By Mr. HOWELL of New Jersey: Petition of the common council of Newark, against the amendment to the river and harbor bill closing drawbridges on the Passaic and Hackensack rivers—to the Committee on Rivers and Harbors.

By Mr. HUFF: Petition of Mount Chestnut Grange, for the Marshall bill relative to amendment of the free-alcohol bill—to the Committee on Ways and Means.

By Mr. HUGHES: Petition of citizens of West Virginia, for enlargement of the power of the Interstate Commerce Commission, for reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Resolution of the senate and house of representatives of the State of Missouri, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: Petition of citizens of North Platte, Nebr., against reduction of the compensation for carrying the mails by railways—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Paper to accompany bill for relief of heirs of Peyton L. Thomas—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of the National Convention for the Extension of the Foreign Commerce of the United States, for dual tariff—to the Committee on Ways and Means.

By Mr. OLCOTT: Petition of the governor and legislature of Massachusetts, for a revision of the tariff—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of Typographical Union No. 14, of Harrisburg, Pa., for bill H. R. 19853 (the copyright bill)—to the Committee on Patents.

Also, petition of Samuel W. Lascomb Post, No. 351, Grand Army of the Republic, of Steelton, Pa., against change of pension agencies—to the Committee on Appropriations.

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

By Mr. SCHNEEBELI: Petition of the Academy of Natural Sciences, against the abolition of the Bureau of Biology—to the Committee on Appropriations.

Also, petition of Old Hundred Lodge, No. 100, Brotherhood of Railway Trainmen, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lehigh Lodge, No. 251, Brotherhood of Locomotive Firemen, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mauch Chunk Division, No. 153, Order Railway Conductors, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Washington Camp, No. 429, of Freemansburg, Pa., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of F. K. Taylor Post, No. 182, Department of Pennsylvania, Grand Army of the Republic, of Bethlehem, Pa., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the Grand Army Association of Philadelphia and Vicinity, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. SHACKLEFORD: Petitions of W. E. Morse Division, No. 611, Brotherhood of Locomotive Engineers; Gasconade Lodge, No. 690, Brotherhood of Railroad Trainmen; Osage Division, No. 438, Order of Railway Conductors, and Eldon Lodge, No. 641, Brotherhood of Locomotive Firemen and Engineers, all of Eldon, Mo., for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of John R. Allen—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of the State Business Men's Association of Connecticut, for a new classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the State Business Men's Association of Connecticut, for forest reserves—to the Committee on Agriculture.

Also, petition of Camp Henry W. Lawton, No. 11, Spanish War Veterans, of Derby, Conn., for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of the Connecticut State Association, United Brotherhood of Carpenters and Joiners of America, favoring classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of the governor and legislature of Massachusetts, for revision of the tariff—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Japanese and Korean Exclusion League, for maintenance of the right of the United States to determine for itself all questions of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Association of Master Plumbers of New York City, for bill S. 6923—to the Committee on Military Affairs.

By Mr. TIRRELL: Petition of William A. Perkins and other citizens of Massachusetts, for free-art legislation as per bill H. R. 15268—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of the Western Fruit Jobbers' Association, for enlargement of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of the Presbyterian Church of Petersburg, Monroe County, Mich., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. WOOD: Petition of Trenton (N. J.) Typographical Union, No. 71, for bills S. 6330 and H. R. 19853—to the Committee on Patents.

SENATE.

SATURDAY, *February 16, 1907.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from Charles Harrington, M. D., professor of hygiene of the Harvard Medical School and secretary of the State board of health of Massachusetts, relative to the enactment of legislation authorizing the President to extend an invitation to the forthcoming International Congress on Hygiene and Demography, which is to meet at Berlin in September next, to hold the following session of the Congress in Washington in the year 1909 or 1910; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

CHICKASAW INDIAN SCHOOLS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a memorial of the national legislature of the Chickasaw Nation relative to the manner of conducting the schools of that nation, and requesting the enactment of additional legislation that will either abolish the Chickasaw schools or restore them under the supervision of the tribal officers; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

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

S. 7793. An act to fix the time of holding the circuit and district courts of the United States in and for the northern district of Iowa;

S. 7879. An act granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal.; and

S. 8283. An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 3356. An act to correct the military record of Timothy Lyons;

H. R. 11153. An act to correct the military record of Robert B. Tubbs; and

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6364) to incorporate the National Child Labor Committee.

The message also returned to the Senate, in compliance with its request, the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district.

The message further announced that the House had passed

the folowing bills; in which it requested the concurrence of the Senate:

H. R. 10095. An act making certain changes in the postal laws;

H. R. 24925. An act making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other purposes; and

H. R. 25046. An act to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLETT, Mr. GARDNER of Michigan, and Mr. BURLESON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

H. R. 529. An act granting an increase of pension to Francis L. Arnold;

H. R. 830. An act granting an increase of pension Hezekiah Dezarn;

H. R. 1019. An act granting an increase of pension to Daniel B. Bayless;

H. R. 1233. An act granting an increase of pension to Lucretia Davis;

H. R. 1373. An act granting an increase of pension to Florence Bacon;

H. R. 2049. An act granting an increase of pension to Henry Arey;

H. R. 2246. An act granting an increase of pension to Henry Damm;

H. R. 2777. An act granting an increase of pension to Albert F. Durgin;

H. R. 2781. An act granting an increase of pension to Martin V. B. Wyman;

H. R. 2878. An act granting an increase of pension to John M. Cheevers;

H. R. 3204. An act granting an increase of pension to Charles H. Anthony;

H. R. 3352. An act granting an increase of pension to George R. Roraback;

H. R. 3720. An act granting an increase of pension to Joseph McNulty;

H. R. 3977. An act granting an increase of pension to John Vorous;

H. R. 5709. An act granting an increase of pension to Mary H. Patterson;

H. R. 5854. An act granting an increase of pension to Jonas Gurnee;

H. R. 5856. An act granting an increase of pension to Martin Offinger;

H. R. 6161. An act granting an increase of pension to Horatio Ernest;

H. R. 6491. An act granting an increase of pension to Albert Riley;

H. R. 6575. An act granting an increase of pension to Rawleigh M. Monin;

H. R. 6589. An act granting an increase of pension to Manoah W. Dunkin;

H. R. 6880. An act granting an increase of pension to Marine D. Tackett;

H. R. 6887. An act granting an increase of pension to James E. Taylor;

H. R. 6943. An act granting an increase of pension to Linas Van Steenburg;

H. R. 7415. An act granting an increase of pension to George W. Brawner;

H. R. 7416. An act granting an increase of pension to Joseph R. Boger;

H. R. 7538. An act granting an increase of pension to Thompson H. Hudson;

H. R. 7918. An act granting an increase of pension to John M. Buxton;

H. R. 8164. An act granting an increase of pension to Jackson Mays;

H. R. 8586. An act granting an increase of pension to Milton J. Timmons;

H. R. 8673. An act granting an increase of pension to Marcena C. S. Gray;

H. R. 8718. An act granting an increase of pension to William T. Rowe;

H. R. 9073. An act granting an increase of pension to Melissa McCracken;

H. R. 9450. An act granting an increase of pension to Alexander Brown;

H. R. 9576. An act granting an increase of pension to Henry Wagner;

H. R. 9655. An act granting an increase of pension to William Crooks;

H. R. 10188. An act granting an increase of pension to James L. Conn;

H. R. 10598. An act granting an increase of pension to Robert W. Mills;

H. R. 10874. An act granting an increase of pension to Frederick Pfahl;

H. R. 11098. An act granting an increase of pension to Joseph A. Robinson;

H. R. 11523. An act granting an increase of pension to Robert L. Hamill;

H. R. 11693. An act granting an increase of pension to James H. Davison;

H. R. 11740. An act granting an increase of pension to Robert R. Dill;

H. R. 11754. An act granting an increase of pension to Charles W. Helvey;

H. R. 11980. An act granting an increase of pension to William H. Boulton;

H. R. 11994. An act granting an increase of pension to Martha W. Wright;

H. R. 12033. An act granting an increase of pension to George W. Irwin;

H. R. 12095. An act granting an increase of pension to Atticus Lewis;

H. R. 12154. An act granting an increase of pension to Henry E. Collins;

H. R. 12250. An act granting an increase of pension to Samuel Naus;

H. R. 12355. An act granting an increase of pension to Thomas B. Thompson;

H. R. 12458. An act granting an increase of pension to Thomas J. Saylor;

H. R. 12496. An act granting an increase of pension to Hurlbutt L. Farnsworth;

H. R. 13706. An act granting an increase of pension to Albert C. Roach;

H. R. 13769. An act granting an increase of pension to David Angel;

H. R. 13835. An act granting an increase of pension to William Crane;

H. R. 13920. An act granting an increase of pension to Oren D. Curtis;

H. R. 13960. An act granting an increase of pension to Thomas B. Manning;

H. R. 15012. An act granting an increase of pension to Oliver Curry; and

H. R. 15136. An act granting an increase of pension to George H. Justin.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Thomas P. Ivy, of Dunline, Conway Center, N. H., remonstrating against the enactment of any legislation providing for the loan of $5,000,000 to the Forest Service for the construction of roads and trails in the Western Forest Reserve; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Woman's Christian Temperance Unions of Bedford and Middlebury, in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from Utah; which were ordered to lie on the table.

He also presented a petition of the Harrison Realty Company, of Washington, D. C., praying for the adoption of an amendment to section 824 of the District Code providing that the word "owner" shall be inserted in lieu of the word "occupant;" which was referred to the Committee on the District of Columbia.

He also presented a petition of the Republican League of Clubs of the State of New York, praying for the appointment of a commission to investigate the general subject of immigration; which was ordered to lie on the table.

He also presented a petition of the Traders' League of Philadelphia, Pa., praying that an appropriation be made for the survey of a 35-foot channel of the Delaware River in the interests of the commerce of the country; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of the State

of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of the German-American Central Union of Wheeling, W. Va., remonstrating against the enactment of legislation to further restrict immigration; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Frewsburg, of the congregation of the Baptist Church of Frewsburg, in the State of New York, and of sundry citizens of Crystal Valley, Mich., 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 memorials of sundry citizens of Wisconsin, Georgia, West Virginia, Pennsylvania, Kansas, Iowa, Illinois, Texas, Connecticut, Michigan, District of Columbia, Ohio, Delaware, Missouri, New York, Maryland, Indiana, New Jersey, Alabama, Massachusetts, Virginia, Kentucky, and Rhode Island, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT. I present resolutions adopted at a recent meeting of the general committee of the New York State League of Republican Clubs, which I ask may be read and lie on the table.

There being no objection, the resolutions were read, and ordered to lie on the table, as follows:

Resolved, That we hereby indorse the intelligent, courageous, and progressive administrations of President Roosevelt and Governor Hughes, and appeal to our representatives at Washington and Albany to give effect to the recommendations of the President and governor contained in their annual messages to the Congress and the State legislature.

Resolved, That we respectfully petition the Congress of the United States to enact into law the bill favorably reported by the House committee for the establishment of an efficient and satisfactory mail and transportation service between the United States and South America and the United States and the Orient.

Resolved, That we urge upon the House and Senate conferees on immigration an agreement that will insure the passage at this session of the Congress of a law creating a commission to investigate the general subject of immigration, and that we respectfully declare our disapproval of any so-called educational test, at the same time recording our hearty support to such measures as shall tend to the rigid exclusion at ports of embarkation of all emigrants found to be physically or morally unfit.

Mr. PLATT presented petitions of sundry citizens of New York City, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of 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.

He also presented a memorial of the New York Tract Society, of Rome, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of the congregation of the Immanuel Presbyterian Church, of Binghamton; of the congregation of the Methodist Episcopal Church of Frewsburg; of the Woman's Christian Temperance Unions of West New Brighton and Staten Island, and of sundry citizens of Smithboro, 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. McCUMBER. I present, in the form of a telegram, resolutions of the legislature of the State of North Dakota, which I ask may be printed in the RECORD, and referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[Telegram.]

BISMARCK, N. DAK., *February 15, 1907.*

Hon. P. J. McCUMBER, *Washington, D. C.:*

Concurrent resolutions:

Whereas the honorable chairman of the Rivers and Harbors Committee of the House of Representatives is laboring under misapprehension or ill advice as to the volume of water therein, and the value of the upper Missouri and Yellowstone rivers for navigation purposes; and

Whereas the volume of traffic on both of the navigable streams north of the forty-sixth parallel will continue to increase with the now rapidly increasing immigration and the wonderful development of the country tributary to said rivers incident to the completion of the irrigation ditches along said rivers now under construction by the United States: Now, therefore, be it

Resolved by the house of representatives of the State of North Dakota (the senate concurring), That our Senators and Representatives are respectfully urged to secure proper recognition at the hands of Congress and to have proper surveys made and adequate appropriations provided for the immediate snagging of the upper Missouri and Yellowstone rivers, the dredging of shoal places, the removal of rocks from the channel, and the protection of the landing at the several important places, particularly at Rockhaven, Washburn, Mannhaven, Expansion, Bismarck, Williston, Buford, and Glendive.

Resolved, That a copy of these resolutions when passed be sent by the chief clerk of the house of representatives to Hon T. E. BURTON, the chairman of the Rivers and Harbors Committee of the House of Representatives and to each of our Senators and Representatives of Congress.

TREADWELL TWITCHELL,
Speaker of the House.
P. D. NORTON,
Chief Clerk of the House.
R. S. LEWIS,
President of the Senate.
JAMES W. FOLEY,
Secretary of the Senate.

I, P. D. Norton, chief clerk of the house of representatives, do hereby certify that the foregoing concurrent resolution originated in and was adopted by the house of representatives of the tenth legislative assembly of the State of North Dakota on February 9, 1907, and was duly concurred in by the Senate on February 13, 1907.

P. D. NORTON, *Chief Clerk of the House.*

Mr. FLINT presented petitions of sundry citizens of Santa Ana, Hueneme, Los Angeles, and El Modena, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

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

Mr. GALLINGER presented a petition of the W. S. Thompson pharmacy of Washington, D. C., praying for the adoption of certain amendments to the present law to regulate the practice of pharmacy in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the United Master Butchers' Association of America of Troy, N. Y., praying for the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented the petition of C. D. Howard, of the United States, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. FRAZIER presented petitions of sundry citizens of Knox, Mount Eagle, Gallatin, Fayetteville, Trezevant, Selmer, Tullahoma, Daisy, and Howell, all in the State of Tennessee, 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 the petition of James M. Armstrong, of Knoxville, Tenn., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of the delegates to the National Foreign Commerce Convention, praying for the enactment of legislation providing for the extension of the foreign commerce of the country; which was referred to the Committee on Commerce.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of North Carolina, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the North Carolina Conference of the Methodist Episcopal Church South, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG presented a memorial of sundry citizens of Hill City, Kans., remonstrating against any reduction in the appropriations for the transportation of United States mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Topeka, Kans., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Galva, Ottawa, and Valley Falls, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of sundry citizens of

Grants Pass, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BURKETT presented the memorial of John Bratt and W. W. Birge, of North Platte, Nebr., remonstrating against any reduction being made in the appropriation for railway mail contracts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry affidavits to accompany the bill (S. 870) granting an increase of pension to Alfred Opelt; which were referred to the Committee on Pensions.

Mr. HEMENWAY presented a petition of sundry citizens of Madison, Ind., 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 petitions of the Indiana Manufacturing Company, the Indiana Mirror Manufacturing Company, and the Evansville Mirror and Beveling Company, of Evansville, all in the State of Indiana, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. CURTIS presented a petition of sundry citizens of Washington, Kans., 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 Kansas State board of agriculture, praying for the ratification of reciprocal treaties with foreign countries; which was referred to the Committee on Foreign Relations.

Mr. BULKELEY presented a petition of the Methodist Ministers' Association of the State of Connecticut, 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 Local Union No. 97, Brotherhood of Carpenters and Joiners of America, of New Britain, Conn., and a petition of the State Business Men's Association, of Derby, Conn., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 41 citizens of Bridgeport, Conn., and a petition of the congregation of the South Congregational Church, of Bridgeport, Conn., praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also presented a petition of the New Haven District Methodist Ministers' Association of Connecticut, 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 petitions of sundry business firms of Bethel, Guilford, Meriden, Bridgeport, and Middletown, all in the State of Connecticut, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. TALIAFERRO, from the Committee on Finance, to whom was referred the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 8299) to confer certain civic rights on the Metlakahtla Indians, of Alaska, reported it with amendments, and submitted a report thereon.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

Mr. WHYTE. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 8486) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896, to report it favorably without amendment, and to ask for its immediate consideration. I submit a report upon the bill, and if I can get unanimous consent for its consideration, I should like to have it put on its passage.

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.

EXTENSION OF NEW HAMPSHIRE AVENUE.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 23576) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes, to report it favorably with an amendment, and I submit a report thereon. As the bill will probably have to go to conference, I ask unanimous consent for its present consideration.

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

The amendment was, in section 1, page 1, line 11, to strike out the words "in accordance with the highway extension plans" and insert "on a straight extension of the lines thereof as now established in the city of Washington;" so as to make the section read:

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, from its present terminus north of Buchanan street to the District line, with a uniform width of 120 feet.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 7811) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

J. W. BAUER AND OTHERS.

Mr. MONEY. I report back from the Committee on Finance, without amendment, the bill (H. R. 2326) for the relief of J. W. Bauer and others.

The purpose of the bill is to relieve certain persons who had small amounts assessed against them for failure to make return for special tax as retail dealers of oleomargarine, and to repay the money. I ask for the present consideration of the bill. They are small dealers in oleomargarine in the city of Louisville.

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

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

Mr. SCOTT. From what committee does the bill come?

The VICE-PRESIDENT. The Committtee on Finance.

Mr. MONEY. If the Senator will allow me, the bill comes from the Committee on Finance. It is the unanimous report of a House act. There is no objection to it. It is approved by the Commissioner of Internal Revenue. It is to remit small amounts imposed as a penalty.

Mr. SCOTT. I know the Internal-Revenue Bureau is having a great deal of trouble——

Mr. MONEY. These small amounts were collected, and this is to repay the money. It amounts to only three or four hundred dollars.

Mr. SCOTT. The Internal-Revenue Bureau is having a great deal of trouble, and possibly these people were violating the law. I was not in the Chamber at the time or I would have objected to the consideration of the bill until I knew more about it.

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

JOHN M'KINNON, ALIAS JOHN MACK.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the message from the President of the United States, returning Senate bill 1160, entitled "An act to correct the military record of John McKinnon, alias John Mack," reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice-President of the United States in signing the enrolled bill (S. 1160) to correct the military record of John McKinnon, alias John Mack, be rescinded, and that in the reenrollment of the bill the word "military" in line 5 of the bill be stricken out and the word "naval" substituted therefor; also amend the title so as to read: "An act to correct the naval record of John McKinnon, alias John Mack," so as to correctly state the service of the beneficiary, inaccurately stated in the bill.

UNION STATION, WASHINGTON, D. C.

Mr. HANSBROUGH. I am authorized by the Committee on the District of Columbia to report back favorably without amendment the bill (H. R. 9329) to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes," and I submit a report thereon. As this is a House bill, I ask for its present consideration.

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

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

NOTICES OF MEMORIAL ADDRESSES.

Mr. BURROWS. Mr. President, I give notice that one week from to-day, on Saturday, the 23d, if agreeable to the Senate, I will ask that the business of the Senate may be suspended that fitting tribute may be paid to the memory of my late colleague, Senator RUSSELL A. ALGER.

Mr. CULLOM. In accordance with an understanding I will ask that on the same day, immediately after the close of the ceremonies with reference to the late Senator ALGER, I shall submit resolutions commemorative of the life, character, and public services of the late Mr. HITT, a Member of the House from the State of Illinois.

Mr. LODGE. I desire to give notice that on Saturday the 23d, after the conclusion of the ceremonies in regard to the late Mr. HITT, I shall ask the Senate to take up resolutions commemorative of the late ROCKWOOD HOAR, formerly a Member of the House of Representatives from the State of Massachusetts.

Mr. BACON subsequently said: I should like to make an inquiry of the Senator from Massachusetts. I understood the Senator to give notice that on next Saturday he would call up resolutions relative to the death of the late Representative HOAR. I wish to ask the Senator what hour he indicated?

Mr. LODGE. I indicated no hour. The Senator from Michigan gave notice that he would on that day call up resolutions in regard to the late Senator ALGER, and the Senator from Illinois gave notice that he would follow those with resolutions relative to the late Mr. HITT. I shall follow those.

Mr. BACON. I did not know of the number of notices, but the session is growing so short and I find so very little margin for the selection of days, I give notice that on the same day I will ask the Senate to take up resolutions relative to the death of the late Representative LESTER, of my State. In view of the number of notices I shall endeavor to have the addresses not too numerous to be heard on that day. I suppose that subsequent to this time it is the intention of the Senator from Massachusetts to ask that some particular hour be fixed.

Mr. LODGE. No; it was thought best not to fix the hour to begin the eulogies, but to have them follow each other.

Mr. BACON. The hour then will be taken advantage of on that day and will be chosen with reference to the fact that there are a number of eulogies to be delivered.

Mr. CULLOM. The main portion of the day will be consumed by the eulogies.

HOUR OF MEETING ON MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday.

Mr. GALLINGER. At 12 o'clock?

Mr. HALE. At 12 o'clock. I do that for this reason: The Senate has agreed that on and after Monday it will meet at 11, but if several very important committees can have Monday or Tuesday and not be brought here so early they will mature their business. So I believe that we shall forward the general business more by meeting Monday at 12 o'clock and allow the committees to complete their work.

The VICE-PRESIDENT. The Senator from Maine moves that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday next.

The motion was agreed to.

JUDICIAL DISTRICTS OF OREGON.

Mr. KITTREDGE. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 275) to divide the State of Oregon into two judicial districts, to report it favorably with an amendment, and I submit a report thereon. I ask the attention of the senior Senator from Oregon [Mr. FULTON] to the report.

Mr. FULTON. I ask unanimous consent to the present consideration of the bill.

Mr. LODGE. I shall not object to the consideration of this bill, but as there is a unanimous-consent agreement to begin the consideration of the conference report on the immigration bill at the close of the routine business I give notice that after this measure is disposed of I shall ask for the regular order.

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

The SECRETARY. The Committee on the Judiciary report to strike out all after the enacting clause and insert:

That there shall be, and hereby is, created an additional judicial district in the State of Oregon, said State being hereby divided into two judicial districts, which shall be known as the eastern and western judicial districts of the State of Oregon. The eastern district shall include the counties of Baker, Malheur, Harney, Grant, Union, Wallowa, Umatilla, Morrow, Sherman, Gilliam, Crook, Wheeler, and Lake, with the waters thereof. The western district shall include the residue of said State of Oregon, with the waters thereof.

SEC. 2. That the district judge and all officers who have been heretofore appointed for the district of Oregon as heretofore constituted and are in office at the time of the taking effect of this act shall continue in office as such judge and officers of the western district of Oregon until the expiration of their respective terms or until their successors are appointed and qualified, and the said judge shall have the same powers and jurisdiction, except territorial, and the said judge and all such officers shall perform the same duties and receive the same compensation as heretofore.

SEC. 3. That the President, by and with the advice and consent of the Senate, shall appoint for said eastern district of Oregon a district judge, a marshal, and a district attorney; and clerks for said circuit and district court and all other necessary officers shall be appointed in the same manner as is now provided by law in respect to such officers in the district of Oregon.

SEC. 4. That the courts and judges of said eastern district of Oregon shall within said district, respectively, possess the same jurisdiction and powers and perform the same duties as are now respectively possessed and performed by the circuit and district courts and judges of the United States of the district of Oregon.

SEC. 5. That the district judge of said eastern district of Oregon shall receive the same compensation as is by law provided for the district judge of the district of Oregon; and the marshal, district attorney, and clerks of the circuit and district courts and other officials shall severally possess the powers and perform the duties in said eastern district lawfully possessed and performed by the like officers in the said district of Oregon and shall be respectively entitled to like fees, compensation, and emoluments, and, until otherwise provided by law, the salaries herein provided for shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 6. That the regular terms of the circuit and district courts of the United States for the western district of Oregon shall be held at the city of Portland, beginning on the second Mondays of March and October in each year. That the regular terms of the circuit and district courts of the United States for the eastern district of Oregon shall be held at Baker City, beginning on the second Mondays of April and November in each year.

SEC. 7. That all civil causes and proceedings of every name and nature, including proceedings in bankruptcy, now pending in the courts of the district of Oregon as heretofore constituted, whereof the courts of the eastern district of Oregon, as hereby constituted, would have had jurisdiction if the said eastern district of Oregon and the courts thereof had been constituted when said causes or proceedings were instituted shall be, and are hereby, transferred to, and the same shall be proceeded with in, the eastern district of Oregon, and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and such records and proceedings when so certified and transferred shall thenceforth constitute a part of the record of said causes, respectively, in the court to which such transfer shall be made, and all such suits and proceedings so transferred shall be heard and disposed of at the term of said courts for the eastern district of Oregon to be held at Baker City as herein provided: *Provided*, That all motions and causes submitted and all causes and proceedings in law, equity, admiralty, or bankruptcy, pending at the time of the taking effect of this act in the district of Oregon as heretofore constituted, in which the evidence has been taken in whole or in part before the judge of said district of Oregon as heretofore constituted or taken in whole or in part and submitted to and passed upon by the said judge, shall be retained, proceeded with, and disposed of in said district of Oregon.

SEC. 8. That all crimes and offenses committed prior to and all prosecutions begun and pending at the taking effect of this act shall be proceeded with and finally determined as if this act had not been passed.

SEC. 9. That all crimes and offenses hereafter committed within either of said districts shall be prosecuted, tried, and determined within the district in which committed.

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

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

The amendment was agreed to.

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

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

ESTATE OF HENRY WARE.

Mr. McENERY. I ask permission at this time to call up for consideration the bill (S. 1217) for the relief of the estate of Henry Ware, deceased.

The Secretary read the bill.

Mr. KEAN. Is there not an amendment to the bill?

The VICE-PRESIDENT. There is no amendment. Is there objection to its present consideration?

Mr. KEAN. I understood that the amount in the bill was reduced to something like $20,000 instead of $64,000. I do not see the Senator who has had it in charge present.

Mr. LODGE. I must ask for the regular order if the bill is to give rise to debate.

The VICE-PRESIDENT. The Senator from Massachusetts demands the regular order. The bill will retain its place on the Calendar without prejudice.

BILLS INTRODUCED.

Mr. LONG introduced a bill (S. 8498) to amend sections 16, 17, and 20 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 8499) for the relief of William Coker; which was read twice by its title, and referred to the Committee on Claims.

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

A bill (S. 8500) for the relief of the Methodist Episcopal Church South, of Germantown, Tenn. (with an accompanying paper); and

A bill (S. 8501) for the relief of the First Presbyterian Church of Nashville, Tenn.

Mr. DUBOIS introduced a bill (S. 8502) granting a pension to Talcott M. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

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

A bill (S. 8503) granting a pension to William Lind; and

A bill (S. 8504) granting an increase of pension to Clark Thompson.

Mr. CARMACK introduced a bill (S. 8505) for the relief of the legal representative of the estate of John T. Shumate; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8506) for the relief of the Missionary Baptist Church of Antioch, Davidson County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 8507) to authorize the construction of a bridge across the Grand Calumet River, State of Illinois; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. DILLINGHAM introduced the following bills; which, with the accompanying papers, were referred to the Committee on Pensions:

A bill (S. 8508) granting an increase of pension to Miranda W. Howard; and

A bill (S. 8509) granting an increase of pension to Isaac H. Clark.

DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. CLARK of Montana submitted an amendment intended to be proposed by him to the bill (S. 7494) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes; which was ordered to lie on the table and be printed.

AMENDMENTS TO NAVAL APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $170,000 for the purchase of a water-supply system, $61,200 to complete pattern shop for steam engineering, and $10,000 for extension of track for 40-ton crane at navy-yard, Portsmouth, N. H., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CURTIS submitted an amendment providing that veterans of the civil war on the retired list, of the age of 62 years and over shall be considered of a permanent specific disability equivalent to incident of service within the meaning of the retirement laws, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

LEGAL REPRESENTATIVES OF JOSEPH WHITE, DECEASED.

Mr. FORAKER submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (H. R. 1571) for the relief of the legal representatives of Joseph White, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

REPRINT OF NORTHERN PACIFIC RAILROAD ACT.

Mr. BURKETT. I submit a concurrent resolution, and ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, for the use of Senators and Representatives in Congress, 500 copies of the act of July 2, 1864, Thirty-eighth Congress, first session, volume 13, page 365, United States Statutes at Large.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. ALLISON. What is the act that is to be printed?

Mr. BURKETT. It is the act for the organization of the Northern Pacific Railroad. I will state that the reason why copies are requested is because there has been a resolution referred to the Committee on Pacific Railroads and we have had no copies of this act. Inasmuch as it has to be given some consideration, we want to have copies of it for our committee.

Mr. ALLISON. I call the attention of the Senator to the designation by date of the act in the resolution. It is possible that several acts may have been passed on that day.

The concurrent resolution was agreed to.

PEND D'OREILLE RIVER DAM, WASHINGTON.

Mr. ANKENY. I wish to call up the bill (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

Mr. KEAN. I have no objection to the bill, but I think the Senator from Massachusetts called for the regular order.

The VICE-PRESIDENT. If there is no objection, the bill will be read for the information of the Senate.

Mr. LODGE. I thought the regular order was asked for. Does the demand have to be renewed?

The VICE-PRESIDENT. The Chair feels bound to recognize a Senator who rises in his place at any time and asks unanimous consent. The Senator from Washington asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate, if there is no objection.

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

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

INDIAN TRIBAL FUNDS.

Mr. CLAPP. I move that the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

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

HOUSE BILLS REFERRED.

The bill (H. R. 10095) making certain changes in the postal laws was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 25046) to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo., was read twice by its title, and referred to the Committee on Commerce.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

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

To the Senate and House of Representatives:

I transmit herewith the report of the operations of the Bureau of Animal Industry of the Department of Agriculture for the fiscal year

ending June 30, 1906, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 16, 1907.*

JOHN W. M'WILLIAMS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of the 15th instant, I return herewith Senate bill No. 5854, entitled "An act granting an increase of pension to John W. McWilliams."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 16, 1907.*

SARAH R. HARRINGTON.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the sum proposed insert thirty-five dollars.

P. J. McCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Conferees on the part of the Senate.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Conferees on the part of the House.

The report was agreed to.

RESTRICTION OF IMMIGRATION.

Mr. HALE rose.

The VICE-PRESIDENT. The morning business is closed. The Senator from Maine.

Mr. HALE. I rose to ask the Chair to enforce the order that was made yesterday.

The VICE-PRESIDENT. Under the agreement made yesterday, debate is now in order upon the report of the conferees on the immigration bill.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903."

Mr. SIMMONS. Mr. President, I have always since I have been a member of the Senate, whenever an opportunity offered, acted with the representatives of the Pacific coast upon questions affecting Oriental immigration and settlement in this country, because while the social and industrial conditions created by the presence in our midst of these unassimilable peoples create a situation of national interest and concern, their concentration in the States of the Pacific coast makes the Chinese and Japanese problem more distinctly a Pacific coast problem, just as the concentration of the negro in the South makes the negro problem more particularly a Southern problem.

The people of the South feel that, being more familiar with the negro character and the conditions out of which the negro problem arises than the people of the balance of the country, they understand better what kind of legislation is necessary and proper to meet these conditions.

For the same reasons the people of the South feel that as the people of the Pacific coast are more familiar with the Oriental character and the conditions out of which our Chinese and Japanese problem arises they understand that problem better than the balance of the country and know better what kind and character of legislation is necessary to meet that situation.

As the people of the South demand the right to settle the negro question in its local aspects, and as they insist that in its national aspects their interest and counsel should to a large extent control, so they think the people of the Pacific coast should be allowed to deal with the Japanese problem in its local aspects as they think best, and that in its national aspects their interest and counsel should control, as long as the action they propose is proper and within constitutional limitations.

In many ways in public speech and by private assurances Representatives upon this floor and in the other branch of Congress from the Pacific coast have shown their appreciation of these sentiments of the South toward them in respect to their race problem, and that they entertain a like sentiment toward the South with respect to its race problem.

For these reasons I should deeply regret to have to cast a vote affecting these questions which would tend to create friction or to alienate the feeling of mutual sympathy between these sections upon these questions, and I will not do it except under a strong sense of duty and compulsion.

It is unfortunate, Mr. President, that the bill as amended and framed by the conferees should couple a provision concerning Japanese immigration satisfactory to the Senators from the Pacific coast with a provision affecting the methods by which the South is endeavoring to supply its need for more labor in a way unsatisfactory to some Southern Senators at least.

This question of exclusion of Japanese laborers by legislation or treaty is in itself a great question—I might say now an acute if not an overshadowing question—and I think it would have been far better for the Administration and Congress to have dealt with it as a separate question. But it has been determined otherwise, and the two questions have been joined in one measure which is presented to us in such a form that we can not separate them. In a way we can not vote against one and accept the other, but we must accept or reject both.

If I believed, as does the Senator from Georgia [Mr. BACON] and as does the Senator from South Carolina [Mr. TILLMAN] that the proposed amendments would, if adopted, handicap or embarrass the South in its efforts to secure foreign immigration through State promotion and aid, I would vote against concurrence in the report, as much as I would regret to oppose a measure which Senators from the West think offers their section protection against an influx of cheap Japanese coolie labor.

Mr. President, in these conditions I have decided to vote for the bill as amended by the conferees because, after careful study of it, I have reached the conclusion that the changes it makes in existing law will not embarrass or injuriously affect the South in its efforts to solve its labor problem through means of the so-called South Carolina method of State promotion.

The Senator from South Carolina [Mr. TILLMAN] and the Senator from Georgia [Mr. BACON] have not overstated or exaggerated the labor situation and demands of the South. This is especially true of those Southern States in which manufacturing has been in recent years introduced and developed as rapidly and as extensively as it has been in States like North Carolina, Georgia, and South Carolina; States which twenty-five years ago were almost purely agricultural communities and which to-day count their mills and factories by the hundreds. Surely they have not overstated these demands so far as my State is concerned. I believe I am within the bounds of moderation when I say that in North Carolina we could profitably use in the lines of agriculture probably sixty thousand and in our mills and factories probably twelve or fifteen thousand more laborers than we now have.

As a result of this labor scarcity hundreds of thousands of acres of land which would yield profitable crops are uncultivated and between one-fifth and one-fourth of the cotton spindles in the State are idle.

Unless we can get this labor from elsewhere, either in this country or abroad, it means curtailment in our present activities and a halt in that wonderful development and progress, along both agricultural and manufacturing lines, which has contributed so much to the wealth and prosperity of the country at large and changed the balance of world trade in our favor.

We have tried to get this labor from other parts of our own country, because we have felt and thought it would be better, if possible, that it should be drawn from other parts of the United States, where the people are more in harmony with the native population than foreigners would be, but we have failed. It is not my purpose to go into the reasons for that failure, but simply to state the fact. In these conditions we have been compelled to look abroad for this additional labor.

While the volume of foreign immigration to this country during recent years has been enormous, scarcely any of it has gone to the South. If unsolicited and allowed to follow its own trend but little of it is likely to go there for a long time to come, especially if measures are not taken to correct false and erroneous notions of the social and labor conditions there which have been disseminated abroad by adverse interest.

Something in the direction of inducing and directing immigrants toward the South can be accomplished through State agencies for that purpose located at Ellis Island and at other places of alien debarkation in this country. The immigration bill as it passed the Senate contained the substance of a bill which I introduced two years ago providing for the maintenance by the States at Ellis Island of bureaus for this purpose. The

House struck this provision out of the bill, but I am glad to see that the conferees have restored it. These agencies will help to some extent to solve the labor problem of the South, and to relieve the congestion incident to the settlement of a large per cent of our present immigration in the great cities and centers of population, but as the destination of the great mass of these immigrants, especially the better class of them, is determined before they leave the other side, no great measure of relief from the labor conditions we have in the South is probable or even possible from this source.

If the South must supply its labor needs through foreign immigration, and, as I have said before, it seems reasonably certain that it must, the only way in which it can supply it from this source, and at the same time get a fairly acceptable class of immigrants, is by reaching the immigrant before he leaves his foreign home. This, of course, can be done only through solicitation of representatives or agents either of individuals, corporations, or the State.

Under our contract-labor laws an individual or a corporation is not permitted to solicit or aid foreign immigration unless the immigrant be a skilled laborer and "like labor unemployed can not be found in this country." Under these laws there is an exemption in favor of the States from this prohibition against individuals and corporations by which a State may, through its agents located abroad, not only solicit but induce and assist immigration.

Some of the cotton-mill men of North Carolina have recently had rather an unpleasant experience with the Department of Justice growing out of an attempt on their part to take advantage of the exception with reference to skilled labor which I have mentioned.

These cotton-mill men, unable to find sufficient skilled labor in this country to operate their plants, and being advised that they might import this labor from abroad under the section in our Federal labor laws to which I have just referred, and which provides "that skilled labor may be imported if labor of like kind, unemployed, can not be found in this country," imported a number of mill operatives from England. They did not intend to violate the law, and they did not think they were violating the law. They are among the best men of my State and would not knowingly violate the law. They were advised, and thought the proviso quoted meant they might import "skilled labor" if "available" labor of like kind unemployed could not be found in this country, and they claimed there was no skilled labor of like kind unemployed in this country reasonably "available" to them.

For this they have been indicted in the Federal courts "for importing labor under contract" and suits for penalties under the statute amounting to more than a hundred thousand dollars have been brought against them by the Government upon the contention of the Department of Justice that this proviso does not warrant the importation of skilled laborers under contract if laborers of like kind unemployed can be found anywhere in this country and which could be employed at the scale of wages which obtains in that section of the country where they could be found, notwithstanding it may be an entirely different scale from that obtaining in the section where they are wanted.

Under this strict, and I feel compelled to say rather hard, construction of the language of the proviso, all chance of securing skilled laborers for our factories under the initiative of the mill owners has probably been destroyed unless the courts shall overrule the construction placed by the Department of Justice upon the proviso to the statute to which I have referred.

I regret that the cotton-mill men of my State have gotten into this trouble. They are all good men. We have none better in the State. They are law-abiding citizens, and did not intend to violate the law, if they have done so, and I hope the Government, as the facts in the case are more fully disclosed and understood, will become convinced that if the law has been violated it was a technical and not an intentional violation.

But while I feel this way about this matter, Mr. President, I can not but believe that our contract-labor laws are wise and that, except in cases of great emergency, it is better that immigration to this country should be either voluntary, and then that it should be restricted by such exclusions as may be necessary to safeguard our citizenship and protect American labor, or under State control to the end that only such classes of immigrants may be solicited and aided to come as the State's agents abroad, uninfluenced by any considerations except that of public good, may know or believe would make good and acceptable citizens.

The success of the South Carolina scheme through promotion by State agency and the ruling of the Department of Commerce and Labor sustaining the right of the State to induce foreign immigration along the lines pursued by the South Carolina commissioner of immigration offers to the South what I regard as a safe and practical plan to supply from abroad its labor deficiency while safeguarding it against the dangers of unrestricted immigration. This decision has raised high hopes in the South. I believe it furnishes the long-sought means of relief from a situation which has been growing more emergent every day.

I would not support the amendments proposed by the conferees if, in my opinion, they would change the present law so as to interfere with the rights of the States under the law to promote foreign immigration by solicitation and inducement through its properly constituted officials and agents abroad. I am going to vote for the bill as amended by the conferees because I am convinced it makes no such changes in respect to this right of the States as the Senator from Georgia [Mr. BACON] and the Senator from South Carolina [Mr. TILLMAN] fear, and because, as I said before, I am anxious to aid the people of the Pacific coast in their effort to protect themselves against an influx of cheap and undesirable oriental labor.

Now, Mr. President, let up examine and analyze for a minute the so-called South Carolina plan, the decision of the Department of Commerce and Labor with regard to it, and the effect of the proposed amendments upon that plan, that we may see whether I am right in my conclusions and contentions.

As I understand it, the ruling of the Secretary in the South Carolina case, based upon the legal opinion of Mr. Earl, the solicitor of that Department, holds that under the exemption in favor of the States, it is competent for a State to send its agent to a foreign country; it is competent for that agent, in the name of the State, to advertise the inducements and the advantages of his State. He may set out climatic conditions; he may set out health conditions; he may state soil conditions; he may set forth the resources and industries of the State; he may set forth the wage scale and the demand for labor, and he may advertise any other inducement, such as free houses and fuel, or short hours of labor, etc., which his State may and does hold out to settlers. He may go further than that, under this ruling; he may, acting for the State, prepay the transportation charges of the immigrant to this country. He may go even further still. He may give the immigrant an assurance which is, in my opinion, almost, if not quite in effect, a contract that he shall have employment at a fixed scale of wages and a guarantee that, if he is not given such employment, or if he shall find any of the essential representations made to him untrue, or even if he is dissatisfied, he shall be returned to the country from which he has come at the expense of the State.

It appears from the opinion of the Solicitor of the Treasury in this case that the money to defray practically all the expenses incurred by the commissioner of immigration of South Carolina in securing and bringing over these immigrants was furnished by certain individuals and manufacturing corporations of that State, and that most of the immigrants upon their arrival were employed by these contributors.

The admission to this country of the immigrants brought over under these circumstances is a recognition by the Secretary of Commerce and Labor of the right of the State under existing law to receive these contributions from individuals and corporations, and with them pay expenses of immigrants so long as it is not shown that there was a contract giving the contributors to this fund preferential consideration in the distribution and employment of such alien laborers as might be induced to come.

Now, Mr. President, if the amendments proposed by the conferees are adopted, the Secretary of Commerce and Labor will have to modify to some extent his ruling as I have stated it; but I do not think that the modification will embarrass the States of the South in their efforts through State agency to secure needed immigration from abroad.

In what respects, Mr. President, would the opinion have to be changed? Giving full force and effect to the amendments proposed, there will still be left to the State the right to appoint an agent, to send that agent to any foreign country, with full power to advertise any and all inducements and advantages the State has in truth and in fact to offer to the settler. He may set forth labor conditions; he may set forth the scale of wages; he may give a positive assurance to the immigrant that if he comes he will find employment, and find that employment at a fixed and certain wage. He can go further; he can, using State funds for that purpose, pay his transportation expenses. He can likewise pay his transportation back to the country from which he came, if he is dissatisfied with the conditions as he finds them, or if he shall find that he can not secure employment, or can not secure employment at the scale of wages promised and guaranteed. The only thing that the agent may not do, Mr. President, that he can now do is to enter into

a contract with the immigrant before his debarkation for services to be performed in this country at a fixed rate of wage, and the bureau of immigration of the State can not receive from individuals or corporations contributions to defray the expenses of solicitation and importation when those contributions have "a string tied to them," or when they are received upon an understanding of any kind or nature whatever, whether expressed, implied, or otherwise, that the contributor is to have a preference in the distribution of such immigrants as may thereby be induced to come.

Mr. President, there are serious objections to the importation to this country of alien contract labor under individual or corporation initiative, and these objections obtain with equal force against individuals or corporations using the State as their agent to do the same thing. The right to solicit and aid foreign immigration, while denied individuals and corporations, is given to the States upon grounds of wise public policy, which would be manifestly defeated if the individual or the corporation is allowed to do through a State agent what the law will not permit him or it to do directly. The objections therefore which obtain against contract labor directly induced by individual or corporation initiative in a large measure obtain where the individual or corporation supplies the money and means to the State, because under these conditions he or it will likely be the beneficiary of whatever success may attend the State's efforts.

For these reasons the law ought not, in my judgment, permit the State to receive from individuals or corporations money to be used in connection with promoting immigration under the exemption allowed to the State with any understanding or expectation on the part of the contributors to such fund that they will enjoy or be given any preference or advantage in the distribution of aliens who might thus be brought to the State over other citizens.

Of course, there could be no sort of objection to contributions to this fund by anyone who contributes solely because of his desire as a citizen to aid in supplying a public demand in this regard, neither reserving nor demanding for himself any greater consideration in the distribution and employment of such laborers as may be induced to come than is accorded to other citizens of the State.

In recent years the subject of foreign immigration has been much discussed in North Carolina, and this discussion has disclosed more or less prejudice among the people against the importation of foreigners. That prejudice is based, not upon any hostility to foreigners as such, but upon an apprehension that if once the doors were opened objectionable and dangerous elements might and probably would be brought into the State and the standard of its citizenship thereby lowered. Mr. President, that prejudice has to some extent been overcome, but there is still a strong feeling among the people of North Carolina against foreign immigration except upon conditions which will guarantee the selection of those classes they desire and the exclusion of those they do not desire.

They believe that if this matter of immigration is left to individual and corporate initiative, following a rule of human nature, the individual or corporation will seek that class of labor which is cheapest. They know that cheap labor does not generally mean good labor or give promise of a high standard of citizenship, and our people are more concerned about preserving the high standard of their citizenship than in supplying their labor demand.

When it was suggested to the people of my State that, under the method of State encouragement and State stimulation, these dangers could be avoided, and that the State, through its agents in foreign countries, would invite and assist to come only such foreigners as would make good citizens, that opposition largely disappeared. I am advised that the legislature of my State which is now in session will enact before it adjourns legislation looking to the promotion of foreign immigration under State control and guidance along the lines followed by South Carolina and covered by the ruling of the Secretary of Commerce and Labor. I hope and believe, however, that the amount appropriated for this purpose will be amply sufficient to cover all reasonable expenses. It was the inadequacy of the South Carolina appropriation that made it necessary for the commissioner of immigration of that State to accept contributions from private citizens.

The South Carolina legislature only appropriated $2,000, as I understand it, to defray the whole expenses of its bureau of immigration in prosecuting the work of promoting and assisting immigrants to that State. Of course, $2,000 was utterly insufficient, and it was necessary to get the money from elsewhere. It is not shown nor do I mean to charge that these contributions were received with any unlawful or prohibited understanding or agreement; but I do believe and I do say that such a practice tends to defeat the very object of the law, which, while allowing States to promote foreign immigration, denies that right to the private citizen, and I do believe and I do say that it tends to defeat our laws against the importation of foreign contract labor.

If I thought, as I said in the beginning, that the changes proposed would so modify and change the present law upon this subject and the decision which has been rendered thereon as to embarrass any Southern State in carrying out its schemes to get additional labor from abroad, I would vote against the bill. But, as I have said, I am satisfied that nothing of that kind will happen. I am satisfied that the only effect of these amendments will be to prevent an actual contract between the State and the intended immigrants and to prevent corporations from intervening and by making contributions to the State immigration funds become the beneficiary of the State success to the exclusion of the other citizens of the State.

Mr. President, I do not, as I have said before, apprehend any embarrassment to the States of the South growing out of the amendments under discussion, but I do not think there is any present necessity for this legislation. The object sought in making these changes in the law is not to provide against an actual or demonstrated evil or abuse, but against a possible abuse and a contingent evil. It would have been just as well to wait until there was an actual abuse by the States in their efforts to promote immigration. So far as the facts show there has been no abuse up to the present time. There may be none. This scheme, Mr. President, of promoting immigration through State agency has just been initiated. But one State has acted upon it—the State of South Carolina. There has been brought over up to this time but one shipload; I think about five hundred persons in all.

Mr. TILLMAN. Two shiploads.

Mr. SIMMONS. Two shiploads of five hundred each, probably.

Mr. TILLMAN. Six hundred and fifty in all.

Mr. SIMMONS. The Senator says six hundred and fifty in all. Nobody up to this time has charged, certainly it has not been shown, that there has been any abuse of the authority of the State in this regard, so far as our contract-labor laws are concerned in the action of that State.

Other States in the South, encouraged by the success of South Carolina, seeing the opportunities that are offered by that method, are getting ready to take advantage of the ruling in that case. If in the process of development, as the States one after another adopt this plan and begin to operate under it, abuses shall arise, it will be time enough to resort to legislation. If abuses shall arise, growing out of contributions from corporations and individuals, resulting at least in an obligation which is likely to be recognized and give the contributor to those funds an advantage in the distribution of the immigrants they could probably be effectively dealt with by departmental regulations.

In fact, Mr. President, I am advised that the Commissioner of Immigration has this matter in mind, and that he has warned the authorities of South Carolina that there must be no agreement between State authorities and contributors to immigration fund providing for a preference, nor must there be actual preferential treatment in distribution. I am also informed that the Department would, if an unlawful understanding or preference of this kind should be disclosed, hold itself authorized under existing law in deporting immigrants brought in under such conditions.

Mr. President, I wish to emphasize my opposition and that of the people of my State to unrestricted immigration. I am opposed and the people of my State are opposed to the importation of foreign contract labor under individual or corporate initiative, largely because that would let down the bars to indiscriminate immigration. To stop and prevent the present unrestricted and indiscriminate influx into this country of aliens I offered the educational-test amendment to the pending measure, which the Senate adopted, but which the House struck out. I am sorry the conferees on the part of the Senate, after standing out for months for its restoration to the bill, should, under the stress of circumstances, have felt impelled to leave it out. I am glad to know that the commission of nine (for which the bill provides) to investigate the whole subject of immigration will give special consideration to the feasibility of applying this test.

Every consideration of public policy and equitable treatment of American labor requires that some effective restraint should be placed upon the ignorant hordes that are to-day pouring in upon us from nearly every quarter of the globe. In my opinion State selection, under conditions which will guarantee perfect

independence and freedom in selecting the good and passing by the undesirable, is the most effective scheme of accomplishing this desirable restriction.

The people of my State would rather, in my judgment, struggle along with the hard labor conditions they have there to-day than to open the doors of that State to unrestricted immigration. They are especially opposed to the introduction into that State of immigrants from southern and eastern Europe, and I am advised that no immigration bill can likely pass our legislature which does not expressly provide that State agents abroad shall not solicit and induce to come to the State any except persons of Celtic, Scandinavian, or Anglo-Saxon origin and extraction.

The South must have more labor, and it is willing to get it abroad since it can not get it elsewhere, but it wants those who are to come selected with a view to safeguarding its citizenship from further race and class problems. This State method of stimulating immigration obviates the difficulty which has confronted us heretofore. It secures, by the process of judicious and discriminating preferences and exclusion, the kind and class of immigrants we want and excludes in a measure those not wanted. We would get a class of people who would come to us, not as the Italians of southern Europe, not as the Huns and the Poles come, with the purpose of returning just as soon as they can make a little money; not as the Chinaman or the Japanese come, with the purpose of going back as soon as he has exploited our labor markets; but with a fixed purpose when they come of staying; with a fixed purpose of making this country their home; with the purpose of adopting our customs and our habits, of learning our language, of assimilating with our people, of intermarrying with them and becoming a part of a homogeneous whole; with a purpose of making themselves true and loyal citizens of our country, ready to defend its flag, and able to comprehend and understand the genius of its free institutions.

That is the kind of labor and immigrants we want. If you let down the bars, if you permit corporations to go and bring in immigrants as they may desire, either directly or through a State agent, by furnishing to the State its immigration fund, that can not be accomplished, and the immigration we are likely to get in the South will largely be of a kind that we do not want, that will not help us, that will become an element of discord and disturbance, further complicating the social and labor problems which now, unfortunately, vex and distract us.

For that reason, Mr. President, so far as I personally am concerned, I am satisfied with this report, because I think it leaves to the States all the power in this regard that is needed, and all that the State has to do is to take up the burden itself and not ask somebody to bear it under an agreement or contract that they shall have an advantage. As it does this, it accomplishes that purpose which I say our people have of safeguarding this influx of immigration against the admission of that element that we think would be dangerous to our society and to our civilization.

UNION STATION, WASHINGTON, D. C.

During the delivery of Mr. SIMMONS's speech,

Mr. KEAN. Will the Senator from North Carolina yield to me to make a motion?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. SIMMONS. Certainly.

Mr. KEAN. I ask that the vote by which the bill (H. R. 9329) to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes," was passed be reconsidered.

The VICE-PRESIDENT. The Senator from New Jersey asks that the vote by which the bill named by him was passed be reconsidered. Without objection, it is so ordered.

Mr. BEVERIDGE. Mr. President, I give notice that hereafter whenever a Senator is taken off his feet by the interposition of matter——

Mr. SIMMONS. I had no objection to it, Mr. President. That is all right.

Mr. BEVERIDGE. It is not all right.

Mr. SIMMONS. I knew it was in violation of the rules, but I did not care anything about it.

Mr. KEAN. I thank the Senator.

Mr. BEVERIDGE. But other Senators are interested, as well as the Senator from North Carolina. The Senate is interested.

Mr. McCREARY. A speaker ought not to be interrupted in that way.

After the conclusion of Mr. SIMMONS's speech.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it favorably with amendments.

I should like consent that 200 additional copies of the bill be printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that 200 copies of the bill, in addition to the usual number, be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered. The bill will be placed on the Calendar.

Mr. FRYE. I give notice that I will endeavor to secure the consideration of the bill as soon as the agricultural appropriation bill is disposed of.

RESTRICTION OF IMMIGRATION.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903."

Mr. DUBOIS. Mr. President, I do not like this clause in the conference report:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

In the first place, I do not think that provision has any place properly in this bill. It has never been considered by either branch of Congress. So far as I can learn, that provision was prepared by the Secretary of State under the direction of the President of the United States and put into this bill by six gentlemen, three conferees on the part of the House and three on the part of the Senate. I do not think the President of the United States ought to be allowed to legislate directly in regard to any subject, much less one of such vast importance as this. I am aware of the fact that you can not exclude it on a point of order, and that in order to defeat it the entire conference report must be rejected, and therefore it is necessary, if anyone objects to a particular clause, to give his reasons, and if there are enough objections by individual Senators to sufficient clauses the conference report will be sent back and another one brought to the Senate.

What does this clause mean, Mr. President? If it means that the Japanese coolies and laborers are to be excluded, that will not be satisfactory to the Japanese Government. If it does not mean that they are to be excluded, in my judgment, it will not be satisfactory to the Pacific coast. A temporary exigency of a political nature has arisen which seems to demand some legislation for the present. I can not, as the representative of one of the States of the Pacific slope, give my consent to this legislation. If it is satisfactory to the Senators from California, well and good for them. Under a certain condition, it is provided that the President of the United States may refuse to allow Japanese to come into the United States, the condition being where they are coming in to the detriment of labor conditions in the United States. That is not the only question involved in regard to Japanese cooly immigration. Every representative from the Pacific coast knows that there are objections to Japanese coolies besides their competition with our labor. There is on the Pacific coast more objection to Japanese coolies than to Chinese coolies. We do not need either Japanese or Chinese labor on the Pacific coast. If you could land them at Charleston, or New Orleans, or New York, or Boston, we would be better satisfied. We on the Pacific coast can get along better without them than with them. Wherever a Japanese cooly or a Chinese cooly comes in competition with our labor anywhere, our white laborers quit. They will not compete with it. They will not put themselves on an equality with it, not because they fear it, but there are moral questions involved which are not cured by this amendment.

Every representative from the Pacific coast knows that we do not need this labor. Every one of us can illustrate in our own State. I will take the great Coeur d'Alene mining camp, in Idaho, the greatest almost in the world, to illustrate that we do not need oriental labor. Fifteen thousand laborers are employed there. There are eight or ten large towns within a radius of 50 miles. It is the greatest lead-producing camp in

the world. Twenty-five years ago, when it was started, the miners said, "No Chinaman shall come into this camp," and from that day to this no Chinaman has gone there. There is no trouble about labor. There is no trouble about waiters. There is no trouble about laundrymen. White men and white girls perform all the labor satisfactorily, and it is so in other parts of the West and in regard to labor for all our industries. But you let a half a dozen Chinamen go into that camp and you will get no white labor to compete with them in any employment.

The Senator from Texas [Mr. CULBERSON] yesterday offered the following resolution:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

That is what the Pacific coast wants, if I understand the condition, and they would prefer to wait until they can convince the balance of the country, as they did in regard to the Chinese, that this legislation is necessary in order to maintain our civilization on the coast. If they can not convince them, then, of course, this legislation will fail. They do not want this makeshift. It has no business here; it is not properly here; and, as I say, it is brought in to bridge over a temporary difficulty and one which ought not to have arisen.

It seems to me that the Senate ought to agree with me that San Francisco, under the laws of California, should regulate her own schools, and that the President of the United States ought not to have entered into that controversy, and that you ought not by this legislation here to pass on a question which is already deeply agitating the Pacific coast. It ought to be left out until you can take it up properly and settle it finally. The Pacific coast representatives, I aver here, within one week after this passes, will be demanding the exclusion of Japanese coolies and laborers, not solely because they compete with our labor, but for other reasons which I will not go into detail in open session. But the reasons are there, and they are urged more strongly against the Japanese than they were against the Chinese.

I have nothing to offer in opposition to the civilization of the Japanese. I am not so certain but taking it altogether it is the equal, if not the superior, of ours. I am not attacking their civilization. But it is not our civilization. I have spent some time in Japan, many months, and have studied these people, and I yield to no one in my admiration for them. Their wealth is equally distributed. They have miles and miles of little shops in their cities, the families living in the shops, the members of the families manufacturing one particular article. Recently they have gone into larger manufacturing. But in no country in the world at the present day, in my judgment, is wealth so evenly distributed as in Japan. The devotion of the children to their parents is most beautiful and touching, and the tenderness of the parents to the children is almost sublime. They have magnificent schools, commencing with the kindergarten and going to the highest education.

There are a great many commendable things about the Japanese, but there is a racial difference between them and us which can not be bridged over. I have known many persons who have lived with them for many years, and I have yet to find one who has ever made an intimate friend of one of them. Their hearts and consciences do not touch ours. We can not assimilate. It is impossible. And we of the Pacific coast who come in contact with the Orientals understand it better than you do. It is legislation which ought not to be brought in here and fastened on us by six men in an immigration bill.

There are 45,000,000 Japanese in a territory the size of Montana. About one-twelfth of that area is agricultural. They have not as much agricultural land in all the Empire of Japan as there is in one of our large counties. There are 45,000,000 of them. They are seeking some place to go. We do not want them. It will be much more difficult for us to legislate to keep them out if this clause goes through. If we ought not to legislate, very well. If the balance of the country do not agree with us and the evil is not sufficient so that they will aid us in what we believe ought to be done to preserve our civilization, we will accept that. But we do not want to be estopped through this legislation, which gives a power to the President and says he may exclude and for reasons which do not touch the main question at all, which govern us in our opposition.

I wish to say also that under this bill Japanese can go to Hawaii, to the Philippine Islands, and our other possessions. There is no adequate restriction upon them. It is rather an encouragement to them to go to those islands, because, as I said, they are seeking places to go with their great population and limited agricultural country.

There has been a bill pending for two or three years—it has passed the House twice—to give us free trade with the Philippine Islands. That means free trade in sugar and tobacco. The contention of those of us who oppose that bill has been, among others, that the Japanese market is close at hand, and if they could not get Filipino labor they could get Japanese labor to compete with our labor here, and our great corporations would go there and erect sugar factories. Under this law we invite the Japanese to go to the Philippine Islands and labor for these corporations for 15 or 20 or 25 cents a day, and they would establish other manufacturing plants in addition to sugar plants.

I think we ought to guard the Filipino as much as we guard our own people against this class of labor. We can compete with them here much better than the Filipino. It is difficult to get the Filipino to labor at all, and he would be utterly swamped, as the Hawaiians have been, if you send to that country the Japanese and the Chinese.

It does not make so much difference as far as Hawaii is concerned. There are only a handful of Americans there, five or six thousand, and some forty or fifty thousand Hawaiians. The Hawaiians will not labor anyway. They are very similar to our American negro. They love to lie in the sun, play their guitars, and sing, and loaf and fish, and take life easily, and in that tropical climate they can do this. They do not care to labor, and they do not care that the Japanese and Chinese have utterly and absolutely supplanted them, and there is nothing in the Hawaiian Islands to speak of except the sugar plantations. So I would have no particular objection to their getting their labor from Japan and China.

But it not just and fair to the Filipino to give this invitation to the Japanese to go there. Every Senator knows that in due course of time, probably at the next session, Congress will pass a free-trade bill with the Filipinos, and manufacturing plants will be established down there, and they will get their labor from Japan.

I could not allow this bill to pass without stating, as one of the representatives of the Pacific coast, that I think it would be more manly to meet this question fairly—to exclude the Japanese coolies and laborers or allow them to come in—and not by this subterfuge, to meet a pressing political exigency in San Francisco, fasten this legislation on the country.

I shall be constrained, feeling as I do in regard to it, to vote against the conference report; and if it is beaten, I hope the conferees will bring in the resolution offered by the Senator from Texas [Mr. CULBERSON].

Mr. BACON. Mr. President, I do not design to occupy the time of the Senate much longer. There is a matter, however, to which, in justice to myself and to others, I should allude. Otherwise, we might be very much misunderstood.

It has been published in the papers that the action taken on yesterday by those of us who are opposed to the adoption of this report in consenting to a vote being taken to-day was done under a threat. It was published in the most conspicuous manner in the papers of this city, and I presume telegraphed all over the United States, to the effect that the Senators who are opposing this report had been induced to abandon any further opposition to it and to consent to a vote by a threat on the part of the President of the United States that if we did not do so there would be an extra session called, and furthermore giving a very sensational statement that the Senator from Rhode Island [Mr. ALDRICH] had sent a dispatch to one of his colleagues on this floor to the effect that if this opposition were not abandoned the river and harbor bill should be so amended as to cut out all the appropriations which were made for Southern States.

Now, Mr. President, of course no Senator on this floor——

Mr. ALDRICH. Mr. President——

Mr. BACON. Please let me finish the sentence. No Senator on this floor who has any knowledge of the Senator from Rhode Island would for a moment credit the truth of that statement, and I should say nothing about it if it were limited in its consideration to members of the Senate. But it has gone out to the world, and not to deny the motive attributed to those of us who are opposing the adoption of this report, but in putting it upon a higher ground, I simply want to say that so far from that being the case, without ever having had any communication to me to such an effect by any of the colleagues of the Senator, I knew it was a falsehood when I saw it; and I only state it in order that the public may know that so far from considering it necessary to deny that we were influenced in that way we recognized it as untrue when it was first brought to our attention.

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

Mr. BACON. I will, if the Senator desires to interrupt me at this point. Although I have not quite completed what I have to say, I yield to the Senator.

Mr. ALDRICH. I should not have noticed the ridiculous statement referred to by the Senator from Georgia if it had not been alluded to here. It is entirely the creation of the reporter's imagination.

Mr. BACON. I am quite sure of that.

Mr. ALDRICH. There is not a particle of truth in it as a whole or in any of its parts.

Mr. BACON. I have done the Senator the justice to say that I am satisfied it is absolutely false, and I only alluded to it because it has doubtless gone to the country at large, and it was necessary that this statement should be made.

I desire to say further, Mr. President, that the course given by those of us who are opposing this report in agreeing that the vote should be taken to-day was not even at the invitation of Senators on the opposite side of the Chamber. The request was made by a Senator on this side of the Chamber, and after consultation with those of us who had been active in opposition to the measure.

I wish to say very frankly that one reason why no further resistance in the way of debate was determined upon was that some Senators on this side of the Chamber had assurances which they deemed to be reliable and satisfactory to them that the Department of Commerce and Labor, which had made the ruling heretofore upon the existing law which was satisfactory to the people of their immediate section, had upon an examination of the proposed law expressed the opinion that it in no wise changed the law. While I did not agree with that construction, at the same time I was not disposed to take issue with the Department, if it sees proper so to rule. It would be a very great misfortune, Mr. President, to the people of my section if a contrary rule should be made.

I think it proper to say, furthermore, that the action of those of us who have opposed this report has been somewhat misunderstood. Senators will remember that on the first day there was resentment on the part of myself and others because of the effort which was made to require us to vote upon a report of some thirty or forty pages which we had just had placed in our hands, and which we had not even had time to read. But it will be remembered that the assurance was given by the Senator from South Carolina [Mr. TILLMAN] and concurred in by me that the only demand we made was that we should have that opportunity, and that when we did have that opportunity what we proposed to do was simply to discuss it fully. Yesterday, it will be remembered, when I resumed the floor I put a number of papers in without reading them, to be published in the RECORD, which would have been read if my purpose had been, as is intimated, simply to consume time. Our purpose has been simply to place this matter fully before the country and to discuss the important interests which are involved, in order that they may be understood.

So far as I am concerned, I have as fully as I have desired placed that matter before the Senate and before the country. The Senator from South Carolina has done the same thing. We believe that the attention of the Senate and of the country has been interested, at least, if not arrested, by the magnitude of the interests which are involved and the presentation of that magnitude. Whatever may be the outcome of this question, we believe the country will be appreciative of the fact that we in the South are in a condition where we are entitled to consideration at the hands of the Federal Government in the removal of restrictions which will enable us to get not undesirable immigrants, but desirable immigrants, and which will enable us to get them not by objectionable contract negotiations, but by methods which will enable us to introduce into the country the best class of immigrants who shall come here, unbound by any contracts, and free to make contracts when they get here such as it may be to their interest to make.

Mr. President, there is another matter that I do not desire to go into at length, but still I think it proper that I should allude to it. The Senator from Massachusetts [Mr. LODGE], who I regret is not now in his seat, spoke of the fact that he had 500,000 workmen in his State who are opposed to a contract-labor law.

The VICE-PRESIDENT. Will the Senator from Georgia 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 No. 26, Senate resolution 214, by Mr. CARTER.

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

The VICE-PRESIDENT. Without objection, it is so ordered; and the Senator from Georgia will proceed.

Mr. BACON. Mr. President, that is not singular or peculiar to the State of Massachusetts. That is a general sentiment throughout the country. There is a general sentiment in opposition to the abuse of the importation of immigrants. There is a strong sentiment to that effect in my own State, which I of course most profoundly respect and which I do not wish to violate. I repeat there is in my State, as well as in all other States, a just opposition to the introduction of immigrants whose presence in our country is not desirable, and the great advantage in the plan which we may call hereafter, I presume, the South Carolina plan is that which results in the introduction of those who are desirable.

But I wish to say, Mr. President, that it is not simply the presence of the laborers to whom the operation of the law as it now exists is undesirable, and I say that that is especially true in the State represented by the Senator from Massachusetts. The fact can not be concealed that there is a serious and growing jealousy on the part of the manufacturers in the State of Massachusetts against the growing and increasing manufacturing interests in the South. There is great jealousy over the growing and increasing manufacturing interests of the South, and every disposition to interfere with the further development of that manufacturing interest.

Mr. President, no surer method can be adopted to arrest the development and growth of the manufacturing interests of the South than to say that the South shall not have a proper class of immigrants with which that development can be made. Because of conditions, to which I have already alluded, the negro population are not available for the purpose of being utilized in the cotton mills; and the white population, the native population, which is alone available, has already been drawn on to the full extent and limit of its capacity. Therefore, if other labor can not be introduced the development of the cotton industry must cease. Furthermore, as conditions now show that which has already been inaugurated must in part remain without being fully utilized. As stated by the report of the Department of Commerce and Labor and as stated to-day by the Senator from North Carolina [Mr. SIMMONS], it is a fact estimated reliably that there are to-day 20 per cent of the spindles of the South idle.

Mr. President, I said that there was a jealousy and a disposition to repress development of this growing industry in the South on the part of those engaged in the same industries in Massachusetts, and I want to present to the Senate a marked evidence of that fact.

I may not discuss what occurs in another House, but I am at liberty to read to the Senate the records of the other House so far as relates to the introduction of bills. It is a fact that a Representative from the State of Massachusetts has during four Congresses, beginning with the Fifty-sixth Congress, introduced a joint resolution looking to the amendment of the Constitution of the United States, in order that there may be neutralized the advantages which the South has in the manufacture of cotton by reason of climatic and other conditions. That joint resolution was introduced in the Fifty-sixth Congress, Fifty-seventh Congress, Fifty-eighth Congress, and Fifty-ninth Congress, all of them practically identical, if not absolutely identical. I will read only one—the one that was introduced in the Fifty-ninth Congress. It was introduced December 4, 1905, and is in these words:

Joint resolution (H. J. Res. 1) proposing an amendment to the Constitution of the United States relating to uniform hours of labor.

Whereas under State regulation there now exists and must always exist great diversity in the hours of labor in manufacturing establishments, as fixed by law or custom in the several States of the United States, the present variation in the working week being from fifty-eight hours to seventy-two hours; and

Whereas this variation in the length of the legal working week creates conditions of discrimination as between the citizens of the several States of the Union, which operates to the disadvantage of both labor and capital in many localities, resulting in unequal earnings for a given amount of capital and unequal wages for a given amount of labor, which unequal conditions are contrary to the fundamental theory of the Constitution of the United States, which contemplates equal rights and uniform privileges to all citizens of the United States, irrespective of the particular State in which they may happen to dwell; and

Whereas this lack of uniformity in the hours of labor is the outcome of State legislation, and is beyond the power of the States, acting through their legislatures, to make uniform, by reason of the decision of the supreme courts of several States to the effect that all laws regulating hours of labor are unconstitutional in those States; and

Whereas unequal and partial restrictions disturb the equilibrium of industry and are serious obstacles to national progress: Therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the Congress of the United States do recommend

to the several States of the Union the adoption of the following amendment to the Constitution of the United States, to wit:

"ARTICLE XVI.

"The Congress shall have power to establish uniform hours of labor in manufactories throughout the United States."

Mr. President, if I were disposed to consume the time of the Senate I could read several other bills which have been introduced in Congress by Senators or Representatives looking to the same end—the national control of the manufacturing industries of the South—in order, as specified in this resolution, that unequal conditions of advantage and opportunity may be equalized by Federal legislation.

Mr. President, it does seem to me that if there was ever any section of any country in the world against which such a resolution should not be attempted to be leveled, not only as found in the proposed amendment to the Constitution which I have read, but as found in the particular bill now before the Senate, it is the South, because no people have ever dealt so heroically with the most deplorable conditions, and dealt with them successfully, as has the South. So far from there being any disposition to repress them in this regard, so far from any disposition to throw any impediment in their way, there ought to be every disposition and every effort to bid them godspeed and to give them all the aid which can possibly be given them.

I have said, Mr. President, that opportunities at the South by reason of the peculiar conditions are restricted in the matter of development. I want to show the contrast between the States of the South and the State from which the Senator from Massachusetts comes. While we can not use the negro population, constituting probably an average of nearly 40 per cent in the cotton States of the total population, and while the white population has been drawn on to the limit of exhaustion, it is not only true that the State of Massachusetts has this unlimited tide of immigration which flows on the northern borders every year from Europe, but, if I am correctly informed, the State of Massachusetts draws from Canada its mill operatives to the extent of from two-thirds to three-fourths—opportunities which are shut to us because of the difference in locality.

Mr. President, I want to bring to the attention of the Senate in this connection something which will, I am sure, challenge attention as to the wonderful work which has been done by the Southern States in their rehabilitation after absolute desolation. I am going to read an article which I clipped from the New York Sun of September 19 last. It is very short:

MATERIAL PROGRESS IN THE SOUTH.

The Business Magazine, of Knoxville, Tenn., prints some figures which give a good idea of the great material progress of the South in the past few years. The following is a condensation and continuation:

Individual bank deposits.

	1896.	1900.	1905.
National banks	$124,743,629	$201,605,167	$372,383,409
State banks	82,795,625	150,440,319	369,652,112
Savings banks	9,347,597	17,369,650	6,052,503
Private banks	4,626,017	5,306,131	13,643,521
Trust companies	172,151	322,081	5,590,629
Total	221,685,019	375,043,348	767,322,174

Increase 1900 over 1896	$153,358,269
Increase 1905 over 1896	545,637,155

These figures show an average increase of $60,626,349 a year during the nine years.

The percentage of increase in deposits in the banks and trust companies of the South between 1896 and 1905 is, according to the reports of the Comptroller of the Currency, 246 per cent. This is the largest percentage of increase in the time named of any section of the United States, not even excepting the Western States.

In one year, 1905, southern financial institutions added nearly as much to their deposits as they did in four years a decade ago.

The capital invested in manufacturing in seven Southern States—Alabama, Arkansas, Georgia, Louisiana, Kentucky, Tennessee, and Texas—was $117,000,000 twenty years ago; now, according to the census of manufactures, 1905, it is $803,000,000, an increase of $686,000,000. The yearly manufacturing product of these seven States in 1880 was $221,000,000; in 1905 it was $948,000,000, an increase of $727,000,000.

In the same seven States the increase in value of farm property between 1880 and 1900 was $2,053,000,000, or more than $100,000,000 a year. For poultry and eggs alone those farms get $45,000,000 a year. Their animal products bring $250,000,000, and the total product, $900,000,000 a year, exceeds that of any other section of the United States except the North Central division, composed of the upper Mississippi Valley States from the Ohio to the Dakotas.

These seven Southern States, with Mississippi added, now raise nearly 500,000,000 bushels of corn each year; they have more than 18,000,000 head of cattle, and produce more than 200,000,000 pounds of rice each year.

Only 44 per cent of the southern farms now derive their principal income from cotton. Still, cotton production has steadily increased from 7,000,000 bales, worth $300,000,000, about twenty years ago, to 13,000,000 bales last year, worth $628,000,000. The home-grown cotton demand of the mills of the United States is now about 4,000,000 bales a year. The census of 1900 shows that in twenty years the improved acreage of twelve Southern States increased from 78,082,484 acres to 107,573,679.

The output of manufactures of the Southern States south of the Potomac and the Ohio, without West Virginia, was $450,000,000 greater in 1900 than in 1890 and $150,000,000 greater in 1905 than in 1900.

Mr. President, I shall ask leave to insert in full, with the permission of the Senate, an article from the Manufacturers' Record of January 10, 1907, headed "Remarkable Exhibit of Southern Prosperity."

The PRESIDING OFFICER (Mr. MULKEY in the chair). In the absence of objection, permission will be granted.

The article referred to is as follows:

[From Manufacturers' Record, January 10, 1907.]

REMARKABLE EXHIBIT OF SOUTHERN PROSPERITY.

In 1860, when the United States had a population of 31,443,000, the wealth of the country was reckoned to be $16,159,000,000, of which the South possessed $6,332,000,000. Within five years the South's wealth had been reduced to quite $4,000,000,000. With a population of between 25,000,000 and 26,000,000, or 5,000,000 or 6,000,000 less than the country's population in 1860, the South's wealth is now in the neighborhood of $19,390,000,000, a sum greater by more than $3,000,000,000 than the wealth of the United States forty-seven years ago. Much of the increase in this wealth has been made in the past six years, and its stages are indicated in the accompanying table comparing the assessed valuations of property in the fourteen Southern States in 1900, 1905, and 1906, the figures of one of the States being estimated, it is believed, conservatively.

Assessed southern property values.

	1900.	1905.	1906.
Alabama	$270,408,432	$344,224,221	$373,468,462
Arkansas	201,908,783	290,576,108	a321,700,000
Florida	96,686,954	131,436,593	142,018,871
Georgia	433,323,691	577,967,938	624,465,472
Kentucky	640,688,240	795,771,834	808,041,918
Louisiana	276,659,407	396,821,157	459,271,270
Maryland	616,719,782	705,561,456	738,762,161
Mississippi	215,765,947	281,343,137	366,799,080
North Carolina	306,597,715	461,520,668	489,799,456
South Carolina	176,422,288	220,224,505	249,534,422
Tennessee	396,363,566	445,832,036	474,416,837
Texas	914,007,634	1,139,022,730	1,221,159,869
Virginia	480,425,025	554,188,687	629,641,533
West Virginia	240,634,580	332,948,351	857,839,858
Total	5,266,594,044	6,680,439,421	7,756,919,209

a Estimated.

The increase in assessed valuation between 1900 and 1905 was from $5,266,594,044 to $6,680,439,421, or by $1,413,845,377, or 26.9 per cent, an average of 5.3 per year. The increase during the past year was to $7,756,919,209, or by $1,076,479,788, equal to 16.1 per cent. This increase is to be accounted for partly by the bringing within range of assessment in some States property that had not previously been included in assessable property, and, consequently, probably not in estimates of true wealth, and partly by such facts, as in Mississippi, that the realty assessment was made in 1906 for the first time since 1902. The increase in assessed values between 1890 and 1900 was $755,668,807. The increase between 1900 and 1906 was $2,490,325,165, or more than three times as great. But it will be recalled that the earlier ten-year period was synchronous with one of the most notable periods in American history of low prices for cotton and of consequent retardation of southern energies, while the past year was still materially affected by the prosperity which began for the cotton growers about the turn of the century. The cotton crop of 1899–1900, with its seed, brought about $362,000,000 for 9,922,000 bales. It is too early to give the value of the 1906–7 crop, but with the seed the crop may bring $675,000,000 or over.

The bettering of the cotton situation was quickly followed by an enhancement of the value of farming lands, adding to the wealth of the South at the rate of $500,000,000 or $600,000,000 annually during the past three or four years. Then, too, increasing attention given to other crops than cotton in application of the lessons of the lean years—the crop-lien years—at the end of the nineteenth century had brought the South into a position of greater strength as to general crops, enabling it to have a greater interest, though not its full potential interest, in the enhanced prices of farm products; in fact, the value of eight of its crops in 1906 was nearly equal the value of its cotton. These crops were as folows:

Corn	$390,921,625
Wheat	62,329,774
Hay	54,899,200
Tobacco	39,924,815
Oats	28,341,394
Irish potatoes	17,199,329
Rice	16,121,298
Rye	1,045,596
Total	610,783,031

The same crops in 1905 brought $549,000,000, but a better conception of the general trend in southern agriculture may be had in a study of the accompanying tables comparing the production of corn, hay, and potatoes in 1900 and 1906. The 1906 crop of corp, 729,600,894 bushels, was a record breaker for the South, and was only about 100,000,000 bushels less than all the corn raised in the country in 1860. It was an increase of 252,945,086 bushels, or 53 per cent, over the production of the South in 1900, while the increase for the whole country in that period was 822,313,575 bushels, or 39 per cent. The southern crop was 22.6 per cent of the total crop in 1900, and nearly 25 per cent of the total in 1906. The 729,600,894 bushels of the South's 1906 crop brought $156,300,000 more than its crop of 476,655,808 bushels in 1900.

In the six-year period the southern hay crop increased from 3,730,053 tons to 4,217,126 tons, or 13 per cent, while the crop of the country increased from 50,110,906 tons to 57,145,959 tons, or 14 per cent. The value of the southern hay crop increased from $42,466,428 to

$54,899,200, or 29 per cent, and the value of the crop in the whole country from $445,538,870 to $592,539,671, or 33 per cent. The comparison of the South with the whole country is quite favorable to the South in view of the fact that in a great portion of that section it has never been necessary to provide for indoor feeding during the winter, and of the additional fact that cotton-seed products and other things than hay are being used for feedstuffs in constantly increasing quantities.

Corn.

	Amount.		Values.	
	1900.	1906.	1900.	1906.
Alabama	29,355,942	47,849,392	$17,026,446	$30,623,611
Arkansas	45,225,947	52,802,569	19,447,157	24,817,207
Florida	4,156,192	6,875,000	2,493,715	4,262,500
Georgia	34,119,530	52,066,596	19,448,132	34,884,619
Kentucky	69,267,224	105,437,376	27,706,890	44,283,698
Louisiana	24,702,598	26,217,633	12,351,299	15,730,580
Maryland	15,232,802	22,007,825	6,245,449	9,903,521
Mississippi	25,231,998	40,789,207	14,634,559	24,881,416
North Carolina	29,790,180	41,796,846	16,980,403	28,421,855
South Carolina	13,129,137	23,611,233	8,402,648	17,236,200
Tennessee	56,997,880	86,428,912	27,928,961	40,621,589
Texas	81,962,910	155,804,782	38,522,568	77,902,391
Virginia	28,183,760	45,188,523	13,810,042	24,853,688
West Virginia	19,299,708	22,725,000	9,649,854	12,498,750
Total South	476,655,808	729,600,894	234,648,123	390,921,625
Total United States	2,105,102,516	2,927,416,091	751,220,034	1,166,626,479

Hay.

	Amount.		Values.	
	1900.	1906.	1900.	1906.
Alabama	94,061	109,882	$992,344	$1,461,431
Arkansas	228,580	113,491	2,022,933	1,123,561
Florida	6,418	30,000	87,927	459,000
Georgia	190,237	145,289	2,425,522	2,288,302
Kentucky	390,064	603,723	4,427,226	7,999,330
Louisiana	50,302	41,472	472,839	476,928
Maryland	302,292	353,167	4,247,203	4,767,754
Mississippi	99,922	83,359	994,224	954,461
North Carolina	176,680	193,475	1,978,816	2,902,125
South Carolina	192,453	88,596	2,213,210	1,351,089
Tennessee	313,432	512,563	3,698,498	6,893,972
Texas	548,879	683,705	3,732,377	5,811,492
Virginia	589,133	534,066	7,835,469	8,278,023
West Virginia	547,600	724,338	7,337,840	10,140,732
Total South	3,730,053	4,217,126	42,466,428	54,899,200
Total United States	50,110,906	57,145,959	445,538,870	592,539,671

The larger part of the sweet potato crop of the country is raised in the South, but that is not preventing that section from gradually increasing its production of Irish potatoes. While its crop advanced between 1900 and 1906 from 16,940,410 bushels to 24,331,545 bushels, or 43 per cent, and the crop of the country from 210,926,897 bushels to 308,038,382 bushels, or 46 per cent, the value of the South's crop increased from $10,254,497 to $17,199,329, or more than 67 per cent, and the crop of the whole country from $90,811,167 to $157,547,392, or 73 per cent.

The increased values of the South's crops of corn, hay, and potatoes in the six years aggregate $175,651,106, or more than 60 per cent, while the value of the cotton crop increased by probably $313,000,000, or 86 per cent. The aggregate value in 1906 of the nine crops in the South which have been mentioned here was $1,285,000,000. To that should be added $159,000,000 for poultry products, $136,000,000 for dairy products, $110,000,000 for fruits and vegetables, $160,000,000 for live-stock products, $40,000,000 for sugar and its products, $18,000,000 for sweet potatoes, and $16,000,000 for miscellaneous products—a total of $639,000,000, or an aggregate of $1,924,000,000 of products sold from the farm. Adding to this the value of products consumed, would bring the total up to quite $2,000,000,000.

Irish potatoes.

	Amount.		Values.	
	1900.	1906.	1900.	1906.
Alabama	417,933	694,350	$342,705	$645,746
Arkansas	2,127,816	1,666,960	1,212,855	1,116,863
Florida	104,280	335,410	110,537	368,951
Georgia	391,816	664,279	301,698	730,707
Kentucky	2,807,490	2,848,352	1,403,745	1,737,495
Louisiana	539,630	744,000	426,308	558,000
Maryland	1,269,455	2,673,843	685,506	1,497,352
Mississippi	347,094	478,380	288,088	416,191
North Carolina	1,063,474	1,785,900	691,258	1,321,566
South Carolina	335,946	743,330	335,946	780,496
Tennessee	1,365,660	1,793,600	792,083	1,112,032
Texas	916,918	2,394,469	806,888	2,083,188
Virginia	2,223,778	4,174,200	1,312,029	2,796,714
West Virginia	3,029,120	3,334,472	1,544,851	2,034,028
Total South	16,940,410	24,331,545	10,254,497	17,199,329
Total United States	210,926,897	308,038,382	90,811,167	157,547,392

Consideration of increasing wealth in the South must add to the $2,000,000,000 worth of farm products $2,225,000,000 worth of manufactured products, and $260,000,000 worth of mineral products. Such annual productivity, now aggregating about $4,485,000,000, accounts for an increase of nearly $50,000,000 in the capital of national banks in the South in six years, and an annual increase of $40,000,000 or $50,000,000 in the deposits in national, State, savings, and private banks and loan and trust companies in that section, and the general progress has an expression in and is immediately contributed to by railroad construction, every mile of new track stretching toward great lumber tracts or toward deposits of coal, iron ore, and other minerals, or bringing closer to markets virgin agricultural sections, being just that much power added to productivity. In 1906, as shown by the accompanying table, 3,055 miles were added to the South's mileage, 26.7 per cent of the total addition since 1900, and bringing the total to 64,035 miles. That is more than double the railroad mileage of the whole country in 1860, and within less than 30,000 of the total mileage of the country in 1880. Texas alone has 3,600 miles more railroad than the whole country had in 1850, and during the past year it led in the increase in the South with 810 miles, the State nearest to it in new construction having been Louisiana, with 472 miles. Arkansas ranked third in new mileage, the promise of an enormous advance in the farther South, but it is almost equally significant to note 162 new mileage in Virginia, 192 in North Carolina, and 216 in West Virginia, telling of mineral and timber developments in those States.

Southern railway mileage extension.

	1900.	1905.	1906.
Alabama	4,197	4,644	4,746
Arkansas	3,109	4,216	4,499
Florida	3,256	3,933	4,088
Georgia	5,730	6,415	6,641
Kentucky	3,094	3,330	3,405
Louisiana	2,801	3,820	4,292
Maryland	1,364	1,462	1,496
Mississippi	2,934	3,604	3,836
North Carolina	3,733	4,004	4,196
South Carolina	2,919	3,107	3,133
Tennessee	3,185	3,598	3,668
Texas	9,992	11,879	12,689
Virginia	3,795	3,920	4,082
West Virginia	2,485	3,048	3,264
Total	52,594	60,980	64,035

Summarizing farm activities, embracing the raising of practically every crop grown in the country, in addition to crops exclusively southern, manufacturing energies with 262 of the 339 separate industries of the country represented in the South, mineral production in which the South is to become more and more dominant, especially as to coal and petroleum and iron ore, lumbering operations in which the cut of the South is about 40 per cent of the total in the country, railroad building, foreign commerce, etc., a magnificent display of progress is made.

Six years' southern progress.

	1900.	1906.
Population	23,500,000	25,900,000
Farm products ..... value	$1,272,000,000	$2,000,000,000
Manufactures:		
Capital	$1,153,000,000	$1,700,000,000
Products	$1,464,000,000	$2,225,000,000
Cotton mills:		
Capital	$112,837,000	$250,000,000
Spindles	6,267,000	9,760,000
Bales used	1,597,000	2,374,000
Pig iron ..... tons	2,604,000	3,500,000
Coal ..... do	49,048,000	83,250,000
Lumber ..... value	$188,000,000	$300,000,000
Exports ..... do	$464,317,000	$642,000,000
Railroad mileage	52,594	64,035
Assessed property	$5,266,000,000	$7,756,000,000
True value of property	$12,934,333,376	$19,390,000,000

In six years, with an increase in the population of about 2,400,000, or something more than 10 per cent, the South has increased the value of its farm products by $728,000,000, or 57 per cent, and the value of its manufactures $761,000,000, or 52 per cent. It has added 3,493,000 spindles to its cotton-mill outfit, an increase of 55 per cent, and its mills used in 1906 about 2,375,000 bales of American cotton, or 48 per cent more than in 1900. In the six years the South's annual pig-iron production has increased by 896,000 tons, or 34 per cent; its coal production by 34,202,000 tons, or 69 per cent; the value of exports at its ports $177,000,000, or 38 per cent, though it furnishes more merchandise for export than it handles through its own ports, and in that time its railroad mileage has increased by 11,441, or nearly 22 per cent, and the assessed value of its property by $2,490,000,000, or nearly 48 per cent.

With all this money-making going on, it is not surprising that the South is spending millions of money for improvements of many kinds. Counties are building better roads, better bridges, and better schoolhouses. Municipalities are erecting modern public buildings, installing waterworks and sewerage systems, and using up-to-date methods and materials in improving streets. Railroad operations are double tracking their old lines and extending new ones, are building handsome passenger stations, increasing terminal facilities, and adding to rolling stock. Individuals are devoting their earnings to improving their homes in town or country, or in building new ones, in enlarging barns, in buying stock, farm implements and machinery, in installing fencing, and in adding to the machinery for manufacturing. These investments are likely to increase during the coming year and to keep pace with the increasing earning capacity of the South. They are some of the manifestations of a prosperity that is adding every day of the year about $7,280,000 to the wealth of the South, and which has brought that wealth close to $20,000,000,000.

Mr. BACON. Mr. President, I do not desire to further take the time of the Senate. I want to say simply that in the presentation of this matter I have been animated solely by the desire to preserve to the enjoyment of our people the benefits of the existing law. We have not sought in any manner and

I have not asked in any manner that there shall be any change as to contract labor; and I do not desire that there shall be any change as to contract labor, especially if we can have the advantage of the law as it now stands. These words were put here for a purpose. They are meaningless and the language was futile unless they have an enlarging influence upon the law as it now exists. The Senator from Massachusetts [Mr. LODGE] yesterday defended the change on the ground that the Massachusetts procedure was one which would be destructive of the contract-labor law, the conclusion to be drawn being unavoidable, that he desired this change in the law in order that there might hereafter be no opportunity for South Carolina or any other State to induce immigrants to come under the present law, and to shut the door against us of the South.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. The Senator quoted from the Washington Post of this morning in reference to the "big stick" in the White House making the threat of an executive session, and the "big stick" in New York telephoning to Senator CRANE orders about the river and harbor bill, and the little appropriations which South Carolina and Georgia have in that bill.

Mr. KEAN. "Little appropriations!"

Mr. TILLMAN. Well, there is mighty little for South Carolina; Georgia may have a whole ham of the beef, but we get a very small part in South Carolina this year.

In that same article I noticed that the Cabinet met at some time yesterday and discussed the conference report which we now have under consideration; and it was said that they had reached the conclusion that the changes to be made in the immigration law by the proposed legislation which we are discussing do not affect the decision of Secretary Straus. Perhaps the Senator from Massachusetts [Mr. LODGE], who is well informed as to what occurs at the White House, and on occasion telephones [laughter], could enlighten us as to whether the Cabinet did meet on yesterday and decide that question or not. [A pause.] I hope the Senator will either say "yes" or "no." [A pause.] Well, I have tried to get some enlightenment, but it seems I have failed. [Laughter.]

Mr. BACON. Mr. President——

Mr. DEPEW. Mr. President, the Senator from South Carolina [Mr. TILLMAN] said something about a communication, if the Senator will permit me——

Mr. BACON. With pleasure.

Mr. DEPEW. The Senator from South Carolina said something about a communication having been sent to somebody representing some kind of a big stick in New York to the Senators here in regard to the appropriations for Georgia and South Carolina in the river and harbor bill. I have not heard a single word from New York on that subject.

Mr. TILLMAN. Perhaps the Senator from New York did not read the Washington Post this morning.

Mr. DEPEW. Yes; I read the Washington Post this morning.

Mr. TILLMAN. And moreover, the Senator from New York must realize that there are other Senators who get communications from New York besides himself. [Laughter.]

Mr. BACON. I want to say to the Senator from New York [Mr. DEPEW] that if he understood me to say that the statement was that a communication had been sent by the Senator from New York he misunderstood me. I said the statement was that the communication had been sent from New York by a Senator, and I afterwards stated that it was the Senator from Rhode Island [Mr. ALDRICH], and that I only mentioned the fact to state that I was perfectly satisfied that it was an absolute untruth. I think, Mr. President, that it is very unfortunate that any such publication should be made. It was unauthorized; and the truth could have been very easily ascertained by making inquiry.

Mr. President, I have got a few words further to say, and I am glad that the Senator from Maine [Mr. HALE] is in his seat, as are also the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Massachusetts [Mr. LODGE] in their seats. I only wish that two or three other Senators, who have heretofore expressed themselves with so much vigor on the subject of the usurpation of power by conference committees, were also in their seats. I am satisfied, however, with the representation now before me, because from them we have heretofore had the most emphatic and unequivocal condemnation of any usurpation of such power by a conference committee as is assumed and exercised in this particular report.

Mr. President, the Senators whom I now see before me, whom I have named, have upon occasions when the most important measures were before the Senate expressed themselves in the most drastic language to the effect that no gravity of a subject, no emergency of a situation, can justify a conference committee in assuming to report to the two Houses on a matter which is not in difference between the two Houses.

Language could not be found in the dictionary, if searched with a fine-tooth comb, to make it more emphatic than the Senators of whom I now speak have made it in the hearing of this Senate. The Senator from South Carolina [Mr. TILLMAN] on yesterday read from the RECORD the utterances of these Senators on that subject, and, Mr. President, I want to say that those Senators have never said anything on that subject which was too extreme to meet with my approval, because if that rule can be violated, if a conference committee can bring in and submit on a conference report to the Senate matter which is not included in the differences between the two Houses, there is no limit. They can do as they have done here. They can bring in a bill of forty-odd sections, and under the rule which governs the consideration of conference reports there is nothing which can be done but to reject that report in full or to accept it in full. In other words——

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

Mr. BACON. The Senator will pardon me for a moment. I am coming to specifics before I get through.

In other words, when a bill is presented by a conference committee in its report, something of paramount importance may be included in that bill—something which would control the action of the body—and there is no opportunity to amend or exclude other matter which the Senate would exclude if it had the opportunity to amend. Consequently it is an evil of the very first magnitude. For that reason I say that the Senators who have heretofore condemned this have not used language more extreme than I would approve of and could not use language more extreme that I would approve it. Why do I say that, Mr. President?

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. SPOONER. Does the Senator contend that the clause to which he has made such strenuous objection is within the rule?

Mr. BACON. I do not. I have not alluded to that. I have opposed that upon a different ground altogether. I think that was within the limit, provided there were differences on that general subject. I do not think the conference committees are limited to an absolute amendment or the exact amendment between the two Houses. They can report an amendment which shall reconcile the differences, and of course they need not follow either amendment for that purpose.

But what I call attention to, and which I hope I may have the attention of the Senator from Maine [Mr. HALE] to—because he is a very properly recognized authority on this subject, a Senator whose familiarity with it is unsurpassed by that of any other Senator, and a Senator who has most rigidly, unalterably, and immovably put himself in opposition to any usurpation by conference committees—is that here is a section that I say is a distinct violation of the rule as to conference committees. Section 42 is one which amends the act of 1882 with reference to the requirements of the carriage of passengers on shipboard—a matter which was not in the bill either of the Senate or of the House, a matter which was in no manner referred to or related to any single matter of difference between the two Houses.

But, Mr. President, it does not limit itself to the question of being related to something not in difference. There may be a criticism upon a committee of conference where it adds a section even if it relates to the same subject, and they would have no right to do it; but when they go outside to amend an existing statute on a different subject, what possible opportunity is there for a difference on the question as to whether or not the conference committee has violated the rule as to conference reports?

Mr. President, if that is so, how do we stand to-day? Here is a matter of great importance, a question of the settlement of the Japanese question on the Pacific coast, something that all of us want to have disposed of. Here is a method for the disposition proposed in the report of this conference committee, and at the same time, in order to do that, to adopt the conference report, it is necessary to violate in the most distinct possible manner this fundamental rule as to conference committees. Now are we face to face with the proposition that, wherever there is a matter of sufficient importance involved, we will violate this rule rather than take further time to secure the main end which is sought to be accomplished by a conference report, or are we going to adhere to the rule? It is a sacred rule, Mr. President, and the word "sacred" is not too strong a word when we recollect the indignation with which Senators have heretofore met

provisions in conference reports which were outside of the jurisdiction of the conferees. Senators have met them with an indignation which indicated that they regarded it as a sacred safeguard against improper legislation, and one under no circumstances to be violated.

If we accept this report—I care not what we may think about the merits of it—if we accept this report the most serious blow has been struck at the safety of the legislative body in regard to reports of conference committees that has ever been attempted since I have been in the Senate or that I have ever read about in any work on parliamentary law.

The Senator from Massachusetts, Mr. President, took the position two days ago that a conference committee was turned loose—and he used the word "unlimited"—was turned loose for an unlimited consideration of anything which related to the subject and to the formulation of amendments to be proposed to the Senate or to the House. Anything which related to the subject was within their jurisdiction, according to the Senator's contention, and he used the word "unlimited." When I called his attention to the fact that he had used the word "unlimited," he made no correction of it in his subsequent remarks.

Mr. President, even if we were to consent to such a construction as that, if we were to concede—which I would not for a moment—that a conference committee has jurisdiction as to anything within the limits of the subject-matter, that still would not cure all the trouble in this case, because this is as to matter outside of the limits.

Mr. TILLMAN. Mr. President——

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

Mr. BACON. I do, with pleasure.

Mr. TILLMAN. Mr. President, if the Senator from Georgia will permit me in the line of what he has just been saying, I want to call the attention of the Senator from Maine [Mr. HALE] particularly, because he has been my guide, counselor, and friend, my mentor and adviser and exemplar, especially in this particular, and because I have great admiration—I am not speaking now in any persiflage or nonsense or mock compliment; I am saying honestly what has been the fact and is the fact now—I want to just give the Senator a little of his own utterances and his position six months ago. It is in reference to the conference report on the rate bill last June, when the conferees took the liberty of putting in two or three slight verbal amendments which were not in the bill as it passed either House, and therefore were out of order. Even putting in the words "sixty days" instead of "immediately," in order to make the bill workable and enable the railroads to prepare their schedules so as to comply with the law—so necessary a provision as that was objected to. Senators will recall the fact that the conferees were harassed and bedeviled, if I may say that; certainly lectured and censured here for three whole days, especially by the two gentlemen on my right [Mr. HALE and Mr. LODGE], and I just want to give a brief quotation from that debate.

Mr. PATTERSON. While the rule is a good rule and should as a general proposition be enforced, I have no hesitation in maintaining in a case of this kind, and as to a bill of this character, that when the conferees meet for the purpose of discussing a matter and reaching an agreement, if they discover that there is something needed to make a measure effective as a whole, they have not only the power, but it is their duty to insert that, and then submit it both to the House and to the Senate.

Mr. HALE. But, Mr. President, does the Senator not see the far-reaching, dangerous, and disastrous results of his proposition? Legislation is matured here and in the House of Representatives. Conferees are not a legislative body. They are to confine themselves to disagreements between the two Houses and to report only as to those.

Mr. PATTERSON. I understand precisely.

Mr. HALE. But when the Senator says the conferees have a right, when they believe that in order to make a measure effective they may put in new propositions, he is transferring the legislative power, which ought to be confined to the two bodies, to a conference committee that is only appointed and constituted not to newly legislate, but to consider differences between the two Houses.

The Senator is not a radical Senator; he is a conservative Senator, and he ought to see the wide and far-reaching and dangerous proposition which he has made, that the conferees can take upon themselves the power of legislation that only inheres in the two bodies.

As I understand the Senator's attitude now, it is that we have need for a modus vivendi or easement or something to relieve the distressed conditions of the Californians in regard to their Japanese-exclusion policy, and in view of the necessity, we will say, of something being done, the Secretary of State prepared the amendment which is in the bill—so the papers say. The Senator from Massachusetts [Mr. LODGE] can correct me if I am in error, and if he remains silent I take it for granted that the newspapers are correct in this regard. The Secretary of State prepared the proviso in regard to the passports of certain persons who might be coming to the United States. Mind you, the Japanese school question had not arisen until December, when it was called to the attention of the country by the President's message. The bill which we are discussing passed the Senate last May and passed the House last June, and the subject-matter of this proviso with regard to passports was not considered by either branch of Congress, and yet it has been inserted here.

The attitude of the Senator from Maine has been the same since I have been here whenever this matter has been under discussion. He can explain, if he sees fit, why he has changed front, why he yields to necessity, when we could just as easily provide for the passage of this proviso by a joint resolution in ten minutes by unanimous consent, as we did about the "sixty days" for the rate bill, and I have no doubt it would go through, so that when the conferees take upon themselves that dangerous power of legislating—six men assuming to do the work of ninety Senators and three hundred and eighty odd Representatives—if the Senator from Maine has suddenly changed from his rigid adherence to fundamental doctrine and principles governing our procedure here and can reconcile his expressed attitude, as I understand it, with his attitude six months ago that is for him to say, but I must confess, Mr. President, that I am woefully, woefully, woefully disappointed if the Senator from Maine does not continue to stand by his wise and proper decision last June instead of yielding to this emergency, we will say, and becoming an opportunist. I have never thought the Senator from Maine was that type of man.

Mr. HALE. Mr. President——

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

Mr. BACON. With very much pleasure.

Mr. HALE. If the Senator from South Carolina will let me in between one of his "woefullies"——

Mr. TILLMAN. Mr. President, I might get up another "woefully" after a while [laughter], especially if the Senator from Maine shall fall down and disappoint me so "woefully."

Mr. HALE. The Senator has got another "woefully."

Mr. TILLMAN. I will put in still another one if the Senator shall, as I say, become an opportunist.

Mr. HALE. The Senator has been firing away at me and has enjoyed it almost as much as I have.

Mr. TILLMAN. I have not enjoyed it at all.

Mr. HALE. The Senator assumes that I have changed my ground. I do not know what reason he has for that. I have not interfered in this discussion. I have not interfered on the side of the Senator from South Carolina and the Senator from Georgia because they are presenting their case very tersely and very briefly and are doing their best. They are doing admirably. There is no necessity why I should say that I agree with them, but the Senator has no right to say that I have changed my ground simply because I choose to sit in my seat and not take part in a debate which is so perfectly conducted upon both sides as the one that has been proceeding. Let the Senator wait to see what my attitude is in this matter.

Mr. BACON. Mr. President——

Mr. TILLMAN. If the Senator from Georgia will pardon me——

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

Mr. BACON. Yes, sir; I do.

Mr. TILLMAN. My interpretation of the attitude of the Senator from Maine lies in this, that no Senator is better informed of what is going on in this Chamber than he. He is thoroughly well informed as to every move that is made here on all important issues that arise, and the Senator from Maine has so often stood in his place and whenever this thing of the conferees exceeding their authority and inserting new matter has been attempted to be done he has always been so aggressive in maintaining the rule which he laid down in the quotation I have just read that I am "woefully"—I will repeat that offensive phrase again, without any intention to offend—I am woefully surprised and disappointed at the Senator's silence.

Mr. HALE. Now, does not the Senator see that so admirably are he and the Senator from Georgia presenting this case that it would only be carrying coals to Newcastle for me to say that I agree with them?

Mr. TILLMAN. It is not a question of agreeing with us. It is a question of the Senator from Maine voting and exerting his great influence to maintain to-day the attitude that he maintained last June.

Mr. HALE. Has the Senator been able to put any finger of his upon any vote that I have given on this question?

Mr. TILLMAN. No.

Mr. HALE. I did not know that it had come to a vote.

Mr. TILLMAN. We have not got to a vote yet.

Mr. HALE. It seems to me it is something for a Senator to

come in here when he is very busy with appropriation bills and sit and listen to the Senator from South Carolina and the Senator from Georgia, and he ought to be credited for that.

Mr. TILLMAN. The Senator has not done us the honor to listen, except this morning.

Mr. HALE. I have done that. I have sat here and listened for a long time, when important matters are calling me outside. But for the Senator to now declare—because I have not joined with him and have not indicated what my vote would be upon this matter—that I ought to thrust myself into this debate that is so well cared for already is absurd, and the Senator knows that he has not the right to do that. I do not need to say that he has not the technical right, but he has not the right to assume how anybody is going to vote on this matter. I do not know that I have changed my mind in the slightest degree, and he will find out before this matter is through whether I have or not; but I wish the Senator, instead of berating me in his remarks because I do not get up and join in this debate, would attend strictly to the subject-matter and not make himself so personal.

Mr. TILLMAN. Mr. President, I am sorry that I have given offense to my friend from Maine, but the Senator will recall that we have had some little private conference about this matter, and that I appealed to him to stand by his own attitude last June, and he has told me that he could not do that.

Mr. HALE. How does the Senator know that? He has not the right to say it. Moreover, Mr. President, it is not often done here, that Senators retail conversations that have taken place between them. I have never known that to be done much. There are certain things which are observed here in the Senate. We have little side talks. I may have said that this report might go through, but I have never committed myself to the Senator by saying that I was going to vote for it. He has no right, he has no business—and he knows it as well as I do—to refer here to an interlocutory talk between him and me. I shall never do that as to matters between him and me. If I did, I should get him in hot water every day.

Mr. TILLMAN. I had no purpose or desire to inject anything unpleasant into this debate. I was merely calling attention to a grave and serious matter of public moment and a grave and serious infraction of the unwritten law of the Senate, whatever may be the written law, that we should not inject into conference reports extraneous and new and entirely foreign matter, and have the conferees legislate, a thing which the Senator from Maine has condemned time and again; and I felt called upon to direct attention to the Senator's attitude last June.

Now he sees proper to lecture me because he says I am disclosing personal conversations. I do not usually betray personal confidences, and I had no conception that what we were discussing was private or secret, or that the Senator from Maine would talk to me in private one way and then do or say something in public another way. I have no such conception of that Senator's honor and honorable character.

Mr. HALE. The Senator from South Carolina grows more and more offensive. He has no right to intimate that I have said anything to him which commits me upon this proposition in any way as to how I shall vote when it finally comes up. I may have said this proposition would go through and would be a relief, and that I might not interpose myself in the matter by making myself busy, but I have never intimated to the Senator in any way, shape, or form what my attitude was to be upon this matter when it is finally brought up. When it does come up I shall vote as I always try to vote, in accordance with what I believe is the wisdom of legislation.

I do not forget my record of the past. The Senator need not busy himself by reading all that. That is not called for. I do not forget easily. I say to the Senator now that I have never intimated to him that in this matter I would change the attitude which I have always held about this matter of the right of conferees—never. If he says to the contrary, then he states what no conversation between him and me justifies his stating.

Mr. TILLMAN. I do not want any issue with the Senator from Maine in regard to veracity. I do not think it worth while to bring it to that issue, and I can only say that from what conversation I have had with the Senator, I understood that he would no longer occupy the position he occupied last June.

Mr. HALE. The Senator had no right whatever to assume that.

Mr. TILLMAN. Well, the question of my rights, Mr. President, must rest upon my understanding of what has taken place. I am sorry I mentioned anything of our private conversation, but as the Senator so positively denied any knowledge on my part as to his present attitude, I could not be bottled up in that kind of a way or snuffed out when I knew we had talked about it, and that I had appealed to him, and I had reason to believe he would change his attitude by his vote, if nothing more.

Now the Senator will do as he pleases, of course. I can not do anything with him. I do not propose to try. I have no such desire. I am merely calling attention to the fact that there has been in the Senate on various occasions which I recall the issue raised as to whether conferees could do such and such a thing or whether they could not, and the Senator from Maine has always occupied a pronounced and aggressive attitude against the power of the conference committee to inject into its report anything that was new, that had not been considered by either House.

The Senator will not deny that that is his unbroken record, so far as I know; and as to what the Senator may do in this case he, of course, as I said, will do as he pleases. I have no purpose or intention of wounding that Senator's feelings or of doing anything to bring him into an attitude of inconsistency with himself. With his views of the wisdom and the necessity of a great issue, he will follow that course which seems to him best, and with that I shall not find fault. I simply contend that Senators here ought not to presume to hector one set of conferees, to lecture them, to call attention to these little lapses from custom and the rules in regard to conference reports, and the regular and proper thing to do in respect to them, and then six months later turn around and vote with another set who have done the very thing for which they lectured the first set. That is what I am complaining about.

My remarks, while I quoted the Senator from Maine, apply with equal force to other Senators here who have occupied that attitude, among them the Senator from Massachusetts [Mr. LODGE]. He says he was overruled, and that his view of the parliamentary status and rights was not sustained by the Senate, and that he bows to the will of the Senate as expressed by the Vice-President in his ruling with regard to conference reports—that we can not amend them; that we can not instruct the conferees; that all we can do is to reject the entire report regardless of what it may contain; that the point of order does not lie.

The Senator from Massachusetts called attention to a necessity, which I think other Senators will realize must exist here, that the rules of this body should be so shaped and such amendment should be had that when a conference report is brought in here and discovery is made that there are new things in it—extraneous matter, legislation by six men instead of by Congress—the point of order would lie and we would have the right to have the Vice-President declare whether this was new or not, and rule it out rather than be compelled to reject the whole report, and thereby kill, possibly, very important legislation.

That is what I am contending for now. If I have said anything to my friend that he thinks I ought to withdraw, if I can do so honorably I will do it.

Mr. HALE. The Senator has chosen his way, and I have nothing further to say.

Mr. TILLMAN. Then, Mr. President, I am satisfied.

Mr. BACON. Mr. President, I want to add only a few words. I desire to say for myself that in particularizing Senators it was for the purpose of citing them as authorities and with no view of visiting upon them any particular expression as to their attitude. I was emboldened to do this by the fact that Senators on the other side of the Chamber had yesterday said that they thought this bill was open to the objection of having introduced into it extraneous matter. It was a violation of the fundamental rule, and my sole purpose was to cite the very high authority of the Senators whom I took the liberty of naming, and in it I hope I did not trespass upon their sense of propriety.

I wish to call the attention of those Senators to the particular matter which I say in this bill violates the rule. This bill is a bill with reference to the exclusion of aliens. The bill as it passed the Senate had exclusive reference to the question of the admission or exclusion of immigrants. The bill as it passed the House was to the same effect. That went into the conference, and when the conference report is brought it assumes to amend the act of 1882, entitled "An act to regulate the carriage of passengers by sea," altogether an independent piece of legislation. While, of course, immigrants come by sea the act which is thus sought to be amended is not one which relates to immigration. The act is found in chapter 374, on page 186, of the Statutes, in the third volume, Forty-seventh Congress, 1881–1883, and is entitled "An act to regulate the carriage of passengers by sea."

This bill, on page 32 of the pamphlet before us, makes an amendment to the extent of a page of that act, which was not in any manner alluded to or touched upon in either the bill

that passed the Senate or the bill that passed the House, and, in order to show that it is not simply the making of regulations which shall affect immigrants and that it is specifically an act to amend the act of 1882, I call the attention of Senators to the fact that on page 33, in the next clause, there is an express reference made to the act of 1882, to save the conflict which might be between the two, showing that it was intended that it should be an amendment of the act of 1882.

Mr. President, I do not think that anything could justify an approval by the Senate of that act on the part of the conferees. I do not think, even if it would entail the practical defeat of the measure with reference to the Pacific coast, it would justify our direct and radical violation of this fundamental, vital, and important rule. But we do not stand confronted with any such necessity. As I have said repeatedly in this debate, the purpose sought to be effected with reference to the Pacific coast situation can be effected by a joint resolution, which can be passed through the Senate by a unanimous vote of the Senate, which shall embrace every detail as embraced in this bill relative to the Japanese situation on the Pacific coast, and it can become a law, and become a law speedily and promptly, by the unanimous vote of the Senate and, I presume, by the unanimous vote of the House. And we would still preserve inviolate our regard for and observance of this fundamental rule as to conference reports not bringing in matter here which was not in difference between the two Houses, and which in this case goes still further and relates to matters which were not within the subject of that which was within the purview of the bill of the Senate or the purview of the bill of the House.

Mr. CARTER. Will the Senator from Georgia, before resuming his seat, answer a question?

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

Mr. BACON. With pleasure.

Mr. CARTER. During the long-continued debate yesterday afternoon it was frequently asserted by the Senator from Georgia [Mr. BACON] and also by the Senator from South Carolina [Mr. TILLMAN] that this conference report contained matter extraneous and not considered in either House of Congress in the original bill. Further still, I understood the contention to be that the subject-matter was not germane to the question upon which either House had legislated and upon which the conference was ordered.

I desire to know from the Senator if it is true that section 42, found on page 32 of the printed pamphlet (Document No. 318), is the only subject-matter to which his objection is directed.

Mr. BACON. The Senator from South Carolina [Mr. TILLMAN] had already made the same criticism upon the section which relates to the power of the President to exclude Japanese. I do not mean to say there is no other extraneous matter in the bill. On the contrary, there is. I will call attention to it. To the provision with reference to the exclusion of Japanese I did not raise any point, because while I thought there might be some room for argument on that question, I did not concede that there was the slightest room for legitimate argument as to the particular section which I have indicated to the Senate and which the Senator has just repeated. There is another one, if the Senator desires me to point it out.

Mr. CARTER. My purpose in propounding the interrogatory to the Senator is to bring an issue here upon the question whether this conference report actually contains subject-matter not germane to the question or not passed upon by either House of Congress.

I take it to be true that a conference committee has reasonable latitude in attempting to reconcile the disagreeing views of the two Houses, provided always that the conferees shall confine themselves to subject-matter germane to the legislation or the bill. The contention of those who raise this point of order has been, I believe, that this is entirely new matter, and that neither House of Congress has passed on the subject-matter, and that the subject-matter itself is not germane to the legislation being considered or confided to the conference committee, and, to the end that we may know the exact issues, I desire to have pointed out the particular portions of the bill to which these objections go.

Mr. BACON. If the Senator will pardon me, I think in addition to that there is also a violation of the rule governing conference committees to be found on page 31. I am very frank to say that this not so marked a violation as the one to be found on the succeeding page, 32, which is section 42. I regard section 42 as being as pronounced and marked a violation of the rule as it is practicable to find.

Mr. CARTER. To what portion of page 31 does the Senator refer?

Mr. BACON. I will read the part. On page 31, about the middle of the first paragraph, after the semicolon following the word "Congress," are these words:

> And the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the emigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the emigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such emigration.

The ground upon which I base the criticism that that is a violation of the rule which governs and should govern conference committees is that there is not in either the Senate bill or the House bill the remotest reference to any such provision of law, and it is a most important and drastic and far-reaching provision, the limits of which it is very difficult for us to realize until it has been put in practical operation and we see what power is assumed to be exercised under it.

Mr. CARTER. I further ask the Senator if he considers the subject-matter last referred to as germane to the legislation under consideration or the questions confided to the conferees of the respective Houses?

Mr. BACON. I do not consider it within the questions confided to the conferees. I do not agree with the Senator from Massachusetts [Mr. LODGE] that when a bill has been put into conference the conferees are at liberty to frame any provision of law they may see so it relates to the subject-matter. I do not agree with that proposition, and my criticism on this is that it is distinctively without any provision relating in any manner to any part of either the Senate bill or the House bill and could not consequently have been in difference between the two Houses, because there is nothing in either bill about it.

Mr. CARTER. Do I then understand that the portion of section 39 referred to and section 42 constitute the only two portions of this report to which objection is raised on the question of order?

Mr. BACON. They are the only ones that I have suggested as being thus.

Mr. CARTER. That, I think, reduces the matter to a simple question as to whether or not the subject-matter comes within the rule.

Mr. LODGE. Mr. President, I am indebted to the Senator from Montana [Mr. CARTER] for bringing the points of order down finally to the exact provisions in the conference report to which Senators object.

There has been, I will not say a tacit assumption, but there has been a very vocal assumption by the Senator from Georgia [Mr. BACON] and the Senator from South Carolina [Mr. TILLMAN] that this is a pure usurpation, and that the conferees have gone beyond their powers. I should not have taken the floor again if I had not desired to dispel the idea, so far as I could, from the minds of the Senate, if any Senator has the idea, that the conferees admit for one moment that they have usurped powers or gone beyond the powers confided to them. The two conferees who signed the report with me, the chairman of the committee, the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Mississippi [Mr. MCLAURIN], are two of the ablest and most conservative lawyers on this floor. They were both perfectly aware of exactly what we were doing.

Mr. President, I assert—and I shall try to demonstrate my position to the satisfaction of the Senate—that in the situation presented to the conferees we have not gone beyond our powers, either in contemplation of the Senate practice or of the House, where the rules are much more stringent than they are with us.

The Senator from South Carolina [Mr. TILLMAN] yesterday consumed a great deal of time in showing or trying to show that I have been guilty of inconsistency. Since I have been in Congress, in both branches, I have seen a great deal of time devoted to exhibiting individual inconsistencies, and it has always seemed to me a great waste of time. Individual inconsistencies are of very little importance. But I think I can demonstrate in this case that there is no such inconsistency as the Senator spoke of. In the first place, he confuses two distinct questions. One was on the ruling of the Chair as to points of order in the Senate under its rules and practice as to conference reports. The other point was as to the powers of conferees, and whether in this case, as a matter of fact, they had exceeded their powers.

As to the first point I argued here as well as I was able to do in favor of the House practice of a point of order lying against a conference report. The Chair overruled that position and was sustained in his ruling by the Senate, and I am convinced that under our rules and practice that decision of the Chair was correct. I am not now speaking of the policy or its expediency, but simply of what it is under our rules and practice. That being the case, of course I no longer argued against a settled decision of the Senate.

Now, as to the usurpation of powers by the conferees in this instance, this case is not on all fours at all with the case of the rate bill. That was a House bill with certain numbered amendments, excluding absolutely from the consideration of the conferees matters agreed upon by both Houses. In this case the House substituted for the bill of the Senate not only a new bill, but the entire immigration statute of the United States, with amendments of their own. They did not omit a single section. They even went so far as to change the title of the Senate bill. They preserved nothing but the enacting clause, and to that bill of theirs they added a number of sections which were not in the Senate bill at all.

Mr. President, in the judgment of the conferees, there being only one amendment, and that being a complete statute, that entire statute and the whole subject-matter of that statute were open to the conferees. I may say that very early in our conferences I thought it best to take the opinion of the Speaker of the other House as to the general powers of conferees in the conditions which then arose. I have no right to quote, and shall not, a private conversation, but on the parliamentary matter I think I am at liberty to say that the conferees, in their interpretation of the situation, did not go beyond the views and the opinion of the Speaker of the other House, who is recognized as one of the great parliamentarians of the country.

Now, take the three sections to which the Senators object as new matter. In the first place, dismiss the idea that this is a clause about the Japanese. No nation's name is mentioned in the statute, except in the repealing clause, which excepts from repeal the Chinese-exclusion statute. The proviso in regard to passports applies to all nations who issue passports to their subjects or citizens and who compel them to have passports to go to particular countries. It is a general provision relating to the exclusion of a certain class of immigrants under certain conditions. It is a mere extension of the section to which it is added.

As I take it and as I believe the best parliamentarians hold, the test of the powers of the conferees in a case where an entire statute has been substituted for the bill of one House is whether the subject-matter is germane to the general subject committed to the conferees.

Will anybody read the section which makes exceptions in regard to our neighbors in contiguous territory—we have named those countries and made a special exception in their case—and deny that it is legitimately within the power of the conference to add an additional section as to the admission of immigrants under certain conditions of passports which would enable them to enter the country? If we are confronted by a question as to the admission of aliens holding certain passports, it is just as legitimate to add them to that section as it is to strike out the clause which permits the Canadian and the Mexican to come in after one year's residence without paying a head tax, a privilege which is refused to all the rest of the world.

The international conference to which the Senator also made the point of order is an extension of a House section. The House bill contained what the Senate bill did not—provisions for the establishment of a commission to inquire into the whole subject of immigration, both at home and abroad. The work of the conference was practically merely to extend the power of that commission to enable them to make an agreement, if they could, with other countries so that other countries would recognize and aid us in enforcing the laws relating to immigrants into the United States.

Now, Mr. President, I come to the case of the air space, and on that I should like the attention of the Senate, because that is the clause to which most objection has been made. It is an amendment of what is commonly called "the navigation act," the act regulating the carrying of passengers. Every immigration bill that has been passed has modified our navigation acts. Always relating to immigrants, of course, we have demanded new forms of manifests. That was put in the last law. We have put in penalties relating to the clearance of vessels. I could read from the act, with its amendments, large and extensive changes in the navigation laws, all made in immigration acts because they related to the subject of immigration.

This question of the air space was debated in the Senate when the bill passed. It was the general desire of the Senate that there should be abundant air space for the health of the immigrants, and at that time I can only say, speaking for myself, I supposed that the air space provided by the navigation laws was sufficient. It has become very evident in the last six months (the Department of Commerce and Labor has taken up the matter) that the air spaces are not sufficient. The amount of air space, the accommodation for immigrants coming to this country, is a direct matter connected with the well-being and the health of the immigrants who land on our shores. We require those immigrants to be in a certain physical and mental condition. We require them to be healthy. If not, they are liable to be sent back to the country from which they came, often at the cost of great suffering.

Mr. President, nothing is more important to those people arriving here in ships than that they should have quarters which will not stimulate or produce disease. There is nothing more absolutely essential to the health and well-being of the immigrants than the air space and the condition they are in on board the ship.

There are other regulations in regard to immigrants contained in the navigation acts and in the immigrant laws. I think we should have the right to deal with them. It was on that theory that the conference acted, that they had to take this matter apparently new, but which really related only to the immigration subject. Although it involved the amendment of another statute, it related only to the particular condition of the immigrants. They felt that with an entire statute before them it was legitimately within their scope.

I have not changed my mind as to the powers of conferees. I hold to the same view as the Senator from Maine, and the view that I myself expressed. I have not the least desire to put into the hands of conferees powers which do not belong to them. I believe that I am as jealous of the integrity of the powers of the Houses as any Senator can be.

My contention is that we have not exceeded our powers under the situation presented, the very unusual one of not only striking out an entire bill, but placing in the conference an entire statute relating to the care, the exclusion, and the admission of immigrants into the United States. The subject-matter being before us in that way, it seemed to me the true test was, Is the subject properly germane to the subject intrusted to the conferees?

In my judgment, Mr. President, the conferees had a right to make the addition with which fault is now found. I am informed to-day—and I venture to quote it that I may not be supposed to be advancing something which only a member of the conference would be supposed to hold—I am informed to-day that the man whom I consider, and whom I think all consider who have examined his books, to be the greatest parliamentary expert living as to the parliamentary law of the Congress of the United States, Mr. Hinds, clerk at the Speaker's table, pronounced both these amendments to be entirely germane and within the power of the conferees.

Mr. STONE. Mr. President, I do not wish to discuss the labor-contract feature of the bill further than to say that I think that practically every American is opposed to the admission to our shores of laborers who have made contracts in foreign countries to engage in employment in our domestic industries.

I do not know of anyone who favors any relaxation or modification of the restrictions upon that character of immigration. I think it is safe to say, and it ought to be, that every political party in this country is committed to the policy of restricting and to the policy of maintaining these restrictions against the introduction of foreign contract labor. It is almost as fixed a policy in American public opinion as the Monroe doctrine; it is universal.

That is all I care to say about that phase of the question which has so far occupied the Senate in this discussion. I do not care either, Mr. President, to discuss that other phase of the subject embraced in the conference report which relates especially to the Japanese further than to say that every proper effort ought to be made to adjust the differences that seem to exist between this country and Japan. I would regard it as a very great mistake if the Senate or the Congress failed to pass such legislation as might be necessary to bring a satisfactory adjustment of that situation.

Mr. President, there may be some question about the wisdom, and I have heard some question raised as to the constitutional power of Congress to pass a law confiding to an executive officer, though he be the President of the United States, the power reposed in and conferred upon him by the provisions of this bill. It is a matter of such grave consequence in preserving the peace between this nation and Japan, and our interests in

the Orient are such that every possible effort ought to be made within the bounds of reason and by the power of Congress to effect satisfactorily an adjustment and disposition of these differences. So much for that.

But, Mr. President, the particular question I arose, not to discuss, but to inquire about, relates to the provision which I find on page 17 of Senate Document No. 318, being the conference report.

I ask the attention for a moment of the Senator from Vermont [Mr. DILLINGHAM], who has the bill in charge. An amendment is proposed to section 2 of the present law, which I find, as I said, at the bottom of page 17 of this document. The amendment is in these words:

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

Under the law as it is and under some amendment inserted before the amendment I have read it would exclude "all idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis, a loathsome or dangerous contagious disease." Then comes the provision to which I have adverted, which is as follows:

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

And then follow other classes who are excluded, such as "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists," etc.

Mr. President, I do not know whether Senators have had the same experience, but I have received numerous protests against the clause to which I have called especial attention from citizens of Jewish extraction, not only from my own State, but from other States. These protests have come sometimes from Jewish organizations and sometimes from individuals. Within the last twenty-four hours I have received this telegram from New York:

NEW YORK, *February 14, 1907.*

Hon. W. J. STONE,
United States Senate, Washington, D. C.:

Important that right of appeal conferred by other sections of immigration law should be granted to review decisions of inspectors account of low vitality.

H. A. GUINZBURG.

I know this gentleman, Colonel Guinzburg.

Mr. GALLINGER. Is that "low vitality?"

Mr. STONE. Yes, sir. The low-vitality clause is the one to which I am trying to direct attention. Colonel Guinzburg formerly lived in St. Louis, and when I had the honor to be governor of my State he served on my staff, and I knew him well. He was very prominent in the social and business life of that city and a prominent Jew. I have just received a letter from New York, which I shall read also. Although I have received numerous protests of like kind from my own State, this having come within the last few hours, I am reading samples of others that I have had. This is from Mr. I. B. Kleinert, of New York, who is at the head of the I. B. Kleinert Rubber Company, one of the largest rubber manufacturing concerns in the East. He says:

NEW YORK, *February 13, 1907.*

Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: There is, according to the papers, a concerted attempt to restrict the immigration of the poor, unfortunate, persecuted Russian Jews. While the contemplated law does not say so in plain language, it does say so by inference. The same nefarious object was pursued in England. No one thought of it before the massacres occurred in Russia, but when the exodus began these measures were brought to light. It is useless to waste time writing on the unbounded injustice toward these unfortunates. The causes given are without foundation in fact. In Russia it is simply a hierarchical policy to prevent the liberal-mindedness and broad-principled tenets of these people to become known and perchance adopted by the ignorant hordes which sustain the hierarchical institutions. The Jew is shown to the multitudes to be a caricature after the laws had made him so. In liberal countries, while the people are still fed with the same nefarious pap of the infancy of humanity, with lies and calumnies about the Mosaic people, yet where the laws are liberal the result is soon seen on them, inasmuch as they are citizens among citizens, comparatively free from the vices which make police and police courts a necessity. Look at the showing these people make in this country. No one, man for man, can conjure up superiority to them neither in citizenship nor in performance of a citizen's duties. The prejudice existing has its root in the ignorance of the true status. The features of the bill referred to which are vicious, positively vicious, is that a man is to be judge and jury at the port of embarkation who is and who is not fitted to come to this country. Now, we must certainly keep our shores free from the vicious element, as also from paupers, but we must not discriminate against anyone who is willing to work and who will make himself or his children good American citizens. The Jew makes, above all, a good, law-abiding citizen, is always educated in some way, and very soon acquires our education and citizenship. Please put your interposition against the unjust clauses, so that the measure may emerge as a just and truly American measure, aiding the good and preventing the evil influence and influx.

Sincerely, yours, I. B. KLEINERT.

Mr. President, having gone so far—and it is far enough to show the reason which induces me to take the matter up—I wish to ask the Senator from Vermont what the reason was for introducing this amendment; what evil exists that is not covered by the present law or which this provision is necessary to cure, or what the purpose of it is?

Mr. DILLINGHAM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. STONE. I do.

Mr. DILLINGHAM. Mr. President, it should be remembered, and it will be remembered by those who listened to the debates last winter, that this bill was not intended so much as a restrictive measure as one that should provide for a better selection from those offering themselves as residents of the United States. The statistics show that the law of 1903 has operated very well indeed; that 82½ per cent of the aliens who have come into the United States during the period of five years have been between the ages of 14 and 44 years—just in the very prime of life—and that 12 per cent have been below 14 years of age, leaving only about 6 per cent above the age of 44 years.

The existing law provides that certain classes enumerated—and the enumerated classes have been very largely read by the Senator from Missouri—shall be excluded, and among them are paupers and those liable to come to want. In this 6 per cent, of which I have spoken, above 44 years of age are some in whom perhaps will not be found the specific diseases for which exclusion may be claimed; nevertheless they may be deficient mentally; they may be deficient physically, so that they are liable to become public charges and to swell the number that already fill the hospitals, particularly in the State of New York.

On page 44 of the document containing the conference report will be found the provision of the House bill containing the clause in relation to the excluded classes, and among them are those found "to be of a low vitality or poor physique such as would incapacitate them for such work."

The clause of the Senate bill is one which has been read, and in conference the Senate clause was adopted. It is the clause that was approved by this body a year ago when the matter was under consideration. The Senator from Missouri will see that it has been treated in such a way that it can do no injustice to anybody. The examination must be a medical examination.

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

Mr. STONE. Does that mean that the defect must be permanent or temporary?

Mr. DILLINGHAM. I do not know that I can make it any more clear than the language of the bill itself. The clause, I may say, was drawn with great care, was submitted to the officers having this matter in charge, was taken to the Department of Justice, submitted to the Assistant Attorney-General, who has charge of all the litigation growing out of immigration cases, and it was under his advice and with his aid, in order that no injustice might be done to any, that the language was adopted which has been incorporated in the report.

I do not think that the fear expressed by the writer of the letter from whom the Senator has read is any longer entertained by those representing that class. They objected to the language of the House bill; but, so far as I know, they do not have the same objection to the language of the Senate bill, which was adopted by the conferees.

I ought to say further, inasmuch as the writer of the letter which the Senator from Missouri has read supposes that there was an arbitrary examination at the port of embarkation, that such is not the case. The examination of the immigrant is made after he reaches our own shores and at our own station.

Mr. STONE. My only object in rising at all, Mr. President, was to call the attention of the Senators in charge of this measure to this objection. I am sure there is no purpose on the part of any Senator to discriminate against the Jews, for instance, who are the people who have been writing to me about the matter.

Mr. DILLINGHAM. I will say to the Senator that such a thought as that never entered into the mind of any person who had anything to do with the drafting of that clause.

Mr. STONE. Of course, I know it did not; but on account of the fear that was entertained I simply desired to call attention to it and to have an expression from the Senator that it was not intended by any possible consideration to affect those people.

Mr. CULBERSON. Mr. President, the point of order which has been made to certain paragraphs of this conference report presents one question, but the report itself presents an entirely different question. In my judgment, some of the paragraphs of the report are subject to the point of order made by several Senators, among them the Senator from South Carolina [Mr. TILLMAN] and the Senator from Georgia [Mr. BACON], and as they are, in my opinion, against the rules of the Senate, against orderly legislation by Congress, and subtract from the authority of the two Houses of Congress, I will, if an opportunity presents itself, vote to sustain the point of order.

That does not mean, Mr. President, that I will vote against the passage of such a law as is presented in this report. On the contrary, as I believe not only in the enforcement of the contract-labor law, but, if need be, would increase its efficiency, and inasmuch as I believe in the exclusion of Japanese coolies and laborers from the United States, whether entirely or to the extent proposed in this measure, I shall vote for this report disconnected from the point of order.

The Senator from Massachusetts [Mr. LODGE] a few moments ago suggested that the proposed legislation with reference to passports did not name the Japanese. That is true; but the Senator will not, I apprehend, deny that it was intended to meet the Japanese situation.

Mr. President, how does this Japanese situation arise, and what is there in it to cause apprehension and alarm? I take it that it results, first, from the fact that we own the Philippine Islands, and that somebody somewhere is afraid of a controversy which may ultimately involve that eastern situation. I take it that the Japanese situation arises, and it has become acute, furthermore, because the President of the United States, in his two messages to this Congress which dealt with the question, has seen proper to misstate the situation in California in the interest of the Japanese, so that those people, taking the case from the President himself, assert and claim that great injustice has been done to their countrymen on the Pacific coast on the school question. I will not stop to read at this time the messages of the President upon this subject; but I call the attention of the Senate to the fact that in each of these messages to Congress he has misstated the situation there to the effect that the Japanese had been denied the benefits of education, when the truth is, that they have only been denied the privilege of attending the same schools which the white children of California were attending.

Mr. President, what is the remedy proposed here for this situation by this bill which has been brought in by the conferees? I shall not read it again, but it appears on page 17 of the report of the conferees, and is to the effect that the President of the United States himself shall exclude laborers from other countries that come here under false pretenses, as it were, and that the exercise of that right shall rest in the discretion of the President alone.

Let us look at that a moment. I read from the Washington Herald of this morning a statement purporting to have been issued by Mayor Schmitz, of San Francisco. That statement is as follows:

> We have come to a satisfactory understanding upon the assumption that Congress will pass the amendment to the immigration bill introduced February 13. Until this amendment is enacted into law we shall make no statement as to what the understanding is.
>
> E. E. SCHMITZ,
> *Mayor of San Francisco, for the Board of Education.*

In the Washington Post of this morning, what do we find?

> Mayor Schmitz and the members of the San Francisco school board, having been assured by the President that this immigration report would be agreed to either at this session or at an extra session he would call, if this action were necessary, and the school board having been turned down by the Japanese Government on its proposition to establish a separate school for Japanese children, the California authorities now in Washington yesterday capitulated. They agreed to admit Japanese children into their public schools, believing that greater good will come from the exclusion of Japanese laborers and coolies.

I do not know, Mr. President, whether this statement is authoritative. If any Senator in this Chamber desires to correct it, I should be very glad to have him do so. What, then, is the situation, Mr. President? What is implied by these matters to which I have called attention? It is this: The President will have authority under this law to exclude Japanese laborers and coolies; he will hold the exercise of that authority in abeyance and over the heads of the California authorities, and will keep out the laborers and coolies, provided the civil authorities of California will admit Japanese children indiscriminately to the public schools of San Francisco. Is that the understanding? Is that the meaning of this? Does any Senator from California or elsewhere deny that these facts are susceptible to this interpretation?

Mr. FLINT. Mr. President——

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

Mr. CULBERSON. Certainly.

Mr. FLINT. Mr. President, I desire to say that, so far as I am concerned, I know of no agreement between the California delegation and the President in reference to the adjustment of the school matters of San Francisco. I have not been a party to any such agreement or attended any conference of the California delegation or members of the school board of San Francisco with the Secretary of State or the President of the United States.

Mr. PERKINS. Mr. President——

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

Mr. CULBERSON. Certainly.

Mr. PERKINS. I think it is also incumbent upon me, Mr. President, to make the same assertion that has been made by my colleague [Mr. FLINT]. I know nothing whatever of any arrangement having been made, directly or impliedly, other than that which the Senator from Texas read or has quoted from the newspapers. While the truth is almost always in the newspapers, yet it is sometimes painted in Titian colors. It is highly colored, I think, in this instance; at any rate, I can say the truth has been embellished to a high degree.

Mr. CULBERSON. There is no statement, Mr. President, which I have read which says that any agreement or understanding has been entered into by the delegation in Congress from California. The statement is to the effect that an understanding has been reached between the President, the mayor, and the school authorities of San Francisco upon this subject, and the extent of the statements which have been made by the Senators from California is that they are not apprised of any such arrangement. Of course their statements are entirely acceptable and satisfactory to us all.

Mr. BEVERIDGE. Mr. President——

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

Mr. CULBERSON. Certainly.

Mr. BEVERIDGE. Does the Senator think that such an agreement as he details has been reached?

Mr. CULBERSON. I stated that the newspapers reported that such an agreement had been made.

Mr. BEVERIDGE. What is the Senator's opinion? He is making a speech upon that supposed agreement.

Mr. CULBERSON. I am not on as good terms with the President as is the Senator from Indiana, and of course I have not——

Mr. BEVERIDGE. That is the Senator's misfortune.

Mr. CULBERSON. I dare say; but that is a question of opinion also. [Laughter.]

Mr. BEVERIDGE. I should like the Senator's opinion, since he is making a speech upon it, as to whether he thinks such an agreement has been reached?

Mr. CULBERSON. Mr. President, I would not be surprised, in view of all the circumstances connected with this matter, if such an agreement as that has been reached.

Mr. BEVERIDGE. Now, Mr. President, assuming that such an agreement has been reached, and, as the Senator has said, that it affects California, and San Francisco particularly, since the city authorities of San Francisco are satisfied and the school authorities of San Francisco are satisfied and the Senators from California are satisfied and the President is satisfied, why should the Senator from Texas be dissatisfied?

Mr. CULBERSON. I am dissatisfied, Mr. President, if this kind of an agreement has been entered into, because the President of the United States and the majority in this Chamber intend that the people of California and San Francisco shall surrender their right to local self-government, or else Japanese coolies and laborers may be continued to be admitted into this country.

Mr. BEVERIDGE. Mr. President——

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

Mr. CULBERSON. Yes.

Mr. BEVERIDGE. Does the Senator from Texas think that he is a better guardian of the interests of San Francisco than are the city and school authorities of San Francisco themselves?

Mr. CULBERSON. I think, Mr. President, that there is no such whip held over me by the President of the United States as he holds over the citizenship of California with respect to this immigration.

Mr. BEVERIDGE. But would the Senator mind——

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

Mr. CULBERSON. Yes.

Mr. BEVERIDGE. Would the Senator mind answering that question, since the Senator says that he thinks an agreement has been made by the authorities of San Francisco?

Mr. CULBERSON. I have said nothing of the kind. I have simply read from a newspaper, which states that an agreement of that character has been entered into, and I said that I would not be surprised, from all the circumstances, if it did state the truth.

Mr. BEVERIDGE. The Senator's entire speech is based upon the supposition that such an agreement has been reached. Now, I have twice asked the Senator—and I trust he will answer me so that the Senate may be informed—whether in his earnest defense of the rights of San Francisco and of California the Senator from Texas thinks he is a better guardian of those rights than are the authorities of San Francisco and California themselves?

Mr. CULBERSON. Mr. President, I express it as my belief that after this controversy is over it will be seen that the authorities of California and the school authorities of San Francisco will admit the Japanese to the public schools of that city indiscriminately, and that the President will enforce to a degree this authority to exclude Japanese coolies and laborers, and that thus, in all probability, subsequent events will develop the truth of this statement.

Mr. BEVERIDGE. Mr. President——

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

Mr. CULBERSON. Mr. President, of course I would be very glad to answer any question of the Senator from Indiana, but I only intended to speak a moment upon this question and not defer the vote longer than 4 o'clock, the original time suggested for taking the vote.

Mr. BEVERIDGE. I will not be persistent with the Senator. I will submit to the Senate and to the Senator that he has not yet answered my question. I was only going to repeat it, after venturing to recall the Senator from the realms of prophecy, which he has entered and in which he is always so engaging, and ask him to state to the Senate whether the Senator from Texas thinks he is a better guardian of the rights of the people of San Francisco than are the authorities of San Francisco themselves and of the rights of the people of California than are the Senators from California themselves?

Mr. CARMACK rose.

Mr. BEVERIDGE. Of course, if the Senator from Texas does not want to answer that question, I see the Senator from Tennessee [Mr. CARMACK] has risen——

Mr. CULBERSON. I would state to the Senator from Indiana that if I were less modest than I am and less modest than some I know, I would unquestionably express the opinion that I was a better judge of those things than are the people of California.

Mr. BEVERIDGE. Then, I take it, Mr. President, that the Senator is proceeding upon the assumption that the Senator from Texas is a better guardian of the rights of the people of California than are the Senators from California on this floor and of the people of San Francisco than are the authorities of the people of San Francisco.

Mr. CARMACK. Mr. President——

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

Mr. CULBERSON. Certainly.

Mr. CARMACK. I just wanted to suggest to the Senator from Texas that the question of coercing a sovereign State into a surrender of its right to govern its internal and domestic affairs is a question that concerns every Senator in this body and every citizen of every State.

Mr. BEVERIDGE. Mr. President——

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

Mr. CULBERSON. Mr. President, of course if the Senator from Indiana——

Mr. BEVERIDGE. No; I will not interrupt the Senator further. I am going to venture to reply to the Senator from Tennessee merely by saying that the Senator from Tennessee is always vigilant and alert, and, I might almost say, militant to find a violation of the sovereign rights of the States all over the country all the time under this and every other Administration. [Laughter.] If there is one thing that the Senator from Tennessee is more careful of than another, it is to find the rights of the States being violated at every minute of every night of every day of every year, and, in his defense, I pay him the tribute of saying that he is always watchful, wakeful, and brave.

Mr. CARMACK. Mr. President, if the Senator from Texas will permit me——

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

Mr. CULBERSON. Yes.

Mr. CARMACK. I will say if there is anything with respect to which the Senator from Indiana is more vigilant than any other, it is to find a chance to violate the Constitution. [Laughter.]

Mr. BEVERIDGE. Mr. President——

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

Mr. CULBERSON. Mr. President——

Mr. BEVERIDGE. I hope the Senator will yield merely to let me say——

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

Mr. CULBERSON. Of course.

Mr. BEVERIDGE. I merely hope the Senator will let me say, in answer to the more or less truthful observation of the Senator from Tennessee, that no matter how fell might be my purpose or that of any other Senator upon this floor, it never could be accomplished while the Senator from Tennessee was present. The Constitution, Mr. President, is absolutely safe so long as he is here. [Laughter.]

Mr. CARMACK. Then it will be a short-lived Constitution. [Laughter.]

Mr. CULBERSON. I have referred, Mr. President, to this question for the purpose of indicating that not only have the rules of this Chamber been violated, in my opinion, by bringing in such a report as this under the circumstances, but that it has been done for the purpose, not known perhaps to all, of compelling the people of California and of San Francisco to surrender their right under the Constitution to regulate their public schools. If not, Mr. President, why do they propose this indefinite discretion in the President of the United States? Why does the mayor of San Francisco insist that until this is adopted he will not state what the understanding is? If they want to exclude the Japanese, if they want to answer the demand of the people of California and the people of the other States of the Union to exclude Japanese coolies and laborers from coming in contact with the labor of this country, why do they not do it by express law? Why do they leave it merely to the discretion of the President, and allow him to stand there with this authority on his part, and on his part alone, to exclude them under such conditions as he may see proper to dictate?

Mr. President, yesterday, having this situation in view, I proposed in effect that the conference report should be recommitted and the conferees should be instructed to bring in an amendment excluding Japanese coolies and laborers from the United States absolutely and positively, and not leave it to the discretion of the President to do so, provided, as I believe, the understanding is that the people of California shall surrender their rights upon this local question.

Now, let me read the resolution I proposed yesterday:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

Upon that I challenge those in charge of this bill and on the other side of the Chamber to vote upon the question. Do not get behind a point of order. Points of order are convenient or inconvenient in this Chamber as party purposes are to be subserved.

Mr. BEVERIDGE. I will suggest to the Senator from Texas that no point of order lies here.

Mr. CULBERSON. I was about to say that even the Senator from Indiana can be mistaken.

Mr. BEVERIDGE. Of course the Senator could not expect the Senator from Indiana to admit that, but upon this particular point the Senator from Texas will have to admit that he is in error, since a point of order does not lie upon a conference report.

Mr. CULBERSON. I am very glad to hear the Senator from Indiana say, contrary to the opinion of the Senator from Massachusetts, that a point of order against this resolution which I have proposed will not lie, and I am satisfied the distinguished occupant of the chair, from the same State, will concur in so just a ruling.

Mr. BEVERIDGE. The point of order about which I was talking was the Senator's suggested point of order against the conference report. I did not know anything about his resolution. The Senator from Texas has so many resolutions here all the time that I could not possibly be supposed to expect that this was the particular one he had in mind.

Mr. CULBERSON. The Senator from Texas has introduced a good many resolutions, but they have always brought forth fruit.

Mr. BEVERIDGE. Splendid resolutions, Mr. President.

Mr. CULBERSON. What I desired to say was that I hoped the Senator from Massachusetts would withdraw his point of order as to this resolution, and let us have a direct vote of the Senate upon the proposition whether or not Japanese laborers and coolies should be excluded from the United States, so that the people of San Francisco and of the entire State of California might be allowed to exercise their sovereign rights as to their schools without coercion on the part of the President.

Mr. CLARK of Montana. Mr. President, it is not my purpose to take up the time of the Senate in any general discussion of this bill or the point of order raised on the several propositions. The points in the bill which are objectionable to some of the southern Senators have been ably presented, and I am in accord wtih their views upon those matters. But, Mr. President, I will direct the few words that I intend to say—and I do not purpose to detain the Senate long—to the provision found on page 17, which I will not read, as it has been already read several times to-day. It is the one to which the distinguished Senator from Texas [Mr. CULBERSON] has just alluded.

Mr. President, upon a careful examination of this clause I confess—and it may be possible that my mental machinery is not capable of grasping the subject presented—that I can not understand the scope and the purpose of the provision. I presume, in view of what has been said, that it is a proposition relating to the exclusion of certain undesirable Asiatic people from our shores. It appears to me that a question of such import, a question involving the rights and welfare of several million people in the western part of this continent, should have some kind of affirmative legislation, instead of the indirect, vague, uncertain, and inexplicable clause which has been hastily inserted in this bill.

We had pending during the last session of Congress the rate bill, which was discussed here during several months. It elicited the greatest and ablest debates, or amongst the greatest, ever heard in this Chamber. It was only after months of careful investigation and discussion that a conclusion was arrived at. We have now here a question, Mr. President, which, so far as it concerns the area in the western part of the country which may be affected by the provisions contained in the pending bill, is of more significance and of more importance than the rate bill as applied to that same territory. And yet we are to consider and pass upon a question of such immense importance, couched in such language that it is difficult to understand, and without any chance, except in a few hours, to discuss it, and we are called upon to pass it blindly, simply to help the President out of a dilemma.

I suppose that this clause grew out of the fact that there has been some difference of opinion between the Chief Executive and the citizens of San Francisco on the question of excluding Japanese pupils from their schools, a case in which, in my opinion, as has been ably contended, the President has largely exceeded his authority. If this be true and the people of Oregon and California are content with the provision of this bill, as their States will receive the first impact of the Asiatic hordes which may attempt to flood our shores, we, perhaps, of the intermountain States, who live away from the coast, might be supposed to rest content. But I want to say, Mr. President, that there are several hundred thousand citizens of this country adjacent to the Pacific coast States—and I speak only for the State which I have the honor in part to represent here—who, notwithstanding the decision of the representatives from California, will not be satisfied with this flimsy subterfuge. The question of Asiatic immigration affects all of the western part of the United States. We have a large Chinese and Japanese population now in that part of the country, and the great labor organizations whose members are occupied in mining and other industrial pursuits which are the basis of prosperity in all that vast region are a unit against the further immigration of Asiatics into this country, and the people generally support them in that contention.

Mr. President, we find here a provision that when the President of the United States shall be satisfied that the purpose of the people to whom passports have been issued to go to the insular possessions of the United States or to the Canal Zone is to enter the United States ultimately to the "detriment of the interests of labor," he may refuse to admit them. Now, we know that the President of the United States recently in a communication to the Congress expressed himself in the broadest and most liberal terms concerning the influx of Japanese into this country, and went so far as to recommend that they be allowed full privileges of citizenship. Is it probable that a Chief Executive who entertains such favorable impressions of the Japanese people is going to exercise the discretion set forth in this provision in favor of the labor interests of the country which it is supposed to be intended to protect?

It is, in my opinion, clothing one man with too much power. It is giving him the authority to legislate, as has been ably stated by the Senator from Idaho [Mr. DUBOIS]. Now let us look a little further into this proposition. The President may refuse to admit these people if he believes that their admission is to "the detriment of labor conditions." Who is to judge whether or not the admission of 10,000, 50,000, perhaps 100,000 Asiatics into this country might be detrimental to the labor interests? The President alone can determine that matter. As I said, it is a question of such far-reaching results that we ought not to rely upon the judgment and discretion of any one man, even though he occupy the exalted position of President of the United States. I do not know whether or not, in the absence of a treaty with Japan, the President will be warranted in exercising the discretion which this provision confers upon him with regard to subjects of Japan and other countries who might go to the insular possessions or the Canal Zone. It might be that the exercise of such discretion might involve us in trouble with that nation. I am confident that we have no treaty with Japan which would allow the President the power to exclude Japanese subjects from entering our ports if they should come directly from Japan to the United States.

Now, it seems to me, to make this provision consistent and complete—I should not say complete, because, in my opinion, nothing could be added to it that would make it complete—that it should go further and say that the President of the United States, when he believes that laborers or coolies coming directly from Japan into the United States, to the detriment of the labor interests, should have the power to refuse them entrance. Why was not such a provision as this included? Is it because the temporary residence of these people in Hawaii or the Philippine Islands or the Canal Zone might so demoralize them as to render them unfit to dwell amongst us? In my judgment, if these people who come around Robin Hood's barn to get into the United States should be excluded, the President should likewise be clothed with power to exclude those who come directly from Japan to this country. But it seems the friends of the Administration are afraid to take such a bold stand and have concluded to work by a plan of circumvention and indirection.

This whole proposition, in my mind, is ill advised, crude, and vague, and will accomplish nothing, and it is unworthy of being framed into an important immigration bill like this. It is one of those exclusion propositions which does not exclude, and never will exclude, undesirable people; and if our friends in California believe that it will meet their requirements and solve the difficulties concerning which they were recently up in arms, in my opinion, their hopes will hang by a slender thread.

Mr. President, I shall content myself with simply making this further statement, that, in my opinion, it is due to the people of the Pacific coast and of the great States of the entire West that the influx of hordes of coolies, whether they come from China or Japan or any other country, should be absolutely prohibited by a well-considered act of Congress, and that we should not attempt to deal with the question by such a proposition as this, which no one can completely comprehend and which will be barren of important results.

Mr. PATTERSON. Mr. President, in the last hour I received a couple of dispatches that relate to the proviso which the Senator from Montana [Mr. CLARK] has just been discussing, and I think it my duty to lay them before the Senate. I ask that they be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DENVER, COLO., *February 16, 1907.*

Hon. T. M. PATTERSON, M. C.,
Washington, D. C.:

We trust that Japanese labor will not be permitted entrance, but certainly not limited to Porto Rico, Hawaii, and the Philippines. If it must come, the mainland should be included.

C. S. MOREY.

HOLLY, COLO., *February 16, 1907.*

Hon. T. M. PATTERSON,
Senator from Colorado,
Washington, D. C.:

Clause in immigration bill before Senate allowing Japanese entry to Porto Rico, Hawaii, and Philippines, giving President power to restrict

them from mainland, very much against beet-sugar interests, as it gives cane-sugar countries cheap labor we need so much here. Please have clause modified so that we may have benefit of this cheap labor. The adoption of this clause as now formulated means very serious handicap to beet sugar.

W. M. WILEY,
Vice-President, The Holly Sugar Company.

Mr. PATTERSON. Mr. President, these dispatches show how easy it is for those who do not follow closely the proceedings in Congress to be mistaken as to the scope and meaning of measures before the two Houses. The theory upon which those dispatches were sent is that under this bill Japanese are to be excluded from the mainland and to be permitted to enter, without limit, Hawaii, the Philippine Islands, and our other insular possessions.

The point that was made by the Senator from Montana [Mr. CLARK] shows clearly that there is nothing at all in the proviso which excludes them from the mainland. In other words, so far as the proviso itself is concerned, if that were all there is that will operate upon immigration, the Japanese can come to this country directly from Japan as freely as they choose. I suppose the failure to provide for excluding Japanese who come directly from Japan to the United States is upon the theory that the Japanese will not be permitted to come directly to the mainland by the Japanese Government. I have understood—and whether my understanding of the thing is accurate I can not say—that Japanese are not allowed to leave the home country except upon passports, and that it is the policy of the Japanese Government to give no passports to its labor or cooly subjects to come to the United States. If that is the case, we can very well understand why there is no provision in this proviso that will exclude Japanese who come directly from the home country. But it must be clear to the most careless thinker that it is only necessary for the Japanese Government to change this policy, if that is its policy, so as to open its gates, and so many as please will pass through them and enter the United States directly from Japan.

Mr. RAYNER. Will the Senator from Colorado permit me?

Mr. PATTERSON. Certainly.

Mr. RAYNER. I merely want to say to the Senator from Colorado that so far as my knowledge goes there is no law of Japan upon the subject. It is merely a custom and usage. It can be changed at any time. There is no law which prohibits the Japanese from leaving Japan without a passport.

Mr. PATTERSON. It is simply a custom?

Mr. RAYNER. A custom which may be changed at any time.

Mr. PATTERSON. Oh, yes; I only mentioned that fact for the purpose of making a statement with reference to this proviso. If that is the only legislation, whether in the nature of acts of Congress or treaties, in which the Senate would play its part, that is to be had upon the subject, then I would vote against this proviso, and therefore against the entire conference report, because the proposed legislation would be wholly inadequate to accomplish the end that not only the Pacific coast seeks, but that all of the midwestern States have in view, and particularly the States in which mining is carried on to any very great extent.

The Japanese question has already become a burning one in Colorado, and the labor organizations of that State have commenced to take action upon it and to speak without reserve their opposition to Japanese immigration. Only yesterday I clipped this from a Colorado paper:

FIVE HUNDRED ADDED TO JAP COLONY AT PUEBLO IN TWO WEEKS—THIS NUMBER JOINS THE 1,100 ALREADY EMPLOYED BY THE C. F. AND I. COMPANY.

The Japanese invasion of Colorado is no fallacy. At the meeting of the Trades Assembly yesterday it was reported that within the past two weeks 500 Japs have arrived at Pueblo to augment the 1,100 already there. The latter number are employed by one concern alone, the Colorado Fuel and Iron Company.

I have been aware for a year or more that this company, the Colorado Fuel and Iron Company, a large steel manufacturing company in Colorado, has been engaged in replacing a large number of its white workingmen with Japanese. I suppose they do so because they find it profitable. It may be both in the quality of the labor and the wages paid; although I understand that up to this time no discrimination between the Caucasian and the Asiatic has been made by this company in the compensation paid for labor. But it shows that this Mongolian invasion, which commenced nearly half a century ago on the Pacific coast, and which was stopped and turned back, has commenced again from another country, and that Colorado, like all the other mountain States where labor is heavily employed, has already commenced seriously to feel the effect of this invasion.

I recall that in going from Denver to Grand Lake a year ago I crossed a spur railroad then being constructed upon which a large number of Japanese were working in the grading outfit. I was told that there was one group in the neighborhood of 130 strong. Since then from many parts of the State have come reports of the certain, the quick, but silent invasion of the labor ranks of Colorado by Japanese cooly laborers.

Mr. President, I intend, so far as I am concerned, to vote for this proviso, but I do it upon the theory that it is simply a tentative proposition. It is intended merely to stay the unrest, the clamor, the dissatisfaction that has manifested itself, commencing on the Pacific coast and extending eastwardly from there, a dissatisfaction that is made known in no uncertain ways and in a voice that has at last reached the capital of the nation.

The proposed legislation as a permanent proposition would not be worth the paper upon which it is written. In the first place, direct immigration is in no wise provided against. In the next place, I take it, under the very language of the proviso, if Japanese subjects should receive passports in good faith to go to some other country, say to go from Japan to the Hawaiian or the Philippine islands, and they did not at the time they received the passports entertain a fraudulent purpose to use them to get away from Japan to enter the United States, then we could not deny them admission should they subsequently come here. To do so would be a casus belli, for, Mr. President, I can imagine no greater affront to a high-spirited country than to deny admission to its subjects into a country to which, either under treaty or legislation, they had a right to come. Arbitrary or unjust exercise of a power in the Executive of one nation to exclude the subjects of another nation would justly cause grave dissatisfaction, and with most nations it would result in war.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. PATTERSON. With pleasure.

Mr. MALLORY. I should like to inquire of the Senator if he understands the proviso to mean that when the President discovers certain fraudulent entries into this country have been made by means of passports, he can issue an edict or an order prohibiting the ingress into this country of all subjects of the country that issues such passports, or does he construe it to be confined to the individual case of fraudulent ingress or entry?

Mr. PATTERSON. To my mind the language clearly limits the hostile operation of the President to those who fraudulently use passports.

Mr. MALLORY. Only to individual cases?

Mr. PATTERSON. Only to individual cases; and it does not empower the President to issue a general order prohibiting, say, in the case of Japan, all Japanese from coming into this country in the event we find that passports are generally abused.

The persons against whom the Executive is to direct his order are specifically named; they are "such" persons—that is, those foreigners who have secured passports from their home government fradulently, intending to use them to gain entrance into this country. Against "such," and such only, the edict of the President may be issued excluding them from our country.

Mr. President, if this is to be the full measure of relief the Western States are to receive, whether through a treaty or legislative action, I can see in the future a stormy time either between the citizens of our own country or between this country and a foreign country.

There can be no doubt as to what the people of the West will demand. I do not confine my designation to the Pacific coast. I extend it to the people, especially to the laboring people, of the West, the mechanics and workingmen of every class and degree in the West. There can be no doubt as to what the people will demand. It will be the exclusion of Japanese laborers and coolies from the United States and its colonies. That and nothing less. If they demand that, and the President shall execute this provision in the spirit of that demand, then offense will inevitably be given to the countries whose passports are challenged and whose citizens are excluded, because it must be, and it is undeniable from the careful wording of this provision, that it is neither the intention nor expectation of the Executive of the United States to use drastic measures to exclude the subjects of Asiatic governments from our shores. That is shown from the very nature of the authority that is given. It is all to depend upon the judgment of the Executive, first, as to whether passports to other countries or to our insular possessions were originally obtained to gain entrance into this country. It is the mind of the President that is to be satisfied upon that subject. Then, in addition to that, the mind of the President must be satisfied that the entry even of the interdicted classes will be detrimental to the labor of the country.

If this proposed law is administered in that spirit, if the executive department should use its discretion generously and admit any considerable number of the proscribed people, then,

Mr. President, there is disturbance, unrest, and dissatisfaction at home that must inevitably lead to trouble and discord with other nations.

If this law is executed in the spirit in which the working people of the West expect exclusion laws to be administered, then the President must, in my opinion, go outside and beyond the language of the proviso and enforce exclusion in such a way as to properly incense the governments whose subjects become the objects of our Executive's action. In other words, under it we are certain to have either grave and serious trouble at home or serious trouble with foreign nations.

The only excuse, Mr. President, for legislation of this character and upon a great subject like this is that it bridges over a troublesome time; that it will make easy negotiations which will accomplish the aims of the western people, and that there is a fair promise that the President will be untiring and unceasing in his efforts to secure by treaty the kind of exclusion that is needed, and if the President should be unable to secure that character of exclusion, then that Congress will not fail to come up to the full measure of its duty to the working people of the country.

Mr. President, upon the theory that this legislation is tentative or experimental in its character, upon the theory that the Executive and Congress are confronted with a crisis that demands palliation at the present time, upon the theory that this will tend measurably even to satisfy the dissatisfied elements of the western part of the country, and further, upon the theory that either the President or Congress or both will be prompt and earnest and energetic in securing the only kind of legislation that will satisfy the section of the country which is so deeply interested in the class of immigration that reaches our western shores, I shall support this measure.

The East is not disturbed. This undesirable population by the time it has been sifted through the thousands of miles of territory between the Pacific Ocean and the Atlantic, by the time it has been absorbed here and there in the numerous industries that stand ready to employ cheap or sufficient labor, by the time those needs have been filled only a scattering few will be left to reach the East, and that few will be there accepted as an advantage rather than be regarded as a menace.

But the people of the West have cause of complaint, and they will continue to have cause of complaint until this new threatened invasion has been arrested and a check put upon it as effective in every respect as were the exclusion laws of forty years ago that were particularly directed against the population of the Chinese Empire.

Mr. CARMACK. Just a word, Mr. President.

I thoroughly agree with what the Senator from Texas [Mr. CULBERSON] said in his criticism of the provision in this report giving the President the power and discretion in the exclusion of citizens of foreign countries. I agree with him as to the significance and the purpose of that provision.

I believe, Mr. President, speaking in plain words, the fact is that a foreign power has browbeaten the Government of the United States and it has browbeaten a sovereign State of this Union into a surrender of its rights to control its own affairs. The attitude of this Government toward California has been harsh and turbulent and offensive to the last degree. Its attitude toward Japan has been cringing, obsequious, and almost pusillanimous.

One of the President's favorite aphorisms has been to speak softly and carry a big stick. He seems to have interpreted that in this instance so as to speak softly to foreign nations and carry a big stick for the backs of his own people.

I object to this provision, Mr. President, because I believe that it will arm the Executive—and it is intended to arm the Executive—with a power to coerce the people of a sovereign State into a surrender of a right to control their own affairs, and that this is being done upon the demand of a nation made without a shadow of reason, without a shadow of right, without a shadow of foundation based upon any treaty stipulation or the Constitution of the United States.

Mr. NEWLANDS. Mr. President, I believe that the President of the United States has created the difficulty which he now seeks to remedy. Had he, in the first instance, met the demand of Japan with the insistence that the domestic affairs of the State of California were outside of the control of the President of the United States, and had he sought to insure lasting friendship between the two countries by urging a treaty that would prevent economic friction upon her own soil caused by the juxtaposition of two laboring classes differing essentially in their standards of life and their standard of wages; had he stood firmly for this, I believe there would have been no danger of the enmity of Japan.

The people of the United States have nothing but admiration for Japan and for the people of Japan. The people of the Pacific coast have nothing but admiration for Japan and the people of Japan. But the people of the United States and the people of the Pacific coast are determined that there shall be no increase of race complications upon American soil, and they know that the best way of cementing forever the friendship between Japan and the United States is to prevent a race conflict by refusing to bring in juxtaposition the workingmen of both races, differing as they do in their standards of life and of wages.

Instead of that the President of the United States arraigned the sentiment of the Pacific coast, arraigned the local authorities there for exercising the power which was theirs as a local sovereignty, and added fuel to the flame by insisting upon it that the Japanese people should not only be permitted to come here practically without restriction, but that they should be admitted to citizenship in the United States. He has thus created a movement upon the Pacific coast that will not rest until it ends in Japanese exclusion.

Mr. President, Japan has reason to complain of the United States, but not in the particulars to which the President has called attention. Within the past eight or ten years we have intruded our sovereignty into the Orient and taken possession of numerous islands there adjacent to Japan. Japan is a great maritime power, the carrier nation of the Orient, with ships floating upon every sea, with a splendid navy and a splendid merchant marine, and by reason of her nearness to those islands and her foresight and energy entitled to her accustomed share of the carrying business. What have we done?

We have extended our navigation laws to the Philippine Islands, though we have delayed temporarily their operation. For what purpose? To drive out the carrying trade of Japan and other nations from their accustomed fields and to monopolize the carriage of the Philippine Islands as well as that between the islands and the United States for American ships, imposing upon the Filipinos and upon their trade the extra burden of increased cost in ships and administration, and at the same time aiming a blow at Japan's operations in her legitimate field.

This Administration is to-day, under the misguiding name of "reciprocity," urging the maintenance of a tariff wall in the Philippines against the products of all nations except our own. Those islands have to-day a fair revenue tariff imposed equally upon the products of all countries, including our own, and it is sought now by this Administration to catch an underhold, to maintain the tariff wall or raise it as to these other countries, Japan included, and to level it to the ground so far as our own products are concerned. It is the very purpose of this measure by preferences given to ourselves to take away from Japan and other nations the opportunity to manufacture for and to trade with the Philippine Islands and to monopolize for American manufacturers and producers the trade of these islands. Those islands are in the Orient, at Japan's very door, within the field of her rightful operations.

While claiming preferences for ourselves in the Philippines, we deny Japan's right to preferences in Manchuria and Korea. This Administration is insisting upon the open door in Manchuria and Korea and proposing to close it in the Philippines. We insist that Japan, occupying toward Manchuria and Korea practically the same relation that we have toward the Philippine Islands—those of protection—should open the door of trade to us, and yet at the same time we are proposing to close the door on Japan in the Philippines.

These are possible causes of friction between Japan and this country, which are likely to increase in the future, which we should avoid, because we are wrong in our contentions. But we are not wrong in our contention that whilst we wish to maintain friendship with Japan we can not establish such relations of free immigration and intercourse of our people as to produce disturbance, economic revolution, and race conflict at home. We have the right to state that calmly and frankly to Japan. Whilst we insist upon this as involving no breach of international friendship, we should take care not to give cause of enmity between the two countries by economic changes in the Philippines, which will be sure to arouse the enmity and hostility of Japan.

I do not intend, Mr. President, to enlarge upon the difficulties of the situation, though a vast field of discussion is opened as to the future regarding the relations between Japan and this country, particularly if we retain our possessions in the Orient. Friendship with Japan, if we retain them, is essential, and we never shall be able to retain them if Japan says "No." We shall not be able to retain them, because they are 7,000 miles away from our base of operations. We shall not be able to retain them, because to fortify them would involve a greater expenditure than would be involved in the fortification of the

entire coast of the United States. We shall not be able to retain them, because our transports, carrying our men there to defend them, will be cut down in midocean.

I suggest to the President of the United States, if a suggestion can reach him from this Chamber, that he address himself to the real cause of future trouble between Japan and this country, and while seeking to remedy that, that he also give Japan some idea of the Government of this country, its dual government—the government of the nation and the government of the State, each supreme within its jurisdiction—and that he impress upon that nation—and I have no doubt that the suggestion will be received with hospitality—that the best way of preserving international friendship is to prevent economic warfare, the conflict of dissimilar standards of labor on the same soil.

Mr. MALLORY. Mr. President, I shall detain the Senate for but a moment. I shall vote for this measure, although I dislike the manner in which it has been brought into this body, whereby we have been prevented from offering such amendments as we think appropriate and proper, and notwithstanding the fact that this proviso, which has excited so much discussion, is, in my judgment, ambiguous and is practically, if it is intended for the purpose which is assigned to it here, a Dead Sea apple—

* * * that tempts the eye,
But turns to ashes on the lips—

of the people whom it is intended to benefit.

I do not think, Mr. President, that under this proviso anything like the relief from the menace which is threatening the Pacific coast will be accomplished. However, the Pacific coast has its own representatives here, and for the present, at least, this question is confined to the area represented by a certain number of Senators, and inasmuch as they have made no protest against this, I do not feel called upon to obtrude my objections to this particular feature of the bill.

I hope, Mr. President, that the amendment proposed by the Senator from Texas [Mr. CULBERSON] will be submitted to the Senate, and that we shall be allowed to put on record our views regarding that proposed feature of the bill.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts insist on his point of order against the resolution offered by the Senator from Texas [Mr. CULBERSON].

Mr. LODGE. I do, Mr. President.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CARMACK. Mr. President, I appeal from the ruling of the Chair.

The VICE-PRESIDENT. The Senator from Tennessee appeals from the decision of the Chair.

Mr. LODGE. Mr. President, I move to lay the appeal on the table.

The VICE-PRESIDENT. The Senator from Massachusetts moves to lay the appeal of the Senator from Tennessee on the table.

Mr. CULBERSON. On that we demand the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. BACON. Mr. President, I rise to a parliamentary inquiry. I request that the Chair again state, or have stated from the desk, the point of order which was made by the Senator from Massachusetts [Mr. LODGE] against the resolution of the Senator from Texas [Mr. CULBERSON].

The VICE-PRESIDENT. The Secretary will read the resolution offered by the Senator from Texas [Mr. CULBERSON].

The Secretary read as follows:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. LODGE] made the point of order that nothing can take precedence of the question of concurrence in the conference report. The Chair sustains the point of order. The Senator from Tennessee [Mr. CARMACK] appeals from the decision of the Chair, and the Senator from Massachusetts moves to lay the appeal on the table, on which motion the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "yea;" but as he is not present, I withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER]. That Senator not being present, I will withhold my vote. If he were present, I should vote "yea."

Mr. TALIAFERRO. I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I would vote "nay."

The roll call was concluded.

Mr. McCUMBER. I transfer my pair with the junior Senator from Louisiana [Mr. FOSTER] to the junior Senator from New Jersey [Mr. DRYDEN] and will vote. I vote "yea."

Mr. PATTERSON. I wish to announce that my colleague [Mr. TELLER] is, I understand, paired with the Senator from Delaware [Mr. DU PONT]. I desire to say that my colleague is still unwell and unable to attend the sessions of the Senate.

Mr. TALIAFERRO. As announced, I have a pair with the Senator from West Virginia [Mr. SCOTT], who is absent. I transfer that pair to the Senator from Mississippi [Mr. McLAURIN] and will vote. I vote "nay."

Mr. CULLOM. I understand the Senator from Rhode Island [Mr. WETMORE] is absent and not paired. I will take the liberty of transferring my pair with the Senator from Virginia [Mr. MARTIN] to the Senator from Rhode Island and will vote. I vote "yea."

The result was announced—yeas 45, nays 24, as follows:

YEAS—45.

Aldrich	Dillingham	Kean	Piles
Allee	Dolliver	Kittredge	Platt
Beveridge	Flint	Knox	Proctor
Brandegee	Frye	Lodge	Smith
Bulkeley	Fulton	Long	Smoot
Burkett	Gallinger	McCumber	Spooner
Burnham	Gamble	McEnery	Sutherland
Crane	Hale	Millard	Warner
Cullom	Hansbrough	Mulkey	Warren
Curtis	Hemenway	Nelson	
Depew	Heyburn	Nixon	
Dick	Hopkins	Perkins	

NAYS—24.

Bacon	Culberson	McCreary	Rayner
Berry	Daniel	Mallory	Simmons
Carmack	Dubois	Newlands	Stone
Clark, Mont.	Frazier	Overman	Taliaferro
Clarke, Ark.	La Follette	Patterson	Tillman
Clay	Latimer	Pettus	Whyte

NOT VOTING—21.

Allison	Clapp	Foster	Scott
Ankeny	Clark, Wyo.	McLaurin	Teller
Bailey	Dryden	Martin	Wetmore
Blackburn	Du Pont	Money	
Burrows	Elkins	Morgan	
Carter	Foraker	Penrose	

So the motion of Mr. LODGE to lay on the table the appeal of Mr. CARMACK from the decision of the Chair was agreed to.

Mr. CARMACK. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Tennessee rises to a parliamentary inquiry. He will state his inquiry.

Mr. CARMACK. I should like to inquire if that was a strict party vote? [Laughter.]

The VICE-PRESIDENT. The question is, Will the Senate agree to the conference report?

The report was agreed to.

Mr. HALE. I move that the Senate adjourn.

Mr. LODGE. I ask the Senator to withhold that motion for a moment.

Mr. HALE. Very well.

Mr. LODGE. I desire to make a request. I ask, Mr. President, that there may be ordered a reprint of Senate Document No. 318, containing the immigration bill. I trust it will be put in the document room as soon as possible, because the document is desired by the House immediately.

The VICE-PRESIDENT. Is there objection to the request?

Mr. KEAN. Is that the same print of the immigration bills that we have had?

Mr. LODGE. It is just the same as we have had.

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

EXECUTIVE SESSION.

Mr. HALE. I withdraw my motion that the Senate adjourn, and 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 30 minutes p. m.) the Senate adjourned until Monday, February 18, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 16, 1907.

SURVEYOR OF CUSTOMS.

Sydney O. Weeks, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York. (Reappointment.)

APPOINTMENT IN THE ARMY—INFANTRY ARM.

To be second lieutenant.

Frank Thorp, jr., of Maryland, with rank from February 13, 1907.

NOTE.—The person above named was nominated to the Senate February 13, 1907, under the name of Frank Thorpe, jr. This message is submitted for the purpose of correcting an error in the name of the nominee.

PROMOTIONS IN THE NAVY.

Asst. Surg. Harry Shaw to be a passed assistant surgeon in the Navy from the 28th day of October, 1906, upon the completion of three years' service.

Asst. Surg. Burt F. Jenness to be a passed assistant surgeon in the Navy from the 11th day of November, 1906, upon the completion of three years' service.

POSTMASTERS.

CALIFORNIA.

Charles H. Fernald to be postmaster at Santa Paula, in the county of Ventura and State of California, in place of Harry H. Youngken. Incumbent's commission expires March 2, 1907.

CONNECTICUT.

Charles H. Dimmick to be postmaster at Willimantic, in the county of Windham and State of Connecticut, in place of Charles H. Dimmick. Incumbent's commission expired February 13, 1907.

Nathaniel P. Noyes to be postmaster at Stonington, in the county of New London and State of Connecticut, in place of Nathaniel P. Noyes. Incumbent's commission expired February 13, 1907.

Courtland C. Potter to be postmaster at Mystic, in the county of New London and State of Connecticut, in place of Courtland C. Potter. Incumbent's commission expired February 13, 1907.

FLORIDA.

John C. Beekman to be postmaster at Tarpon Springs, in the county of Hillsboro and State of Florida, in place of George F. Fernald, resigned.

HAWAII.

Frank Crawford to be postmaster at Lihue, in the county of Kauai and Territory of Hawaii, in place of Frank Crawford. Incumbent's commission expires March 3, 1907.

IDAHO.

Arthur P. Hamley to be postmaster at Kendrick, in the county of Latah and State of Idaho, in place of Arthur P. Hamley. Incumbent's commission expires February 26, 1907.

Thalia L. Owen to be postmaster at Genesee, in the county of Latah and State of Idaho, in place of Thalia L. Owen. Incumbent's commission expires March 18, 1907.

ILLINOIS.

Edward S. Baker to be postmaster at Robinson, in the county of Crawford and State of Illinois, in place of Samuel T. Lindsay. Incumbent's commission expired January 9, 1906.

John T. Clyne to be postmaster at Joliet, in the county of Will and State of Illinois, in place of John T. Clyne. Incumbent's commission expires March 3, 1907.

Edward D. Cook to be postmaster at Piper City, in the county of Ford and State of Illinois, in place of Edward D. Cook. Incumbent's commission expired February 9, 1907.

Thomas G. Laws, to be postmaster at Coffeen, in the county of Montgomery and State of Illinois. Office became Presidential January 1, 1907.

James Porter to be postmaster at Martinsville, in the county of Clark and State of Illinois, in place of James Porter. Incumbent's commission expired February 9, 1907.

INDIANA.

David A. Shaw to be postmaster at Mishawaka, in the county of St. Joseph and State of Indiana, in place of David A. Shaw. Incumbent's commission expired February 9, 1907.

Clinton T. Sherwood to be postmaster at Linton, in the county of Greene and State of Indiana, in place of Oscar Fitzpatrick. Incumbent's commission expired February 4, 1907.

IOWA.

Earl M. Cass to be postmaster at Sumner, in the county of Bremer and State of Iowa, in place of Earl M. Cass. Incumbent's commission expires February 19, 1907.

George W. Cook to be postmaster at Guthrie Center, in the county of Guthrie and State of Iowa, in place of George W. Cook. Incumbent's commission expired February 11, 1907.

Ernest D. Powell to be postmaster at Exira, in the county of Audubon and State of Iowa, in place of Ernest D. Powell. Incumbent's commission expired February 9, 1907.

KANSAS.

George A. Benkelman to be postmaster at St. Francis, in the county of Cheyenne and State of Kansas. Office became Presidential January 1, 1907.

James M. Morgan to be postmaster at Osborne, in the county of Osborne and State of Kansas, in place of James M. Morgan. Incumbent's commission expired February 12, 1907.

Charles Smith to be postmaster at Washington, in the county of Washington and State of Kansas, in place of Charles Smith. Incumbent's commission expired February 12, 1907.

C. G. Webb to be postmaster at Stafford, in the county of Stafford and State of Kansas, in place of Asbury L. McMillan. Incumbent's commission expires February 28, 1907.

KENTUCKY.

Joseph Insko to be postmaster at Augusta, in the county of Bracken and State of Kentucky, in place of Benjamin F. Ginn. Incumbent's commission expired January 13, 1906.

MAINE.

Jarvis C. Billings to be postmaster at Bethel, in the county of Oxford and State of Maine, in place of Jarvis C. Billings. Incumbent's commission expired January 6, 1907.

Varney A. Putnam to be postmaster at Danforth, in the county of Washington and State of Maine. Office became Presidential January 1, 1907.

MASSACHUSETTS.

Frank E. Briggs to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts, in place of Frank E. Briggs. Incumbent's commission expired February 13, 1907.

Alexander Grant to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts, in place of Alexander Grant. Incumbent's commission expired February 11, 1907.

James W. Hunt to be postmaster at Worcester, in the county of Worcester and State of Massachusetts, in place of James W. Hunt. Incumbent's commission expired December 8, 1906.

Adolphus R. Martin to be postmaster at Chicopee Falls, in the county of Hampden and State of Massachusetts, in place of Adolphus R. Martin. Incumbent's commission expired February 4, 1907.

James F. Shea to be postmaster at Indian Orchard, in the county of Hampden and State of Massachusetts, in place of James F. Shea. Incumbent's commission expired February 4, 1907.

MICHIGAN.

George Barie to be postmaster at Pinconning, in the county of Bay and State of Michigan, in place of George Barie. Incumbent's commission expires February 23, 1907.

Leonard W. Feighner to be postmaster at Nashville, in the county of Barry and State of Michigan, in place of Leonard W. Feighner. Incumbent's commission expired February 2, 1907.

Sidney E. Lawrence to be postmaster at Hudson, in the county of Lenawee and State of Michigan, in place of Sidney E. Lawrence. Incumbent's commission expires February 28, 1907.

MINNESOTA.

Samuel Aaberg to be postmaster at Harmony, in the county of Fillmore and State of Minnesota. Office became Presidential January 1, 1907.

Leonard W. Bills to be postmaster at Park Rapids, in the county of Hubbard and State of Minnesota, in place of Florance A. Vanderpoel. Incumbent's commission expired January 23, 1907.

Carl S. Eastwood to be postmaster at Heron Lake, in the county of Jackson and State of Minnesota, in place of Clark A. Wood. Incumbent's commission expired February 4, 1907.

Frank Hagberg to be postmaster at Winthrop, in the county of Sibley and State of Minnesota, in place of Frank Hagberg. Incumbent's commission expired February 9, 1907.

John F. Wrabek to be postmaster at New Prague, in the county of Le Seuer and State of Minnesota, in place of John F. Wrabek. Incumbent's commission expired February 9, 1907.

Edward Yannish to be postmaster at St. Paul, in the county of Ramsey and State of Minesota, in place of Mark D. Flower, deceased.

MISSOURI.

William T. Elliott to be postmaster at Houston, in the county of Texas and State of Missouri, in place of William T. Elliott. Incumbent's commission expires February 28, 1907.

NEBRASKA.

Stephen E. Cobb to be postmaster at Emerson, in the county of Dixon and State of Nebraska, in place of Stephen E. Cobb. Incumbent's commission expired February 11, 1907.

Timothy C. Cronin to be postmaster at Spalding, in the county of Greeley and State of Nebraska. Office became Presidential January 1, 1907.

Joseph W. McClelland to be postmaster at Fullerton, in the county of Nance and State of Nebraska, in place of Loring W. Morgan. Incumbent's commission expired May 19, 1906.

Clarence E. Stine to be postmaster at Superior, in the county of Nuckolls and State of Nebraska, in place of Clarence E. Stine. Incumbent's commission expires March 11, 1907.

Wesley Tressler to be postmaster at Ogallala, in the county of Keith and State of Nebraska. Office became Presidential January 1, 1907.

Isaac S. Tyndale to be postmaster at Central City, in the county of Merrick and State of Nebraska, in place of Lucius G. Comstock. Incumbent's commission expired March 14, 1906.

NEW HAMPSHIRE.

Natt A. Cram to be postmaster at Pittsfield, in the county of Merrimack and State of New Hampshire, in place of Natt A. Cram. Incumbent's commission expires February 28, 1907.

NEW JERSEY.

William H. Mackay to be postmaster at Rutherford, in the county of Bergen and State of New Jersey, in place of Charles Burrows. Incumbent's commission expired February 7, 1906.

Truman T. Pierson to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey, in place of Edward Burroughs, removed.

NEW YORK.

Horace L. Burrill to be postmaster at Weedsport, in the county of Cayuga and State of New York, in place of Horace L. Burrill. Incumbent's commission expires February 26, 1907.

John H. Eadie to be postmaster at New Brighton, in the county of Richmond and State of New York, in place of John H. Eadie. Incumbent's commission expired February 4, 1907.

Harrold R. Every to be postmaster at Athens, in the county of Greene and State of New York, in place of Harrold R. Every. Incumbent's commission expires March 2, 1907.

L. F. Goodnought to be postmaster at Cornwall-on-the-Hudson, in the county of Orange and State of New York, in place of John J. Taylor. Incumbent's commission expires February 19, 1907.

George P. Nickels to be postmaster at Rye, in the county of Westchester and State of New York, in place of Alexander M. Harriott, resigned.

NORTH CAROLINA.

Eugene Brownlee to be postmaster at Tryon, in the county of Polk and State of North Carolina. Office became Presidential January 1, 1907.

NORTH DAKOTA.

William J. Hoskins to be postmaster at Rolla, in the county of Rolette and State of North Dakota, in place of William J. Hoskins. Incumbent's commission expired January 29, 1907.

OHIO.

Elmer C. Jesse to be postmaster at Mineral City, in the county of Tuscarawas and State of Ohio, in place of Elmer C. Jesse. Incumbent's commission expires March 3, 1907.

William E. Moulton to be postmaster at Canal Fulton, in the county of Stark and State of Ohio, in place of William E. Moulton. Incumbent's commission expired February 2, 1907.

Clifford N. Quirk to be postmaster at Chardon, in the county of Geauga and State of Ohio, in place of Richard King. Incumbent's commission expired December 20, 1906.

OKLAHOMA.

C. C. Curtis to be postmaster at Cordell, in the county of Washita and Territory of Oklahoma, in place of James W. Utterback. Incumbent's commission expired June 10, 1906.

Perry C. Hughes to be postmaster at Busch, in the county of Roger Mills and Territory of Oklahoma, in place of Perry C. Hughes. Incumbent's commission expired February 3, 1907.

OREGON.

William B. Curtis to be postmaster at Marshfield, in the county of Coos and State of Oregon, in place of William B. Curtis. Incumbent's commission expires March 10, 1907.

Thomas P. Randall to be postmaster at Oregon City, in the county of Clackamas and State of Oregon, in place of Thomas P. Randall. Incumbent's commission expires March 18, 1907.

PENNSYLVANIA.

John F. Austin to be postmaster at Corry, in the county of Erie and State of Pennsylvania, in place of John F. Austin. Incumbent's commission expires February 19, 1907.

Anna B. Beatty to be postmaster at Cochranton, in the county of Crawford and State of Pennsylvania, in place of Anna B. Beatty. Incumbent's commission expires March 2, 1907.

Charles Crouse to be postmaster at Wyoming, in the county of Luzerne and State of Pennsylvania, in place of Charles Crouse. Incumbent's commission expires February 23, 1907.

George W. Honsaker to be postmaster at Masontown, in the county of Fayette and State of Pennsylvania, in place of George W. Honsaker. Incumbent's commission expires March 2, 1907.

Warren B. Masters to be postmaster at Jersey Shore, in the county of Lycoming and State of Pennsylvania, in place of Warren B. Masters. Incumbent's commission expires February 26, 1907.

Allen C. W. Mathues to be postmaster at Media, in the county of Delaware and State of Pennsylvania, in place of Allen C. W. Mathues. Incumbent's commission expired January 26, 1907.

Nathaniel B. Miller to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania, in place of Nathaniel B. Miller. Incumbent's commission expired February 11, 1907.

William W. Reber to be postmaster at Lehighton, in the county of Carbon and State of Pennsylvania, in place of William W. Reber. Incumbent's commission expired February 11, 1907.

William E. Root to be postmaster at Cambridge Springs, in the county of Crawford and State of Pennsylvania, in place of William E. Root. Incumbent's commission expired January 26, 1907.

James H. Wells to be postmaster at Wilcox, in the county of Elk and State of Pennsylvania. Office became Presidential January 1, 1907.

TENNESSEE.

Leonidas T. Reagor to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee, in place of James H. Neil, jr. Incumbent's commission expired June 30, 1906.

Norvell L. Scobey to be postmaster at Newbern, in the county of Dyer and State of Tennessee, in place of Norvell L. Scobey. Incumbent's commission expired February 12, 1907.

TEXAS.

Edward Blanchard to be postmaster at San Angelo, in the county of Tom Green and State of Texas, in place of Edward Blanchard. Incumbent's commission expires February 19, 1907.

George W. Burkitt, jr., to be postmaster at Palestine, in the county of Anderson and State of Texas, in place of Thomas Hall. Incumbent's commission expires February 19, 1907.

J. J. Cypert to be postmaster at Hillsboro, in the county of Hill and State of Texas, in place of Harry Beck. Incumbent's commission expires February 27, 1907.

Harry Harris to be postmaster at Gatesville, in the county of Coryell and State of Texas, in place of Harry Harris. Incumbent's commission expires February 19, 1907.

W. H. Ingerton to be postmaster at Amarillo, in the county of Potter and State of Texas, in place of James M. Kindred. Incumbent's commission expired January 20, 1907.

Johnnie J. Kelly, to be postmaster at Eastland, in the county of Eastland and State of Texas. Office became Presidential January 1, 1907.

J. J. Smith to be postmaster at El Paso, in the county of El Paso and State of Texas, in place of Theodore B. Olshausen, resigned.

UTAH.

William W. Wilson to be postmaster at Sandy, in the county of Salt Lake and State of Utah. Office became Presidential January 1, 1907.

VIRGINIA.

John W. Davis to be postmaster at Rural Retreat, in the county of Wythe and State of Virginia. Office became Presidential October 1, 1906.

R. W. Garnett to be postmaster at Farmville, in the county of Prince Edward and State of Virginia, in place of Charles Bugg. Incumbent's commission expired January 29, 1907.

William H. Parker to be postmaster at Onancock, in the county of Accomac and State of Virginia, in place of William H. Parker. Incumbent's commission expires February 28, 1907.

Thomas H. Smith to be postmaster at Manchester, in the county of Chesterfield and State of Virginia, in place of Henry C. Beattie. Incumbent's commission expired December 20, 1906.

WEST VIRGINIA.

S. A. Posten to be postmaster at Morgantown, in the county of Monongalia and State of West Virginia, in place of James P. Fitch. Incumbent's commission expired June 2, 1906.

WISCONSIN.

William Campbell to be postmaster at Oconto Falls, in the county of Oconto and State of Wisconsin. Office became Presidential January 1, 1907.

Robert Downend to be postmaster at Osceola, in the county of Polk and State of Wisconsin, in place of Robert Downend. Incumbent's commission expired February 4, 1907.

Joseph W. Fritz to be postmaster at Ladysmith, in the county of Rusk and State of Wisconsin, in place of Joseph W. Fritz. Incumbent's commission expired January 23, 1907.

Cyrus C. Glass to be postmaster at River Falls, in the county of Pierce and State of Wisconsin, in place of Cyrus C. Glass. Incumbent's commission expires February 26, 1907.

Thomas Hughes to be postmaster at Beaver Dam, in the county of Dodge and State of Wisconsin, in place of Thomas Hughes. Incumbent's commission expires March 3, 1907.

Nicholas T. Martin to be postmaster at Mineral Point, in the county of Iowa and State of Wisconsin, in place of Nicholas T. Martin. Incumbent's commission expired February 4, 1907.

Andrew Moberg to be postmaster at Amherst, in the county of Portage and State of Wisconsin. Office became Presidential January 1, 1907.

Eldon D. Woodworth to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin, in place of Eldon D. Woodworth. Incumbent's commission expires February 26, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1907.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenants with rank from February 11, 1907.

Sergt. Bruce LaMar Burch, Troop E, Fifteenth Cavalry.

Sergt. Edgar Mason Whiting, Troop H, Fifteenth Cavalry.

First Sergt. Edward Goff Elliott, Troop M, Sixth Cavalry.

Q. M. Sergt. Guy Herbert Wyman, Troop K, Eleventh Cavalry.

Sergt. Verne Raymond Bell, Troop G, Fifteenth Cavalry.

Squadron Sergt. Maj. Henry Welles Baird, Fifteenth Cavalry.

Sergt. Alexander Hamilton Jones, Troop H, Thirteenth Cavalry.

Sergt. Charles Louis Stevenson, Troop A, First Cavalry.

INFANTRY ARM.

To be second lieutenants with rank from February 11, 1907.

First Sergt. Jacob Earl Fickel, Company K, Twenty-seventh Infantry.

Private Jesse Wright Boyd, infantry, unassigned.

Sergt. Ebenezer George Beuret, Company A, Third Infantry.

Corpl. Rush Blodget Lincoln, Company G, Eighteenth Infantry.

Corpl. William Fletcher Sharp, Company G, Second Battalion, Corps of Engineers.

Sergt. Walter Francis Llewellyn Hartigan, Forty-sixth Company, Coast Artillery.

Sergt. Bruce Magruder, Eighty-seventh Company, Coast Artillery.

Sergt. George Herman Huddleson, Company H, Twenty-ninth Infantry.

Corpl. Hampton M. Roach, jr., Company L, Third Infantry.

Sergt. George Edward Maurice Kelly, Eighty-fourth Company, Coast Artillery.

Corpl. George Cassidy Keleher, Company K, Fifth Infantry.

Battalion Sergt. Maj. Clarence McPherson Janney, Sixteenth Infantry.

Sergt. Harry Hall Pritchett, Company A, Twenty-seventh Infantry.

Corpl. Edgar Lee Field, Troop E, Fifteenth Cavalry.

Sergt. Earl Carlton Buck, Company F, Sixteenth Infantry.

Corpl. Jere Baxter, Ninety-eighth Company, Coast Artillery.

CAVALRY ARM.

To be second lieutenant.

Frank Kirby Chapin, of New York, with rank from February 12, 1907.

INFANTRY ARM.

To be second lieutenants.

Russell James, of Virginia, with rank from February 12, 1907.

Lloyd Ralston Fredendall, of Massachusetts, with rank from February 13, 1907.

Rowan Palmer Lemly, of the District of Columbia, with rank from February 13, 1907.

Frank Thorpe, jr., of Maryland, with rank from February 13, 1907.

Albert Ellicott Brown, of New Jersey, with rank from February 13, 1907.

James MacDonald Lockett, at large, with rank from February 13, 1907.

Eugene Robinson, of Michigan, with rank from February 13, 1907.

Chester Hood Loucheim, of New York, with rank from February 13, 1907.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be captains.

First Lieut. John McClintock, Ninth Cavalry, from October 22, 1906.

First Lieut. Paul T. Hayne, jr., Fourteenth Cavalry, from October 28, 1906.

First Lieut. Fred E. Buchan, Third Cavalry, from January 19, 1907.

First Lieut. Edward A. Sturges, Fifth Cavalry, from January 21, 1907.

To be first lieutenants.

Second Lieut. Irvin L. Hunsaker, Third Cavalry, from October 22, 1906.

Second Lieut. Clifton R. Norton, Fifteenth Cavalry, from October 28, 1906.

Second Lieut. Eugene J. Ely, Fifteenth Cavalry, from January 21, 1907.

To be brigadier-general on the retired list.

Col. George E. Pond, assistant quartermaster-general, to be placed on the retired list of the Army, with the rank of brigadier-general from the date on which he shall be retired from active service.

POSTMASTERS.

ALABAMA.

Mary M. Force to be postmaster at Selma, in the county of Dallas and State of Alabama.

KANSAS.

Edwards J. Byerts to be postmaster at Hill City, in the county of Graham and State of Kansas.

Irving Hill to be postmaster at Lawrence, in the county of Douglas and State of Kansas.

MINNESOTA.

Edward Yannish to be postmaster at St. Paul, in the State of Minnesota.

MISSOURI.

Harry O. Halterman to be postmaster at Mount Vernon, in the county of Lawrence and State of Missouri.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 16, 1907.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

Mr. UNDERWOOD. Mr. Speaker, on yesterday evening, just as the House was about to adjourn, I made a point of order against the bill (S. 8283) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes. Since investigating the question I still think it is subject to the point of order, but I see no objection to the bill itself and therefore withdraw the point of order.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. BRICK, a motion to reconsider the last vote was laid on the table.

HERMAN GAUSS AND L. SEWARD TERRY.

Mr. CASSEL. Mr. Speaker, in lieu of House resolutions 793, 794, and 819 I am directed by the Committee on Accounts to report the following.

The resolution was read, as follows:

In lieu of House resolutions 793, 794, and 819.

Resolved, That there shall be paid out of the contingent fund of the House to Herman Gauss $750, and to L. Seward Terry $500, for extra and expert services to the Committees on Invalid Pensions and Pensions, respectively, as assistant clerks to said committees by detail.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, is this a unanimous report from the Committee on Accounts?

Mr. CASSEL. It is; and it is the usual resolution.

The resolution was agreed to.

JAMES H. CASSIDY AND JOSEPH H. M'GANN.

Mr. CASSEL. Mr. Speaker, I also submit the following.

The Clerk read as follows:

In lieu of House resolutions 805 and 806.

Resolved, That there shall be paid out of the contingent fund of the House to James H. Cassidy, clerk to the Committee on Rivers and Harbors, the sum of $500, and to Joseph H. McGann, assistant clerk to said committee, the sum of $200, for extra services rendered.

Mr. WILLIAMS. Is this also a unanimous report?

Mr. CASSEL. It is. All the reports that I shall present this morning are unanimous.

The resolution was agreed to.

D. P. THOMAS.

Mr. CASSEL. I also submit the following.

The Clerk read as follows:

In lieu of House resolution 763.

Resolved, That there shall be paid out of the contingent fund of the House to D. P. Thomas, messenger in the office of the Chief Clerk of the House, the sum of $300, for extra services rendered; and that there shall also be paid out of the contingent fund of the House to the messenger to the Chief Clerk amounts equal to the rate of $300 per annum until the salary of said office at the rate of $1,200 per annum is otherwise provided for by law.

The resolution was agreed to.

MESSENGER TO THE SPEAKER.

Mr. CASSEL. I also submit the following.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House, miscellaneous items, fiscal year 1907, payable in equal monthly installments, a sum equal to $240 per annum, as additional compensation to the messenger to the Speaker, until his salary at the rate of $1,440 per annum shall be otherwise provided for by law.

The resolution was agreed to.

R. E. FLEHARTY.

Mr. CASSEL. I also submit the following.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House, miscellaneous items, fiscal years 1907 and 1908, payable in equal monthly installments, a sum equal to the rate of $400 per annum as additional compensation to R. E. Fleharty as assistant stationery clerk by detail, unless and until his salary at the rate of $2,000 per annum shall be otherwise provided by law.

The resolution was agreed to.

On motion of Mr. CASSEL, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

UNITED STATES DISTRICT COURT, EASTERN DISTRICT, NORTH CAROLINA.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23391) to change the time of holding the United States district courts in the eastern district of North Carolina, and to provide for the appointment of a clerk of the courts at Washington, N. C.

The SPEAKER. Without objection, the Clerk will read the committee amendment in the nature of a substitute instead of the original bill.

The Clerk read the substitute, as follows:

Be it enacted, etc., That hereafter the regular terms of the circuit and district courts in and for the eastern district of North Carolina shall be held as follows: At Elizabeth City on the second Monday in April and October; at Washington on the third Monday in April and October; at Newbern on the fourth Monday in April and October; at Wilmington on the second Monday after the fourth Monday in April and October; and terms of said courts shall be held at Raleigh on the fourth Monday after the fourth Monday in April and October, thus allowing for terms of one week each at Elizabeth City and Washington; and terms of two weeks each at Newbern and Wilmington, and terms at Raleigh to last until the business of each term is disposed of.

SEC. 2. That section 2 of an act entitled "An act to provide for terms of the United States district and circuit courts at Washington, N. C.," approved March 3, 1905, be, and the same is hereby, amended to read:

"And the judge of the district or the circuit court in term may appoint a clerk of the circuit and district courts at Washington, N. C., who shall qualify by taking the oaths and giving the bonds as provided by statute for other clerks of the circuit and district courts of the United States: *Provided*, That said clerk shall reside in Washington, N. C.: *Provided further*, That the city of Washington, N. C., shall provide and furnish at its own expense a suitable and convenient place for holding the circuit and district courts of the United States courts at Washington, N. C.

SEC. 3. That all acts or parts of acts so far as inconsistent with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its approval.

The SPEAKER. Is there objection?

There was no objection.

The amendment in the nature of a substitute was agreed to.

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

The title was amended.

On motion of Mr. THOMAS of North Carolina, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALE OF UNALLOTTED LANDS IN ROSEBUD RESERVATION.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of all that portion of the Rosebud Indian Reservation in South Dakota lying south of the Big White River and east of range 25 west of the sixth principal meridian, except such portions thereof as have been, or may hereafter be, allotted to Indians: *Provided*, That sections 16 and 36 of the lands in each township shall not be disposed of, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose.

SEC. 2. That the land shall be disposed of by proclamation, under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation: *Provided*, That prior to the said proclamation the Secretary of the Interior, in his discretion, may permit Indians who have an allotment within the Rosebud Reservation to relinquish such allotment and to receive in lieu thereof an allotment anywhere within said reservation, and he shall also allot 160 acres of land to each child of Indian parentage whose father or mother is or was, in case of death, a duly enrolled member of the Sioux tribe of Indians belonging on the Rosebud Reservation who is living at the time of the passage and approval of this act and who has not heretofore received an allotment: *Provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars or Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged.

SEC. 3. That the price of said lands entered as homesteads under the provisions of this act shall be as follows: Upon all land entered or filed upon within three months after the same shall be opened for settlement and entry, $6 per acre, and upon all land entered or filed upon after the expiration of three months and within six months after the same shall have opened for settlement and entry, $4.50 per acre; after the expiration of six months after the same shall have been opened for settlement and entry the price shall be $2.50 per acre. The price shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry under the provisions of the homestead law at the same price that it was first entered: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law, where the price of the land is $1.25 per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of four years from the opening of the said lands to entry shall be sold to the highest bidder for cash at not less than $2.50 per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold after the said lands have been opened to entry for seven years may be sold to the highest bidder for cash, without regard to the above minimum limit of price.

SEC. 4. That the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause the same to be surveyed into blocks and lots and disposed of under such regulations as he may prescribe, in accordance with section 2381 of the United States Revised Statutes. The net proceeds derived from the sale of such lands shall be credited to the Indians as hereinafter provided.

SEC. 5. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the Rosebud Reservation, in the State of South Dakota, the sum of $1,000,000, which shall draw interest at 3 per cent per annum for ten years, the interest to be paid to the Indians per capita in cash annually, share and share alike; that at the expiration of ten years, after $1,000,000 shall have been deposited as aforesaid, the said sum shall be distributed and paid to said Indians per capita in cash; that the balance of the proceeds arising from the sale and disposition of the lands as aforesaid shall be deposited in the Treasury of the United States to the credit of said Indians and shall be expended for their benefit under the direction of the Secretary of the Interior, and he may, in his discretion, upon an application by a majority of said Indians, pay a portion of the same to the Indians in cash, per capita, share and share alike, if in his opinion such payments will be for the best interests of said Indians.

SEC. 6. That sections 16 and 36 of the lands in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose; and in case any

of said sections, or parts thereof, are lost to said State of South Dakota by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the tract described herein, to locate other lands not occupied, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

SEC. 7. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $165,000, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in section 6 of this act.

SEC. 8. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided: *Provided*, That nothing in this act shall be construed to deprive the said Indians of the Rosebud Reservation, in South Dakota, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

The following committee amendments were read:

Page 2, line 16, after the word "is," insert "or was, in case of death."

Page 2, line 17, strike out the word "Rosebud" and insert the word "Sioux;" and after the word "Indians" insert the words "belonging on the Rosebud Reservation."

Page 3, line 21, after the word "law," insert "at the same price that it was first entered."

Section 3, page 3, amend as follows: Line 4, after the word "entry," strike out "five" and insert "six."

Line 7, after the word "dollars," insert "and 50 cents."

Section 5, page 5, amend as follows: Line 9, after the word "at," strike out the word "five" and insert "three."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object to the request to consider the bill in the House as in Committee of the Whole, the bill seems to be a rather long and complicated one, deals with a very important matter, and ought at least to receive very careful consideration. I will further state to the gentleman from South Dakota that I do not notice a single minority member of the committee from whence the bill comes, and so I have no one of whom to take counsel. I reserve the right to object.

Mr. BURKE of South Dakota. Mr. Speaker, the bill has the unanimous report of the Committee on Indian Affairs, in which committee it was very carefully considered. The bill is substantially in accordance with an agreement which has just been made with the Indians, signed by forty-two more than a majority of the male Indians over the age of 18 years. It is in line with the recent bills that have been passed affecting the sale of the Indian reservations. It is along the line of the bill which passed in the Fifty-eighth Congress for the sale of that portion of this same reservation that is located in Gregory County. The maximum price of the land in that bill was fixed at $4 per acre, while the maximum price in this bill is $6 per acre.

The Indians, as I have stated before, have agreed to the disposition of it under the terms of the bill. They will have left, after this land is disposed of, a reservation that is substantially 50 miles square, and there are only 5,000 Indians. I certainly hope, in view of the fact that no opposition developed from any source to the bill in its present form, that there will be no objection to the consideration of it at this time.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. FINLEY. Does not the gentleman think that the State of South Dakota should have land for school purposes, as is provided in the bill, and that the Government should pay for the land?

Mr. BURKE of South Dakota. I will answer that question by stating that in at least six different instances since South Dakota was admitted into the Union Congress has made an appropriation and paid for the school sections under the guaranty that was given to the State when we came into the Union.

Mr. FINLEY. Why is that where certain sections have been allotted or patented the Government is called upon to pay for sections 16 and 36?

Mr. BURKE of South Dakota. That refers to sections that have been allotted to the Indians, and it has always been the custom where school sections have been allotted to give to the State in lieu of such sections other sections, not exceeding two in any township.

Mr. FINLEY. Is it true that some of these lands have been allotted to the Indians?

Mr. BURKE of South Dakota. It is true that a portion of the lands have been allotted to the Indians.

Mr. FINLEY. Does the gentleman think the Government should be called upon to pay to the State of South Dakota for lands allotted to the Indians? Doesn't the land belong to the Indians? I ask the gentleman if that practice has been the usual one?

Mr. BURKE of South Dakota. We have heretofore appropriated to pay for sections 16 and 36 in every township, or where they had been taken to pay for a section in lieu thereof.

Mr. FINLEY. Has that been the rule where lands are allotted to Indians?

Mr. BURKE of South Dakota. Yes; that has been the rule and was the rule in the former Rosebud bill which passed the Fifty-eighth Congress, and is exactly in line with this provision, and the price is the same.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. FITZGERALD. The Commissioner of Indian Affairs recommended that all after the enacting clause be stricken out and the agreement be inserted and ratified. That has not been done, and that has not been the practice for several years. I wish to ask this question: Have the provisions of the treaty been inserted in this bill?

Mr. BURKE of South Dakota. I may say to the gentleman that they have been.

Mr. FITZGERALD. Is the gentleman able to state how many acres were sold at $4 an acre under the bill which was passed opening that portion of the Rosebud Reservation of Gregory County two or three years ago?

Mr. BURKE of South Dakota. Somewhere near 250,000 to 300,000 acres out of 400,000 acres.

Mr. FITZGERALD. At $4 per acre?

Mr. BURKE of South Dakota. Yes. The land that sold readily sold at $4 per acre. But very little sold at the $3 price. Since that the rougher portions have been taken at $2.50. I may say to the gentleman, as he was familiar with that legislation, that under the agreement that was made with the Indians they had agreed to sell that land for $1,040,000; that the opposition to that legislation came from the fact that the friends of the Indians were claiming they would not get as much under the terms of the bill as they would have gotten under the treaty. They will, however, receive nearly twice as much, and have already received over $900,000, and if those that have taken lands pay up, as they undoubtedly will, there will be over $1,600,000 received, with nearly 100,000 acres to be disposed of, which will be sold ultimately.

Mr. FITZGERALD. One of the objections that have since been made to the method by which that reservation was opened is based upon this alleged statement of facts, that a great number of persons who could not possibly obtain homesteads under the bill were brought great distances into South Dakota and that great suffering resulted from the fact that the time they were required to remain there practically exhausted their resources, and they had great difficulty, after their disappointment, in leaving South Dakota.

Mr. BURKE of South Dakota. I do not think that statement is founded on any facts.

Mr. FITZGERALD. The gentleman is familiar, of course, with that particular locality?

Mr. BURKE of South Dakota. Entirely so, and I was at the opening at the time it took place.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. How many people are supposed to have gone to South Dakota at the time of this previous opening?

Mr. BURKE of South Dakota. The total number of registrations was 105,000.

Mr. MANN. And how many people entered land?

Mr. BURKE of South Dakota. Twelve to fifteen hundred. I don't remember exactly, but not to exceed 2,000.

Mr. MANN. Not over 10 per cent?

Mr. BURKE of South Dakota. No.

Mr. MANN. What does the gentleman assume was the average cost to the people who went there, and how long a time did they have to remain there?

Mr. BURKE of South Dakota. They had to remain only a part of one day, or not to exceed one day. I don't know that there is any way of estimating what each one spent, but from eight to ten dollars.

Mr. MANN. They had to go there to make the registration?

Mr. BURKE of South Dakota. They had to go into the State, but not right to where the land is.

Mr. MANN. They had to go into the State to be registered?

Mr. BURKE of South Dakota. Yes.

Mr. MANN. Then they had to remain there if they wanted to obtain and fulfill a chance?

Mr. BURKE of South Dakota. No; they did not.

Mr. MANN. Oh, they did not have to remain there. Of course they could go home and come back.

Mr. BURKE of South Dakota. I may say to the gentleman they did not remain. Those that were successful at the drawing were notified and had plenty of time to go there and get their filing. I think it was thirty days.

Mr. MANN. I know the complaint was made to me very bitterly at the time this opening was had, from people in our town who wanted to get in on the ground floor, that it was an expensive proposition—an expensive gamble. That is what it was. It has been charged that a great deal of land that was then sold at $4 per acre was worth nearer $40. Can the gentleman inform us about that?

Mr. BURKE of South Dakota. That is not true. Four dollars an acre was a fair price for the land. In fact, it was more, in my opinion, than I thought it was worth at the time, and it was disposed of largely because the people had an idea that it was of greater value than it was, due to the fact that it had received so much advertising during the time the legislation was in progress.

Mr. MANN. How much land is covered by this bill?

Mr. BURKE of South Dakota. About 1,000,000 acres.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

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

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 8189. An act granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to construct, maintain, and operate a single-track railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in connection with the construction of Lock No. 1, upper White River, Arkansas;

S. 8377. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906;

S. 3267. An act granting an increase of pension to George C. Veile;

S. 6838. An act granting an increase of pension to Samuel Shepherd;

S. 8279. An act granting a pension to Edward Dunscomb;

S. 8101. An act granting an increase of pension to Jacob B. Getter;

S. 8485. An act granting an increase of pension to Ann Hudson;

S. 7994. An act authorizing the State of North Dakota to select other lands in lieu of lands erroneously entered in sections 16 and 36, within the limits of the abandoned Fort Rice and Fort Abraham Lincoln military reservations, in said State;

S. 7895. An act granting an increase of pension to William Wallace;

S. 6996. An act granting an increase of pension to John Snyder;

S. 7983. An act granting an increase of pension to Samuel Dubois;

S. 7632. An act granting an increase of pension to Elias W. Garrett;

S. 8404. An act granting an increase of pension to Nelson W. Jameson;

S. 8214. An act granting a pension to Jeremiah Bowman;

S. 8317. An act granting an increase of pension to Annie C. Stephens;

S. 8342. An act granting an increase of pension to George W. Walter;

S. 5383. An act granting an increase of pension to Greenberry B. Patterson;

S. 7907. An act granting an increase of pension to Wilkison B. Ross;

S. 3527. An act granting an increase of pension to Samuel S. Watson;

S. 7561. An act granting an increase of pension to Charles A. Woodward;

S. 5981. An act granting an increase of pension to John H. La Vaque;

S. 8340. An act granting an increase of pension to Maria L. Philbrick;

S. 5125. An act granting an increase of pension to Nancy A. E. Hoffman;

S. 6970. An act granting an increase of pension to Alonzo W. Fuller;

S. 7604. An act granting an increase of pension to John M. Morgan;

S. 7671. An act granting an increase of pension to C. H. Alden; and

S. 8443. An act granting a pension to Fanny M. Grant.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 24760. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes; and

H. R. 2326. An act for the relief of J. W. Bauer and others.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of Senators and Representatives in Congress 500 copies of the act of July 2, 1864, Thirty-eighth Congress, first session, volume 13, page 365, United States Statutes at Large.

Also:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice-President of the United States in signing the enrolled bill (S. 1160) to correct the military record of John Mack be rescinded, and that in the reenrollment of the bill the word "military," in line 5 of the bill, be stricken out and the word "naval" substituted therefor; also amend the title so as to read: "An act to correct the naval record of John McKinnon, alias John Mack," so as to correctly state the service of the beneficiary, inaccurately stated in the bill.

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. 8377. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906—to the Committee on Interstate and Foreign Commerce.

S. 7994. An act authorizing the State of North Dakota to select other lands in lieu of lands erroneously entered in sections 16 and 36, within the limits of the abandoned Fort Rice and Fort Abraham Lincoln military reservations, in said State—to the Committee on the Public Lands.

S. 8189. An act granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to construct, maintain, and operate a single-track railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in connection with the construction of Lock No. 1, upper White River Arkansas—to the Committee on Rivers and Harbors.

S. 3267. An act granting an increase of pension to George C. Veile—to the Committee on Invalid Pensions.

S. 3527. An act granting an increase of pension to Samuel S. Watson—to the Committee on Invalid Pensions.

S. 5125. An act granting an increase of pension to Nancy A. E. Hoffman—to the Committee on Invalid Pensions.

S. 5383. An act granting an increase of pension to Greenberry B. Patterson—to the Committee on Invalid Pensions.

S. 5981. An act granting an increase of pension to John H. La Vaque—to the Committee on Invalid Pensions.

S. 6838. An act granting an increase of pension to Samuel Shepherd—to the Committee on Invalid Pensions.

S. 6970. An act granting an increase of pension to Alonzo W. Fuller—to the Committee on Invalid Pensions.

S. 6996. An act granting an increase of pension to John Snyder—to the Committee on Invalid Pensions.

S. 7561. An act granting an increase of pension to Charles A. Woodward—to the Committee on Invalid Pensions.

S. 7604. An act granting an increase of pension to John M. Morgan—to the Committee on Invalid Pensions.

S. 7632. An act granting an increase of pension to Elias W. Garrett—to the Committee on Invalid Pensions.

S. 7895. An act granting an increase of pension to William Wallace—to the Committee on Invalid Pensions.

S. 7907. An act granting an increase of pension to Wilkison B. Ross—to the Committee on Invalid Pensions.

S. 7983. An act granting an increase of pension to Samuel Dubois—to the Committee on Invalid Pensions.

S. 8101. An act granting an increase of pension to Jacob B. Getter—to the Committee on Invalid Pensions.

S. 8279. An act granting a pension to Edward Dunscomb—to the Committee on Invalid Pensions.

S. 8317. An act granting an increase of pension to Annie C. Stephens—to the Committee on Invalid Pensions.

S. 8340. An act granting an increase of pension to Maria L. Philbrick—to the Committee on Invalid Pensions.

S. 8404. An act granting an increase of pension to Nelson W. Jameson—to the Committee on Invalid Pensions.

S. 8485. An act granting an increase of pension to Ann Hudson—to the Committee on Pensions.

S. 8342. An act granting an increase of pension to George W. Walter—to the Committee on Pensions.

S. 8214. An act granting a pension to Jeremiah Bowman—to the Committee on Pensions.

S. 8443. An act granting a pension to Fanny M. Grant—to the Committee on Invalid Pensions.

S. 7671. An act granting an increase of pension to Charles H. Alden—to the Committee on Invalid Pensions.

Senate concurrent resolution 49.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of Senators and Representatives in Congress 500 copies of the act of July 2, 1864, Thirty-eighth Congress, first session, volume 13, page 365, United States Statutes at Large—to the Committee on Printing.

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. 22881. An act granting an increase of pension to Thomas L. Williams;

H. R. 22927. An act granting an increase of pension to William A. Leach;

H. R. 22929. An act granting an increase of pension to John O. McNabb;

H. R. 22941. An act granting an increase of pension to Lucinda Davidson;

H. R. 22951. An act granting an increase of pension to Alice E. Ragan;

H. R. 22976. An act granting an increase of pension to Milton Stevens;

H. R. 22978. An act granting an increase of pension to Thomas Adams;

H. R. 22985. An act granting an increase of pension to Henry Bauerlin;

H. R. 22990. An act granting an increase of pension to Francis A. Lander;

H. R. 22993. An act granting an increase of pension to Emily Hibernia Trabue;

H. R. 22994. An act granting an increase of pension to Lucinda C. Musgrove;

H. R. 22995. An act granting an increase of pension to Nathaniel Y. Buck;

H. R. 23036. An act granting an increase of pension to John C. Mitchell;

H. R. 23051. An act granting an increase of pension to Volna S. Topping;

H. R. 23057. An act granting an increase of pension to James M. Davidson;

H. R. 23096. An act granting an increase of pension to James L. Colding;

H. R. 23121. An act granting an increase of pension to Frank Vroman;

H. R. 23122. An act granting an increase of pension to Melissa D. Whitman;

H. R. 23133. An act granting an increase of pension to John Cowan;

H. R. 23136. An act granting an increase of pension to Sylvanus Sloat;

H. R. 23143. An act granting an increase of pension to John H. Robbins;

H. R. 23153. An act granting an increase of pension to George Quien;

H. R. 23166. An act granting an increase of pension to William S. Voris;

H. R. 23171. An act granting an increase of pension to Harmon Veatch;

H. R. 23182. An act granting an increase of pension to Martha Ella Wrenn;

H. R. 23195. An act granting an increase of pension to Aurora Garwood Ellis;

H. R. 23197. An act granting an increase of pension to Agnes E. Brown;

H. R. 23234. An act granting an increase of pension to James W. Walsh, alias James Powers;

H. R. 23241. An act granting an increase of pension to Mary Loomis;

H. R. 23247. An act granting an increase of pension to George I. Stults;

H. R. 23263. An act granting an increase of pension to Michael Downs;

H. R. 23265. An act granting an increase of pension to Henry Helton;

H. R. 23278. An act granting an increase of pension to James M. Morris;

H. R. 23279. An act granting an increase of pension to David H. Moore;

H. R. 23281. An act granting an increase of pension to William T. Fisher;

H. R. 23299. An act granting an increase of pension to Henry Goodlander;

H. R. 23327. An act granting an increase of pension to Paul Sheets;

H. R. 23339. An act granting an increase of pension to Martha L. Burnham;

H. R. 23357. An act granting an increase of pension to James M. Houston;

H. R. 23365. An act granting an increase of pension to William Seitz;

H. R. 23371. An act granting an increase of pension to Clark Crecelius;

H. R. 23423. An act granting an increase of pension to Elbridge Simpson;

H. R. 23458. An act granting an increase of pension to Edgar D. Ellis;

H. R. 23468. An act granting an increase of pension to Martin Becker;

H. R. 23475. An act granting an increase of pension to Thomas J. Green;

H. R. 23477. An act granting an increase of pension to Caroline Vick;

H. R. 23481. An act granting an increase of pension to John G. Price;

H. R. 23495. An act granting an increase of pension to Adam Sliger;

H. R. 23522. An act granting an increase of pension to George W. Shacklett;

H. R. 23526. An act granting an increase of pension to Stephen D. Jordan;

H. R. 23527. An act granting an increase of pension to Joseph E. Knighten;

H. R. 23528. An act granting an increase of pension to John M. Smith;

H. R. 23549. An act granting an increase of pension to Isaiah Carter;

H. R. 23550. An act granting an increase of pension to Elizabeth C. Smith;

H. R. 23593. An act granting an increase of pension to Charles M. Buck;

H. R. 23599. An act granting an increase of pension to Alfred B. Stansil;

H. R. 23608. An act granting an increase of pension to John Manley;

H. R. 23622. An act granting an increase of pension to Benjamin Maple;

H. R. 23624. An act granting an increase of pension to Albina M. Williams;

H. R. 23644. An act granting an increase of pension to Charles J. Schreiner;

H. R. 23645. An act granting an increase of pension to Isaac L. Griswold;

H. R. 23651. An act granting an increase of pension to John W. Wilson;

H. R. 23652. An act granting an increase of pension to William H. Zimmerman;

H. R. 23653. An act granting an increase of pension to Dewitt C. Chapman;

H. R. 23656. An act granting an increase of pension to John Kilpatrick;

H. R. 23683. An act granting an increase of pension to Thomas Phillips;

H. R. 23684. An act granting an increase of pension to Harry C. Cadwell;
H. R. 23686. An act granting an increase of pension to William H. Kehlbeck;
H. R. 23774. An act granting an increase of pension to James Kelley;
H. R. 23777. An act granting an increase of pension to James Marshall;
H. R. 23778. An act granting an increase of pension to Henry Clapper;
H. R. 23739. An act granting an increase of pension to Elizabeth Pillow;
H. R. 23781. An act granting an increase of pension to Honora Higgins;
H. R. 23699. An act granting an increase of pension to Joseph Countryman;
H. R. 23703. An act granting an increase of pension to Clarendon Kelly;
H. R. 23705. An act granting an increase of pension to Frederick P. Gaudineer;
H. R. 23762. An act granting an increase of pension to Adeliade Wagner;
H. R. 23764. An act granting an increase of pension to Joseph C. Fisher;
H. R. 23770. An act granting an increase of pension to Henry D. Combs;
H. R. 23772. An act granting an increase of pension to Temperance Davis;
H. R. 23783. An act granting an increase of pension to George W. Buzzell;
H. R. 23792. An act granting an increase of pension to Zeurial McCullock;
H. R. 23795. An act granting an increase of pension to Patrick McMahon;
H. R. 23803. An act granting an increase of pension to David C. Jones;
H. R. 23804. An act granting an increase of pension to Phoebe E. Sparkman;
H. R. 23805. An act granting an increase of pension to Thomas Hamilton;
H. R. 23810. An act granting an increase of pension to Ira J. Everson;
H. R. 23811. An act granting an increase of pension to Theron Cross;
H. R. 23812. An act granting an increase of pension to Joseph Dewhurst;
H. R. 23845. An act granting an increase of pension to George W. Cassle;
H. R. 23846. An act granting an increase of pension to Sarah Ann Kendig;
H. R. 23858. An act granting an increase of pension to Hugh M. Cox;
H. R. 23872. An act granting an increase of pension to Charles Blacker;
H. R. 23874. An act granting an increase of pension to William R. Horn;
H. R. 23877. An act granting an increase of pension to Mary A. Edwards;
H. R. 23899. An act granting an increase of pension to James P. Hanna;
H. R. 23973. An act granting an increase of pension to Henry Loor Reger;
H. R. 23969. An act granting an increase of pension to William Morson;
H. R. 23958. An act granting an increase of pension to Thomas W. Parsons;
H. R. 23957. An act granting an increase of pension to John Heinrichs;
H. R. 23981. An act granting an increase of pension to Sarah Elizabeth Fuller;
H. R. 23984. An act granting an increase of pension to Jacob Miller;
H. R. 24017. An act granting an increase of pension to Timothy Hanlon;
H. R. 24018. An act granting an increase of pension to John Adams Miller;
H. R. 24019. An act granting an increase of pension to John Brown;
H. R. 24023. An act granting an increase of pension to Joseph H. Clark;
H. R. 24056. An act granting an increase of pension to Reuben Copher;
H. R. 24078. An act granting an increase of pension to Warren J. Sevey;
H. R. 24096. An act granting an increase of pension to Oscar F. Peacock;
H. R. 24099. An act granting an increase of pension to Benjamin J. Puckett;
H. R. 24155. An act granting an increase of pension to Richard N. Porter;
H. R. 24182. An act granting an increase of pension to John Delaney;
H. R. 24185. An act granting an increase of pension to William S. Weller;
H. R. 24187. An act granting an increase of pension to Nancy G. Reid;
H. R. 24188. An act granting an increase of pension to Samuel Moore;
H. R. 24192. An act granting an increase of pension to Charles Lee;
H. R. 24208. An act granting an increase of pension to Albert Sunderland;
H. R. 24214. An act granting an increase of pension to Elizabeth Hodge;
H. R. 24231. An act granting an increase of pension to Absalom Sivley;
H. R. 24259. An act granting an increase of pension to Hannibal A. Johnson;
H. R. 24268. An act granting an increase of pension to Louisa Olin;
H. R. 24303. An act granting an increase of pension to Gillam M. Ezell;
H. R. 24321. An act granting an increase of pension to Belah H. Wilcox;
H. R. 24360. An act granting an increase of pension to Jeremiah F. Pittman;
H. R. 24380. An act granting an increase of pension to Charles Woodruff Woolley;
H. R. 24383. An act granting an increase of pension to Shadrack H. J. Alley;
H. R. 24415. An act granting an increase of pension to Laura G. Hight;
H. R. 24418. An act granting an increase of pension to Kate Flowers;
H. R. 24479. An act granting an increase of pension to Simeon D. Pope;
H. R. 24513. An act granting an increase of pension to Bowman H. Buck;
H. R. 24616. An act granting an increase of pension to Mathias Shirk;
H. R. 24620. An act granting an increase of pension to Elizabeth Balew;
H. R. 24671. An act granting an increase of pension to Augustine Sorrell;
H. R. 4678. An act granting an increase of pension to John F. Casper;
H. R. 21529. An act granting an increase of pension to Charlotte Game;
H. R. 22282. An act granting an increase of pension to Edward H. Lunn;
H. R. 22264. An act granting an increase of pension to Sibby Barnhill;
H. R. 23870. An act granting an increase of pension to America J. Austin;
H. R. 21808. An act granting an increase of pension to Levi Mitchell;
H. R. 17334. An act granting an increase of pension to Henry Power;
H. R. 24323. An act granting an increase of pension to Talcott M. Brown;
H. R. 22092. An act granting an increase of pension to Simon McAteer;
H. R. 22094. An act granting an increase of pension to Albert J. Hamre;
H. R. 22099. An act granting an increase of pension to Libbie D. Lowry;
H. R. 22102. An act granting an increase of pension to Barre Peterson;
H. R. 22103. An act granting an increase of pension to Warren P. Hubbs;
H. R. 22155. An act granting an increase of pension to Andrew J. Armstrong;
H. R. 22203. An act granting an increase of pension to Oliver J. Burns;
H. R. 22214. An act granting an increase of pension to Thomas J. Prouty;
H. R. 22215. An act granting an increase of pension to Eliza A. Hughes;

H. R. 22217. An act granting an increase of pension to George W. Boughner;
H. R. 22222. An act granting an increase of pension to John W. Booth;
H. R. 22223. An act granting an increase of pension to Uriah Kitchen;
H. R. 22237. An act granting an increase of pension to Nathan Lawson;
H. R. 22238. An act granting an increase of pension to James Stinson;
H. R. 22239. An act granting an increase of pension to Elizabeth T. Hays;
H. R. 22241. An act granting an increase of pension to Stephen Robinson;
H. R. 22243. An act granting an increase of pension to James W. Campbell;
H. R. 22252. An act granting an increase of pension to William W. Tyson;
H. R. 22266. An act granting an increase of pension to Delphie Thorne;
H. R. 22269. An act granting an increase of pension to John L. Rosencrans;
H. R. 22270. An act granting an increase of pension to Michael Hogan;
H. R. 22272. An act granting an increase of pension to George W. Rodefer;
H. R. 22276. An act granting an increase of pension to Warren A. Sherwood;
H. R. 22279. An act granting an increase of pension to Thomas M. Griffith;
H. R. 22284. An act granting an increase of pension to George Ruhle;
H. R. 22285. An act granting an increase of pension to Dennis Remington, alias John Baker;
H. R. 22288. An act granting an increase of pension to Samuel L. Davis;
H. R. 22297. An act granting an increase of pension to Hugh L. Dicus;
H. R. 22306. An act granting an increase of pension to Louisa Duncan;
H. R. 22310. An act granting an increase of pension to Mary A. Kerr;
H. R. 22318. An act granting an increase of pension to James D. Cox;
H. R. 22322. An act granting an increase of pension to Maria Cross;
H. R. 22359. An act granting an increase of pension to Louisa L. Wood;
H. R. 22376. An act granting an increase of pension to William M. Colby;
H. R. 22388. An act granting an increase of pension to Daniel A. Peabody;
H. R. 22408. An act granting an increase of pension to Aaron Preston;
H. R. 22409. An act granting an increase of pension to Margaret A. McAdoo;
H. R. 22420. An act granting an increase of pension to Edward Wesley Ward;
H. R. 22422. An act granting an increase of pension to William J. Johnson;
H. R. 22425. An act granting an increase of pension to Thomas Sires;
H. R. 22428. An act granting an increase of pension to Dora T. Bristol;
H. R. 22431. An act granting an increase of pension to Alden Youngman;
H. R. 22434. An act granting an increase of pension to Peter McCormick;
H. R. 22440. An act granting an increase of pension to Daniel Mose;
H. R. 22442. An act granting an increase of pension to John Clark;
H. R. 22444. An act granting an increase of pension to William Oliver Anderson;
H. R. 22447. An act granting an increase of pension to Frank Schadler;
H. R. 22451. An act granting an increase of pension to John McCaslin;
H. R. 22452. An act granting an increase of pension to William A. Narrin;
H. R. 22462. An act granting an increase of pension to Aaron Chamberlain;
H. R. 22500. An act granting an increase of pension to Minor Cleavenger;
H. R. 22501. An act granting an increase of pension to Austin B. Truman;
H. R. 22502. An act granting an increase of pension to Oren D. Haskell;
H. R. 22506. An act granting an increase of pension to James F. Smith;
H. R. 22522. An act granting an increase of pension to Susan Harroun;
H. R. 22528. An act granting an increase of pension to Daniel Fuller;
H. R. 22542. An act granting an increase of pension to Charlotte S. O'Neall;
H. R. 22550. An act granting an increase of pension to Jonathan B. Reber;
H. R. 22551. An act granting an increase of pension to Wilson Siddell;
H. R. 22601. An act granting an increase of pension to John J. Clark;
H. R. 22602. An act granting an increase of pension to John H. Passon;
H. R. 22605. An act granting an increase of pension to John R. Hargrave;
H. R. 22609. An act granting an increase of pension to Thomas Bayley;
H. R. 22620. An act granting an increase of pension to Charles S. Abbott;
H. R. 22623. An act granting an increase of pension to George W. Willison;
H. R. 22624. An act granting an increase of pension to Louisa M. Carothers;
H. R. 22634. An act granting an increase of pension to Helon Wilson;
H. R. 22635. An act granting an increase of pension to Catharine Williams;
H. R. 22642. An act granting an increase of pension to John Gregory;
H. R. 22651. An act granting an increase of pension to Sarah E. Cadmus;
H. R. 22706. An act granting an increase of pension to William Smoker;
H. R. 22710. An act granting an increase of pension to Nelson Cornell;
H. R. 22711. An act granting an increase of pension to Jacob Kures;
H. R. 22715. An act granting an increase of pension to Terrance Doyle;
H. R. 22718. An act granting an increase of pension to William Dean;
H. R. 22734. An act granting an increase of pension to Michael Maier;
H. R. 22746. An act granting an increase of pension to Felix G. Cobb;
H. R. 22748. An act granting an increase of pension to Willard P. Fisher;
H. R. 22749. An act granting an increase of pension to Della S. Easton;
H. R. 22750. An act granting an increase of pension to William Jenkins;
H. R. 22756. An act granting an increase of pension to Levi E. Curtis;
H. R. 22757. An act granting an increase of pension to Joshua E. Hyatt;
H. R. 22762. An act granting an increase of pension to John M. Gilbert;
H. R. 22764. An act granting an increase of pension to Samuel V. Carr;
H. R. 22766. An act granting an increase of pension to Soren V. Kalsem;
H. R. 22771. An act granting an increase of pension to William J. Courter;
H. R. 22772. An act granting an increase of pension to Mary S. Sanders;
H. R. 22776. An act granting an increase of pension to James E. Converse;
H. R. 22820. An act granting an increase of pension to George S. Schmutz;
H. R. 22827. An act granting an increase of pension to Mary Kirk;
H. R. 22829. An act granting an increase of pension to George Spalding;
H. R. 22838. An act granting an increase of pension to W. Ira Templeton;
H. R. 22842. An act granting an increase of pension to William C. Hodges;

H. R. 22846. An act granting an increase of pension to Martin Holmes, alias George Langin;
H. R. 22853. An act granting an increase of pension to Burden H. Barrett;
H. R. 22858. An act granting an increase of pension to John A. Henry;
H. R. 21432. An act granting an increase of pension to Benjamin Bragg;
H. R. 21433. An act granting an increase of pension to George W. Lasley;
H. R. 21446. An act granting an increase of pension to William A. Crum;
H. R. 21448. An act granting an increase of pension to Jesse Jackman;
H. R. 21461. An act granting an increase of pension to Henry Huff;
H. R. 21462. An act granting an increase of pension to William H. Wickham;
H. R. 21470. An act granting an increase of pension to Mary Rebecca Carroll;
H. R. 21471. An act granting an increase of pension to Adaline H. Malone;
H. R. 21472. An act granting an increase of pension to Wiley H. Jackson;
H. R. 21473. An act granting an increase of pension to James B. Wood;
H. R. 21481. An act granting an increase of pension to Lucy Cole;
H. R. 21483. An act granting an increase of pension to George S. Woods;
H. R. 21496. An act granting an increase of pension to Samuel B. Davis;
H. R. 21497. An act granting an increase of pension to Mary E. Hobbs;
H. R. 21499. An act granting an increase of pension to Henry A. Weiand;
H. R. 21506. An act granting an increase of pension to Jacob Howe;
H. R. 21508. An act granting an increase of pension to Samuel Barber;
H. R. 21515. An act granting an increase of pension to Joseph Wheeler;
H. R. 21516. An act granting an increase of pension to James Murtha;
H. R. 21524. An act granting an increase of pension to Elison Gatewood;
H. R. 21532. An act granting an increase of pension to William Dobson;
H. R. 21534. An act granting an increase of pension to Henry Reed;
H. R. 21535. An act granting an increase of pension to William E. Feeley;
H. R. 21540. An act granting an increase of pension to John L. Wilson;
H. R. 21542. An act granting an increase of pension to Erastus A. Thomas;
H. R. 21543. An act granting an increase of pension to Addison Thompson;
H. R. 21551. An act granting an increase of pension to Alfred E. Lucas;
H. R. 21563. An act granting an increase of pension to Merritt M. Smart;
H. R. 21564. An act granting an increase of pension to Daniel French;
H. R. 21588. An act granting an increase of pension to Robert Medworth;
H. R. 21603. An act granting an increase of pension to Calvin S. Mullins;
H. R. 21604. An act granting an increase of pension to William Girdler;
H. R. 21606. An act granting an increase of pension to Felix G. Morrison;
H. R. 21612. An act granting an increase of pension to James S. Hart;
H. R. 21615. An act granting an increase of pension to David Yoder;
H. R. 21617. An act granting an increase of pension to William Miller;
H. R. 21618. An act granting an increase of pension to Leonidas W. Reavis;
H. R. 21621. An act granting an increase of pension to Minerva A. Mayes;
H. R. 21624. An act granting an increase of pension to William H. Willey;
H. R. 21626. An act granting an increase of pension to Calvin Barker;
H. R. 21630. An act granting an increase of pension to John F. Yeargin;
H. R. 21634. An act granting an increase of pension to Emma Sickler;
H. R. 21636. An act granting an increase of pension to Elias Miller;
H. R. 21643. An act granting an increase of pension to Edward Ford;
H. R. 21644. An act granting an increase of pension to Sheldon Hess;
H. R. 21648. An act granting an increase of pension to Michael Gaus;
H. R. 21651. An act granting an increase of pension to Jacob B. Butts;
H. R. 21660. An act granting an increase of pension to Emma Fehr;
H. R. 21667. An act granting an increase of pension to John W. Towle;
H. R. 21718. An act granting an increase of pension to Franz Z. F. W. Jensen;
H. R. 21724. An act granting an increase of pension to John D. Martin;
H. R. 21740. An act granting an increase of pension to Maria R. Klindt;
H. R. 21761. An act granting an increase of pension to John Tims;
H. R. 21764. An act granting an increase of pension to Ment Stannah;
H. R. 21767. An act granting an increase of pension to George Young;
H. R. 21782. An act granting an increase of pension to Anderson Graham;
H. R. 21787. An act granting an increase of pension to Alexander Porter;
H. R. 21793. An act granting an increase of pension to Charles H. Pratt;
H. R. 21798. An act granting an increase of pension to Andrew Spencer;
H. R. 21819. An act granting an increase of pension to Joseph Peach;
H. R. 21832. An act granting an increase of pension to John W. Wilkinson;
H. R. 21836. An act granting an increase of pension to Mary C. Hall;
H. R. 21837. An act granting an increase of pension to James W. Kasson;
H. R. 21838. An act granting an increase of pension to Fannie J. Terry;
H. R. 21843. An act granting an increase of pension to Robert H. Delaney;
H. R. 21848. An act granting an increase of pension to Charles W. Arthur;
H. R. 21852. An act granting an increase of pension to James M. Eaman;
H. R. 21853. An act granting an increase of pension to William A. Whitaker;
H. R. 21856. An act granting an increase of pension to John G. Viall;
H. R. 21881. An act granting an increase of pension to Mahala M. Jones;
H. R. 21886. An act granting an increase of pension to John Bryant;
H. R. 21887. An act granting an increase of pension to James H. Hayman;
H. R. 21888. An act granting an increase of pension to Andrew Canova;
H. R. 21894. An act granting an increase of pension to Jacob W. Pierce;
H. R. 21882. An act granting an increase of pension to Frank Breazeale;
H. R. 21896. An act granting an increase of pension to George H. Field;
H. R. 21906. An act granting an increase of pension to John M. Bruder;
H. R. 21909. An act granting an increase of pension to George W. W. Tanner;
H. R. 21913. An act granting an increase of pension to Henry Pieper;
H. R. 21915. An act granting an increase of pension to John A. Smith;
H. R. 21923. An act granting an increase of pension to Sebastian Fuchs;

H. R. 21960. An act granting an increase of pension to Sarah Betts;
H. R. 21961. An act granting an increase of pension to Harvey F. Wood;
H. R. 21962. An act granting an increase of pension to Henry Osterheld;
H. R. 21991. An act granting an increase of pension to Redmond Roche;
H. R. 21997. An act granting an increase of pension to Martha Joyce;
H. R. 22002. An act granting an increase of pension to John W. Hall;
H. R. 22003. An act granting an increase of pension to Alexander Matchett;
H. R. 22007. An act granting an increase of pension to Sanford D. Paine;
H. R. 22015. An act granting an increase of pension to William Reese;
H. R. 22017. An act granting an increase of pension to Adolphus Cooley;
H. R. 22018. An act granting an increase of pension to Charles Sells;
H. R. 22020. An act granting an increase of pension to Samuel Keller;
H. R. 22022. An act granting an increase of pension to Josiah H. Shaver;
H. R. 22024. An act granting an increase of pension to Eldridge Underwood;
H. R. 22025. An act granting an increase of pension to Thomas H. Cook;
H. R. 22034. An act granting an increase of pension to James A. Wonder;
H. R. 22035. An act granting an increase of pension to Benjamin Swayze;
H. R. 22047. An act granting an increase of pension to George Tinkham;
H. R. 22048. An act granting an increase of pension to Orrin Freeman;
H. R. 22050. An act granting an increase of pension to John W. Frost;
H. R. 22065. An act granting an increase of pension to Henry Utter;
H. R. 22067. An act granting an increase of pension to Levi E. Miller;
H. R. 22068. An act granting an increase of pension to John P. Macy;
H. R. 22069. An act granting an increase of pension to Caroline W. Congdon;
H. R. 22073. An act granting an increase of pension to Eliza M. Scott;
H. R. 22079. An act granting an increase of pension to James D. Grayson;
H. R. 22085. An act granting an increase of pension to Randolph Wesson;
H. R. 22088. An act granting an increase of pension to Gottlieb Schweizer;
H. R. 22089. An act granting an increase of pension to Adaline G. Bailey;
H. R. 22090. An act granting an increase of pension to Severt Larson;
H. R. 15189. An act granting an increase of pension to Sidney S. Skinner;
H. R. 15353. An act granting an increase of pension to Abbie J. Bryant;
H. R. 15965. An act granting an increase of pension to Stephen Gangwer;
H. R. 16020. An act granting an increase of pension to Andrew Brink;
H. R. 16046. An act granting an increase of pension to David Province;
H. R. 16181. An act granting an increase of pension to Ann Rafferty;
H. R. 16283. An act granting an increase of pension to Archibald H. R. Calvin;
H. R. 16322. An act granting an increase of pension to George C. Limpert;
H. R. 16340. An act granting an increase of pension to William M. Harris;
H. R. 16391. An act granting an increase of pension to William Jackson;
H. R. 16458. An act granting an increase of pension to Daniel W. Gillam;
H. R. 16487. An act granting an increase of pension to Martha Lavender;
H. R. 16506. An act granting an increase of pension to Kate S. Church;
H. R. 16698. An act granting an increase of pension to Henry H. Davis;
H. R. 16813. An act granting an increase of pension to Charles Brumm;
H. R. 16855. An act granting an increase of pension to Milton Peden;
H. R. 16886. An act granting an increase of pension to Elizabeth A. Murrey;
H. R. 16907. An act granting an increase of pension to Clarke S. Cole;
H. R. 16978. An act granting an increase of pension to Max Mueller;
H. R. 17058. An act granting an increase of pension to James H. O'Brien;
H. R. 17061. An act granting an increase of pension to Iva O. Shepardson;
H. R. 17251. An act granting an increase of pension to John J. Higgins;
H. R. 17266. An act granting an increase of pension to Henry W. Alspach;
H. R. 17330. An act granting an increase of pension to William Tuders;
H. R. 17331. An act granting an increase of pension to Douglas V. Donnelly;
H. R. 17335. An act granting an increase of pension to Lewis F. Belden;
H. R. 17369. An act granting an increase of pension to Minor B. Monaghan;
H. R. 17483. An act granting an increase of pension to William H. Loyd;
H. R. 17581. An act granting an increase of pension to Aquilla Williams;
H. R. 17618. An act granting an increase of pension to Anna F. Burlingame;
H. R. 17620. An act granting an increase of pension to Michael Pendergast, alias Michael Blake;
H. R. 17634. An act granting an increase of pension to John S. Cochran;
H. R. 17642. An act granting an increase of pension to Roland M. Johnson;
H. R. 17712. An act granting an increase of pension to Frank J. Biederman;
H. R. 17750. An act granting an increase of pension to John Gustus;
H. R. 17783. An act granting an increase of pension to James West;
H. R. 17817. An act granting an increase of pension to John Grimm;
H. R. 17831. An act granting an increase of pension to James Bowman;
H. R. 18014. An act granting an increase of pension to Elbridge P. Boyden;
H. R. 18042. An act granting an increase of pension to James H. Sinclair;
H. R. 18213. An act granting an increase of pension to William Ingram;
H. R. 18245. An act granting an increase of pension to Samuel D. McCurdy;
H. R. 18322. An act granting an increase of pension to Hezekiah James;
H. R. 18323. An act granting an increase of pension to Richard B. Rankin;
H. R. 18344. An act granting an increase of pension to William Todd;
H. R. 18383. An act granting an increase of pension to Frederick Shinaman;
H. R. 18433. An act granting an increase of pension to William Wentz;
H. R. 18450. An act granting an increase of pension to Eliza Howell;
H. R. 18602. An act granting an increase of pension to James E. Netser;
H. R. 18681. An act granting an increase of pension to William E. Gray;
H. R. 18723. An act granting an increase of pension to William E. Hanigan;
H. R. 18881. An act granting an increase of pension to Alexander B. Mott;
H. R. 18969. An act granting an increase of pension to Herman Hagemiller;
H. R. 19067. An act granting an increase of pension to Thomas J. Smith;

H. R. 19131. An act granting an increase of pension to Edward K. Mull;
H. R. 19133. An act granting an increase of pension to Fergus P. McMillan;
H. R. 19175. An act granting an increase of pension to Josiah B. Arnott;
H. R. 19263. An act granting an increase of pension to John Ingram;
H. R. 19271. An act granting an increase of pension to Joseph J. Branyan;
H. R. 19294. An act granting an increase of pension to Francis M. Hatten;
H. R. 19360. An act granting an increase of pension to John F. G. Cliborne;
H. R. 19384. An act granting an increase of pension to Susan E. Hernandez;
H. R. 19385. An act granting an increase of pension to Agnes E. Calvert;
H. R. 19400. An act granting an increase of pension to Washington M. Brown;
H. R. 19401. An act granting an increase of pension to Campbell Cowan;
H. R. 19450. An act granting an increase of pension to Henry C. Eastep;
H. R. 19498. An act granting an increase of pension to Sarah Neely;
H. R. 19499. An act granting an increase of pension to Thomas Milson;
H. R. 19526. An act granting an increase of pension to Judson H. Holcomb;
H. R. 19537. An act granting an increase of pension to Edward S. E. Newbury;
H. R. 19578. An act granting an increase of pension to Mary A. Rogers;
H. R. 19581. An act granting an increase of pension to Mary E. Bookhammer;
H. R. 19592. An act granting an increase of pension to William B. Corley;
H. R. 19613. An act granting an increase of pension to James A. Pryce;
H. R. 19628. An act granting an increase of pension to Elizabeth Mooney;
H. R. 19650. An act granting an increase of pension to Alexander W. Taylor;
H. R. 19706. An act granting an increase of pension to Almon Wood;
H. R. 19770. An act granting an increase of pension to James G. Van Dewalker;
H. R. 19775. An act granting an increase of pension to Greenup Meece;
H. R. 19832. An act granting an increase of pension to George W. Smith;
H. R. 19863. An act granting an increase of pension to Walter B. Swain;
H. R. 19869. An act granting an increase of pension to John E. Bowles;
H. R. 19943. An act granting an increase of pension to Edward La Coste;
H. R. 19969. An act granting an increase of pension to Henry K. Burger;
H. R. 20000. An act granting an increase of pension to Thomas R. Elliott;
H. R. 20008. An act granting an increase of pension to Caroline A. Smith;
H. R. 20036. An act granting an increase of pension to Oliver T. Westmoreland;
H. R. 20079. An act granting an increase of pension to Richard F. Barret;
H. R. 20091. An act granting an increase of pension to John A. Smith;
H. R. 20107. An act granting an increase of pension to William A. Brown;
H. R. 20125. An act granting an increase of pension to Mary Küchler;
H. R. 20126. An act granting an increase of pension to Margaret Pint;
H. R. 20187. An act granting an increase of pension to John J. Duff;
H. R. 20188. An act granting an increase of pension to John H. McCain, alias John Croft;
H. R. 20189. An act granting an increase of pension to Thomas W. Daniels;
H. R. 20201. An act granting an increase of pension to Charles W. Airey;
H. R. 20212. An act granting an increase of pension to George W. Green;
H. R. 20215. An act granting an increase of pension to Riley J. Berkley;
H. R. 20224. An act granting an increase of pension to Philip Hamman;
H. R. 20236. An act granting an increase of pension to William E. Richards;
H. R. 20243. An act granting an increase of pension to Anton Heinzen;
H. R. 20244. An act granting an increase of pension to Alfred Hayward;
H. R. 20261. An act granting an increase of pension to Burris Subers;
H. R. 20291. An act granting an increase of pension to Emma F. Buchanan;
H. R. 20283. An act granting an increase of pension to Henry D. Bole;
H. R. 20356. An act granting an increase of pension to Mary T. Mathis;
H. R. 20446. An act granting an increase of pension to Andrew H. Groves;
H. R. 20455. An act granting an increase of pension to Harvey McCallin;
H. R. 20493. An act granting an increase of pension to Charles F. Connery;
H. R. 20557. An act granting an increase of pension to Webster Miller;
H. R. 20558. An act granting an increase of pension to Mark W. Terrill;
H. R. 20568. An act granting an increase of pension to Chester R. Pitt;
H. R. 20615. An act granting an increase of pension to Julia T. Baldwin;
H. R. 20616. An act granting an increase of pension to Isaac Fornwalt;
H. R. 20618. An act granting an increase of pension to George W. Brinton;
H. R. 20647. An act granting an increase of pension to Dominick Garvey;
H. R. 20654. An act granting an increase of pension to William A. Nichols;
H. R. 20684. An act granting an increase of pension to William M. Neal;
H. R. 20685. An act granting an increase of pension to Joseph R. Benham;
H. R. 20686. An act granting an increase of pension to Joshua S. Jayne;
H. R. 20687. An act granting an increase of pension to John M. Dixon;
H. R. 20688. An act granting an increase of pension to Joseph M. Storey;
H. R. 20689. An act granting an increase of pension to Francis Doughty;
H. R. 20713. An act granting an increase of pension to Timothy Quinn;
H. R. 20719. An act granting an increase of pension to James C. Price;
H. R. 20727. An act granting an increase of pension to William Conwell;
H. R. 20728. An act granting an increase of pension to Ira D. Hill;
H. R. 20729. An act granting an increase of pension to Benjamin Lyons;
H. R. 20730. An act granting an increase of pension to John Carpenter;
H. R. 20731. An act granting an increase of pension to Peter Buchmann;
H. R. 20732. An act granting an increase of pension to Le Roy Benson;
H. R. 20733. An act granting an increase of pension to Oscar Andrews;
H. R. 20734. An act granting an increase of pension to Amos Kellner;
H. R. 20737. An act granting an increase of pension to William G. Whitney;
H. R. 20740. An act granting an increase of pension to Guthridge L. Phillips;
H. R. 20821. An act granting an increase of pension to John L. Newman;
H. R. 20822. An act granting an increase of pension to Milton L. Howard;
H. R. 20823. An act granting an increase of pension to William H. Webb;

H. R. 20831. An act granting an increase of pension to James R. Dunlap;
H. R. 20834. An act granting an increase of pension to Franklin Comstock;
H. R. 20842. An act granting an increase of pension to Henry Joyce;
H. R. 20854. An act granting an increase of pension to Thomas Welch;
H. R. 20855. An act granting an increase of pension to George Hierl, alias George Hill;
H. R. 20856. An act granting an increase of pension to Catharine A. Greene;
H. R. 20858. An act granting an increase of pension to William C. Thompson;
H. R. 20859. An act granting an increase of pension to Henry C. Hughes;
H. R. 20860. An act granting an increase of pension to Charles T. Chapman;
H. R. 20861. An act granting an increase of pension to Catharine Weigert;
H. R. 20862. An act granting an increase of pension to August Weber;
H. R. 20882. An act granting an increase of pension to Luther W. Harris;
H. R. 20887. An act granting an increase of pension to Emma Walters;
H. R. 20929. An act granting an increase of pension to Thomas D. King;
H. R. 20930. An act granting an increase of pension to Joseph Rouge;
H. R. 20931. An act granting an increase of pension to John N. Shear;
H. R. 20953. An act granting an increase of pension to James D. Walker;
H. R. 20957. An act granting an increase of pension to William Chagnon;
H. R. 20960. An act granting an increase of pension to Sarah M. Bickford;
H. R. 20966. An act granting an increase of pension to Thomas Jones;
H. R. 20967. An act granting an increase of pension to Samuel W. Hines;
H. R. 20970. An act granting an increase of pension to Edgar Weaver;
H. R. 20973. An act granting an increase of pension to Henry Lufft;
H. R. 21000. An act granting an increase of pension to Mary Evans;
H. R. 21002. An act granting an increase of pension to William Wiggins;
H. R. 21022. An act granting an increase of pension to Thomas N. Gootee;
H. R. 21025. An act granting an increase of pension to Enoch May;
H. R. 21039. An act granting an increase of pension to Nelson J. Weller;
H. R. 21047. An act granting an increase of pension to Jesse J. Melton;
H. R. 21060. An act granting an increase of pension to Gottlieb Kirchner;
H. R. 21061. An act granting an increase of pension to James Collins;
H. R. 21077. An act granting an increase of pension to Andrew M. Dunn;
H. R. 21078. An act granting an increase of pension to Henry C. Davis;
H. R. 21079. An act granting an increase of pension to Patrick Kinney;
H. R. 21087. An act granting an increase of pension to Albert Manice;
H. R. 21097. An act granting an increase of pension to Henry W. Martin;
H. R. 21298. An act granting an increase of pension to John A. Pence;
H. R. 21294. An act granting an increase of pension to Lissie D. Allen;
H. R. 21289. An act granting an increase of pension to Jesse Lewis;
H. R. 21283. An act granting an increase of pension to Frederick De Planque;
H. R. 21281. An act granting an increase of pension to Catharine Ludwig;
H. R. 21280. An act granting an increase of pension to Isaac Cain;
H. R. 21227. An act granting an increase of pension to Parthena Lasley;
H. R. 21238. An act granting an increase of pension to John W. Gahan;
H. R. 21255. An act granting an increase of pension to Thomas McDowell;
H. R. 21256. An act granting an increase of pension to William Foster;
H. R. 21257. An act granting an increase of pension to Thomas Morris;
H. R. 21258. An act granting an increase of pension to James Dopp;
H. R. 21264. An act granting an increase of pension to David J. Wise;
H. R. 21270. An act granting an increase of pension to Ellen Sullivan;
H. R. 21274. An act granting an increase of pension to Jeremiah Buffington;
H. R. 21276. An act granting an increase of pension to Christian Roessler;
H. R. 21277. An act granting an increase of pension to Robert Martin;
H. R. 21279. An act granting an increase of pension to Martin Heiler;
H. R. 21301. An act granting an increase of pension to John R. Goodier;
H. R. 21303. An act granting an increase of pension to James Edward Bristol;
H. R. 21312. An act granting an increase of pension to Ernst Boger;
H. R. 21316. An act granting an increase of pension to Samuel Rhodes;
H. R. 21320. An act granting an increase of pension to Malinda H. Hitchcock;
H. R. 21322. An act granting an increase of pension to Elizabeth Wilson;
H. R. 21325. An act granting an increase of pension to George O. Tibbitts;
H. R. 21331. An act granting an increase of pension to Robert O. Bradley;
H. R. 21332. An act granting an increase of pension to John R. Smith;
H. R. 21335. An act granting an increase of pension to Harvey S. Nettleton;
H. R. 21343. An act granting an increase of pension to James C. Murray;
H. R. 21347. An act granting an increase of pension to Jeannette M. Guiney;
H. R. 21355. An act granting an increase of pension to John Cooper;
H. R. 21356. An act granting an increase of pension to Edward C. Miller;
H. R. 21373. An act granting an increase of pension to Carrie E. Cosgrove;
H. R. 21374. An act granting an increase of pension to Charles H. Homan;
H. R. 21375. An act granting an increase of pension to John S. Cornwell;
H. R. 21376. An act granting an increase of pension to John W. Stichter;
H. R. 21410. An act granting an increase of pension to Blanche M. Kell;
H. R. 21423. An act granting an increase of pension to Martha E. Wood;
H. R. 21425. An act granting an increase of pension to Jasper N. Brown;
H. R. 21426. An act granting an increase of pension to John J. Ross;
H. R. 21427. An act granting an increase of pension to Thomas L. Moody; and
H. R. 21428. An act granting an increase of pension to Cornelius H. Lawrence.

BRIDGE ACROSS MISSISSIPPI RIVER AT LOUISIANA, MO.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25046) to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo., which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That D. A. Ball, R. H. Goodman, Harry Higbee, William E. Williams, Charles Dustin, Ed. A. Glenn, and David Wald, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, electric road, and highway bridge and approaches thereto across the Mississippi River at Louisiana, in the State of Missouri, in accordance with the provisions of the

act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The SPEAKER. Is there objection?

Mr. HUGHES. I would like to ask the gentleman from Missouri if this is a unanimous report from the Committee on Interstate and Foreign Commerce?

Mr. CLARK of Missouri. Yes; it is in conformity with the ironclad regulations we have here.

The SPEAKER. The Chair hears no objection.

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

On motion of Mr. CLARK of Missouri, a motion to reconsider the last vote was laid on the table.

CERTAIN CHANGES IN THE POSTAL LAWS.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10095) making certain changes in the postal laws.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after thirty days from the final passage of this act, when in addition to the stamps required to transmit any letter or package of first-class matter through the mails there shall be attached to the envelope or covering 10 cents' worth of ordinary stamps of any denomination, with the words "special delivery" written or printed on the envelope or covering, the said package shall be handled, transmitted, and delivered in all respects as though it bore a regulation "special-delivery" stamp.

The amendment recommended by the committee was read, as follows:

In line 9, after the word "covering," insert "under such regulations as the Postmaster-General may prescribe."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I understand that this bill has been reported from the Committee on Post-Offices and Post-Roads and recommended by the Post-Office Department.

Mr. CLARK of Missouri. Yes; it is a unanimous report. I yield to the gentleman from Indiana.

Mr. OVERSTREET of Indiana. Mr. Speaker, I do not wish to object, but I wish to be heard upon it.

The SPEAKER. The Chair hears no objection.

Mr. OVERSTREET of Indiana. The gentleman is in error. It has not been recommended by the Department.

Mr. CLARK of Missouri. Maybe I am.

Mr. OVERSTREET of Indiana. I desire to offer an amendment, to which I think the gentleman from Missouri will have no objection, and in order to expedite it I will submit it in one amendment. I move to amend by striking out all the language in line 3 following the word "after," and also the first word in line 4, and insert "July 1, 1907;" also strike out in line 5 the words "first class," and insert, in line 8, following the word "delivery," the words "or their equivalent."

Mr. CLARK of Missouri. I think this amendment ought to be accepted. It improves the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 3 strike out all after the word "after," and the first word on line 4, and insert "July 1, 1907."

In line 5 strike out the words "first class."

In line 8, after the word "delivery," insert the words "or their equivalent."

Mr. OVERSTREET of Indiana. And I suggest the bill as proposed to be amended be read.

Mr. MANN. Let us hear the bill read.

The SPEAKER. The Clerk will read the bill as if the committee amendment and these amendments just offered by the gentleman from Indiana were agreed to.

The Clerk read as follows:

Be it enacted, etc., That from and after July 1, 1907, when in addition to the stamps required to transmit any letter or package of mail matter through the mails there shall be attached to the envelope or covering 10 cents worth of ordinary stamps of any denomination, with the words "special delivery" or their equivalent written or printed on the envelope or covering, under such regulations as the Postmaster-General may prescribe, the said package shall be handled, transmitted, and delivered in all respects as though it bore a regulation "special delivery" stamp.

Mr. STEENERSON. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Minnesota?

Mr. CLARK of Missouri. Yes, sir.

Mr. STEENERSON. I would ask the gentleman if he is aware of the fact this bill was referred to the Post-Office Department and they refused to recommend its passage?

Mr. CLARK of Missouri. I do not know about that, but I know this, that one of the Assistant Postmasters-General, or somebody in the Department, suggested this very thing in one of his reports.

Mr. STEENERSON. I saw a letter, and I will inquire of the chairman if there was not a letter in the Post-Office Committee that refuses, or does not recommend the passage of this bill, and I fear that its passage will complicate matters very much in the Department.

Mr. CLARK of Missouri. You are going to complicate matters this much, that it will bring four or five hundred thousand dollars of revenue into the Post-Office Department——

Mr. STEENERSON. I do not think so, and I am afraid it will be impossible to keep track over all revenues under that. I would like for the chairman of the Post-Office Committee to state the facts in regard to the recommendation of the Department, as I think the House ought to know what the facts are.

Mr. OVERSTREET of Indiana. I have already stated the facts, and I fear the gentleman from Minnesota did not hear me. The Post-Office Department, in answer to the inquiry concerning this bill when it was first referred to it, simply suggested that it doubted the propriety of it. Nevertheless, the Committee on the Post-Office and Post-Roads thought the bill a wise measure, and have reported it to the House.

Since the report of the committee, in discussing the matter with the Third Assistant Postmaster-General, it was thought best to offer these amendments which I have offered, which are in the interest of the proper administration of the law. For my own part, I agree with the gentleman from Missouri [Mr. CLARK] that this will undoubtedly result in benefit to the public; and, the Department always having the control with respect to the regulations under which the service will be rendered, I see no disadvantage even to the Department. I therefore favor the passage of the bill.

Mr. KEIFER. Both the gentleman from Missouri [Mr. CLARK] and the gentleman from Indiana [Mr. OVERSTREET] seem to think that this will bring in additional revenue. I do not think it is very clear to the Members just how that is to be brought about and how it is to be paid. I have been giving a little attention here to this, and do not understand it myself, and I think the bill ought to be explained, as it is an important matter, in that respect at least.

Mr. OVERSTREET of Indiana. Under existing law a special-delivery letter can not be given any favor or preference unless it bears a special-delivery stamp.

Mr. KEIFER. That we understand.

Mr. OVERSTREET of Indiana. That stamp is a peculiarly manufactured stamp, and many instances occur where individuals desiring to use the special delivery have not access to a post-office where the special-delivery stamps can be purchased, and under existing practices, whereby letter carriers and rural-delivery carriers sell stamps and have not the special-delivery stamps to sell to a patron, a patron not having a special-delivery stamp is put at the disadvantage of going to the office to purchase. The only propriety of some additional compensation is to cover the additional cost incident to the service in the delivery of the mail. Therefore, if in addition to the ordinary postage which is exacted by the statute there should be attached to the letter or package 10 cents' worth of stamps with the words "special delivery" or their equivalent written upon the envelope, the same revenue will be obtained by the Government.

Mr. KEIFER. Who is to write the words "special delivery?" The sender?

Mr. OVERSTREET of Indiana. The sender.

Mr. KEIFER. And put on the additional stamps?

Mr. OVERSTREET of Indiana. And put on the additional stamps. And I will say to the gentleman that if he fails to do it there is no loss to the Government, and the letter would then be treated as an ordinary letter.

Mr. KEIFER. This experiment with special delivery letters has been an expensive one?

Mr. OVERSTREET of Indiana. By no means. It has been a profit to the Government.

Mr. STEENERSON. I would like to inquire if the information the chairman of the Post-Office Committee now gives is from a communication from one of the Assistant Postmasters-General before the Post-Office Committee.

Mr. OVERSTREET of Indiana. It was not. It came in after the committee had adjourned, and there has been no meeting since.

Mr. STEENERSON. It came in after this bill had been reported?

Mr. OVERSTREET of Indiana. Yes.

The SPEAKER. The question is on the committee amendments and the amendments offered by the gentleman from Indiana [Mr. OVERSTREET].

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 a third time, and passed.

On motion of Mr. OVERSTREET of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLARK of Missouri. Mr. Speaker, I do not desire to detain the House with any extended remarks on this little bill. I am certain that it will not only be a great convenience to millions of people, but will at the same time bring a snug revenue into the Treasury.

I was asked to introduce the bill by one of my most valued constituents, Col. Frank W. Buffum, of Louisiana, Mo., a business man of large experience and of extensive and multifarious interests. The idea grew out of his own experience and observation. It may be interesting to state that Colonel Buffum is a nephew of the four Washburn brothers, three of whom sat together in this House as Representatives—one from Maine, one from Illinois, and one from Wisconsin. The fourth Washburn was subsequently a United States Senator from Minnesota and the Illinois Washburn was Secretary of State and minister to France.

I hereby incorporate a letter from a traveling salesman in Texas as a sample of numerous letters which I have received on the subject and which in itself is a sufficient argument to pass the bill:

TULSA, IND. T., *February 3, 1907.*

Hon. CHAMP CLARK,
Washington, D. C.

DEAR SIR: The inclosed clipping, whether true or untrue, would certainly do two things—render valuable service to the public and increase the sale of stamps materially.

In the last ten years I would have made use of at least $1 per month more stamps had this been possible. I am a traveling salesman and often telegraph when I would have written, but office being closed, could get no special-delivery stamp. It is urged that another stamp is needed, one something like a postage-due stamp could be made by letting the post-office, either where forwarded or received, place this on the letter beside the other stamp.

One hundred thousand traveling men will use $500,000 worth of stamps each year if this is done.

Yours, truly, JOHN L. ANDREWS,
Dallas, Tex.

Here is the newspaper clipping to which my traveling friend refers:

WOULD USE ANY STAMPS—CONGRESSMAN CLARK OBJECTS TO SPECIAL-DELIVERY LIMIT.

WASHINGTON, *February 1.*

CHAMP CLARK wrote a letter to a Missouri politician touching political affairs, and to get quick delivery decided to send it by special delivery. He hunted all around for a special stamp, but, as it was after office hours, he couldn't find one. He then decided to change things by act of Congress and introduce a bill providing when additional stamps are required to transmit a letter or package containing first-class mail matter through mails there be attached to the envelope 10 cents' worth of ordinary stamps of any denomination, with the words "special delivery" written on the envelope or package, and that they be handled and delivered in all respects as though they bore the regulation "special-delivery" stamp.

I could furnish many letters of the same tenor, but this will suffice.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

HOMESTEAD LAWS IN NEBRASKA.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21944) to amend section No. 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904, to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act.

The SPEAKER. Without objection, the substitute will be read instead of the original.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That all qualified entrymen who during the period beginning on the 28th day of April, 1904, and ending on the 28th day of June, 1904, made homestead entry in the State of Nebraska within the area affected by an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved public lands in Nebraska," approved April 28, 1904, shall be entitled to all the benefits of said act as if their entries had been made prior or subsequent to the above-mentioned dates, subject to all existing rights.

"SEC. 2. That the benefits of military service in the Army or Navy of the United States granted under the homestead laws shall apply to entries made under the aforesaid act approved April 28, 1904, and all homestead entries hereafter made within the territory described in the aforesaid act shall be subject to all the provisions thereof.

"SEC. 3. That within the territory described in said act approved April 28, 1904, it shall be lawful for the Secretary of the Interior to order into market and sell, under the provisions of the laws providing for the sale of isolated or disconnected tracts or parcels of land, any isolated or disconnected tract not exceeding three quarter sections in area: *Provided*, That not more than three quarter sections shall be sold to any one person."

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Reserving the right to object, I would like to hear some explanation of the matter; I confess that I do not understand it.

Mr. MANN. Mr. Speaker, I am not willing to let this bill pass without a chance to see it. It seems to contain some legislation outside of Nebraska.

Mr. KINKAID. No; not outside of my district.

Mr. MANN. The section does it at least. For the present I shall object.

Subsequently,

Mr. KINKAID. Mr. Speaker, the gentleman from Illinois has withdrawn his objection to the bill which I had up for consideration.

The SPEAKER. Is there further objection to the consideration of the bill offered by the gentleman from Nebraska?

There was no objection.

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

On motion of Mr. KINKAID, a motion to reconsider the last vote was laid on the table.

FIXING THE LIMITATION APPLICABLE IN CERTAIN CASES.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 25472.

The bill was read as follows:

A bill (H. R. 25472) to fix the limitation applicable in certain cases.

Be it enacted, etc., That the limitation of the act approved April 27, 1904, entitled "An act to amend an act approved March 3, 1899, entitled 'An act to amend an act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898,' etc., and for other purposes," and the limitation of the acts of which it is amendatory shall be January 1, 1909.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I would like some explanation of the bill.

Mr. DE ARMOND. Mr. Speaker, in 1898 there was passed an act for reimbursing the States and Territories under certain circumstances on account of expenses connected with getting volunteer soldiers into the Army for the war with Spain. That act was amended in 1899, and there was further amendment in 1904, the principal object being to allow pay to officers and men, at the usual rates, for the period between the dates of gathering at the rendezvous and the muster in. All the States, I believe, but five have already, through their respective governors, received the allowances for the troops of those States, or have the matter in the process of settlement. The law provides that the fund paid shall not go to the State treasury or elsewhere, but only to the officers and men, the governor being the medium for the transmission of it. The State of Missouri, among others, has a claim that is not yet adjudicated. As presented, it is informal. Four other States have made no claim yet. All the others have made their claims, and they have been allowed and paid, or soon will be. Now, there is the limitation of January 1, 1906, for the presentation of these claims by the governor.

This bill provides that the limitation shall be January 1, 1909. It makes no other change in any of these acts, and its effect, if it becomes a law, will be simply to enable the volunteer soldiers of the Spanish war in those States where they have not yet received this money from the Government to get it. A failure to amend the law would be a denial to the volunteer officers and soldiers of a few States of the same benefits of the legislation which have already gone to many others having precisely the same rights and merits. The officers and men can not make the application. It must be made through the executive of the State or Territory. To my mind there can be no reasonable objection to this bill. Nobody can get any part of the money except the individual soldier and officer, and he can get no more than any other officer or soldier in proportion to his right—pay for the time he was at the place of rendezvous before muster into the service, at the same rate that soldiers from other States have already been paid.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

TIME OF HOLDING CIRCUIT AND DISTRICT COURTS IN THE NORTHERN DISTRICT OF IOWA.

Mr. HUBBARD. I ask unanimous consent for the present consideration of Senate bill No. 7793. I ask that the Com-

mittee on the Judiciary be discharged from the further consideration of the bill.

The SPEAKER. Does the gentleman desire to take up this bill of the Senate?

Mr. HUBBARD. There is a House bill which has already been passed upon by the Committee on the Judiciary.

The SPEAKER. This is a Senate bill. The Chair is informed a similar House bill has been considered by the Committee on the Judiciary and is now on the Calendar, and the request of the gentleman is to discharge the committee from further consideration of the Senate bill and that it do pass.

Mr. WILLIAMS. The Chair used the word "similar." Is the bill identical with the bill that was reported to the House?

The SPEAKER. The gentleman from Iowa will answer that question.

Mr. HUBBARD. The Senate bill is identical.

Mr. WILLIAMS. With this bill?

Mr. HUBBARD. This is merely a local bill. I will move to lay the House bill on the table.

Mr. MANN. Let the bill be reported.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Senate bill 7793——

Mr. MANN. Reserving the right to object, I would like to know what the bill is.

Mr. HUBBARD. It is merely a local bill.

The SPEAKER. Let the Clerk read the bill.

The bill was read, as follows:

A bill (S. 7793) to fix the time of holding the circuit and district courts of the United States in and for the northern district of Iowa.

Be it enacted, etc., That hereafter terms of the circuit and district courts of the United States in and for the northern district of Iowa shall be held in the several divisions of said district in each year as follows: In the Cedar Rapids division at Cedar Rapids, on the first Tuesday in April and the fourth Tuesday in September; in the eastern division at Dubuque, on the fourth Tuesday in April and the first Tuesday in December; in the western division at Sioux City, on the fourth Tuesday in May and the third Tuesday in October; in the central division at Fort Dodge, on the second Tuesday in June and the second Tuesday in November.

SEC. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time of holding the terms of said courts in either of said divisions, and the same shall be deemed to be pending in, returnable to, and triable at the terms of said courts as herein fixed.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair suggests that this bill be temporarily laid aside until the original bill itself is procured from the Judiciary Committee, as the Clerk has read from the printed copy. By unanimous consent, when the bill arrives, the House will again recur to it.

Subsequently,

The SPEAKER. Senate bill 7793, called up by the gentleman from Iowa [Mr. HUBBARD], is now upon the Speaker's table, and if there be no objection, it will be considered.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. HUBBARD, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the similar House bill, H. R. 24281, was ordered to lie on the table.

NATIONAL CHILD LABOR COMMITTEE.

Mr. TAYLOR of Ohio. Mr. Speaker, I desire to call up the conference report on the bill (S. 6364) to incorporate the National Child Labor Committee.

The conference report and statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6364) entitled "An act to incorporate the National Child Labor Committee," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

E. L. TAYLOR, Jr.,
SAMUEL W. SMITH,
T. W. SIMS,
Managers on the part of the House.

JOHN C. SPOONER,
A. O. BACON,
Managers on the part of the Senate.

STATEMENT.

The House recedes from its amendment numbered 1, which was to add the words "and of the District of Columbia" after the words "United States" in line 3 on page 2. It is believed that this was unnecessary, as the section in which this amendment was made provides that the constitution or by-laws of the corporation shall not conflict with any laws of the United States.

The Senate recedes from the amendment of the House numbered 2, which struck out section 5 of the Senate bill and inserted in lieu thereof the regular form of the reservation by Congress of the right to alter, amend, or repeal the act.

E. L. TAYLOR, Jr.,
SAMUEL W. SMITH,
T. W. SIMS,
Managers on the part of the House.

Mr. TAYLOR of Ohio. I move the adoption of the report.

The conference report was agreed to.

LOS ANGELES INTER-URBAN RAILWAY COMPANY, CALIFORNIA.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7879) granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted and leased to the Los Angeles Inter-Urban Railway Company, a corporation organized and existing under the laws of the State of California, and its successors and assigns, authority to construct, maintain, and operate a railroad, to be operated by electricity or other motive power, over and through the United States military reservation at San Pedro, in the county of Los Angeles, State of California, on such line and location as may be approved by the Secretary of War.

SEC. 2. That said right of way hereby granted and leased to said Los Angeles Inter-Urban Railway Company shall be subject to termination by the Secretary of War upon sixty days' previous notice; and if said company shall fail or refuse to remove its tracks, poles, wires, and other structures and appurtenances from the reservation within said period of sixty days after notification so to do, then and in that event the Secretary of War may cause the same to be removed at the expense of the said company and without liability to damages therefor.

SEC. 3. That said company shall pay such reasonable annual rental for such right of way and at such time as may be fixed by the Secretary of War.

SEC. 4. That no structure other than said railroad and the necessary poles and wires for the operation of the same shall be placed upon said right of way hereby granted and leased without being first approved by the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the last vote was laid on the table.

DAM ACROSS ROCK RIVER AT LYNDON, ILL.

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25234) permitting the building of a dam across Rock River at Lyndon, Ill.

The bill was read, as follows:

Be it enacted, etc., That Edward A. Smith, Harvey S. Green, and John J. Hurlbert, of Morrison, Ill., their heirs, administrators, executors, successors, and assigns, are hereby authorized to construct and maintain a dam across Rock River at or near Lyndon, Whiteside County, Ill., the south end of said dam to be located near the line between sections 21 and 22 in township 20 north, range 5 east, fourth principal meridian, and the north end of said dam to intersect the bank of said river in section 21 in the same township, range, and meridian, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to amend or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LOWDEN, a motion to reconsider the last vote was laid on the table.

TIMOTHY LYONS.

The SPEAKER laid before the House the bill (H. R. 3356) to correct the military record of Timothy Lyons, with a Senate amendment thereto.

Mr. DAWSON. I move that the House concur in the Senate amendment.

The motion was agreed to.

E. J. WATSON.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to discharge the Committee on Immigration from the consideration of House resolution 815, and that the same be considered by the House.

The resolution was read, as follows:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is hereby, respectfully requested, if not incompatible with the public interests, to send to the House of Representatives any information in his possession relative to the introduction of foreign laborers into the State of South Carolina by one E. J. Watson, together with a copy of his solicitor's legal opinion, if any be on file in said Department, as to whether said laborers were lawfully admitted to the United States, and a copy of any documents in his possession furnishing the grounds for said opinion.

Mr. WILLIAMS. Mr. Speaker, what motion does the gentleman from Massachusetts make?

Mr. GARDNER of Massachusetts. To discharge the Committee on Immigration and Naturalization. The motion is privileged, and I believe it is not debatable.

Mr. WILLIAMS. Does the gentleman move that the resolution be passed by the House?

Mr. GARDNER of Massachusetts. I have made no such motion.

The motion of Mr. GARDNER of Massachusetts was agreed to.

The SPEAKER. The committee is discharged, and the resolution is before the House.

Mr. GARDNER of Massachusetts. Mr. Speaker, I offer the following amendments.

The Clerk read as follows:

In line 6 strike out the words "a copy."

In line 7 strike out the words "of" and "solicitors legal."

In lines 7 and 8 strike out the words "if any be on file in said Department."

In lines 9 and 10 strike out the words "a copy of any document in his possession furnishing."

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask for the previous question on the resolution and the amendments to its final passage.

Mr. UNDERWOOD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. If the previous question is ordered, there will be twenty minutes debate on a side?

The SPEAKER. There will. The gentleman from Massachusetts moves the previous question on the resolution and amendments to a final vote.

The question was taken; and the previous question was ordered.

Mr. FINLEY. Mr. Speaker, I wish to ask the gentleman from Massachusetts a question.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from South Carolina?

Mr. GARDNER of Massachusetts. I yield.

Mr. FINLEY. The purpose of the resolution is simply to bring whatever information there is in the Department of Commerce and Labor before the House.

Mr. GARDNER of Massachusetts. The purpose is clear, if the gentleman will read the resolution.

Mr. FINLEY. There was so much confusion in the House I couldn't hear the reading of the resolution very well.

Mr. GARDNER of Massachusetts. I am about to explain the whole matter. Mr. Speaker, the legislature of South Carolina in 1904 created a position which they called the "commissioner of immigration." This commissioner of immigration had the duty assigned to him of encouraging immigration into that State—immigration from certain specified nations in the north of Europe. The State of South Carolina appropriated $2,000 to pay the expenses of the importation of those immigrants.

An association—and it does not appear whether it was the Cotton Manufacturers' Association or the South Carolina Immigration Association—but at all events an association of private parties raised $30,000, which they placed in the hands of Commissioner Watson for the purpose of bringing alien laborers into the United States under a quasi contract.

Now, the South Carolina law especially said that Commissioner Watson might become the agent of any private individuals or any association, provided they paid all the bills. Whereupon Mr. Watson goes abroad with the $30,000 or more contributed by the association, establishes agents in six cities of Europe, collects together a body of 500 laborers, charters a special vessel from the North German Lloyd, and lands them last November in Charleston, S. C. The question at once arises whether they are admissible under our contract-labor laws, not only whether they are admissible, but whether the second shipload, which arrived last week, are admissible. Now, if this resolution as amended passes, we shall have all the facts before the House together with the Commissioner of Commerce and Labor's opinion as to whether these men were lawfully admitted or not. Contrary to the generally received opinion, Secretary Straus has rendered no decision that these men were lawfully admitted to the United States. No decision has been rendered by any man, woman, or child in the United States that these alleged contract laborers were lawfully admitted to the United States.

The Secretary has published, to be sure, decision No. 111, a very intelligent opinion of the Solicitor of his Department, Mr. Earl; but the question submitted to Mr. Earl and by him decided was not whether or not these laborers were lawfully admitted. The question submitted to Mr. Earl was as to whether Mr. Watson's activities were illegal; in other words, as to whether he had violated the contract-labor law.

Now, Mr. Earl's decision exonerates Commissioner Watson, but the opinion distinctly indicates that if the question had only been put in another form, if the question asked had been as to whether these immigrants were lawfully admitted, the answer would have been a very different one.

Now, there is the question that we want to get at. Obviously, the Secretary of Commerce and Labor believes that these men were lawfully admitted, although he does not say so. He would have debarred them if he had not thought them entitled to land. We want to find out just why he thought so, because as clearly as any layman can read the law they were distinctly forbidden admission to the United States. We should like to hear what the reasons are on which their entry was based, in order that the law may be changed should Congress deem it necessary.

Many careful men believe that the present law is quite sufficient. Many careful men believe that the pending bill to regulate immigration manifestly strengthens our contract-labor law. I am one of those; but we can not possibly tell until we know why these men were admitted whether the proposed legislation is sufficient or not.

Mr. DRISCOLL. I would like to know, Mr. Speaker, if the gentleman has any suspicions as to any irregularities which were practiced by Mr. Watson over there?

Mr. GARDNER of Massachusetts. I am very pleased to say that I have not; none whatever. The matter was done in the most aboveboard fashion by Commissioner Watson, in continual consultation with the Department of Commerce and Labor. I dispute the validity of the decision, if any there be, by which those men were admitted.

Mr. DRISCOLL. From what countries did they come?

Mr. GARDNER of Massachusetts. Belgium largely, I believe. I think there were stations in England, in Scotland, in Holland, in Belgium, in Germany, and in Denmark. I understand, however, the bulk of them came from Belgium. Twenty-two of them were returned within a month.

Mr. LEVER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. GARDNER of Massachusetts. I should like to ask first how much time I have left?

The SPEAKER. The gentleman has eleven minutes remaining.

Mr. GARDNER of Massachusetts. I yield to the gentleman.

Mr. LEVER. Mr. Speaker, as I understood the gentleman from Massachusetts a moment ago, he excuses the commissioner of agriculture of the State of South Carolina from any underhanded procedure?

Mr. GARDNER of Massachusetts. Absolutely. It has been aboveboard from one end to the other.

Mr. LEVER. One other question. That being true, then if there has been violation of the labor contract law, it is up to the Department of Commerce and Labor, the Secretary of that Department, as a violator of that law. Is that true?

Mr. GARDNER of Massachusetts. The Secretary of Commerce and Labor has interpreted the law, very likely on perfectly sufficient grounds, but not grounds that seem sufficient to me. I think this House is entitled to ask on what grounds he has arrived at his determination. Does that answer the gentleman's question?

Mr. LEVER. Yes; and I would like to say to the gentleman from Massachusetts that so far as we are concerned, we have no objection to a thorough investigation of it.

Mr. WILLIAMS. If the gentleman from Massachusetts will permit one other interruption. I understand him to charge that there has been a violation of the immigration laws. Then, if there has been, it became of course the duty of the Department of Justice to prosecute the people who did violate them. Has there been any prosecution or any initiation of any prosecution?

Mr. GARDNER of Massachusetts. Will the gentleman from Mississippi please say that again and say it a little more slowly?

Mr. WILLIAMS. Has there been any prosecution undertaken by the Department of Commerce and Labor or the Department of Justice?

Mr. GARDNER of Massachusetts. I know of none. Does the gentleman from Mississippi know of any?

Mr. WILLIAMS. "The gentleman from Mississippi" does not.

Mr. GARDNER of Massachusetts. Then, Mr. Speaker, I shall continue my address.

Mr. WILLIAMS. In other words, the gentleman from Massachusetts is attacking the Administration for not executing the law. That is the proposition, is it?

Mr. GARDNER of Massachusetts. If the gentleman from Mississippi has finished putting words into the mouth of "the gentleman from Massachusetts" "the gentleman from Massachusetts" begs his permission to continue his own address.

Mr. WILLIAMS. "The gentleman from Mississippi" is perfectly willing and delighted to have the gentleman from Massachusetts proceed.

Mr. CLARK of Missouri. Oh, go ahead.

Mr. GARDNER of Massachusetts. The country cares very little whether Commissioner Watson obeys the law; but it cares a great deal as to whether or not the contract-labor law has been violated and whether or not contract laborers are being admitted contrary to the laws of the United States. I think it is quite possible, I will say in answer to the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from South Carolina [Mr. LEVER], that the Secretary of Commerce and Labor will reply that the admission of these immigrants is permitted under that clause in the law which admits skilled labor if labor of like kind unemployed can not be found in the United States. I do not understand that the facts will bear out the contention which I heard made in the Senate only yesterday as to the labor situation in South Carolina; but it may be that the Secretary of Commerce and Labor thinks that the presentation of the case made by the Senator from Georgia and the Senator from South Carolina is a correct one. If such is the Secretary's view, Mr. Speaker, it simply shows that we must amend our contract-labor law in order to safeguard that clause under which skilled labor may be admitted into the United States if labor of like character unemployed can not here be found.

I feel some hesitancy in trying to compress Mr. Earl's decision into a few lines, especially as its ingenuity makes the document worthy of most careful perusal.

Nevertheless, I hope that the short statement I will make will do Mr. Earl no injustice. As the statute is penal, he holds that none are guilty under it unless the letter and spirit are transgressed; that a State is not a "person" within the meaning of the contract-labor law, because evidence can be brought forward tending to show that Congress intended to control State action in securing immigration; that section 6 of the act of March 3, 1903, permits States to advertise in foreign countries the inducements they offer for immigration; that this is the equivalent to granting them permission to "offer inducements or make promises to foreign laborers by advertisements;" that Congress has thus distinctly authorized States "to encourage the immigration of foreign laborers (sic);" that therefore the proviso in section 6 should be held to have applied also to section 4, which forbids the prepayment of the fare of contract laborers; and therefore that the activities of the agent of the State of South Carolina were lawful.

Mr. Speaker, I reserve the balance of my time. How much more time have I left?

The SPEAKER. The gentleman from Massachusetts has seven minutes remaining.

Mr. ELLERBE. Mr. Speaker, I want to know if the gentleman will answer one more question?

Mr. GARDNER of Massachusetts. I will answer the question of the gentleman from South Carolina.

Mr. ELLERBE. I want to ask the gentleman from Massachusetts if he believes the contract-labor law has been violated by the commissioner of agriculture of South Carolina, Mr. Watson?

Mr. GARDNER of Massachusetts. The decision of the Secretary is that Commissioner Watson did not violate it. I believe the law has been violated in the admission of these immigrants, which is a very different proposition. There are three propositions. First, was Commissioner Watson liable? Second, were the steamships liable? Both of those are penal questions. Third, were the immigrants lawfully admitted? Now, to decide the last question the statute need not be construed in the same spirit that would be requisite in deciding the other two.

Mr. ELLERBE. Let me ask the gentleman this: Does he mean to state that the contract-labor law was violated by Commissioner Watson?

Mr. GARDNER of Massachusetts. I have already answered the gentleman's question. The Secretary of Commerce and Labor said it was not. I have no opinion to offer about it further than that which I have already indicated.

Mr. ELLERBE. I will ask the gentleman if he means to state there is any evidence that any contract was made before they landed at Charleston?

Mr. GARDNER of Massachusetts. Oh, unquestionably there was a contract in the meaning of the law, namely, an agreement, parol or special, expressed or implied. If I pay the passage of 500 laborers to the United States; if I have a contract with the Belgian Government to return them to their homes on demand; if I take money from manufacturers and various other people to supply them with laborers, I believe any court on earth would hold that those acts constituted an agreement, parol or special, expressed or implied.

Mr. BENNET of New York. Will my colleague allow me about a minute and a half?

Mr. GARDNER of Massachusetts. With pleasure; as much time as the gentleman wishes. How much shall I yield? I yield the balance of my time to the gentleman from New York.

Mr. BENNET of New York. I will yield back what I do not use. Mr. Speaker, I think this resolution ought to pass. Certainly I disagree with my colleague on the committee as to what the report will be. I prefer to follow the opinion of the distinguished Massachusetts lawyer who wrote this opinion, decision No. 111, Mr. Earl, but I have no hesitancy in agreeing with my colleague that to decide these mooted questions there ought to be the opinion of the Secretary of Commerce and Labor, and then, with the information before us, if there is any question as to the right of a State of this Union to bring in desirable immigrants to its own borders at its own expense, I think this House will resolve that doubt.

Mr. DRISCOLL. I would like to know whether they have any facts or information of any sort which lead them to believe that something is wrong, or whether this is a fishing excursion?

Mr. BENNET of New York. Mr. Speaker, answering both questions, I agree with my colleague [Mr. GARDNER] that Commissioner Watson, of South Carolina, acted in the most honorable and straightforward manner. There is nothing concealed. We are simply getting the opinion of the Secretary of Commerce and Labor as to the grounds on which he acted, and the further information as to whether these 414-odd people are lawfully in the United States, and if they are not, and future actions of that kind can not be taken, I think the House ought to know it. There is nothing concealed and nothing wrong. I yield back the balance of my time to the gentleman from Massachusetts.

The SPEAKER. The gentleman has three minutes remaining, which he reserves.

Mr. FINLEY. Mr. Speaker, speaking for myself I wish to say I have no objection to the passage of this resolution. I think if there has been any violation of law that Congress and the people of this country are entitled to know. I want to say further that there can be no question that the State of South Carolina has acted in her sovereign capacity, and her commissioner of agriculture and immigration, E. J. Watson, has acted openly and aboveboard. This matter has been gone about in a direct way, and the immigration law of South Carolina, defining the class of immigrants, is in my judgment one of the very best laws that can be passed. When people come to this country, I am one of those who believe that they should be of a class and character qualified and fitted and equipped to become first-class American citizens.

Mr. GARDNER of Massachusetts. Does the gentleman refer to this clause which says that the immigrants shall be confined to white citizens of the United States and citizens of Ireland, Scotland, etc.?

Mr. FINLEY. I want to say to the gentleman that the part of the law that limits the Commissioner to white immigrants is the very best part of it, and is one that should be in all immigration laws in this country.

Mr. GARDNER of Massachusetts. And confines it to other foreigners of Saxon origin?

Mr. FINLEY. Yes; we are of Saxon origin.

Mr. DRISCOLL. I would like to ask the gentleman one question.

Mr. FINLEY. Certainly.

Mr. DRISCOLL. I would like to ask the gentleman what he means by "Saxon origin?"

Mr. FINLEY. I think it includes the people of northern Europe to a very general extent.

But, Mr. Speaker, it is said that twenty-three of these people were sent back. I am sure the gentleman from Massachusetts did not mean to intimate that they were sent back by any officer of the law or anything of that sort.

Mr. GARDNER of Massachusetts. It was because they were dissatisfied with conditions in South Carolina.

Mr. FINLEY. They were very foolish people, very foolish to

be dissatisfied. But they came here at the solicitation of Commissioner Watson who simply informed them that there was labor and work in South Carolina for each and every one of them who would come; and as to what money he received from private sources, I am not informed and I do not know, but I do say that if the cotton-mill corporations in South Carolina, about which the gentleman from Massachusetts [Mr. GARDNER] speaks with a good deal of feeling, if they did contribute, they have done no more than the great transcontinental railroads of this country have been doing for the past forty years directly or indirectly. Has there been any complaint about this by the gentleman from Massachusetts or anybody else? Has there been offered any resolution concerning them?

Mr. GARDNER of Massachusetts. Is the gentleman asking me a question?

Mr. FINLEY. No; I do not think the gentleman would answer it if I did about that matter.

Mr. GARDNER of Massachusetts. I did not understand the question.

Mr. FINLEY. So, Mr. Speaker, I have no doubt that Commissioner Watson was able to do financially and did all he promised to do. At any rate, this same practice has been followed time and again by the transcontinental railroads and owners of vast tracts of land in the great Northwest.

Mr. GARDNER of Massachusetts. Will the gentleman permit an interruption?

Mr. FINLEY. Oh, certainly.

Mr. GARDNER of Massachusetts. Does the gentleman state that the transcontinental railroads have been importing immigrants?

Mr. FINLEY. No more than the cotton-mill corporations of South Carolina have, but equally as much.

Mr. GARDNER of Massachusetts. Can the gentleman state a single instance?

Mr. FINLEY. I will say to the gentleman that he knows as well as I do that they advertise all over Europe for immigrants, and when they come here they are taken care of.

Mr. GARDNER of Massachusetts. It is a penal offense to advertise for immigrants in Europe.

Mr. FINLEY. Well, it is done indirectly. The cotton-mill corporations in South Carolina did not do it directly. In the cases mentioned they advertise their lands and the desirability of a place for immigrants to come to. Now, I want to say this further, that if the gentleman from Massachusetts [Mr. GARDNER] will exert himself with equal interest and ability and bring into this House and pass through the House an immigration bill with an educational clause in it, I think we will agree with him over here.

Mr. FITZGERALD. We dissent from that, if the gentleman please, so that there may be no mistake about it.

Mr. FINLEY. When I say "we" I mean myself, of course. I would not be egotistical enough to include the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. When the gentleman says "over here" he is attempting to indicate this side of the House. Therefore I beg to differ with him.

Mr. FINLEY. I believe a majority of the Democrats over here are in favor of that proposition.

Mr. FITZGERALD. I disagree with the gentleman on that.

Mr. FINLEY. That is a matter about which we can disagree. So, Mr. Speaker, I will join the gentleman from Massachusetts and do what I can to help along the passage of that law; and why such a law has not been passed here, doubtless he knows better than I do.

Mr. WEBB. Can I ask the gentleman a question?

Mr. FINLEY. Certainly.

Mr. WEBB. Coming back to the passengers who came over on the vessel *Whittekind*, was the gentleman advised as to the character or fitness of those immigrants?

Mr. FINLEY. I do not know, but I am informed that they are of the highest class of immigrants.

Mr. WEBB. One more question. Is it not your understanding and information that your Commissioner Watson kept in constant touch and communication with the immigration department here in Washington?

Mr. FINLEY. There is no doubt about that. Everything that was done in the matter was after full consultation with the Department of Commerce and Labor; and he was acting openly, as I stated before. I want to say as to unrestricted and unlimited immigration, I am opposed to it as much as anybody. The gentleman from Massachusetts has found something that will, perhaps, distract the attention of the country from the fact that the immigration bill, about which he was so anxious last session, is as yet not enacted into law. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. GROSVENOR. Before the gentleman takes his seat I want to ask him a question. Independent of the merits of this discussion, are you opposed to the facts called for being brought out?

Mr. FINLEY. I stated that I wanted the facts. I think the resolution is largely a matter of buncombe, however.

Mr. GROSVENOR. Would not the debate better be held off until the facts come?

Mr. FINLEY. We might just as well have it now. I yield five minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I am heartily in favor of the resolution of my friend from Massachusetts. I want light thrown on this situation. I am glad to see the gentleman from Massachusetts indict the present Administration on the question of the restriction of immigration. I have been in favor of restricting immigration for many years, for protecting the American standard, for protecting the American workman; and it is only a few years ago that the President of the United States sent in a message here in favor of restricting immigration. Those who are informed well know that, although openly the President of the United States favored the restriction of immigration, when the crucial time came in the contest, when the President's hand was needed to aid in passing a bill through this House, adopting an educational test and fairly restricting immigration coming into this country, and to protect the American workmen from the slum labor of Europe, the President's hands did not come to the relief of those who wanted that kind of a bill. And to-day we are about to go to the country with a bill, an Administration bill, not a restriction bill, with the aid and assistance of the President of the United States. [Applause.]

Mr. BENNET of New York. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. BENNET of New York. Can the gentleman inform the House could the President of the United States under his constitutional limitations have gone further than he did favoring the bill which was advocated last session by himself and the gentleman from Massachusetts?

Mr. UNDERWOOD. Yes; I will inform the gentleman. I do not believe the President of the United States is in the habit of keeping within his constitutional limitations. [Laughter and applause on the Democratic side.] He knows, I will say, that when the crucial test came last spring there was not a man in this House who did not know that the attitude of the President would make or defeat that measure, and those who desired a restrictive measure were looking to him for a message to this House in favor of such a measure, and they failed to get it. It is well known, too, throughout the country generally that the hand of the President was removed, and that the restrictive features of that bill were not put in it.

Mr. BENNET of New York. Will the gentleman yield for just one second?

Mr. UNDERWOOD. Let me finish; I have only five minutes.

Mr. BENNET of New York. I simply say, as one who was opposed to restriction and who signed a minority report, that I never felt the time when the President's hand was removed either in this House or at the White House, but that the President of the United States was absolutely for it.

Mr. UNDERWOOD. That was the impression I had, and that was the impression the country had. Now, so far as these people who are coming into South Carolina are concerned, they are from northern Europe. They are the kind of people we want, and the people that come into the northern ports generally are from the slums of southern Europe, and no protection is made against them. But I think it is wise to pass this resolution. I do not know whether the Administration has violated the law—the law as it stands on the statute book for the protection of American labor from the slum labor of Europe—and I am in favor of putting that question up to the Administration. If the Administration has violated the law for South Carolina, it has probably violated the law for Boston and New York and other ports. I say to the gentleman that I am here in favor of putting the question right back to this Administration and let them answer whether they have been violating the restrictive immigration laws of the United States. [Applause.]

Mr. FINLEY. Mr. Speaker, how much time have we remaining?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. FINLEY. I yield five minutes of that time to my colleague [Mr. LEVER].

Mr. LEVER. Mr. Speaker, as I see it, there is only one question involved in this resolution of the gentleman from Massa-

chusetts, and that is a question of getting information before this House.

As far as I am concerned, and I think as far as the delegation from South Carolina is concerned, there is absolutely no objection to that. I was glad to hear the gentleman from Massachusetts [Mr. GARDNER] say that the commissioner of agriculture, immigration, and commerce of South Carolina, Mr. Watson, had made his arrangements to bring these immigrants to South Carolina in an open-handed and aboveboard way. That is the way we do things in South Carolina. It seems to me that if there has been a breach of the law in this case that breach must rest upon the present Administration, which is charged with the enforcement of the law. If there has been a violation of the law, such violation comes as the result of the action of the Secretary of the Department of Commerce and Labor, in Washington, and not from anything done by the secretary of agriculture, immigration, and commerce of South Carolina.

But in my opinion, Mr. Speaker, there has been no violation of the law. This resolution seeks to settle that question. We are quite willing to have it settled. It means a great deal to the people of the South to have it settled, and as far as we are concerned we are not opposing it, nor shall we oppose it. I hope, therefore, the resolution will pass. I know Mr. Watson personally. He happens to be a constituent of mine, and I know him to be a cautious, level-headed, sensible man, who I know is too high-minded and patriotic to go out of his way to violate the law. I repeat, if there has been a violation of the law that violation rests upon the present Administration. I have no objection to the passage of the resolution.

Mr. THOMAS of North Carolina. Will the gentleman allow me to add, as a part of his remarks, that the people of the South, as I understand our position, want immigration, but they want it from the desirable classes, from northern Europe mainly.

Mr. LEVER. Of course, and the law of South Carolina fully covers that.

Mr. THOMAS of North Carolina. We do not want another race problem on our hands.

Mr. LEVER. Certainly not. One is sufficient.

Mr. THOMAS of North Carolina. I interject that remark simply for the purpose of emphasizing and making clear our position in the matter of immigration as I understand it.

Mr. LEVER. I thank the gentleman from North Carolina for his suggestion. I thoroughly agree with him. The people of South Carolina have provided in their law that the slums of Europe shall not be dumped upon them, and I feel sure that the people of South Carolina are greatly in favor of the educational test in the immigration bill, which I believe the gentleman from Massachusetts [Mr. GARDNER] reported last year, and which seeks to stem the overwhelming tide of undesirable foreign immigration.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. GARDNER of Massachusetts. What does the gentleman refer to when he speaks of the slums of Europe?

Mr. LEVER. I will say to the gentleman from Massachusetts that the law of South Carolina is plain upon that proposition, and that it confines its immigration operations to the countries of northern Europe.

Mr. GARDNER of Massachusetts. Italy and Russia are admitted under your law.

Mr. LEVER. The law of South Carolina confines immigration to people of Anglo-Saxon origin from the northern part of Europe. Certainly that has been the practical operation of the law.

Mr. GARDNER of Massachusetts. That is what I wanted to arrive at. Your State does not approve of any other kind?

Mr. LEVER. The law speaks for itself.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the District of Columbia appropriation bill that has passed the Senate with Senate amendments be taken from the Speaker's table; that the House disagree to all of the amendments and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. GILLETT, Mr. GARDNER of Michigan, and Mr. BURLESON.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 25483, the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

Mr. OVERSTREET of Indiana. Mr. Chairman, the bill which the Committee on Post-Offices and Post-Roads presents for the consideration of the House is, I believe, the largest in aggregate in money appropriated ever before recommended by a single bill. The total footings of the bill carry $209,416,802, which is $17,720,803 in excess of the appropriation for the current year. Members are familiar with the growth of the postal service, which has in late years, by reason of the establishment of rural delivery, advanced more rapidly than formerly, and yet, while each year shows a gradual increase in expenditure, strangely enough the expenditure for the service for each of the last several years has been equaled, if not surpassed, by the receipts of the preceding year, so that we are virtually about one year behind as between actual expenditures and receipts.

The so-called "deficiency," or the difference between the receipts and expenditures, has demonstrated that notwithstanding the advance made in the expenditure for rural delivery service this item of deficiency, or the difference between receipts and expenditures as relates to the total appropriations, has been decreasing. The so-called "deficiency" for the fiscal year 1905 was a little over fourteen and one-half million dollars, and for the fiscal year ending June 30 last a little over ten and one-half million dollars.

The growth of the receipts of the service this last year showed a greater per cent of increase than the average per cent of receipts which prevailed for the preceding ten years. Last year the per cent of increase in receipts was 9.9 per cent, approximately 10 per cent increase. Assuming, therefore, that the same per cent of increase will probably prevail during the current fiscal year, the total increase as compared with the appropriation for the current year would show a less deficiency than prevailed during the preceding fiscal year of 1906; and if we add, for the purpose of estimate solely, an additional 10 per cent for the receipts for the fiscal year 1908, assuming that the total expenditure for 1908 would equal the total appropriations carried by this measure, the so-called "deficiency" for the fiscal year 1908 would be $6,218,135.

I mention these facts simply to call the attention of the House to the growth of receipts of the service as compared with the growth of expenditures for the service, and, as matter of fact, there is a decreasing per cent of the so-called "deficiency."

Let me say in passing just a word with reference to the so-called "deficiency." I am of the opinion that in numbers of cases in the past ten or fifteen years many needed facilities, many worthy expenditures, have been withheld because of the so-called "economy" which ought to have prevailed with Congress, occasioned by the presumed deficiency in the revenue. And so last year, following the recommendations of the Committee on Post-Offices and Post-Roads, the Congress adopted a provision directing each of the various Departments and governmental establishments having headquarters in Washington to maintain for a period of six months, ending with December 31, 1906, a record which would show the amount in dollars and cents of what the appropriation would be if appropriation were made to cover postage for penalty mail. The reports of various establishments have been filed with the House aggregating a total for the six months' period of $2,285,427.

The several reports, tabulated for convenience of reference, are as follows:

Mail matter entered at Washington post-office under the penalty privilege during the six months ending December 31, 1906.

	First class.	Second class.	Third class.	Fourth class.	Total all classes.
State Department	$900.16	.....	$6,101.93	.....	$7,002.09
Treasury Department	311,950.05	.....	20,475.59	$293.13	332,718.77
War Department	14,778.60	.....	19,053.35	3,954.03	37,785.98
Post-Office Department	305,301.25	[a] $30.05	117,124.67	1,068,580.94	1,491,036.91
Interior Department	26,510.90	.....	71,696.45	8,453.99	106,661.34
Agricultural Department	23,066.76	.....	58,543.30	61,467.57	143,077.63
Department of Commerce and Labor	8,628.10	1,236.05	47,002.46	442.10	57,308.71
Interstate Commerce Commission	2,562.34	.....	2,216.44	1.04	4,779.82

[a] Transient second-class rate 1 cent for each 4 ounces or fraction.

Mail matter entered at Washington post-office under the penalty privilege during the six months ending December 31, 1906—Continued.

	First class.	Second class.	Third class.	Fourth class.	Total all classes.
Government Printing Office.	$1,961.03	.....	$44,667.86	$2,691.38	$49,320.27
Navy Department	11,268.37	.....	10,990.14	238.10	22,496.61
Attorney-General	1,355.86	.....	3,203.01	3,648.19	8,207.06
Spanish Treaty Claims Commission	172.22	.....	48.12	151.48	371.82
Smithsonian Institution	436.20	.....	6,370.32	6.14	6,812.66
Library of Congress	4,761.82	.....	2,038.90	.....	6,800.72
Howard University	4.62	.....	.....	.....	4.62
Bureau of American Republics	42.56	$472.12	175.63	.....	690.31
Civil Service Commission	7,534.95	.....	2,815.84	1.60	10,352.39
Total	721,235.79	1,738.22	412,524.01	1,149,929.69	2,285,427.71

That was only for a period of six months. Assuming therefore that the same amount of penalty mail would have entered the Washington post-office for the entire year, it would have amounted to a little under $5,000,000 postage which would have been required to cover the charge for penalty mail which the Post-Office Department rendered the Government for which it now receives no credit. When you take into account the fact that the thousands of post-offices throughout the country and the thousands of internal-revenue agents and customs officers, the various Federal employees entitled to the privilege of official penalty mail, have not been taken into account in connection with this data, it is quite reasonable to assume that if the postal service secured even a book credit for the service which it renders the Government in the carriage of penalty mail, then the amount of postage which would be necessary to cover that amount would be vastly more than the $5,000,000 which we have demonstrated would emanate from Washington City.

Even then we have not completed the elements of this charge. No account has yet been made of the franking privilege of the officials of the Government, and if it were possible to aggregate the entire charge which falls upon the postal service incident to the service which it renders for franking and penalty privileges, the amount which that credit would make would, in my judgment, reach much more than twice, possibly more than three times, the amount which has been evidenced by the record from Washington. I make no criticism, Mr. Chairman, of either the penalty privilege or the franking privilege. They are very proper privileges, and essential, in my judgment, to the proper administration of the service of the Government; but I believe that the Post-Office Department should in some way enjoy a credit of record to indicate the amount of labor which it renders these various officials of the Government for which it receives no credit.

Notwithstanding we have no record which is definite and accurate, I think we have demonstrated sufficiently, Mr. Chairman, that the so-called "deficit" is purely artificial and ought no longer to operate to establish a theory that we are extravagant, or that we should curtail the necessary facilities of the service and not make appropriations which we believe are essential to a complete and efficient administration of the service. So your committee has in the preparation of this bill been guided by what is believed to be the necessities of the service in order to render to the mail-using public every facility, under proper economic pay and use, that will be essential to a complete, speedy, and proper collection and distribution of the mail. Without going into the details, permit me to say that the amounts recommended in this bill for increased number of employees in the various branches of the service, the increased sum of money necessary for the payment of the various characters of work which falls upon the service, have been made liberally and fully with a view that there shall be no impairment whatever of the service in the fiscal year 1908.

In addition to our recommendation for the regular service of the postal system, your committee has made some recommendations for increases of salaries of the various employees of the service. There are four characters of employees of the service, which may, for easy recollection, be designated as clerks in the post-offices, city carriers, railway mail clerks, and rural delivery carriers. If the number of employees for the new service recommended by this bill should be approved by Congress, then there will be authority of law, with ample provision of money, to permit of the employment during the fiscal year 1908 of 28,728 clerks, 25,530 city letter carriers, 15,222 railway mail clerks, and 42,646 rural carriers.

We have, in connection with the recommendation for these various employees, submitted a scheme of promotion for all of these employees, and that scheme of promotion, resulting in increases of salaries of all of those employees, is conditioned upon two elements, one an efficiency record, or a merit record, and the other upon at least one year's continuous service in one grade. So far as the clerks and carriers are concerned, the committee believes that opportunity ought to be given both clerks and carriers to maintain an equal standard of efficiency in the service. Generally throughout European countries the carrier service is looked upon entirely as a messenger service—something a little above an ordinary laborer—who is required to know but little more than the names of the patrons of his route and to have little more intelligence than sufficient to decipher the addresses. We are of the opinion that under American institutions, particularly in the governmental service, we ought to encourage a higher standard of efficiency, and our letter carriers are of a higher standard to-day than the ordinary laborer and maintain in their individual capacity a higher degree of intelligence than in the ordinary messenger service. We have, therefore, in our suggestions for promotions recommended a classification of both carriers and clerks which is uniform so far as they are concerned, so that they have uniform grades running from $600 a year to $1,100 a year, and with uniform privileges of advancement, with equal eligibility for promotion into higher grades of the service, with equal privileges for transfer from one employment to the other; so that if a clerk by reason of confinement in the office needs outdoor experience, or a carrier by reason of exposure in the outdoor service needs indoor employment, they will be permitted to transfer from one grade to the corresponding grade of the other service without loss of any of their privileges. And then, under the scheme, after entrance at the lowest, or $600, grade, they advance automatically after one year's service in each grade, conditioned upon an efficiency record of proper standard, to the next higher grade until they have reached the highest grade authorized by law.

And the committee suggests by its recommendation that the general character of the work in offices of larger or smaller gross receipts ought to have some consideration, and therefore suggests that $900 be the highest compensation to which the automatic advancement of clerks and carriers will take them in all offices where the gross receipts are less than $50,000, and where the gross receipts are in excess of $50,000 and less than $200,000 then to the grade of $1,000, and in all offices where the gross receipts are in excess of $200,000 the arbitrary advancement is to $1,100. So far as clerks are concerned, the $1,200 grade is still retained by the law. Members will recall that in the grade of $1,200 compensation the clerks are engaged upon the more important duties of the office.

Mr. HUGHES. Will the gentleman yield?

Mr. OVERSTREET of Indiana. In just a moment, when I have concluded this. The distributing clerk is a clerk of $1,200 grade, requiring the very highest order of intelligence, and the service in the grade of $1,200, so far as the clerks are concerned, is retained and a provision of money is made for the increase of 50 per cent of the $1,100 men to the $1,200 grade.

Mr. HUGHES. I want to ask the gentleman this question: Why they put that amount $50,000? In a post-office where the receipts amount to $40,000 they make that a first-class post-office, and does not the gentleman think that that amount should be $40,000 in which they shall receive the increased amount of salary—both the clerk and the carrier, too?

Mr. OVERSTREET of Indiana. Answering the second question of the gentleman first, I will say that I do not think it ought to be made $40,000 as the dividing ine. To answer his first question last, I will explain why we made it $50,000 instead of $40,000. Forty thousand dollars gross receipts is now the dividing line between a first and second class office. There are, however, many offices throughout the country located in very small communities where by reason of some one or possibly two local industries which purchase large quantities of stamps advance the office from the second to the first class.

The committee believe that in those small communities where the gross receipts were in excess of $40,000 and under $50,000 the general standard of compensation in civil life outside of the Federal service would be lower than the standard which would be recommended if we made $40,000 the dividing line, and that the size of the town in connection with the gross receipts of the office ought to a certain degree at least be considered in making up that standard of compensation. For example, there are a few offices in communities of scarcely more than 1,500 population where, by reason of the location in such communities of some concern which does a very large mail-order business and purchases a large amount of stamps, the receipts of the office, governed by the sale of stamps, makes the office a first-class office above $40,000 gross receipts, and to fix a standard of pay for clerks in that office on a basis of a first-class office above $50,000 would be unfair because it would give them a higher standard of compensation than main-

tained in the other lines of industry of that small community. So far as the carriers are concerned, their employment is not determined by the gross receipts, but by the population, by reason of its distribution and whether it is congested or scattered, and therefore often where there are large gross receipts in a small community, as I have explained, a limited number of carriers would be needed because of the limited population, and the committee therefore believes that substantial justice would be done by determining the highest grade of salaries for clerks and carriers under the automatic scale of promotion by fixing $50,000 gross receipts as the line of demarcation rather than $40,000.

Mr. HUGHES. Will the gentleman yield?

Mr. OVERSTREET of Indiana. I do.

Mr. HUGHES. According to your own statement, then, you have admitted that in a few cases this would work a hardship?

Mr. OVERSTREET of Indiana. No, sir; I have made no such admission.

Mr. HUGHES. And in the general case it will work hardship by not putting this amount at $40,000 instead of $50,000?

Mr. OVERSTREET of Indiana. I specifically disclaim that it works any hardship anywhere.

Mr. HUGHES. Well, I can inform the gentleman and will show at the proper time that it does work a hardship, and I have a case in mind where the town has 20,000 inhabitants and the receipts of the office are about $48,000. According to this paragraph in the bill those clerks will be cut out of being advanced to the one grade, which I do not think should be done, and I think that amount should be changed from $50,000 to $40,000 in accordance with the rule of the Post-Office Department changing a second-class office to a first-class office.

Mr. OVERSTREET of Indiana. The weak spot in the gentleman's argument is that he is thinking of the highest grade in the office, while I am speaking of the grade to which the automatic promotion will carry the employee.

Mr. STERLING. May I ask the gentleman a question?

Mr. OVERSTREET of Indiana. Certainly.

Mr. STERLING. I understood the gentleman to say that the twelve-hundred-dollar salary for clerks was retained, or that the grade of twelve hundred dollars was retained. Is that limited by the same rule that you limit the salary of the carriers in regard to the receipts of the office, making $50,000 gross receipts the dividing line?

Mr. OVERSTREET of Indiana. It is not. The grades for clerks run from $600 to $1,200 in offices of the first and second class. So that it is possible to pay a clerk in an office of the second class $1,200. However, the committee so fixes the scale of arbitrary promotion that no clerk or carrier can advance by the arbitrary promotion beyond $900 in offices where the gross receipts are less than $50,000, nor beyond a thousand dollars where the gross receipts are in excess of $50,000 and less than $200,000, nor beyond $1,100 in offices where the gross receipts are in excess of $200,000. It says, however, that the salaries in those respective offices, divided by the fifty thousand and two hundred thousand dollars gross receipts, shall not exceed those amounts, except where unusual conditions prevail. To read the provision exactly, it says:

> That the salary of clerks in second-class offices, except in localities where unusual conditions exist, shall not exceed $1,000.

The reason for that is this:

The rule now is that a thousand dollars is the limit which a clerk in the second class can be paid. There is not to-day a single clerk employed in any second-class office in the United States at a higher grade than a thousand dollars. But we think there may be instances, and particularly in newly developed communities, like the creation of a large community by the discovery of minerals, where the office advances pretty rapidly, and the conditions may exist where they can not get proper employment at that amount, and that exception is made to meet those conditions. But the duty of the Department will be to ascertain and determine the specific fact that unusual conditions do exist. So this recommendation does not demote anybody. It does not provide any lower compensation than now prevails in any office. It does provide for automatic, direct annual promotion each year of $100, conditioned only upon two facts—one a year's service and the other a proper standard of efficiency.

Mr. STERLING. Then there might be cases where it would prevent a promotion to a $1,200 grade.

Mr. OVERSTREET of Indiana. But we have provided, Mr. Chairman, that both as to clerks and carriers they should be eligible for promotion from the highest grade in their respective offices to the designated places in the service. To illustrate: You take an office of $50,000 gross receipts and less, or a second-class office where the gross receipts are less than $40,000 annually, and there is not to-day, and there never has been, a clerk employed in one of those offices at a higher compensation than $1,000. The very nature of the business, the character of the receipts, the size of the community, the freedom of the employment of efficient employees, has by natural laws fixed a reasonable standard of compensation in those particular communities, and those offices are now receiving those same grades of pay. But in order to give eligibility to both clerks and carriers for advancement into the higher grades of those offices, assistant superintendents or superintendents or any of the designated positions, we make specific provision that they shall be eligible to the higher grades in their respective offices.

Mr. STERLING. There are cases now, are there not, where they are getting more than a thousand dollars, and where the gross receipts of the office are between $40,000 and $50,000?

Mr. OVERSTREET of Indiana. Getting more than a thousand dollars?

Mr. STERLING. Yes, sir.

Mr. OVERSTREET of Indiana. Can the gentleman name one?

Mr. STERLING. I do not know. Are there not some?

Mr. HUGHES. I can answer the gentleman's question and say that there are.

Mr. OVERSTREET of Indiana. I thought the gentleman said under $40,000.

Mr. STERLING. Between $40,000 and $50,000.

Mr. OVERSTREET of Indiana. There are some instances of that kind.

Mr. STERLING. Under the provisions of this law the clerks in offices of between $40,000 and $50,000 in gross receipts can not be promoted beyond a thousand dollars.

Mr. OVERSTREET of Indiana. The grade is held specific, and automatic promotion is not provided.

Mr. STERLING. They may be promoted to a salary as large as $1,200?

Mr. OVERSTREET of Indiana. They can be promoted to the designated positions above $1,200.

I yield to the gentleman from Massachusetts.

Mr. AMES. I would like to ask the gentleman if it was not a rule of the Department that fixed the salaries of clerks and carriers, and I would like to ask him if he knows of any other instance in the service of the Government where the rate of compensation is fixed on receipts and not on the labor and faithful service?

Mr. OVERSTREET of Indiana. Postmasters' salaries are all based on receipts.

Mr. AMES. Yes.

Mr. OVERSTREET of Indiana. I have answered your question.

Mr. AMES. In that particular case. But does the gentleman think that in this case receipts should be the criterion for recompense rather than service?

Mr. OVERSTREET of Indiana. I do.

Mr. AMES. I would like to ask the gentleman one more question: Following up that reason, should not the rural free-delivery carriers have compensation only according to the receipts?

Mr. OVERSTREET of Indiana. No; because he is obliged to furnish the horse and wagon and maintain the equipment and be at the expense for repairs, the feed of the horse, and many other things.

Mr. GRAHAM. I would like to ask the gentleman to give me and the committee some little information as to the charge made in the public prints that under a clause in the bill permitting clerks to be promoted there is a clause in regard to discipline that would enable politics to enter into the thing, that a man who was efficient and active in politics that the postmaster might recommend his promotion, or if he was not active in politics that the postmaster would refrain from approving the recommendation increasing his salary?

Mr. OVERSTREET of Indiana. If the gentleman from Pennsylvania had been as careful in reading the bill as he has been in reading the newspapers——

Mr. GRAHAM. He had no opportunity to read the bill, as it was only presented this morning.

Mr. OVERSTREET of Indiana. Oh, it has been in print for very many days.

Mr. GRAHAM. I have to read the newspapers, and I am not always able to read the bill.

Mr. HUGHES. I would like to ask the gentleman a question.

Mr. OVERSTREET of Indiana. I am busy with Pennsylvania. I hope the gentleman will excuse me from undertaking to run down and explain all the hundreds and thousands of rumors based upon nothing, which the gentleman from Penn-

sylvania, as well as others, undoubtedly read in the newspapers. There is no basis of truth whatever for that general charge the gentleman refers to.

Mr. GRAHAM. I am satisfied, so far as the gentleman is concerned.

Mr. OVERSTREET of Indiana. Not only is there no truth in it, but every provision recommended by the committee is against that very condition.

Mr. GRAHAM. I am very glad to have that explanation.

Mr. OVERSTREET of Indiana. I want to say to my friend from Pennsylvania, along with other gentlemen who are much disturbed, as I have found by numerous inquiries made to me in person about the things in the newspapers, that neither the gentlemen nor the representatives of the papers have made any investigation of the matter.

Mr. HUGHES. I want to ask the chairman of the committee if he will agree to amend this bill and reduce these gross receipts of the office from $50,000 to $40,000, if there can be inserted in the bill that it should not apply to towns where the patrons of the office that cover, say, in population, 10,000 and over? That would seem to cover the most of them.

Mr. OVERSTREET of Indiana. I see the general scope of the gentleman's question, and in the interest of expedition I suggest that he let me answer—not to shut him off peremptorily. The difficulty in legislation for a service of this character, where every community of the country, big and little, is more or less affected, grows out of the disposition, and the inclination to gauge our work by what occurs in our particular district; and I have no doubt but what the gentleman from West Virginia is prompted in this suggestion by some condition which exists in some community or locality in his Congressional district. But, Mr. Chairman, when you come to legislate for the entire country, particularly when you want to fix some general statute which shall become permanent and operative along a general line on a fair basis, we find that it is utterly impossible to circumscribe ourselves by local conditions. I have no doubt we could frame a measure for mail privileges on the basis of each of the Congressional districts represented in this House, and when you have done this there would be found some particular community that lies in that district which some Member might claim was unjustly affected. Therefore, we can not, Mr. Chairman, prepare a statute measured only by the local interests which are brought to our attention. And the committee has been impelled in the study of this subject and in the recommendations which it makes by the general situation throughout the country, and not by one or two specific localities.

It therefore brings into this House for its action a general scheme of promotion of the more than 100,000 employees of the service, creating an expenditure from the National Treasury in the next year alone of almost $9,000,000, practically 50 per cent increase of the postal service recommended for the next fiscal year, and if we are to be persuaded and controlled by every little incident that is called to our attention from our own communities the total amount would probably be multiplied many times.

We have taken this great body of clerks out of the uncertainty under which they have rested their entire service, out of the chaotic condition that always prevails under the discretionary authority lodged in some official, and propose to give them a permanent constant statute classifying them in a body for their entire service. They will have full knowledge that they will advance step by step as long as they maintain a proper standard of efficiency. We give to each equal eligibility, equal opportunity, so that a man may start with a $600 position and advance to the highest salaried position in his office. When your committee has done that, when it has recognized the just classification, when it has endeavored to fix the compensation at a proper standard, I think this House is not going to overthrow that recommendation and saddle upon the Treasury more or less expenditure because there may be here and there some community where some employees prompt some Member of the House to urge higher salaries for their benefit.

Mr. HINSHAW. Will the gentleman permit me to ask him a question?

Mr. OVERSTREET of Indiana. I will.

Mr. HINSHAW. Have you any information at hand showing approximately the number of such clerks in cities having receipts of from ten to fifty thousand dollars? It is not large, is it?

Mr. OVERSTREET of Indiana. No; I do not think it is.

Mr. HINSHAW. The bill provides that carriers in cities where the gross receipts shall be less than $50,000 may be promoted until they receive $900 a year, and in cities where the gross receipts are $50,000 and not in excess of $200,000 that they may be promoted until they receive $1,000. Now, the carriers in those two kinds of cities work equally hard, they have the same number of hours a day. Does the gentleman believe that that is just?

Mr. OVERSTREET of Indiana. I believe that is a just provision. I will ask the gentleman if that was called to his attention by some carrier in his district?

Mr. HINSHAW. No; by a postmaster.

Mr. GREENE. In lines 13 and following that, on the sixth page, there is a provision that letter carriers employed in cities recognized by the Post-Office Department as now having a population in excess of 75,000, where the gross receipts are less than $200,000, shall be entitled to all the privileges applicable to post-offices where the gross receipts are in excess of $200,000. I have had several inquiries as to the condition of clerks in the same offices.

Mr. OVERSTREET of Indiana. If the gentleman will permit me to interrupt him, I can anticipate his question and say that as far as I am concerned I shall have no objection and will not oppose the insertion at that point of the word "clerks."

Mr. GREENE. Very well.

Mr. OVERSTREET of Indiana. Will that satisfy the gentleman?

Mr. GREENE. Yes.

Mr. OVERSTREET of Indiana. I will say what I was about to say some little time ago, that the recommendation for the increase of salaries of clerks and carriers alone for the next fiscal year will aggregate $3,700,000.

Now, in order that the committee may show its entire fairness in its recommendations for these increases of clerks and carriers, a provision is made that seeks to cover any mistake on our part by reason of the change from the population basis to the basis of gross receipts as to carriers. Under existing law carriers are paid not to exceed $850 a year when located in offices in communities whose population is not in excess of 75,000, and $1,000 where the population is in excess of 75,000. Therefore the committee discovered in its analysis that when it fixed the grades between $50,000 gross receipts and $200,000 gross receipts it was quite possible that there might be some offices where the population being 75,000 and the gross receipts under $200,000, those carriers would get no promotion. Hence, for the purpose of taking care of that situation, the following provision is inserted in the bill, which will result in a promotion of every letter carrier from the thousand dollar to the eleven-hundred-dollar grade when located in a community having 75,000 population, even though that office does not have as much as $200,000 gross receipts. And I may say at this point the gentleman from Massachusetts [Mr. GREENE] made an inquiry about clerks, and I stated that I would have no objection to the insertion of the word "clerks." I will read what is in the bill, and Members can insert the word "clerks." I now read from page 6 of the bill, lines 14 to 21.

That letter carriers employed in cities recognized by the Post-Office Department as now having a population in excess of 75,000, where the gross receipts of said offices at the time of the passage of this act are less than $200,000, shall be entitled to all the privileges and subject to all the requirements of this act applicable to post-offices whose gross receipts are in excess of $200,000.

The provision for these promotions was intended for present employees, and therefore if we inadvertently made use of language which would operate against carriers living in a community of 75,000 people and upward, where the gross receipts were less than $200,000, they would not enjoy that promotion, and so we have inserted this provision. That will affect 453 carriers. If clerks should be added, it would affect 251 clerks, making a total of 704 men only, entailing a charge of about $7,000.

Mr. AMES. I should like to ask the gentleman what per cent of increase would this amount to for the clerks and carriers in the country?

Mr. OVERSTREET of Indiana. I have not the figures at hand.

Mr. AMES. Does it not amount in cities of 50,000 and under to $50 a year?

Mr. OVERSTREET of Indiana. It amounts in cities under $50,000 gross receipts to $50.

Mr. AMES. I mean $50,000 gross receipts.

Mr. OVERSTREET of Indiana. It is $50 on a basis of $850. The gentleman can figure up the percentage for himself.

Mr. WILSON. Did I understand the gentleman from Indiana to say that he was willing to have a provision put into this section, between lines 14 and 21, which would apply to the clerks also of the offices in this particular grade?

Mr. OVERSTREET of Indiana. I have stated that I shall make no opposition to that. Now, Mr. Chairman——

Mr. BRUMM. I would like to ask the gentleman a question.

Mr. OVERSTREET of Indiana. I will yield to the gentleman.

Mr. BRUMM. I want to ask if you have increased the salary of the employees in the bag and lock shop in the city of Washington?

Mr. OVERSTREET of Indiana. We have not.

Mr. BRUMM. Is it not true that they get much less than any other employees in the whole Department, and why not apply the rule to these men as you do to others, especially as in the city of Washington living is perhaps dearer than any other place in the United States?

Mr. OVERSTREET of Indiana. I will say frankly, speaking personally, I have no sympathy with the movement to increase the salaries of all the Federal employees in the city of Washington. But that is not within the jurisdiction of the Post-Office Committee, although the particular instance to which the gentleman from Pennsylvania refers may be. We are recommending these increases with regard to the service throughout the country and without respect to the city of Washington.

Speaking briefly with reference to the increase of the salary of the railway mail clerks, we provide for $100 increase by simply elevating the total number of grades in which they are at present employed, which would of course elevate each one of these employees by $100.

Mr. HILL of Connecticut. Mr. Speaker, I would like to call the gentleman's attention to the proviso on page 6. What is the necessity of the word "now" in there?

Mr. OVERSTREET of Indiana. I will say what I suggested a moment ago, that we are seeking to give an increase of salary to present employees, and if we did not insert this proviso——

Mr. HILL of Connecticut. I am only speaking of the word "now."

Mr. OVERSTREET of Indiana. I am coming to that. It is not an oversight, it is premeditated and has a reason. We would avoid the promotion in cities having a population of 75,000, less than $200,000 gross receipts. We make this exception directly to those cities where the employment at the present date, when this bill is to be signed, applicable to those employees. We did not intend to make it in the future to other conditions similar in character.

The total amount of increase alone for the railway mail service for the next fiscal year is $1,452,083. We make a recommendation so far as the rural carriers are concerned by changing the existing law, which fixes the maximum salary at $720, so as to provide $840 for the maximum, and the estimate of the Department is that the increase for the increase of rural carriers' compensation for the fiscal year will be $3,722,310, making a grand total for the increase of salaries alone of these various classes of employees in the postal service about $8,900,000.

Mr. CROMER. Did the committee consider the proposition of fixing a standard route in the rural free-delivery service?

Mr. OVERSTREET of Indiana. It did not give that subject an exhaustive consideration on account of the limited time of the session and the necessity of the passage of this measure at as early a day as possible. We were obliged to postpone some considerations. Therefore, as far as the rural service is concerned, we thought we could continue the present method of a maximum compensation, leaving the length of route to be determined under the regulations of the Department.

Mr. CROMER. I wanted to know what regulations the Department has now.

Mr. OVERSTREET of Indiana. The regulation under which this service is administered fixes $720 as the maximum salary. That will be changed if our recommendation is followed to $840. I have the scale here. For 23 to 24 miles it is $702; 22 to 23 miles, $684; 21 to 22 miles, $666; 20 to 21 miles, $648; 18 to 20 miles, $612; 16 to 18 miles, $576; 14 to 16 miles, $540; 12 to 14 miles, $504; and 10 to 12 miles, $468.

So that we have fixed the maximum salary at $840, and the same proportionate scale will be maintained by reason of the difference in the length of routes.

Mr. CROMER. Do not the number of houses also figure?

Mr. OVERSTREET of Indiana. Not in the scale of compensation. The number of houses is an element and a very important element in the establishment of the service.

Mr. DRISCOLL. The gentleman said that the increase in the salaries proposed by the bill would make a difference of $8,000,000 from the present compensation. Does that increase include the extra force?

Mr. OVERSTREET of Indiana. Oh, no; that is in addition to the extra force. The $8,900,000 is for increases of salaries only. I now yield to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. The gentleman said a moment ago that the number of houses was a very important element in the establishment of the service. I would like to ask the gentleman if it is not a fact that the number of houses is a very important element in the continuation of the service afterwards?

Mr. OVERSTREET of Indiana. Undoubtedly, because the number of houses indicates the number of families.

Mr. HUGHES. Does not the gentleman, in his opinion, think the amount paid the carriers should be increased when they have increased population on a shorter route? For instance, if the route is only 16 miles long, and the carrier, on account of the dense population on the route, would take as much time as the carrier to go over a 24-mile route that is not so thickly populated, does the gentleman not think his compensation should be increased in accordance with the work he does?

Mr. OVERSTREET of Indiana. No; the gentleman fails to understand the administration of this service. The gentleman from South Carolina has a much more accurate understanding, because he is familiar with the facts or of the number of houses. The number of houses on a short route, a number of houses congested, would not take as long as if you had to travel a longer route, and therefore I do not think that is a proper basis. I want to state, Mr. Chairman, that the rural-delivery service, so far as its installation is concerned, has apparently been reduced to a substantially normal status. We made ample provision, in the judgment of the committee, following the recommendation of the Department, for the installation of practically all that will be demanded during the next fiscal year, and while four years ago, as I now recall, there was over 65 per cent increase in the appropriation for rural-delivery service, yet this year there is only a little over 16 per cent, as I now recall, including the increase of salaries, and if there would be no increase of salary for the rural-delivery service the increase of this appropriation for the next fiscal year would be about 3.85 per cent. Showing very clearly, Mr. Chairman, that while this service grew with astounding rapidity for several years it has finally apparently reached a substantial normal basis.

Mr. LEVER. Mr. Chairman, will the gentleman yield for just one question?

Mr. OVERSTREET of Indiana. Yes.

Mr. LEVER. Is it a fact that the Post-Office Department has a regulation which requires that a standard route shall handle a certain number of pieces of mail per month—3,000?

Mr. OVERSTREET of Indiana. I am inclined to think that it has a regulation substantially like that—I do not recall the exact number of pieces—and I think it ought to have some sort of a regulation of that kind, because we ought not to pay some fellow who drives over a route where there is no business, and unless a given number of people along a certain established route secure and deposit a reasonable amount of mail it is pretty strong evidence they do not care for the service.

Mr. LEVER. Let me say to the gentleman from Indiana this, if he will permit me: In my own district I happened to have called to my attention in the last few days a situation like this: On a normal route of 24 miles 99 per cent of the patrons have their own boxes, and yet this route does not come up to the standard set by the Department. Now, would the gentleman think it fair to that route that it should be reduced in service to three times a week or finally discontinued?

Mr. OVERSTREET of Indiana. Unless they have real mail service, something reasonable in the number of pieces received and dispatched, I think the gentleman will agree with me that it would be pretty strong evidence they did not care for the service. The mere nailing up of a box upon the gatepost does not establish a mail service, and if there is not a receiving or a depositing of mail, I see no reason for the continuation of the service. Now, Mr. Chairman, the time is rapidly passing, and I wish to make some brief suggestions relative to two other recommendations of the committee.

Mr. JONES of Washington. Before the gentleman passes to that——

Mr. OVERSTREET of Indiana. I yield to the gentleman from Washington.

Mr. JONES of Washington. The gentleman may have referred to the point, but I have not heard it. Is there any provision in this bill in reference to the pay of substitute carriers?

Mr. OVERSTREET of Indiana. Yes; we put the pay of the substitute on the basis of pay by the hour.

Mr. JONES of Washington. So if they work a day they get paid?

Mr. OVERSTREET of Indiana. Undoubtedly, as they should.

Mr. CROMER. Does that apply to the rural substitutes also?

Mr. OVERSTREET. No; the rural substitute is paid at the same rate as the principal.

Mr. Chairman, the committee has made recommendation for

a change of existing law relative to railway mail pay, and from the number of telegrams and letters which the Members of the House have received for the past week or ten days from railroad representatives I can imagine that the committee is pretty familiar with the opposition to this recommendation. It is a business question, Mr. Chairman—a question that ever since I was drafted to go upon this committee by the present Speaker of the House has always been before us. It is an important question. It is a complicated one. There are almost as many different opinions upon it as there are individuals who give it any consideration. The committee has made some recommendations. There is a division within the committee, I will say, for the first time since my connection with this service, and that division is with reference to this question only.

I believe something ought to be done to reduce the present rates of railway mail pay. I follow my judgment as other gentlemen follow theirs, and I believe the more you study, the more evidence you read, the more witnesses you examine, the more telegrams and the more letters you receive upon the subject, the more doubt you are apt to entertain as to what ought to be done. In the last analysis you must approach the subject, first, with a spirit of fairness, then with a spirit of some courage; otherwise you would be floated off your feet by the onslaught of the opposition from the transportation companies.

The present law, Mr. Chairman, was enacted on March 3, 1873, and if time permitted, which it does not, I would be glad to pay a tribute to the genius and intellectual strength of whoever it was that conceived the method of pay for the carrying of the mail. Briefly, that method is that the rate decreases as the weight increases—a principle that I think is eminently fair and just. Under that law the scheme of weight was read into the statute, and the corresponding rates to be paid was given alongside of it.

On the 12th day of July, 1876, the rate was reduced 5 per cent; on the 17th day of June, 1878, the rate was reduced 10 per cent. A 5 per cent reduction in 1876 followed by a 10 per cent reduction in 1878 resulted in a 14½ per cent reduction from the original rate fixed by the law of March 3, 1873. Your committee recommends a further reduction of 5 per cent on routes carrying daily in excess of 5,000 pounds and not in excess of 48,000 pounds; 10 per cent on routes carrying a daily average in excess of 48,000 pounds and not in excess of 80,000 pounds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I move that the gentleman's time be extended until he completes his remarks.

The CHAIRMAN. If the gentleman desires to take more time, he can do so, but it will come out of the time which he controls.

Mr. OVERSTREET of Indiana. And above 80,000 pounds daily average, a flat rate of $19 per ton a year. Under existing law, after the reduction of 14½ per cent, the flat rate on each ton of mail in excess of 5,000 pounds carried over each route a day per year was $21.37; so that the reduction recommended by your committee to $19 is a reduction on that character of weight from $21.37. In addition to that—because I can speak of it in connection with the railway mail pay—we make a recommendation for a change of rate on post-office car pay. That law was passed at the same time with the other law.

Mr. PRINCE. Will the gentleman yield?

Mr. OVERSTREET of Indiana. I yield to the gentleman from Illinois.

Mr. PRINCE. I may not understand the statement of the gentleman clearly. Is it the gentleman's statement that the law was passed in 1873, the first modification in 1876, the second modification in 1878, and that there has been no modification since that time?

Mr. OVERSTREET of Indiana. I have not stated the latter, but that is true. I am coming to that. The rate of pay, which is an extra allowance for the service of railway post-office cars, was provided in the statute of 1873. Those rates are $25 upon 40-foot cars, $30 upon 45-foot cars, $40 upon 50-foot cars, and $50 upon 55-foot cars and upward. We recommend a change of rate so as to fix those rates at $25 on 40-foot cars, the same as now, $27.50 on 45-foot cars, $32.50 instead of $40 upon 50-foot cars, and $40 instead of $50 upon 55-foot cars and upward. There has been no change of law with reference to the railway post-office car pay since the original act was passed in 1873. There has been no change of law with respect to railway mail pay since the deduction in 1878.

Now, Mr. Chairman, it would be utterly impossible for me——

Mr. YOUNG. Will the gentleman permit a question right there?

Mr. OVERSTREET of Indiana. I will.

Mr. YOUNG. I should like to ask the chairman of the committee if it is not a fact that the rate decreases automatically, and that there has been no change in the law because of the increasing volume of business, which of itself automatically decreases the rate?

Mr. OVERSTREET of Indiana. Oh, yes; and so it did under the original law.

Mr. YOUNG. So that the rate now received by the railroads is considerably lower than in 1878?

Mr. OVERSTREET of Indiana. Not the rate, because the rates have never changed.

Mr. YOUNG. But in proportion, because of the greater increase in the proportionate amount carried?

Mr. OVERSTREET of Indiana. I started to say that it is utterly impossible for me to go into great detail in discussing this matter. I have already trespassed upon the patience of the House, and merely plead as my excuse the many interruptions. But let me say this, that within the last quarter of a century there has been great outlay by railroad companies and a revolution in the construction of freight cars. The added equipment, the air brakes, and so forth, have increased that expenditure. The double tracking of roads in order to make more rapid speed in the delivery of freight, the hundreds of thousands of sidings upon which to lodge that freight, and the added expenses of terminals not only for the benefit of transportation companies, but for the shippers as well, have greatly increased the expenditure. Yet with all that added outlay, covering a quarter of a century, freight rates have been materially reduced.

It may be said that competition has controlled it, but whatever has controlled it, the fact still remains that freight rates have materially reduced, notwithstanding the great outlay incident to the construction of cars, the double tracking of roads, and the increased facilities of sidings and terminals.

Within the same period of time there has been another revolution in the construction of passenger coaches. The present passenger coach, with its well-lighted and well-ventilated accommodations, equipped with modern appliances, with air brakes and other things for the safety and convenience of travelers, is a palace as compared with the coach carried by the transportation companies a quarter of a century ago. Yet, with all the added increase of expenditure by the roads, incident to increased comforts and facilities, throughout the entire country to-day and for many years past there has been a steady reduction of passenger rates. And with all of this, notwithstanding the increased expenditures of the transportation companies to better their roads and to increase the compensation of their employees, the dividends of these companies have shown the most remarkable development in profits ever known in this or any other country in the history of railroad business.

But, Mr. Chairman, while within this period of a quarter of a century we have witnessed the reduction of freight and passenger rates, notwithstanding the great increase of expenditures, never since July, 1878, has there been any reduction in railway mail pay. Yet it is claimed that the Government has added new burdens to the companies. What are they? Higher speed, more trains, better accommodations for mail and mail employees, but no better than for the same character of employees and service which have obtained with reference to passenger and freight traffic.

This law of increased weight, resulting in decreased rates, has grown since its inception in 1873 more rapidly than its conceivers dreamed. The highest development on any railway mail route in 1873 showed a total weight upon the most dense route in the country of an average of 16 tons per day. Last year the highest development of the traffic showed a route carrying 244 tons a day, or sixteen times the maximum volume at the time of the passage of this law.

The gentleman from Michigan [Mr. YOUNG] seeks to have the attention of the House called to the fact that the decreased rate has been such a benefit to the country, by reason of the increased weight, that it would not justify any change of the law. But it was upon that basis that the law was originally drafted. Therefore the committee believes that by virtue of the great development in this service, whereby we now have 3,146 railway mail routes throughout the country, where over 90 per cent of the mail is carried upon routes carrying in excess of 5,000 tons a day, the railway companies carrying this mail have been able to put into operation economies which thoroughly justify some reduction, and, in the judgment of your committee, at least the reduction which I have here named.

Mr. SIBLEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. OVERSTREET of Indiana. I will yield to the gentleman.

Mr. SIBLEY. Is it not true that the automatic reduction

of compensation since the report of the Wolcott commission has amounted to 16 per cent through the augmentation of heavier transportation of mail matter?

Mr. OVERSTREET of Indiana. I do not know, and I do not think it makes any difference. Let me say a word about the Wolcott commission. I have no doubt the attention of this committee will be called by the gentleman from Pennsylvania and others to the so-called "Wolcott commission." That was a commission appointed by Congress to inquire into the rates of railway mail pay. If there was a full representation of this body present at this time I would ask every man who had read the report to hold up his hand. I submit there has not been 2 per cent of the membership of this House that has read the evidence submitted to the commission. That report was submitted practically seven years ago, and we have continually been told that because that commission did not recommend a reduction, that therefore no reduction ought now to be recommended.

I have said on this floor, and I presume my statements will be quoted in this debate against me (I have made statements before I read the commission's evidence), that I felt that in view of the fact that that commission had made no recommendation for reduction we might well rest upon that.

Mr. SIBLEY. Will the gentleman yield further?

Mr. OVERSTREET of Indiana. I will.

Mr. SIBLEY. I would like to ask the chairman, who I know has given a great deal of attention to this subject, if he does not know whether there has been an automatic reduction of 16 per cent, what reduction, in his judgment, has been worked through the automatic decrease in pay as the volume of matter increased?

Mr. OVERSTREET of Indiana. I make the same answer to my friend from Pennsylvania that I did a moment ago to the gentleman from Michigan, that the original law was based upon the theory of decreased rates as the weight increases, but if the gentleman's argument is that because the increased weight results in a decreased rate, why the reduction of 1878 and 1876? Why would not that have been a bar to action in that day?

Mr. SIBLEY. I would like to ask the gentleman if the figures show that there was a decrease or an increase?

Mr. OVERSTREET of Indiana. When?

Mr. SIBLEY. Between the dates the gentleman just mentioned.

Mr. OVERSTREET of Indiana. There has been a decrease of the amount of money they received as compared with the less weight. But in our judgment the time has come when the rate which fixes the amount of money ought also to be further reduced.

I submit that we have been conservative in this recommendation, and a more exhaustive examination might result, and I am sure would result, in even recommending a larger percentage of reduction than this to which I have just addressed myself.

Mr. CROMER. What consideration did the committee give to this subject? I have received some information from the railroads that the committee gave no consideration to this subject of decrease of pay.

Mr. OVERSTREET of Indiana. I presume the gentleman has received a number of those telegrams which I think very appropriately fell upon this House on St. Valentine's Day, to the effect that 35 per cent reduction has been recommended.

Now, Mr. Chairman, I started to state that I have no doubt that not 2 per cent of the membership of this House has read the evidence before the Wolcott commission. I stated that I had made statements on the floor before I read the evidence, resting upon the security of that report. Now, I concede to every man just as much right to his judgment as I claim for myself, and I admit there is doubt about the report of the Wolcott commission being based on the evidence. But, so far as I am concerned, simply exercising the best opportunities I have for marshaling what little intellectual ability I have, I do not think the Wolcott commission made the proper recommendation, and I believe in the light of my study of that evidence, although I may be in error, that, had I been a member of that commission, I would have recommended a reduction of the pay. Therefore we have before Congress the Wolcott commission report and evidence.

Mr. SOUTHARD. Mr. Chairman, I would like to ask the gentleman a question.

Mr. OVERSTREET of Indiana. I yield to the gentleman from Ohio.

Mr. SOUTHARD. I have heard it stated that the carriers of the mail—the railroad companies, I suppose—were not given an opportunity, or sufficient opportunity, to present their side of the case. I suppose that is what the gentleman from Indiana referred to.

Mr. OVERSTREET of Indiana. Yes, sir; that is what his inquiry was. If the gentleman will bear with me, I will come to that. Therefore the House has—Congress has—all the evidence submitted by the Wolcott commission seven years ago. In addition to that it has had before the committee, I think without exception, in each session of Congress when it has been my privilege to have been a member of that committee, railroad representatives who have been in to make inquiry about the chances for a reduction, at which times I have uniformly taken opportunity to interrogate them and secure as much evidence as possible. No; this session there were no representatives of the railroad companies heard by the committee, but I do not believe that, so far as these per cents of reduction here recommended are concerned, any such hearing was necessary, because sufficient information was already in the possession of the committee.

But, sir, the Members of Congress have heard from the representatives of the railroads. They have heard little else in the last week, and just like the gentleman from Pennsylvania interrogated me with reference to newspaper reports on account of some other provision in this bill, so hundreds of messages and letters are sent here, filled with inaccuracies, trying to stampede this Congress in regard to this matter. Was any hearing given in 1878 or in 1876? Was there a scintilla of evidence before this House by report or otherwise as to whether any hearing was asked for at those dates? And if after thirty years, after a voluntary reduction of passenger and freight rates, we can not take this action without bending the knee to these representatives and dictators of legislation, I submit that we had just as well abandon any efforts whatever to recommend action to this House. [Applause.] Did we not hear last year that the railroad companies would be utterly annihilated by the passage of the rate bill? Was it not heralded by every newspaper controlled by them that the efforts of Congress to control them under the interstate-commerce act would injure them, and that their property was being taken from them without due process of law? There will never come a time when you can get any satisfaction from them by giving them the hearing which they desire, and, as I said to one of them, I believed it was perhaps a mercy we did not give them a hearing, because I thought that after thirty years we were justified in making a reasonable recommendation without having Congressional committees and commissions befuddled and confused by expert cross-examination and a tabulation of statistics which would overwhelm any individual who sought to analyze them.

Mr. BURLESON. I want to ask the gentleman this question, premising it with this short statement. I have received a number of telegrams, not alone from attorneys representing railroads, but from business men, protesting against this proposed action on the part of Congress, stating that it would result, they thought, in an impairment of the efficiency of the passenger and freight service. I would like to hear from the gentleman whether or not he thinks these fears are without grounds.

Mr. OVERSTREET of Indiana. I was coming to that. I will state, Mr. Chairman, that I am absolutely confident that the postal service will not be impaired in the slightest degree by adopting these reductions to which I have addressed myself thus far. There will not be a single train changed in a schedule, and the scarecrow of these telegrams and letters ought not to persuade Members against the exercise of proper control of their own votes on the theory that the people have been frightened lest the service be impaired. I will venture to say that there has not been a telegram received either by the gentleman from Texas or any other gentleman in this House from a business organization or a commercial organization in his district that has not been prompted by the request of some railroad organization. [Applause.] They are not volunteer telegrams sent because of the solicitude of these communities. I think there is no more fear of the impairing of an efficient high standard administration of this postal service by these reductions than resulted after the reduction of 1878.

Mr. SIMS. Will the gentleman permit a question?

Mr. OVERSTREET of Indiana. I yield to the gentleman.

Mr. SIMS. Is this legislation proposed by your committee subject to the point of order?

Mr. OVERSTREET of Indiana. It is.

Mr. SIMS. Does the gentleman not believe with a minority report filed that there will be a point of order made against it?

Mr. OVERSTREET of Indiana. I presume there will be one made.

Mr. SIMS. I would like to know whether or not a rule could not be brought in making it in order?

Mr. OVERSTREET of Indiana. The committee thought it wise to call this subject to the attention of the House and urge upon the House its adoption. We propose to take advantage

of all of our rights under the rules and subject to the rules. I hope, and sincerely hope, that some provision may be made whereby this subject may be brought before the House and let the House determine.

Mr. SHACKLEFORD. I would like to ask the gentleman in that connection——

The CHAIRMAN. Does the gentleman from Indiana [Mr. OVERSTREET] yield to the gentleman from Missouri [Mr. SHACKLEFORD]?

Mr. OVERSTREET of Indiana. I yield.

Mr. SHACKLEFORD. If every other method should fail, would that not be properly brought before the House by appealing from the decision of the Chair?

Mr. OVERSTREET of Indiana. Yes; and I would be opposed to such a revolutionary method, even though I favor this proposition. I am not yet ready to join a revolution.

Mr. SHACKLEFORD. The gentleman would not go that far to save a few million dollars for the people?

Mr. OVERSTREET of Indiana. Not with my assistance, nor, I think, of those who are associated with me on this committee. There are fair methods of procedure, and when they have been exhausted I am ready to quit.

There are one or two other features of this special provision which I wish to call to the attention of the committee, and I preface my remarks upon those by admitting that there is more doubt in my mind with reference to those provisions than with reference to the reductions to which I have addressed myself. The first one of those is a provision that at the times of the weighing of the mail the empty mail bags shall not be weighed or taken into account in connection with determining the pay for the transportation of the mail. We have made this recommendation without knowing specifically to what extent it would affect the compensation of the carriers.

It is recommended entirely from a principle that when a bag having once been weighed, with contents of mail, it ought not to be weighed a second time when it was empty and being returned for additional contents. And on the principle that empty kegs, crates, baskets, and bags are now returned to the shipper without extra charge, we thought that principle ought to obtain to the advantage and profit of the Government. To-day the Government in the administration of this service carries by freight in freightable lots empty mail bags, and distributes them where the demand is the greatest. That practice and authority will be in no degree interfered with by this provision which we recommend, and, indeed, ample appropriation is carried by this bill to carry the necessary freight charges in the handling in freightable lots of empty mail bags to be transported from one section of the country to another for the additional mail which they are supposed to carry. But this provision that no empty mail bags shall be weighed at the time of the weighing applies entirely and wholly to those bags which are to be found in the cars at the time the mail is being weighed, but which contain no mail. There will always be a limited number of them, just how many nobody knows. They have uniformly been weighed just the same as the bag which contains letters of the first class are weighed, and their weight has been estimated as part of the weight of the whole mail in determining the amount of compensation. I say frankly that while I advocate the principle and believe it ought to be maintained, nevertheless I concede a doubt as to the time of its adoption, perhaps, without knowing absolutely what effect it would have. But, nevertheless, I so favor the principle that I stand by the recommendation.

Another recommendation is the striking out of the present law of the word "working" with respect to the authority of ascertaining the average daily weight of the mail. I entertain equal doubt with respect to that, although it is a very decidedly debatable question. And it is recommended by the committee. The law of 1873 provides that at least once in four years the mail shall be weighed and the daily average weight upon each route obtained, and then upon that weight as a basis the rate for the entire four years succeeding shall be applied. The law provided originally that for "thirty" consecutive working days that mail shall be weighed. A later statute changed the "thirty" to "ninety," so the present law authorizes once in four years in order to establish the rate of compensation for a four-year period, that the mail shall be weighed for ninety successive working days. And by the elimination of the word "working" and by the addition of "one hundred and five," which this recommendation contains, the law would read that for "one hundred and five consecutive days the mail should be weighed."

Mr. LACEY. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Iowa?

Mr. OVERSTREET of Indiana. I yield.

Mr. LACEY. Right in this connection, there has been, of course, a steady increase in the amount carried during the whole four years?

Mr. OVERSTREET of Indiana. Had the gentleman been present he would have heard that statement.

Mr. LACEY. Is that figured in making the compensation?

Mr. OVERSTREET of Indiana. There is no change made in that.

Mr. HAUGEN. I would like to ask the gentleman a question.

Mr. OVERSTREET of Indiana. I yield to the gentleman.

Mr. HAUGEN. Have you made any comparison of the amount paid by the Government to the express companies and that which is paid to the transportation companies?

Mr. OVERSTREET of Indiana. The only investigation which I have made personally has been a study of the evidence before the Wolcott Commission and a certain amount of evidence which was before the Postal Commission last summer and fall, showing these comparisons.

Mr. HAUGEN. Has the gentleman made a comparison as to the average cost of mile per pound?

Mr. OVERSTREET of Indiana. No; because they are in an entirely different service. It is very difficult, in my judgment, to make comparison between the express service and the transportation of mail service, which is entirely different. I do not think the services are sufficiently similar for comparison.

Mr. HAUGEN. Has the gentleman any information as to the number of pounds carried by them?

Mr. OVERSTREET of Indiana. I do not recollect.

Mr. HAUGEN. A billion pounds.

Mr. OVERSTREET of Indiana. There are over a billion pounds of mail, I understand. The last statement was approximately one billion; but I have no information as to what number of those pounds were carried by the railroads.

Mr. HAUGEN. I know it is about 41,000,000 of the 1,000,000,000, for which there were paid about 4.1 cents a pound, and then, with nearly $6,000,000 for the cars, we have another half cent, and we employ about 15,000 clerks——

Mr. OVERSTREET of Indiana. I would rather that you put that into a question.

Mr. HAUGEN. I wanted to get at the expense. It costs about 6 cents a pound for every pound carried by the transportation companies. Now, is it not a fact that the express companies carried it at a much less rate—200,000 pounds at 2 cents, an average being about 400 pounds?

Mr. OVERSTREET of Indiana. While the gentleman from Iowa and myself are in accord as to reducing the price, I do not agree with him in that. I do not believe the cost of carrying is 6 cents a pound. But that is a matter for debate, and I have answered the question and prefer not to yield further.

Mr. SMITH of Kentucky. Will the gentleman allow me to ask him a question?

Mr. OVERSTREET of Indiana. Certainly.

Mr. SMITH of Kentucky. I did not exactly understand the chairman's statement about the weighing of the mails. The number of days at present the mail is weighed is thirty?

Mr. OVERSTREET of Indiana. No, sir; ninety.

Mr. SMITH of Kentucky. And the committee proposes to increase that to one hundred and five?

Mr. OVERSTREET of Indiana. I was at that point, I will say to the gentleman, when I was interrupted. I think, perhaps, I will cover his proposition; if not, I will yield for an inquiry.

Mr. SMITH of Kentucky. All right; I will ask no further questions just now.

Mr. OVERSTREET of Indiana. At the time of the passage of the act of 1873, which read "thirty consecutive working days," I think there is little dispute but what an exceedingly limited number of trains of any kind were operated upon Sundays. Certainly not to the extent that they have been operated upon Sunday in recent years; and I am of the opinion, without tangible record proof, I admit, but I am of the opinion that the word "working" was used constructively, to apply to the labor actually incident to the weighing of the mail. There were many railroads, as there are now, that did not operate daily. There are many cases where there is service only three times a week, and a great many cases seven times a week. I presume I would not be disputed when I made the statement that in 1873 the proportion of service on daily routes was much less than it is to-day. But the actual labor or working incident to the weighing of the mail meant the consecutive days that it was possible to weigh the mails, or work in weighing them, by reason of the operation of the trains which carried them. If the train operated for six days only, under the law it could not be weighed on Sunday, the seventh; whereas if it

operated daily, the number of working days would apply to the seven days in the week. For my part I am constrained to the opinion that "working" applied to the labor incident to the weighing, and not to the Sabbath day as distinguished from the other six days of the week.

But in ascertaining the average daily weight, the practice of the Department has been upon roads where the service has been daily, seven days in the week, to exclude the seventh day or Sabbath, and divide the weight carried seven days by six in ascertaining the average. The theory is specifically stated in the explanation made to your committee, a theory which I admit is susceptible of very fair argument, that the failure to carry the mail on the seventh day would be followed by that particular amount of weight being held over until the following day, or Monday, and then, if it were carried on Monday, be counted as the weight of that day, whereas by carrying it on Sunday it would give expedition to the service, and therefore the road was entitled to fair compensation, and by dividing by six instead of seven, a fair proportion of compensation was granted the carrying road, and that the road which rendered daily service and thereby distributed and collected the mail for the benefit of the people, was doing better service than the road which operated less than seven days, even if the service was for six.

But the law in reference to the weighing for a certain number of consecutive working days was for the purpose of ascertaining the average weight.

Mr. LACEY. I should like to ask the gentleman——

Mr. OVERSTREET of Indiana. I want to state the law: The average weight to be ascertained in every case by actual weighing of the mails for such a number of "successive working days" is the language of the statute. Therefore, in the judgment of your committee that average weight should be obtained by dividing the total weight by the total number of days' weighing and following the precedent fixed by this House at the present session of Congress in declaring by resolution in favor of the integrity of the spelling book, we may be pardoned for our approval of Ray's arithmetic.

Mr. YOUNG. I wish to ask the gentleman, then, if, under the statement which he has so clearly made just now, it is not a fact that the railroad company by taking off its Sunday service and carrying all the mail for the week in six days instead of seven would, under the provision of the bill you propose, increase its compensation, so that for the poorer service it would get more pay and for the better service less pay?

Mr. OVERSTREET of Indiana. The gentleman's inquiry is founded upon the assumption that the Sunday mail will be discontinued. Mr. Chairman, in my judgment no Sunday service will be discontinued. The gentleman fails to appreciate the fact that the Sunday operation of trains is not occasioned by the mail, but by the commerce of the country, and that they will be operated upon Sunday for that commerce even if they should not take up the mail, which would lie over until Monday; and there are just about as many instances where the Sunday service is carried because of the express business as where it is carried because of the mail business. It is true that there are a limited number of exclusively mail trains; but that number is small. Those trains are operated only for the mail, and if the gentleman's inquiry was entirely as to that class of mail I submit that whereas in hundreds of instances the daily papers of this country, which are second-class mail matter, constituting more than two-thirds of the weight of all the mail, are sent by express within a zone of 500 miles, they would still be able to get the benefit of the Sunday service upon those routes.

But the gentleman will recognize that I stated at the outset that this particular recommendation is undoubtedly a debatable question, and there may be some instances where if it were followed by an actual discontinuance of Sunday mail service it would undoubtedly result in an impairment of the service. But I do not believe that the recommendations of your committee, to which I have addressed myself with respect to the 5 and 10 per cent reduction, are susceptible to the same doubts that this proposition may possibly be.

Mr. STEENERSON. I wish to state that in my argument upon this question I shall undertake to answer the gentleman from Michigan [Mr. YOUNG] and demonstrate that it would make no difference whatever in the railway mail pay whether the mail is carried on Sunday or simply carried on six days in the week.

Mr. OVERSTREET of Indiana. Then I will remand my friend from Michigan to the tender mercies of my colleague from Minnesota.

Mr. YOUNG. I ask the gentleman to yield a moment further.

Mr. OVERSTREET of Indiana. I will yield to the gentleman.

Mr. YOUNG. Even assuming, as the gentleman from Indiana says, that these trains will not be discontinued on Sunday, might they not well take off the mail service, and would they not be likely to take off the mail service on the Sunday train if they could increase their compensation under the law by so doing, as it clearly appears they could do if this provision should become the law?

Mr. OVERSTREET of Indiana. I am not prepared to accept the gentleman's conclusion as to the fact that it would result in increased pay, but I am quite ready to agree with him that any conduct on the part of the carriers which would result in increased compensation they most certainly would avail themselves of.

Mr. LACEY. I should like to ask the gentleman: The Sunday mail is the heaviest, is it not, on account of these tremendous Sunday newspapers?

Mr. OVERSTREET of Indiana. There is a serious doubt about that being the fact. Indeed, there is quite a little information to the effect that, as a whole, the Sunday mail is lighter than the average week-day mail.

But the gentleman must understand—and if he does not know, I will be glad to give him the information—that, while the weight of the mail is practically now one thousand million pounds, over 600,000,000 pounds of that is mail of the second-class matter, and yet of the daily newspapers there is not to exceed 10 or 15 per cent of the circulation issue which enters the mail. So the talk about the daily papers being a tremendous burden on the mail is a mistake. The great bulk of the daily papers issued which is not distributed by local carriers is carried by express within a limited zone, carried by express at a lower rate than the rate of mail within that limited zone. The New York papers are carried as far west as Pittsburg by express cheaper than the postage would be, but going beyond that zone the mail rate for the same amount of weight would be cheaper.

Now, Mr. Chairman, just to recapitulate and to hurry on. The recommendation, so far as the railway mail pay and railway post-office car pay are concerned as carried in this bill, will result in the next fiscal year in a saving to the Government of $3,000,000 by reason of the reduction of the 5 and 10 per cent which I explained a little while ago, and by reason of the change of rate of railway post-office cars it will result in a saving of an additional $1,000,000.

So far as these two specific propositions go, there will be a saving for the next fiscal year of $4,000,000. I do not believe there can be any question about the justice of these recommendations or the wisdom of their adoption. If, on the other hand, the empty-mail-bag recommendation should prevail, we have no estimate as to what that saving would be, because the empty bags have been treated throughout the weighing period just as the full bags have been treated.

So far as the change of method of ascertaining the average rate of pay based upon what we call "the Sunday service" is concerned, that would result in a saving next year of approximately $2,000,000. That would not cover any except the third weighing division, and that would also apply to the empty mail bags, because both recommendations with respect to elimination of empty bags would apply only to the division at the time of weighing the mail under existing law, and this year that weighing section is the third, or the Middle West.

The estimate of the Department of the difference in compensation in that third, or Middle West, division by the change of method of ascertaining the average weight based on the last year's pay would be about $1,750,000, and so we assume that the same proportion, where it would be weighed this year, would carry it a little beyond the $2,000,000 in the change brought about by the change of method of computation. But next year there will be a weighing in one of the other three divisions, and in the limited time of three years this provision would apply to all the country. So that if you should assume that the estimates of the Department, which were submitted to the committee with reference to the saving of difference in pay based upon the difference in divisor in ascertaining the daily weight, were applied to the entire country, as compared with the items last year, it would in time amount for that purpose alone, taking the entire country, to approximately $6,000,000. That is as nearly accurate as we now have statistics to make it.

If you will take the first recommendation, upon which I have laid considerable stress, of the saving of $4,000,000, and these two additional recommendations should be adopted, it would make a difference in excess of $10,000,000 of pay, based upon estimates for last year's pay, but only applying fully at the end of three years.

Therefore we have only eliminated from the appropriation for transportation purposes the $3,000,000, and the item carried in the bill for compensation for the transportation of mail

does not suffer by any reduction in dollars and cents on account of the change of divisor or the elimination of the empty bags.

But I believe, Mr. Chairman, that certainly the House has ample statistics and sufficient evidence to warrant at least the $4,000,000 reduction and leave the other two to be debated when these items occur in the reading of the bill to determine whether or not if the change of divisor, based upon the ordinary rules of arithmetic, must be followed, and there is any danger of it resulting in the impairment of proper Sunday service provision can be made by way of amendment to secure ample safeguards against being unfair in the treatment for that service.

Now, just a word upon this final suggestion which I desire to mention. The last session of Congress we adopted a provision in the post-office appropriation bill requiring the keeping of a record by the Post-Office Department of second-class mail matter, dividing it into its several elements of the different classes of mail of the second class. We have been so pleased with the result of the record that we have thought it advisable to recommend a further weighing for another six months, and then not only a weighing of the second class, but a weighing of all other classes of mail, in order that we may have more accurate statistics, which we do not now possess in any degree with respect to the various classes of mail, their amounts in weight, the number of pieces, and relative proportions of one to the other. This provision is recommended in the report of the Postal Commission, which was filed but a short time ago. Another recommendation by the Postal Commission was for the creation of a commission of three Senators and three Representatives, to be appointed by the presiding officers of the respective bodies, to investigate the entire postal service with a view primarily of recommending to Congress, if possible at the next session, some improved methods of business based upon more modern ideas than now obtain in the administration of the service. These are the only recommendations of the Postal Commission which the committee has given any consideration to since the report of the Commission was filed. It had been my purpose to discuss briefly the action and recommendations of that Postal Commission, but so much time has already been occupied by me that I feel that it would be unfair to the committee and to my colleagues upon the House committee if I took further of your time.

Simply let me say that the committee did not take up for consideration any of the recommendations of the Postal Commission except these two to which I have just referred, letting the matter go over to a further session, and to be followed with the information which might be secured from this system of general weighing and counting of pieces during the six months beginning next July 1, and in connection therewith whatever information and recommendations may be made by the new Commission which we have recommended. I would like to say, however, just this much with respect to the report of that Postal Commission: It is with great regret that I have observed from reading a number of papers throughout the country, in their criticisms of the report of the Postal Commission, an absence of a fair investigation of the report and an exaggeration of details and the effect upon the matter of the second class. We will never be able, Mr. Chairman, in my judgment, to reach any kind of satisfactory adjustment of the great problem of the second-class matter of mail unless we can have the cooperation of the great press of the country, daily and periodical. It is in the interest of those great enterprises that legislation is needed. The antiquated laws of to-day are scarcely enforceable. It would be an easy matter, in my judgment, for a strict enforcement of existing laws relative to the second-class matter of mail to result in great harm and loss to the publishers of the country. But so long as the newspapers and periodicals of the country insist upon wholesale criticism without fair and reasonable cooperation on their part I fear we will always have an unfortunate entanglement and a contest which will bring about no fair results. Much, much of misinformation has been spread abroad with respect to the action of that Commission. It is not proper at this time, and I have not the time if it were, to specify that unfortunate situation.

If I had the time I would be glad to inform this House upon some methods which have been adopted by some periodicals, daily and otherwise, which have been stimulated for the purpose of defeating action. I could point out to this House wherein some of these misguided and unfortunate representatives of a great and influential press have even sought to aid some railroad corporations in a joint movement to defeat all legislation by Congress relative to the second-class matter of mail and the reduction of railway mail pay. I think that the great volume of the American press should be exonerated from any such criticisms which I have just made in reference to some. I believe in the integrity, the influence, and high purposes of that press, and they can subserve a splendid purpose and aid in a cause which has been urged for their benefit by giving better attention to the efforts of honorable gentlemen of Congress in studying and seeking to bring about some wise laws which will result in their benefit. But until the press as a whole can give ear at least to fair and reasonable efforts we can never hope for final action upon this great problem. A united press is more powerful than Congress. Surely with such power Congress is entitled to its aid in any proper effort to solve so important a problem.

Much is to be conceded to them and none would I take away, except now to call the attention of the House to the fact that the House is powerless in the settlement of this great question of second-class matter of mail unless the press itself shall give a more courteous attention to the efforts which are made. One principle, the central principle of the recommendation of that commission, is that an added cost should be made, occasioned by the handling of the article itself, separated from its transportation. We therefore recommend that so long as the matter of the second class is carried in bulk in an unbroken package to a single addressee there should be no change either of rate or of method of treatment. But where the individual copy falls as a burden upon the entire machinery of the postal service, to be handled first by the clerk at the office of entry, and by the railway mail clerk, and by the clerk at the office of destination, and then possibly by the carrier, we thought that individual copy should pay an additional fair charge, based upon a fair estimate of the cost for the additional handling. That is the central idea in the recommendation. There are many details which undoubtedly would have to be whipped into shape before final action, and the limited time of that commission and the limited time of this session, with its many crowded duties, made it impossible for full and complete consideration at this session and made it impossible for as complete an investigation of the details that possibly ought to be made and necessarily would be made before final action.

That difference between the transportation charge and the charge for the copy which falls for handling purposes on the machinery of the service is recognized by every civilized country on which the sun shines except the United States and Canada. It is not a new principle. It is only my purpose at this time to call the attention of the House to the importance of that great subject, to my personal fear of absolutely no action except upon a proper and fair cooperation upon the part of the press, by which we mean the creators of second-class matter of mail. I hope to see the day come, Mr. Chairman, and that at no distant time, when we may have this cooperation, and when by the aid of the reasonable and influential means of that great service there can be brought about a fair and a proper change of law, eliminating these intricate, complicated, and vexatious problems which invest and surround us under existing statutes which conditions have so vastly changed.

And so, Mr. Chairman, your committee has after much labor and very thorough consideration brought to this body for its action this great bill carrying more than $200,000,000 and asks for your approval. Eighteen States are represented upon that committee. These men have brought to the consideration of these problems as good ability as any equal number of men in this House could do. I bespeak for them at your hands a fair consideration of their recommendations, believing that when you have so considered those recommendations you will agree with us that we are rendering to the people of this country a high standard of postal facilities and a proper recognition of the hard-working employees and fair recommendations for changes in existing laws. I thank you. [Loud applause.]

I suggest that the gentleman from Tennessee [Mr. MOON] take control of the time.

Mr. MOON of Tennessee. Mr. Chairman, I yield thirty minutes to the gentleman from Kentucky [Mr. JAMES].

Mr. JAMES. Mr. Chairman, I desire to call to the attention of the committee H. R. 23017, commonly called the "Fowler bill," providing for credit, or asset, currency. This bill has been favorably reported by the majority of the Committee on Banking and Currency, composed of the Republican members of the committee, and was opposed by myself and the other Democratic members of said committee.

This bill provides that national banks shall have the right to issue an amount of money equal to 40 per cent of their outstanding bond-secured circulation. The interest which they are to presumably pay upon this issue is 1½ per cent every six months, which is to constitute a reserve fund for the purpose of redeeming said money so issued of failed banks. This money is not secured by national bonds, as are the national-bank notes. The

Government does not guarantee the payment of this money issued as proposed under this bill, but merely becomes the trustee of the interest so paid or the amount of 5 per cent deposited until the interest paid in upon the issuance of said notes becomes 5 per cent, then the 5 per cent can be withdrawn. There is nothing said in the bill about who shall pay the notes when the reserve fund of 5 per cent is exhausted. This money is made a legal tender, just like a national-bank note. The provision relative to its legal-tender qualities is as follows:

SEC. 9. That said national bank guaranteed credit notes, issued in accordance with the provisions of this act, shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States except interest on the public debt and in redemption of the national currency. Said notes shall be received upon deposit and for all purposes of debt and liability by every national banking association at par and without charge of whatsoever kind.

Under this provision all debts due the Government can be paid in this money, including taxes, excises, public lands, and all other dues to United States except duties on imports, and can be paid out by United States for all salaries and other debts owing by the United States to persons or corporations. In other words, the Government has to receive it for all things except duties on imports and can pay it out for all things except interest on the public debt. The pension roll of one hundred and fifty million can be paid in this money to every soldier who draws a pension. Every Southerner whose property was taken during the civil war would have to accept it. Every person who does public work of any kind would have to accept it. It is legal tender in "reality" for all purposes in the usual avenues of trade, however much the advocates may attempt to call it "credit money," or check, or by whatever deceptive phrase described.

The Government does not guarantee the redemption of this money, notwithstanding the legal-tender qualities accorded to it, as I have set forth. It only provides as follows:

SEC. 6. That the taxes upon national bank guaranteed credit notes, provided for in sections 2 and 3 of this act, shall be paid in gold coin to the Treasurer of the United States. Said taxes, when received, shall constitute a guaranty fund to redeem the notes of failed banks and to pay the cost of printing and current redemption.

So we observe there is a striking and rather singular silence on what shall become of these notes when the reserve fund is exhausted; it only says the Government shall redeem "out of the fund" notes of failed banks. Where we shall go when "the fund" is exhausted is not disclosed; but I insist, Mr. Chairman, this is a place many of us desire information upon.

Mr. Chairman, our friends, the Republicans, are wanting to foist upon the country, not the despised 50-cent silver dollar, for which we Democrats were called "anarchists," "repudiationists," and other delectable names, but in its stead you propose a "rag-baby dollar," worth nothing at all "*intrinsically*," and only 5 per cent "*prospectively*." [Applause.]

Mr. Chairman, the Republican party has been exceedingly kind to the national banks, so kind, indeed, that its kindness has ripened into love. Under the beneficent laws that party has enacted the national banker can buy $100,000 worth of bonds, upon which he gets interest and upon which no taxes can be collected, and by this saves at least 2 per cent, which is the amount, when we include State, county, school, municipal, and sometimes railroad tax, and then the United States allows him to issue, by depositing these bonds, the sum of $100,000 in money, which he lends to the public at from 6 per cent to 10 per cent per annum, or whatever the market will stand, and every time a bank note of the $100,000 issued is lost, burned, or destroyed the banker is this much additional ahead. What per cent this would be I have no accurate information, but it undoubtedly is considerable.

Mr. Chairman, the Government of the United States does not stop here in its special favors and class legislation, but it continues its friendly aid to these "struggling bankers," and lends money collected from all the people by taxation, without any interest at all, to the national bankers, year in and year out. What a vast sum it is! The statement of the United States Treasury issued on the 29th of January, 1907, shows in national-bank depositories of the United States $161,061,798.25.

This wonderful sum of the people's money in the national banks, without the payment of one single cent of interest, and which great sum of money they are charging from 6 to 10 per cent per year when they lend this money back to the people, from whom it came and to whom it rightly belongs. Mr. Chairman, I challenge the world for a greater or more vicious act of class legislation. I challenge anyone to present a scheme of spoliation or graft to excel it. Almost every State in the Union charges interest upon its public funds so deposited. The State of Missouri loans its money at public auction to competitive bidders and realizes upon it 3 per cent interest per annum. The laboring man who counts his weary hours of toil in his battle for bread to feed his family gets no such kindly assistance, in hours even of distress, from his Government, nor does the farmer, whose energy feeds the world. The drought may blight his crop, the waters may wash it away, the frost may kill it, misfortune may hover about him, but under this benign system of Republicanism he is given the poor privilege of paying high taxes, by tariffs upon necessities of life, that the money may accumulate in the Treasury to make greater the surplus to loan to the bankers for nothing. To the farmer, the business man, and the laborer no such charity or favor is shown. They might tell of mortgages about to be foreclosed, of the officer ready to sell their all under the hammer, yet empty-handed they would return from the marble counters of these men, realizing the truth of Kentucky's inspired poet's words as they rang in their ears, when he said:

Go, look in the banks, where Mammon has told
His hundreds and thousands of silver and gold;
Where, safe from the hands of the starving and poor,
Lies pile upon pile of the glittering ore!
Walk up to their counters—ah, there you may stay
Till your limbs grow old, till your hairs grow gray,
And you'll find at the banks not one of the clan
With money to lend to a moneyless man.

In the Fifty-eighth Congress the minority leader, Mr. WILLIAMS, introduced an amendment to the Hill bill, which provided as follows:

All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositories of public moneys under such regulations, *requiring payment of interest* on amount deposited, and limiting the amount in any one bank "*bidding in competition*" for same, as may be prescribed by the Secretary.

The solid Democratic vote, aided by some patriotic Republicans, adopted this amendment, which would have brought many millions of money as interest on these deposits into our Treasury. But, Mr. Chairman, what became of the bill as amended? The Republican party killed it in the Senate, and the "system" continues to use the public money without interest.

The bankers urge the Fowler bill because they say this money is needed to move crops. Yes, Mr. Chairman; they are great crop movers, but not crop makers; they want to move crops—into their already overflowing coffers, where they have been moving them for twenty years. [Applause.]

Their contention is that we need more money at certain times of the year—crop time—and that the volume of money is great enough except at this particular time; that they want an emergency currency, which will appear at this time and disappear when this function is performed. If they really want this elasticity, let them support an amendment which I propose offering to this bill loaning the public money out to highest bidder, secured by bonds. This will give elasticity. This will take the millions of the Treasury to that part of the United States which needs it to pay for crops. This will aid in moving crops, and besides it will move a crop of interest from the national banks into the Federal Treasury. [Applause.] This will give elasticity; this will take these millions away from Wall street, the much-favored money center, and give the great crop-making sections of this country—the South and West—a chance to borrow this money from their banks, who would be willing to pay interest. In this part of the country it would be used for legitimate purposes and not for gambling upon the stock market, and by this the people would save many millions which are now given to the banks.

Mr. Chairman, I urge that this money should be loaned at auction to competitive bidders, because it would prevent either party from favoring certain banks by depositing money in such institutions and then in return get large contributions for campaign purposes to corrupt elections. As it is now, with one hundred and sixty millions of money to loan to banks without interest, the party in power could deposit it with favored banks and when contributions were asked for campaign purposes, a hint to the wise would be sufficient; and such gentlemen do not need even the "*hint*," for they are exceedingly wise. This system could be used to procure an immense fund to be used in putting voters in blocks of five and debauching the public will.

I am going to send to the Clerk's desk and have read a statement of the different times that the Secretary of the Treasury has gone to the relief of Wall street, showing the amount of money and the names of those who are interested in the corporations who have been benefited.

The CHAIRMAN. The paper will be read in the time of the gentleman.

The Clerk read as follows:

SHAW'S FRIENDSHIP FOR WALL STREET—THE TREASURY AND WALL STREET.

[The Commoner, January 11, 1907.]

Instances within the last two years in which the Secretary of the Treasury went to the relief of the money markets are cited by the New York World, together with the names of the favored banks, their directors, and their insurance company connections as follows:

Secretary Shaw took the first step to relieve the financial stringency in 1905 when, during July and August, he permitted the banks to deplete their 25 per cent reserves by allowing them to use $7,000,000 of this fund. On September 28 he offered to receive in exchange for consols of 1930 securities of the loan of 1907, 4 per cents, and those of 1908, 3 per cents. The amount of money placed in circulation as the result of this transaction was $915,033.

From January 1 to July 15, 1905, to help out the Treasury on account of the deficiency in the revenues, the Secretary called from the national banks $51,316,800, as follows: January 15, $8,999,000; March 15, $13,489,300; May 15, $14,169,000; July 15, $14,659,500.

December 15, 1905, he anticipated the interest due January 1, 1906, and paid out $4,149,663 to relieve the financial stringency.

January 5, 1906, he anticipated interest on bonds due February 1. The amount placed in circulation as a result of this transaction was $1,644,489.

SECURITY FOR DEPOSITS.

Late in February, 1906, Secretary Shaw deposited $9,941,000 in national banks of New York, Baltimore, Chicago, New Orleans, Boston, Philadelphia, and St. Louis. Early in April, 1906, Mr. Shaw authorized the assistant treasurer at New York to accept State and municipal bonds as security for deposits in national banks desiring to import gold. Under this arrangement $49,870,000 was turned over to the banks between April 12 and May 31. Gold was imported to cover this amount, and the money was returned to the Treasury when the gold arrived from Europe.

May 1, 1906, the Secretary of the Treasury deposited $4,220,000.

Between May 31 and June 30 $15,116,269 was deposited in national banks.

Between September 10 and October 15 Mr. Shaw facilitated gold imports by accepting Government, State, and municipal bonds as security. The amount of gold imported under this arrangement was $46,606,000. These funds were returned to the Treasury when the gold arrived, the last payment being made November 14.

September 27 Mr. Shaw deposited $26,000,000 in the national banks, State and municipal bonds being accepted as security for these deposits.

October 22, 1906, Mr. Shaw offered to stimulate national-bank circulation to the extent of $18,000,000 by accepting approved securities other than Government bonds for deposits that had been made, the bonds released to be used immediately as a basis of circulation without withdrawals from the Treasury. On this offer circulation was increased by $15,837,850.

Secretary Shaw had also anticipated the interest on bonds due May 1, 1906. This action released $12,000,000 from the Treasury.

DEPOSITS TO STIMULATE GOLD IMPORTS.

Of the $49,870,000 deposited to stimulate the importation of gold between April 24 and July 10, the following sums were deposited in New York banks:

National City Bank, New York	$31,000,000
Hanover National Bank, New York	4,000,000
Chase National Bank, New York	2,000,000
National Bank of Commerce, New York	3,370,000
First National Bank, New York	7,000,000
Fourth National Bank, New York	1,500,000

Of the $46,606,000 deposited betwecn September 10 and October 10 to stimulate the importation of gold the following sums were deposited in New York banks:

National City Bank, New York	$25,078,000
Hanover National Bank, New York	298,000
Chase National Bank, New York	2,180,000
National Bank of Commerce, New York	9,105,000
First National Bank, New York	2,340,000
Bank of New York (National Banking Association), New York	1,170,000
Fourth National Bank, New York	3,815,000

THE DIRECTORS.

The directors in the favored banks are as follows:

National City Bank.—Francis M. Bacon, Cleveland H. Dodge, Charles S. Fairchild, Henry C. Frick, E. H. Harriman, Henry O. Havemeyer, Edwin S. Marston, Cyrus H. McCormick, Stephen S. Palmer, George W. Perkins, James H. Post, M. Taylor Pyne, William Rockefeller, Jacob H. Schiff, Samuel Sloan, William Douglas Sloane, John W. Sterling, James Stillman, James A. Stillman, Henry A. C. Taylor, Moses Taylor, P. A. Valentine, and G. S. Whitson.

Fourth National Bank.—Cornelius N. Bliss, James G. Cannon, William S. Opdyke, J. Edward Simmons, Charles Stewart Smith, Robert W. Stuart, Richard T. Wilson.

Hanover National Bank.—William Barbour, Vernon H. Brown, James M. Donald, James Francis Fargo, Sigourney W. Fay, William Halls, jr., William De F. Haynes, Edward King, Charles H. Marshall, Cord Meyer, John S. Phipps, William Rockefeller, Elijah P. Smith, James Henry Smith, Samuel Spencer, James Stillman, Isidor Straus, Alfred G. Vanderbilt, James T. Woodward, William Woodward.

Chase National Bank.—Henry W. Cannon (chairman), George F. Baker, George F. Baker, jr., A. B. Hepburn, James J. Hill, Oliver H. Payne, Grant B. Schley, John I. Waterbury, Albert H. Wiggin.

First National Bank.—F. A. Baker, G. F. Baker, James A. Blair, Henry P. Divison, H. C. Fahnestock, James J. Hill, F. L. Hine, D. Willis James, John J. Mitchell, William H. Moore, J. Pierpont Morgan.

LIFE-INSURANCE CONNECTIONS.

Of these men, George F. Baker, William Rockefeller, George G. Haven, A. D. Juilliard, Charles A. Peabody, Frederic Cromwell, J. N. Jarvie, and H. McK. Twombly are trustees in the Mutual Life Insurance Company, Mr. Peabody being president of the Mutual.

George W. Perkins, Charles S. Fairchild, James Stillman, Alexander E. Orr, John Claflin, Woodbury Langdon, and James A. Blair are trustees in the New York Life Insurance Company, Mr. Orr being president of the New York Life.

Paul Morton is president of the Equitable Life Assurance Society and Thomas F. Ryan owns the controlling stock, while Cornelius N. Bliss was a director under the Hyde régime.

The same men who control these five favored banks also control the life-insurance companies which contributed $148,702 to Mr. Cortelyou's campaign fund.

Mr. JAMES. Mr. Cortelyou comes in as Secretary of the Treasury with all these millions to place in banks without interest. He, I presume, knows who contributed to the last campaign fund, because he was chairman. Would he loan it to those who contributed abundantly, or those who did not; to an enemy or a friend? I do not charge any corruption against any public official, but I am calling attention to the viciousness of this system. A Secretary of the Treasury, if the Treasury is to be used as an adjunct to Wall street, might deposit money to-day; this would aid the bulls. He might withdraw it next week; this would aid the bears. My understanding is that a person may on Wall street be a bull to-day and a bear to-morrow, but always a hog. [Laughter and applause.]

Why, we are told that in the Senate a bill will soon be passed that will come through here with the rapidity of a streak of lightning, providing that the "customs duties" shall be deposited in the national banks, and the national banks shall keep that money there, perhaps three hundred millions a year, without any interest, and loan it to whom they please at 6 to 10 per cent. The farmers must come and borrow it, the laboring man must come up and borrow it, and when he asks the banker from whence it comes, he tells him that Uncle Sam let him have it; and the farmers ask at what interest, and the banker says, "We don't pay any at all." The farmer asks, "Where did Uncle Sam get it?" The reply is, "It came from the people." But the farmers are expected to turn around and sing:

> The star-spangled banner, oh, long may it wave
> O'er the land of the free and the home of the brave.

[Applause and laughter.]

Mr. WEEKS. Will the gentleman from Kentucky allow an interruption?

Mr. JAMES. Certainly.

Mr. WEEKS. I suppose the gentleman from Kentucky will admit that when money is deposited in the national banks the banks always furnish security for that money.

Mr. JAMES. So does every laboring man who pays 8 per cent interest. He has to give security.

Mr. WEEKS. The bulk of the money deposited in national banks is secured by Government bonds.

Mr. JAMES. Oh, no; Secretary Shaw allows them to deposit railroad bonds and municipal bonds. I should say not.

Mr. SULZER. The gentleman from Kentucky is right. The banks of issue must give security by depositing Government bonds. They are like the farmer's trap to catch the coon, they get interests going and coming; they get interest on the money from the people and they get interest on the bonds from the Government. It is a system that can not be beat. [Laughter and applause.]

Mr. WEEKS. I do not want to take up the time of the gentleman from Kentucky, but I want to bring out the fact that the banks do deposit security, which is largely Government bonds; that they have to buy these bonds, and they get 2 per cent interest on them.

Mr. JAMES. Frequently 3 and 4.

Mr. WEEKS. The bulk of them, 2 per cent. Therefore the profit that the bank makes is simply the profit——

Mr. JAMES. Oh, Mr. Chairman, I can not yield to the gentleman for that. I have heard that argument for the last twenty years about how little the banks make. We know one thing, that whenever the Treasury of the country is open to the national banks and they are allowed to take the money and to lend it to the people, for which the banks pay no interest at all, and they lend it to the people at an interest of 6 or 8 per cent, we all know that they make 6 or 8 per cent profit from the people's money, that is gathered from every avenue in this country by the hand of the taxgatherer. I say the banker has no more right to the people's money without interest than they have themselves.

Mr. HILL of Connecticut. If the gentleman will allow me, did not the gentleman from Kentucky vote two years ago to loan it to the banks at 2 per cent, as provided by the amendment of Mr. WILLIAMS?

Mr. JAMES. No; I did not. I voted to lend it out to competitive bidders at 2 or 3 or 4 per cent, or whatever interest it would bring at auction by competitive bids rather than to have it loaned to the banks for nothing, as is now the case. But I want to say one thing to my friend from Connecticut, that when this House passed that bill making the bankers turn into the public Treasury six or eight million dollars by requiring them to pay interest on Government deposits it made that bill as dead as a mackerel. [Laughter.]

Mr. HILL of Connecticut. That was the amendment.

Mr. JAMES. Ah, but didn't the amendment pass?

Mr. HILL of Connecticut. Yes.

Mr. JAMES. And that killed it, because it provided for interest. [Laughter.]

Mr. Chairman, in 1896 our contention was that we did not have money enough to meet the business needs of the country; that we should have a larger per capita of circulation. The Republicans said we had money enough; that all we needed was confidence. Our per capita circulation in 1896 was $21.41; now it is $33.78. In 1896, with $21.41 per capita, the Republicans said we had enough; now, with $33.78 per capita, they say we have not enough, but should have more, provided, of course, that we shall allow the banks to issue it at 3 per cent, and as I verily believe without any interest, as I shall, I think, presently show. The United States has to-day the largest per capita circulation of any country of the world except one. The per capita of the principal countries of the world is as follows:

United States	$33.78
Austria-Hungary	8.72
Belgium	22.37
Great Britain	18.81
Australia	24.49
Canada	18.04
France	39.13
Germany	20.48
South African Republic	25.33
South American States	30.43

So we see that the only country on earth that exceeds us in per capita circulation is the Government of France. In France they have a circulation of $39.13.

Mr. HILL of Connecticut. The gentleman has just read the per capita circulation in the various countries of the world. I want to ask the gentleman if he does not honestly think that that demolishes his idea about the quantitive theory of money?

Mr. JAMES. No, sir; but I think it absolutely demolishes the idea that you ought to allow the national banks to get their hands further into the Public Treasury. [Applause.] But I notice one thing, that much as you gentlemen disputed the quantitive theory of money, and much as you assailed us and called us anarchists in 1896, because we wanted more money—we did not care whether it was silver or gold, so it was money—you gentlemen saying that there was money enough, yet when you get into power the only way you can get any applause from the people is by turning your backs upon your former doctrines and following the teachings of the Democratic party, as you have done on this question. [Applause on the Democratic side.]

Mr. Chairman, the circulation per capita in 1860 was $13.85; to-day it is almost three times that amount. I want to read the per capita circulation of the United States from 1860 to 1907, which is as follows:

Statement showing the per capita circulation of the United States from 1860 to 1907.

Year.	Amount.	Year.	Amount.	Year.	Amount.
1860	$13.85	1876	$16.12	1892	$24.56
1861	13.98	1877	15.58	1893	24.03
1862	10.23	1878	15.32	1894	24.52
1863	17.84	1879	16.75	1895	23.20
1864	19.67	1880	19.41	1896	21.41
1865	20.57	1881	21.71	1897	22.87
1866	18.99	1882	22.37	1898	25.15
1867	18.28	1883	22.91	1899	25.58
1868	18.39	1884	22.65	1900	26.94
1869	17.60	1885	23.02	1901	27.98
1870	17.51	1886	21.82	1902	28.43
1871	18.10	1887	22.45	1903	29.42
1872	18.19	1888	22.88	1904	30.77
1873	18.04	1889	22.52	1905	31.08
1874	18.13	1890	22.82	1906	32.32
1875	17.16	1891	23.42	1907	33.78

Our per capita circulation has advanced from $13.85 in 1860 to $33.78 in 1907. It will be observed that our per capita circulation has been increasing about one hundred millions a year. Our per capita decreased from $24.52 in 1894 to $23.20 in 1895, and further decreased from $23.20 in 1895 to $21.41 in 1896, and it has gradually risen since then at the rate of about $1.30 per capita each year. No stronger argument, to my mind, can be made in favor of a quantitative theory of money than is presented here. The circulating medium is increasing at the rate of about one hundred millions annually. I am in favor of large per capita circulation. I am in favor of an abundant supply of money. I believe the prosperity of our country to a great degree depends not only upon the toil, thrift, and industry of our people, but upon a sufficient supply of money to readily perform the business of the country, but I am unwilling to turn the money-issuing function from the Government, to which it rightly belongs, over to the banks that they may profit by getting it for nothing to lend to the people.

Secretary Shaw, in a speech in New York at a banquet given by the Missouri Society on January 31, 1907, used the following language relative to the bill I am now discussing:

PROPOSED BILL FAVORS THE BANKS.

If any legislation is to be had, let it be solely for the purpose of relieving the country from these frequently recurring stringencies. No plan should be devised primarily to enable the banks to make greater profit. *The banks of the country are doing fairly well now and business is prosperous.* Nevertheless, we are confronted several times a year with conditions admittedly dangerous. Let a plan be devised which will effectually protect against this danger and all will be well.

I doubt not the proposed legislation *would prove profitable to national banks,* especially elsewhere than in reserve and central reserve cities, but I do not believe it would result in any perceptible elasticity. In other words, its remedial features are inadequate, and remedial legislation is all we need.

Mr. Chairman, when Secretary Shaw sounds the fire alarm against legislation on the ground that it is too favorable to the bankers, it is time for all Americans to grab a hose; the great surprise is that with the Secretary balking at this legislation that any could be found to advocate it. There is no doubt in the Secretary's mind that this bill would "*prove profitable to the national banks.*" He is entirely convinced that "*business is fairly prosperous with them.*" I can not take issue with him upon this statement, when I review the statement issued on September 4, 1906, by the Secretary of the Treasury, which is as follows:

CONDITION OF NATIONAL BANKS.

The Treasurer states that on September 4, 1906, there were 6,137 banks with a paid-in capital stock of $835,066,796, with surplus and other profits of $670,814,981. The surplus proper was $490,245,124, which the Treasurer states "is nearly three times the amount required to be accumulated and maintained under the law." He further states that the surplus and other undivided profits amount to over 80 per cent of the paid-in capital. The total liabilities of the banks at that date were $8,016,021,066, over one-half, or $4,199,938,310, being individual deposits. The deposits to the credit of banks amounted to $1,589,001,462, and to the credit of the United States and disbursing offices of the Government, $107,831,814.

It is worthy of comment that nothing is said in the Fowler bill of what is to become of the accumulated interest which the Government holds as trustee only. There is no provision for it to go into the Treasury. My judgment is that it will be held there and when these notes are finally retired then the national banks will come and ask that the money shall be returned to them, saying it was only intended to be a reserve fund and has performed its purpose and is therefore rightly theirs. This will be the next step of the "system." They will urge that it could not have been the purpose of the Government to charge them interest on money when they now get the use of one hundred and sixty millions free of interest, which they secure with bonds—not even always Government bonds—that the 3 per cent required on these notes was only required instead of bonds to make it secure. This would as certainly be their contention in this step as this Government endures.

I am confirmed in my belief upon this question by the bill introduced in the Fifty-seventh Congress by Mr. FOWLER, the same author of this present bill now under discussion, which was a similar bill to the one now pending before this House, the difference being in the rate of interest, the interest being in the bill in the Fifty-seventh Congress one-fourth of 1 per cent, payable every six months, or one-half of 1 per cent per year. Now, if it is not the intention of the gentlemen to allow this money to be returned to the bankers and it is to go to the Treasury, then the Democrats, by opposing the bill providing for one-half of 1 per cent interest per year on $215,000,000, which the banks were to have the right to issue, have by this fight saved to the people the difference between one-half of 1 per cent interest and 3 per cent interest now proposed, the sum of 2½ per cent interest yearly upon $215,000,000, or the huge sum of $5,375,000 per year, which, if it should run twenty years, would amount to $107,500,000. The whole system of allowing national banks to issue money is wrong. If there is money to be made out of issuing money, let the people make it by the Government issuing it. The vicious system which has grown up, and to all quite apparent, only further sustains the contentions and opposition of Thomas Jefferson and Andrew Jackson made in the twilight of the Republic.

The National Bankers' Association have not only told Congress what we should do for them in this bill, but their scope of wisdom is not circumscribed by the narrow limits of finance. They are experts on shipping, for on October 12, 1905, they passed the following resolution:

AMERICAN BANKERS' ASSOCIATION, *October 12, 1905.*

Resolved by the American Bankers' Association assembled:

1. That the members of this association are deeply interested in any measure which will promote the interest of the whole country commercially and industrially, and especially with reference to our foreign commerce.

2. That we favor and most respectfully urge the passage by Congress of some measure to foster and encourage the upbuilding of our mer-

chant marine and to give us back the prestige upon the high seas which we once enjoyed.

3. That we favor the ship-subsidy measure which has received consideration by Congress, which we think would tend to restore our flag upon the seas and build up our merchant marine to the extent that the necessities of our trade now and in the future may demand.

4. That we recommend that our Senators and Congressmen favor some just and equitable measure that will bring about the results and afford the relief above suggested.

5. That through our legislative committee we memorialize the Senate and House of Representatives of the United States with a copy of these resolutions.

These gentlemen don't balk at calling this measure by its right name—a subsidy. Some of its equally ardent friends try to coat over its bitter taste by calling it "a bill to encourage shipping," or a "subvention," but gentlemen so long favored by subsidies from the Treasury think it all right to aid the shipowners, and do not hesitate to so declare. They, however, fail to say how much stock they own in the ship monopoly.

Mr. Chairman, in my honest judgment no more un-American, un-Democratic, unpatriotic measure ever sought favor at the hands of the people's Representatives. I do not believe the "system" in its wildest dream for gold and graft ever surpassed the demands of this bill. The national bankers, so emboldened by former successes, now brazenly throw off the mask. After already having demanded and received the pound of flesh they now ask for the heart itself. I challenge the patriotism of this House in opposition to this bill. [Applause.]

Let us meet them upon the threshold of this last attempt and tell them plainly that they must stand within this Republic's sacred circle of equal rights to all and special privileges to none. [Loud applause.]

Mr. MOON of Tennessee. I yield forty minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Chairman, the power to make a treaty is an attribute of sovereignty. A government without the power to conclude treaties can not be either national or sovereign. The various nations of the earth lodge their treaty-making power in the different branches of their governments. In Great Britain the power to conclude a treaty is a prerogative of the Crown, exercised by and with the assistance of a minister.

Prior to 1875, with few exceptions, the King of France had exclusive power to execute treaties. The national lawmaking power in France, however, repudiated the treaty of peace made by King John after the battle of Poitiers, and also the treaty signed by Francis I at Madrid after the loss of the battle of Pavia. These kings, it will be remembered, were actual captives when they executed the treaties, and this may have been the reason which moved their nation to repudiate their acts. Under the French constitution of 1875 the treaty-making power is left to the President. There are certain classes of treaties which he is forbidden to make, however, except with the consent of the national lawmaking power.

The Belgian constitution lodges the treaty-making power in the King, and forbids him to make certain classes of treaties without the consent of the lawmaking power.

In the Netherlands the ruler makes and ratifies treaties, but certain kinds of treaties must be ratified by the States-General before becoming effective.

Likewise in Italy the king alone has the treaty-making power, being forbidden, however, to conclude certain classes of treaties without the consent of the Chambers.

The German constitution of 1871 lodges the treaty-making power in the Emperor, and forbids him making certain kinds of treaties without the consent of the Reichstag.

The King of Spain has the power to make peace treaties and conduct the diplomatic and commercial relations with other powers, but he is expressly forbidden to make certain kinds of treaties unless authorized by law.

In the United States, under the Articles of Confederation, Congress exercised the treaty-making power by appointing commissioners, whose duty it was to originate and conclude treaties, to be afterwards ratified by nine States. From the 4th of July, 1776, to the inauguration of the Government under the Constitution in 1789, the United States concluded fourteen treaties, ten of which were signed by Benjamin Franklin and another commissioner, and three of which were signed by Thomas Jefferson and another commissioner. The Articles of Confederation provided that the sole and exclusive right and power to conclude treaties vested in the Congress, and the States without the consent of Congress were specifically forbidden to enter into any treaty with a foreign prince or state, or alliance, or confederation whatever, or with any other State of the Confederation. The Articles further provided that no treaty should be made by Congress without the assent of nine States. The same articles further prohibited Congress from entering into any treaty whereby the States should be restrained from imposing such duties and imposts on foreigners as their own people were subjected to.

In the convention which gave birth to our present Federal Constitution there was wide difference of opinion among the great men as to where the treaty-making power should be lodged, but the extent of that power or its limitations were not discussed fully; in fact, the debates on that particular subject were strikingly brief. Some of the great minds of that historic body wanted this power lodged in the President alone. Those who were extremely jealous of the rights of the States and suspicious of the enlargement of Executive powers demanded that no treaty should be made without the consent of Congress. Finally the compromise was reached by which it was provided that the President, by and with the advice and consent of two-thirds of the Senators present, should make treaties. The idea seems to have been that the dual existence of the Republic should be recognized, and that in concluding treaties the President would represent the Republic's national existence, while the Senate would represent the States in their sovereignty. The powerful sentiment in favor of protecting the States is seen in that provision of the Constitution requiring the advice and consent of two-thirds of the Senators present to make a valid treaty. The idea of requiring two-thirds of the Senators present to ratify a treaty was no doubt taken from the Articles of Confederation, requiring nine States, or two-thirds of the original States, to make a treaty valid. This same remarkable instrument, which Mr. Gladstone said was the "most wonderful work ever struck off in a given time by the brain and purpose of man," provides:

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under authority of the United States, shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary.

This clause is a contradiction in itself, for it declares three classes of laws to be supreme. There can not be three supreme laws emanating from the same source. "Supreme" expresses the highest degree, and it is hard to conceive how three different branches of our Government can possess this extreme superiority. The fact that a treaty forbidden by the Constitution, or an act of Congress not permitted by that instrument, are void and must give way shows conclusively that neither is really and actually supreme, but are necessarily subordinate in some respects. I well conceive how a treaty made entirely within the scope of the treaty-making power is the supreme law of the land in its own *particular* field, and the same might be said of an act of Congress when it does not conflict with the Constitution, with a subsequent treaty, or the reserved powers of the State.

The fact that this is a constitutional Republic precludes the idea of absolutely unlimited power anywhere and negatives the doctrine of absolute supremacy in any one department of our Government. However, the interesting question is, What is the extent of the treaty-making power under our Constitution and what are its limitations? The Federal Government during its existence of more than a hundred years has executed more than 300 treaties according to the provisions laid down in the Constitution, and yet where is the man so bold as to undertake to define the treaty-making power of the Federal Government or the limitations that can be placed upon that power? This power is undefined and undefinable. No arm of our Government seems so little comprehended.

There are those who contend that because the States before the formation of the Union had the right to make treaties with foreign nations, when the States agreed to delegate the treaty-making power to the President and Senate that immediately the President and Senate were clothed with absolute power and right to make any treaty affecting any State constitution or law which those States had the power to make before the adoption of the Constitution. The States, in forming the Constitution, delegated in unequivocal terms the sole and entire treaty-making power to the Federal Government, and went so far as to forbid any State to make any treaty. If this view is correct—and I do not assent to it—then any treaty made in accordance with the formalities prescribed by the Constitution is superior to all the reserved powers of the States, notwithstanding the tenth amendment to the Constitution, which would mean that all the reserved powers are not reserved, but confided to the President and Senate.

There are others who contend that no treaty is valid which contravenes the Federal Constitution or any State law or any State constitution, if the said State law or constitution is within the reserved powers of the State. Both of these contentions have much in our legislative, judicial, and political history that tends to sustain them. However, this

last contention has been apparently somewhat shaken by Supreme Court decisions, which I will notice further on in this discourse.

It may be said generally that the treaty-making power does not extend so far as to authorize that which the Constitution itself forbids, nor can a treaty change the character of our Government or that of any State. This power, while full and to a degree supreme, must always "be exercised agreeably to the fundamental principles of liberty," which form the foundation stones of our Republic. The power must, therefore, be exercised to maintain and preserve our national life, and not encroach upon it or destroy it. No further general limitations than these can be gathered either from the Constitution or from the opinions of the Supreme Court for more than a century. In view of the dual existence of our Government—State sovereignty coexistent with national sovereignty—there is no power in the Constitution so difficult to define and so impossible of limiting by any one definition.

It is generally understood, and has been declared more than once by the Supreme Court, that a treaty can not contravene any provision of the Federal Constitution, and yet we find the Supreme Court, notwithstanding the right of trial by jury guaranteed in that instrument, has upheld a treaty which provided for the trial of an American citizen by an American consul in Japan without indictment by grand jury or hearing before petit jury, in which trial one Ross was convicted by the consul of murder and sentenced by him to be hanged.

The Constitution declares that a treaty is the supreme law of the land, and yet our highest court has held that Congress itself can repeal any treaty, though made according to constitutional requirements; and, on the other hand, it is generally admitted, and so held by our courts, that a treaty executed after the passage of an act of Congress is superior to such legislative act, which indicates that an act of Congress and a treaty are coordinate in their effect, and whenever they conflict they are regarded as legislative enactments, and the last one is held to be the law of the land by repealing the former.

Whenever a treaty is concluded which requires legislative enactment to make it effective, such a treaty remains inoperative until the Congress has enacted the necessary legislation.

A treaty can not usurp the power which the Constitution expressly lodges in the Congress, and although the Constitution says that a treaty is the supreme law of the land, yet such an instrument stipulating the payment of sums of money to foreign powers can be rendered nugatory by the refusal of Congress to appropriate money for this purpose, for the Constitution expressly provides that no money shall be paid out of the Public Treasury unless Congress so directs.

A treaty which undertakes to levy customs duties, although declared to be the supreme law of the land, becomes invalid unless Congress shall ratify the same, for the reason that the Constitution provides that all bills for raising revenue shall originate in the House of Representatives. It is therefore clear that a treaty is *not* the supreme law of the land whenever an act of Congress is required to make it effective. No treaty, therefore, can compel Congress to appropriate money, because the representatives of the people are responsible only to their constituents and are not dependent upon the treaty-making power, and a high authority says that "every foreign government may be presumed to know that when a treaty stipulates the payment of money the legislative sanction is required."

The rights of aliens in this country have usually been defined in our treaties with foreign countries, but the Congress of the United States has the undoubted power to bar or deport aliens regardless of any treaty, or all treaties, which the President and Senate may have made to the contrary.

Congress has the power under the Constitution to declare war, but the President and Senate by treaty can terminate it at any time without Congressional sanction, and no legislative act is required to give the treaty-making power the right to "transform the condition of war established by the declarations of Congress into the condition of peace established by treaty." In fact, all the great wars between the United States and foreign powers have been terminated by the President and Senate—namely, the war of 1812, the war with Mexico, and the war with Spain.

The question of the power of treaties of cession and their limitation is one of great perplexity, and one upon which the greatest legal minds from the beginning of the Government to the present time have had different opinions. The United States have *acquired* territory by legislative enactment and by treaty. The Republic of Texas and the Hawaiian Islands are the only instances where territory has been acquired by legislative enactment, and by mutual enactment on the part of the Republics of Texas and Hawaii. In these instances the Republic of Texas and the Government of Hawaii became extinct and each ceased to be an independent power. Many authors, and the Supreme Court itself, have discussed the question as to whether the treaty-making power can cede territory belonging to a State of the Union without the consent of such State.

In the Constitutional Convention Colonel Mason, in urging the right of the House of Representatives alone to originate bills for raising revenue, declared that he did so because "he was extremely anxious to take this power from the Senate, which could already sell the whole country by means of treaties."

Mr. Mercer contended that treaties could not alter the laws of the land till ratified by Congress. Colonel Mason contended that the Senate and President could alienate territory without Congressional sanction. "If Spain should possess herself of Georgia," said he, "therefore the Senate might by treaty dismember the Union." The distinguished John Bassett Moore, in his work on International Law, says that nothing in contradiction of this statement is reported to have been said in the Constitutional Convention. Jefferson, however, in 1792, when Secretary of State, gave instructions that the right to alienate even a part of the territory of any State did not belong to the Central Government. He seems to have admitted, however, in another part of the same writing, that as a result of a disastrous war United States territory might be abandoned. Alexander Hamilton differed with Jefferson on this question, and contended that the treaty-making power could alienate United States territory, especially if the territory were uninhabited. When the northeastern boundary dispute arose in 1842, the question of the power to cede a State's territory by treaty was universally discussed. Judge Story declared that he did not think it universally true that territory within a State could not be ceded to a foreign nation, since such a cession might, for example, be indispensable to purchase peace, or might be of a nature calculated for the safety of both nations, or be an equivalent for a like cession on the other side. He further said that Chief Justice Marshall, in a conversation with him, said that he was unequivocally of the opinion that the treaty-making power did extend to cession of territory, although he would not undertake to say it could extend to all cases; yet he did not doubt that it must be construed to extend to some. International boundary disputes have always been settled by treaty, but a United States treaty in only one case has ever professed to cede territory belonging to a State, but even in this case the consent of the interested States to the provisions of the treaty was obtained. Kent, in his Commentaries, lays it down that the power of cession belongs exclusively to the United States, though a sound discretion might forbid its exercise without the consent of the local government, except in cases of great necessity, when their consent might be presumed. The eminent writer, Duer, maintained this view also. Woolsey suggests that a whole State could be wiped out of existence if the extreme necessity arose.

In Geoffroy *v.* Riggs the court says in a dictum that the consent of a State is necessary to a cession of its territory. Justice White, in the Insular cases, says that "a State's territory can not be alienated by the action of the treaty-making power alone, but it might be done from the exigency of a calamitous war, or necessity of the settlement of boundaries if such action be expressly or impliedly ratified by Congress." The weight of authority, therefore, is that ordinarily no part of a State's territory can be ceded away from it by treaty without the State's consent, and yet it is undoubtedly true that the weight of authority is also to the effect that in extreme cases an entire State could be ceded to a foreign power if necessary to preserve the national existence.

The most interesting question to-day is as to what extent the treaty-making power can supersede a State law or State constitution. The construction of treaties and United States statutes is comparatively easy, but when we come to consider the treaty-making power and the power of the States we tread upon much unmarked ground, for there is no one who can say specifically what the power of each is as regards the other. It is agreed that Congress can not pass a law interfering with State statutes in regard to the descent of property, as this would be interfering with the internal affairs of a State, and yet it has been decided by the Supreme Court that such State statutes in so far as they apply to foreigners can be absolutely set aside and nullified by treaty stipulations, which is another way of saying that the treaty-making power extends farther into the local matters of States than acts of Congress. It is interesting to note that of the 300 treaties concluded by the United States since 1776 not one of them has ever been declared unconstitutional.

The weight of authority is to the effect that a treaty properly ratified, concerning a subject within the treaty-making sphere, is superior to any State constitution or State law, although Mr.

Calhoun contended that a treaty could not affect matters wholly within the State's jurisdiction to any greater extent than Congress could do so; but the Supreme Court has expressly overruled this view. He further contended that the supremacy of the treaty-making power was not absolute, but limited both in extent and degree; that it did not extend beyond the delegated powers, all others being reserved to the States and to the people of the States. He said:

* * * Beyond these the Constitution is destitute of authority and is as powerless as a blank piece of paper, and the measures of government mere acts of assumption.

The fact that the Federal Government is a Government of delegated powers proves that there is sovereignty left in the States. Full sovereignty was originally in the people of the States and only a portion of their sovereignty was given to the National Government. Yet the extent of that sovereignty which still resides in the States has never yet been accurately defined, and it is only possible to define it as each particular case arises.

In Ware *v.* Hylton, decided in 1796, the court said that if it had the power to declare a treaty void, it would never exercise that power except in a very clear case. Such a case has never arisen, as no treaty has yet been declared unconstitutional. The courts have always regarded it as their duty to *construe* treaties.

In the Passenger cases, decided in 1849, Chief Justice Taney said:

The first inquiry is whether, under the Constitution of the United States, the Federal Government has the power to compel the several States to receive and suffer to remain in association with its citizens every person or class of persons whom it may be the policy or pleasure of the United States to admit. In my judgment, this question lies at the foundation of the controversy in this case. I do not mean to say that the General Government have, by treaty or act of Congress, required the State of Massachusetts to permit aliens in question to land. I think there is no treaty or act of Congress which can justly be so construed. But it is not necessary to examine that question until we have first inquired whether Congress can lawfully exercise such a power and whether the States are bound to submit to it. For if the people of the several States of this Union reserved to themselves the power of expelling from their borders any person or class of persons whom it might deem dangerous to its peace or likely to produce a physical or moral evil among its citizens, then any treaty or law of Congress invading this right, and authorizing the introduction of any person or description of persons against the consent of the State, would be an usurpation of power which this court could neither recognize nor enforce. I had supposed this question not now open to dispute.

In 1866, in the case of the United States *v.* Rhodes, Judge Swayne said:

A treaty is declared by the Constitution to be the law of the land.

But adds:

What is unwarranted or forbidden by the Constitution can no more be done in one way than in another. The authority of the National Government is limited, though supreme in its sphere of operation. As compared with the State governments, the subjects upon which it operates are few in number. Its objects are all national. It is one wholly of delegated powers. The States possess all which they have not surrendered; the Government of the Union only such as the Constitution has given it, expressly or incidentally, and by reasonable intendment. Whenever an act of that Government is challenged a grant of power must be shown or the act is void.

But even this expression of opinion on the part of Judge Swayne was obiter and not essential to the decision of the point at bar.

The people on the Pacific slope, and especially those of the State of California, and more particularly those of the city of San Francisco, were thrown into a state of fright, which almost amounted to furor, by the vigorous words of the President in his message to the present session of Congress, wherein he declared his purpose, if need be, to exhaust the civil and military power at his command to enforce the provisions of the "most-favored-nation" clause of the Japanese treaty in regard to separate public schools in the city of San Francisco. Since that time the attention of lawyers and public men everywhere has been sharply drawn to the question of the treaty-making power as it affects the States, and to the specific question as to whether the Japanese, under the treaty of 1894, can compel their admission to the white schools of California. Many years ago the legislature of that State passed a law empowering school trustees, whenever they should see fit, to establish separate schools for Indians, Mongolians, and for the children of Chinese or Mongolian descent, and providing further that when such schools were established, Indian and Chinese children, or children of Mongolian descent, must not be permitted to attend the white schools.

The number of Japanese in San Francisco and California has been growing very rapidly for the past ten years, until at the present time it is claimed that more than a thousand Japanese enter the port of San Francisco every month, and that there are more than 50,000 Japanese wage-earners in California at present. The rapidly increasing number of these people constrained the authorities to establish separate schools for orientals and others provided for in the statutes. The Japanese in their controversy with the United States contend, as I understand it from the public press, that Article I of the treaty of 1894, which declares—

That in whatever relates to the rights of residence and travel the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subjected to no higher imposts or charges in these respects than native citizens and subjects, or citizens and subjects of the most-favored nation—

gives them the right to attend the white schools of the Commonwealth of California, or, for that matter, anywhere in the United States. This contention and the President's threat alarm the people of California. If the situation were changed a little many other States of the Union would be alarmed also. I noted in the press dispatches of a few days ago that the legislature of California had directed her attorney-general to defend the suit instituted by the Federal Government in behalf of the Japanese and had appropriated $10,000 for the employment of extra counsel. It thus appears that the people of California are terribly in earnest and are determined to fight to the bitter end any effort to force orientals into their white public schools. The Supreme Court will now be called upon to decide whether or not the treaty rights of the subjects of the Mikado are violated by this statute providing for the separate schools, and if violated by the statute, then to say whether or not the State of California has the right in managing her internal affairs, in pursuance of the police powers reserved to her by the makers of the Constitution, to enact and enforce her school laws. No one will contend that the Congress of the United States can pass a law nullifying her school act in this respect. Has, then, the Senate and President more power than Congress in this respect? Dr. John Bassett Moore says:

That a treaty is no more the supreme law of the land than is an act of Congress is shown by the fact that an act of Congress vacates pro tanto a prior inconsistent treaty. Whenever, therefore, an act of Congress would be unconstitutional, as invading the reserved rights of the States, a treaty by the same effect would be unconstitutional.

If the Supreme Court should decide that the Japanese have the right to force themselves into the white schools of California, then every subject of Great Britain, whether he be the black man of Jamaica, the Mongolian from Hongkong, or the Hottentot from South Africa, would have the right to enter any white public school in the United States. So it will at once be appreciated by people everywhere that the question now at issue is a very grave one, and its determination may have very far-reaching effect if it be decided in favor of the Japanese contention.

However, as I come from a section of this Republic where the conviction is innate that the Caucasian race is superior to the Mongolian as well as to the African—in fact, superior to all other races [applause]—I must be pardoned for looking at the problem from the standpoint of a southern Caucasian, and also from the standpoint of a lawyer who has read the decisions of our Supreme Court on questions very much akin and parallel to the Japanese question under discussion. I am aware that the Supreme Court has uttered many strong general expressions in regard to the treaty-making power. For instance, I quote from the opinion of Judge Cushing, delivered in the famous case of Ware *v.* Hylton, decided one hundred and eleven years ago. The judge says:

The State may make what rules it pleases, and those rules must necessarily have place within itself. But here is a treaty, the supreme law, which overrules all State laws on the subject to all intents and purposes; and that makes the difference. There is no want of power, a treaty being sanctioned as the supreme law by the Constitution of the United States, which nobody pretends to deny to be paramount and controlling to all State laws, and even State constitutions, wheresoever they interfere or disagree.

The court which passed upon this famous case, which has been affirmed many times since, was composed of judges some of whom had taken part in the Constitutional Convention, and therefore had large understanding of the opinions of members of the convention as to the limit and extent of the treaty-making power. I am aware that Judge Iredell, of my own State, dissented, but his dissent was not based upon the treaty-making power, but upon the application of the particular treaty executed before the Constitution was formed to the case at bar. All fair-minded lawyers must admit that the general principles enunciated in Ware *v.* Hylton are the law to-day as much so as a hundred years ago, and, in fact, our Supreme Court during all of its history has adhered strictly to this case as leading authority.

In Pollard's case, the judge writing the opinion of the court among other things said:

In Ware *v.* Hylton it was held that the treaty of peace repealed and nullified all State laws by its own operation, revived the debt, removed all lawful impediments, and was a supreme law, which overrules all State laws on the subject, to all intents and purposes; and is of equal force and effect as the Constitution itself. In Hopkirk *v.* Bell the treaty

was held to repeal the Virginia statute of limitations. In Hunter *v.* Martin the treaty of 1794 was held to be the supreme law of the land; that as a public law it was a part of every case before the court and so completely governed it that in a case where a treaty was ratified after the rendition of a judgment in the circuit court which was impeachable on no other ground than the effect of a treaty the judgment was reversed on that ground. All treaties, compacts, and articles of agreement in the nature of treaties to which the United States are parties have ever been held to be the supreme law of the land, executing themselves by their own fiat, having the same effect as an act of Congress, and of equal force with the Constitution.

In Hauenstein *v.* Lynham, decided in 1879, Judge Swayne, delivering the opinion of the Supreme Court, among other things said:

There can be no limitation on the power of the people of the United States. By their authority the State constitutions were made, and by their authority the Constitution of the United States was established; and they had the power to change or abolish the State constitutions or make them yield to the General Government and treaties made by their authority. A treaty can not be the supreme law of the land—that is, of all the United States—if any act of the State legislature can stand in its way. If the constitution of a State must give way to a treaty and fall before it, can it be questioned whether the less power, an act of the State legislature, must not be prostrate before it? If a law of a State contrary to a treaty is not void, but voidable only by a repeal or nullification of a State legislature, this certain consequence follows, that the will of a small part of the United States may control or defeat the will of the whole.

In Geoffroy *v.* Riggs, decided in 1889, Judge Fields says:

That the treaty-making power of the United States extends to all proper subjects of negotiation between our Government and the governments of other nations is clear.

Mr. Butler asserts that no matter what grievance a State may have in regard to an international matter, it can only obtain relief through the Central Government, and that the State has no power to deal with foreign nations interested, neither has it power to legislate within its own territory in any way which affects a foreign power or citizens of a foreign power having treaty relations with the United States if such legislation violates in any manner existing treaty stipulations or provisions.

In 1879 the United States circuit court of Oregon held that a statute of Oregon prohibiting the employment of Chinese on public works was void because it conflicted with our treaty with China. This was in no sense a police regulation. In this opinion the presiding judge said:

Admit the wedge of State interference even ever so little and there is nothing to prevent its being driven home and destroying the treaty and overriding the treaty-making power altogether.

In 1879 California in her new constitution prohibited corporations from employing Chinese labor. The legislature at once enacted statutes making such employment a misdemeanor, whereupon one Parrott was arrested for violating this statute. The case came before Judge Sawyer, of the United States circuit court of California, who, among other things, said:

The States have surrendered the treaty-making power to the Government and vested it in the President and Senate; when duly exercised by the President and Senate the treaty resulting is the supreme law of the land, to which not only State laws but State constitutions are in express terms subordinated.

The learned judge declared the constitutional provision enacted thereunder void, as conflicting with the Chinese treaty.

In the case of Chy Lung *v.* Freeman, decided by the Supreme Court of the United States in 1875, Justice Miller declared void a statute of California which was ostensibly passed to close California's doors to lewd and debauched women. This statute was general in its terms, but was really directed at Chinese women. The court held the statute void because it went beyond the necessities of State control and invaded the right of the National Legislature to regulate commerce.

In 1880 it was decided by the United States circuit court of California that a State law prohibiting aliens who could not be naturalized from fishing in public waters was void because it violated stipulations in the Chinese treaty as discriminating against the subjects of that Kingdom and in favor of other aliens, since Chinese could not be naturalized.

Mr. GARRETT. Will the gentleman permit an interruption?

Mr. WEBB. Certainly.

Mr. GARRETT. Was not that case of Ware *v.* Hylton a case that involved a treaty that was adopted before the Constitution?

Mr. WEBB. A peace treaty. That is one difference, too. It was a peace treaty adopted prior to the creation of our present Federal Constitution. I believe that treaty with England was concluded in September, 1783, while our Constitution was not formed until 1789.

In the famous Chinese Queue cases, decided by the circuit court of California in 1879, an ordinance of the city of San Francisco providing that every person imprisoned in the county jail upon a criminal judgment upon arriving at the jail should have his hair clipped to the uniform length of 1 inch from the scalp, was declared void on the ground that the ordinance was in conflict with the fourteenth amendment, which prevents discrimination against a particular class of people, and on the further ground that it was aimed at certain aliens, the Chinese, and was void because it contravened certain stipulations of the Chinese treaty. This case was never carried to the Supreme Court. The able judge who delivered the opinion in this case expressed correctly the feeling which even then existed against the Chinese in California, and also expressed the feeling which now seems to exist in that State against the Japanese:

We are aware—

He said—

of the general feeling, amounting to positive hostility, prevailing in California against the Chinese, which would prevent their further immigration hither and expel from the State those already here. Their dissimilarity in physical characteristics, in language, manners, and religion would seem, from past experience, to prevent the possibility of their assimilation with our people. And thoughtful persons, looking at the millions which crowd the opposite shores of the Pacific and the possibility at no distant day of their pouring over in vast hordes among us, giving rise to fierce antagonism of race, hope that some way may be devised to prevent their further immigration. We feel the force and importance of these considerations; but the remedy for the apprehended evil is to be sought from the General Government, where, except in certain special cases, all power over the subject lies.

In 1827, and since that time, the supreme court of Illinois has decided that treaty stipulations are paramount to State statutes affecting descents and disposals of property.

In Iowa the court has held in several cases that nonresident aliens can inherit property when United States treaty stipulations remove the disabilities of aliens.

Tennessee, by her supreme court, as early as 1826, declared the superiority of proper treaties over all State statutes.

In the case of Cornet *v.* Winton the judge writing the opinion said:

Shall it be allowed the State legislatures, by their acts, to oppose and prevent the executing of a treaty in which the whole Union is interested? Must the whole Union, because of the misconduct of one State, be forced into a war? A treaty should be a law operating immediately and directly upon the people. If the legislatures must be applied to to pass laws for the execution of treaties which are in any respect burthensome they will never do it.

The supreme court of Kentucky in 1862 also decided that a proper treaty had precedence over any State law.

The Michigan supreme court, 1859, declared that—

When a treaty has been made by the proper Federal authorities, and ratified, it becomes the law of the land, and the courts have no power to question or in any manner look into the powers or rights of the nation or tribe with whom it is made.

Even in 1788, before the present Constitution went into effect, the Pennsylvania courts upheld the supremacy of the treaties, and in 1806 declared their superiority over a provision in the constitution of that State. This was rendered in Gordon *v.* Carr in the United States circuit court of Pennsylvania. Massachusetts has followed the general ruling and sustained treaty stipulations where they conflict with state statutes.

I believe I have quoted in the foregoing opinions the strongest expressions that can be found in our Supreme Court reports in favor of the large and almost limitless power and effect of the treaty, but it is readily seen that the particular cases passed upon are not "on all fours" with the present Japanese controversy and rarely affected the police powers of the States.

I now wish to cite a few authorities that tend to sustain more strongly the rights of the States to govern their internal affairs in the full exercise of the police powers which are still reserved to them; and upon these grounds our Federal courts in many instances have refused to interfere with State action concerning matters under State control.

Treaties may be made on all subjects by the United States not inconsistent with its nature or its relations with the States. (Holden *v.* Joy, 17 Wall., 243.)

Laws and treaties of the United States in order to be *binding* must be *within* the *legitimate* powers vested by the Constitution in the General Government. (Daniel, Judge, License cases, 5 How., 613.)

Mr. Butler, in his work on the treaty-making power of the United States, says:

The Constitution provides that all powers not delegated to the United States nor prohibited by it to the States are reserved to the States, respectively, or to the people, and certainly the *police* power is reserved to the States.

In 1885 the Supreme Court of the United States declared that a municipal ordinance of San Francisco imposing regulations and restrictions upon laundries, and which ordinance was aimed directly at the Chinese in that State, was valid. The court further held that such regulations of laundries was a question which came within the rights of the municipality. The ordinance in question prohibited washing and ironing in public laundries within certain territorial limits of the city within the hours of 10 o'clock at night and 6 in the morning. The court

distinctly declared that this was a police regulation, and sustained it as such.

As to what subject the treaty power extends, we find Jefferson's Manual of Parliamentary Practice says:

(1) It is admitted that it must concern foreign nations, or it would be a nullity, res inter alios acta.
(2) By the general power to make treaties the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and can not be otherwise regulated.
(3) It must have meant to except out of these the rights reserved to the States, for surely the President and Senate can not do by treaty what the whole Government is interdicted from doing in any way.
(4) And also to except those subjects of legislation in which it gave a participation to the House of Representatives.

In the United States—

says Judge Brewer, in the matter of Heff (197 United States, 489)—

there is a dual system of government, national and State, each of which is *supreme* within its own domain, and it is one of the chief functions of this court to preserve the balance between them.

In 1857 the New York court of appeals declared that an act of the legislature prohibiting intrusion on certain Indian lands within the State, notwithstanding the treaty of 1842, was a police regulation, and that the State had the right to enact such a law and could not be deprived of the right to exercise such power to preserve the peace. This case was affirmed by the United States Supreme Court. (Cutler *v.* Dibble, 21 Howard.)

We find in the opinion of the court, among other things:

The statute in question is a police regulation for the protection of the Indians from white people and to preserve the peace. It is the dictate of a prudent and just policy. The power of a State to make such regulations to preserve the peace of the community is *absolute* and has never been surrendered.

Possession and enjoyment of all rights are subject to such reasonable condition as may be deemed by the governing authority essential to safety, health, peace, and good order of the community. (Crowley *v.* Christensen, 137 U. S., 89.)

In 1893 the United States circuit court of South Carolina held that the State dispensary statute did not contravene the rights of Italian citizens to freely carry on business in this country as guaranteed them in the Italian treaty of 1871. Judge Simonton, in his opinion, after referring to the treaty stipulations, said:

Under these articles the complainants have the same rights as citizens of the United States. It would be absurd to say they had greater rights. The police power is a right reserved by the States and has not been delegated to the General Government. In its lawful exercise the States are *absolutely sovereign*. Such exercise can not be affected by any treaty stipulations. Salus populi suprema lex.

The distinguished writer on the treaty-making power, Mr. Butler, has well declared:

The Supreme Court has in regard to treaties, as it has in regard to Federal statutes, ever kept in view the exclusive right of the States to regulate their internal affairs, and have not allowed either treaty stipulations or Federal statutes to be so construed as to prevent the proper exercise of *police powers*.

In the License cases (5 How., 504), Judge McLean said:

A State regulates its domestic commerce, contracts, the transmission of estates, real and personal, and acts upon all internal matters which relate to its moral and political welfare. Over these subjects the Federal Government has no power.

In Foster *v.* Kansas (112 U. S.) the court said:

These cases rest upon the *acknowledged* right of the States of the Union to control their *purely internal* affairs, and in so doing to protect the health, morals, and safety of their people by regulations that do not interfere with the execution of the powers of the General Government or violate rights secured by the Constitution of the United States. The power to establish such regulations, as was said in Gibbons *v.* Ogden (Wheat., 1) reaches *everything* within the territory of a State not *surrendered* to the National Government.

In Patterson *v.* Kentucky (97 U. S., 501) on this particular question the court says:

But obviously this right is not granted or secured without reference to the general powers which the several States of the Union *unquestionably* possess over their *purely domestic* affairs, whether of internal commerce or of police.

Judge Miller, fifteen years after he had written his famous opinion in the Slaughterhouse cases, which opinion will ever remain a monument to his ability, integrity, and fearlessness, said:

The necessity of the great powers conceded by the Constitution to the Federal Government originally, and the equal necessity of the autonomy of the States and their power to regulate their domestic affairs, remain as the great features of our complex form of government.

This able jurist in his remarkable opinion in the Slaughterhouse cases, speaking of the police power, said:

This power is and must be from its very nature incapable of any very exact definition or limitation. Upon it depends the security of social order, life and health of the citizen, the comfort of an existence in a thickly populated community, the enjoyment of private and social life, and the beneficial use of property.

Judge Miller then quotes Chief Justice Marshall in Gibbons *v.* Ogden, wherein Judge Marshall, speaking of inspection laws and the police powers, said:

They form a portion of that immense mass of legislation which comprises everything within the control of a State *not surrendered* to the General Government—all which can be most advantageously administered by the States themselves.

A statute of New York which required every master of a vessel arriving from a foreign port in that of the city of New York must report the names of all his passengers, with certain particulars as regards their age, their last place of settlement and place of their birth, was held not to be an invasion of the exclusive right of Congress to regulate commerce, but that such a statute was within the exercise of the police power of the State.

In the case of The United States *v.* De Witt an act of Congress which made it a misdemeanor to mix naphtha and illuminating oils for sale or to sell oil of petroleum inflammable at less than a prescribed temperature was declared void because the power to make such a law belonged to the State as a police regulation and Congress had nothing to do with such a matter, even though it undertook to make it a part of the internal-revenue law.

In the case of Railway *v.* Mississippi, decided in 1890 by the Supreme Court of the United States, the State statute of Mississippi providing that railroads carrying passengers in that State should provide separate but equal accommodations for the white and colored races was upheld as being entirely within the power of the State to pass such a law.

In the celebrated case of Plessy *v.* Ferguson (163 U. S.) it was decided that a Louisiana statute requiring railroad companies to provide equal but separate accommodations for the white and colored races, and providing that no person should be permitted to occupy coaches other than those assigned to them on account of the race to which they belonged, and further requiring the officers of the railroad company to assign to each passenger the coach to which his race designated him, and imposing penalties upon any passenger insisting on going into any other car than the one set aside for him according to his race was constitutional and not in conflict with the thirteenth and fourteenth amendments to the Constitution of the United States, but was entirely within the police power of the State. Justice Brown, in the opinion, says:

We think the enforced separation of the races as applied to the internal commerce of a State neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the fourteenth amendment.

The learned judge, quoting from People *v.* Gallagher, 93 N. Y., says:

When the Government, therefore, has secured to each of its citizens equal rights before the law and equal opportunities for improvement and progress, it has accomplished the end for which it was organized and performed all the functions respecting social advantages with which it is endowed.

Legislation is powerless to eradicate racial instincts—

Says the eminent judge—

or to abolish distinctions based upon physical differences, and attempts to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one can not be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States can not put them on the same plane.

[Applause.]

I take it, therefore, that no lawyer who cares anything for his professional reputation will deny that if the separation of races on railroad cars is a police regulation, likewise the separation of races in public free schools is a similar police regulation—in fact, the two cases are "on all fours." One of the earliest cases declaring that the States have a right to make provision for the instruction of colored children in separate schools established for them and prohibiting their attendance upon other schools is that of Robinson *v.* City of Boston (5 Cushing, 198), and this opinion is quoted with approval in Plessy *v.* Ferguson. The further assertion is made in that celebrated case that "similar laws have been enacted by Congress under its general power of legislation over the District of Columbia, as well as by the legislatures of many States, and have been generally, if not uniformly, sustained by the courts."

Now, we have seen that a law passed by a State legislature in the exercise of her police power is a *supreme enactment*, and therefore no Federal Constitution or treaty can vary, amend, or annul it any more than a State legislature could repeal the fifteenth amendment to the United States Constitution. In the exercise of police powers the States are supreme and absolutely free from aggressions, whether in the form of Federal enactments or treaty stipulations. [Applause.] And in the exercise of police powers there is a large discretion given to the legislature

as to whether or not their police regulations are reasonable and as to whether or not such regulations are wise or unwise is beyond the power of the Federal courts to correct. (Patterson *v.* Kentucky, 97 U. S., 504; Plessy *v.* Ferguson, 163 U. S., 553.)

No treaty executed by the United States, within my knowledge, has ever undertaken to give an alien any rights superior to those enjoyed by our own citizens. I think a treaty which should undertake such a thing would be void as unconstitutional. Could, then, the State of California pass a law requiring separate coaches for the Japanese and whites? The State has a right to do it with reference to her own citizens, and unless a treaty undertakes to give larger rights and privileges to aliens than natives possess, most certainly such a State law would be valid. Shall it be contended that the black man of Jamaica, a subject of Great Britain, taking up residence in any of the States that have separate passenger-car laws, could force himself into white cars when an adjoining car on the same train is occupied by native negro passengers who would not have this same right?

State laws forbidding the intermarriage of certain races are held universally to be within the police powers of the State. A State can forbid the marriage within her borders of any white person and negro, which would prevent a white Englishman from marrying a negro woman, no matter what a treaty might provide in this regard. In like manner, could a marriage between a white person and a Japanese be prohibited, or a white person and an Indian?

The public free school is wholly a State institution, to the maintenance of which the Federal Government does not contribute a penny. The States have the absolute right to establish public free schools or to refuse to have one within their borders. Neither the Constitution nor the Congress has any power to coerce a State into establishing a free public school system. Neither can Congress nor the Constitution prohibit a State from enacting a law requiring different native races to attend different schools. Then, if Congress and the Constitution can not force a State to admit black or brown pupils into white schools, how can the treaty-making power, which gets its force and vitality from the Constitution, compel such action? [Applause.]

The free-school privilege of California is a gift to the Japanese which they are not compelled by any law, regulation or ordinance to accept. The only condition which the State attaches to the gift is that, if they do accept it, they must do so in certain school buildings, which are as comfortable as those in which the whites attend school and in which they find training equal in quality and duration to that of the white schools. It is the height of oriental conceit to demand more; it is the climax of Japanese swellheadedness to persist in their demand. [Applause.] This insistence in demanding that they be allowed to attend white schools proves their unfitness to enjoy such a privilege. [Applause.] The sons of Nippon should be made to understand that notwithstanding their recent victory over decrepit Russia they can not compel the young Giant of the West to abrogate her laws or destroy her customs simply to meet the Japanese caprice or tickle Japanese vanity. [Applause.]

Take another view of the case. Suppose California should abolish her public free schools. Suppose, then, a citizen of Great Britain, residing in New York State, attends New York free schools under the "most favored nation" clause of the English treaty. Now, could a citizen of Japan, residing in California, compel that State to establish free schools for him to attend, on the ground that subjects of Great Britain enjoyed free-school privileges in New York? Carrying the treaty-making powers to the extent that some would have us go, a Japanese subject residing in North Carolina could compel that State to give him a ten months' school term instead of four months, because a subject of Great Britain in the State of New York has the privilege of a ten months' term.

Of course this is absurd, and shows clearly that the public schools and all rules and regulations governing their administration, even unto the separation of the sexes and races, are entirely in the control of the States that establish them, and every person, including foreigners of most favored nations, must accept such schooling under such length of term, rules, and regulations as the State of his residence prescribes. Could a Japanese girl compel the State authorities to admit her into the separate male schools, set apart for male students alone? If not, why not? The question answers itself. Does anyone contend that a white pupil of San Francisco could compel his admission to the oriental school in the face of a provision of the State statute, or even a regulation of the school board forbidding same?

My own conviction is that no treaty can grant foreigners in the United States any greater privileges and immunities than a citizen of the United States has the right to demand and enjoy under the Federal Constitution, and these privileges and immunities are: The right to life, liberty, ownership of property, and the equal protection of the laws. "Equal protection of the laws" does not grant to everyone the right to attend any school within the State, nor does it guarantee social equality. This clause in the Constitution and the treaty stipulation in question are entirely met and satisfied when a State furnishes, as in the case of California, to the oriental schools teachers of equal competence, terms of equal length, and schoolhouses of equal comfort with those of the white schools; and this it is admitted is being done.

A statute which implies merely a legal distinction—

Says Judge Brown—

between the white and colored races—a distinction which is founded in the color of the two races, and which must always exist so long as white men are distinguished from the other race by color—has no tendency to destroy the legal equality of the two races. (163 U. S., 543.)

Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the State legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored race have been longest and most earnestly enforced. (163 U. S., 544.)

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case, and is not unlikely to be so again, the colored race should become the dominant power in the State legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at least, would not acquiesce in this assumption. (163 U. S., 551).

No one would contend that every Japanese student would have the right to be taught by one particular teacher, in one particular room, or in one particular part of the city, if his whim should so dictate, just because some other pupil of school age was so taught.

But, Mr. Chairman, although it should be held that the third clause of Article I of the Japanese treaty of 1894 is in direct conflict with the school law of California, which I can not for a moment admit, still, sir, it is clear to me that the fourth paragraph of Article II provides that no stipulation in the treaty shall affect the police and public-security regulations of any State. The paragraph to which I refer reads as follows:

It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to all immigration of laborers, the police and public security, which are in force, or which may hereafter be enacted in either of the two countries.

It is therefore clear that those who drafted the treaty were careful to avoid an apparent clash between the treaty power and the police power reserved to the States.

It is within the police power, therefore, of every State not only to establish public schools, but to govern them by reasonable rules and regulations and provide for a separation of both sexes and races. Such regulations are clearly in the interest of the peace, health, and safety of the community and State. I predict, therefore, that when we hear from the Supreme Court—if a decision of the case pending shall be finally demanded—California will be left undisturbed in her right to maintain separate schools, and at the same time the Japanese treaty will be held to be constitutional and the school law of California construed by that court as not to conflict therewith.

So I contend, Mr. Chairman, first, that there is no conflict between the treaty and the California school law; second, that if there is conflict, the treaty must give way, for the California school law is an exercise of the police power, and therefore supreme, subject to repeal by no authority on earth save by her State legislature. [Applause.]

The good sense of the Supreme Court of our country can be depended upon to settle such cases wisely and justly and at the same time preserve our civilization and the spirit of our Government by refusing to interfere with purely local internal affairs of a State, regardless of the vehement and egotistical Jap, who yearns for and demands social as well as civil equality with our best American blood. [Loud applause.]

Mr. LOWDEN. Mr. Chairman, there are several bills pending before Congress which involve the relations to the public of those corporations engaged in interstate commerce. Among them is one requiring publicity on the part of those corporations. In brief, this law requires such publicity of its affairs

on the part of the corporation as to afford the public a knowledge of those things which concern the relations of the corporations to the public. It does not require the revelation of those business secrets which are important as between the corporation and its rivals. I desire to address myself to the principle of this law. I wish to state at the outset that a distinction should be made between those corporations which are in the nature of a partnership, whose securities are not dealt in by the public, and the larger corporations which in reality have become agencies of the State. It is only to the latter that the principle of publicity should apply.

Publicity would enable the Congress of the United States to act intelligently in reference to proposed legislation which affects corporations. Up to the present time the Congress has been largely in the dark as to the real facts which existed in the particular case. Only recently the country was startled by the charge that one great railroad company had mortgaged its property for a large amount of money, and with the proceeds of that mortgage had gone into the market and acquired control of a competing line. If this charge be true, publicity would have disclosed this danger long ago. A law, then, could have been enacted, and probably would have been enacted, requiring that no corporation engaged in interstate commerce should have the power to acquire or own shares in other transportation companies. Publicity would reveal any tendency to exceed the real power which it was intended to confer upon corporations and this tendency could be checked by law. Publicity would also discover any dangers of corporation development which menace the public. Without publicity the harm is frequently done before any effective action can be taken.

Publicity is desirable for other reasons. The total wealth of the United States, according to the figures of the Census of 1900, is $90,000,000,000. It is stated on excellent authority that one-fifth of this total is in corporations which would become subject to the provisions of this law. There is already a vast number of our people who hold securities in these corporations. What, however, can most of them know what these securities represent, either in tangible value or in earning capacity? They must depend for their knowledge of their property upon rumors in the newspapers and quotations in the stock market. Opportunity is thus afforded to the unscrupulous manipulator upon the stock exchange to set in circulation all kinds of slanders and depress the stock. In the condition of panic which follows, he can frighten the legitimate investor in that stock into selling for whatever he can get. Then, when the manipulator has acquired all the stock he desires, he takes his hand from off the market, and the stock rises once more to its real value, or beyond it, for speculative purposes again. The result of this is not only a great financial loss to those who can least afford it, but they also lose something more, and that is, confidence in the integrity of our commercial conditions. Let this confidence disappear and havoc always comes. To illustrate, it is not only important that our banks should be safe, but that the people of this country should know this fact. A distinguished Member of this House gave me only the other day an illustration of this in the city where he lives. A woman visited one Saturday afternoon the savings bank in which she had a substantial deposit. She saw upon the door of the bank the sign, "Bank closed." She misunderstood this sign and started the report that this bank, one of the soundest in the city, had failed. A disastrous run ensued and the bank survived only through the generous aid its rivals gave. Confidence in our business institutions is the life blood of commerce. This can only be gained and held by the fullest and freest publicity. In the complex conditions under which we live, to throw suspicion upon the soundest business may bring wreck. Confidence in anything is impossible without knowledge. A Gibraltar obscured in fogs no longer seems a fortress to the world.

Many businesses, which insist on secrecy in their business, injure no one quite so much as themselves. Any corporation which conceals its assets and its earnings is popularly supposed to earn incomparably larger returns upon its capital than it actually does. I venture to say that the money invested in the average corporation a quarter of a century ago—certainly, a half century ago—if it had been invested in farm lands in the Mississippi Valley, would to-day realize more to the investor than it now does. And yet the farmer in that region, knowing nothing for certain and listening only to the extravagant stories told of its wealth, is impelled to believe that the generous returns which the land he then purchased yields do not begin to compare with the dividends the investor in corporate stock receives. The feeling of distrust he thus cherishes would never have found lodgment in his brain if the corporation had been simply frank with the public. Secrecy defeats its own object. It only magnifies in the average mind what it aims to minimize.

The smallest shareholder in one of these corporations is entitled by every standard of business ethics to as complete knowledge as is the most powerful "insider." Make it possible for the owner of a single share of stock to feel the same security and share on equal terms with the largest stockholder the privileges of the corporation, and the money of the people will go, not into savings banks, but into the business of the country. [Applause.] Hundreds of thousands of people therefore would become equal partners in proportion to their investments in the expanding industries of to-day. They now prefer the small interest which they receive from the banks they regard secure to an interest in a corporation, of the affairs of which only a small group has any accurate knowledge. Their money would thus, instead of earning more for those already rich, return to its owners the increment it actually creates.

Publicity of its affairs would lift the management of a corporation to a higher plane. The majority of men who are charged with the care of corporations are not different from other men. It is not true that they carry other ideas of business ethics into their corporate management than obtain with them elsewhere. It must be confessed, however, that there are men in control of corporations, just as there are in every other walk of life, whom this visitorial power is needed to keep within their proper sphere. With the latter class, publicity by itself would restrain them from much that is wrong. Equally important, however, is it to the great body of honest corporate officials. They shrink from taking rebates, but if their competitor has this advantage they can see nothing but business ruin unless they, too, give way to this pernicious practice. They know that to bribe an official to escape the payment of just taxes is a detestable wrong. At first they refuse. When they learn that their rivals have committed this offense they, too, are tempted to yield in order that competition may be upon equal terms. I might multiply these illustrations, but it hardly seems necessary. Publicity would hold the dishonest corporate manager up to shame and fortify the honest manager in his purpose to walk within the lines of right and law.

There is nothing new in the principle of this legislation. More than forty years ago, when national banks were authorized, the Government reserved the right to examine minutely into their affairs and required reports. If there is any business which is sensitive to a visitorial power from without, it is the business of the banker. And yet who can doubt but that publicity, which has been impressed upon these institutions, has been of infinite good? How often has the hand of the manager of one of these banks been stayed when tempted to use the funds of the bank for private speculations? Who can say how many panics have been averted during this time by the requirements of this law?

The corporations complain to-day that the people are so prejudiced against corporations that they can not do them justice. There is much of truth in this. But who is primarily to blame for this unfortunate condition? Is it not in a large measure the corporations themselves? I recall the fact that when the railroad first came to the West, it was welcomed by the people. Those who built it were hailed as benefactors, as indeed they were; for without the railroad the most productive portions of our country would still be on the frontier. In the early days of the railroad it was treated not only fairly, but generously, by the people. How did it repay the people for this treatment? In some instances it used its popularity and growing power to attempt to dictate the politics of a State. It intrigued for the elevation of some one to the bench whose decisions would be favorable to the railroad. I recall that when I first came to the bar it was the quite general practice for railroad companies to resist any claim made upon them, whether just or not. One frequently heard railroad officials declare that the railroad company must resist any suit brought against it; must, by technical defenses and long delays, wear out the litigant, so that in the future men would not dare prosecute these railroad companies in the courts. What was the result? The people became justly irritated. New parties arose. The granger movement swept over the West. Any economic policy, no matter how unsound, promising to overcome the abuses of the railroads was given a welcome hearing. All suffered, and the railroad companies not least of all. Receiverships came in a large number, and the railroad companies became sobered by adversity.

After a while they found that they could not win a jury case, even where the merits were plainly with them. They then discovered that their policy had been altogether wrong. Many of

them reversed this policy and adopted the wiser one of settling every just claim. But the harm had been done, and the railroad companies are suffering to-day from the mistaken policy of those early years.

About twenty years ago the interstate-commerce act became a law. The principle of this law was sound; it simply aimed to prevent a railroad company from using its vast power arbitrarily to build up one individual at the expense of his business rival or one community at the expense of another. And to-day the best men in the railroad world admit the soundness of this principle. What, however, did most of the railroad companies do then? Instead of admitting the wisdom and justice of the law they set their finely organized legal departments to work to thwart, obstruct, and nullify the law in every way they could. Who can doubt but that if the railroad companies at that time had cooperated with the Commission, to the end that the law might be enforced, they would be infinitely better off to-day, and in the meantime would have been spared many a stretch of thorny road?

I remember that years ago the city of Chicago, where I then lived, passed an ordinance requiring the gradual elevation of the railroad tracks within the limits of the city. The railroad companies had bitterly opposed this ordinance. It was alleged by them that to comply with the terms of this ordinance would bankrupt every railroad company entering Chicago. Elaborate figures were prepared, which seemed to prove their claim. The railroad companies, however, were worsted in this fight. Recently I chanced to be riding out of Chicago with a high official of one of these roads. I asked him how track elevation had affected them in practice. He told me that, merely from a selfish standpoint, they had never made a better investment. This instance illustrates the great truth that what is best for the public is also, in the long run, best for the corporation. It is equally true that any legislation which does an injustice to the corporation must, in the end, injure the whole people. For if you render insecure any class of investment capital will pass by. There is a striking illustration before us now. It appears that from 1895 to 1905 the track mileage of the railroads of the United States increased about one-fifth, and the freight ton-mileage increased about one and one-fifth. The result is that there is to-day a freight blockade which is paralyzing the commerce of the country. Nor is that all. The increase in the railroad mileage of the country was less in 1906 than at any time for thirty years, though it is perfectly obvious that there never was so great a need for increase as now. Does not this come in a large measure from the fear of Government ownership of the public-utility corporations, and the uncertainty as to what the attitude of the public toward them will be in the future? Can you expect men to invest their money in an enterprise which a large body of the people declare that this Government should take over at its own price?

We are just beginning to learn that the industries of this country are so related, so mutually interdependent, that fairness and justice to every one of them is essential to the welfare of the whole. It is equally true that no interest can gain a special advantage at the expense of the public which will not, in the long run, react upon itself. The sole inquiry with reference to legislation upon this subject should be, Will such legislation benefit the country as a whole? If it will not stand this test it will benefit no one in the end.

Expediency has always been the first milestone in the painful progress of the race to a higher individual, national, and political life. Our ancestors found that life was easier and pleasanter when they decided among themselves to create values rather than steal them. Laws were enacted against larceny. What at first was only a sense of expediency in some mysterious way after a while became worked up into conscience, and a theft seemed to scar the soul. Even then the nation thought it could gain by dishonest practices. It enjoined one code of morals upon its subjects and practiced another upon its neighbors. It encouraged the people to shun falsehood, at the same time it decorated its diplomats who had lied successfully to a foreign court, and beheaded those who had been betrayed into telling the truth. But the nations learned that perfidy in their relations with one another resulted in devastating and needless wars. Fallow fields and silent workshops, desolate firesides and bankrupt treasuries suggested an extension of the law of honesty so that it should apply to nations in their intercourse with one another, until to-day nations have almost developed conscience.

Corporate interests, too, must learn that every immunity or benefit secured at the expense of the public becomes a menace, not a gain. A corporation, it may be, desires a franchise from the public. It argues that securing the franchise will result in the public good. This meritorious end is made to justify dishonest means. The people, however, have never taken kindly to this precept, which is the first principle in the devil's own casuistry. They soon come to suspect that every measure which this corporation presents contain a covert steal. Finally it can only secure what the public would otherwise gladly give by a purchase of corrupt officials whom the corporation taught their trade. It finds that at the same time it first bribed a council or a legislature, it sowed a crop of dragon's teeth which has sprung up into an army of mailed highwaymen. Corporations must learn the lesson that honesty is the best policy in their dealings with the public. Irrespective of the question of ethics, that corporation is the wisest which meets the public honestly. Any contest between it and the people in which it does not employ honest means to an honest end must ultimately result in defeat, if not destruction.

I do not wish to be misunderstood. I do not commend honesty as a rule of conduct for the reason only that it is the best policy. But human nature is so constituted and self-interest is so powerful a motive that the average man will read the decalogue in a new light when he has discovered that every one of its laws leads to a higher and more perfect happiness.

Isn't it time for the senseless war between the corporations and the public to end? That abuses grow out of corporations just as they do out of every other human institution no one can deny. But when those abuses come and Congress feels constrained to act, what is the answer of the corporations themselves? They suggest nothing but that they be left alone. They hold sullenly aloof and resent any suggestion that legislation could possibly help.

In a state of war it almost always happens that reprisals are made by either side. It doubtless sometimes happens that the reprisals are made by the Government. It also happens at other times that the reprisals are made by the corporation upon the public. This is an unhappy condition in which the people suffer at both times. If injustice is rendered to the corporation, the development of our resources is checked and the people suffer. If, however, the corporations make reprisals on the public, the public suffers again. Whichever way the pendulum swings the public uniformly loses. Wouldn't it be better, infinitely better, if the public and the corporation, in lieu of this state of war, were to seek a common ground of justice and fairness to all? In the labor world we are told by experts on both sides that conciliation is rapidly coming to take the place of open war, and even arbitration. It is not possible that a like principle shall one day rule the relations between the public and corporations? Open and unchecked warfare between them must finally result in one of two things: Either the supremacy of the corporations over the Government, which means the passing of the American democracy, or the acquisition by the public of the means of production and distribution, which equally signifies the triumph of socialism. I can not believe that the American people desire either of these extremes.

A great opportunity confronts the corporations of this country. Corporate ownership is upon trial. So far, in the main, it has proven a beneficent influence in the development of our common country. If, however, the good it brings to the people as a whole shall be exceeded by the evils it bears in its train, it is doomed to perish. Under the operation of a law which supersedes all human laws, no human institution can endure unless it renders a real service to mankind. The earth is filled with giant forms of life long dead, which ceased to be because in the evolution of the universe they no longer performed functions of use to the world. The time has come when corporations must decide whether they will jeopardize the security of property for all the future in order to gain a temporary advantage for to-day. On the one hand is private property, under the law, and on the other a socialistic state, from which Americans must shrink.

Let there be light. When fair-minded men agree upon the facts they do not differ much as to conclusions. Prejudice on either side is born of ignorance. Bacon says: "Suspicions among thoughts are like bats among birds; they fly ever best at twilight." Let in the light. These agencies of the public, called "corporations," will then obey their mission. Creations of the State, they then will be made to serve the purpose of their creator.

Who can rightfully object to this publicity? Some one, perhaps, may say that it is an interference with the exercise of property rights. I answer that this is one of the functions of government. The moment man emerged from savagery he began to circumscribe man's property rights. To protect and to limit property rights are the dual office of the state. Centuries ago it was ordained, "Thou shalt not steal," and there followed as a corollary that other injunction, "Thou shalt not use thine own to another's injury." [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STERLING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. WARREN, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 23576. An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8486. An act to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MURDOCK. Mr. Chairman, I, too, am in favor of letting in the light, as is the gentleman from Illinois [Mr. LOWDEN] who preceded me, but I expect after letting in the light, having given publicity to a wrong, to be put out on a point of order. [Laughter.] I want to talk to the membership of this House in regard to one provision, one of four provisions, which proposes to cut down the pay for the transportation of mails by the railroads, namely, that provision which strikes out of the existing law the word "working," seeking by the elimination of that word "working" to save to this Government in the next four years something like $5,000,000.

The bill, known as the "post-office supply bill," now before the House, makes four provisions relating to the annual compensation to railroads for transportation of mails. One is a horizontal reduction of 5 per cent of present rates on routes carrying from 5,000 to 48,000 pounds daily; 10 per cent on routes carrying from 48,000 to 80,000 daily, and a rate of $10 for each 2,000 pounds above 80,000 pounds. Another provides for reductions in pay for railway postal cars. Another provides for the elimination of return empty mail bags from weights at weighings. Another provides for the striking out of the word "working" before the word "days" in the statute, wherein it is directed that "The average weight is to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days * * * as the Postmaster-General may direct." This last provision would make a reduction of some $5,000,000 in the pay to railroads in the four weighing sections. In December last I introduced a bill following the line of three of these provisions. I do not agree with the interpretation of the statute, construed briefly in 1884, which contends that the presence of the word "working" forces the use of a divisor of six on a dividend of seven days' weights, in the computation to secure, as a quotient, an average daily weight. But the Department holds by the construction given it twenty-three years ago, and the proviso in this bill seeks to change the practice by dropping the word "working," upon which that construction hangs.

The proposition to which I wish to address myself is that three hundred and thirteen days do not make a year; that forty-two days is six weeks, and not seven weeks; that the great bulk of mail goes upon routes that have Sunday trains, and that not until the last six weeks has anyone claimed that Sunday service, in the transportation of the mails, is "extra service."

As I pointed out in a speech here December 11 last, the practice of the Department is this: To weigh the mails for a certain period and including all weights on all days of weighing, Sunday and week days, then to divide this total weight by the number of days, less the Sundays, in the period. That is, the Sundays are left in the dividend, and are taken out of the divisor, with the result that the quotient is enlarged. This quotient is, in practice, the average daily weight. This average daily weight is the basis of railway mail pay. The larger the average daily weight, above 200 pounds, the larger the compensation paid to the railroads. The pay is based on a table of pay which begins with $42.75 per mile per annum for 200 pounds average weight per day and ends with $171 per mile per annum for 5,000 pounds average weight per day, and $21.37 for every additional 2,000 pounds average weight per day when over 5,000 pounds average weight per day is carried.

As this matter of weighing for a period of one hundred and five days and dividing by ninety—that is, with the Sundays out of the divisor—has never before been publicly at issue, so far as I can discover, I will treat it with detail.

At the start I desire to call the attention of Members to two kinds of railway mail routes, and in order to do it briefly will cite from the records for the Post-Office Department the smallest route in mail carried that I can find, and the largest route in pay in the country. If the report of the Post-Office Department is correct the smallest route in mail carried is route No. 165065, the Chicago, Burlington and Quincy, from Sterling, Colo., to Cheyenne, Wyo., which three times a week carries an average daily weight of 4 pounds for 106 miles, for which the compensation is set down (at page 85, Report of Second Assistant Postmaster-General, 1906) at $4,564.41. This seems incredible, and I expect the Department does not pay that, but, inasmuch as the mail is carried but three times a week, just half that sum, or $2,282.20, it being the practice, I have been told, to permit but half pay for routes making three trips a week. Now, this is not a typical route. It is the smallest of all small routes, and is serviceable in this connection as emphasizing a class of mail routes, being one of many side lines which are no part of the great arteries of mail transmission. There are in the small class of routes some 750 in the entire country, side lines which carry 200 or less pounds daily average at a cost of only a half million dollars to the Government, about 1 per cent of all expenditure for railway mail carriage. These small side lines, if they run six trips a week, get for any amount of mail under 200 pounds, according to the published tables, the same pay per mile per annum—that is, $42.75. They will not be affected by a change in the divisor in arriving at the daily average, or by a change in rate of pay for railway postal cars, or by elimination of empty bags from weighings, or by the horizontal reductions of pay provided in this bill. There are 750 routes, therefore, out of the 3,100 in existence, which are not affected by the provisions of this bill.

Now, the largest route in pay in the country is No. 107011—New York–Buffalo, New York Central—which carries 411,000 pounds average daily weight, and receives for this one route alone in postal-car pay and weight compensation $2,251,801. All the provisions in this bill, should they become law, will reach and reduce the pay of this route, namely, the provision for a change in divisor, the provision reducing car pay, the horizontal reduction in weight pay, and the provision for elimination of empty bags.

What I desire to emphasize is this, that all the routes in the country are broadly divisible into two classes: First, the small subsidiary side lines; second, the great through lines of mail transmission.

I have shown that these side lines, where the six-trips-a-week service abounds, where there are few Sunday trains, number nearly one-third of the routes in the country and receive but 1 per cent of the pay.

Now, three railroad systems in this country receive nearly $16,000,000 of the pay—the Pennsylvania, the New York Central, and the Burlington systems; that is 32 per cent of the whole compensation. Thirty-two systems receive thirty-nine millions, or 78 per cent of the pay. There are eighty-three contract routes in the country which receive annually for weight pay alone over $80,000 each. Altogether these routes receive $21,000,000, or 47 per cent of the pay.

In other words, the great arteries of mail transmission carry and have had concentrated upon them the great bulk of moving mail matter. The tracks followed by dense mail are clearly defined. They are distinct from the small side lines, and unless the distinction is kept in mind the provisions of this bill can not be fully grasped.

All four of the provisions reach these great arteries. They do not reach the small routes. The conditions surrounding a small mail route and a large one are different. On most of the small routes commercial traffic does not warrant Sunday trains. On the great routes Sunday trains are dictated by commercial conditions in no wise induced by the dispatch of mails. All mails could be removed from the railroads and on the great routes Sunday trains would continue. It is not tenable to maintain that the eighty-three contract routes which receive over $21,000,000 annually are induced in the slightest into Sunday service by the mail.

The difference between the great routes and the small routes may be better illustrated, perhaps, by taking a single State—Kansas. There are in Kansas 100 contract routes, 64 with Sunday service, 36 without Sunday service. Ninety-seven per cent

of the weight of mail in Kansas passes over routes with Sunday service. Three per cent passes over routes without Sunday service. The week-day routes in Kansas carry 13,322 pounds. The Sunday routes carry 472,698 pounds. The Sunday routes receive for pay $1,617,639. The week-day routes receive for pay $143,439.

To recapitulate, much of the week-day service is not affected by these provisions. Sunday service is dictated by commercial conditions, and the dense volume of mail follows the Sunday routes. The passenger-traffic conditions which necessitate Sunday trains predominate, and the week-day service is exceptional.

Therefore I submit that a law which makes the basis of pay a computation based on 3 per cent of the traffic, to the disadvantage of the Government on 97 per cent of the traffic, is unbusinesslike and no longer justifiable.

I submit that if any of these four provisions are to be eliminated from this bill, here or elsewhere, that the change of divisor to find the average daily weight should be the last to be discarded.

The proposition that the law shall be changed to permit the Department to follow a mathematical method, dictated by the simplest rules of arithmetic and warranted, more than that demanded by modern conditions, it seems to me is incontrovertible. An average can not be found by the use of an incorrect divisor. It is mathematically impossible. Seven days' weights divided by six does not give an average daily weight, and so long as over 90 per cent of the weight of mails goes on routes carrying seven days a week, a continuation of the practice ought not to pass without protest. A divisor of seven instead of six makes a difference to the Government of $5,000,000 a year.

I do not see how other provisions for reduction in the bill can be retained and this one provision stricken out with justification.

If it is to fall here or elsewhere, I desire to leave a history of the practice which will save others from the trouble of research; because I am convinced that whatever the fortune of the provision here and now the correction must ultimately come. This is a history centering about the word "working," digged from dry-as-dust documents. Some one here a few moments ago spoke about the first railroad train that went into the West. The first railroad train that ever ran into Washington came from Baltimore, and the then Postmaster-General—Barry, of Kentucky—went down and looked at it, no doubt. A short time afterwards he tried to make the railroad comply with the regulations of the Department, which before that time had dictated the time of the arrival and departure of the stage coaches. The railroad refused, and in the report of the first Postmaster-General who ever dealt with the question of railway transportation the comment occurs substantially "that if the people didn't watch out, this new-fangled railroad will develop into a dangerous monopoly."

Mr. JOHNSON. He was a prophet.

Mr. MURDOCK. In 1867 the word "working" in connection with the phrase "working days" began to appear.

In 1867 the Department forced upon the railroads a weighing of the mails—forced because the pay was then partly based indefinitely on "size of mails," and some of the railroads were claiming sizes of mail not warranted by fact; an average daily weight was not then part of any law. A circular was sent out by the Department asking the railroads to fill out their weights for thirty consecutive working days, most of the trains then being only week-day trains. The idea apparently was to give the railroads a square deal by permitting them to show full weight. No idea of average weight was mentioned. The word "working" was included to get a test of complete size of mails. Some of the roads refused to comply, but many sent in returns. Several of the roads had heavy weights, making long, cumbersome figures. When it came to tabulating these figures some one in the Department, for convenience, reduced these figures to average daily weights. Whether or not Sunday train weights were included in any of the returns there is nothing of record to show. The average daily weight was taken for convenience. It was not part of the statutes. In 1873 the new and present law was passed. The provision of "thirty working days" was incorporated into the law. It was a departmental recommendation. I can not believe that Congress understood that an incorrect divisor was to be used because of the presence of the word "working," because to argue that Congress did so understand, that is to argue that Congress meant to eliminate the Sabbath day, and to interpret "working" day as "week" day is to argue that Congress, feeling itself helpless to stop the actual transmission of mails on Sunday, still with fine religious fervor decided to eliminate Sunday mails arithmetically.

As I believe, the word was included in the law because no one knew of its possible effect. There was a horizontal reduction of rates in 1876 and another in 1878, but so far as I can find, the word "working" was not at issue.

Notwithstanding these reductions, almost every Postmaster-General afterwards criticised the system, and without being specific, condemned it. In 1881, twenty-six years ago, Postmaster-General James wrote as follows of the law, the law which has not been changed to this day:

> I am satisfied that public sentiment and justice to the Department demand a reduction of the cost of the railway mail service. It is undoubtedly true that while some railroads may not be fully paid for the service they render, the great majority are overpaid. There is and always has been a disposition on the part of the railroad corporations in dealing with the Department to exact their own terms. The subject is a complex one, and while it demands immediate attention, it should have a most careful consideration. There can be no doubt that if the pay for this branch of the postal service is adjusted upon a basis alike equitable and just to the Department and the railroad companies, the result will be a very large saving.

There is no detail here. Something was wrong, and a later Postmaster-General found part of the trouble—the Department was paying in instances for apartment cars, which is against the law.

In 1882 Richard Elmer, Second Assistant Postmaster-General, wrote in the same strong strain of condemnation, but without detail:

> In executing the present law it has become clear to me that under its insufficient provisions an unnecessary expediture of public money might be made for carrying the mails on railroad routes. Therefore, having in view the large annual expenditure for this branch of the service, I can not too strongly urge the great importance of at once perfecting the present crude and incomplete laws, so that an uncalled for expenditure would be rendered impossible.

The "crude and incomplete laws" are those on the statutes now.

All this anxiety led to something—a bill, recommended by a committee, whether of Congress or the Department the records do not show. This bill is printed in the Postmaster-General's report of 1884. The bill left the word "working" out, but no mention is found elsewhere pointing out this omission. The bill was not acted upon. In the latter part of 1884 Mr. Gresham was Postmaster-General. He found the word "working," and realized its importance. Up until five weeks ago, so far as I can find, there was no public record of Gresham's discovery. But on January 5, 1907, the present Second Assistant Postmaster-General submitted, with other interesting and hitherto unpublished matter, to the Committee on Post-Offices and Post-Roads, from the files of the Department, an order Mr. Gresham made September 18, 1884.

Order No. 44.

> That hereafter when the weight of mails is taken on railroad routes performing service seven days per week the whole number of days the mails are weighed, whether thirty or thirty-five, shall be used as a divisor for obtaining the average weight per day.

If Gresham had remained Postmaster-General for six months after making that order and held to it, the Government would have paid for the carriage of the mail from then until to-day the sum of $60,000,000 less than it has paid. But a little over a week later Gresham became Secretary of the Treasury. He was succeeded by Postmaster-General Hatton.

Mr. Hatton at once sent a letter to the Attorney-General, now for the first time made public. In it Hatton makes no mention of the Gresham order. He submits a method of computation and two suppositious examples, which are to me and to those to whom I have submitted them utterly confusing. No such routes as he submitted then existed. The rate allowable per mile per annum cited by him as $150 was not then $150. "Pay per ton per mile of road per annum" and "pay per mile run of road per annum" are not part of the computation of pay. What his letter meant I do not know. I submit it:

OCTOBER, 24, 1884.

SIR: The act of March 3, 1873 (17 Stat. L., p. 558), regulating the pay for carrying the mails on railroad routes provides:

"That the pay per mile per annum shall not exceed the following rates, namely:

"On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175, etc. * * *

"The average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty * * *."

Upon a large number of the railroad routes mails are carried on six days each week—that is, no mail is carried on Sunday. On others they are carried on every day in the year.

It has been the practice since 1873 in arriving at the average weight of mails per day on these classes of service to treat the "successive working days" as being composed of the six secular or working days in the week, which is explained by the following illustrations:

Two routes, No. 1 and 2, over each of which 313 tons of mails are carried annually.

On route No. 1 mails are carried twice daily, except Sunday, six days per week, and are weighed for thirty successive working days, covering

usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum	miles	1,252
Weight per mile of road per annum	tons	313
Pay per ton per mile of road per annum	cents	47.92
Pay per mile run of road per annum	do	11.9
Rate of pay allowable per mile per annum		$150

On route No. 2 mails are carried twice daily, seven days per week, and are weighed for thirty successive working days, and for the intervening Sundays, the weight on the Sundays being treated as if carried on Mondays, the weighing, as before, covering usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum	miles	1,460
Weight per mile of road per annum	tons	313
Pay per ton per mile of road per annum	cents	47.92
Pay per mile run	do	10.2
Rate of pay allowed per mile per annum		$150

I have thought it necessary to give the foregoing illustrations in order that the practice of this Department under the law cited may readily appear, and I will thank you to advise me whether that practice is in compliance with or in violation of the statute.

If not in conformity with the law, will you please indicate the correct method by which the average weight per day should be obtained and the compensation adjusted thereon?

Very respectfully,

FRANK HATTON,
Postmaster-General.

Hon. B. H. BREWSTER,
Attorney-General, Department of Justice.

If this letter had been published, this present matter of divisor would have been at issue long ago. In answer to the Hatton letter there was received at the Department this:

DEPARTMENT OF JUSTICE,
Washington, October 31, 1884.

The POSTMASTER-GENERAL.

SIR: I have considered your communication of the 22d instant, requesting to know whether the construction placed by the Post-Office Department on section 4002, subsection 2, prescribing the mode in which the average of the weight of mails transported on railroad routes shall be ascertained is correct, and am of opinion that that construction is correct, and that a departure from it would defeat the intention of the law and cause no little embarrassment.

I have the honor to be, your obedient servant,

WM. A. MAURY,
Acting Attorney-General.

This letter is the warrant the Department now holds for the present construction of the law. It was found in the files of the Department. It is also found in the regularly published opinions of the Attorney-General for 1884, but signed there not by William A. Maury, but by S. F. Philips. If this letter had not been written, we would have paid since the day it was written $60,000,000 less for the carriage of the mails.

The Department now produces from its files a letter from William F. Vilas, written when he was a United States Senator in 1895, to the then Second Assistant Postmaster-General. This letter was written unofficially and without solicitation or apparent invitation and is of interest. It attempts to justify the practice. At the beginning of the present decade the Wolcott Commission, which spent months upon the subject of railway mail pay, made its report on the subject in three volumes. Clearly, its significance was overlooked, for I have examined the reports carefully and find no mention of this potent word "working." This report included a voluminous analysis by Doctor Adams, the statistician. He has told me that the manner of computing the average was not called to his attention.

In 1905 the Congress lengthened the weighing period from thirty working days to ninety working days. The word "working" was not at issue. It has been overlooked.

Taking the history of the section, I again submit that while it is proper to make changes in rates of pay, if Congress desires, it is mandatory, because it is business, because the present method is warranted neither by conditions nor by the rules of arithmetic, to eliminate this incorrect computation.

Mr. RYAN. Will the gentleman permit a question right there?

Mr. MURDOCK. Certainly.

Mr. RYAN. The gentleman has stated if that letter had not been written that the Government would have paid the railroads from that time up to the present $60,000,000 less than they have paid for the transportation of the mails. Is the committee to understand from that that they would have paid the railroads sufficient for the service rendered if they paid $60,000,000 less?

Mr. MURDOCK. I myself think so. But, as the chairman of this committee said in a very able speech to-day, there is a division and room for difference of judgment, Mr. Chairman, upon this question in toto. I am talking about this manner of computation in particular and what it has done.

Mr. NORRIS. Will the gentleman allow me to ask him a question?

Mr. MURDOCK. Certainly.

Mr. NORRIS. If I understand the gentleman correctly, he said this word "working" day was dropped out of the law?

Mr. MURDOCK. Oh, no; it was dropped out of a bill in 1884, which the Post-Office Department recommended, but which did not pass. There was no mention of the word "working," or of its omission.

Mr. NORRIS. As I understand, it is in the law now.

Mr. MURDOCK. Yes; it is in the law.

Mr. NORRIS. Will the gentleman permit another interruption, just for the sake of getting the facts right?

Mr. MURDOCK. Yes.

Mr. NORRIS. Does not the present law provide for ninety days?

Mr. MURDOCK. Ninety successive working days.

Mr. NORRIS. And do they actually weigh for one hundred and five days?

Mr. MURDOCK. One hundred and five, or fifteen days more than ninety.

Mr. FITZGERALD. Are these working days then, one hundred and five working days?

Mr. MURDOCK. To my knowledge, understanding, and belief, when on Sunday there is actual service, a Sunday upon which the work is performed, it is a working day.

Mr. FITZGERALD. And has the Department two ways, one of weighing the mails and another of having it divided?

Mr. MURDOCK. Oh, no; I think not.

Mr. FITZGERALD. If the mail is weighed for ninety working days, how does it work for one hundred and five?

Mr. MURDOCK. I do not think that the gentleman has that correct. The mail is weighed for one hundred and five days when working Sundays are in the week.

Mr. FITZGERALD. If Sunday is not a working day, why is the weighing on that day included in this total?

Mr. MURDOCK. I think that Sunday is a working day and is properly included if you are going to weigh for one hundred and five days, but if you are going to weigh for ninety days and if Sunday is a working day, it should be included in the ninety days.

Mr. STEENERSON. I think the gentleman has inadvertently made a mistake when he said the mail is weighed on one hundred and five days.

Mr. MURDOCK. Oh, no. If I made the statement that it is weighed one hundred and five week days, I made a misstatement.

Mr. STEENERSON. As I understand it, it is only weighed ninety days.

Mr. MURDOCK. Now, 750 of the roads of this country receive the maximum pay for the minimum amount of mail, and most of these will not be affected by any change in the divisor.

Mr. STEENERSON. As I understand it, in the six-day-a-week route the daily weighing is on six days.

Mr. MURDOCK. Oh, certainly.

Mr. STEENERSON. And they are divided by 90, which is all the days upon which the weighing is made for that period.

Mr. MURDOCK. Yes; exactly, on six-day-a-week routes. But on seven-day-a-week routes the weighing is for 105 days.

Mr. STEENERSON. So that when you say that it is weighed on all roads one hundred and five days, you meant to indicate the calculation?

Mr. MURDOCK. I thank the gentleman for making that emendation.

Now, what is, first, the defense of the practice and, second, the contention for its continuance?

The present Second Assistant Postmaster-General justifies the practice because of established usage and the wording of the law.

The contention for its equity and a resistance to any change in the statute are found in three sources—Hatton's letter to the Attorney-General, Vilas's letter to the Department, and the very recent discovery by some that Sunday service is an extra service.

Let me take up these contentions in order.

First. Hatton's contention is that we pay on a basis of three hundred and thirteen days to the year. This is to be inferred from his curious letter. I call attention simply to the fact that the law provides pay per annum and not for any arbitrary period fixed by construction. If the railway mail year is fixed arbitrarily at a period of three hundred and thirteen days, why, at the expiration of such period, can not the railroads demand their full annual pay? The fact remains that a year contains three hundred and sixty-five days. We pay for the carriage of the mails over 3 miles of track to the St. Louis Terminal Association $50,000 a year, $16,000 per mile per annum. Who is there here who will contend that that pay is for three hundred and thirteen days of service? Who is there here who will contend that if the proposed change in the divisor would work an injustice here?

Second. Vilas's proposition is that working day means week day, and that the elimination of the day of rest commanded is essential. An answer to that ought to be, indubitably, that

we permit the violation of the Sabbath actually, but save ourselves by observing it arithmetically.

Third and finally. The contention that Sunday trains are extra service and should receive extra compensation and its corollary contentions:

(*a*) The assertion that if a train which has been running six days a week becomes a seven-day-a-week train it would get the same pay for more service, or, the reverse, that if a train which has been running seven days a week becomes a six-day-a-week train, it would get the same pay for less service.

(*b*) The related assertion that if the six-day-a-week weights are averaged by a divisor of six and the seven-day-a-week trains are averaged by a divisor of seven, the seven-day trains would receive one-seventh less pay for more service.

(*c*) The related assertion that Sunday mails are treated as Monday weights, the Sunday mails being arithmetically turned into Monday weights on seven-day-a-week routes and actually turned into Monday weights on six-day-a-week routes.

In answer to the first proposition that Sunday trains are extra service, Sunday trains are the result of commercial conditions, of traffic and competition, and the railroads are compensated for them additionally, because it has been the practice of the Department for years to give those roads with the greatest frequency of trains and highest speed the most mail. Let me illustrate briefly.

The New York Central's route from New York to Buffalo is 439 miles long. It carries (on an incorrect divisor) 411,000 pounds of mail daily. The average speed of the trains is 37 miles an hour. Its average trips per week, 129. Its pay is $2,251,801 a year. Now, the Delaware, Lackawanna and Western route, New York to Buffalo, is 29 miles shorter than the New York Central's. If all the through mail were shipped via the Lackawanna, the Government, which pays by the mile, would make a great saving. But the great through mails go by the New York Central. Why? The New York Central is given special recognition because of the frequency of its trips and its average speed. For while the Delaware, Lackawanna and Western is 410 miles, New York to Buffalo—29 miles shorter than the New York Central—the Delaware, Lackawanna and Western has only an average of 55 trips as against 129 on the New York Central; the Delaware, Lackawanna and Western has an average speed of 30 miles an hour as against the New York Central's 37 miles an hour; the Delaware, Lackawanna and Western gets only 20,000 pounds daily of mail, while the New York Central secures 411,000 pounds. The Delaware, Lackawanna and Western gets $159,407 in pay; the New York Central gets $2,251,801. Who is there here who will contend that greater frequency of service is not additionally compensated? The answer to the first proposition can be closed with the declaration that as to volume of mail the six-day-a-week service in this country is exceptional; that the seven-day-a-week service is the normal service.

Now, as to the corollary (a), that if a train has been running six days a week becomes a seven day-a-week, it would get the same pay for more service, and its reverse as given. That is refuted in the fact that when a six-day train becomes a seven-day train it is because of commercial conditions, and that it receives more mail because it is giving more service. If a seven-day train becomes a six-day train, it does so because of commercial conditions and receives less mail.

As to the corollary (b), the assertion that if a six-day-a-week train's weights are averaged by a divisor of 6 and the seven-day-a-week train's weights are averaged by a divisor of 7, the seven day's train would receive one-seventh less pay for more service; this assumes that the normal condition is six-days-a-week service. It is refuted by the facts and by the circumstance that on 750 six-day-a-week routes, if the divisor of 7 was used the pay would not change, because the amount of mail they carry is so small that each now receives the maximum pay. On those six-day-a-week routes carrying above the minimum weight, which would be affected by a change of divisor from 6 to 7, if a mathematical exactitude is desired, it can be found in administration by making the divisor 7 and then giving the compensation proportionally, a practice now followed in certain instances by the Department. That is, if a six-day-a-week route carried in a 105-day period 105,000 pounds of mail, the average would be found by using 105 for a divisor, which would give 1,000 pounds average daily weight. Under this law the compensation is $85.50. Correctly the six-day-a-week route would receive six-sevenths of this amount. And the Department does this very thing on three-day-a-week routes to-day. On the three-day-a-week routes the Department does not allow full compensation. It allows one-half, according to testimony given at hearings—that is, three-sixths of full compensation.

Now, on the corollary (c) the assertion that Sunday mails are treated as Monday weights, and the averages now taken by a divisor of six instead of seven brings a just conclusion, it may be answered briefly that if it is fair in finding an average daily weight to turn Sunday weights into Monday and divide by six to get an average daily weight, then why isn't it also fair to turn Sunday, Monday, Tuesday, Wednesday, Thursday, and Friday weights into Saturday and divide by one to get an average daily weight? If one is fair, the other is. Neither is fair. If the word "working" forces this construction and practice, it is the duty of Congress to strike it out.

Now, to return to an example I gave in my remarks here on December 11. By the use of the diminished divisor we pay the New York Central for weight on its Buffalo-New York route $1,985,000 per year. By the use of a correct divisor, on a route carrying Sunday mails, not on one train, but on many trains, we would pay the New York Central for this route $1,728,000—that is, we are paying $257,000 in excess annually. I know, Mr. Chairman, the sanctity in which long-established usage is held here. I know the power of departmental wont, the tyranny of precedent. I believe that the defense will in this case gather around the claim that Sunday service is an extra service, though the statute is silent, and up until a month ago no public document voiced such a pretext. But let me say in answer to this new claim (that Sunday service is extra service) that no one can stand here now and, knowing the facts, assert that extra service, frequency of service, and speed are not fully compensated by the fact that the Department routes the mail to that route which gives the greatest frequency of trips and the greatest speed.

Mr. STEENERSON. I do not want to be understood as disputing any statement of the gentleman, but suppose, for the sake of argument, that there were no Sunday trains in the United States carrying any mail. What would be the right divisor? Would you then propose 90 or 105? Take a ninety-day weighing period. Would you then divide by 105 or by 90?

Mr. MURDOCK. I have made up my mind on that a long while ago. I will say to the gentleman from Minnesota that this pay is annual pay.

Mr. STEENERSON. What divisor?

Mr. MURDOCK. Three hundred and sixty-five days, or on that basis.

Mr. STEENERSON. Does the gentleman divide by 105 or 90? I would like to have an answer of yes or no.

Mr. MURDOCK. The gentleman from Minnesota and I have thrashed all that out in the lobby and in the committee room, and we never yet have gotten together.

Mr. STEENERSON. I will take the gentleman's answer, if he will make it, but I want to ask him another question.

Mr. MURDOCK. I have only ten minutes, and I want to get through. I think I will get to the gentleman's point.

Mr. STEENERSON. But the gentleman hasn't answered my question yet. Which divisor would the gentleman take provided there were no Sunday mail trains and they only carried mail six days in the week?

Mr. MURDOCK. I want to say to the gentleman that the whole trouble on this question is that the men who confuse it—I think unintentionally and without design—always put hypothetical things in things that do not exist. Now, Mr. Chairman, I have only a short time and I decline to yield just now further. I hope that I shall answer the gentleman in the course of my remarks. On page 4 of the minority views of the Post-Office Committee is an example which shows this: That if a seven-day train and a six-day train carried the same amount of mail, and different divisors are used, 313 in one and 365 in the other, that the train running the less number of days in the week would get the most pay. Now, that is a wonderful thing as presented by the minority of this committee. What does it mean? Why, it means this: That a given number divided by two different divisors will give different results. Of course it will. Furthermore, I said a minute ago that the confusion coming to this question is by the use of fictitious instances. Now, the minority have used for illustration a route that carries 2,000 pounds per day six days in the week, and gets for it $128.25 per mile. That is the legal rate. It is a hypothetical route. There are only twelve routes in the United States that get that rate. Every one of the twelve routes averages above six trips a week.

Now, I will yield to the gentleman from Minnesota.

Mr. STEENERSON. I understood the gentleman to say that his proposition would not affect the six-day-a-week route.

Mr. MURDOCK. It will not affect the six-day week routes where they carry less than 200 pounds per day.

Mr. STEENERSON. It does not make any difference how much they carry. My understanding is your proposition, as

embodied in the amendment to the bill, will reduce the pay upon the six-day route and upon the seven-day route one-seventh.

Mr. MURDOCK. Let me ask the gentleman a question. There is a route in the gentleman's own State.

Mr. STEENERSON. That would not make any difference.

Mr. MURDOCK. Yes; it does.

Mr. STEENERSON. I am asking what you propose by this bill. Do you propose to reduce the rate of pay by reducing the average daily rate upon all routes, or do you claim it only affects the six-day routes?

Mr. MURDOCK. This change of method?

Mr. STEENERSON. Yes.

Mr. MURDOCK. I claim it does not affect the six-day route where it is carrying the minimum amount of mail and getting the maximum pay. There is a route in the gentleman's State, from Hastings to Cologne, which receives pay of $38.99. Does the gentleman contend this change in divisor is going to affect that road?

Mr. STEENERSON. I say it does not make any difference to the road that carries the full 200 pounds.

Mr. MURDOCK. Then the gentleman agrees with me.

Mr. STEENERSON. Because——

The CHAIRMAN. The gentleman's time has expired.

Mr. STEENERSON. Because you pay the same.

Mr. MURDOCK. Concluding let me say: The present method is mathematically absurd; its practice is disadvantageous to the Government. And while the matter may be pushed aside now, it cries out for correction, and will continue to cry out until it is corrected.

Mr. OVERSTREET of Indiana. Mr. Chairman, I yield ten minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Chairman, I doubt if the bill reported from the Committee on the Post-Office and Post-Roads represented the real views of a single member of that committee. I do not believe there is one man a member of that committee who is satisfied that in our action we have accorded strict justice. I think the difficulty has arisen because we have had no hearings to afford us evidence as a basis for intelligent action. The latest evidence upon the question of fairness of compensation is the report of the Wolcott commission. I quoted a year ago the remarks of Mr. (now Justice) Moody, a member of that commission, who said he gave to this subject the hardest work he had ever given in his life, starting with the belief the railways were unduly compensated and finishing his labors by affirming and believing that if there was any service rendered to the Government at a fair compensation it was that of the railway mail service. Since that time not one word of evidence has ever been presented to the committee or the country of a contrary character, and the country and every gentleman here recognizes the great increase in the cost of operation of railways during recent years, the higher rate of wages, and the higher cost of all materials have made this service a greater expense to them.

The figures submitted in the report, which I shall ask to have printed as a portion of my remarks, show that where the earnings from a railway train carrying the fast mails amount to 98 cents per train mile, the earnings from the same line from its passenger service is $1.40 per train mile and from its freight trains $2.57 per train mile; therefore if this statement be true—and they can be fully verified by the Interstate Commerce Commission—then we can not be unduly compensating these railways for the cheapest service they perform, and earning less than 50 per cent of the sums earned in other branches of service. Now, then, in the very brief time I shall weary this committee I desire to call attention to one or two items. My friend the chairman would tell this committee that what he had in mind was a cut that would reduce the railway compensation perhaps three or four million dollars. My judgment is that he has underestimated, not being a man trained in the technique of railway matters, the extent of that cut where he has reduced by 5 per cent from 5,000 pounds up to 48,000 pounds, and 10 per cent from 48,000 up to 80,000 pounds, and then at $19 per ton in excess of that instead of $21.37. I think his estimate of $3,000,000 is at least a million too low, and in his deduction for the compensation for the use of railway mail cars I think he is half a million too low. My belief is that he has made a cut of five and a half millions where he thinks he has made a cut of perhaps $4,000,000.

But in addition to these direct cuts, there is one provision in this bill that I do not believe commends itself to him or to any member of the committee, and that is the provision that the empty railway mail sacks, which is just as much a service rendered as is any other portion of the mail to be carried, shall be a compulsory service without any compensation whatsoever. The Department estimates that the empty sacks amount to 25 per cent of the entire weight of the railway mails, and if this is correct, that means $12,000,000 that you cut in this one item. Does any gentleman think that there is evidence before the committee or elsewhere to justify such summary and drastic action?

My friend from Kansas [Mr. MURDOCK], an eloquent and able gentleman, and whose talents, genius, and energy we admire, has brought another case before us. He states that the provision which he has incorporated will by the change in divisors effect an economy of $5,000,000 more. In all, a total, under the present weighing period, of about $13,000,000. Three years from now, when the last weighing period shall have elapsed, we will add $9,000,000 more, or cut of, say, $22,000,000, or very nearly 50 per cent in the compensation. That is pretty radical, without any evidence whatever.

My friend from Kansas believes that there has been a great injustice in the matter of the divisor. These are the facts, plain and simple, as they impress themselves upon my mind, and as I think they have impressed themselves upon the Department for forty years. I do not think there has been any fraud or maladministration. I think we have an honest administration of our postal affairs. But in the early days when that law was passed fixing this compensation the mails were carried six times each week, a daily mail. With the growth and the development of your community and mine, with its wider industrial and commercial development, we demanded more frequent service. We petitioned the railways, and the Department went to the railways and said: "Give us this increased facility." My friend does not like a hypothetical question, and so I will endeavor to make it clear, say that the total received was $100,000 a year for the transportation of that mail six days a week. The railways, listening to the demands of the people of your community and mine, gave them seven days' service without one penny of additional compensation of any kind or form or character whatsoever; and in this proviso we are penalizing those who without compensation have rendered such service in addition to the service under which the contract was made. That is the thing simplified and boiled down, and there can be no mathematical juggle about it. It is not a question of hypothetical statement. It is a question of fact. The increase in service from six days to seven days was given, and now it is proposed to penalize by 14 per cent those railways which have, without additional compensation, given this seven days' instead of six days' service, for their total is $100,000 at the end of the year just the same when they have carried it seven days as it was when they carried it but six days.

And I submit to the gentlemen of this body that, in this era, when corporations have not too many friends who dare defend them even when right, when the railways have few defenders who will stand on the floor of this House and plead for equal and exact justice, none the less in my judgment if the cause can be fairly and fully presented the greatest corporation can come before this body and receive the same measure of justice, or, at least, should receive the same measure, neither more nor less than that accorded to the poorest and humblest private citizen of our Republic. Let the square deal fall where it will.

Mr. Chairman, I shall ask to incorporate with my remarks several statements, because the railways feel that in our action, as radical and sweeping as I think it is, amounting, in my deliberate judgment to more than 25 per cent reduction—I may be wrong—that they are entitled at least to ask you to carefully consider it from their standpoint that your determination shall be from a full knowledge of the facts as they exist. I submit herewith and bespeak the careful consideration of the Members of this body to the statements of the Great Northern Railway Company and the Chicago, Milwaukee and St. Paul Railway Company, showing precisely the cost of the service and the compensation received.

On behalf of the Great Northern Railway Company—Protest against adoption of certain provisions of H. R. No. 25483, known as the Post-Office appropriation bill, making a reduction in pay for railway mail transportation.

THE OBJECTIONABLE FEATURES.

1. Reducing compensation 5 per cent on routes carrying over 5,000 pounds and less than 48,000 pounds daily.
2. Reducing compensation 10 per cent on routes carrying over 48,000 pounds and less than 80,000 pounds daily.
3. Reducing rates on routes carrying over 80,000 pounds daily to $19 for every additional 2,000 pounds.
4. Changing the method of reaching the daily average.
5. Eliminating from the weights empty mail sacks.
6. Reducing pay for furnishing, equipping, and hauling railway post-office cars.

This company protests against the above features of said bill and each of them because any subtraction from present compensation will reduce its earnings from mail transportation sources below a fair and reasonable profit upon its expenditures on account of the services performed; and, further, because—

If the reduction proposed is enacted into law this company will be compelled to perform over a portion of its line (the land-grant portion)

services for the Government at confiscatory rates, contrary to its constitutional rights, or be subject to process by the United States to show why it should not perform said services.

These objections are emphasized at this time because the committee of the House which reported this bill did so without full information on the subject (p. 5 of report), and because the reduction called for by this bill is not demanded by a fair and equitable apportionment of the cost of the mail service to its various branches.

CHARACTER OF SERVICE RENDERED.

This service is highly preferential. It can not be compared with any other class of transportation. The Post-Office Department requires for, and this railroad gives, the mail right of way and right of attention and of care over every other class of traffic. Trains carrying important mails are expedited far beyond the necessities and requirements of passengers. The running speed per mile is increased and stops are eliminated to facilitate the dispatch of mails and meet the demands of the Post-Office Department.

The schedule time of this company's principal mail-carrying train between St. Paul, Minn., and Seattle, Wash., 1,829 miles, is fifty-seven hours and fifteen minutes, being four to five hours in excess of passenger requirements. This is obtained at heavy cost of operation, represented by coal and other expense incident to high speed and by seven local-service trains designed to eliminate stops and running between the following points:

	Miles.
St. Paul, Minn., and Evansville	318
St. Paul, Minn., and Willmar	204
Barnesville and Crookston	164
Glasgow, Mont., and Havré	306
Spokane, Wash., and Wilson Creek	196
Skykomish, Wash., and Seattle	170
Bonners Ferry, Idaho, and Spokane, Wash	218
Total	1,576

Besides the above 1,576 miles of daily service performed, this company could, with profit to its passenger department, cease for three months during the winter operation of one of its transcontinental trains between Minot, N. Dak., and Spokane, Wash., 963 miles each way. This total of 3,502 miles daily service is performed solely to facilitate the dispatch of the mails. Except for mail considerations, it is superfluous.

Besides special speed and the above regular schedule demanded by the high requirements of the mail service, this company subordinates one of its transcontinental trains so completely to the accommodation of the mails that its departing time from St. Paul is hastened seven hours, to the recognized prejudice of the passenger business. Fast service is inaugurated frequently at a loss, especially where the arriving time is made so early in the morning as to discommode travelers, as is the case with the mails between St. Paul and Winnepeg (trains arriving at the latter place at 7.15 a. m.). Slower trains and a later arrival would be better adapted to passenger demands and prove less costly of operation; hence more profitable.

Again, upon long runs, as from St. Paul to Seattle and Vancouver, special trains are run for the sole accommodation of the mail. The mail cars are detached from their trains and sent forward specially to insure arrival on time. When trains are run in sections the mail has the first section.

Every train is subject to be made a mail train on orders from the Post-Office Department, carrying with it the extra cost of such service, and on this system every passenger train does carry mail.

Lights and heat are required, and the former must be of double brilliancy.

For every delinquency a fine is imposed.

This company is required to carry the mail between its depot and the post-office, and reverse, where the distance is not over 80 rods; it is required to care for and is held responsible for the mails when in its care; to provide catchers and cranes and exercise special care in the handling of the mail, that it be not delayed or damaged. If derelict, a fine is imposed. It transports free of charge all employees of the Post-Office Department when properly credentialed. It is estimated that this service is alone worth $125,000 per annum.

In every direction of better, safer, and particularly of speedier service the Department's demands are increasing. As the public require more improved mail facilities, the Department calls upon the railroads to respond, when within its scope of performance, and the response is almost invariably made.

Competition having been solely along the lines of superiority of service, the quality has continually improved, contrary to what must be the result if compensation is fixed below the point of profit or reaches that place by any other means.

These facts serve to distinguish the mail service from that of any other class rendered by railroads.

TO ASCERTAIN COST IMPOSSIBLE.

It was conclusively shown through the investigations of the joint commission, of which Mr. Wolcott was chairman (act of June 13, 1898), that no exact method of reaching the cost of performing mail service could be devised under the present system.

With certain exceptions, mail cars form a part of passenger trains. Just what part of the cost of the service the mail should bear can not be ascertained. The consensus of the opinion of railway and Government experts was then and is now that the value of the service—that is, the per pound cost of the service rendered—was of a higher degree of value than either passenger or express; yet it is well known that mails pay less, pound for pound, than many items of freight and most items of express.

The following comparisons will illustrate:

Fargo, N. Dak., to Spokane, Wash.

Express, general merchandise, per cwt	$8.00
Mail, per cwt	4.75

QUADRENNIAL PAY OF GREAT NORTHERN RAILWAY COMPANY.

The annual rate of compensation to this company for transporting the United States mails and providing, maintaining, and hauling railway post-office cars and compartment cars (for the latter there is no special compensation) is $1,457,325.71, as follows:

Transporting the mails, including providing, furnishing and maintaining, heating and lighting, and hauling compartment cars, and including messenger and other incidental service, and transportation of post-office officials and employees	$1,350,024.24
Railway post-office cars, providing, furnishing, and maintaining and hauling, etc	$107,301.47
Total	1,457,325.71
Average per track mile per annum over system, exclusive, of railway post-office pay	221.15

PRESENT RATE OF COMPENSATION ONLY OSTENSIBLE.

Because the weighings are quadrennial and because the weights of mails increase every year, the true compensation is greatly less than $221.15 per mile per annum on this system. The weighings of 1906 produced an increase in compensation over the weighings of 1902 of a fraction over 50 per cent. It is fair to assume the same rate of increase will occur during the period 1906–1910; hence at the end of the fiscal year 1907 this company will be performing service worth $248.79 per mile per annum; at the end of 1908 it will be $276.43; at the end of 1909 it will be $304.07, and at the end of 1910 it will be worth $331.72, yet during all this time the pay remains stationary at $221.15.

From the above it is manifest that this company has never received the rate it is popularly supposed to be paid. It is paid at the rate of 24 per cent less than supposed.

DEDUCTIONS.

The appropriation act of 1906 contained a provision as follows:

"That hereafter the Postmaster-General shall require all railroads carrying the mails to maintain their regular train schedules as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay when such delay is not caused by unavoidable accidents or conditions."

This act made mandatory what has heretofore been discretionary with the Department, and resulted in the return to a system of deductions which had been tried and found ineffectual.

The Postmaster-General is also, under the law, authorized to impose fines for other "delinquencies."

The imposition of deductions for failure to arrive and depart on schedule time (20 per cent of the cost of the trip has been fixed), together with the fines for other delinquencies, results, as experience shows, in reducing pay over lines such as the Great Northern 5 per cent.

In addition to said fines and deductions, when trains for any cause are annulled or reach destination over twenty-four hours late the entire price of the trip is deducted, although the train actually delivers the mail.

The above observations are applicable generally to the entire proposition to reduce pay. As to the special points of reduction proposed:

THE 5 AND 10 PER CENT PROPOSITIONS.

The proposed legislation in this respect is essentially objectionable because it strikes the carriers at the only point where there is a profit possible. The light trains, particularly those calling for apartment cars, for which there is no compensation, offer the least opportunity to put the traffic on a paying basis; hence it is to the heavy mails resort must be had to bring up the general average. Here the rate is, by reason of the sliding scale of pay, the lowest and the profit per pound infinitesimal. Here, too, the greatest ratio of cost is lodged by reason of impediment to passenger traffic, special service, greater risk of safety, heavier fines, and deductions, etc. Yet, in accordance with the recognized rule of railroading by reason of the heavy weights, a fair prospect of profit in bulk arises. But it can not stand a further reduction of 5 to 10 per cent and above. It is the small routes, requiring no compartments, and the large ones, by reason of volume, that show the nearest to a reasonable return. On this company's route between Fargo and Everett the proposed reduction of 5 per cent will show a loss of $38,831.31 per annum over present figures. The inconsistency of the proposition is manifest in this: To carry 5,500 pounds daily will cost $167.52 per mile; to carry 5,000 pounds daily will cost $171 per mile.

This feature of the proposed law is further objectionable because it attacks the only principle by which the mail system can be brought to a high state of efficiency. It is against necessary concentration of weights essential to secure subordination of other service to the mail service. As is shown, before a train can be justified in subordinating passenger and express business to facilitating the dispatch of the mails, the gross receipts must be sufficient to balance the loss resulting from such specialization. This can not possibly obtain where weights on routes are, by application of a lower rate of pay, tending to the minimum.

CHANGING METHOD OF DAILY AVERAGE.

The objection to this is not that the method is not correct, but that it reduces compensation already as low as it should be and which has not been increased in pace with the demands for more expensive service.

ELIMINATING EMPTY SACKS.

The reason for this is found in the committee's report, taken from the report of the Postal Commission:

"The practice which has universally obtained with reference to the return by carriers without extra charge of empty crates, kegs, baskets, and vehicles of like character ought to obtain with reference to the Government in respect to empty mail bags."

The fallacy of this reasoning is that the class of empties referred to constitutes almost invariably, when full, objects of express, upon which the pay for original carriage is considerably more than for the mail.

Again, empties are always returned by the line of the shipper of the original package and at the shipper's convenience. Here the empties would occupy valuable space already underpaid for and often by a carrier who reaped no return from the original.

The following are examples of empties returned practically free, with cost stated in comparison with mail:

FARGO TO SPOKANE.

Egg crates, chicken crates, butter, eggs, meat, and poultry, per hundredweight	$5.50
Return of crates, for each crate	.10
Mail, per hundredweight	4.75

RAILWAY POST-OFFICE CARS.

The railway post-office car pay of this company is $107,301.47 per annum, subject to fines and deductions. Service is rendered amounting to 6,966.38 track miles, a car mileage of 2,531,212.22. It receives pay for 5,783.25 track miles, a car mileage of 2,100,369.77. It performs annually 430,842.45 miles of service for which it is not paid, worth at present rates $54,198.53 per annum.

The Department feels justified in calling upon the railroad for a 60-foot car from St. Paul to Minot, N. Dak., and for a 50-foot car from Minot to Havre, and a half line of 50-foot—that is, a line one way—from Havre to Spokane; then a line of 50-foot Spokane to Seattle.

This is one continuous run of a fast daily transcontinental train. Manifestly, the company can not afford to purchase equipment and maintain three sets of cars for this run, nor would the Department be inclined to sacrifice the time necessary to make the transfers of contents if the cars were furnished. In the case of the half line, the return haul is always at the service of the Postal Department. The only solution is to furnish a 60-foot car clear through at the reduced rates. This is a crying evil and should call for increase of pay rather than a reduction. This is only one instance to illustrate, and not an exception.

Railway post-office cars, weighing 45 tons and carrying a comparatively small weight of mail, offer serious obstacles to speed and economy of operation of the train of which they form a part. The working of the mails after the present advanced methods requires these cars to be filled with racks and cases, hence they can not be loaded. Storage cars for the overflow, or a part of the baggage car, are then required, largely increasing the cost of operation of the train and depriving it of passenger and express room.

This is a class of service for which this company has always felt the pay was insufficient, as it is applied.

Comparative pay for hauling railway post-office cars shows as follows:

SPOKANE TO SEATTLE.

Empty passenger cars, 15.8 cents per mile	$290.95
Empty freight cars, 8.6 cents per mile	158.30
Foreign new freight equipment (with privilege of loading on outward trip)	90.00
Railway post-office cars, 5 cents per mile	91.33

It must be borne in mind that railway post-office cars are hauled comparatively lightly loaded. They are required for the purposes of distribution and comprise a miniature post-office. If they were eliminated from the train and the mail bulked in baggage or express car, the conditions would be vastly different.

It is a fact, capable of demonstration by figures, that the expenditures and costs for railway post-office cars operated over this company's lines are in excess of its revenues from the Government for the service rendered by them.

This company's thirty railway post-office cars show a net loss for one year's service of $12,521.56 per car.

The agitation for reduced mail pay evidently originates with the Congressional inquiry as to the deficit in the postal revenue. The report of the Commission shows that the deficit was due almost entirely to the low rate paid by second-class matter, since the reduction a few years ago from 2 cents to 1 cent per pound. The Government is receiving from second-class matter a rate of 1 cent per pound, for which they are giving to the publishers, and demanding from the railroads, high-class service of practically the same character as is given letters, which pay 32 cents per pound. A comparison of the rates on second-class mail matter from New York to various western points with the rates on same matter via express and freight will show the real cause of the deficit. The comparison is as follows:

	From New York to—			
	Seattle.	Spokane.	Butte.	Grand Forks.
Mail	$1.00	$1.00	$1.00	$1.00
Express	7.98	7.98	7.98	7.98
Freight	2.00	3.65	3.40	1.75

A QUESTION WHETHER THE RAILROADS SHOULD NOT LIMIT THE SERVICE RENDERED EVEN AT PRESENT RATES.

This company has for some time been considering whether it should not cease to subordinate its principal features of traffic to the transportation of the United States mails. It has been deferring the matter, however, until a fair trial at concentrating mail upon its lines could demonstrate the situation. By combining speed with schedule of departure and arrival and in many other ways it has brought its mail business to its present proportions. It appears that the mail constitutes a reasonable adjunct to the passenger and express service up to a certain point. Beyond that the mail is a source of loss. If rates are decreased as this bill proposes, the mail service on the Great Northern lines will have already passed the point of profitable consideration, and must naturally give way to a higher class of business.

Respectfully submitted.

B. CAMPBELL,
Fourth Vice-President Great Northern Railway Company.

Statement of the Chicago, Milwaukee and St. Paul Railway Company relative to the transportation of United States mails, 1906.

Ninety mail routes have been established by the Post-Office Department upon the lines of this company. Of these—

	Miles.
18 carry 200 pounds per day or less, over	399
19 carry between 200 and 500 pounds per day, over	741
31 carry between 500 and 2,000 pounds, over	1,869
11 carry between 2,000 and 5,000 pounds, over	1,830
11 carry over 5,000 pounds, over	2,089
Total mileage covered	6,928
Full railway post-office car service covers	2,425
Apartment car service covers	4,895
Pouch service in charge of railway employees covers	2,381

(The mileage of railway post-office car service, apartment car service, and pouch service does not agree with the mileage of all routes, because in many cases the service laps—that is, there is full railway post-office car, apartment car, and pouch mail service over the same routes.)

Of the lines above mentioned, the following are land-grant lines, on which the compensation is based upon a reduction of 20 per cent from the established rate for the same class of service on other portions of the system.

Between—	Miles.
St. Paul and Austin	100.00
Hastings and Ortonville	147.31
	55.94
Austin and Lyle	11.40
La Crosse and Airlie	301.40
Mendota and Minneapolis	9.20
Dubuque and Tete des Morts Creek	10.78
Calmar and Sheldon	210.70
Total	846.73

This total is 12.2 per cent of the total mail-route mileage of the system.

The maximum compensation allowed by the Government for the transportation of mails is as follows:

Average weight of mails per day carried over whole length of route.	Pay per mile per annum. Rates under act of March 3, 1873.	Rates under acts of July 12, 1876, and June 17, 1878.	Rates for land-grant railroads.[a]	Intermediate weight.[b]
				Pounds.
200 pounds	$50.00	$42.75	$34.20	
200 pounds to 500 pounds				12
500 pounds	75.00	64.12	51.30	
500 pounds to 1,000 pounds				20
1,000 pounds	100.00	85.50	68.40	
1,000 pounds to 1,500 pounds				20
1,500 pounds	125.00	106.87	85.50	
1,500 pounds to 2,000 pounds				20
2,000 pounds	150.00	128.25	102.60	
2,000 pounds to 3,500 pounds				60
3,500 pounds	175.00	149.62	119.70	
3,500 pounds to 5,000 pounds				60
5,000 pounds	200.00	171.00	136.80	
Every additional 2,000 pounds	25.00	21.37	17.10	
Over 5,000 pounds				80

[a] Being 80 per cent of maximum rates under act of July 12, 1876.
[b] Warranting allowance of $1 per mile under the custom of the Department, subject to acts of July 12, 1876, and June 17, 1878.

No allowance is made for weights not justifying the addition of $1.

Pay for railway post-office cars.
[Not subject to any reduction.]

Length of car.	Rate per annum per mile of track for daily line.	Rate per mile run by cars, daily service.	Six times a week.
		Cents.	*Cents.*
40 feet	$25.00	3.424	4.00
45 feet	30.00	4.109	4.79
50 feet	40.00	5.479	6.39
60 feet	50.00	6.849	8.00

MAIL SERVICE V. EXPRESS SERVICE.

It has been frequently alleged as an argument for a reduction in the current rates for carrying mails that they are considerably higher than the rates paid by the express companies for substantially the same service and accommodations. The facts in the case are as follows:

This company owns and operates, as required by the Post-Office Department, the following equipment, viz, sixty-six railway post-office cars and seventy-one mail apartment cars, having an aggregate length for mail matter of 5,340 feet.

This company owns and operates under conditions which it practically controls the following cars in express service, viz, fifteen full express cars and seventy-one express apartment cars, having an aggregate length for express matter of 1,866 feet. The equipment furnished exclusively for mail matter is, therefore, 286 per cent of the equipment furnished exclusively for express matter.

In addition to this special equipment there are in use for mail and express business a large number of baggage cars. The mileage made by the total mail equipment exceeds the mileage made by the total express equipment (mileage of apartment cars being credited in proportion to space allotted to mail or express traffic) by 49 per cent.

This excess of car mileage corresponds almost exactly with the difference in gross earnings from the two classes of traffic, and shows conclusively that on the basis of car mileage the rates upon mail matter do not exceed the rates upon express matter. As the express company does not compile statistics of tonnage, it is impossible to compare the rates per ton per mile, but if such comparison was available, it would be a far less accurate measure of the operating expense than a comparison of the rates per car mile.

In further refutation of the claim of greater compensation to the railway companies from handling mails as compared with express, note the following table, compiled from the annual reports of the Interstate Commerce Commission, showing that of the total earnings of all roads in the United States from both sources the proportion received from express traffic has increased from 76 per cent in 1894 to 99 per cent in 1905. It is confidently predicted that in the year ending June 30, 1906 (report not yet issued), the express earnings will considerably exceed the mail earnings.

Year.	Mail earnings.	Express earnings.	Per cent of express earnings to mail earnings.
1894	$30,059,657	$23,035,300	76
1895	30,969,746	24,284,508	78
1896	32,379,819	24,880,383	76
1897	33,754,466	24,901,066	73
1898	34,608,352	25,908,075	74
1899	35,999,011	26,756,054	74
1900	37,752,474	28,416,150	75
1901	38,453,602	31,121,613	80
1902	39,835,844	34,253,459	85
1903	41,709,396	38,331,964	91
1904	44,499,732	41,875,636	94
1905	45,426,125	45,149,155	99

The service performed for the express company consist in hauling the cars attached to regular passenger trains, including the messengers, safes, and express matter, to and from stations at which said trains make regular stops. The railway company is not compelled to furnish more than one car on any train when the use of a second car would entail the running of an additional train or section of train.

But the mail must be transported without delay on specific trains, and, if necessary, the railway company must haul more than one car. Trains carrying mail are obliged to slacken their speed at points where the Department deems an exchange of the mails necessary, and at such points, as well as at others (about 263 in all), the railway company is required to erect and maintain devices satisfactory to the Department for receiving and delivering mails.

Railway employees are required to handle and guard the mails carefully and prevent any exposure on platforms, mail cranes, or elsewhere.

For the last three years the Government has in many cases declined all responsibility for the proper handling and transferring of mails at terminal stations to connecting trains and has required this company to perform the service. No one but an expert who has been educated in the service and has a thorough knowledge of the post-offices and the railway post-office lines in the several States is competent to make the separations and transfers now required of railway employees; and where mistakes occur the railway company is held responsible and fined therefor.

In addition to the above, the Post-Office Department requires the railway company to furnish men at certain terminal stations to check pouches out of one train and into another, although the Department has transfer clerks at each of these terminal stations.

There being many more clerks employed in the mail service than in the express service, there is a proportionately greater liability on account of personal injuries. The railway company is not released from loss on account of personal injury to employees of the Post-Office Department, but is so released in the case of express agents and messengers, except where the loss is occasioned solely by the carelessness or negligence of employees of the railway company.

The railway company has no liability for loss of or damage to express matter, but the Post-Office Department penalizes the railway company in all such cases. A fine of $200 was lately imposed for loss of a single pouch, and a demand made for $975 in another case, although the liability of the Government to the owner for the loss of first-class registered matter is limited by law to $25.

The railway company keeps no record of express matter handled, whereas the Post-Office Department requires the railway company to keep a record of all closed pouches handled by train or station baggagemen and to report the failure of any pouches to arrive at or depart from a station where they are usually handled.

At principal points the express company owns or leases buildings to accommodate its business and loads and unloads express matter, while the mail is transferred by employees of the railway company, and postal cars are held on very valuable ground in large cities for the convenience of the Department in loading, unloading, and sorting mail at all hours. Thus the railway company furnishes the Department with post-office and distributing facilities, including light and heat, without compensation. This applies particularly to dense routes.

The company furnishes separate rooms, including heat and light, for the storage of mails and the use of Government employees at the following terminals, viz: Chicago, Milwaukee, St. Paul, and Minneapolis.

Express cars can be used for baggage and other general purposes, while mail cars are so fitted up that they can only be used for postal service and must be built in accordance with specifications furnished by the Post-Office Department. These specifications, which are now furnished for apartment cars, as well as for railway post-office cars, are continually changing so as to improve the facilities, thus increasing the cost of building and repairing. The cars especially equipped for one class of service are not available for a different service.

Express can be handled in cars with baggage, but mail can not be distributed except in cars fitted up for that purpose.

At all points where mail is received or delivered, or transferred to connecting roads less than 80 rods distant, the railway company is required to perform the messenger service, except in a few cities where the Department has wagon service. The railway company is also obliged to take care of the mails at night and when trains are late.

During the period of weighing mails the railway company is compelled to furnish blanks, scales, and extra help to aid in weighing and handling.

The express company carries all the remittances of agents and other company packages free. This amounts to 950 packages daily.

The number of men employed in the postal service on this company's lines is 432; the number of miles traveled per annum, 19,502,459. At 2 cents, the minimum price of mileage tickets, this would amount to $390,049.18. This does not include transportation furnished officials of the railway mail service, superintendents, assistant superintendents, chief clerks, and inspectors, nor transportation given rural free agents, which the railway company is required to furnish, as the general commissions issued to such officials cover all lines, and no record is made of them. This number of railway mail service employees does not include extra men employed by the railway company at Chicago, Milwaukee, St. Paul, and Minneapolis to sort, load, and unload mails and to run on trains between Chicago and Minneapolis to pile mails.

The number of men in the express service is 228; number of miles traveled during same period, 12,392,617, which at 2 cents per mile would amount to $247,852.34. The free transportation furnished railway mail service employees, therefore, exceeds that furnished the express company by $142,196.84 per annum.

A great deal of extra service is performed in conducting mail transportation which is not performed in passenger or express service and which was not contemplated under the law, and the attending expense has grown rapidly year by year. For example, on the main line of this company, between Chicago and Minneapolis, in train 1 there are two 60-foot cars which are held at the passenger station in Chicago about five hours prior to the departure of the train, to be used for the distribution of mails. Similarly, two 60-foot cars in train No. 55 are held about eight hours; one car in train No. 7 about five hours; two cars in train No. 5 about three hours, and two cars in train No. 57 about eight hours. (Postal cars on these heavy mail routes are labeled for certain trains and are held over for those trains.)

At Council Bluffs the railway post-office cars for trains 15, 4, 3, and 6 are switched daily without pay from Union Pacific transfer (the end of the route) to Omaha, 2½ miles, and back. In addition to the haul the company is obliged to pay trackage for each car that crosses the bridge.

It is the custom of this company to run full railway post-office cars for some time before service is authorized by the Department. On one line of 230 miles full railway post-office cars were run for several years before pay was allowed; and there are now running a line of 50-foot cars between Marion, Iowa, and Kansas City, Mo. (300 miles), without pay; a line of 50-foot cars between Marion, Iowa, and Omaha, Nebr. (264 miles), without pay; a line of 60-foot cars between Milwaukee and North McGregor (200 miles) at 40-foot pay; a line of 60-foot cars between St. Paul and Aberdeen (287 miles) at 50-foot pay; a line of 60-foot cars between St. Paul and Milbank (191 miles) at 40-foot pay; a line of 60-foot cars between Milbank and Aberdeen (96 miles) without pay; two lines of 60-foot cars between Dubuque and Sanborn (271 miles) at 50-foot pay; one line of 60-foot cars between Sanborn and Chamberlain (200 miles) without pay; two lines of 60-foot cars between St. Paul and Austin (100 miles) at 40-foot pay; one line of 50-foot cars between Manilla and Sioux Falls (181 miles) at one-half of 40-foot pay; one line of 60-foot cars between Chicago and Minneapolis at one-half of 40-foot pay; one line of 60-foot cars between Chicago and Minneapolis at one-half of 50-foot pay; two lines of 60-foot cars between Chicago and Minneapolis at 40-foot pay.

An item of great expense given scant consideration in the discussion of the mail question is that of running apartment cars. The railway company is frequently called upon to furnish such a car on a run where the balance of the space can not be used, thus compelling the company to haul an extra car, not only without any car pay, but with light mails.

This company runs seventy-one apartment cars equipped with mail distributing facilities, according to Post-Office Department specifications and requirements, for which no compensation is received, as they are less than 40 feet inside measurement, viz, eight cars with apartments 11 to 15 feet long; seventeen cars with apartments 16 to 20 feet long; fourteen cars with apartments 21 to 24 feet long; thirty-two cars with apartments 25 to 31 feet long.

The number of feet of floor space occupied for mail purposes in apartment cars for which no pay is received is almost one-half as much as the space in full railway post-office cars—i. e., car pay is received for only two-thirds the car space furnished.

On new routes where mails are heavy the company is allowed only $42.75 per mile per annum, and is frequently called upon to furnish an apartment car. For example, route No. 135038, between Presho and Murdo, S. Dak. (35.43 miles), was established just after the close of the weighing period in 1906, and compensation was fixed as per statute at the figure above named irrespective of the weight of mails carried. This new route has carried several hundred pounds of mail daily; indeed, the mails have been so heavy as to require an apartment car and a postal clerk part of the time twice each way daily.

There are several routes on this company's lines where, in order to get mail service established, the railway company is required to carry the mails until the next regular weighing at only $30 per mile, although $42.75 per mile per annum is the minimum pay allowed by Congress. As the Department does not feel justified in authorizing service unless a lower rate is obtained, a $30 rate is occasionaly agreed to irrespective of the amount of mail carried.

As heretofore mentioned, apartment cars are placed in position several hours before trains are scheduled to depart, for the purpose of allowing postal clerks to work the mails. When steam and electricity are used for heating and lighting these cars in the train, stoves and lamps must often be substituted at terminals at additional cost.

At one point this company has just been required to have a mail car lighted and heated and mail delivered into car promptly at 2 o'clock a. m., so clerks can commence work at that hour, the train leaving such point at 5.30 a. m.

The tonnage in mail cars is necessarily light, as the room is largely taken up with racks and boxes. The average weight of mail carried in a mail car on this company's lines is 2,673 pounds (not including fixtures). The weight of fixtures in a 60-foot railway post-office car is 4,900 pounds. The weight of fixtures in a 28-foot mail apartment car is 1,450 pounds. It will thus be seen that the weight of fixtures necessary to the proper distribution and handling of mails, for which no pay is received, is more than the average weight of mail carried.

The number of pouches handled exclusively by train employees on this road for the year just passed was 1,432,960. It is estimated that 15 cents a package or pouch would be a fair charge for handling, recording, and caring for this matter. At that rate this extra service would amount to $214,944 per annum; but no pay is received for handling such pouches.

The number of stations on this road where this company performs messenger service is 751, of which 124 are terminals. The number of stations where the Government performs messenger service is 260, of which 24 are terminals. It is estimated that it would cost the Government $131,078.25 per annum to take care of the mails at the stations where the service is now rendered by the railway company.

At many stations where no night man is needed for the railway company's service, the Department requires it to furnish a man for the exclusive purpose of handling the mails.

The following statement shows certain items of expense incurred in handling the mail business which are not incident to the express business. It also shows services performed by the express company for the railway company in addition to the compensation received from the express company:

The yearly cost of maintaining trucks, cranes, and other equipment for handling mail is	$2,529.05	
One-fourth cost for extra help to assist in weighing mails once in four years	2,088.15	
Pay for mail-messenger service	11,653.87	
Per cent of agents' salaries where they performed messenger service	34,468.67	
Expense of loading and unloading mail	25,285.27	
For space used for storage in different buildings	5,387.10	
Light, heat, etc	3,118.38	
Difference in cost of transporting employees	142,196.84	
Handling the pouch service, 1,432,960 pouches, at 15 cents each	214,944.00	
		$441,671.33
Amount of salaries paid by the express company to employees on trains of this company	34,698.00	
Amount of salaries paid to station employees of this company	126,887.44	

950 packages of Chicago, Milwaukee and St. Paul Railway matter handled daily, at an average of 15 cents each $44,460.00

$206,045.44

Making a total to the credit of the express traffic when compared with the mail business of 647,716.77

Under an act of Congress passed recently directing the Postmaster-General to impose fines on railroad companies for failure of mail trains to make schedule time, the amount of deductions will materially decrease the mail earnings, but it is impossible to say to what extent until the law has been in operation for some time.

The statement is frequently made that freight rates have been materially reduced during the last twenty years, but the mail pay remains the same. It is impossible to make any intelligent comparison between the freight and mail business owing to the wide difference in the character of the service. The fastest freight trains carrying high class perishable goods are moved at less than half, and trains carrying nonperishable freight at about one-quarter the speed of mail trains.

On this company's lines the average rate per ton per mile on freight in 1903 was 13 per cent less than in 1890, but the decrease in the average mail rate during the same period was 33 per cent. The year 1903 is used in this comparison as the last general weighing of mails was had in that year.

While freight rates have been reduced, the tonnage per train has largely increased, thus reducing the cost of handling; but in the mail business the demand for additional facilities above referred to and the increase in the speed and the number of trains, in connection with the sliding scale of pay in effect (under which the rate decreases as the weight increases), result in a continual reduction in the gross and net revenue per ton of mail carried.

A very important feature to consider in comparing mail and express business is the difference in dead weight hauled. A 60-foot empty railroad post-office car of the old plan weighs 80,000 pounds, and of the new style 96,000 pounds, express car is 70,000 pounds, or 37 per cent less than the maximum weight of a mail car of the same length.

The average earnings per car-mile of the different classes of equipment in passenger-train service for the year ending June 30, 1906, were as follows:

	Cents.
Passenger cars	22.88
Mail cars	16.44
Express cars	16.09

The cost of any particular line of service rendered by a common carrier can not be accurately determined, but when the high and exclusive character of the service and the great responsibilities are considered, the present compensation for the transportation of the mails can not be claimed to be unreasonably high, nor in excess of the compensation derived from the express business.

DENSE ROUTES.

In reply to the argument that on some of the dense routes pay is excessive, it may be stated that not only are extra facilities in the way of additional trains, higher rate of speed, extra help, etc., required on these routes, but extra cars also, to furnish room for distributing mail before placing the cars in trains; and it would be unfair to single out a route where heavy traffic may be carried at a possible profit without taking into account the routes where cars are run without pay or at a loss.

On the Fast Mail Line between Chicago and Minneapolis, the heaviest of this company's mail routes, there are run over the first division, between Chicago and Milwaukee, eighteen trains carrying railway post-office or apartment cars; on the second division, between Milwaukee and La Crosse, there are run twenty-three trains carrying railway post-office or apartment cars; on the third division, between La Crosse and Minneapolis, there are run sixteen trains carrying railway post-office or apartment cars.

On this line the Government has 181 postal clerks employed and the express company but 18 messengers.

At Minneapolis and Chicago mail cars are used for receiving and distributing mails from one to eight hours before departure of trains; and these cars must be heated, lighted, and otherwise equipped for the convenience of postal clerks when in use.

Fast mail trains are given the preference over trains of all other classes. To insure their making schedule time and recovering time lost in waiting for connections, all other trains, passenger as well as freight, must give a greater clearance to fast mail trains than is given to other first-class trains. With freight trains in particular the delays result in considerable expense.

The following are cited as examples of routes yielding very low revenue to the railway company:

Route 139041, Elkhorn to Eagle, Wis., 17 miles. Annual compensation, $42.75 per mile—$748.55. Speed of train, 18 miles per hour. Average weight per day, whole distance, 169 pounds. Service in charge of railway employees; earnings, 60 cents per trip of 17 miles.

Route 139044, Brodhead to New Glarus, Wis., 22.79 miles. Annual compensation, $45.32 per mile—$1,032.84. Speed of train, 12.4 miles per hour. Average weight per day, whole distance, 246 pounds. Service in charge of railway employees. Compensation, 11 cents for each pouch handled and recorded.

A comparison of mileage made by 20 sleeping cars, 20 coaches, and 20 full railway post-office cars between Chicago and Minneapolis shows the following results: Coaches and sleeping cars, average mileage per car per year, 154,760; full railway post-office cars, average mileage per car per year, 112,886.

The coaches and sleeping cars therefore made an average of 41,874 miles per annum in excess of the average mileage made by full railway post-office cars.

It has been stated that idle railway post-office cars or cars in reserve were paid for. On the contrary, the railway companies are required to keep a sufficient number of cars in reserve to meet possible emergencies, but no pay is allowed for railway post-office cars not actually run. In many cases only half-pay is allowed when they are run, and they can not be used for any other service.

The statement has been frequently made that a railway post-office car earns $5,500 (practically its cost) per annum. In some statements it is admitted that the yearly repairs cast $1,200 or more, but the principal item of expense is omitted entirely from the calculation, viz, the cost of hauling the car, which is from 10 to 12 cents per mile, or more than twice the maximum pay allowed by the Government.

Receipts and expenditures of the Post-Office Department.

Year.	Receipts.	Expenditures.	Deficit.	Appropriated for rural free delivery.
1898	$89,012,618.55	$98,033,523.61	$9,020,905.06	$50,250.35
1899	95,021,384.17	101,632,160.92	6,610,776.75	150,032.79
1900	102,354,579.29	107,740,267.99	5,385,688.70	450,000.00
1091	111,631,193.39	115,554,920.87	3,923,727.48	1,750,796.29
1902	121,848,047.26	124,785,697.07	2,937,649.81	4,089,075.20
1903	134,224,443.24	138,784,487.97	4,560,044.73	8,580,364.31
1904	143,582,624.34	152,362,116.70	8,779,492.36	12,926,905.44
1905	152,826,585.10	167,399,169.23	14,572,584.13	21,116,600.00
1906	.....	.....	.....	25,828,300.00

It would appear from the above that but for the inauguration of rural free-delivery service the business of the Post-Office Department would have shown a handsome surplus the last four years.

The nine principal items of expense in the Post-Office Department from 1898 to 1905, inclusive, are as follows:

	1898.	1905.	Increase.	Per cent of increase.
Transportation of mails on railroads and railway post-office car pay	$34,203,253.98	$44,893,960.82	$10,690,706.84	31
Compensation of postmasters	17,453,433.58	22,743,342.03	5,289,908.45	30
City free-delivery service	13,386,593.69	20,919,078.13	7,532,484.44	56
Compensation of clerks in post-offices	10,589,069.23	21,215,303.41	10,626,234.18	100
Compensation of railway post-office clerks	8,066,602.54	13,120,155.78	5,053,553.24	62
Transportation of mails on star routes	5,286,614.87	7,326,596.57	2,039,981.70	38
Transportation of foreign mails	1,620,282.71	2,698,812.09	1,073,529.38	66
Rent, light, and fuel for first, second, and third class offices	1,581,649.80	2,568,572.73	986,922.93	62
Rural free delivery	50,000.00	20,819,944.69	[a]20,769,944.69	.....
	92,237,500.40	156,300,766.25	64,063,265.85	69
Total expenditures	98,033,523.61	167,399,169.23	69,375,656.62	71
Total receipts	89,012,618.55	152,826,585.10	63,813,966.55	72
Excess of expenditures over receipts	9,020,905.06	14,572,584.13	.....	.....

[a] Commenced in 1898.

It will thus be seen that with the single exception of postmaster's pay the percentage of increase in the amount paid to the railway companies is much less than any other item. The actual increase in total receipts was six times, and the percentage increase two and one-third times, the increase in the total payments to the railway companies.

The claim that the method of computing the daily average tonnage of mail handled by the railway companies is erroneous has again been brought forward, regardless of the rulings of the Post-Office Department and the formal decision of the Department of Justice to the contrary. The law recognizes working days only, and the total tonnage carried in a period including ninety working days is divided by ninety, regardless of the fact that part of the service may have been rendered on the intervening Sundays. Because of a compliance with the demand of the Department to run mail cars and fast mail trains on Sundays, the railway companies are now rendering one-sixth more mileage service than the law contemplates, without any increase in the compensation.

The method of computation advocated by the critics of the Department would, if enforced, penalize the railway companies for furnishing additional facilities at the request of the Department. What valid reason can be assigned for granting less compensation for carrying a given tonnage of mails a given distance on seven trains than would be granted if the same service was performed on six trains? Does the Government penalize any other contractor who, at the demand of its representatives, works his employees and machinery on Sunday?

Furthermore, the railway companies are actually underpaid on the present basis, as the compensation for any four-year period is computed on the lowest weight carried instead of the actual or the average weight. So long as the mail tonnage increases from year to year this injustice will continue. For the years 1899 to 1902, inclusive, the payments to all the railway companies, based on the 1899 weights, amounted to $37,498,907 per annum. But the weighing of 1903 showed that on the basis of the average weight carried the amount would have been $40,844,599. From this it is evident that the Government obtained service to the value of $3,345,692 per annum during the period named for which it paid nothing. The free service which the railway companies were thus forced to render from 1883 to 1903 amounted to $59,667,444, which is 11.6 per cent of the total amount received by them. (This statement is based upon the statistics on page 19 of the last report of the Second Assistant Postmaster-General and would be modified somewhat if the amounts paid for new routes were shown separately.)

Claim is made that the railway companies, under existing contracts with express companies, carry newspapers, magazines, and other periodicals at less than the price paid by the Post-Office Department for similar service. The fact is that the railway companies have no more to do with fixing express rates than they have to do with fixing the rates of postage. The usual charge of the railway companies for services rendered the express company is on the basis of a fixed percentage of the total earnings of the express company, with a fixed minimum. When this company's contract was made the minimum was so much in excess of the revenue theretofore received from the express business that it was seven years before the growth of the business made the percentage basis equal to the minimum. Therefore, in making comparisons the compensation received by the railway companies from the express companies must be considered in its entirety, exactly as the

revenue received from the Railway Mail Service is considered. The rate complained of was the result of an effort of the express companies to recover a portion of the traffic which was diverted from them by the remarkably low rate made on second-class mail matter. The large increase in the amount of second-class matter from year to year forwarded by mail (41,674,000 pounds in 1906) indicates the failure of the express companies' efforts. The rates in question apply to shipments moving 450 miles or less, while the postal rates apply throughout the length and breadth of the country.

The appropriation act for the current year provides for the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, immediately preceding the weighing period, whenever practicable. This will reduce the weight of mails and thereby the compensation of the railroads to a considerable extent.

From the foregoing facts the conclusion is drawn that, considering the character of the service, no class of traffic yields to the railway company less net revenue, and in no other direction does the Government get greater consideration for money expended than in connection with the Railway Mail Service.

CHICAGO, *December, 1906.*

THE RAILROAD MAIL PAY—MAIL RATES AND EXPRESS RATES—A COMPARISON.

The Government conducts one large business enterprise—the post-office. It sells stamps and agrees for the price of the stamp to carry the letter or package to which the stamp may be affixed any distance the sender may desire. No question of the reasonableness of the charge is considered. Whether the article is carried 1 mile or 6,000 miles the charge is the same. Where the package consists of what are called "letters" it is required to pay at the rate of 90 cents per pound, while the package called "newspapers" or "magazines" is only required to pay 1 cent per pound. Business principles are not followed in the conduct of this enterprise by the Government. What principles are followed? Simply considerations of what Congress regards as for the general welfare—the same considerations which lead to the maintenance of courts and the Navy, without question of pecuniary profit. This business of the post-office is all transportation; it simply carries letters and packages of limited weight from place to place. In that respect it conducts the same line of business as railroads and express companies.

But instead of allowing a private company to compete with it, the Government, from considerations of public policy, creates a monopoly for itself of carrying letters and enters into direct competition with express companies for carrying packages, including newspapers and other printed matter.

Neither the Government nor any express company owns any railroad or has any facilities whatever for carrying on this sort of business over the country generally. Both the Government and the express company are therefore obliged to arrange with the railroads for transportation.

THE CONTRACT FOR EXPRESS.

The express company negotiates with the railroad company a written contract for the carriage of its freight at the lowest rates it can possibly secure. To obtain this contract it guarantees to the railroad company a minimum yearly sum, regardless of the volume of business done, which is of itself a very important consideration. It agrees to accept undivided space in bare baggage cars and to place its freight on such trains as the railroad company may designate; it has no voice in the making of time schedules or connections with other roads. It agrees to handle all its freight with its own employees not only to and from the cars, but while on the cars, and to assume all liability for loss and damage not only in regard to the freight carried, but the express messengers in charge. In addition to the direct compensation, the express company handles daily remittances of cash for the railroad from each railroad station to the treasury, and transports free over all its lines all railroad packages, such as time cards, advertising, etc. This service is said to amount in value to 10 per cent of the general pay.

WHAT THE GOVERNMENT REQUIRES.

Should the Government without any contract secure for its mail business from railroad companies the same terms as the express company is able to negotiate for carrying its freight? The Government receives 90 cents per pound for carrying letters and can well afford to pay a fair rate for their transportation. Its aim is the dissemination of intelligence among the people in the swiftest and most confidential manner possible as a public function and to promote the public welfare. The Government does not guarantee to the railroad any return; there is no "minimum" in this case, regardless of the amount of business done.

In the character of the service rendered, no comparison with express service can readily be made. That portion of the mail known as "pouch service" is perhaps 15 per cent of the whole. Eighty-five per cent of the mail is carried in post-office cars in which the space and facilities furnished in order to secure quick distribution are the all-important features. In these cars it is not a question of carrying freight, but of facilities for the distribution of letters and packages. In the pouch service, comparison with express fails because one service is the handling of freight and the other of valuable packets containing letters, registered packages, and it may be jewels, money, and things of special value. Not 4 per cent of express matter would be mailable at all. By express are sent shipments of machinery, steam engines and boilers, bicycles, automobiles, oysters, fish, fruits in carload and train load lots, horses and live animals of all kinds, fresh meats, vegetables, trees, seeds, butter and eggs, etc.

In all cars where there is no postal clerk the railroad employees handle all pouches of mail and the railroad company is responsible for their safe-keeping. Not only is the railroad company compelled to carry postal clerks in mail cars and hundreds of postal employees in passenger cars free, but it is liable in damages in case of injury to them the same as to passengers generally.

At all points where the post-office is not over one-fourth of a mile from the railroad station the railroad company must carry all mail to and from the post-office. This is called "mail messenger service." The report of the Wolcott Commission (1901) says: "Out of 27,000 stations supplied by messenger service 7,000 are paid for by the Department, at a cost of between $1,000,000 and $1,100,000 per annum, leaving the other 20,000 stations to be supplied by and at the expense of the railroads."

Upon routes which have a closed pouch service, where the average mail pay amounts to $900 a year, the cost to the railroad for messenger service is $400 per year, calculated at $100 for each town or station where they are required to perform this service; in some instances they actually pay out for messenger service considerably more in cash than their entire compensation from the Government.

There is no such feature in the express business.

A PREFERENCE TRAFFIC.

One of the most important features of the mail is that it is a preference traffic. The Government postal authorities specify upon what trains and in what kind of cars it shall be handled; they dictate time schedules and connections with other roads, and upon all heavy routes they specify the speed at which trains shall run; all other cars and trains, including passenger trains and express cars, are sidetracked and delayed whenever necessary to expedite the mails.

THE SERVICE ON ALL HEAVY ROUTES.

But the most important difference, it seems to me, results from the exceptional manner in which the postal authorities require railroads to handle 85 per cent of the mails. A large per cent is carried in what are called "apartment cars." Certain space is designated by the Government in such cars as being required for "distribution" purposes and must be fitted up according to Government specifications with racks, pigeonholes, and other necessary appliances for distributing mails en route and to accommodate the clerks in charge. In the apartment cars, and full post-office cars, in which five-sixths of the mail is carried, no pretense is made of treating or considering or handling the mail as freight in the way that express is handled. In apartment cars the space in which 6 or 7 tons of express matter is often carried is occupied frequently by 1 ton of mail. That portion of a car is set apart for a distributing post-office. What comparison, under such methods of doing the business, whether we consider the cost to the railroad or the value of the service, can reasonably be made between mail rates and express rates?

If the Government requires, for the distribution en route of five-sixths of its mails three times or even twice the space and accommodations from the railroads which the express company requires, why should it not pay double the express rate, pound for pound? A private shipper would be required to do that and more. Any man can have a car all to himself, as a passenger, if he pays full fares for the ordinary load of a passenger car, in most cases fifteen fares. The freight shipper given a carload rate pays for what is called the "minimum," say 12 tons, at the full rate, although he may only load 2 tons into the car. Can the Government in fairness do less?

This indicates that weights and rates per pound or per ton or per mile that may be figured out, theoretically, as being paid by the express company for carrying freight in comparison with weights and rates per ton or per mile paid by the Government for carrying the mail have very little meaning. The confusion of thought in this respect seems to grow out of the fact that, for its self-protection, the Government must measure the service it receives by weight and do its own weighing; while in truth the service rendered to it by the railroad is not the carriage of so much weight, but the furnishing and transporting in cars of large space and furniture and facilities for sorting and distributing the mails in order to insure the greatest possible frequency and accuracy and celerity in their delivery, so that the public may be well served. The public in turn demands this quick and frequent service, regardless of the expense, and will loudly complain at its slightest impairment. For this unusual space and service in apartment cars the Government pays nothing and makes no allowance.

THE POSTAL-CAR SERVICE.

In the full post-office car service, where 50 per cent of the weight of mail in this country is now carried, the contrast with the service performed by the railroad for express companies becomes still more striking. The report of the Wolcott Commission speaks as follows regarding this comparatively modern service:

"To-day the railroad post-office cars are elaborate structures, weighing between 90,000 and 100,000 pounds; built as strongly and fitted up so far as suitable to the purpose for which intended as expensively as the best Pullman and palace cars; costing from $5,200 to $6,500; maintained at a cost of $2,000 per year; traveling on an average 100,000 miles per annum; provided with the very best appliances for light, heat, water, and other comforts and conveniences; placed in position for two and one-half to seven hours before the departure of the trains, and, owing to the small space allowed in them for the actual transportation of the mails, accompanied on the denser lines by storage cars for which no additional compensation is paid by the Government.

"These cars are constructed and fitted up by the railroads in accordance with plans and specifications furnished by the Department, and the amount of mail transported therein is determined exclusively by the postal authorities. It results that the railroad must haul 100,000 pounds of car when the weight of the mail actually carried therein is only from 3,500 to 5,000 pounds—often very much less and occasionally somewhat more."

Upon the railroads where the mails are heaviest the Government now requires these elaborately equipped post-offices to be massed in special trains, run at great and unusual speed, and involving special expense to the railroad. It is manifestly not possible to compare either the expense or the earnings of such a train from a basis of weight per ton, or of rates per ton or per mile, with express business not provided with such cars nor furnished with such space in cars nor with such special train service. The Pennsylvania Company operates at the present time eight such special mail trains; the Chicago, Burlington and Quincy operates three.

MAILS SHOULD PAY A HIGHER RATE THAN EXPRESS.

Taking into account the greater cost of handling, including the messenger service, the unusual space required in apartment cars and full post-office cars, and therefore the excessive proportion of dead weight to paying load, and the unusual special-train service on the heavy lines, it is probably true that the average cost per ton to the railroad for carrying the mails is 50 per cent greater than the average cost of carrying express. At any rate, it is clear that the service required at this time by the Post-Office Department from railroads is of a much more expensive character to the railroad companies than the service they render for express companies; it is a much more valuable service; it involves the carriage of more important articles; it ought to receive not simply a higher but a much higher rate of pay.

It is not unusual for express companies to charge for carriage one and a half times the freight rate upon first-class goods, which, together with their rate upon single packages and articles of special value, make their average rate very much in excess of the average freight rate. That is called paying for the value of the service rendered. Upon a similar principle the Government, receiving as it does from the railroad company a more valuable service, and having transported for it a

more valuable class of business, should pay a much higher rate than the express company pays.

DOES THE MAIL PAY AS HIGH RATES AS EXPRESS?

As a matter of fact which class of business does pay to the railroad the higher rate? That is a matter of evidence. For single packages of nominal weight the minimum charge of all express companies is probably 25 cents for short distances. A careful examination of the results upon many routes where the railroads perform pouch service, resembling that of the express, has disclosed that the railroads receive less than 10 cents per package or pouch handled for the Government, the cost of messenger service being deducted.

The ablest and most competent witness who testified before the Wolcott Commission on this subject was Henry S. Julier, general manager of the American Express Company, who said that he had no interest in any railroad company. He stated:

"Without question the Government has the cheaper service by far. Upon the New York Central and Hudson River Railroad, for the year ending June 30, 1897 (the latest year then available for comparison) the cost per ton per mile paid by the American Express Company to the railroad was 7.01 cents, while the Government paid to the same railroad over the same lines for mail carriage in the same period 6.90 cents per ton per mile, including post-office car pay (p. 520, part I).

"The Boston and Albany, in the same period, received for mails, exclusive of post-office cars, 6.35 cents per ton per mile; for express it received 7.53 cents, or 18 per cent greater compensation pound for pound from the carriage of express than from the mails."

The railroad carrying the heaviest mail west of Chicago is the Chicago, Burlington and Quincy. Mr. John H. Sturgis, auditor, testified:

"The Burlington Railroad carried last year 8,489,000 tons of express 1 mile for the Adams Express Company and 14,243,000 tons of mail for the Government, and ton for ton, pound for pound, it received from the express company more money than it did from the Government." (P. 549, part II.)

Mr. Samuel Spencer, president of the Southern Railway, testified:

"The actual average rate received by the Southern Railway for the mail tonnage handled in 1898 (approximately 11,283,050 tons 1 mile) was 5.6 cents." (Reciprocal service and messenger service were considered.)

"The average amount received by the Southern Railway per ton per mile for hauling express is 6½ cents."

"In other words," he says, "The Southern Railway Company, upon a fair and proper basis of comparison, obtained from the carriage of express an average rate per ton per mile 17 per cent greater than it received for carrying the mail." (P. 682, Pt. I.)

Mr. E. T. Postlethwaite, of the Pennsylvania road, testified that his company receives for the carriage of mails between New York and Philadelphia 27 cents per hundred, and for express 87 cents per hundred. Many express cars contain 5 tons weight of paying freight, and on that basis an express car between New York and Philadelphia would earn $87.84. Three tons is above the average load of mail in the post-office car, but with that load the earnings of the mail car between those two points would be $22.51.

These are the actual rates in force for express and for mail between those cities, the only theoretical point being the size of the load. (P. 647, Pt. I.)

This line of evidence for other railroads can be duplicated from the testimony given before the Wolcott Commission. There was no testimony in contradiction. Similar investigation into the conditions upon other railroads would develop like results.

COMPARISONS BASED ON SPACE.

The foregoing comparisons are of results upon specific railroads, the net results of their actual earnings, ton for ton and pound for pound, from all their business in transporting express and the mails. The railroad companies, however, almost without an exception, object to mere tonnage comparisons between mail and express, because the two kinds of service are so unlike. Some of them claim that space occupied in cars, with due consideration given to the extra cost and value of special train service and other points of difference, furnishes a better basis for comparison than tonnage. Several roads have submitted careful measurements of the space in all the cars upon all their trains set apart exclusively for mail and for express. The Northern Pacific Railway has recently prepared an elaborate statement of this character. Based upon actual measurements, it shows as to that road that to compensate the company for the space it devotes exclusively to mails at the same rate it is now being paid for the space it devotes to express would result in an increase of its mail pay from $910,000 to $1,128,000. Other investigations of a similar character upon other roads have led to like results. There does not appear to be any disposition on the port of the Post-Office Department to abandon the weight basis and adopt the "space theory," either for the purpose of fixing the mail pay or for comparing the mail compensation with railroad earnings from express.

COMPARISONS BASED UPON RATES.

The published criticisms of the railroad mail pay have come, not from the Government officials familiar with the business, but largely from persons employed for the purpose by publishers of magazines and newspapers interested in the continuance of the postage rate upon second-class matter at 1 cent per pound. This postage rate is a source of great profit to them for their long distance distribution. By occupying the public mind with attacks upon the railroad compensation for mail transportation they divert attention from that feature of the post-office administration which is so expensive to the Government and causes the present "deficit" in the postal revenues.

These critics have dwelt to some extent upon comparisons of mail cost and express cost based upon the "rates."

In many cases they have used for purposes of comparison nominally quoted express rates, or express rates upon which little if any business is actually done, or rates for handling newspapers for short distances. Comparisons of the results of the application of certain published rates for certain assumed distances may mislead in a business of this character.

One of the most serious errors into which Prof. Henry C. Adams, the expert of the Wolcott Commission, was led was the promulgation of a table of comparisons of mail rates paid by the Government to railroads with earnings of the same road from express, based upon a published express rate for hundred-pound shipments. There is practically no such express rate. The hundred-pound shipments by express are so few that they afford no basis for determining what the railroad actually receives per hundred on the business which it carries for an express company. The express business is a package business, and much more per hundred pounds is, in fact, received than would be indicated by the hundred-pound rate. Mr. Julier, of the American Express Company, at once called attention to this mistake.

Because it illustrates in a rather striking manner the difficulty of making rate comparisons to show the earnings of the railroad from mail and from express, I quote briefly from Mr. Julier's evidence (p. 516, Pt. II):

"Professor Adams gives the amount received by the New York Central for the carriage of 100 pounds of express from New York to Chicago as $1.25; our actual payment to them is $2.59. From New York to Indianapolis he gives the rate as $1.13; we, in fact, pay the railroad $2.57. He calls the rate per hundred from Chicago to Minneapolis $1; the express company actually pays to the railroad $2."

This same error, resulting from taking the quoted hundred-pound rate as a basis, was carried into all the computations made by Professor Adams in comparing mail and express rates.

Mr. Julier further stated that 7 pounds is the average weight of packages sent by express and the 7-pound package is the typical express package, and therefore the earnings from carrying such packages are the true index of the rates actually received. In the case of some railroads, they receive as their compensation 50 per cent of the express company's earnings.

Mr. Julier was asked by the Commission to file statements showing from the rates in force exactly the revenue received per hundred weight by the railroad company from the express in comparison with the mail rates given by Professor Adams and accepted as correct. These two tables are as follows:

EXHIBIT No. 1.

Table showing and comparing rate received by railways per hundredweight for transportation of United States mail and rates received for the carriage of express business between points named below.

	Distance.	Mail.	Express (estimated).		
		Rate per 100 pounds.[a]	Amount actually received by railroads per 100 pounds.[b]	50 per cent of express companies' earnings on fourteen 7-pound packages.[c]	50 per cent of express companies' earnings on twenty-eight 1 to 7 pound packages.[c]
New York to—	*Miles.*				
Buffalo	440	$1.58	$1.16	$2.80	$4.40
Chicago	980	3.57	2.592	4.55	6.30
Omaha	1,480	5.38	4.89	5.95	7.20
Indianapolis	906	3.27	2.57	4.55	6.30
Columbus	761	2.49	2.06	3.85	5.60
East St. Louis	1,171	4.38	3.50	4.90	6.70
Portland, Me	347	1.33	1.22	2.80	4.40
Chicago to—					
Milwaukee	85	.34	.404	2.10	3.60
Minneapolis	421	1.83	2.00	3.85	5.60
New Orleans	922	5.27	3.165	5.95	7.20
Detroit	284	1.34	.75	2.80	4.40
Cincinnati	306	1.20	1.07	3.15	4.60
Cincinnati to—					
St. Louis	374	1.61	1.31	3.15	4.60
Chicago	306	1.20	1.07	3.15	4.60
Cleveland	263	1.26	.92	2.80	4.40

[a] Allowed railroad companies under last weighing, including the cost of railroad post-office cars.

[b] On all classes of business carried for express companies, including heavy merchandise, fish, live stock, fruit, machinery, etc.

[c] Weighing in the aggregate 100 pounds, yields the railroad companies the rate per 100 pounds noted below.

EXHIBIT No. 2.

Table showing and comparing rate received by railways per hundredweight for transportation of United States mail and rates received for the carriage of express business between points named below.

	Distance.	Mail.	Express.	
		Rate per 100 pounds.[a]	Amount actually received by railroad companies per 100 pounds.[b]	Amount actually received by railroad companies per 100 pounds.[c]
New York to—	*Miles.*			
Buffalo	440	$1.58	$1.16	$4.13
Chicago	980	3.57	2.592	5.47
Omaha	1,480	5.38	4.89	6.62
Indianapolis	906	3.27	2.57	5.04
Columbus	761	2.49	2.06	5.32
East St. Louis	1,171	4.38	3.50	5.70
Portland, Me	347	1.33	1.22	4.83
Chicago to—				
Milwaukee	85	.34	.404	3.30
Minneapolis	421	1.83	2.00	4.52
New Orleans	922	5.27	3.165	6.43
Detroit	284	1.34	.75	3.48
Cincinnati	306	1.20	1.07	3.98
Cincinnati to—				
St. Louis	374	1.61	1.31	3.72
Chicago	306	1.20	1.07	3.58
Cleveland	263	1.26	.92	3.47

[a] Allowed railroad companies under last weighing, including the cost of railroad post-office cars.

[b] On all classes of business carried for express companies, including heavy merchandise, fish, fruit, live stock, machinery, etc.

[c] On shipments weighing 7 pounds and under carried for express companies.

Hon. E. F. Loud was for many years a member of and chairman of the Post-Office Committee. He was a member of the Wolcott commis-

sion. After the filing of the report of that commission he made (February 6, 1901) in the House a notable speech reviewing its work. In the course of that speech he took up the question of comparing mail rates with express rates. Based upon the information at his command and the testimony before the commission, he submitted the following table, making a comparison based upon 2 tons as the average load of mail per car and 8 tons the average load of express per car:

Earnings of mail and express cars—Average loading.

From—	To—	Mail, 2 tons.	Express, 8 tons.
New York	Buffalo	$63.30	$100.00
	Chicago	148.78	200.00
	U. P. Transfer	215.34	360.00
	Ogden	385.70	840.00
	San Francisco	531.26	1,080.00
	Indianapolis	130.60	180.00
	New Orleans	234.36	400.00
Chicago	Minneapolis	72.60	160.00
	Denver	150.54	480.00
	Pittsburg	82.58	140.00
Cincinnati	St. Louis	64.40	120.00
	Cleveland	50.52	100.00

CONCLUSIONS OF THE WOLCOTT COMMISSION.

There were eight members of the Wolcott commission and their investigations and deliberations were extended over a period of more than two years. The question of comparing mail and express rates was brought to their attention in various ways. The conclusion of the commission on this point, concurred in by all except two members, was in the following language:

"The evidence leads us to believe that if a comparison with express should be accepted as controlling it would be found that, taking everything into consideration, the revenue and services rendered to the railroads by the express companies exceed in amount and value the compensation paid the railroads for the transportation of mail."

Two members of the commission (Senator Chandler and Representative Fleming) did not subscribe to the report, but their difference was not stated to be based upon the point in question, but upon other considerations. The principal dissent was by Hon. William H. Fleming, who, however, stated as follows regarding the matter of comparing mail and express rates:

"I do not see that Professor Adams's conclusions have been impaired, except, perhaps, in the matter of his comparison of mail rates with express rates. Mr. Julier, of the American Express Company, seems to have shown that the 100-pound rate selected for comparison by Professor Adams was not a fair typical rate for that purpose."

It is unquestionably true that the railroad companies, particularly the large lines on which the mails are carried at the minimum rate and which operate special mail trains and furnish the most expensive facilities, are receiving less compensation than they receive from express companies for transporting express matter. Presumably the express companies do not pay them more than a fair and reasonable compensation, and it would follow, as the Wolcott commission decided, that the mail rates as a whole are not unreasonable. This being the case, the chief concern now, from the standpoint of the Government, should be to preserve and foster the present favorable disposition of the railroads toward furnishing superior equipment for purposes of quick distribution and special mail trains for swift transmission of the mails to all parts of the country and not to risk the impairment of this exceptionally high class and satisfactory service.

There is a constant demand from the Post-Office Department upon the railroads for further extension and development of the special fast mail trains, for newly designed and more expensive post-office cars, and for other costly but desirable features for expedition and distribution of the mails. Measures which arrest this development may prove to be of questionable utility. The people will be prompt to detect and to resent any substantial lowering of the quality of the mail service, and will not be satisfied with the explanation that it was done from motives of economy, while other features of the service of an admittedly expensive and extravagant character are not touched.

W. W. BALDWIN.

BURLINGTON, IOWA, *February 9, 1906.*

STATEMENT OF HENRY S. JULIER.

[Made under oath to the Wolcott Commission December 8, 1898.]

I am general manager of the American Express Company; have been forty years with the company; am not in any way connected with a railroad company. There is no similarity whatever between the mail and express. In my judgment, not 4 per cent of the business handled by express is mailable. To determine this I had a record kept for ten days from forty different offices, which forwarded more than 5,000,000 pounds, and of this total weight there were only 52,000 pounds of mailable matter, or less than 3 per cent. We carry by express all sorts and sizes of commodities—steam engines, boilers, large and small machinery, gas cylinders, bicycles, horses, and various kinds of animals, fruit in car and train loads, beer, liquors of all kinds, cheese, butter and eggs, fresh meats, vegetables, plants, trees, etc. I know of no business with which the mail service can properly be compared. Mail cars are especially equipped and set apart exclusively for the handling of mail and can not be used for any other purpose. The business of the Post-Office Department has precedence over all other classes of business. The Department claims the right and does dictate the hours at which special trains shall depart and arrive and the speed at which such trains shall be run. These fast mail trains take precedence over all other trains, both passenger and express. A large number of mail clerks and employees are carried free, three to one, I think, as compared with the number carried free by express companies. A large proportion of the express business is carried in baggage cars, and in these cases baggage has the preference over the express. The railroads do not perform any service for the express companies similar to the mail messenger service. The express companies have to handle their business both into and out of the cars at all points. Railroad companies furnish facilities at terminal points for the mail service, but such facilities are not extended to the express companies. We relieve the railroads from all liabilities for injury or death to employees. We assume that risk. We agree to indemnify the railroad companies against all loss. Taking into consideration the class of matter handled in the mails and comparing it with the matter handled by express and the additional service which the railroad companies perform for the mail, it would seem to me without any question that the Government has the cheaper service by far.

The New York Central and Hudson River Railroad, for the entire business year ending June 30, 1897, received from the American Express Company 7.01 cents per ton per mile for carrying express and from the Government for carrying mail 6.90 cents per ton per mile. The Boston and Albany Railroad received from the Government 6.35 cents per ton per mile for carrying mails; it received for carrying express per ton per mile 7.53 cents, a difference between mail and express of 1.28 cents.

On all merchandise shipments our minimum charge is 25 cents, irrespective of weight. We have in some cases special rates as low as 15 cents, but that is a very small proportion of our business. If the express companies should undertake to handle the mails under the present law governing the charges they could not by any possibility do it at the present rate paid to railroads and come out even. The Government might reduce the cost for railroad transportation by making less demands upon the railroads, accept an inferior service, and send long-distance second-class matter by freight.

Regarding the statement often made that the express companies handle second-class matter at a rate of 1 cent a pound when the average haul is 500 miles, that statement is absolutely incorrect. There is no truth whatever in the statement that the express companies are entering into competition with the Government in the carriage of second-class matter—absolutely none. We carry some newspapers by express, but it does not amount to one-half of 1 per cent of our gross tonnage.

Mr. NORRIS. Will the gentleman yield?

Mr. SIBLEY. Very cheerfully.

Mr. NORRIS. I want to ask the gentleman if it is not true, as I can not find my pamphlet here, that what he is asserting and what he is asking to be incorporated on behalf of the Great Northern Railway Company, I think it is they admit that the proposition as made by the gentleman from Kansas [Mr. MURDOCK] is right, and that the present system of dividing is wrong, and that the only reason they ask that it be not put in force is that it will reduce their pay?

Mr. FOSTER of Vermont. Mr. Chairman, in view of the interest that is now taken in newspaper postage, I will ask permission to incorporate in the RECORD an article taken from one of the leading dailies in my district—an editorial of February 5, 1907.

The CHAIRMAN. Is there objection?

There was no objection.

The article is as follows:

[From the Burlington, Vt., Daily News, February 5, 1907.]

NEWSPAPER POSTAGE.

During a period of several months past a committee of Congress has been investigating the postal system of this country with reference especially to proposing a change in the second-class classification to remove certain alleged abuses and increase the revenues. This committee was composed of Senators PENROSE, CARTER, and CLAY, and Representatives OVERSTREET, GARDNER, and MOON, and it has made a report within a few days. This report must have been a shock to every publisher in the country. We venture to say, weighing our words, that it is the most extraordinary report, all things considered, that ever emanated from a committee of national legislators. In the first place, it opens with not only implied, but expressed, hostility to the papers, and it proposes a set of rules that are ridiculous, unworkable, and would be embarrassing and costly to every publisher. Instead of clearing up confusion in the Department, it would create "confusion worse confounded."

This committee sat for months and heard from scores of publishers on this question, yet they give no evidence of having the slightest inkling of the publishing business or its conduct. In fact, they give the clearest evidence that they have learned nothing about it. If a Member of the Congress of the United States from Vermont should, after reading this committee's bill, give an indication that he would vote for such a ridiculous mishmash, the News would undertake to get an order from our supreme court for a commission of lunacy to sit upon him. The proposed changes, it has been well said, "are uniformly burdensome and harassing and avowedly hostile." They are not only all that, but they are silly and complicated. They would burden every newspaper and compel an increase in advertising and subscription rates and unduly burden the Post-Office Department in their enforcement.

This extraordinary report provides that no newspaper or part or section of a newspaper or other periodical must consist wholly or substantially of fiction.

No newspaper or part or section of a newspaper must have advertising to a greater extent than 50 per cent of its superficial area.

Each part or section of a newspaper must be of the same size, form, and weight of paper.

Supplements must be of the same form as the main body of the publication, save in the case of maps and plans illustrative of the text; must contain no advertisements, and must be supplied only to complete matter left incomplete in the main body of the publication.

The number of sample copies authorized must not exceed 10 per cent of the paid issue of the paper.

With each issue of his publication the publisher must make, under oath, a statement showing the number of copies mailed to subscribers of different classes, the number in bulk, the weight thereof, and the average weight of a single copy.

The publisher is also required to furnish, under oath, "such other information with respect to the publication as the Postmaster-General may by regulations prescribe."

Newspapers must be folded as the Postmaster-General may prescribe.

The present rate of 1 cent a pound is abolished save for packages weighing not less than 10 pounds.

For other copies the proposed rate is one-eighth of a cent for 2 ounces or less, one-quarter of a cent for 4 ounces or less, and one-half cent for each additional 4 ounces or fraction thereof, thus penalizing the larger papers.

Undelivered papers are penalized by a charge of double the third-class rate.

Free copies are forbidden save to exchanges, to advertisers as samples, and to agents or solicitors.

It will be seen that by these provisions the Government would enter upon an attempt to seriously damage if not to destroy newspaper property. This law would require the publisher to make oath every day to a state of facts to which the post-office scales would testify without any oath. It would also permit the Postmaster-General to put the publisher on oath every day if he chose, to pry from the publisher any information which the official chose to seek. It attempts to abridge the freedom of the press by restricting the publisher to what matter he shall print and in what quantity. It attempts to say that a publisher shall not give away what he chooses of his private property. It hampers the publisher by making two different rates for his papers. It even gives the postmaster power to say that his press shall fold his papers as the postmaster orders. In short, this remarkable proposed law abridges—and is really intended to abridge—the freedom of the press. It is a small section of Russia—but only an entering wedge—introduced into the United States, and it would come perilously near to violating the constitution of most States and the United States regarding the freedom of the press.

The real trouble with the second-class postage is that it is not fairly assessed. The case is very simple if one wishes to make it so, and the whole thing could be settled fairly in a law containing one paragraph as follows:

"The rate of postage in this class shall be a basic rate of 1 cent per pound for all papers distributed within the first 100 miles from the place of publication. The rate for each additional 100 miles or fraction thereof shall be one-tenth of a cent per pound. The price to be paid by a publisher shall be ascertained by the distance measured in a straight line from the place of publication to the capital of the State to which the papers are addressed. Every publication regularly issued and mailed to subscribers at intervals not more than one month apart shall be entitled to this classification."

This plan would probably double the receipts from that classification, probably make it pay a profit and put the charge on a basis of fairness to all users. As it is now, this paper pays the same rate for delivery of its product within an average of 40 miles as the great, rich magazines and other publications pay for an average delivery more than twenty times as far. That arrangement is monstrously unjust and unfair, and it ought to end. The great, rich national publications demand many times more service for the same price as the tens of thousands of small publications with small incomes pay for the small service they receive. Because the letter postage is at the same rate for all distances it does not prove that newspaper postage should follow the same course. The letter goes singly and pays the enormous rate of 64 cents a pound. The unit could not be assessed by distance because the cost of doing so and the delay would defeat its end. The letter service is an absolutely public service—the carriage and distribution of the correspondence of every citizen. The paper service is for the convenience of the great public, but it is to carry and distribute the products of a private person, the publisher. The service performed for each citizen is similar, and it is not for his profit. The service performed for the publisher is totally different. It is for his profit, and it should be charged for by the amount of service rendered. At the same time the newspaper, being in the nature of a public educator, should not be required to pay the Government a profit.

During Mr. Madden's reign in the Post-Office Department it has been frequently stated that there had been an immense amount of fraud and graft in that Department; that the publishers of the country were robbing the Government, and that it was taking the time of highly paid officials to prevent these robberies. Incidentally we have been told that Mr. Madden's labors were saving the Government untold thousands yearly. The fact is that all this excitement about the classification and its frauds has cost the Government a substantial sum and has only clouded the issue. The issue in this case is one of the simplest business propositions that a business man ever tried to solve: Buy your transportation at the lowest possible price—which we understand is far from the case now—and sell it at a profit. The transportation is paid for by the Government on the basis of distance carried—charge the papers for the distance carried, giving all the same rate for the service and leave it open to any citizen to issue a publication of any class, for any lawful purpose—all or part or none of it advertising, full paid or free, credit or cash. None of these things is the business of a great Government. Its business—so long as it holds a monopoly—is to furnish a service that will be neither a charity nor produce an extravagant profit; that will make neither the publisher nor the Government a robber.

What business is it of the Government if the News issues a paper containing half or all advertisements or none, all novels or none, at a price per copy or none, save only that the copies are fit morally for circulation and people take them? This kind of regulation is proposed to furnish small places for small men of small minds, so that they may harass the publishers of the country.

Mr. Madden affects to believe that the present rate is a charity to the publishers; that it costs the Government many times more than it gets. If this is really so we ought to know it. Can not the Government find a single business man in this country to investigate and settle this question? At the same time he might tell us how Canada can make a profit in her department, carrying newspapers at a less rate, and how the express companies, rich and growing richer, can underbid the Government for the same service.

If the suggestions of this remarkable committee prevail, the advertising and subscription rates of every paper in the country will have to be raised or more than half of them go out of business—and it will not be the class of papers which this committee wishes to hit that will be seriously wounded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. MCMORRAN having taken the chair as Speaker pro tempore, 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 15:

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;

H. R. 25123. An act providing for the construction of a bridge across the Mississippi River;

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; and

H. R. 22291. An act to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy.

On February 16:

H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State; and

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.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET of Indiana. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. STERLING. Mr. Chairman, on page 6 of the bill it is provided that in cities where the gross receipts are less than $50,000 the carriers may be promoted to the fourth, or $900, class. I do not think this distinction should be made between the larger and smaller cities. I propose when that part of the bill is reached to offer an amendment reducing that to $40,000. I wish to insert in the RECORD a list of the cities that will be affected by that amendment. I also wish to insert in the RECORD a statement showing the effect of the proposed law upon carriers and clerks during the first five years of the service as compared with five years in the service under the present law.

As a matter of fact, the clerks and the carriers in the cities having over 75,000 population will have no more pay for the first ten years of their service than they do under the present law. In cities where the receipts are not $50,000 the clerks and carriers in five years' service will receive $100 less under the new law than under the old law, and in cities with less than 75,000 population and with offices where gross receipts are between $50,000 and $200,000 it requires six years to work an increase under this proposed plan.

Mr. STAFFORD. Will the gentleman permit an interruption there?

Mr. STERLING. Certainly.

Mr. STAFFORD. The gentleman must certainly be in error if he believes that statement that in those cities above 75,000 population the average pay for clerks in the first ten years will not be greater in the classification that we recommend than it would be prior to the new law.

Mr. STERLING. I do not think I am in error. I will insert the statement in the RECORD and the gentleman can estimate it for himself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STERLING. I ask leave to insert these statements in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert certain statements in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STERLING. Also to insert in the RECORD an editorial clipping from a newspaper relating to salaries of employees generally, which I think every Member should consider.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The statements and clipping are as follows:

Gross annual receipts of cities between 40,000 and 50,000.

	Gross receipts.	Representative.
Arkansas:		
Hot Springs	$46,210.72	Robinson (D.).
Texarkana	40,372.88	Little (D.).
California: Berkeley	46,521.77	Knowland (R.).
Connecticut:		
Danbury	44,925.95	Hill (R.).
Middletown	40,010.54	Sperry (R.).
Florida: Pensacola	42,635.76	Larner (D.).
Idaho: Boise	43,449.59	French (R.).
Illinois:		
Cairo	42,147.20	Smith (R.).
Freeport	46,481.28	Lowden (R.).
Galesburg	46,607.67	Prince (R.).
Indiana:		
Anderson	48,346.78	Cromer (R.).
Attica	46,780.19	Landis (R.).
Iowa:		
Iowa City	41,006.40	Dawson (R.).
Marshalltown	40,654.48	Cousins (R.).
Kentucky:		
Newport	44,843.14	Rhinock (D.).
Paducah	48,647.10	James (D.).
Maryland: Cumberland	46,127.44	Pearre (R.).
Massachusetts:		
North Adams	40,305.08	Lawrence (R.).
Waltham	42,564.57	Tirrell (R.).
Michigan: Muskegon	45,384.46	Bishop (R.).
Minnesota: Mankato	40,976.25	McCleary (R).

Gross annual receipts of cities between 40,000 and 50,000—Continued.

	Gross receipts.	Representative.
Mississippi:		
Jackson	$46,832.39	Williams (D.).
Vicksburg	44,747.15	Williams (D.).
Meridan	44,564.14	Byrd (D.).
Missouri: Joplin	46,867.64	Shartel (R.).
New Jersey:		
Asbury Park	43,059.64	Howell (R.).
Bayonne	48,025.66	Wiley (R.).
Morristown	43,061.58	Fowler (R.).
New York:		
Amsterdam	41,397.46	Littauer (R.).
Flushing	46,564.92	Cocks (R.).
Geneva	41,624.23	Payne (R.).
Kingston	49,546.17	LeFevre (R.).
Mount Vernon	48,427.22	Ruppert (D.).
New Rochelle	46,813.52	Andrus (R.).
Oswego	37,526.28	Knapp (R.).
Saratoga Springs	47,647.78	Littauer (R.).
Stapleton	40,425.21	Fitzgerald (D.).
North Carolina: Asheville	41,841.30	Gudger (D.).
North Dakota: Grand Forks	41,977.75	Marshall (R.).
Ohio:		
East Liverpool	45,244.23	Kennedy (R.).
Newark	47,526.75	Smyser (R.).
Portsmouth	42,210.96	Bannon (R.).
Sandusky	40,869.95	Mouser (R.).
Pennsylvania:		
Bradford	42,219.05	Dresser (R.).
Chester	46,948.91	Butler (R.).
McKeesport	46,149.94	Dalzell (R.).
Oil City	47,077.87	Sibley (R.).
Warren	47,947.95	Acheson (R.).
Washington	40,534.92	Butler (R.).
Westchester	41,518.67	
Porto Rico: San Juan	47,587.97	Larrinaga (R.).
Vermont: Rutland	42,145.94	Foster (R.).
Virginia:		
Newport News	40,834.24	Maynard (D.).
Petersburg	40,126.92	Southall (D.).
West Virginia: Huntington	41,843.57	Hughes (R.).
Wisconsin:		
Sheboygan	40,373.02	Weisse (D.).
Superior	40,906.43	Jenkins (R.).

IN CITIES OF OVER 75,000 POPULATION.

On the proposition as proposed by the House committee a man would have to work ten years before receiving any increase—i. e., if he was appointed a regular carrier July 1, 1907—

	Present law.	Proposed law.
First year of service	$600	$600
Second year of service	800	700
Third year of service	1,000	800
Fourth year of service	1,000	900
Fifth year of service	1,000	1,000
Sixth year of service	1,000	1,100
Seventh year of service	1,000	1,100
Eighth year of service	1,000	1,100
Ninth year of service	1,000	1,100
Total salary received	8,400	8,400

Would have to work ten years before getting an increase.

In offices in cities of 75,000 population and under $50,000 gross annual receipts—

	Present law.	Proposed law.
First year of service	$600	$600
Second year of service	850	700
Third year of service	850	800
Fourth year of service	850	900
Fifth year of service	850	900
Total salary	4,000	3,900

In five years by the proposed plan a man would get $100 less.

In offices under 75,000 population, and with gross receipts between $50,000 and $200,000, a man would have to work six years before he would get any increase.

	Present law.	Proposed law.
First year of service	$600	$600
Second year of service	850	700
Third year of service	850	800
Fourth year of service	850	900
Fifth year of service	850	1,000
Total salary	4,000	4,000

The average pay of Government clerks in Washington in 1857 was $1,460.83 a year. In 1887 it was $1,348.25, or $112.58 less than it had been thirty years before. Since 1887 the average salary in the classified civil service in Washington has been reduced, until, in December, 1903, when the last figures were taken, in was $1,072, a reduction since 1887 of over 20 per cent. The average salary in the entire classified civil service, in Washington and out, is $758.23. The lowest salary paid at the establishment of the civil service, in 1883, was $1,200. This was equivalent to at least $2,000 now, with the increased cost of living.

While Congress is considering the salary question, therefore, it has an opportunity not only to do justice to itself, but to the Government clerks, who are absolutely dependent upon it for a square deal.

Mr. OVERSTREET of Indiana. I yield to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, I am sorry I am compelled to limit my remarks on this bill to a few words, and in the time at my disposal I shall only give an outline of a part of what I hope we shall do. The Department of our Government that is in closest touch with the great masses of our people is the Post-Office Department. Inefficiency in that Department is most promptly felt by our whole country. Inefficiency can only be avoided by keeping that Department upon a plane as regards its employees as high as that of business concerns employing similarly responsible workmen.

It is a notorious fact that the salaries paid to the mail carriers on rural free-delivery routes and in our cities, and to the clerks in post-offices and on mail trains are lower than the salaries paid to other workmen of equal responsibility in private enterprises. So long as this is true, one of two things must result: The employees of the Post-Office Department must perform their work at a sacrifice, because they hope for better pay and because it is difficult to disturb home and home surroundings in order to enter upon other activities, or the employees of the Post-Office Department will be compelled to accept positions of better pay as fast as opportunity affords. No matter which of these courses may be pursued a wrong must surely follow, either to the employee or to the public. In the first place, if the employee is underpaid, he is the one wronged, and our Government is big enough and great enough to deal justly by those whom it finds necessary to do its work. It should not force men and women to serve for insufficient pay merely because of the hardship attendant upon seeking a new position—hardship to self and hardship maybe to family.

On the other hand, if the employees are compelled to leave the service and take up other lines of work an injustice is done the public, by reason of poorer work that must result by the constant changing of employees and the breaking in of new help. In this connection I wish to call attention to a statement of Mr. J. R. Collins, the postmaster at Moscow, Idaho. The statement is important, because it is from the postmaster of an office the annual receipts of which are about $11,000 or $12,000 per year, and there are hundreds of offices of about this same size. They employ about four clerks, and the change of a single one is bound to produce a noticeable effect. But no matter whether the office is larger or smaller, the principle is the same. Mr. Collins says in part:

> When I took charge of this office, April 1, 1905, I succeeded in interesting several efficient persons in the work, and they took the civil-service examination and for about one year I had a very good eligible list to choose from. As soon as an appointment was made and an appointee had an opportunity to investigate the inducements offered and the chances for promotion, he began to look around for some other kind of work. I have lost four men during the past year because of the salaries paid elsewhere. The result is that this office has been a training school for young men.
>
> This works a hardship on the patrons of the office as well as myself. I would urge you to use your influence in support of any measure that will tend to give us relief. Some provision for a substantial increase in salary after one year's service would, I think, help materially.
>
> Now a word in regard to the rural carriers. When the expense of repairs on harness and cart and the care of the horses are taken into consideration (and, added to this, about $300 in equipment) $60 per month is a very small salary. I think they should have $75 per month. I would urge you to do all in your power to afford these carriers some relief.

The modifications proposed in the pending bill will work some relief. I still think the pay proposed is not sufficient.

There is another matter in this connection to which I would invite attention, and I refer to the compensation that is allowed to third and fourth class postmasters. In few of these offices is the pay sufficient.

The pay of fourth-class postmasters is based practically upon the cancellation of stamps, and, as a general thing, so far as Idaho is concerned, the keeping of the office is a public service, which the postmaster renders the community for far too little pay. Communities must have post-offices, but it is not right that the office should be maintained at a sacrifice to the community or to the postmaster, while the highly developed free-delivery mail service is maintained in the cities of our land, where the mail is brought, not once or twice a week, or even six times a week, but two or three or maybe more times a day. There is an inequality here that it would seem it is now time to correct.

Again, the fourth-class postmaster, as his work mounts up even beyond that required of a third-class office, has no relief sufficient to meet the hardship till the work, and, I may say, the hardship shall have been borne for four successive quarters.

I have in mind a post-office in my home county where the work of the last quarter almost equals the work required for an entire year of an office eligible to enter the third class, yet this office must continue as a fourth-class office for twelve months, no matter if each succeeding month adds to the hardship already imposed.

But this is not all. A hardship is imposed upon the postmasters of many third-class offices during many months prior to their eligibility to assume rank of the second class. They do not have and can not have, under the law, the clerical assistance necessary to do justice to the postmasters and to the public. We should adopt a system that will relieve the injustice that is being done both classes of postmasters I have referred to, and at the same time give to the public the efficient service which is their due. The means of relief may lie in a fairer classification or in an allowance for sufficient clerical assistance. We can provide either.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25483—the post-office appropriation bill—and had come to no resolution thereon.

BUREAU OF ANIMAL INDUSTRY.

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on Agriculture, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the operations of the Bureau of Animal Industry of the Department of Agriculture for the fiscal year ending June 30, 1906, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of the Bureau.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 16, 1907.*

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7211. An act to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo." approved March 19, 1904;

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. 6691. An act granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes; and

S. 7515. An act to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River.

REPRINT OF DOCUMENT.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent for a reprint of Senate Document No. 318 for the use of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CONVEYING GROUND IN ST. AUGUSTINE, FLA., FOR SCHOOL PURPOSES.

Mr. CAPRON. Mr. Speaker, I call up the conference report on the bill S. 1726.

The conference report and statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment, in the form of a substitute, of the House to the bill (S. 1726) entitled "An act making provision for conveying in fee the piece or strip of ground in Saint Augustine, Florida, known as 'The Lines,' for school purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

Page 1, line 4, after the word "Matanzas," insert the words "or San Sebastian."

Page 1, line 5, strike out the words "Chief of Engineers" and insert in place thereof the words "Secretary of War."

Page 1, line 9, strike out the word "city."

Page 1, line 9, after the word "instruction," insert the following words: "of Saint Johns County, Florida."

That the title of said act read as follows:

"An act making provision for conveying in fee the piece or strip of ground in Saint Augustine, Florida, known as 'The Lines,' for school purposes to the board of public instruction of Saint Johns County, Florida."

And the Senate agree to the same.

H. O. YOUNG,
ADIN B. CAPRON,
JAMES L. SLAYDEN,
Managers on the part of the House.

KNUTE NELSON,
A. J. MCLAURIN,
FRED T. DUBOIS,
Managers on the part of the Senate.

STATEMENT.

The original bill as it passed the Senate provided for the transfer of the property known as "The Lines," connected with the Fort Marion Reservation at St. Augustine, Fla., to the board of public instruction of St. Johns County, Fla., absolutely for school purposes, with a provision that said board might sell so much of the western portion of said strip as would enable the board to reclaim the eastern portion thereof. The House struck out all after the enacting clause and amended the same by the way of a substitute which provided that the Secretary of War might convey to the said board of public instruction, on condition that said board should lay and maintain a suitable drain from a point on Fort Marion Reservation to the Matanzas River to drain said reservation, so much of The Lines as he should deem sufficient for school purposes, provided that said deed shall contain a clause to the effect that when said property, or any portion thereof, ceases to be used for school purposes, so much of the same as is not so used shall revert to and become the property of the United States.

The Senate receded from its disagreement to the amendment of the House and agreed to the same with four amendments and amendment to the title.

Amendment No. 1 inserts the words "or San Sebastian" after the word "Matanzas" in line 4, on page 1, so that the drain to be built may empty either into the Matanzas or San Sebastian river.

The effect of amendment No. 2 is to provide that the drain should be approved by the Secretary of War instead of the Chief of Engineers.

Amendments 3 and 4 simply correct the proper name of the board of instruction of St. Johns County, Fla.

The change in the title is merely to make it conform to the changed character of the bill.

H. O. YOUNG,
A. B. CAPRON,
JAMES L. SLAYDEN,
Managers on the part of the House.

Mr. CAPRON. I move the adoption of the conference report.

The question was taken; and the motion was agreed to.

JOHN M'KINNON.

Mr. CAPRON. Mr. Speaker, I call up Senate concurrent resolution 48, and ask that the amendment be agreed to.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
February 16, 1907.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice-President of the United States in signing the enrolled bill (S. 1160) to correct the military record of John McKinnon, alias John Mack, be rescinded, and that in the reenrollment of the bill the word "military," in line 5 of the bill, be stricken out and the word "naval" substituted therefor; also amend the title so as to read: "An act to correct the naval record of John McKinnon, alias John Mack;" so as to correctly state the service of the beneficiary, inaccurately stated in the bill.

Mr. WILLIAMS. I want to ask the gentleman from Rhode Island whether the rapidity of his operation in the chair as Chairman of the Committee of the Whole is responsible for this little error?

Mr. CAPRON. I will say to the gentleman that this error is not due to the rapidity of the passage of the bill. The necessity for this correction was discovered after the bill was passed.

Mr. WILLIAMS. The gentleman finished his part correctly?

Mr. CAPRON. The procedure of the House was entirely correct, and this has nothing to do with its rapidity.

Mr. WILLIAMS. I am glad to hear that, because I was a little afraid that sometime a cog might slip.

Mr. CAPRON. I move the adoption of the substitute.

The Clerk read as follows:

Strike out all after the resolving clause and insert:

"That the action of the Speaker of the House and the Vice-President of the United States and the President of the Senate in signing the enrolled bill (S. 1160) to correct the military record of John McKinnon, alias John Mack be rescinded, and that in the reenrollment of the bill the words 'Secretary of War,' in line 2, be stricken out and the words 'Secretary of the Navy' be inserted; that the word 'military,' in lines 4 and 7, be stricken out and the word 'naval' inserted; also that the title be amended so as to read: 'An act to correct the naval record of John McKinnon, alias John Mack;' so as to state correctly the service of the beneficiary, inaccurately stated in the bill."

The amendment was agreed to, and the concurrent resolution as amended was adopted.

ORDER OF BUSINESS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent for the present consideration——

Mr. WILLIAMS. Monday, or some other time, I may not make any objection. I do not want to hear even what the bill is for fear I may be tempted not to object.

Mr. NORRIS. I have not made my request.

Mr. WILLIAMS. Monday or some other time I will probably not object. But we are meeting at 11 o'clock; it is now 25 minutes to 6, and Members have other work to do besides the work to be done here.

CHARLES B. SAUNDERS.

By unanimous consent, reference of the bill (S. 4008) granting an increase of pension to Charles B. Saunders was changed from the Committee on Invalid Pensions to the Committee on Pensions.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

The SPEAKER. Without objection, the bill (H. R. 25244) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes, will lie on the table.

LEAVE TO EXTEND REMARKS.

Mr. GILBERT obtained unanimous consent to extend his remarks in the RECORD on the new postal subvention bill.

LEAVE OF ABSENCE.

By unanimous consent, Mr. GILBERT of Kentucky obtained leave of absence, indefinitely, on account of continued indisposition.

WITHDRAWAL OF PAPERS.

Mr. FULKERSON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John F. Tyler (H. R. 10231, Fifty-ninth Congress), no adverse report having been made thereon.

EXTENSION OF REMARKS ON POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that gentlemen who have addressed the House upon the post-office appropriation bill, or who may in general debate hereafter address the House upon that bill, may have the privilege of extending their remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET of Indiana. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Sunday, at 12 o'clock m.

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 examination of subtreasuries and depositories—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 the Navy submitting an estimate of appropriation for the Bureau of Supplies and Accounts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a memorial of the legislature of the Chickasaw Nation concerning the conduct of their schools and requesting additional legislation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of State, transmiting, with copies of letters relating to the forthcoming international congress on the subject of hygiene and demography, a recommendation that an invitation be extended to the congress to meet in the United States in 1909 or 1910—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24118) granting to the Central Colorado Power Company a right of way over certain public lands, for irrigation and electric power plants, in the State of Colorado, reported the same with amendment, accompanied by a report (No. 7636); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 5201) to acquire certain land in the District of Columbia as an addition to Rock Creek Park, and in Hall and Elvan's subdivision of Meridian Hill for a public park, reported the same with amendment, accompanied by a report (No. 7642); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24471) to amend the laws relating to the public coal lands of the United States, reported the same with amendment, accompanied by a report (No. 7643); which said bill and report, together with the minority views, were referred to the Committee of the Whole House on the state of the Union.

Mr. BATES, from the Select Committee on Disposition of Useless Papers in the Executive Departments, submitted a report (No. 7634); which said report was referred to the House Calendar.

Mr. BONYNGE, from the Committee on Patents, to which was referred the bill of the House (H. R. 25474) to amend sections 5 and 6 of an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," reported the same without amendment, accompanied by a report (No. 7637); which said bill and report were referred to the House Calendar.

Mr. GAINES of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25611) to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River, reported the same without amendment, accompanied by a report (No. 7638); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25627) to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Armstrong County, Pa., reported the same without amendment, accompanied by a report (No. 7639); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, reported the same with amendment, accompanied by a report (No. 7641); which said bill and report, together with the minority views, were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20128) to complete the naval record of Patrick Naddy, reported the same with amendment, accompanied by a report (No. 7635); which said bill and report were referred to the Private Calendar.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 25437) to grant American registry to the German bark *Maricchen*, reported the same with amendment, accompanied by a report (No. 7640); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

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

By Mr. BARCHFELD: A bill (H. R. 25691) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 25692) to provide for an additional district judge for the northern district of California—to the Committee on the Judiciary.

By Mr. SMITH of Texas: A bill (H. R. 25693) to regulate interstate and foreign transportation by railroad companies—to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: A bill (H. R. 25694) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Arizona: A joint resolution (H. J. Res. 245) to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona—to the Committee on Claims.

By Mr. GROSVENOR: A resolution (H. Res. 843) to increase the pay of Harry Graham, attendant in charge of the bathroom—to the Committee on Accounts.

Also, a resolution (H. Res. 844) to increase the pay of Harry Graham, attendant in charge of the bathroom—to the Committee on Accounts.

By Mr. MANN: A resolution (H. Res. 845) directing the Secretary of the Interior to inform the House of Representatives of the area of the public lands belonging to the United States—to the Committee on the Public Lands.

By Mr. BURTON of Ohio: A resolution (H. Res. 849) to pay Harry West, janitor to the Committee on Rivers and Harbors, a certain sum of money—to the Committee on Accounts.

By Mr. MILLER: Memorial of the legislature of Kansas, asking for the enactment of a law pensioning the survivors of the battle of Beechers Island and their widows—to the Committee on Election of President, Vice-President, and Representatives in Congress.

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. 25695) granting an increase of pension to W. H. Gregg—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 25696) to confer jurisdiction on the Court of Claims in the case of Manuelita Swope—to the Committee on Claims.

Also, a bill (H. R. 25697) granting lands to Anna Johnson—to the Committee on the Public Lands.

By Mr. GOULDEN: A bill (H. R. 25698) for the relief of Alfred H. Miller—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 25699) for the relief of Sarah E. Cox—to the Committee on War Claims.

Also, a bill (H. R. 25700) for the relief of Mary A. Mynatt—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 25701) granting an increase of pension to Simon Chapman—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 25702) granting a pension to Edward H. Emerson—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 25703) for the relief of trustees of Lynn Creek Baptist Church, of Giles County, Tenn.—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 25704) for the relief of J. H. Gilbert—to the Committee on War Claims.

By Mr. SMITH of Texas: A bill (H. R. 25705) granting a pension to James J. Callan—to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 25706) granting an increase of pension to Miles Gary—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 various organizations of the States and the District of Columbia, against passage of the Littlefield bill—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of citizens of West Point, Ga., against reduction of the railway mail appropriation—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of Division No. 32, Order of Railway Conductors, of Meadville, Pa., for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Mary Sloat, secretary of Linesville (Pa.) Grange, against the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of S. Adeline Lathrop, against discontinuing the appropriation for the Biological Survey—to the Committee on Appropriations.

Also, petition of L. N. Cushman, of Boston, Mass., for a better fractional currency—to the Committee on Banking and Currency.

Also, petition of the governor and legislature of Massachusetts, for tariff revision—to the Committee on Ways and Means.

By Mr. GILHAMS: Petition of the Alliance of German Societies of Fort Wayne, Ind., against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of the National Convention for the Extension of the Foreign Commerce of the United States, for a dual tariff—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of Newport Typographical Union, No. 295, of Newport, R. I., for the new copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

By Mr. HEPBURN: Petition of citizens of Iowa, for the Murphy bill prohibiting sale of intoxicants on Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MARTIN: Joint resolution No. 6 of the senate of South Dakota, to make Fort Meade, S. Dak., a brigade post—to the Committee on Military Affairs.

Also, petition of Typographical Union No. 218, of Sioux Falls, S. Dak., for the new copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

By Mr. McNARY: Papers to accompany bills for relief of C. J. M. Temple and Louisa A. Barnes—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Louisa A. Barnes—to the Committee on Invalid Pensions.

Also, petition of H. B. Loud, for the Garrett bill (exchange of advertising for transportation with railways)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Frederick S. Converse, professor of music at Harvard College, and George W. Chadwick, director of the New England Conservatory of Music, Boston, for the copyright bill—to the Committee on Patents.

Also, petition of New England Division, Order of Railway Conductors, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of New England Division, No. 157, Order of Railway Conductors, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Machinists, for an appropriation of $100,000 for a foundry at the Washington Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Boston Typographical Union, No. 13, of Boston, Mass., for the new copyright bill—to the Committee on Patents.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John Dolan—to the Committee on War Claims.

By Mr. McMORRAN: Petition of citizens of Pigeon, Huron County, Mich., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of Lynn Creek Baptist Church, Giles County, Tenn.—to the Committee on War Claims.

By Mr. RIORDAN: Petition of the governor and legislature of Massachusetts, for a revision of the tariff—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, for international arbitration—to the Committee on Foreign Affairs.

By Mr. ROBERTS: Petition of citizens of Massachusetts, against any further legislation restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Eleanor Wadwell—to the Committee on War Claims.

By Mr. SCHNEEBELI: Petition of Washington Camp, No. 429, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance of the United States, against the Littlefield bill—to the Committee on the Judiciary.

By Mr. SMITH of Texas: Paper to accompany bill for relief of James J. Callan—to the Committee on Pensions.

By Mr. SMYSER: Petition of T. G. Gordon and 71 other business men of New Philadelphia, Ohio, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of the New York Board of Trade and Transportation, for national forest reserves—to the Committee on Agriculture.

Also, petition of the Chicago Real Estate Board, for an appropriation for general improvement of the Chicago River—to the Committee on Rivers and Harbors.

Also, petition of the War Veterans and Sons' Association, against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of Erving Winslow, of Boston, Mass., for granting independence to the Filipinos—to the Committee on Insular Affairs.

Also, petition of the National Wool Growers' Association of the United States, against forest reservations on land not already timbered—to the Committee on Agriculture.

Also, petition of the International Association of Machinists, for a new building for the Naval Gun Factory foundry—to the Committee on Naval Affairs.

Also, petition of the Maritime Association of the Port of New York, for enactment of bill H. R. 23714 (monument in memory of De Long and his comrades)—to the Committee on the Library.

By Mr. TAYLOR of Ohio: Petition of F. B. Sheedon, president of the Hocking Valley Railway, against a reduction of the appropriation for railway transportation of the mails—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 17, 1907.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful.

But his delight is in the law of the Lord; and in His law doth he meditate day and night.

And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper.

Our Father in heaven, once more under the dispensation of Thy providence are we met within these historic walls to pay a last tribute of respect to one who learned patience, wisdom, courage, fortitude, patriotism, and nobility of soul at the feet of our martyred Lincoln, and who served for years on the floor of this House with signal ability, and died beloved by all who knew him. Grant, O most merciful Father, that his example may be an incentive to those who knew him and to those who shall come after him to pure living and patriotic citizenship, so that when we pass from the scenes of this life men shall rise up and call us blessed.

Comfort his colleagues, friends, and kinsmen with the blessed hope of the gospel; and help us to look forward with faith and confidence to a blessed reward in some fairer life, where, with the redeemed, we shall live forever; and Thine be the praise, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE REPRESENTATIVE HITT.

Mr. LOWDEN. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. ROBERT R. HITT, late a Member of this House from the State of Illinois.

Resolved, That, as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

Mr. LOWDEN. Mr. Speaker, an old Roman once said that man was to be likened to a sentinel on duty, obliged to stay at his post until summoned hence by his commander. Perplexities might come, ill health might press him down, but he is bound, smilingly, if he can, patiently anyway, to bear the burdens of the earth until released from above. The man whose name we affectionately take upon our lips to-day, whose image is in our hearts, illustrated by his life and death this everlasting truth. More than a decade ago death was very near him, and during the time that since has intervened he knew that he was under sentence to die almost any day. And yet, never was he more useful to his country than during these years. He was, in very truth, a sentinel on guard, and serenely served his country and his time until the summons came. There is nothing which more dignifies man, which more benefits the world, than obedience to the law of service until the very end of life. The young can exhibit no triumph of mind which, in sublimity, equals that of the old man—old as the world measures age—who looks point-blank into eternity and genially and graciously helps to bear the burdens of the world. ROBERT ROBERTS HITT was fine in his splendid youth; he was finer still in his latest years. Though he knew that death had but given him truce, he lavished the best that was in him upon his country, family, and friends. He made it easier for all of us to meet old age and to meet it with a smile. Never were his perceptions keener, his charity broader, nor his affections deeper than during the very last year he walked the earth. His soul never shone more resplendent than at this time, though his feeble body was galloping to the grave. Then why shall we not believe that he survived the clay where he once abode and that we shall meet him yet again?

ROBERT ROBERTS HITT was born at Urbana, Ohio, January 16, 1834. His parents were Rev. Thomas H. Hitt and Emily John Hitt. The former was a minister of the Methodist Church. When young ROBERT was 3 years of age his parents migrated to Ogle County, Ill., and settled at Mount Morris. Thomas Hitt was described by those who knew him as a man of high character and ideals, devoted to his work. The pioneer preacher in every stage of the development of this country has borne a conspicuous part; Thomas Hitt was a fine type of his class. The mother of ROBERT was a woman of great intellectual ability and beauty of character. This is the uniform testimony of those who knew her best.

Young HITT was educated at Rock River Seminary and at De Pauw University. During his college course he grew deeply interested in the stenographic art and became a very accomplished shorthand reporter. He preserved to history the Lincoln-Douglas debates of fifty-eight, and it is said that Mr. Lincoln never arose to speak during that epoch-making time until he had assured himself that "BOB" HITT was present and at his post. To us of Illinois he seemed the closest link between the martyred Lincoln and the times we call our own. The confidence in and friendship for HITT which Lincoln cherished, the reverence which HITT felt for Lincoln, who once was ours and now belongs to the world, made Lincoln seem very near to us indeed.

Mr. HITT was first secretary of legation at Paris from 1874 to 1881 and chargé d'affaires a part of that time. He was First Assistant Secretary of State under Blaine during Garfield's Administration. He was elected to Congress from the old Ninth Illinois district in 1882, and served continuously until the time of his death, September 20, 1906. He became chairman of the Committee on Foreign Affairs at the beginning of the Fifty-first Congress. He was appointed in July, 1898, by President McKinley, member of the commission to establish government in the Sandwich Islands. During the last years of his life he was also Regent of the Smithsonian Institution.

Mr. HITT was married in 1874 to Miss Sallie Reynolds, a lady of great beauty, charm of manner, and cultivation of mind, who, with two sons, Reynolds and William F., survive him.

His home was a happy one. Those who were privileged to enter it found culture and hospitality so graciously interwoven that every visit there produced a delightful memory.

Of Mr. HITT's career in Congress, his old colleagues in this House are better fitted than I to speak. I may be permitted, however, to say that the people of our district were proud of his achievements and knew that his counsel was of infinite value to the nation. In every crisis in our foreign affairs we turned confidently to Washington, for we knew that the wise, just, patient statesman we had sent you would be heard.

He was the soul of honor, and simplicity was the dominant quality of his mind and heart. Elaborate logic, too much refined, will miss the goal, where simple, unpretentious directness will win. This simplicity of which I speak was never more marked than in his public utterances. There are two kinds of speeches—one intended to show the marvelous mental machinery of the orator, the other to elucidate the simple truth from out a complex mass of facts. Mr. HITT's method was the latter.

Genial and gentle, he was the most lovable of friends. The