. 25133—to the Committee on Patents.

Also, petition of the Chamber of Commerce of New York State, for a new post-office building in New York City—to the Committee on Public Buildings and Grounds.

By Mr. MARSHALL: Petition of G. L. Keil et al., for amendment to the free-alcohol law—to the Committee on Ways and Means.

By Mr. MCKINNEY: Petition of the Moline (Ill.) Business Men's Association, for improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. McMORRAN: Petition of the First Baptist Church of Port Huron, Mich., for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Mrs. Charles King et al., residents of Port Huron, St. Clair County, Mich., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of the National Board of Trade, for lawful aggregation of capital—to the Committee on Patents.

Also, petition of Court Blucher, No. 203, F. of A., of Philadelphia, against the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Albert Kern and other citizens of Philadelphia, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Samuel Laudenberger et al., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the National Board of Trade, for a law to provide for participation of American trade-mark owners in the benefits of the International Union for the Protection of Industrial Property—to the Committee on Patents.

Also, petition of Philadelphia Typographical Union, No. 2, for the copyright bills (H. R. 19853 and S. 6330)—to the Committee on Patents.

By Mr. OTJEN: Petition of E. B. Wolcott Post, No. 1, Grand Army of the Republic, of Milwaukee, Wis., against discontinuance of pension agencies—to the Committee on Appropriations.

By Mr. REYBURN: Petition of German citizens of Philadelphia, against the Littlefield bill—to the Committee on the Judiciary.

Also, petition of the National Woolgrowers' Association of the United States, against forest reserves on land not already timbered—to the Committee on Agriculture.

Also, petition of working people of Philadelphia in mass meeting, against the judicial murder of Moyer, Heywood, and Pettibone—to the Committee on the Judiciary.

By Mr. RYAN: Petition of the International Association of Machinists, for a new foundry building at the Washington Navy-Yard—to the Committee on Naval Affairs.

Also, petition of the Chicago Real Estate Board, for improvement of the Chicago River—to the Committee on Rivers and Harbors.

Also, petition of the American Musical Copyright League, for bill H. R. 25133—to the Committee on Patents.

Also, petition of Typographical Union No. 9, of Buffalo, N. Y., for the copyright bills (H. R. 19853 and S. 6330)—to the Committee on Patents.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of David B. Dowdell—to the Committee on War Claims.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Cornelia H. Keyes—to the Committee on Invalid Pensions.



By Mr. SPERRY: Petition of citizens of New Haven, Conn., against conditions in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of New Haven Typographical Union, No. 47, for the copyright bill with an amendment—to the Committee on Patents.

Also, petition of the Connecticut Editorial Association, against increase of second-class postal rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reserves in the White Mountains—to the Committee on Agriculture.

Also, petition of Elm City Division, No. 317, Order of Railway Conductors, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. TAWNEY: Paper to accompany bill for relief of Milton Selby—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, February 12, 1907.

The Chaplain, Rev. EDWARD E. HALE, delivered the following prayer:

*Let us now praise famous men, leaders of the people by their counsels, and by their understanding men of learning for the people.*

*Without such no city shall be inhabited. His memorial shall not depart and his name shall live from generation to generation.*

*Nations shall declare his wisdom and the congregations shall show forth his praise.*

Let us pray. Be pleased to consecrate to-day to us, Father, its memories, its lessons, its sacrifices for man and for Thee. Not in vain that he lived for us, not in vain that he died for us if we can follow in his footsteps, if we can carry out his purpose, if we are willing to live and die for our country—with charity toward all, with malice to none. Show us each and all how we can bear our brothers' burdens. Show us how to forget ourselves and to live for others, how State can help State and nation can help nation, that this may be Thy world, one world of the living God, alive with Thy life and strong with Thy strength.

Father, we turn back to the memory of such a life as this, and not backward only. We look forward for this country, that it may be that happy nation whose God is in the Lord; that the children of this country may know what it is that they have a country to live in, and that for that country they may be willing to live and die. We ask it in Christ Jesus.

Our Father who art in heaven; hallowed by Thy name. Thy kingdom come. Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory forever and ever. Amen.

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

The VICE-PRESIDENT. The Journal stands approved.

### RULES AND REGULATIONS OF DEPARTMENT OF AGRICULTURE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 1st instant, a copy of all the rules and regulations governing the Department of Agriculture in its various branches; which, with the accompanying papers, was ordered to lie on the table.

### RAILROAD STATISTICS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 8th instant, various original papers, documents, and figures prepared by Messrs. Hanks and Harriman, referred to in the answer of the Interstate Commerce Commission, as shown in Senate Document No. 285, Fifty-ninth Congress, second session.

Mr. CULBERSON. If the communication is not lengthy, I would be glad to have it read.

The communication was read, as follows:

INTERSTATE COMMERCE COMMISSION,  
Washington, February 11, 1907.

To the President of the Senate.

SIR: The Interstate Commerce Commission has the honor to submit the following response to the resolution of the Senate adopted February 8, 1907, which directs the Commission:

"To send to the Senate copies of the 'various papers, documents,

and figures' which were prepared by Messrs. Hanks and Harriman, and which are referred to in the answer of the Interstate Commerce Commission to Senate resolution shown in Senate Document No. 285, this session."

The material above referred to is described by the following list of exhibits, which was made out by Mr. Harriman at the time the papers in question were turned over to the Commission:

- Exhibit 1. General balance sheet. Standard arranged according to gross earnings per mile.
- Exhibit 2. General balance sheet. Treating all railroads as put in one system.
- Exhibit 3. Leased roads.
- Exhibit 4. Financial classification general balance sheet.
- Exhibit 5. Alphabetical list of operating railways. General information.
- Exhibit 6. Classification of kind of railroad.
- Exhibit 7. Tentative scheme for permanent numbering of railroads.
- Exhibit 8. List of operating railroads arranged according to gross earnings per mile.
- Exhibit 9. List of narrow-gauge roads.
- Exhibit 10. Card index. List of operating roads arranged according to gross earnings from operations per mile for the year 1906.
- Exhibit 11. 1905 operating roads arranged alphabetically.
- Exhibit 12. Card index. List of time-card information.
- Exhibit 13. Card index. List of time-card information.
- Exhibit 14. Card index. List of time-card information.
- Exhibit 15. Summary of the correspondence relative to switching and terminal companies.
- Exhibit 16. Time tables received by result of correspondence.
- Exhibit 17. Letter file. Replies of switching and terminal companies.
- Exhibit 18. Letter file. Reply to time-card circular.
- Exhibits 19 and 20. Alphabetical card index of railroads from various sources.
- Exhibit 21. Maps. Location of switching and terminal companies as disclosed by correspondence.
- Exhibit 22. Card index. Terminal and switching companies.

In order that the Senate may be promptly furnished with the information called for by the resolution the original papers, documents, and figures turned over to the Commission by Messrs. Hanks and Harriman are herewith transmitted, as it would be impossible with our present clerical force to prepare copies during the present session of Congress.

All of which is respectfully submitted.

MARTIN A. KNAPP, Chairman.

Mr. CULBERSON. I move the communication and exhibits be referred to the Committee on Interstate Commerce. The motion was agreed to.

### REPORT OF NATIONAL ACADEMY OF SCIENCES.

The VICE-PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year 1906; which was ordered to be printed.

### COMMITTEE SERVICE.

Mr. LONG was, on his own motion, excused from further service upon the Committee on Indian Affairs.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That Mr. SMITH be appointed to fill the vacancy in the chairmanship of the Committee on the Examination and Disposition of Documents.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That Mr. HOPKINS be appointed to fill the vacancy in the Committee on Enrolled Bills.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That Mr. BEVERIDGE be appointed to fill the vacancy in the Committee on the Examination and Disposition of Documents.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That Mr. CURTIS be appointed to fill the vacancy in the Committee on Indian Affairs.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That Mr. FULTON be appointed to fill the vacancy in the Committee on Military Affairs.

### MESSAGE FROM THE HOUSE.

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

S. 3668. An act to authorize the Washington, Spa Spring and Greta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia; and

S. 8065. An act to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State.

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

H. R. 20067. An act to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes;

H. R. 21934. An act 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;