bia (H. R. 16482)—to the Committee on the District of Columbia.

By Mr. KNAPP: Petition of Mexico Legion, No. 445, against the passage of the bill to amend and codify the statutes relating to classification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of the American Federation of Trades Unions, of York, Pa., indorsing the copyright bill—to the Committee on Patents.

By Mr. LINDSAY: Petition of the Trades League of Philadelphia, for bill S. 6923 (1-cent letter postage)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the International Association of Master House Painters and Decorators of the United States and Canada, for district attorneys to investigate illegal acts of labor organizations—to the Committee on Labor.

By Mr. LORIMER: Petition of E. M. Wright, favoring the Murphy bill limiting the hours of service of railway telegraph operators to eight hours—to the Committee on Interstate and Foreign Commerce.

Also, petition of G. Kunaupt, for the Murphy House bill limiting the hours of service of railway telegraph operators—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Papers to accompany bill for relief of James B. David—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of citizens of Oakes, Dickey County, N. Dak., and citizens of Hoffiund, Williams County, N. Dak., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Resolution of E. D. Baker Post, No. 8, Grand Army of Republic, appreciative of the passage of the service-pension law—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of Frankfort Legion, No. 707, against the bill to amend and codify the statutes relating to the classification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of the Chamber of Commerce of New Haven, Conn., for uniform laws relating to bills of lading—to the Committee on the Judiciary.

By Mr. REYBURN: Petition of the Moyer, Haywood, and Pettibone Protest Conference of Philadelphia, against the injustice of the prosecution of Moyer, Haywood, and Pettibone—to the Committee on the Judiciary.

By Mr. RUCKER: Petition of citizens of Hale, Mo., against the injustice of legal procedure in cases of Haywood, Pettibone, et al.—to the Committee on the Judiciary.

Also, petition of citizens of Green City, Mo., for the Beveridge-Parsons bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *March 2, 1907.*

The Senate met at 11 o'clock a. m.

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.

SALARIES OF DISTRICT JUDGES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Attorney-General submitting an estimate of appropriation for inclusion in the general deficiency appropriation bill for payment of salaries of district judges for the northern district of Alabama, the southern district of Ohio, and the district of Nebraska; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in each of the following causes, which causes were referred to the court by the resolution of the Senate under the act of March 3, 1887, known as the "Tucker Act:"

In the cause of S. A. Bates, administrator of Walter Shirley, deceased, *v.* The United States;

In the cause of Sarah Jane Bellah, executrix of the estate of James W. Bellah, deceased, *v.* The United States;

In the cause of Samuel R. Barton, administrator of the estate of Stephen Barton, deceased, *v.* The United States;

In the cause of Samuel R. Barton, in his own right, *v.* The United States;

In the cause of J. R. Barclay, administrator of Henry Ingram, deceased, *v.* The United States;

In the cause of Adelaide Dillon, administratrix of William Dillon, deceased, *v.* The United States;

In the cause of Ernest Bragazzi, residuary legatee of Nicholas White, deceased, *v.* The United States;

In the cause of Jefferson Dickerson *v.* The United States;

In the cause of Anna M. Anderson and Charles L. G. Anderson, executors of George W. Anderson, deceased, *v.* The United States;

In the cause of William Stilman, administrator of George Denny, deceased, *v.* The United States;

In the cause of Margaret J. Gillespie, administratrix of the estate of John C. Gillespie, deceased, *v.* The United States; and

In the cause of Corning & Co. *v.* The United States.

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

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of sundry cases referred to the court by resolution of the Senate under the act of March 3, 1887, which cases were dismissed for want of prosecution on the dates therein set out; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of claims sent to the court by resolution of the Senate under the act of March 3, 1887, and dismissed on motion of the Assistant Attorney-General on the date set opposite the names of each of the claimants:

In the cause of Montgomery Patton *v.* The United States, February 6, 1906; and

In the cause of Thomas Smith *v.* The United States, January 16, 1905.

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

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of sundry cases referred to the court by resolution of the Senate of March 3, 1887, which were dismissed for want of jurisdiction, on the dates therein set out; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

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

S. 8303. An act to establish the Foundation for the Promotion of Industrial Peace; and

S. 8540. An act to ratify a certain lease with the Seneca Nation of Indians.

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

S. 529. An act to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage;

S. 6704. An act to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905; and

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.

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

H. R. 3268. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

H. R. 10305. An act to provide for the repayment of certain customs dues;

H. R. 19500. An act for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph S. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin; and

H. R. 24816. An act to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by the mix-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ture with suitable denaturing materials," approved June 7, 1906.

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

H. R. 25692. An act to provide for an additional district judge for the northern district of California; and

H. R. 25851. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes.

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 amendment of the House to the bill (S. 7840) granting an increase of pension to Lewis A. Towne.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MILLER, Mr. WALDO, and Mr. BEALL of Texas managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23650) to quiet titles to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARSHALL, Mr. BURKE of South Dakota, and Mr. ZENOR managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the following bills:

S. 8572. An act permitting the building of a dam across the Savannah River at Andersonville shoals;

S. 8581. An act permitting the building of a dam across the Savannah River at Trotters shoals;

S. 8583. An act permitting the building of a dam across the Savannah River at Calhoun Falls;

S. 8584. An act permitting the building of a dam across the Savannah River at Hattons Ford; and

H. R. 3518. An act for the relief of Copiah County, Miss.

ENROLLED BILLS SIGNED.

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

H. R. 6104. An act to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails;

H. R. 8984. An act to amend the laws governing labor or improvements upon mining claims in Alaska;

H. R. 11040. An act to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys;

H. R. 15909. An act for the relief of the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the U. S. Army transport *Meade;*

H. R. 19275. An act for the relief of T. E. Boyt;

H. R. 20128. An act to complete the naval record of Patrick Naddy;

H. R. 23630. An act authorizing the President to nominate and appoint Birchie O. Mahaffey, John A. Cleveland, and Traugett F. Keller as second lieutenants in the United States Army;

H. R. 24122. An act in reference to the expatriation of citizens and their protection abroad;

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

H. R. 24991. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 25630. An act to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906;

H. R. 25738. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River;

H. R. 25846. An act permitting the building of a dam across the Savannah River at Calhoun Falls;

H. R. 25847. An act permitting the building of a dam across the Savannah River at Hattons Ford;

H. R. 25848. An act permitting the building of a dam across the Savannah River at Andersonville shoals;

H. R. 25850. An act permitting the building of a dam across the Savannah River at Trotters shoals;

H. J. Res. 31. Joint resolution authorizing the wearing of the distinctive badge adopted by the Army and Navy Union upon all occasions of ceremony; and

H. J. Res. 240. Joint resolution to create a joint committee to consider the revision and codification of the laws of the United States.

HOUSE BILLS REFERRED.

Mr. ALLISON. I ask that the general deficiency appropriation bill may be laid before the Senate and referred to the Committee on Appropriations.

The VICE-PRESIDENT. The Chair lays before the Senate bills from the House of Representatives for reference.

The bill (H. R. 25851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 25692) to provide for an additional district judge for the northern district of California was read twice by its title.

Mr. PERKINS. I ask that the bill may lie on the table for the present.

The VICE-PRESIDENT. Without objection, the bill will lie on the table.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution, in the nature of a telegram, of the legislature of the State of Washington; which was ordered to lie on the table and be printed in the RECORD, as follows:

OLYMPIA, WASH., *March 1, 1907.*

The PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.:

I have the honor to transmit herewith copy of joint resolution adopted this date by the Washington State legislature, Washington State senate joint resolution No. 5, by Senator Piper:

Whereas an international exposition to be known as the "Alaskan-Yukon Pacific Exposition" will be held at the city of Seattle, Wash., from June 1 to October 15, 1909.

Whereas the primary purposes of said exposition are: (1) To demonstrate the vast and constantly increasing importance of the commerce of the Pacific Ocean countries in North America, South America, Asia, and Oceania. (2) To bring to the notice of the world the resources and potentialities of the Alaska and Yukon territories of the United States and the Dominion of Canada. (3) To demonstrate the marvelous progress of western America.

Whereas all lines of American manufacture and production would be vastly benefited by enlarged trade relations between the United States and the Pacific Ocean countries, as markets which now buy little or nothing from us would be opened to our commodities; our dealings with Pacific Ocean customers, particularly with those living in Asia and Oceania, would be facilitated if our operators possessed more intimate knowledge of economic conditions in the Pacific Ocean countries, the lack of which knowledge has been emphasized in the consular reports of the United States covering a long period of years;

Whereas the territory of Alaska, if supplied with adequate rail transportation and developed to the same degree that Finland is, would support through agriculture alone a population of 5,000,000;

Whereas no exposition has ever been held in the United States having for one of its main objects the promotion of Pacific commerce and the advancement of the trade of the United States with Pacific Ocean countries;

Resolved, That the Government of the United States be, and is hereby, invited to encourage the holding of said exposition by exhibiting from its Executive Departments, the Smithsonian Institution, the National Museum, and the Library of Congress such articles and material as illustrate the functions and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; that the Government of the United States is also invited to aid the inhabitants of the Territory of Alaska, the Territory of Hawaii, and the Philippine Islands in providing and maintaining appropriate and creditable exhibits of their products and resources at said exposition.

Resolved, That the States and Territories of the United States of America be, and they are hereby, invited to participate in said exposition by making exhibits of their arts, sciences, and industries, and by the erection of State buildings.

Resolved further, That the secretary of the senate is hereby authorized and directed to transmit by telegraph a certified copy of this resolution to the Senate and House of Representatives of the Congress of the United States and to mail copy to the governors of each State and Territory of the Union. The foregoing is certified to be a true copy of senate joint resolution No. 5, adopted by the Washington state legislature March, 1907. (Signed by J. W. Lysons, secretary of the Washington State senate.

J. W. LYSONS,
Secretary of the Washington State Senate.

The VICE-PRESIDENT presented petitions, in the nature of telegrams, from sundry telegraph operators of Rivervale, Ind.; Watseka, Ill.; Quitman, Miss.; Riverton, Ala.; Middleton, Tenn., and Troy, Ohio, praying for the adoption of an amendment to the so-called "sixteen-hour bill," relating to railroad employees and telegraph operators; which were ordered to lie on the table.

Mr. FRYE presented a memorial of sundry citizens of Somerset County, Me., 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. BURNHAM presented a petition of J. A. Reed and N. Bourque, of Windham Junction, and of W. H. Meserve and 28 other citizens of Penacock, all in the State of New Hampshire, praying for the enactment of legislation to limit the hours of employment of railroad employees and telegraph operators; which was ordered to lie on the table.

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

Mr. WETMORE presented a memorial of Providence Legion, No. 1704, National Protective Legion, of Providence, R. I., remonstrating against any reclassification of second-class mail matter as will increase the postal charges for carrying the publications of benevolent and fraternal societies; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of T. Ray, of East Greenwich; J. J. Callahan, of East Greenwich; W. Hall, M. C. Sipple, E. T. Gardner, J. R. Maxwell, and G. W. Brackett, of Providence; T. F. Fox, of Warren; George E. Joslin, of Providence; J. E. Dixon, S. E. Boardman, H. G. Buchanan, and J. W. Touhy, of Providence; E. M. Locke, of Bradford, and A. L. Kenyon, of East Greenwich, all in the State of Rhode Island, praying for the enactment of legislation to limit the hours of employment of railroad telegraphers to nine hours; which were ordered to lie on the table.

Mr. BURROWS. I present sundry telegrams of telegraph operators in the State of Michigan, relative to the eight-hour bill. I ask that the telegrams be noted in the RECORD and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows:

From L. D. Bissell, H. Wilkins, M. Walton, and E. Taylor, of Mount Pleasant, Mich.; from O. M. Mullen, of Lansing, Mich.; from H. H. Bartlett and O. E. Gilbert, of Mackinaw City, Mich.; from Messrs. Rourke and Northrop, of Rives Junction, Mich.; from Messrs. Lewis and Wilson, of Middlesville, Mich.; from S. O. F. Foster, E. Vargason, and Oscar Pettit, of Otter Lake, Mich.; from Messrs. Marshall and Healy, of Nashville, Mich.; from Charles Rafferty and S. O. Flood, of Bay City, Mich.; from A. O. Bourassa and W. H. Crecine, of West Branch, Mich.; from S. W. C. Banfield, F. H. Lee, J. H. Taylor, of Wixom, Mich.; from E. E. Warner, of Irving, Mich.; from Messrs. Lewis and McIntyre, of Eaton Rapids, Mich.; from S. Laley and E. S. Woods, of West Branch, Mich.; from Messrs. Lueberhorst, Berry, and Berry, of Bay City, Mich.; from C. H. Kaiser and L. Ruppert, of Pinconning, Mich.; from L. V. Whitney and G. H. Robertson, of Bay City, Mich.; from D. C. and C. E. Honey, of Standish, Mich.; from C. I. Thompson and C. J. Deidrich, of Vassar, Mich.; from Albert Miller, M. Fohey, F. Hutchingan, F. Beatty, G. Grable, F. Jones, Clifford Marsh, F. Hanson, George Mitts, J. Wright, P. Townsend, Harry Marks, H. Quackenbush, J. Holiday, R. Smith, W. Young, John Ditton, and Fred. Novare, of Detroit, Mich.; from C. R. Cany and M. J. Granger, of Lansing, Mich.; from G. A. Needham, C. E. Carpenter, H. M. Sargent, W. A. McTaggart, of Owosso, Mich.; Judge Nelson Sharpe and B. Bennett, of West Branch, Mich.; from Frank B. Fangboner, Thomas R. Hodson, and Daniel Odea, of Rochester, Mich.; from J. C. Ryan, of Daily, Mich.; from G. C. Gillespie, G. W. Shoupe, J. C. Gessell, A. Hamilton, Claude Halfrisch, L. N. Burr, of Orien, Mich., and of G. W. Hagle, of Thomas, Mich.; from A. M. Beekman, of Charlotte, Mich.; from C. W. Pierce, of Marengo, Mich.; from F. F. Perry, J. W. McNamee, E. C. West, E. L. Bryant, and J. B. Ide, of Lakeland, Mich.; L. W. Kirkpatrick, A. S. Williams, E. E. Albertson, N. P. Morse, R. P. McDonald, D. W. Brown, C. A. Schoemaker, A. P. Mills, C. Calkins, Glenn Blackmore, and W. Rogers, of Unionville, Mich.; from Fred Stephenson and Mora Taylor, of Matamora, Mich., and C. A. Smith, of Hunters Creek, Mich.; from H. M. Garrison, of Holt, Mich.; from C. A. Campbell and M. K. Campbell, of Mason, Mich.; from C. H. Swan, H. W. Robinson, and S. E. Marsh, of Cheboygan, Mich.; from E. J. Bennett, F. G. Wicks, O. K. Benner, M. S. Hatch, V. C. Vise, F. A. Barrett, L. G. McMurray, G. H. Moulton, and G. E. Emerson, of Niles, Mich.; and from the chairman of the Calhoun County Republican committee, of Marshall, Mich.

Mr. BURROWS presented a memorial of sundry citizens of Rose City, Mich., and a petition of sundry citizens of Michigan, 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 Shipmasters' Association of Detroit, Mich., praying for the enactment of legislation providing for a retired list of officers and men in the Life-Saving Service; which was referred to the Committee on Commerce.

He also presented a memorial of Detroit Camp, No. 10, United Spanish War Veterans, of Detroit, Mich., remonstrating against the discontinuance of the United States pension agency at that city; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Coldwater, Lawton, Garfield Township, Lansing, Van Buren, and Leslie, all in the State of Michigan, 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 petitions of sundry citizens of Detroit, Midland, Chatham, Brooklyn, Marion City, and Birmingham, all in the State of Michigan, praying for the adoption of certain amendments to the service-pension law approved February 6, 1907; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Ludington, Detroit, Bay City, Grand Rapids, and Wyandotte, all in the State of Michigan, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

Mr. PERKINS presented petitions of sundry citizens of Upland, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PERKINS (for Mr. FLINT) presented petitions of sundry citizens of Highland, San Pedro, and Orange, 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. FULTON. I present a concurrent resolution of the legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

The concurrent resolution was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

United States of America, State of Oregon, office of the secretary of state.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that the annexed page contains a full, true, and complete copy of senate concurrent resolution No. 22, adopted by the senate of the State of Oregon February 19, 1907, and by the house of representatives of the State of Oregon February 20, 1907, original of which resolution was filed in this office February 21, 1907.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 21st day of February, A. D. 1907.

[SEAL.]

F. W. BENSON,
Secretary of State.

Senate concurrent resolution No. 22, relating to national reciprocal demurrage.

Whereas the principle and practice of reciprocal demurrage have proven to be essentially fair in States that have enacted legislation requiring reciprocal demurrage on interstate business; and

Whereas the principle and practice of reciprocal demurrage should be incorporated in national legislation to cover interstate business; and

Whereas recommendations have been made by representatives of large commercial and shipping interests to the President of the United States, to Congress, and to the Interstate Commerce Commission that the Interstate Commerce Commission be given authority by an act of Congress to apply the principle and practice of reciprocal demurrage to transportation and shipping on interstate business: Therefore, be it

Resolved by the senate (the house of representatives concurring), The legislative assembly of the State of Oregon hereby indorses the recommendation that Congress do enact at the pending session a law granting and conferring upon the Interstate Commerce Commission authority to make rules and regulations for reciprocal demurrage on interstate business; and be it further

Resolved, That the secretary of state be, and he hereby is, instructed to transmit to the President of the United States and to the clerks of the Senate and House of Representatives of the Congress of the United States a copy of this resolution.

Concurred in by the House February 20, 1907.

FRANK DAVEY, *Speaker.*

Adopted by the Senate February 19, 1907.

E. W. HAINES, *President.*

Senate concurrent resolution No. 22.

FRANK S. GRANT, *Chief Clerk.*

Filed February 21, 1907.

F. W. BENSON, *Secretary of State.*

Mr. CULLOM presented petitions of sundry citizens of Illinois, praying for the adoption of an amendment to the service-pension law, approved February 6, 1907, providing for an allowance of attorneys' fees; which were referred to the Committee on Pensions.

Mr. WARREN. I present sundry telegrams of telegraph operators in the State of Wyoming, relative to the eight-hour bill. I ask that the telegrams be noted in the RECORD, and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows: From F. V. Marsh, of Wolton, Wyo.; from E. L. Stump, of Denver, Colo.; from Mr. and Mrs. McYantis, of Hanna, Wyo.; from Mr. and Mrs. T. R. Grimshaw and O. Selland, of Rock Springs, Wyo.; from J. W. Knightlinger, C. H. Carlson, Henry Didlake, J. M. Small, R. D. Handiboe, and H. H. Miles, of Rawlins, Wyo.; from W. B. Ross, C. L. Carlson, E. D. Gerrons, J. B. Dales, C. W. Foss, and S. D. Irwin, of Cheyenne, Wyo.; F. F. Tighe, of Rock River, Wyo.; W. H. Seibert, of Bosler, Wyo.; J. T. Brackley and L. E. Kein, of Dana, Wyo.; S. R. B. Stuart, A. E. Greyson, H. E. Brown, R. L. Beyer, E. G. Buck, and Charles Moore, of Cheyenne, Wyo.; from W. E. Fuller, of Medicine Bow, Wyo.; from Mr. and Mrs. H. H. Norton, of Lookout, Wyo.; from C. Z. Harriman, of Medicine Bow, Wyo.; from W. C. Simmons, C. A. Hansen, and O. O. Shields, of Walcott, Wyo.; from N. J. Welty, of Howell, Wyo.; from T. E. Alsup, of Norwood, Mo.; Cronberg Brothers, S. W. Johnson, Ed. Walters, of Medicine Bow, Wyo.; P. R. Thomas, of Grenville, Wyo.; W. J. Curtis, of Rock River, Wyo.; H. C. Kelsey and A. C. Canny, of Buford, Wyo.; from C. A. Mercer, of Gillette, Wyo.; from G. W. Stone, of Ridge, Wyo., and from Mr. and Mrs. S. E. Tolliver, of Medicine Bow. Wyo.

Mr. WARREN presented a petition of the Commercial Club of Wheatland, Wyo., praying for the enactment of legislation providing that the grazing lands in Wyoming shall be leased under proper regulations; which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation providing for a uniform system of bills of lading; which was referred to the Committee on Interstate Commerce.

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

He also presented a petition of sundry citizens of Menard and Kimball counties, in the State of Texas, praying for the enactment of legislation providing for the limitation of future speculation in farm products; which was referred to the Commitee on Agriculture and Forestry.

Mr. HOPKINS. I present sundry telegrams of telegraph operators in the State of Illinois, relative to the eight-hour bill. I ask that the telegrams be noted in the RECORD, and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows: From C. N. Miller, T. B. Welsh, M. H. Grorg, W. H. Adams, N. H. Burton, F. E. Anxier, and G. W. Mertz, of Ashley, Ill.; K. H. Donner, S. D. Rowe, A. R. Mead, and M. E. Wilcox, of Apple River, Ill.; C. W. Parkins, W. R. Birce, James Hansberry, and V. C. Conklin, of Council Hill, Ill.; G. R. Stewart, of Chicago, Ill.; from R. A. Bandy, of Deerfield, Ill.; E. V. Kinzy, C. R. Martin and J. E. Flack, of Colchester, Ill.; from George C. Cannon, of Ropalu, Ill.; from Charles Lund, F. K. Kline, and John Foster, of Abingdon, Ill.; from B. H. Waters, J. J. McAndrews, and James F. German, of Riverton, Ill.; from G. R. Hankins, of Stockdale, Ill.; from R. L. Shannon, of Anna, Ill.; from Rad. Burnett, F. G. Alexander, and J. F. Ormsby, of Anna, Ill.; from W. C. Webster, of Claremont, Ill.; from John Ostendorff, F. G. Handley, T. J. Fentress, J. W. Wells, J. R. Kane, M. P. Gallagher, J. Brown, A. E. Griffin, E. V. Estabrook, O. L. Groff, and M. F. Houlahan, of East Dubuque, Ill.; from E. B. Huntington, J. L. Phelps, J. C. Whitaker, L. Goding, M. G. Stout, S. J. Woodward, E. H. Roe, T. E. Davis, and J. H. McCualiffe, of Carbondale, Ill., and from John Chassells, of Salem, Ill.

Mr. HOPKINS presented memorials of 55 old soldiers of Chicago, Ill., remonstrating against the provision in the service-pension law approved February 6, 1907, prohibiting pension agents from collecting a fee for services rendered to old soldiers under that law; which were referred to the Committee on Pensions.

He also presented a petition from the Moline Plow Company, of Moline, Ill., praying for the establishment of an immigration station at New Orleans, La.; which was ordered to lie on the table.

Mr. McENERY. I present sundry telegrams from telegraph operators in the State of Louisiana. I ask that the telegrams be noted in the RECORD and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows: From Leopold De Jan, P. T. Blackshear, Jonas Roos, A. D. Hokell, J. L. Wilson, P. Hosslin, P. A. Sandoz, W. V. Larcade, D. Roos, A. M. Pratter, T. W. Childs, J. Hugh Walker, Louis Halpsen, K. S. Jacobs, A. R. Morhinvon, G. E. Sandos, Leon S. Haas, T. O. Toder, J. R. Robin, J. E. Pitre, M. L. Chachere, M. Winsberg, F. B. Richard, James J. Bailey, R. V. Miles, A. Iztet Stigg, M. P. Stagg, A. S. Jones, B. H. Pavy, Judge E. T. Lewis, H. H. Sandoz, W. J. Sandoz, Robert Chachert, L. Simon, A. D. Shotwell, Albert Clary, C. T. Bienva, H. K. Roumain, J. E. Shune, Aaron Jacobs, R. L. Wiggins, C. P. Richard, R. A. Guider, J. R. Pavy, Eugene L. Gerde, Allen Sandoz, C. P. Dunbar, Ira W. Sylvester, Beatty Smith, A. J. Isaacks, I. Isaac, F. G. Chachere, L. S. Isaacs, B. Bennett, J. O. Appel, L. J. Dossman, D. M. Fontenot, C. F. Bailey, R. Lee Garland, M. A. Fields, F. Cliff Allen, H. L. Estorge, A. S. Simpson, and Messrs. Borther and Crawford, of Opelousas, La.; from G. R. Pattison and B. A. Marshall, of Gloster, La.; from T. W. Powers, of Forest, La.; from Sam Wilkinson, W. L. Myers, A. W. Miller, W. Brown, Ed. Dunning, James Cranberry, P. Cameron, George Muller, C. J. Davis, S. Holt, C. W. Floyd, Charles Thompson, C. L. Fisher, Ed. Bordages, Walter Robertson, John Miller, F. Cummings, George Stewart, I. L. Cooper, T. Garth, and J. L. Youngblood, of New Orleans, La.; from F. B. Perkins, of Torras, La.; from Mr. Ashly, of White Castle, La.; from C. A. Douglas, of Lettsworth, La.; from H. J. Smith and G. Trichel, of Cypress, La.; from W. S. Rheams, C. W. Floy, and J. F. Brown, of Kenner, La.

Mr. KITTREDGE. I present sundry telegrams from telegraph operators in the State of South Dakota. I ask that the telegrams be noted in the RECORD and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows: From F. B. Dantry, H. C. Dunham, and C. H. Tinkham, of Desmet, S. Dak., and from Boylan, Scholes, Hoffman, Brown, Blanchard, Floete, Carlon, Beardsley, Schroeder, and McKinnon, of Armour, S. Dak.

Mr. LODGE presented a petition of the International Association of Master House Painters and Decorators of the United States and Canada, praying for an investigation of illegal organizations of labor in restraint of trade and interstate commerce; which was referred to the Committee on Interstate Commerce.

Mr. WARNER presented the petition of Mrs. Litha G. Sholley, of Missouri, praying that she be granted a pension of $12 a month because of her services as an army nurse in the civil war; which was referred to the Committee on Pensions.

Mr. DEPEW presented a memorial of sundry citizens of Lockport, 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 sundry citizens of Utica and Brooklyn, in the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, Oneonta, Franklin, Gaines, Hornell, Plattsburg, Watertown, and Seward, 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. ANKENY presented a petition of the Lumber Manufacturers' Joint Committee, of Seattle, Wash., praying for the enactment of a reciprocal-demurrage law; which was referred to the Committee on Interstate Commerce.

Mr. KNOX presented petitions of sundry citizens of South Abington and of the congregation of the East End Presbyterian Church, of Pittsburg, all in the State of Pennsylvania, 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 petitions of Local Division No. 108, Order of Railroad Telegraphers, of Elkland; Order of Railroad Telegraphers of Pittsburg; C. R. Carty, of Bristol; J. E. Shaver, of Erie; W. J. Jones, of Erie; sundry telegraphers of Titusville, Sunbury, and Priceburg; P. J. Doohr, of Spartansburg; P. J. Barrett, of Spartansburg; sundry telegraphers of Emporium;

Division No. 92, Order of Railroad Telegraphers, of Dubois; H. S. Palmer, of Centerville; M. A. Nach, of Centerville; C. H. Cook, of Erie; F. T. Conners, of Erie; Rev. W. H. Lesler, of West Alexander; C. F. Mann, of Coraopolis; C. W. McCauley, of McKees Rocks; H. M. Michael, of Quakake; A. F. Wallaner, of Quakake; J. G. Gurtner, of Sunbury; D. McDonnell, of Union City; F. B. Burt, of Union City; W. D. Hile, of Sunbury; Frank Bucher, of Sunbury; A. W. Yeager, of Sunbury; H. A. Schoffstall, of Sunbury; D. M. Campsey, of Claysville; C. H. Kimberling, of Taylorstown; J. A. Ives, of Ernest; M. J. Harrington, of Creekside; C. R. Caty, of Bristol; John L. Franks, of Altoona; T. H. Dougherty, of Driftwood; Frank Cipperly, of Pittston; F. D. Lyman, of Conneaut Lake; sundry telegraphers of Montgomery; H. W. Kach, of Milton; A. K. Ranck, of Milton; L. V. Thayer, of Atlantic; of sundry telegraphers, Punxsutawney; E. W. Hershy, of Homestead; D. C. Barman, of Pittsburg; A. P. Blair, of East Bradford; H. K. Klingensmith, of Pittsburg; Rev. Thomas Boyle, of Pittsburg; C. E. Tomlinson, of West Alexander; Will Carr, of West Alexander; J. W. Sampson, of Priceburg; L. Davis, of West Alexander; Harry Cope, of Northumberland; Homer Dauberman, of Northumberland; of sundry telegraphers of Elgin; L. D. Jacobs, of Elkland; H. C. Wigton, of Branchton; of sundry citizens of Pittston; Thomas Hefferman, of Wilkes-Barre; of sundry citizens of Greenville; P. L. McCrea, of Eagle Rock; H. G. Greer, of Eagle Rock; S. M. Bell, of West Alexander; J. F. Sullivan, of Driftwood; O. H. McKinney, of Coraopolis; G. W. Schnably, of Coraopolis, all in the State of Pennsylvania, praying for the enactment of legislation limiting the hours of service of railroad telegraphers; which were ordered to lie on the table.

He also presented petitions of Local Branch No. 45, Glass Bottle Blowers' Association, of Allentown; Branch 115, Glass Bottle Blowers' Association; of Point Marion; Lodge No. 46, Amalgamated Association of Iron, Steel, and Tin Workers, of Hyde; Branch No. 1, Glass Bottle Blowers' Association, of Pittsburg; Branch No. 72, Glass Bottle Blowers' Association, of Smethport; Local Union No. 93, United Garment Workers of America, of Erie; Local Union No. 51, United Garment Workers of America, of Pittsburg, and Local Union No. 28, Travelers' Goods and Leather Novelty Workers' International Union of America, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and manufactures; which were referred to the Committee on Education and Labor.

Mr. DICK. I present sundry telegrams of telegraph operators in the State of Ohio, relative to the eight-hour bill. I ask that the telegrams be noted in the RECORD and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows:

From Davis, Winchell, Fletcher, Summers, Edson, Erskine, Brubaker, Slausburger, Scott, Hostetter, Baker, and Gage, operators, of Montpelier; from F. E. Everett, of Wellston; from W. W. Wires and Charles Middleton, of Cozaddale; from F. E. Dean, of Carthage; from J. F. McKenna, of Wren; from J. P. Rankin, of Ironton; from Lester Sims, of Wellston; from L. L. Crider and O. K. Cecil, of Middletown; from E. N. Vanetta, of Newark; from O. C. Borden and J. E. Cook, of Leesburg; from W. H. Husted, of Richwood; from A. R. Moore, secretary, of Chicago Junction; from R. A. Mason, of Chicago Junction; from F. B. Elliso, of Latty; from J. W. Redman and L. V. Stipp, of Fostoria; from Hazelton and Zimmerman, of Colby; from L. T. Agnew, of Oakwood; from Eugene F. Stenger, of Miamisburg; from H. R. Kist, of Euclid; from W. H. Owens, of Warren; from C. A. Hedeen, of Bellevue; from A. F. Hixon, of Bellevue; from F. W. Rumple, of Bellevue; from H. E. Girard, of Ohio City; from Kirkwood, of Kirkwood; from C. A. Shubert, of Mansfield; from C. F. Pickers and A. B. Hopping, of North Bend; from J. A. Jones, of McGuffey; from O. B. Shannon, C. P. Ellison, and P. F. Adams, of Akron; from C. N. Aldrich, of Erie Depot; from Myers, Anderson, Humphrey, and Hadley, of Plymouth; from Cahoon, Shiner, Taylor, Conderton, and Smith, of Silver Creek; from A. W. Morrow, of Muessellman; from F. L. Shoemaker, of Jackson; from H. N. Gowen, of Wellston; from John Tynan, John Smith, Walter Pfeifer, Harry Young, Walter Robins, Charles Sechrist, John Ickers, Charles Heinlen, Martin Burke, of Marion; from Hall, Christopher, Steele, and Dean, of Winston Place; from W. E. Swoveland, of Glenmore; from George Smith, of Lynchburg; from Joe Reed, of Miamisburg; from O. A. Faust, of Plymouth; from J. R. Elliott, P. D. Way, E. B. Mushrush, J. H. Shanly, H. Haines, and R. E. Hoard, of Kent; from F. E. Wise and A. J. Oxender, of Polk; from C. W. McCoppin and E. Bartram, of Owega; from J. J. Dorshem, of Kemp; from J. B. Taft and Fred Sprague, of Braceville; from J. Oglesbee and C. F. Vermillion, of Foraker; from W. Dedgar and C. O. Roberts, of Nankin; from W. S. Burton, of Martel; from J. E. Cyphers, of Martel; from I. S. Jones, of Saybrook; from George Apel, Charles Brown, and Denver Young, of Franklin Furnace; from F. H. Bolhagen, F. J. Kelley, O. H. Drewett, G. Robinett, C. H. Stedwell, J. J. Brown, R. D. Waddell, F. P. Marshall, C. J. Stedwell, H. O. Wiltz, R. A. Sinclair, C. E. Benjamin, J. N. Curtiss, C. D. Teffingwell, E. J. Parrish, J. B. Conners, and A. E. Giddins; from O. C. Knight, of Peebles; from B. E. Miller, A. E. Drennen, and E. D. Curtis, of Medina County; from C. E. Burton, J. C. Woodruff, R. W. Wight, G. A. Zahnke, J. R. Woodring, H. A. Niswanger, P. H. Keane, J. T. Beares, and C. R. Curran, of Oak Harbor; from P. G. Dowler, of Vigo; from A. R. Moore, of Chicago Junction; from P. E. Jackson, Z. Volk, and H. J. McElroy, of Cincinnati; from J. E. Purney, of Huron; from J. A. Anderson, of Old Fort Station; from F. C. Hanes, of Euclid; from R. H. Fields, W. E. Cecil, M. W. Hoag, J. B. Devinney, Marvin, and Dennis, of Lodi; from Elmer Reny, of Sherwood; from C. H. Russell, of Oakwood; from C. W. Hudson, of Payne; from Charles Woolport, of Green Springs; from O. G. Jump and B. W. Sarr, of Shinrock; from H. E. Fling, of Payne; from J. H. Bell, of New Concord; from Yeager, Grace, Ferree, and Martel, of Ucasville; from W. H. McCurdy, sr., W. H. McCurdy, jr., R. W. Bell, A. C. Wilson, J. D. Mackey, and Robert Chults, of Wheelersburg; from J. M. Johnston, J. E. Rickey, L. B. Funk, J. T. Welch, W. G. Simonton, L. E. Plymale, L. N. Scott, F. Staker, L. Perry, H. Serey, H. B. Stratton, W. M. Hunt, H. C. Calhoun, and L. S. Welch, of Ironton; from C. A. Truitt, of Siam; from T. G. Beatty, of Cecil; from Pat McCarthy, of Cecil; from S. W. McCormick and R. D. Erwin, of Chillicothe; from Humphrey and Anderson, of Plymouth; from C. R. Weane, of Cecil; from O. A. Faust, of Plymouth; from W. E. Fleckner and O. F. Fleckner, of Lacarne; from R. C. Burns, of Sherradsville; from D. S. Donovan, of Cincinnati; from F. N. Bartlett, J. C. Plato, M. D. Fleckner, Walter Bell, W. F. Burrer, Otis Altford, and M. W. Durand, of Elyria; from E. B. Seiple, J. E. Baker, and D. W. Gikbert, of Bellevue; from C. W. Brown, of Constitution; from J. E. Killen, J. W. Burkam, and O. R. Granger, of Columbus; from L. S. Browning, of Middlefield; from F. E. Klinchans and M. H. Flerce, of Lacarne; from R. B. Willis, F. S. Parkers, B. D. Lewis, and W. A. Butler, of Leipsic; from Eldon Ickes, Leroy Anderson, and Delbert N. Brewer, of Maple Grove; from F. F. Cowley, of Mertiner; and from W. J. Howey, G. H. Sariff, J. J. Dieter, L. G. Van Verankin, A. M. Yant, C. E. Marshall, G. G. Steinmetz, F. H. Elson, A. L. Brennan, P. W. Adams, A. Gilletty, W. H. Saltsman, T. C. Cahill, W. C. Gealson, C. C. Robertson, C. H. McGhee, and J. W. Burho, of Homer, all in the State of Ohio.

Mr. DICK presented petitions of 148 ex-Union soldiers of the State of Ohio, praying for a modification of the present service-pension law permitting the employment of an attorney in filing pension claims; which were referred to the Committee on Pensions.

Mr. DANIEL presented the memorial of W. D. Hemingway, B. P. Miles, and Lewis Feuerstein, executive committee of the oyster packers and planters of tidewater Virginia, remonstrating against the enactment of any legislation to restrict the interstate commerce in opened oysters; which was referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented the petition of Theodore H. Smith, of New York City, N. Y., praying for the enactment of legislation providing for a currency reform; which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Camden, N. J., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill;" which were ordered to lie on the table.

He also presented the petition of John H. Kelling, of Jersey City, N. J., and the petition of F. W. Coleman, of Paterson, N. J., praying for the passage of the so-called "sixteen-hour bill," relating to railroad employees and telegraph operators; which were ordered to lie on the table.

He also presented sundry memorials of citizens of Trenton, N. J., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Trenton, N. J., 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 sundry petitions of the Wichita Produce Company, of Wichita, Kans., praying for the enactment of legislation providing for an investigation into the legality of the business done by the various express companies in the United States; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the International Association of Master House Painters and Decorators of the United States and Canada, praying for the enactment of legislation providing for an investigation of the illegal acts of labor organizations in restraint of trade and interstate commerce, as is done in similar acts of organized capital; which was referred to the Committee on the Judiciary.

He also presented memorials of Subordinate Orders Nos. 47, 89, 108, 109, 234, 305, 387, 415, 206, 340, 1, 18, and 326, of Altamont, Savonburg, Hallowell, Syracuse, Wayside, Independence, Augusta, Wauneta, Parker, St. Paul, Erie, and Chanute, all of the Anti-Horse Thief Association, and of the Olathe Court, No. 27, Tribe of Ben Hur, of Olathe, all in the State of Kansas, remonstrating against the enactment of legislation to amend the laws relating to the classification of second-class mail matter and the rates of postage thereon; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER presented a memorial of sundry citizens of Takoma Park, Md., 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. PROCTOR presented a petition of the O. L. Hinds Company, of St. Albans, Vt., praying for the enactment of legislation for the protection of labor and industries from the competition of convict labor and manufactures; which was referred to the Committee on Education and Labor.

Mr. DEPEW presented a memorial of sundry citizens of Fernwood, 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 a memorial of Swift Post, No. 94, Department of New York, Grand Army of the Republic, of Geneva, N. Y., remonstrating against the enactment of legislation to abolish pension agencies throughout the country; which was ordered to lie on the table.

He also presented a petition of the Central Republican Club of the thirty-first assembly district of New York City, N. Y., praying for the enactment of legislation to increase the salaries of Government clerks; which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Dunkirk and Pulaski, and of the Woman's Christian Temperance Union of Kendall, 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. ALDRICH presented petitions of sundry citizens of Woonsocket, East Greenwich, Providence, Cumberland, Cranston, South Kingston, Wakefield, Warwick, and Westerly, all in the State of Rhode Island, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Westerly, R. I., 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. SPOONER. I present a joint resolution of the legislature of the State of Wisconsin, which I ask may be printed in the RECORD and referred to the Committee on Finance.

The joint resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Joint resolution (No. 60, A) relating to the revision of the tariff.

Whereas the present Dingley law has been on the statute books of the United States for a period of nearly ten years without material change; and

Whereas this period has been one of greatest industrial and financial development and owing to the unprecedented development of the nation, resulting from this protective policy, economic conditions have so changed that many of the schedules in said law are acknowledged to be detrimental to the best interests of the country: Be it

Resolved by the assembly (the senate concurring), That we memorialize the President of the United States that he call a special session of Congress as soon as possible after March 4, 1907, to revise the existing tariff law to harmonize with the present industrial and economic conditions: And be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and each of the Senators and Representatives from this State.

H. L. EKERN,
Speaker of the Assembly.
W. D. CONNOR,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
A. R. EMERSON,
Chief Clerk of the Senate.

Joint resolution (No. 52, A) relating to revision of the tariff.

Resolved by the assembly (the senate concurring), That there should be an immediate revision of the tariff, and that copies of this resolution, properly authenticated, be transmitted without delay to each Member of the Wisconsin delegation in Congress.

H. L. EKERN,
Speaker of the Assembly.
W. D. CONNOR,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
A. R. EMERSON,
Chief Clerk of the Senate.

RIGHT OF ASYLUM IN ANOTHER STATE.

Mr. CARMACK. Mr. President, in behalf of a number of labor organizations of the country, including some in my own State, representing, I understand, 2,000,000 citizens, I present sundry petitions praying that an investigation be made by Congress into the alleged kidnaping of three citizens of Colorado and their transfer to the State of Idaho.

The VICE-PRESIDENT. The petitions will be referred to the Committee on the Judiciary.

Mr. CARMACK. If it be in order in this connection, I should like to ask unanimous consent to have printed in the RECORD the dissenting opinion of Associate Justice McKenna in that case.

Mr. HEYBURN. I should like to ask the Senator if he would object to having both the opinion of the court and the dissenting opinion printed in the RECORD.

Mr. CARMACK. I have none. I do not make that request. The Senator can make it.

Mr. HEYBURN. If the dissenting opinion be printed, I suggest, in fairness to the court, that the court's opinion should be printed with it.

Mr. CARMACK. I have no objection to it in the world.

The VICE-PRESIDENT. Without objection, the opinion of the court and the dissenting opinion will be printed in the RECORD.

Mr. FRYE. The request was made that the opinion of the court should also be printed.

The VICE-PRESIDENT. The Chair so put the question.

The matter referred to is as follows:

[Supreme Court of the United States. No. 249. October term, 1906. George A. Pettibone, appellant, *v.* Jasper C. Nichols, sheriff. Appeal from the circuit court of the United States for the district of Idaho. December 3, 1906.]

Mr. Justice Harlan delivered the opinion of the court:

This is an appeal from a judgment of the circuit court of the United States for the district of Idaho refusing, upon habeas corpus, to discharge the appellant who alleged that he was held in custody by the sheriff of Canyon County, in that State, in violation of the Constitution and laws of the United States.

It appears that on the 12th day of February, 1906, a criminal complaint verified by the oath of the prosecuting attorney of that county and charging Pettibone with having murdered Frank Steunenberg at Caldwell, Idaho, on the 30th day of December, 1905, was filed in the office of the probate judge. Thereupon, a warrant of arrest based upon that complaint having been issued, application was made to the governor of Idaho for a requisition upon the governor of Colorado (in which State the accused was alleged then to be) for the arrest of Pettibone and his delivery to the agent of Idaho, to be conveyed to the latter State and there dealt with in accordance with law. The papers on which the governor of Idaho based his requisition distinctly charged that Pettibone was in that State at the time Steunenberg was murdered and was a fugitive from its justice.

A requisition by the governor of Idaho was accordingly issued and was duly honored by the governor of Colorado, who issued a warrant commanding the arrest of Pettibone and his delivery to the authorized agent of Idaho, to be conveyed to the latter State. Pettibone was arrested under that warrant and carried to Idaho by its agent and was there delivered by order of the probate judge into the custody of the warden of the State penitentiary, the jail of the county being deemed at that time an unfit place.

On the 23d day of February, 1906, Pettibone sued out a writ of habeas corpus from the supreme court of Idaho. The warden made a return, stating the circumstances under which the accused came into his custody and also that the charge against Pettibone was then under investigation by the grand jury. To this return the accused made an answer embodying the same matters as were alleged in the application for the writ of habeas corpus and charging, in substance, that his presence in Idaho had been procured by connivance, conspiracy, and fraud on the part of the executive officers of Idaho and that his detention was in violation of the provisions of the Constitution of the United States and of the act of Congress relating to fugitives from justice.

Subsequently, March 7, 1906, the grand jury returned an indictment against Pettibone, William D. Haywood, Charles H. Moyer, and John L. Simpkins, charging them with the murder of Steunenberg on the 30th of December, 1905, at Caldwell, Idaho. Having been arrested and being in custody under that indictment, the officer holding Pettibone

made an amended return stating the fact of the above indictment and that he was then held under a bench warrant based thereon.

At the hearing before the supreme court of the State the officers having Pettibone in custody moved to strike from the answer of the accused all allegations relating to the manner and method of obtaining his presence within the State. That motion was sustained March 12, 1906, and the prisoner was remanded to await his trial under the above indictment. The supreme court of Idaho held the action of the governor of Colorado to be at least quasi judicial and in effect a determination that Pettibone was charged with the commission of a crime in the latter State and was a fugitive from its justice; that after the prisoner came within the jurisdiction of the demanding State he could not raise in its courts the question whether he was or had been as a matter of fact a fugitive from the justice of that State; that the courts of Idaho had no jurisdiction to inquire into the acts or motives of the executive of the State delivering the prisoner; that "one who commits a crime against the laws of a State, whether committed by him while in person on its soil or absent in a foreign jurisdiction and acting through some other agency or medium, has no vested right of asylum in a sister State," and the fact "that a wrong is committed against him in the manner or method pursued in subjecting his person to the jurisdiction of the complaining State and that such wrong is redressible either in the civil or criminal courts can constitute no legal or just reason why he himself should not answer the charge against him when brought before the proper tribunal." (Ex parte Pettibone, 85 Pac., 902; Ex parte Moyer, 85 ib., 897.)

From the judgment of the supreme court of Idaho a writ of error was prosecuted to this court. That case is No. 265 on the docket of the present term, but the record has not been printed. But the parties agree that the same questions are presented on this appeal as arise in that case, and as this case is one of urgency in the affairs of a State we have acceded to the request that they may be argued and determined on this appeal.

On the 15th of March, 1906, after the final judgment in the supreme court of Idaho, Pettibone made application to the circuit court of the United States sitting in Idaho for a writ of habeas corpus, alleging that he was restrained of his liberty by the sheriff of Canyon County in violation of the Constitution and laws of the United States. As was done in the supreme court of Idaho, the accused set out numerous facts and circumstances which, he contended, showed that his personal presence in Idaho was secured by fraud and connivance on the part of the executive officers and agents of both Idaho and Colorado, in violation of the constitutional and statutory provisions relating to fugitives from justice. Consequently, it was argued, the court in Idaho did not acquire jurisdiction over his person. The officer having Pettibone in custody made return to the writ that he then held the accused under the bench warrant issued against him. It was stipulated that the application for the writ of habeas corpus might be taken as his answer to the return. Subsequently, on motion, that answer was stricken out by the circuit court as immaterial, the writ of habeas corpus was quashed, and Pettibone was remanded to the custody of the State.

As the application for the writ of habeas corpus was, by stipulation of the parties, taken as the answer of the accused to the return of the officer holding him in custody, and as that answer was stricken out by the court below as immaterial, we must, on this appeal, regard as true all the facts sufficiently alleged in the application which, in a legal sense, bear upon the question whether the detention of the accused by the State authorities was in violation of the Constitution or laws of the United States.

That application is too lengthy to be incorporated at large in this opinion. It is sufficient to say that its allegations present the case of a conspiracy between the governors of Idaho and Colorado and the respective officers and agents of those States to have the accused taken from Colorado to Idaho under such circumstances and in such way as would deprive him, while in Colorado, of the privilege of invoking the jurisdiction of the courts there for his protection against wrongful deportation from the State—it being alleged that the governor of Idaho, the prosecuting attorney of Canyon County, and the private counsel who advised them well knew all the time that "he was not in the State of Idaho on the 30th day of December, 1905, nor at any time near that date." The application also alleged that the accused "is not and was not a fugitive from justice; that he was not present in the State of Idaho when the alleged crime was alleged to have been committed, nor for months prior thereto, nor thereafter, until brought into the State as aforesaid."

In the forefront of this case is the fact that the appellant is held in actual custody for trial under an indictment in one of the courts of Idaho for the crime of murder charged to have been committed in that State against its laws, and it is the purpose of the State to try the question of his guilt or innocence of that charge.

Undoubtedly, the circuit court had jurisdiction to discharge the appellant from the custody of the State authorities if their exercise of jurisdiction over his person would be in violation of any rights secured to him by the Constitution or laws of the United States. But that court had a discretion as to the time and mode in which, by the exercise of such power, it would by its process obstruct or delay a criminal prosecution in the State court. The duty of a Federal court to interfere on habeas corpus for the protection of one alleged to be restrained of his liberty in violation of the Constitution or laws of the United States must often be controlled by the special circumstances of the case, and unless in some emergency demanding prompt action, the party held in custody by a State and seeking to be enlarged will be left to stand his trial in the State court, which, it will be assumed, will enforce—as it has the power to do equally with a court of the United States (Robb *v.* Connolly, 111 U. S., 624, 637)—any right secured by the supreme law of the land. "When the State court," this court has said, "shall have finally acted upon the case, the circuit court has still a discretion whether, under all the circumstances then existing, the accused if convicted shall be put to his writ of error from the highest court of the State, or whether it will proceed, by writ of habeas corpus, summarily to determine whether the petitioner is restrained of his liberty in violation of the Constitution of the United States." (Ex parte Royall, 117 U. S., 241, 251–253.) To the same effect are numerous cases in this court, among which may be named Ex parte Fonda, 117 United States, 516; New York *v.* Eno, 155 United States, 89, 93; Cook *v.* Hart, 146 United States, 183, 192; Minnesota *v.* Brundage, 180 United States, 499, 501; Reid *v.* Jones, 187 United States, 153; Riggins *v.* United States, 199 United States 547, 549. This rule firmly established for the guidance of the courts of the United States is applicable here, although it appears that the supreme court of Idaho has already decided some of the questions now raised. But the question of Pettibone's guilt of the crime of having murdered Steunenberg has not, however, been finally determined and can not be except by a trial under the laws and in the courts of Idaho. If he should be acquitted by the jury, then no question will remain as to a violation of the Constitution and laws of the United States by the methods adopted to secure his personal presence within the State of Idaho.

The appellant, however, contends that the principle settled in Ex parte Royall and other like cases can have application only where the State has legally acquired jurisdiction over the person of the accused, and can not apply when, as is alleged to be the case here, his presence in Idaho was obtained by fraud and by a violation of rights guaranteed by the Constitution and laws of the United States. Under such circumstances, it is contended, no jurisdiction could legally attach for the purpose of trying the accused under the indictment for murder.

In support of this view we have been referred to that clause of the Constitution of the United States providing that if "a person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime." (Article IV, section 2.) Also to section 5278 of the Revised Statutes, in which it is provided that "whenever the executive authority of any State or Territory demands any person as a fugitive from justice of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand shall be paid by such State or Territory."

Looking, first, at what was alleged to have occurred in the State of Colorado touching the arrest of the petitioner and his deportation from that State, we do not perceive that anything done there, however, hastily or inconsiderately done, can be adjudged to be in violation of the Constitution or laws of the United States. We pass by both as immaterial and inappropriate any consideration of the motives that induced the action of the governor of Colorado. This court will not inquire as to the motives which guided the chief magistrate of a State when executing the functions of his office. Manifestly, whatever authority may have been conferred upon the governor of Colorado by the constitution or laws of his State, he was not required, indeed, was not authorized, by the Constitution or laws of the United States to have the petitioner arrested unless within the meaning of such Constitution and laws he was a fugitive from the justice of Idaho. Therefore he would not have violated his duty if it had been made a condition of surrendering the petitioner that evidence be furnished that he was a fugitive from justice within the meaning of the Constitution of the United States. Upon the governor of Colorado rested the responsibility of determining, in some proper mode, what the fact was. But he was not obliged to demand proof of such fact by evidence apart from the requisition papers. As those papers showed that the accused was regularly charged by indictment with the crime of murder committed in Idaho and was a fugitive from its justice, the governor of Colorado was entitled to accept such papers, coming as they did from the governor of another State, as prima facie sufficient for a warrant of arrest. His failure to require independent proof of the fact that petitioner was a fugitive from justice can not be regarded as an infringement of any right of the petitioner under the Constitution or laws of the United States. (Ex parte Reggel, 114 U. S., 642, 652, 653.) In Munsey *v.* Clough (196 U. S., 364, 372) this court said that the issuing of a warrant of arrest by the governor of the surrendering State, "with or without a recital therein that the person demanded is a fugitive from justice, must be regarded as sufficient to justify the removal, until the presumption in favor of the legality and regularity of the warrant in overthrown by contrary proof in a legal proceeding to review the action of the governor. (Roberts *v.* Reilly, supra; Hyatt *v.* Cockran, 188 U. S., 691. See also In re Keller, 28 Fed. Rep., 681, 686.)

But the petitioner contends that his arrest and deportation from Colorado was, by fraud and connivance, so arranged and carried out as to deprive him of an opportunity to prove before the governor of that State that he was not a fugitive from justice, as well as opportunity to appeal to some court in Colorado to prevent his illegal deportation from its territory. If we should assume upon the present record that the facts are as alleged, it is not perceived that they make a case of the violation of the Constitution or laws of the United States. It is true, as contended by the petitioner, that if he was not a fugitive from justice within the meaning of the Constitution no warrant for his arrest could have been properly or legally issued by the governor of Colorado. It is equally true that, even after the issuing of such a warrant, before his deportation from Colorado, it was competent for a court, Federal or State, sitting in that State to inquire whether he was in fact a fugitive from justice, and if found not to be to discharge him from the custody of the Idaho agent and prevent his deportation from Colorado. (Robb *v.* Connolly, 111 U. S., 624, 639; Ex parte Reggel, supra; Hyatt *v.* Cockran, 188 U. S., 691, 719; Munsey *v.* Clough, 196 U. S., 364, 374.) But it was not shown by proof before the governor of Colorado that the petitioner, alleged in the requisition papers to be a fugitive from justice, was not one, nor was the jurisdiction of any court sitting in that State invoked to prevent his being taken out of the State and carried to Idaho. That he had no reasonable opportunity to present these facts before being taken from Colorado constitutes no legal reason why he should be discharged from the custody of the Idaho authorities. No obligation was imposed by the Constitution or laws of the United States upon the agent of Idaho to so time the arrest of the petitioner and so conduct his deportation from Colorado as to afford him a convenient opportunity before some judicial tribunal sitting in Colorado to test the question whether he was a fugitive from justice and as such liable, under the act of Congress, to be conveyed to Idaho for trial there. In England, in the case of one arrested for the purpose of deporting him to another country, it is provided that there shall be no surrender of the accused to the demanding country until after the expiration of a specified time from the arrest, during which period the prisoner has an opportunity to institute habeas corpus proceedings. (Extradition act of 1870, 33 and 34 Vict., ch. 52, sec. 11; 2 Butler on the Treaty-Making Power, sec. 436; 1 Moore on Extradition, 741, 742.) There is no similar act of Congress in respect of a person arrested in one of the

States of the Union as a fugitive from the justice of another State. The speediness, therefore, with which the Idaho agent removed the accused from Colorado can not be urged as a violation of a constitutional right and constitutes no legal reason for discharging him from the custody of the State of Idaho.

We come now to inquire whether the petitioner was entitled to his discharge upon making proof in the circuit court of the United States, sitting in Idaho, that he was brought into that State as a fugitive from justice when he was not, in fact, such a fugitive. Of course it can not be contended that the circuit court, sitting in Idaho, could rightfully discharge the petitioner upon proof simply that he did not commit the crime of murder charged against him. His guilt or innocence of that charge is within the exclusive jurisdiction of the Idaho State court. The constitutional and statutory provisions referred to were based upon the theory that, as between the States, the proper place for the inquiry into the question of the guilt or innocence of an alleged fugitive from justice is in the courts of the State where the offense is charged to have been committed. The question therefore in the court below was not whether the accused was guilty or innocent, but whether the Idaho court could properly be prevented from proceeding in the trial of that issue, upon proof being made in the circuit court of the United States, sitting in that State, that the petitioner was not a fugitive from justice and not liable, in virtue of the Constitution and laws of the United States, to arrest in Colorado under the warrant of its governor and carried into Idaho. As the petitioner is within the jurisdiction of Idaho, and is held by its authorities for trial, are the particular methods by which he was brought within her limits at all material in the proceeding by habeas corpus?

It is contended by the State that this question was determined in its favor by the former decisions of this court. This is controverted by the petitioner, and we must therefore, and particularly because of the unusual character of this case and the importance of the questions involved, see what this court has heretofore adjudged.

In Ker *v.* Illinois (119 U. S., 436), it appeared that at the trial in an Illinois court of a person charged with having committed a crime against the laws of that State, the accused sought by plea in abatement to defeat the jurisdiction of the court upon the ground that, in violation of law, he had been seized in Peru and forcibly brought against his will into the United States and delivered to the authorities of Illinois; all of which the accused contended was in violation not only of due process of law as guaranteed by the fourteenth amendment, but of the treaty between the United States and Peru negotiated in 1870 and proclaimed in 1874. One of the articles of that treaty bound the contracting countries, upon a requisition by either country, to deliver up to justice persons who, being accused or convicted of certain named crimes committed within the jurisdiction of the requiring party, should seek an asylum or should be found within the territories of the other, the fact of the commission being so established "as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial if the crime had been there committed." (18 Stat., 719, 720.) The plea stated, among other things, that the defendant protested against his arrest and was refused opportunity from the time of his being seized in Peru until he was delivered to the authorities of Illinois of communicating with any person or seeking any advice or assistance in regard to procuring his release by legal process or otherwise.

The court overruled the plea of abatement, and the trial in the State court proceeded, resulting in a verdict of guilty. The judgment was affirmed by the supreme court of Illinois, and this court affirmed, upon writ of error, the judgment of the latter court. It was held by the unanimous judgment of this court that, so far as any question of Federal right was involved, no error was committed by the State court, and that, notwithstanding the illegal methods pursued in bringing the accused within the jurisdiction of Illinois, his trial in the State court did not involve a violation of the due process clause of the Constitution nor any article in the treaty with Peru, although the case was a clear one "of kidnaping within the dominion of Peru, without any pretense of authority under the treaty or from the Government of the United States." The principle upon which the judgment rested was that, when a criminal is brought or is in fact within the jurisdiction and custody of a State, charged with a crime against its laws, the State may, so far as the Constitution and laws of the United States are concerned, proceed against him for that crime, and need not inquire as to the particular methods employed to bring him into the State. The case, the court said, "does not stand, when the party is in court and required to plead to an indictment, as it would have stood upon a writ of habeas corpus in California, or in any State through which he was carried in the progress of the extradition, to test the authority by which he was held." In meeting the contention that the accused, Ker, by virtue of the treaty with Peru, acquired by his residence a right of asylum, this court said: "There is no language in this treaty, or in any other treaty made by this country on the subject of extradition, of which we are aware, which says in terms that a party fleeing from the United States to escape punishment for crime becomes thereby entitled to an asylum in the country to which he has fled; indeed, the absurdity of such a proposition would at once prevent the making of a treaty of that kind. * * * It is idle, therefore, to claim that, either by express terms or by implication, there is given to a fugitive from justice in one of these countries any right to remain and reside in the other; and if the right of asylum means anything, it must mean this. The right of the Government of Peru voluntarily to give a party in Ker's condition an asylum in that country is quite a different thing from the right in him to demand and insist upon security in such an asylum. The treaty, so far as it regulates the right of asylum at all, is intended to limit this right in the case of one who is proved to be a criminal fleeing from justice, so that, on proper demand and proceedings had therein, the government of the country of the asylum shall deliver him up to the country where the crime was committed. And to this extent, and to this alone, the treaty does regulate or impose a restriction upon the right of the government of the country of the asylum to protect the criminal from removal therefrom. * * * We think it very clear, therefore, that, in invoking the jurisdiction of this court upon the ground that the prisoner was denied a right conferred upon him by a treaty of the United States, he has failed to establish the existence of any such right."

If Ker, by virtue of the treaty with Peru, and because of his forcible and illegal abduction from that country, did not acquire an exemption from the criminal process of the courts of Illinois, whose laws he had violated, it is difficult to see how Pettibone acquired, by virtue of the Constitution and laws of the United States, an exemption from prosecution by the State of Idaho, which has custody of his person.

An instructive case on this subject is Mahon *v.* Justice (127 U. S., 700). The governor of Kentucky made a requisition upon the governor of West Virginia for Mahon, who was charged with the crime of murder in Kentucky, and was alleged to have fled from its jurisdiction and taken refuge in West Virginia. While the two governors were in correspondence on the subject a body of armed men, without warrant or other legal process, arrested Mahon in West Virginia, and by force and against his will conveyed him out of West Virginia and delivered him to the jailor of Pike County, Ky., in the courts of which he stood indicted for murder. Thereupon the governor of West Virginia, on behalf of that State, applied to the district court of the United States for the Kentucky district for a writ of habeas corpus and his return to the jurisdiction of West Virginia. This court, after observing that the States of the Union were not absolutely sovereign and could not declare war or authorize reprisals on other States, and that their ability to prevent the forcible abduction of persons from their territory consists solely in their power to punish all violations of their criminal laws committed within it, whether by their own citizens or by citizens of other States, said: "If such violators have escaped from the jurisdiction of the State invaded, their surrender can be secured upon proper demand on the executive of the State to which they have fled. The surrender of the fugitives in such cases to the State whose laws have been violated is the only aid provided by the laws of the United States for the punishment of depredations and violence committed in one State by intruders and lawless bands from another State. The offenses committed by such parties are against the State; and the laws of the United States merely provide the means by which their presence can be secured in case they have fled from its justice. No mode is provided by which a person unlawfully abducted from one State to another can be restored to the State from which he was taken if held upon any process of law for offenses against the State to which he has been carried. If not thus held, he can, like any other person wrongfully deprived of his liberty, obtain his release on habeas corpus.

"Whether Congress might not provide for the compulsory restoration to the State of parties wrongfully abducted from its territory upon application of the parties, or of the State, and whether such provision would not greatly tend to the public peace along the borders of the several States, are not matters for present consideration. It is sufficient now that no means for such redress through the courts of the United States have as yet been provided. The abduction of Mahon by Phillips and his aids was made, as appears from the return of the respondent to the writ, and from the findings of the court below, without any warrant or authority from the governor of West Virginia. It is true that Phillips was appointed by the governor of Kentucky as agent of the State to receive Mahon upon his surrender on the requisition; but no surrender having been made, the arrest of Mahon and his abduction from the State were lawless and indefensible acts, for which Phillips and his aids may justly be punished under the laws of West Virginia. The process emanating from the governor of Kentucky furnished no ground for charging any complicity on the part of that State in the wrong done to the State of West Virginia." Again: "It is true, also, that the accused had the right while in West Virginia of insisting that he should not be surrendered to the governor of Kentucky by the governor of West Virginia, except in pursuance of the acts of Congress, and that he was entitled to release from any arrest in that State not made in accordance with them; but having been subsequently arrested in Kentucky under the writs issued on the indictments against him, the question is not as to the validity of the proceeding in West Virginia, but as to the legality of his detention in Kentucky. There is no comity between the States by which a person held upon an indictment for a criminal offense in one State can be turned over to the authorities of another, though abducted from the latter. If there were any such comity, its enforcement would not be a matter within the jurisdiction of the courts of the United States. By comity nothing more is meant than that courtesy on the part of one State by which within her territory the laws of another State are recognized and enforced, or another State is assisted in the execution of her laws. From its nature the courts of the United States can not compel its exercise when it is refused; it is admissible only upon the consent of the State and when consistent with her own interests and policy. (Bank of Augusta *v.* Earle, 13 Pet. 519, 589; Story's Conflict of Law, § 30.) The only question, therefore, presented for our determination is whether a person indicted for a felony in one State, forcibly abducted from another State and brought to the State where he was indicted by parties acting without warrant or authority of law, is entitled under the Constitution or laws of the United States to release from detention under the indictment by reason of such forcible and unlawful abduction."

After a review of the authorities, including the case of Ker *v.* Illinois, above cited, the court concluded: "So in this case it is contended that, because under the Constitution and laws of the United States a fugitive from justice from one State to another can be surrendered to the State where the crime was committed, upon proper proceedings taken, he has the right of asylum in the State to which he has fled unless removed in conformity with such proceedings, and that this right can be enforced in the courts of the United States. But the plain answer to this contention is that the laws of the United States do not recognize any such right of asylum as is here claimed on the part of a fugitive from justice in any State to which he has fled; nor have they, as already stated, made any provision for the return of parties who by violence and without lawful authority have been abducted from a State. There is, therefore, no authority in the courts of the United States to act upon any such alleged right. In Ker *v.* Illinois the court said that the question of how far the forcible seizure of the defendant in another country and his conveyance by violence, force, or fraud to this country could be made available to resist trial in the State court for the offense charged upon him was one which it did not feel called upon to decide, for in that transaction it did not see that the Constitution or laws or treaties of the United States guaranteed to him any protection. So in his case we say that, whatever effect may be given by the State court to the illegal mode in which the defendant was brought from another State, no right secured under the Constitution or laws of the United States was violated by his arrest in Kentucky, and imprisonment there, upon the indictments found against him for murder in that State."

These principles determine the present case and require an affirmance of the judgment of the circuit court. It is true the decision in the Mahon case was by a divided court, but its authority is none the less controlling. The principle upon which it rests has been several times recognized and reaffirmed by this court and is no longer to be questioned. It was held in Cook *v.* Hart, 146 United States, 183, 192, that the cases of Ker *v.* Illinois and Mahon *v.* Justice established these propositions: "1. That this court will not interfere to relieve persons who have been arrested and taken by violence from the territory of one State to that of another, where they are held under process legally issued from the courts of the latter State. 2. That the question of the applicability of this doctrine to a particular case is as much within the province of a State court as a question of common law or of the law of nations, as it is of the courts of the United States;" in Lascelles *v.*

Georgia, 148 United States, 537, 543, that it was settled in the Ker and Mahon cases that, "except in the case of a fugitive surrended by a foreign government, there is nothing in the Constitution, treaties, or laws of the United States which exempts an offender, brought before the courts of a State for an offense against its laws, from trial and punishment, even though brought from another State by unlawful violence or by abuse of legal process;" and in Adams *v.* New York, 192 United States, 585, 596 (the same cases being referred to), that "if a person is brought within the jurisdiction of one State from another or from a foreign country by the unlawful use of force, which would render the officer liable to a civil action or in a criminal proceeding because of the forcible abduction, such fact would not prevent the trial of the person thus abducted in the State wherein he had committed an offense." See also In re Johnson, 167 United States, 120, 127, in which the court recognized the principle that when a party in a civil suit has, by some trick or device, been brought within the jurisdiction of a court, he may have the process served upon him set aside, but that a different rule prevails in criminal cases involving the public interests.

To the above citations we may add In re Moore (75 Fed. Rep., 821), in which it appeared or was alleged that one accused of crime against the laws of a State and in the custody of its authorities for trial was brought back from another State as a fugitive from justice by means of an extradition warrant procured by false affidavits. In his application to the circuit court of the United States for a writ of habeas corpus the petition stated facts and circumstances tending to show that he was not a fugitive from justice. The application was dismissed. After stating that the executive warrant issued by the surrendering State had performed its office and that the petitioner was not held in virtue of it, the court said: "His imprisonment is not illegal unless his extradition makes it so, and an illegal extradition is no greater violation of his rights of person than his forcible abduction. If a forcible abduction from another State and conveyance within the jurisdiction of the court holding him is no objection to his detention and trial for the offense charged, as held in Mahon *v.* Justice (127 U. S., 712) and in Ker *v.* Illinois (119 U. S., 437), no more is the objection allowed if the abduction has been accomplished under the forms of law. The conclusion is the same in each case. The act complained of does not relate to the restraint from which the petitioner seeks to be relieved, but to the means by which he was brought within the jurisdiction of the court under whose process he is held. It is settled that a party is not excused from answering to the State whose laws he has violated because violence has been done him in bringing him within the State. Moreover, if any injury was done in this case in issuing the requisition upon the State of Washington without grounds therefor, the injury was not to the petitioner, but to that State whose jurisdiction was imposed upon by what was done. The United States do not recognize any right of asylum in the State where a party charged with a crime committed in another State is found, nor have they made any provision for the return of parties who, by violence and without lawful authority, have been abducted from a State, and whatever effect may be given by a State court to the illegal mode in which a defendant is brought from another State no right secured under the Constitution and laws of the United States is violated by his arrest and imprisonment for crimes committed in the State into which he is brought. (Mahon *v.* Justice, 127 U. S., 715.)"

The principle announced in the Mahon and other cases above cited was not a new one. It has been distinctly recognized in the courts of England and in many States of the Union. In Ex parte Scott (9 B. & C., 446; 17 E. C. L., 204; 1829) one accused of crime against the laws of England, and who was in custody for trial, sought to be discharged upon habeas corpus because she had been improperly apprehended in a foreign country. Lord Tenterden, C. J., said: "The question, therefore, is this, whether if a person charged with a crime is found in this country it is the duty of the court to take care that such a party shall be amenable to justice or whether we are to consider the circumstances under which she was brought here. I thought, and still continue to think, that we can not inquire into them. If the act complained of were done against the law of a foreign country that country might have vindicated its own law. If it gave her a right of action, she may sue upon it." Some of the American cases, to the same general effect, are cited in Mahon *v.* Justice, namely, State *v.* Smith, 1 Bailey, South Carolina, 283; State *v.* Brewster, 7 Vermont, 118; State *v.* Ross, 21 Iowa, 467. See also Dow's case, 18 Pennsylvania State, 37; State *v.* Kealy, 89 Iowa, 94, 97; Ex parte Barker, 87 Alabama, 4, 8; People *v.* Pratt, 78 California, 345, 349; Church on Habeas Corpus, section 483, and authorities cited in notes, and note to Fetter's case, 57 American Decisions, 389, 400.

It is said that the present case is distinguishable from the Mahon case in the fact that the illegal abduction complained of in the latter was by persons who neither acted nor assumed to act under the authority of the State into the custody of whose authorities they delivered Mahon; whereas in this case it is alleged that Idaho secured the presence of Pettibone within its limits through a conspiracy on the part of its governor and other officers. This difference in the cases is not, we think, of any consequence as to the principle involved; for the question now is—and such was the fundamental question in Mahon's case—whether a circuit court of the United States, when asked upon habeas corpus to discharge a person held in actual custody by a State for trial in one of its courts under an indictment charging a crime against its laws, can properly take into account the methods whereby the State obtained such custody. That question was determined in the negative in the Ker and Mahon cases. It was there adjudged that in such a case neither the Constitution nor laws of the United States entitled the person so held to be discharged from custody and allowed to depart from the State. If, as suggested, the application of these principles may be attended by mischievious consequences, involving the personal safety of individuals within the limits of the respective States, the remedy is with the lawmaking department of the Government. Congress has long been informed by judicial decisions as to the state of the law upon this general subject.

In this connection it may be well to say that we have not overlooked the allegation that the governor and other officers of Idaho well knew at the time the requisition was made upon the governor of Colorado that Pettibone was not in Idaho on December 30, 1905, nor at any time near that date, and had the purpose in all they did to evade the constitutional and statutory provisions relating to fugitives from justice. To say nothing of the impropriety of any such facts being made the subject of judicial inquiry in a Federal court, the issue thus attempted to be presented was wholly immaterial. Even were it conceded, for the purposes of this case, that the governor of Idaho wrongfully issued his requisition, and that the governor of Colorado erred in honoring it and in issuing his warrant of arrest, the vital fact remains that Pettibone is held by Idaho in actual custody for trial under an indictment charging him with crime against its laws, and he seeks the aid of the circuit court to relieve him from custody, so that he may leave that State, and thereby defeat the prosecution against him without a trial. In the present case it is not necessary to go behind the indictment and inquire as to how it happened that he came within reach of the process of the Idaho court in which the indictment is pending. And any investigation as to the motives which induced the action taken by the governors of Idaho and Colorado would, as already suggested, be improper as well as irrelevant to the real question to be now determined. It must be conclusively presumed that those officers proceeded throughout this affair with no evil purpose and with no other motive than to enforce the law.

We perceive no error in the action of the circuit court, and its final order is affirmed.

[Supreme Court of the United States. No. 249.—October term, 1906. George A. Pettibone, appellant, *v.* Jasper C. Nichols, sheriff. Appeal from the circuit court of the United States for the district of Idaho. December 3, 1906.]

Mr. Justice McKenna dissenting.

I am constrained to dissent from the opinion and judgment of the court. The principle announced, as I understand it, is that "a circuit court of the United States, when asked upon habeas corpus to discharge a person held in actual custody by a State for trial in one of its courts under an indictment charging a crime against its laws, can not properly take into account the methods whereby the State obtained such custody." In other words, and to illuminate the principle by the light of the facts in this case—facts, I mean, as alleged, and which we must assume to be true for the purpose of our discussion—that the officers of one State may falsely represent that a person was personally present in the State and committed a crime there, and had fled from its justice, may arrest such person and take him from another State, the officers of the latter knowing of the false accusation and conniving in and aiding its purpose, thereby depriving him of an opportunity to appeal to the courts, and that such person can not invoke the rights guaranteed to him by the Constitution and statutes of the United States in the State to which he is taken. And this, it is said, is supported by the cases of Ker *v.* Illinois (119 U. S., 436), and Mahon *v.* Justice (127 U. S., 700). These cases, extreme as they are, do not justify, in my judgment, the conclusion deduced from them. In neither case was the State the actor in the wrongs that brought within its confines the accused person. In the case at bar, the States, through their officers, are the offenders. They, by an illegal exertion of power, deprived the accused of a constitutional right. The distinction is important to be observed. It finds expression in Mahon *v.* Justice. But it does not need emphasizing. Kidnaping is a crime, pure and simple. It is difficult to accomplish, hazardous at every step. All the officers of the law are supposed to be on guard against it. All of the officers of the law may be invoked against it. But how is it when the law becomes the kidnaper, when the officers of the law, using the forms and exerting its power, become abductors? This is not a distinction without a difference—another form of the crime of kidnaping distinguished only from that committed by an individual by circumstances. If a State may say to one within her borders and upon whom her process is served, "I will not inquire how you came here; I must execute my laws and remit you to proceedings against those who have wronged you," may she so plead against her own offenses? May she claim that by mere physical presence within her borders an accused person is within her jurisdiction denuded of his constitutional rights, though he has been brought there by her violence? And constitutional rights the accused in this case certainly did have, and valuable ones.

The foundation of extradition between the States is that the accused should be a fugitive from justice from the demanding State, and he may challenge the fact by habeas corpus immediately upon his arrest. If he refute the fact he can not be removed. (Hyatt *v.* Corkran, 198 U. S., 691.) And the right to resist removal is not a right of asylum. To call it so in the State where the accused is is misleading. It is the right to be free from molestation. It is the right of personal liberty in its most complete sense. And this right was vindicated in Hyatt *v.* Corkran, and the fiction of a constructive presence in a State and a constructive flight from a constructive presence rejected. This decision illustrates at once the value of the right and the value of the means to enforce the right. It is to be hoped that our criminal jurisprudence will not need for its efficient administration the destruction of either the right or the means to enforce it. The decision in the case at bar, as I view it, brings us perilously near both results. Is this exaggeration? What are the facts in the case at bar as alleged in the petition, and which it is conceded must be assumed to be true? The complaint, which was the foundation of the extradition proceedings, charged against the accused the crime of murder on the 30th of December, 1905, at Caldwell, in the county of Canyon, State of Idaho, by killing one Frank Steunenberg, by throwing an explosive bomb at and against his person. The accused avers in his petition that he had not been "in the State of Idaho, in any way, shape, or form, for a period of more than ten years" prior to the acts of which he complained, and that the governor of Idaho knew accused had not been in the State the day the murder was committed, "nor at any time near that day." A conspiracy is alleged between the governor of the State of Idaho and his advisers, and that the governor of the State of Colorado took part in the conspiracy, the purpose of which was "to avoid the Constitution of the United States and the act of Congress made in pursuance thereof, and to prevent the accused from asserting his constitutional right under clause 2, section 2, of Article IV of the Constitution of the United States and the act made pursuant thereof." The manner in which the alleged conspiracy had been executed was set out in detail. It was in effect that the agent of the State of Idaho arrived in Denver Thursday, February 15, 1906, but it was agreed between him and the officers of Colorado that the arrest of the accused should not be made until some time in the night of Saturday, after business hours—after the courts had closed and judges and lawyers had departed to their homes; that the arrest should be kept a secret and the body of the accused should be clandestinely hurried out of the State of Colorado with all possible speed, without the knowledge of his friends or his counsel; that he was at the usual place of business during Thursday, Friday, and Saturday, but no attempt was made to arrest him until 11.30 o'clock p. m. Saturday, when his house was surrounded and he arrested. Moyer was arrested under the same circumstances at 8.45, and he and accused "thrown into the county jail of the city and county of Denver."

It is further alleged that, in pursuance of the conspiracy, between the hours of 5 and 6 o'clock on Sunday morning, February 18, the officers of the State and "certain armed guards, being a part of the forces of the militia of the State of Colorado," provided a special train for the purpose of forcibly removing him from the State of Colorado, and between said hours he was forcibly placed on said train and re-

moved with all possible speed to the State of Idaho; that prior to his removal, and at all times after his incarceration in the jail at Denver he requested to be allowed to communicate with his friends and his counsel and his family and the privilege was absolutely denied him. The train, it is alleged, made no stop at any considerable station, but proceeded at great and unusual speed, and that he was accompanied by and surrounded with armed guards, members of the State militia of Colorado, under the orders and directions of the adjutant-general of the State.

I submit that the facts in this case are different in kind and transcend in consequences those in the cases of Ker *v.* Illinois and Mahon *v.* Justice, and differ from and transcend them as the power of a State transcends the power of an individual. No individual or individuals could have accomplished what the power of the two States accomplished; no individual or individuals could have commanded the means and success; could have made two arrests of prominent citizens by invading their homes; could have commanded the resources of jails, armed guards, and special trains; could have successfully timed all acts to prevent inquiry and judicial interference.

The accused, as soon as he could have done so, submitted his rights to the consideration of the courts. He could not have done so in Colorado; he could not have done so on the way from Colorado. At the first instant that the State of Idaho relaxed its restraining power he invoked the aid of habeas corpus successively of the supreme court of the State and of the circuit court of the United States. He should not have been dismissed from court, and the action of the circuit court in so doing should be reversed.

I also dissent in Nos. 250, 251, 265, 266, and 267.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 7677) to appoint Warren C. Beach a captain in the Army and place him on the retired list, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 20490) for the relief of Frank J. Ladner, asked to be discharged from the further consideration of the bill, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. LATIMER, from the Committee on Immigration, to whom was referred the bill (S. 8565) to provide for the establishment of an immigration station at Charleston, in the State of South Carolina, and the erection of a public building in said city, on a site to be selected for said station, reported it with an amendment, and submitted a report thereon.

Mr. McLAURIN, from the Committee on Public Lands, to whom was referred the bill (H. R. 20490) for the relief of Frank J. Ladner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 22182) to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs, reported it with an amendment, and submitted a report thereon.

BRIDGES IN LOUISIANA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25811) to authorize the Monroe, Farmerville and Northwestern Railway Company to construct a bridge over the Ouachita River and one over the D'Arbonne River, in Louisiana, to report it favorably without amendment.

Mr. McENERY. I ask for the immediate consideration of the bill.

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

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

HEZEKIAH DAVIS.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 21091) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis, to report it favorably without amendment, and I submit a report thereon. It is a short bill to correct a military record, and 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 bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOBE HOLT.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 16659) to correct the military record of Tobe Holt, to report it with an amendment, and I submit a report thereon. I ask that the bill be put on its passage.

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

The amendment of the committee was, to add at the end of the bill the following proviso:

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

So as to make the bill read:

That Tobe Holt, alias Lewis Holt, be held and considered to have been honorably discharged from Company K, One hundred and tenth United States Colored Infantry, on May 6, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable to any person by virtue of the passage of this act.

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.

NATCHEZ ELECTRIC STREET RAILWAY AND POWER COMPANY.

Mr. WARREN. I report back without amendment from the Committee on Military Affairs the bill (H. R. 19751) to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery roadway at Natchez, Miss. I call the attention of the Senator from Mississippi [Mr. McLAURIN] to the bill.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill just reported.

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.

SAVANNAH RIVER DAM.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25849) permitting the building of a dam across the Savannah River at Cherokee Shoals, to report it favorably without amendment, and I ask for its present consideration.

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

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

REPAYMENT TO CERTAIN ENTRYMEN.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 22588) for the relief of homestead entrymen who have paid more than the lawful purchase money, to report it favorably without amendment. It is a short bill, and I ask for its present consideration.

The Secretary read the bill.

Mr. KEAN. Is there a report accompanying the bill?

Mr. HANSBROUGH. I do not think a report is necessary.

Mr. KEAN. Then an explanation is necessary.

Mr. HANSBROUGH. Of course I know the deep interest the Senator from New Jersey has in all public-land questions, having once been a member of the Committee on Public Lands and having resigned from the committee. The bill has passed the House. It provides for the repayment to certain entrymen of the amount they paid in excess of what they were entitled to pay. There are probably not over a dozen instances in the country where three or four dollars or $10 is due to individuals. I do not think the bill is of sufficient importance to go over the cases, and certainly the committee did not think it of sufficient importance to present a written report.

The VICE-PRESIDENT. Objection is made to the consideration of the bill.

Mr. KEAN. I beg pardon; I do not object. I understand from the Senator from North Dakota that the bill covers only nine or ten cases.

Mr. HANSBROUGH. And it is recommended by the Commissioner of the General Land Office.

Mr. KEAN. I do not object to its consideration.

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

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

COLORADO STATE AGRICULTURAL COLLEGE.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 15859) ceding certain lands to Colorado State Agricultural College, to report it favorably without amendment, and I submit a report thereon. I call the attention of the Senator from Colorado to the bill.

Mr. TELLER. I ask for the present consideration of the bill.

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

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

SUNDRY CIVIL APPROPRIATION BILL—PANAMA RAILROAD.

Mr. ALLISON. Mr. President, I desire to call the attention of the Senator from Texas [Mr. CULBERSON] to what occurred on yesterday in the consideration of the conference report on the sundry civil appropriation bill.

The Senator asked me a question with reference to a particular amendment, and in the haste of the moment I answered him that it was still in disagreement. That amendment was modified by the conferees and agreed to. So I made a mistake in my answer to the Senator from Texas. The modification is, I think, such as to be satisfactory to the Senator from Alabama [Mr. MORGAN], or, if not, it seemed satisfactory to the conferees at least. It is amendment No. 125, which provides for the transfer of certain balances so that the balances may be paid to the Panama Railroad Company.

Mr. CULBERSON. From what page of the RECORD does the Senator read?

Mr. ALLISON. It is on page 214 of the bill. It relates to an appropriation last year.

Mr. CULBERSON. On what page?

Mr. ALLISON. Page 214 of the last print. It is amendment No. 125.

Mr. CULBERSON. The copy of the bill that I have has only 198 pages.

Mr. ALLISON. I will hand the Senator a copy of the last print.

The appropriation last year was for $1,000,000, and it is found in the sundry civil act of that year. It reads as follows:

To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, $1,000,000; no part of said sum shall have been so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing 4 per cent interest payable to the United States shall have been delivered to the Secretary of the Treasury of the United States and by him accepted.

It is the transfer of the unexpended balance of this appropriation that is provided for in the sundry civil bill of this year, and it is amendment No. 125. The amendment provides that whatever balance there is of this sum may be paid to the Panama Railway Company on account of any indebtedness the Panama Canal Company may owe to the railway company. The whole question is a matter of bookkeeping, as the Government of the United States owns the railroad and of course the canal itself; but we have provided that this sum, whatever it is, shall receive the approval of the Canal Commission, and that the amounts on account of the reimbursement shall be audited as all other accounts of the Commission are audited. So it seems that the appropriation is protected by the provision that is in the bill as finally agreed to in conference.

Mr. CULBERSON. Did I understand the Senator correctly as saying that the change provided by the conferees is agreeable to the Senator from Alabama?

Mr. ALLISON. No; I did not say that, because I did not have an opportunity of communicating with the Senator from Alabama on the subject, nor did the conferees have an opportunity.

Mr. CULBERSON. I understood the Senator to say it was thought to be acceptable to the Senator from Alabama, or at least to the conferees.

Mr. ALLISON. I did not say that it was acceptable to the Senator from Alabama.

Mr. CULBERSON. Of course I accept the explanation of the Senator as to what he said.

Mr. ALLISON. At the moment yesterday I misapprehended the situation, as we had really first agreed to disagree upon that amendment, and then returned to it and one or two other amendments, and finally, with a modification, we agreed to it.

Mr. CULBERSON. Mr. President, there is nothing that I can say just now, nor until I have had an opportunity to confer with the Senator from Alabama about the matter, as he proposed the amendment and wrote a letter to the Committee on Appropriations with reference to it. I will endeavor, if it be practicable, to see him this morning or to communicate with him in some way so that if I think it proper to take any action in the matter it can be taken. I suppose nothing can be done except to move a reconsideration of the vote, which was taken under a misapprehension, at least so far as I am concerned. Necessarily the explanation of the Senator from Iowa is entirely satisfactory as to how the mistake occurred.

Mr. ALLISON. I do not know whether the conference report can be reconsidered, it having been agreed to also by the House; but the amendment as now amended by the conferees can not be criticised by the Senator from Alabama, I think.

BELL FOR JAMESTOWN EXPOSITION.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. J. Res. 236) authorizing the Secretary of the Navy to furnish metal for a bell, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Navy to deliver to the Pocahontas Bell Association, if the same can be done without detriment to the public service, such condemned historic metal as he may deem proper, not to exceed 2,000 pounds in weight, to be used in casting a bell to be placed on the Virginia building at the Jamestown Exposition; but the Government shall be at no expense in connection with this gift.

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

SETH DAVIS.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 25801) granting an honorable discharge to Seth Davis to report it favorably without amendment. It is a short bill, and I ask for its present consideration. I submit a report to accompany the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that Seth Davis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as first lieutenant Company E, Fourth Regiment Michigan Volunteer Infantry, on April 23, 1866, and that the Secretary of War shall issue to him an honorable discharge as of that date; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of the act.

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

LOUISIANA MOLASSES COMPANY, ETC.

Mr. ALDRICH. From the Committee on Finance I report back favorably without amendment the bill (H. R. 24833) for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the vinegar factory of the Louisiana Molasses Company (Limited) and the distillery of the Louisiana Distilling Company, both situated in New Orleans, La., and having their respective premises separated from each other by a distance of only 425 feet in a direct line, may, to avoid special hardship to the proprietors of said premises, both continue to be operated as now situated and in like manner as they have been operated for seven and one-half years past in the belief that the premises were duly separated according to law, notwithstanding that the said premises are not distant from each other full 600 feet in a direct line, as required by the general statutes in that respect.

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

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I submit a conference report on the disagreeing votes upon the pension appropriation bill. I should like to call the attention of Senators to this report, as many of them seem to be considerably interested in the subject of which the report treats. I will explain it after it has been read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes, having met, after full and free conference have been unable to agree.

P. J. McCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.

WASHINGTON GARDNER,
W. P. BROWNLOW,
JOHN A. SULLIVAN,
Managers on the part of the House.

Mr. McCUMBER. Mr. President, the committee of conference has met several times. There has been no disagreement

with reference to any amendment of the Senate except the amendment which reestablished the several pension agencies. Senators will remember that the House struck out all of the pension agencies from the bill except one—in other words, they abolished seventeen out of the eighteen pension agencies. The Senate amended the bill by reinstating all the pension agencies. In order to conform the bill to what was required, if we kept the other seventeen agencies, other amendments became necessary, all of which were adopted by the Senate. The amendment of the Senate reestablishing the seventeen agencies and amendments that bear directly upon that and perfect the legislation are the only amendments that are in controversy at present between the two Houses.

The report which the Committee on Pensions sent to the Senate some time ago clearly indicated, though in a very brief form, the reasons for reestablishing the several agencies. It may be said that the principal reason which governed in reestablishing them was that it was deemed practically for the best interest of the service that the disbursements should be made as near as possible to the place where the claimant under pension legislation resided, and in addition we deemed it wise that all branches of the Government, so far as practicable, might be conducted not necessarily at the capital, but at several points throughout the country, so that the people might thereby become acquainted with and be brought in closer relation to Government business.

Mr. CARTER. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. CARTER. The Senator has stated that the pension agencies were to be reestablished. May I not inquire of him if he does not mean "continued" instead of "reestablished?"

Mr. McCUMBER. Well, I mean that, so far as the bill is concerned, the bill as it came from the House abolished seventeen agencies.

Mr. CARTER. Under existing law, should that provision of the bill be not enacted, the pension agencies would continue.

Mr. McCUMBER. If the provision placed in the bill by the House should not be adopted, the present pension agencies would continue.

Mr. BERRY. Will the Senator yield to me for a question?

Mr. McCUMBER. Certainly.

Mr. BERRY. It is about another matter. I was informed by some one that the general pension law, as recently passed, in some way did not provide for certain Mexican-war pensioners, or rather that it was intended to cut out those of a certain class. The Senator from North Dakota told me, I think, that he expected to correct it in this bill. I wish to know if that was done.

Mr. McCUMBER. It was done. It is in the second amendment, on page 2 of the bill.

Mr. BERRY. There is no objection to that on the part of the House?

Mr. McCUMBER. There is no objection whatever to that. The only question is upon the continuance of the appropriation for seventeen agencies, and we have agreed upon every matter but that one single proposition and those which are directly related to that proposition.

It has been estimated, Mr. President, that there will be a saving of from $100,000 to $150,000 by abolishing all of these agencies except one, and continuing that one in the city of Washington. I must say, after reading the testimony that has been given in this case and after receiving communication from the Department, taking into consideration the fact that we have greatly increased the labor of the Pension Bureau for the ensuing year, there will be no saving whatever in clerkships, and there will be simply the saving of $4,000 a year for each one of the seventeen agencies and $4,500 per year for rent necessary for the New York agency. I believe that the inconvenience to the veterans of the civil war will much more than balance the saving that will be attained by reason of abolishing the agencies.

Mr. President, if we were to have but a single disbursing agency, in my candid opinion we ought to place it as near the center of the soldier population in the United States as possible. It ought not to be in Washington. Chicago would certainly be a much better place for the convenience of all the ex-soldiers throughout the United States than the city of Washington.

It was suggested by the Commissioner of Pensions that we might cut the agencies down to nine. That was brought into the House with a favorable report. It was, however, amended in the House whereby all the agencies were abolished but one, with the idea that that agency would be continued at the city of Washington. There is no reason I know of why it should be continued at the city of Washington more than New York or Boston or Chicago or Knoxville or any other place near the center of the United States.

Now, Mr. President, that is all I have to say on the subject.

Mr. LONG. I wish to ask the Senator from North Dakota a question.

Mr. McCUMBER. Certainly.

Mr. LONG. The agency in the United States paying the largest amount in pensions is one at Topeka, Kans.

Mr. McCUMBER. The Senator is correct.

Mr. LONG. Is that one of the agencies discontinued by the House bill?

Mr. McCUMBER. Certainly. Every one of the agencies is abolished by the House provision, with the exception of one, and that is to be at the city of Washington.

Mr. LONG. I understand the Commissioner of Pensions recommended the discontinuance of nine of these agencies.

Mr. McCUMBER. He did.

Mr. LONG. I do not wish to take the time of the Senate to discuss the question except to say that I believe the Senate should insist upon its amendment and continue these agencies. The agency at Topeka, Kans., pays out the largest amount of any agency in the United States and should be continued. It is one of the nine agencies that the Commissioner of Pensions recommends should be continued. This agency should be continued for the convenience of the ex-soldiers of Kansas and adjoining States. The Senate should insist upon its amendment and thus continue all these agencies.

Mr. HOPKINS. Mr. President, I heartily concur in the opinion just expressed by the Senator from Kansas [Mr. LONG] as to the propriety of the conferees on the part of the Senate insisting that these agencies shall not be abolished or consolidated in one office in Washington. I have made some little investigation of what took place in the other branch of Congress at the time these amendments were adopted on the pension appropriation bill, and I confess that I fail to find any valid reason for the action that was taken to abolish all of the eighteen agencies except one.

Senators must remember that the establishment of these agencies was made a part of the law of the land after mature deliberation not only on the part of the Senate, but the House as well, and it was approved by the President many years ago. Under the law it is so arranged that the agencies are not fixed in any definite place, but they are arranged by the order of the Department so as to best subserve the interests of the ex-soldiers of the country who are pensioners under the law. It has been found during all the period we have had these agencies that they have worked well; and, as has just been stated by the Senator from Kansas, in order to facilitate the payment of pensions at Topeka, Kans., one was established there which has grown to be one of the largest in the United States. It is of great benefit to the old soldiers of the Middle West.

In my own State, at Chicago, we have a very large pension agency, which serves the interests, I should say, of from one hundred and fifty to two hundred thousand soldiers, and it will be a great hardship upon all those pensioners, in my judgment, if that agency shall be abolished.

Mr. President, the Commissioner of Pensions did not recommend the provision that was adopted by the House. No authority in any of the Departments that has anything to do with the administration of this law has recommended any such provision as that which has been adopted by the House. It was one of those impulsive actions upon the part of that body which, it seems to me, has neither rhyme nor reason in its favor.

I certainly hope that the conferees on the part of the Senate, in the interest of the old soldiers of the country, will insist that this provision proposed by the other House shall go out of the bill.

Mr. CURTIS. Mr. President, I hope the Senate will insist upon its amendment. I am satisfied, upon a careful investigation of this question that it will be found that no saving to the Government can be made by agreeing to the House proposition. In the city of Washington there are now paid 54,000 pensioners, which payment requires the services of twenty-four clerks. At Topeka are paid 115,000 pensioners, and thirty-nine clerks do the work. At Topeka as many as 13,000 vouchers have been paid in one day, while in the city of Washington, I am informed, that 3,000 per day is the record. If you consolidate these pension agencies, it will be necessary to have all the rolls at every agency of the United States copied and brought to Washington. The copying of those rolls will cost the Government at least $500,000.

At the present time rent is paid only in the city of New York; but if you bring the rolls here, you must rent buildings, and

this alone, with the additional room required for the clerks to be hired to do the work will vastly increase the expense. To remove all the agencies from among the soldiers, will also cause a delay in the delivery of the pension checks to the pensioners, in some cases seven or eight days. That would be very undesirable to the old soldiers, and I hope the Senate will insist on its disagreement to the House proposition.

Mr. PERKINS. Mr. President, I want to emphasize what has just been so well said by the Senator from Kansas [Mr. CURTIS]. We have a pension agency in San Francisco, where there are a large number of clerks employed. We are 3,000 miles from the capital, and it would be imposing a great hardship and a great injustice upon those who are entitled to pensions to require them to wait until they can communicate with the Government here at Washington.

Mr. BEVERIDGE. Mr. President——

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

Mr. PERKINS. I do.

Mr. BEVERIDGE. I should like to know, and I think other Senators would like to know, what excuse was given for this extraordinary and almost revolutionary provision of the other House for the wiping out of the pension agencies.

Mr. PERKINS. I presume the chairman of the Committee on Pensions [Mr. MCCUMBER] can answer that question better than I, but it seems to me it is the result of a desire to centralize all authority here at the national capital. Certainly it is not in the interest of economy and it is not in the interest of the convenience of the old soldiers. Our pension agency is now in the public building in San Francisco, and the people of that great State and the soldiers there are thereby accommodated. To transfer that agency to Washington would impose an additional expense upon the Government without saving—taking it in an economical point of view—one dollar of the expense now required for the conduct of the business of that agency.

Mr. MCCUMBER. Mr. President, answering the question of the Senator from Indiana [Mr. BEVERIDGE], I desire to say that the claim of the other House, as shown by the arguments there, was that there would be some economy in the matter of disbursement as to these seventeen agencies, affording, of course, some economy in the matter of a few clerkships that would be saved by reason of this transfer of the work to the city of Washington.

Right here I want to call attention to one fact, and that is that under the present law the President of the United States may discontinue any of these agencies if he considers that the service will be benefited either from an economical standpoint or from any other standpoint by reason of diminishing their number.

Mr. HOPKINS. Mr. President, I want to ask the chairman of the Committee on Pensions is it not a fact that no tabulated statement has been made as to what the expenses would be here as compared with the present expenses, where the eighteen pension agencies are operated, and that the contention that there will be an economy in that direction is simply a statement that is made without any facts being shown to sustain it?

Mr. MCCUMBER. The conferees on the part of the House based their claim for economy on these propositions: First, that there will be a saving of the salaries of seventeen agents, which amount to $4,000 a year each; and then they assume that it will reduce the clerkships to a certain extent. It is shown by the evidence that the pension agencies that disburse the larger amounts cost less per capita of soldiers to whom the disbursements are made, and therefore, by still further concentrating, it is contended we could make the cost of such disbursement still less.

Mr. CULLOM. Mr. President, I desire to ask the chairman of the Committee on Pensions whether he favors this scheme of consolidation?

Mr. MCCUMBER. I do not.

Mr. CULLOM. I am glad of that.

Mr. MCCUMBER. I reported against it.

Mr. CULLOM. I hope the chairman of the committee will continue to insist on the Senate amendment.

Mr. ALLISON. I ask the chairman of the committee when these pension agencies are proposed to be abolished by this House proposition?

Mr. MCCUMBER. Immediately.

Mr. ALLISON. Mr. President, I hope that that will not be done. I think, in view of the legislation we have passed at this session, granting additional service pensions, that it is not wise to so change the method of paying pensions as to entirely revolutionize the system. While it may be easy to show on paper that the situation is such that a single agency could be managed more economically than seventeen different agencies, I think it will be found that, if the agencies are all concentrated in the city of Washington, with the additional charges for rental, clerk hire, and all the surroundings of a great bureau here at Washington to pay pensions, it will in the end increase rather than diminish the cost.

Mr. MCCUMBER. I call the Senator's attention to the fact that in the outlying agencies the salaries of clerks will average, I think, less than $900 a year, while the cost of clerk hire in the city of Washington for the same service will average more than $1,200 a year.

Mr. ALLISON. That is true. I am sure there is no economy in the proposed change.

Mr. SCOTT. Mr. President, the conferees on the part of the Senate on the pension appropriation bill have taken a very firm stand for sustaining the law as it now exists. I have given this matter considerable thought and I am satisfied that if the proposition of the House should prevail no economy would be brought about by the abolition of the various pension agencies outside of Washington. There might possibly be a very small saving, but certainly it would throw everything into confusion, and especially at this time when the new pension law we passed here a few weeks ago is just going into effect.

The Commissioner of Pensions told me that there were already between 75,000 and 100,000 applications for pensions under the law we have recently passed. We should not, therefore, change the places of paying the pensions and disarrange the business at this time. I have insisted with the conferees of the House that the matter should at least go over for a year, until we can see what will be the effect of the new law and how much additional work will be thrown on the different agencies in the payment of pensions in consequence of it.

I hope the Senate will stand by the conferees in the position they have taken on this question.

Mr. CULLOM. The Senate will do so, of course.

Mr. BEVERIDGE. Mr. President, I have listened with more than common interest to the statements which have been made in the last few minutes in reference to the proposition of the other House; which seems to be not only extraordinary, but absurd. One statement, it seems to me, is sufficient to demolish the whole contention, and that is, Mr. President, that there are still nearly 1,000,000 of the old soldiers and their widows on the pension rolls of the Republic, scattered from ocean to ocean and from Mexico to the Dominion. The gentlemen who want to change the system and direct the whole administration of this department from Washington alone need not be in such great haste. It will not be very long until the years shall have completed this work; but there are still a million of these recipients of the Government's bounty and the Government's justice. So it appears that the proposition to take the pension agencies from their midst, where the pensions are paid to them directly, is not only an extraordinary act, but an absurd one, without the shadow of a reasonable excuse for it.

I hope that the Senate will unanimously stand by its conferees persistently in the position they have taken against the proposition which the House has advanced.

Mr. HANSBROUGH. Mr. President, I earnestly hope that the Senate will sustain its conferees in the position they have taken respecting this matter. The Senator from Iowa [Mr. ALLISON] sounded the keynote of the situation when he said that to concentrate these agencies in the city of Washington would eventually result in greater expense than that which is now incurred by the various agencies scattered throughout the country.

We all know what it means to establish a bureau in the city of Washington. At first it may involve an insignificant sum, but it only requires a few years, Mr. President, for it to become a very elaborate and expensive affair. That is precisely, in my judgment, what would happen in this case if we should concentrate the various pension agencies here in the city of Washington.

Mr. FRYE. Mr. President, I sincerely hope the conferees on the part of the Senate will adhere to their present position. The attempt has been made to consolidate these pension agencies again and again, and after careful investigation every time the proposition has been decided against. I do not believe there is a pensioner in the United States of America who is in favor of the consolidation of these pension agencies and locating a bureau for the transaction of the business in the city of Washington. I hope the conferees will adhere to their position.

Mr. CARMACK. Mr. President, I believe I am as much in favor of economy as any Senator on this floor, but I do not believe that economy should be the only consideration in judging the merits of any measure that may be proposed. I agree with the Senator from North Dakota [Mr. MCCUMBER], the chairman of the Committee on Pensions, that we ought not to concentrate

too much of administration in the city of Washington, and that wherever it can be performed elsewhere without injury to the public service it ought to be done.

I wish to express my opinion, furthermore, that if this measure were passed and the pension agencies were abolished, it would not result in any economy to the Government. The very moment these agencies were all concentrated in the city of Washington there would be a demand for increased salaries of clerks, and they would inevitably be increased by 33⅓ per cent, to put them on a level with the salaries of other clerks now in the city of Washington. I believe it would be best for the administration of our pension laws that the pension agencies should be retained.

Mr. GALLINGER. Mr. President, I have necessarily been absent from the Chamber and confess to not having a very correct idea of what has been going on this morning, but I assume from what I have heard that this is a discussion as to the desirability of abolishing the pension agencies in the country and putting the matter in the hands of one agent in the city of Washington. I want simply to say in reference to that that when the present agencies were established there were less than one-half as many pensioners in the country as there are to-day. So that, if there ever was need for these agencies, there is a greater need now for these agencies than there has been in the past, at least a much greater need than there was when they were established.

Again, Mr. President, our recent legislation is going to bring a very great amount of additional work for the pension agents of the country. I think 100,000 applications have come in under the act we recently passed, and it does seem to me that this is an inopportune time to make this proposed consolidation, whether it be claimed that it is in the interests of economy or for any other purpose.

I know that the old soldiers do not want this thing done, and I think we ought to take that matter into very serious consideration. I have here, Mr. President, a letter from the War Veterans and Sons' Association, with headquarters at Brooklyn, N. Y., which is a very strong presentation of the matter, and I will ask permission to place it in the RECORD.

The VICE-PRESIDENT. In the absence of objection, the letter referred to by the Senator from New Hampshire will be printed in the RECORD.

The letter referred to is as follows:

WAR VETERANS AND SONS' ASSOCIATION,
ROOM 2, BOROUGH HALL,
Brooklyn, N. Y., February 6, 1907.

DEAR SIR AND COMRADE: At a regular meeting of the War Veterans and Sons' Association of the United States of America (Incorporated), held on February 6, 1907, at their headquarters, room 2, Borough Hall, the following resolutions were adopted and ordered sent to all Members of Congress and United States Senators, and all kindred organizations which have the interests of the veterans and their widows at heart, urging them to use their best endeavors to prevent the enacting of a bill presented in Congress having in view the abolition of the seventeen pension agencies, located in convenient sections of the United States, and centralizing the payment of pensions from one agency at Washington, D. C.; and

Whereas the sole reason for this proposed sweeping change is the possibility of an insignificant saving in the cost of disbursing the amount paid to pensioners which has been reduced to a minimum, being now less than 3½ mills per dollar; Therefore, be it

Resolved, That the War Veterans and Sons of the United States of America hereby most earnestly protest against the abolishment of the pension agencies as now established. The present system is most satisfactory to the pensioners residing, as they do, within a radius of two or three hundred miles of the agency making the payment; enabling them to receive their payments within a few days after date on which they become due. Should the contemplated change occur, there must result delay in payments, causing unnecessary hardships and inconvenience to all pensioners, especially that type of men who may be classed the saviors of our glorious country, who defended the Government and the Constitution in the darkest days of its history, the veterans of the civil war; and be it further

Resolved, That we leave no stone unturned that will help to annul this injustice to our comrades who are on the pension roll.

P. S. M. MUNRO, *President.*
WILLIAM H. FAINTER, *Secretary.*

Mr. GALLINGER. I trust, Mr. President, that the conferees on the part of the Senate may stand firm in this matter, and that we may be permitted to continue this work as we have been doing in the past. If in the future, as this vanishing army of men who saved the country diminishes, it is deemed desirable to do this thing, then let it be done, but let it be done with greater deliberation and more consideration than the matter has received up to the present moment.

Mr. LODGE. Mr. President, I desire merely to add a word to what has been said by the Senator from New Hampshire [Mr. GALLINGER]. I know that in my State and in all the region thereabouts the abolition of pension agencies would be a cause of great inconvenience and would be a real misfortune to the veterans who receive pensions. I see no good reason for abolishing the agencies at this time. The pensioners are growing old; they are accustomed to going to the agencies which are within easy reach of their homes, and to compel them to collect their pensions from Washington would put them not only to trouble, but to some expense. I do not believe any money would be saved in the long run by adopting the proposed change, and I am sure the old soldiers would suffer from it.

I only say this, Mr. President, because I hope the conferees will realize that the feeling of the Senate, or of many Senators at least, is very strong on this point, and that they are anxious that the conferees should stand firm on the Senate amendment, which I believe to be a thoroughly proper one.

Mr. DICK. Mr. President, all the reasons advanced are good in themselves, but the one which I think more strongly emphasizes the importance of not changing this arrangement at this time is the fact that recently we have passed legislation which adds perhaps 100,000 pensioners to the pension roll. Already the Department is overwhelmed with applications. The men now engaged in the work at the established agencies are better able to care for it expeditiously and satisfactorily than new men in a new bureau could possibly do.

In order that the sentiment of the Senate may be properly tested, Mr. President, upon the matter, I move that the Senate recede from its amendment and that a vote be taken upon that motion. I shall vote against the motion, because I am for the proposition as represented in the Senate amendment, but, in order that the sentiment of the Senate may be tested, I make that motion.

Mr. BEVERIDGE. Should not the motion be that the Senate insist on its amendment?

Mr. DICK. My reply to that is that it seems to me that a vote on this motion would more thoroughly sound the sentiment of the Senate than would a motion put in any other form.

Mr. HEMENWAY obtained the floor.

Mr. FRYE. Will the Senator allow me a word?

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

Mr. HEMENWAY. Certainly.

Mr. FRYE. A motion to adhere would not do; if the Senate voted to adhere that would kill the bill.

Mr. FORAKER. I want to have a motion that will mean what we want to do. I believe in making such a motion as we want to see carried. I want to adhere to the position that the Senate has taken in regard to the matter, and I want to support the conferees. I do not care about the form of the motion, if it means what we want to vote to do. I want to add a word, Mr. President, of hearty sympathy——

Mr. SPOONER. Will the Senator from Ohio change his motion——

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

Mr. HEMENWAY. I intended to discuss the motion made by the Senator from Ohio [Mr. DICK], but I yielded to the Senator from Ohio [Mr. FORAKER].

Mr. FORAKER. I only wanted to say what I had almost concluded saying when I was interrupted, that I am in hearty sympathy with all that has been said here in favor of retaining these agencies as they are now established. I am opposed to this everlasting concentration of everything in Washington. Let us have something as it has been heretofore, especially that which is popular and which the public demand seems to require. I hope the Senate conferees will maintain their position.

Mr. HEMENWAY. Mr. President, the Senator from Ohio [Mr. FORAKER] has expressed my thought. I see no reason why all of this work should be concentrated in Washington. The fact is, that salaries paid at the various agencies in the States are not as high as the salaries paid in Washington; living is not as high, and, from the standpoint of economy, there is nothing to be gained by the proposed change; but it will result in great detriment to those who are receiving pensions, delay in transmitting their checks, etc.

Mr. GALLINGER. If the Senator will permit me, on just that point, I wish to say that out of ten clerks in the pension agency in New Hampshire seven are only receiving $60 a month. If this work were transferred to Washington, we know what would happen so far as expenditures are concerned.

Mr. HEMENWAY. I am obliged to the Senator for calling attention to that fact. If the work were done in Washington, the salaries of the clerks would be at least $1,200 a year.

Mr. KNOX. Mr. President——

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

Mr. HEMENWAY. Certainly.

Mr. KNOX. I should like to have the Senator from Indiana state the exact question and the parliamentary form that it is in. Some of us upon this side have not been able to hear.

Mr. HEMENWAY. The motion made by the Senator from Ohio [Mr. DICK] was that the Senate recede from its amendment. That would simply take the sense of the Senate on that proposition.

Mr. KNOX. What is the exact proposition? That is what we want to know.

Mr. HEMENWAY. To recede from the amendment of the Senate. The House, as I understand, in the appropriation bill provided that all local pension agencies should be discontinued and that the business should be transacted in the city of Washington. The Senate amended that by striking out the provision. I will ask the chairman of the Committee on Pensions if that is not correct?

Mr. McCUMBER. Yes.

Mr. HEMENWAY. The Senate amended that by striking out the provision and leaving the agencies as they now exist. The motion of the Senator from Ohio would simply take the sense of the Senate on that proposition, and those believing that the agencies should be continued as they now exist would vote against his motion. A motion to further insist might be the proper motion.

Mr. CULLOM. In my judgment that would be the proper motion.

Mr. HEMENWAY. I do not know but that it would be the proper motion.

Mr. CULLOM. The proper motion is to further insist upon the Senate amendment.

Mr. HEMENWAY. The proper motion would be to further insist upon the Senate amendment; and, with the permission of the Senator from Ohio [Mr. DICK], I would move to amend his motion so that it will be that the Senate further insist on its amendment disagreed to by the House of Representatives to the bill.

Mr. DICK. Mr. President, since it is my purpose to get the strongest possible expression of the Senate favorable to the contention of the Senate conferees, I accept the suggestion of the Senator from Indiana [Mr. HEMENWAY] and will change the form of the motion so as to make it that the Senate further insist upon its amendment, instead of receding.

Mr. HEMENWAY. I suggest that we have a yea-and-nay vote on that motion.

Mr. HEYBURN. Mr. President, I think it has not been developed that other States than those having agencies within their borders are particularly interested in this matter. My State is in the California district, and so are Montana and Washington and the entire line of States on the Pacific coast.

Mr. PERKINS. And Oregon and Nevada.

Mr. HEYBURN. Yes; and Oregon and Nevada. It is a very great convenience to pensioners within that Pacific coast district to have an agency in San Francisco, which is the center of the pension business in that region, and our pensioners receive their checks from that office. It is an agency that is not established upon such an expensive basis as that on which the Departments are run in Washington. If it is transferred to Washington, it would be placed upon the expensive basis upon which business of that kind is done in Washington, whereas if transacted at any agency it is comparatively an inexpensive proposition. Senators from the Pacific coast will undoubtedly join in resisting a change that would result in the abolition of our central agency for the distribution of pensions on the Pacific coast.

Mr. FRYE. Let us have a vote.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio that the Senate further insist upon its amendment.

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

The yeas and nays were ordered.

Mr. OVERMAN. I ask that the question be stated.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. DICK] that the Senate further insist upon its amendment disagreed to by the House of Representatives. Upon that 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 have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I am sure he would vote "yea" if present. I would vote the same way. So I will vote. I vote "yea."

Mr. ELKINS (when his name was called). Although paired, I will vote on this question. I vote "yea."

The roll call was concluded.

Mr. DEPEW. I wish to announce that my colleague [Mr. PLATT] is unavoidably absent. He sends me word that if he were present he would vote "yea."

Mr. WARNER. My colleague [Mr. STONE] is unavoidably detained from the Chamber.

Mr. CLAPP. I desire to say in this connection—and I wish the announcement to stand for any other vote that may be taken to-day—that my colleague [Mr. NELSON] is detained at his home by sickness.

Mr. BRANDEGEE. I wish to announce that the junior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate by illness.

Mr. BURROWS. My colleague [Mr. SMITH] is temporarily absent from the Chamber. If present he would vote "yea."

The result was announced—yeas 62, nays 1, as follows:

YEAS—62.

Aldrich	Culberson	Hansbrough	Newlands
Allee	Cullom	Hemenway	Nixon
Allison	Curtis	Heyburn	Overman
Ankeny	Depew	Hopkins	Perkins
Bacon	Dick	Kean	Pettus
Berry	Dillingham	Kittredge	Piles
Beveridge	Du Pont	Knox	Proctor
Blackburn	Elkins	Latimer	Rayner
Brandegee	Flint	Lodge	Scott
Burnham	Foraker	Long	Sutherland
Burrows	Frazier	McCreary	Teller
Carmack	Frye	McCumber	Tillman
Carter	Fulton	McEnery	Warner
Clapp	Gallinger	McLaurin	Whyte
Clark, Mont.	Gamble	Mallory	
Clay	Hale	Millard	

NAY—1.

Burkett

NOT VOTING—27.

Bailey	Dryden	Mulkey	Smoot
Bulkeley	Dubois	Nelson	Spooner
Clark, Wyo.	Foster	Patterson	Stone
Clarke, Ark.	La Follette	Penrose	Taliaferro
Crane	Martin	Platt	Warren
Daniel	Money	Simmons	Wetmore
Dolliver	Morgan	Smith	

So the motion of Mr. DICK was agreed to.

Mr. McCUMBER. The Senate having expressed itself upon this question, I move that the conferees on the part of the Senate be appointed by the Chair.

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

MEXICAN KICKAPOOS.

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

Mr. TELLER. I desire to call up a joint resolution.

Mr. GALLINGER. I yield to the Senator from Colorado.

Mr. TELLER. I ask leave, on behalf of the Committee on Indian Affairs, to call up the joint resolution (S. R. 95) relating to proceedings to set aside deeds alleged to have been made by Mexican Kickapoos. It has been on the table some days. I should like to have it passed, if possible. There are certain amendments.

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

Mr. CARMACK. Who presented the joint resolution, may I ask?

Mr. TELLER. The Committee on Indian Affairs.

Mr. CARMACK. All right.

Mr. TELLER. I presented it for the committee. There are some modifications.

The VICE-PRESIDENT. The amendments proposed by the Senator from Colorado will be stated.

The amendments were, on page 1, line 5, after the word "of," to insert "all of;" in line 12, after the word "Mexico," to insert "or elsewhere;" in line 3, on page 2, to strike out the words "specially employed;" in line 5 to strike out "and their trustees;" in line 6, before the word "aside," to strike out "to;" in line 7, after the word "Indians," to strike out "and their trustees;" and in line 9 to strike out "and he is further directed to prosecute, in the proper courts, any and all parties to said frauds; and he is authorized to employ for said purposes suitable attorney or attorneys as his assistant or assistants who has or have the confidence of said Indians;" so as to make the joint resolution read:

Resolved, etc., That the Committee on Indian Affairs of the Senate be, and it hereby is, directed to file with the Attorney-General of the United States a copy of all of the testimony taken by it under Senate resolutions Nos. 220 and 261, Fifty-ninth Congress, second session, and that upon the filing of such testimony the Attorney-General be, and he hereby is, authorized, in his discretion, to investigate any and all conveyances purporting to have been executed and acknowledged in the Republic of Mexico or elsewhere, of lands situated in Oklahoma and heretofore allotted to Mexican Kickapoo Indians now nonresident in the United States, and if the said conveyances, or any of them, appear to have been procured by fraud or fraudulently executed, he shall, by his assistant or assistants, appear in and defray the costs of and prosecute proceedings in the proper courts on behalf of said Indians and their trustees, to cancel and set aside said conveyances, and

to clear the title of said Indians to said land from any and all cloud thereon, the result of such fraudulent conveyances; and for said purpose and the payment of costs in suits to set aside said fraudulent conveyances there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, the same to be immediately available.

The amendments were agreed to.

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

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

BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 8621) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 8623) to confer jurisdiction upon the Court of Claims to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 8624) to restore Leonard Martin Cox to the Corps of Civil Engineers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WETMORE introduced a bill (S. 8625) granting an increase of pension to Henry E. Wells; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 8626) to purchase a site for the postal service in the city of Austin, Tex., and to construct thereon a suitable building; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. FRYE submitted an amendment proposing to appropriate $5,000 to reimburse officers and enlisted men of the United States Revenue-Cutter Service who were on duty under orders at San Francisco during the earthquake and fire, April 18, 1906, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. BURNHAM submitted an amendment proposing to appropriate $15,000 to pay the State of New Hampshire for certain tracts of land forming the site of Fort Constitution, Portsmouth Harbor, New Hampshire, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS.

On motion of Mr. McENERY, it was

Ordered, That the papers in the case of the bill S. 1221, first session, Fifty-ninth Congress, for the relief of J. de L. Lafitte, be withdrawn from the files of the Senate, there being no adverse report thereon.

THE MERCHANT MARINE.

Mr. GALLINGER. I have asked a privileged question, that a message from the House be laid before the Senate, but if Senators have morning business to present I have no disposition to shut it out, and I will yield to such Senators.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon rise to morning business?

Mr. FULTON. I do.

Mr. GALLINGER. I yield to the Senator from Oregon.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON. I submit a resolution, for which I ask present consideration.

The VICE-PRESIDENT. The Senator from Oregon submits a resolution, which will be read.

The Secretary read as follows:

IN THE SENATE OF THE UNITED STATES,
March 2, 1907.

Resolved, That the claims of Capt. E. St. John Greble and other officers and enlisted men of the United States Army (S. 283); county court of Randolph County, W. Va. (S. 291); heirs of Richard R. Mosley (S. 310); creditors of the Deposit Savings Association of Mobile, Ala. (S. 346); heirs of Celestine Sarra, deceased (S. 351); William B. Duncan, administrator de bonis non of David S. Jones, deceased (S. 370); T. L. Love (S. 374); estate of H. West, deceased (S. 403); estate of John S. Sturdy, deceased (S. 405); legal heirs of the late John George Bauer (S. 413); M. A. Shelton (S. 650); R. L. Foster, surviving partner (S. 651); Georgia Railroad and Banking Company (S. 819); estate of William Johnson, deceased (S. 905); Hyland C. Kirk and others, assignees of Addison C. Fletcher (S. 1048); J. A. Shackleton (S. 1183); William H. Howard and Oliver D. Lewis (S. 1193); B. J. D. Irwin (S. 1209); Susan B. Schroeder, daughter of Susan Allen, deceased (S. 1280); heirs of George Gardner (S. 1293); estate of Oliver Milburn, deceased (S. 1333); drafted men of Pendleton and other counties, in the State of Kentucky (S. 1451); David Tuckwiller and Sarah Bettie Wilson (S. 1503); reopening and readjustment of the accounts of Joseph A. Mower, deceased, late major-general, United States Army, and for other purposes (S. 1553); heirs of Jenkins & Havens (S. 1554); heirs of Joseph H. Etheridge and William D. Etheridge (S. 1766); estate of Esau Berry, deceased (S. 1776); O. P. Cobb's heirs and others (S. 1859); Sarah Jane Bellah, administratrix of the estate of James W. Bellah, deceased (S. 1870); J. C. Brooks (S. 1877); Mrs. C. A. Hale (S. 1932); James C. Burke (S. 2063); Clotilda Freund, assignee of Frank W. Freund (S. 2088); heirs of Henry N. Harris, deceased (S. 2131); estate of George P. Carmichael, deceased (S. 2147); estate of F. A. De Georgis, deceased (S. 2149); estate of Robert B. Smith, deceased (S. 2150); estate of Edward R. Phillips, deceased (S. 2584); estate of Joseph P. Mahaney (S. 2599); Samuel S. Dennis (S. 2608); heirs of William B. Etheridge (S. 2609); heirs of John D. Matthews (S. 2610); Joseph Disney (S. 2740); John B. Warren (S. 2814); estate of Jean Louis Malvean, deceased (S. 2894); estate of George Neck, sr. (S. 2903); estate of James R. Young, deceased (S. 2906); Arvillen Broussard (S. 2911); Mrs. E. C. McIntyre (S. 2916); estate of C. E. Booty (S. 2917); estate of Louis Baron, deceased (S. 2918); estate of William Griffith, deceased (S. 2922); estate of George W. Dyson, deceased (S. 2944); estate of Adelon Vigues, deceased (S. 2930); heirs of Syrus Ratliff, deceased (S. 2931); estate of Emilie Rost, deceased (S. 2937); estate of John R. Temple, deceased (S. 2943); Elias Weaver (S. 3003); George H. Hogan (S. 3004); estate of William Curtis, deceased (S. 3049); estate of Peter H. Gold, deceased (S. 3050); estate of Green Guest, deceased (S. 3051); heirs of George Orville Ragland, deceased (S. 3056); Joseph Lightfoot (S. 3061); William H. Hillard (S. 3062); estate of Caswell B. Derrick, deceased (S. 3064); estate of Benjamin B. Coffey, deceased (S. 3070); estate of B. G. Chandler, deceased (S. 3072); estate of John Black, deceased (S. 3074); estate of James Woosley, deceased (S. 3082); James H. Young, Benjamin F. Young, and F. A. Young (S. 3083); estate of Elizabeth Blakemore, deceased (S. 3091); estate of Livi Jones, deceased (S. 3093); estate of Samuel H. Gilbert, deceased (S. 3099); heirs of Nicholas Stonestreet, deceased (S. 3135); estate of Alexander Russell, deceased (S. 3356); estate of D. U. Ford, deceased (S. 3362); Jane P. Moore (S. 3374); estate of Benjamin Hawes, deceased (S. 3377); estate of Francis Griffing, deceased (S. 3378); estate of Milton Crawford, deceased (S. 3380); estate of Nancey Barrow, deceased (S. 3384); B. V. McGuffie, sr. (S. 3387); Mrs. Virginia Grant (S. 3389); estate of Jane N. Gibson, deceased (S. 3394); estate of J. B. Lewis, deceased (S. 3397); estate of R. T. Brown, deceased (S. 3399); A. W. Tedcastle, guardian of Frances L. Snell (S. 3421); heirs of Allison Nailor, sr., deceased (S. 3448); Francis O'Bannon (S. 3451); James M. Shilling (S. 3462); T. J. Coagar (S. 3501); John M. Jamieson (S. 3510); John L. Brown and the estates of A. T. Redditt and William G. Judkins (S. 3542); Willie Anna Hobgood (S. 3559); estate of Thomas V. Provence, deceased (S. 3710); estate of Alexander F. Beckham, deceased (S. 3829); estate of Isaac Haynes, decesaed (S. 3867); estate of William Shreve, deceased (S. 3871); estate of Thomas A. Dough, deceased (S. 3887); estate of William Keith (S. 3974); estate of Jonathan H. Ellison, deceased (S. 3975); heirs of Dr. J. B. Owen (S. 3981); estate of David Heller, deceased, and E. Mary Heller (S. 4098); occupants and owners of property of Camp Tyler, in Cook County, Ill. (S. 4149); estate of George W. Taylor, deceased (S. 4260); Lorenzo D. Corrick, administrator of William Corrick, deceased (S. 4276); estate of William Flannigan, deceased (S. 4374); Hosmer, Crampton & Hammond and others (S. 4402); George W. Landram and H. M. Henson, only surviving heirs of Hubbard Landram and Hugh Henson, deceased (S. 4540); heirs of Thomas J. Williams, deceased (S. 4620); estate of Hiram Anderson, deceased (S. 4657); heirs of John Schwartzenburg, sr., deceased (S. 4659); estate of Alfred L. Shotwell (S. 4696); estate of John W. Hester, deceased (S. 4713); estate of Anton Borchert (S. 4731); Aaron C. Dean (S. 4798); estate of Sion Johnson, deceased (S. 4801); estate of Joshua Hill, deceased (S. 4808); John Alexander Besonen (S. 4809); estate of Dr. O. P. Hill, deceased (S. 4824); heirs of T. N. Ferrell, deceased (S. 4867); Anna M. Orne (S. 5087); trustees of Trinity Protestant Episcopal Church, of Martinsburg, W. Va. (S. 5180); Robert Langston (S. 5230); estate of T. H. Goodloe, deceased (S. 5237); Virginia K. Hahn and Mary E. Carroll, heirs of James Bridger (S. 5242); A. Boschke, civil engineer: *Provided*, That any testimony, affidavits, and other papers of file in either House of Congress relating to said claim shall be considered by the court as competent evidence and such weight given thereto as, in its judgment, is right and proper (S. 5336).

Joseph E. Funkhouser (S. 5413); estate of the late Christina Turner (S. 5422); legal representatives of P. M. Craigmiles, deceased (S. 5424); legal representatives of the estate of James Maney (S. 5425); John Sharp and John Dickson (S. 5464); heirs of S. W. Thrift (S. 5496); estate of John McFarland, deceased (S. 5576); Mary Christopher, heir of Lowell G. Spaulding, deceased (S. 5619); heirs of Richard Terrell (S. 5642); Mary E. Macgregor (S. 5647); estate of John Jones, deceased (S. 5651); heirs of Mrs. D. J. Booth, deceased (S. 5652); estate of William McCreight, deceased (S. 5654); heirs of Alfred Mullins, deceased (S. 5656); estate of Solomon Landis, deceased (S. 5663); estate of John Bunch, deceased (S. 5667); estate of F. L. Hammond, deceased (S. 5688); estate of John M. Rook, deceased (S. 5792); Frances M. Egan, administratrix of Patrick Egan, deceased (S. 5831); Julia D. Harris, administratrix of the estate of Stephen Daggett, deceased (S. 6013); estate of Charlotte A. Armstrong, deceased (S. 6021); L. A. Jopeline (S. 6048); estate of Mary F. Birdsong, deceased (S. 6069); Burwell J. Curry (S. 6107); village of Graysville, in Catoosa County, Ga. (S. 6201); estate of Francis A. Gonzales and Antonio Gonzales (S. 6242); heirs of John R. Savage, deceased (S. 6291); heirs of James Downs and Christine Downs, deceased (S. 6335); estate of George W. McGrew, deceased (S. 6337); Sampson Snyder (S. 6341); city of Glasgow, Mo. (S. 6387); George Ivers, administrator de bonis non of William Ivers, deceased (S. 6403); heirs of Thomas P. Mathews (S. 6442); trustees of the Presbyterian Church of Macon, Mo. (S. 6449); trustees of the Methodist Episcopal Church of Macon, Mo. (S. 6450); Methodist Episcopal Church South, of Charleston, Tenn. (S. 6479); George K. Hathaway, administrator of John R. Hathaway, deceased (S. 6502); Mrs. Emily Miller (S. 6528); heirs of George M. Hamner, deceased (S. 6550); deacons of the First Presbyterian Church of Bowling Green, Ky. (S. 6620); trustees of the African Baptist Church of Paris, Ky. (S. 6621); trustees of the Green River Collegiate Institute, as successor to Hart Seminary, of Munfordville, Ky. (S. 6622); trustees of the Methodist Episcopal Church of Jumping Branch, W. Va. (S. 6638); trustees of

the Methodist Episcopal Church of Ravenswood, W. Va. (S. 6639); trustees of Christ Protestant Episcopal Church, Bunker Hill, W. Va. (S. 6640); trustees of the Missionary Baptist Church, of Webster, W. Va. (S. 6641); trustees of the Fetterman (now West Main Street) Methodist Episcopal Church, of Grafton, W. Va. (S. 6642); Caledonia Lodge, No. 4, Independent Order of Odd Fellows, of Shepherdstown, W. Va. (S. 6643); trustees of the Methodist Episcopal Church of Paw Paw, W. Va. (S. 6644); estate of William L. Bradley (S. 6646); estate of John Fields, sr., deceased (S. 6727); heirs of Nathaniel Tarr, deceased (S. 6737); trustees of the Colored Baptist Church of New Castle, Ky. (S. 6744); trustees of the Christian Church of Mount Sterling, Ky. (S. 6746); vestry of Christ Protestant Episcopal Church, of Bowling Green, Ky. (S. 6747); trustees of the Sulphur Wells Christian Church, near Nicholasville, Ky. (S. 6748); trustees of the Baptist Church of Brandenburg, Ky. (S. 6749); trustees of the St. Paul African Methodist Episcopal Church, of Paris, Ky. (S. 6750); trustees of St. James Evangelical Lutheran Church, of Gettysburg, Pa. (S. 6752), St. Francis Xavier Roman Catholic Church, of Gettysburg, Pa. (S. 6753); Locust Dale Academy, of Madison County, Va. (S. 6757); trustees of Piney Branch (or Yellow) Church, of Spottsylvania County, Va. (S. 6758); trustees of the Tabernacle Methodist Church of Spottsylvania County, Va. (S. 6759); trustees of Salem Baptist Church, Spottsylvania County, Va. (S. 6760); trustees of Zoan Baptist Church of Spottsylvania County, Va. (S. 6761); trustees of the Liberty Baptist Church and the trustees of the Liberty Methodist Episcopal Church South, of Bealton, Va. (S. 6762); trustees of the Old School Baptist Church, of Upperville, Va. (S. 6763); trustees of the Methodist Episcopal Church South, of Paris, Va. (S. 6764); trustees of Chappawamsic Primitive Baptist Church, of Stafford County, Va. (S. 6765); trustees of the Little River Missionary Baptist Church, near Aldie, Va. (S. 6766); trustees of Ralls Lodge, No. 33, Ancient Free and Accepted Masons, of Madisonville, Mo. (S. 6777); trustees of the Beaufort Library Society, of Beaufort, S. C. (S. 6781); vestry and church wardens of the Episcopal Church of the Parish of Christ Church, South Carolina (S. 6782); trustees of the Ewing Institute, of Perryville, Ky. (S. 6831); trustees of the Christian Church of Perryville, Ky. (S. 6832); trustees of Trinity Presbyterian Church, of Lavacca, Catahoula Parish, La. (S. 6854); personal representatives of James Rhodes, deceased (S. 6874); trustees of Lutheran Parsonage, of Effingham County, Ga. (S. 6880); session of the Presbyterian Church of Greenwood, Prince William County, Va. (S. 6886); trustees of the Primitive Baptist Church, of Front Royal, Va. (S. 6887); trustees of the Jerusalem Baptist Church and the vestry of Zion Protestant Episcopal Church, of Fairfax Court House, Va. (S. 6888); trustees of the Methodist Episcopal Church South, of Unison, Va. (S. 6889); trustees of the Trinity Methodist Church South, of Cattlets, Va. (S. 6890); trustees of the Methodist Protestant Church of Fox Hill, Va. (S. 6891); trustees of the Methodist Episcopal Church South, of Upperville, Va. (S. 6892); heirs of Thomas N. Towson (S. 6893); trustees of Cedar Grove Church, of Culpeper County, Va. (S. 6894); trustees of the Methodist Episcopal Church South, of Gravelly Run, Dinwiddie County, Va. (S. 6895).

Academy of Richmond County, Ga. (S. 6968); trustees of the Union Presbyterian Church of Cross Keys, Va. (S. 6979); trustees of the Baptist Church of Falls Church, Va. (S. 6980); trustees of Tabernacle Methodist Episcopal Church South, of Culpeper County, Va. (S. 6981); trustees of the Presbyterian Church of the town of Culpeper, Culpeper County, Va. (S. 6982); trustees of Providence Church, of Culpeper County, Va. (S. 6983); trustees of the Baptist Church of Paris, Ky. (S. 7030); session of the Presbyterian Church of Perryville, Ky. (S. 7031); Presbyterian Church and the Green River Masonic Lodge, No. 88, of Munfordville, Ky. (S. 7032); trustees of the Baptist Church of Harrodsburg, Ky. (S. 7033); trustees of Harpeth Academy, of Franklin, Williamson County, Tenn. (S. 7081); trustees of the Tonoloway Baptist Church, of Fulton County, Pa. (S. 7085); consistory of the Trinity Reformed Church, of Gettysburg, Pa. (S. 7086); consistory of St. Mark's German Reformed Church, of Gettysburg, Pa. (S. 7087); Frank M. Wyant (S. 7095); trustees of the Methodist Episcopal Church South, of Point Pleasant, W. Va. (S. 7109); trustees of the Methodist Episcopal Church South, of Great Cacapon, W. Va. (S. 7110); trustees of the Mount Olive Primitive Baptist Church, of Philippi, W. Va. (S. 7111); trustees of the Methodist Episcopal Church South, of Ravenswood, W. Va. (S. 7112); trustees of the German Baptist Brethren Church, of Greenland Gap, W. Va. (S. 7113); trustees of the Methodist Episcopal Church of Philippi, W. Va. (S. 7114); trustees of the Methodist Episcopal Church South, of Perryville, Ky. (S. 7120); trustees of the First Presbyterian Church of Paris, Ky. (S. 7121); trustees of the Methodist Episcopal Church South, of Harrodsburg, Ky. (S. 7122); trustees of the Cumberland Presbyterian Church of Henderson, Ky. (S. 7123); trustees of the Baptist Church of Bowling Green, Ky. (S. 7124); treasurer of Salt River Lodge, No. 180, Free Ancient and Accepted Masons, of Mount Washington, Ky. (S. 7125); directors of the Presbyterian Theological Seminary of Kentucky (S. 7126); trustees of the Jessamine Female Institute, successor of Bethel Academy, of Nicholasville, Ky. (S. 7127); trustees of the First Baptist Church of Danville, Ky. (S. 7131); trustees of the Antioch Methodist Episcopal Church South, of Stewart, Mercer County, Ky. (S. 7132); trustees of the Methodist Episcopal Church South, of Mount Sterling, Ky. (S. 7133); trustees of the Regular Baptist Church of Richmond, Ky. (S. 7134); vestry of the Trinity Protestant Episcopal Church, of Danville, Ky. (S. 7135); trustees of the Presbyterian Church of Clarksburg, W. Va. (S. 7158); trustees of the Methodist Episcopal Church of Mannington, W. Va. (S. 7159); stewards of the Methodist Episcopal Church South, of Bowling Green, Ky. (S. 7205); trustees of the Central University, of Kentucky (formerly Center College), of Danville, Ky. (S. 7206); trustees of the Methodist Episcopal Church South, of Danville, Ky. (S. 7207); deacons of the African Baptist Church of Richmond, Ky. (S. 7208); secretary and treasurer of Harrison Masonic Lodge, No. 122, of Brandenburg, Ky. (S. 7209); trustees of the Presbyterian Church of Mount Sterling, Ky. (S. 7210); J. Howard Mitchell (S. 7228); estate of Leon Lemelle, deceased (S. 7251); estate of Ovid Decuir, deceased (S. 7254); Harvillen Norris (S. 7255); estate of Ozam D. Metoyer, deceased (S. 7259); estates of Theofile Metoyer and Elena Metoyer, deceased (S. 7261); estate of Charles Christophe, deceased (S. 7364); trustees of the Evangelical Lutheran Church of Burkittsville, Md. (S. 7274); vestry of St. Thomas Protestant Episcopal Church, of Hancock, Md. (S. 7275); trustees of the African Methodist Episcopal Church of Hagerstown, Md. (S. 7276); corporation of the Methodist Episcopal Church of Hancock, Md. (S. 7277); consistory of Grace Reformed Church, of Knoxville, Md. (S. 7278); Eliza Leathers, widow and administratrix of Alfred Leathers, deceased (S. 7297); trustees of the Assembly Presbyterian Church, of Harrodsburg, Ky. (S. 7298); heirs of Claude M. Johnson and of Rosa Vertner Jeffrey (S. 7301); J. P. Dieter (S. 7318); trustees of the Baptist Church of Gallipolis, Ohio (S. 7332); trustees of the Reformed Church of Burkittsville, Md. (S. 7345); council of Zion Evangelical Lutheran Church, of Williamsport, Md. (S. 7346); Frederick Academy of the Visitation, of Frederick, Md. (S. 7347); trustees of the Presbyterian Church of Hancock, Md. (S. 7348); trustees of the Providence Methodist Episcopal Church, near Suffolk, Nansemond County, Va. (S. 7386); trustees of the Primitive Baptist Church of Waterlick, Va. (S. 7387); trustees of the Methodist Episcopal Church South, of Snickersville (now Bluemont), Va. (S. 7388); trustees of the Old Goose Creek Church, near Markham, Va. (S. 7389); trustees of the Methodist Episcopal Church South, of Middleburg, Va. (S. 7390); St. Patrick's Roman Catholic Church, of Little Orleans, Md. (S. 7392); secretary and treasurer of Lexington Lodge, No. 1, Free and Accepted Masons, of Lexington, Ky. (S. 7438); trustees of the Methodist Episcopal Church South, of Brandenburg, Ky. (S. 7439); secretary and treasurer of the Chamberlain Philosophical and Literary Society, of Danville, Ky. (S. 7440); trustees of the Baptist Church of Shepherdsville, Ky. (S. 7441); trustees of the Glasgow graded common schools, of Glasgow, Ky. (S. 7442); rector of St. Augustine's Roman Catholic Church, of Lebanon, Ky. (S. 7443); trustees of the First Presbyterian Church of Danville, Ky. (S. 7444); Mrs. Zerelda P. Allen and others (S. 7464); heirs of Joel S. Calvert (S. 7465); heirs of H. D. Flowers, deceased (S. 7466).

Trustees of the Sandy Hook School, of Sandy Hook, Md. (S. 7538); trustees of the Burkittsville School, of Burkittsville, Md. (S. 7539); rector of St. Peter's Roman Catholic Church, of Hancock, Md. (S. 7540); trustees of the Frederick Presbyterian Church, of Frederick, Md. (S. 7541); trustees of the Harpeth Academy, of Williamson County, Tenn. (S. 7544); trustees of the Porter Female Academy, of Williamson County, Tenn. (S. 7546); trustees of the Presbyterian Church of Gallipolis, Ohio (S. 7559); trustees of the Presbyterian Church of Macon, Mo. (S. 7584); trustees of the Methodist Episcopal Church of Macon, Mo. (S. 7585); town of Nicholasville, Ky., and the Presbyterian Church of Nicholasville, Ky. (S. 7592); estate of John Houy (S. 7688); estate of Dr. Joseph Richard Martin, deceased (S. 7689); Jacob A. Paulk, in his own right and as administrator of the estate of Jonathan Paulk, deceased (S. 7719); heirs of A. E. Mills, deceased (S. 7721); estate of Louisa Harper, deceased (S. 7748); estate of Rebecca E. Sexton, deceased (S. 7749); estate of M. W. Ham, deceased (S. 7752); heirs of Denis O'Callaghan, deceased (S. 7774); Andrew J. Baker (S. 7778); trustees of the Methodist Episcopal Church South, of Rectortown, Va. (S. 7796); Baptist Church of Beaufort, N. C. (S. 7797); deacons of the First Presbyterian Church of Newbern, N. C. (S. 7798); estate of Artemus Newlin, deceased (S. 7799); Thomas W. Bell and others (S. 7801); trustees of Columbia College, of Columbia, S. C. (S. 7817); heirs of John R. Elliott (S. 7826); estate of Daniel Y. Grason, deceased (S. 7925); Watson Frye & Co. (S. 7928); Joseph Rymarkiewicz (S. 7956); for the relief of N. C. McNeel, administrator of the estate of Paul McNeel (S. 7966) (and the court shall retry and reinvestigate the question as to the loyalty of the said McNeel, deceased, and that any testimony, affidavits, and other papers on file in either House of Congress relating to said claim shall be considered by the court as competent evidence and such weight given thereto as in its judgment, is right and proper); Baptist Church of Dardanelle, Ark. (S. 8022); First Baptist Church of Jacksonville, Fla. (S. 8026); trustees of the Bethel Baptist Church (colored), of Jacksonville, Fla. (S. 8027); First Presbyterian Church of Jacksonville, Fla. (S. 8028); M. S. Elkin (S. 8055); First Methodist Episcopal Church South, of Jacksonville, Fla. (S. 8071); for the relief of the widow of Charles D. Coleman (S. 8108) (and the court shall find whether by any proper officer the said Charles D. Coleman was ordered to receive substitute funds and whether as a matter of fact he did receive them for the use of the United States); heirs of Andrew J. Brazelton, deceased (S. 8134); trustees of the Christian Church in Franklin, Williamson County, Tenn. (S. 8150); president and managers of Union Society (Bethesda Orphan House), of Savannah, Ga. (S. 8177); heirs of John D. Clemson (S. 8198); Medical College of Alabama, of Mobile, Ala. (S. 8211); Christopher Alexander and others (S. 8261); trustees of the Christian Church of Union City, Tenn. (S. 8268); Jonathan Lewis (S. 8306); estate of Aaron Turner, deceased (S. 8307); Grand Lodge of Free and Accepted Masons of the State of Arkansas (S. 8309); Mrs. Helen S. Hogan (S. 8329); Methodist Episcopal Church South, of Van Buren, Crawford County, Ark. (S. 8332); Christian Church near old Austin, Lonoke County, Ark. (S. 8333); heirs of Bowman H. Peterson (S. 8336); Mount Pleasant Masonic Lodge, No. 99, of Austin, Lonoke County, Ark. (S. 8366); Charles Backman (S. 8374); Nuc que clah we nuck tribe of Indians of the State of Oregon, the Wau ki kum band of Chinook Indians of the State of Washington, the Kathlamet band of Chinook Indians of the State of Oregon, the Wheelappa band of Chinook Indians of the State of Washington, the Clatsop tribe of Indians, the Tillamook tribe of Indians, the Konnaack band of Chinook Indians, the Klatskania band of Chinook Indians, the Ya su chah band of Indians, the To totan, You quee chae, and Qua tou wah bands of Indians of the States of Oregon and Washington (S. 8381); Washington Loan and Trust Company, of Washington, District of Columbia, executor of the will of Lavinia M. Payne, deceased (S. 8385); trustees of the Primitive Baptist Church of Newport, N. C. (S. 8392); trustees of the Presbyterian Church of Edisto Island, S. C. (S. 8421); trustees of Tabernacle Methodist Episcopal Church South, of Culpeper, Va. (S. 8428); trustees of the Presbyterian Church of Culpeper, Va. (S. 8429); heirs of Laura Dela Housave (S. 8434); estate of Joaquin Gomez of the estate of Vincente P. Gomez, both late of Monterey County, Cal. (S. 8447); Corinne Perret Fuseller (S. 8465); trustees of the Second Presbyterian Church of Alexandria, Va. (S. 8467); Marcus D. Wright, executor of Thomas G. Wright, and heirs at law of said Thomas G. Wright (S. 8471); heirs and representatives of William G. Burke, deceased (S. 8480); University of Nashville, Nashville, Tenn. (S. 8484); estate of Joseph Blair (S. 8493); Independent Order of Odd Fellows, No. 37, of Okolona, Miss. (S. 8494); Methodist Episcopal Church South, of Germantown, Tenn. (S. 8500); First Presbyterian Church of Nashville, Tenn. (S. 8501); Missionary Baptist Church, Antioch, Davidson County, Tenn. (S. 8506); council of St. Peter's Evangelical Lutheran Church, of Shepherdstown, W. Va. (S. 8517); city of Nashville, Tenn. (S. 8522); Levee-Steam Cotton Press Company, of New Orleans, in the State of Louisiana (S. 8527); Sarah M. Harrell (S. 8543); George F. Schayer (S. 8547); C. W. Moffatt (S. 8549); Samuel G. Searing (S. 8550); National Automatic Fire Alarm Company, of Washington, District of Columbia (S. 8552); Kentucky Drafted Men (S. 8554); owners of certain steamboats (S. 8555); James E. Arnold and others (S. 8560); State of Missouri (S. 8563); heirs of Mitchell King (S.

8573); James Marsh (S. 8574); Robert Adger, executor and trustee of the estate of James Adger, deceased (S. 8575); C. B. McClenny (S. 8579); heirs of J. W. Forrest, deceased (S. 8586); Methodist Episcopal Church South, of Mexico, Mo. (S. 8591); First Christian Church of Mexico, Mo., a corporation (S. 8592); First Christian Church of Springfield, Mo. (S. 8593); commissioners court of the county of Limestone, State of Alabama (S. 8595); county of Phelps, State of Missouri (S. 8597); John H. Davern (S. 8598); Grand Lodge Independent Order of Odd Fellows of the State of Tennessee (S. 8600); trustees of Lynn Creek Baptist Church, of Giles County, Tenn. (S. 8601); Mount Zion Church, of Williamson County, Tenn. (S. 8604); estate of John W. Hill (S. 8612), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker Act, and said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

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

Mr. ALLISON. I should like to ask the Senator how much is involved in these claims.

Mr. FULTON. It would not be possible to say how much is involved. Of course the Senator understands that various bills have been referred to the committee, and it is simply proposed now to refer them to the Court of Claims for findings of fact, not for judgment.

Mr. ALLISON. Has there been any proposal to remove the statute of limitations?

Mr. FULTON. No, sir; the claims go to the Court of Claims simply for findings of fact. There are 150 church and school claims and about 300 other claims.

In the resolution, so far as I had control of it, I have endeavored to keep the number down to the lowest possible limit.

Nothing like the number of bills whose reference has been requested are proposed to be referred. There are somewhere between three and four hundred bills altogether in the resolution.

As a matter of policy I am frank to say I do not believe it is good policy to continue sending these bills to the Court of Claims. A vast number of bills known as "war claims" are sent there annually, and the Government is practically helpless. The proof is of such a character that the Government can not meet it.

Mr. McCREARY. Mr. President——

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

Mr. FULTON. I will yield in just a second. But, nevertheless, the law provides for those bills being sent there, and so long as it is the law I do not see how the committee can refuse to report a resolution sending them there.

At the next session of Congress I intend to bring in an amendment modifying the fourteenth section of the Tucker Act, under which most of these claims are sent to the Court of Claims, so as to prohibit the sending to the Court of Claims of any more of these so-called "war claims." I believe it will be in the interest of good public policy to do that, and I believe it will meet the approval of the Members of Congress from the sections whence these claims arise. But the law now provides for their being sent to the Court of Claims, and so long as it is the law I see no way in which the committee can refuse to report a resolution.

I now yield to the Senator from Kentucky.

Mr. McCREARY. I desire to ask the Senator from Oregon if he proposes to have the list of claims published? A number of Senators, including myself, desire to know what cases are referred to the Court of Claims.

Mr. FULTON. The resolution will, of course, be published.

Mr. McCREARY. It will be printed in the RECORD?

Mr. FULTON. Certainly. But if objection be taken to the consideration of the resolution, it can go over until some other time. It will be published, and each Senator and Representative can see it. I will say that I personally care nothing about the present consideration of the resolution. I do not care whether a single bill is referred to the Court of Claims.

Mr. McCREARY. Will the Senator have the resolution printed in the RECORD?

Mr. FULTON. It will be printed in the RECORD, of course.

The VICE-PRESIDENT. It will be printed in the RECORD. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

Mr. KEAN. I ask that an additional number of copies of the resolution be printed, because there will be great demand for it.

The VICE-PRESIDENT. What additional number does the Senator suggest?

Mr. KEAN. Twice the usual number.

The VICE-PRESIDENT. The Senator from New Jersey asks that twice the usual number of copies of the resolution be printed. Without objection, it is so ordered.

WILLIAM N. BRUNSON.

Mr. McCUMBER. From the Committee on Pensions I report favorably a pension bill and ask for its immediate consideration. A bill for this beneficiary has heretofore passed, but the name was wrong, and the passage of this bill is necessary.

The bill (S. 8622) granting an increase of pension to William N. Brunson was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Brunson, late of Company G, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

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

PRACTICE OF MEDICINE AND SURGERY IN THE DISTRICT.

Mr. BURKETT. From the Committee on the District of Columbia, to whom was referred the bill (S. 8614) to amend the act entitled "An act to regulate the practice of medicine and surgery in the District of Columbia," approved June 3, 1896, I report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 6 of the act referred to so as to read as follows:

SEC. 6. That each member of said boards of medical examiners of the District of Columbia shall, before entering upon the discharge of his duties, take an oath to administer, fairly and impartially, the provisions of this act. Each board shall elect from its own members a president and a secretary. Each board shall hold a meeting for examination in the city of Washington on the second Tuesday in January, April, July, and October of each year, and continuing so long as may be necessary to examine all applicants, and other meetings shall be held at such times as the board of medical supervisors shall direct. Each of said boards shall examine, at the meeting immediately following the receipt of the proper certificates from the board of medical supervisors, all applicants for licenses to practice medicine and surgery in the District of Columbia so certified.

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

GERMAN BARK MARIECHEN.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25437) to grant American registry to the German bark *Mariechen*, to report it favorably without amendment. I ask unanimous consent for its present consideration.

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

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

RULES AND REGULATIONS OF THE STATE DEPARTMENT.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That in carrying out the resolution of the Senate of February 1, 1907, requesting the Secretary of State to furnish to the Senate a copy of all rules and regulations governing the Department, and the resolution of the Senate of February 28, 1907, ordering the printing of the report thus furnished as a Senate document, the following papers shall be omitted from such document:

1. The United States consular regulations;
2. Instructions to the diplomatic officers of the United States;
3. The register of the Department of State; and
4. The copy of the pamphlet giving the history and functions of the Department of State.

CONSTRUCTION OF THE PANAMA CANAL.

Mr. TILLMAN. I ask for the present consideration of the resolution which I send to the desk.

The VICE-PRESIDENT. The Senator from South Carolina submits a resolution, which will be read.

The Secretary read as follows:

Resolved, That the President be requested to send to the Senate, if not incompatible with the public welfare, all papers and information in his possession in regard to the proposed letting of the contract for the construction of the Panama Canal, which was competed for by W. J. Oliver and others, and state the existing status.

Mr. TILLMAN. I should like to have read in connection with the resolution a brief extract from the New York Herald relating to this subject, which will explain the reasons, or some of the reasons, why I have offered it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested by the Senator from South Carolina.

Mr. LODGE. Let the resolution be again read.

The Secretary again read the resolution.

Mr. SPOONER. The usual formula is "if in his judgment not incompatible with the public interest."

Mr. TILLMAN. Either way will be satisfactory to me. I tried to follow the usual phraseology.

Mr. SPOONER. One form presents an issue of fact, and the other submits it to his judgment.

Mr. TILLMAN. I want the President to determine it.

Mr. SPOONER. He would, anyway.

Mr. HOPKINS. I should like to have the resolution read again.

The VICE-PRESIDENT. The resolution as modified will be read.

The Secretary read as follows:

Resolved, That the President be requested to send to the Senate, if, in his judgment, not incompatible with the public welfare, all papers and information in his possession in regard to the proposed letting of the contract for the construction of the Panama Canal, which was competed for by W. J. Oliver and others, and state the existing status.

The VICE-PRESIDENT. Without objection, the Secretary will read the article as requested by the Senator from South Carolina.

The Secretary read as follows:

[New York Herald, Friday, March 1, 1907.]

OLIVER DECLINES RETURN OF CHECK—ASTONISHES COMMISSION BY REFUSING TO TAKE BACK THE $200,000 AFTER REJECTION OF BIDS—TELLS A POKER STORY—ILLUSTRATES HOW HE FEELS BY RELATING THE EXPERIENCES OF A "CHUMP" IN A WESTERN GAME—SURPRISED BY MR. STEVENS—PRESIDENT ROOSEVELT SAID TO HAVE DECIDED TO MAKE PUBLIC RETIRING CHIEF ENGINEER'S STRANGE LETTERS.

All bids for the construction of the Panama Canal were formally rejected to-day by the Isthmian Commission, and Mr. Rogers, the Commission's general counsel, sent to William J. Oliver, of the Panama Construction Company, the lowest bidder, the check for $200,000 which he had put up as an evidence of good faith.

Mr. Rogers was greatly surprised when Mr. Oliver declined to receive the check, saying he would await the arrival here to-morrow of Judge Morgan J. O'Brien, of New York, and John B. McDonald, president of the company. Confident that the Panama Construction Company would receive the contract, these men went to Augusta, Ga., a few days ago to play golf.

Mr. Oliver is very angry at the treatment he has received from the Government. He called on Secretary Taft to-day to say he did not hold the Secretary in any way to blame for the decision reached by the President. When asked what he had to say about the outcome of his effort to get the contract, Mr. Oliver said:

LIKE A WESTERN POKER GAME.

"It reminds me of a game of poker once played out West. There is a chump in every game of poker, and the chump in this game got to a point where he held four aces. He got everyone into the pot and then showed his four aces and reached for the money.

"'Hold on,' said one of his opponents, 'I've got a whangdoodle.'

"'What's that?' asked the chump.

"'Look at that sign behind you.' said the other, and the chump looked and saw the sign: 'A whangdoodle beats anything.'

"He was cleaned out, but the others asked him to get more money and return to the game, which he did. Pretty soon he found in his hand a whangdoodle. He bet the limit and everbody came in. Finally the chump announced that he had a whangdoodle and reached for the money.

"'Just a moment,' interrupted the dealer. 'Look at that sign over your shoulder.' The chump looked, and this time the sign read: 'A whangdoodle can be played only once a night.'

"That's just about my position," added Mr. Oliver.

If Mr. Oliver follows his present inclination he will make a statement to-morrow which will ease his own mind, but not affect the result. He will then return to his own private business of railroad contracting.

COMMISSIONERS CONFIRMED.

Theodore P. Shonts, whose connection with the Government will be severed next Monday, when he becomes president of the Interborough-Metropolitan Company, in New York, was confirmed to-day by the Senate as chairman of the Isthmian Canal Commission, and John F. Stevens, Gen. P. C. Hains, Rear-Admiral M. T. Endicott, Jackson Smith, B. M. Harrod, and Col. W. A. Gorgas as members.

Major Goethals, who is to be the new chairman of the Canal Commission, and Major Gaillard, who will be one of his chief assistants, will leave for the Isthmus on March 6.

The more facts that are learned about the letters received here from Chief Engineer John F. Stevens, who has just resigned, the greater becomes the amazement. It is asserted that in one letter he stated that if the Administration's present policy continued the Republican party would be defeated. Another story is that he disapproved of E. S. Benson, auditor of the Canal Commission, and desired his retirement, which officials here would not grant.

There was some talk among Senators to-day of introducing a resolution calling on the President to furnish to the Senate all papers and correspondence bearing upon the retirement of Mr. Stevens. When this became known at the White House, it is said, the President declared it was his purpose to make these letters public.

Mr. TILLMAN. Mr. President, I propose to make only a few brief remarks on this question.

The Panama Canal is a very great work in which every good American is interested. All the people, without regard to section or party, want to have it constructed, and constructed as speedily as possible, and with as little scandal as possible.

There have been some remarkable transactions in connection with this great undertaking. Engineer Wallace, said to be one of the greatest engineers of the country, resigned. There were reports in the papers that his reasons for doing that were because he found his reputation would suffer if he continued his association with this work. A little later the country was startled by the statement that Mr. Shonts, the president of the Commission, was retaining the presidency of his railroad and did not find the work of building this great canal sufficient to employ all his time, but he could devote some of it to his own private affairs. Now comes Mr. Stevens's resignation. But I am going a little too fast.

It will be recalled that Mr. Wallace was soundly berated, reprimanded, I will say abused, by the Secretary of War for having deserted the firing line, as it were, in the face of the enemy; for having surrendered his position as engineer under circumstances little short of cowardice. Mr. Stevens, his successor, comes forward and in a very little while resigns, and these same sinister rumors are afloat to the effect that he found some things going wrong, and that the auditor's action in approving certain items, as I read between the lines in that statement in the Herald, caused Mr. Stevens to sever his connection with the canal.

There were reports rife in the country when the Panama Canal was begun and the change from the Nicaragua route was acted upon by Congress, that a very large part of the $40,000,000—I believe it was $40,000,000 that we paid to the French company for its franchises—was used as a bribery fund somewhere; I do not know where, I suppose nobody will ever find out. But it does seem that there is a great deal of smoke about the construction of this great work.

Here is Mr. Oliver. I know him personally. He has a reputation in the South, from whence he comes, although he is a northern man by birth, as being probably one of the best-equipped and most efficient contractors, not only in the United States, but in the world. He understands the art of organizing labor and controlling it and getting the maximum of work from it.

After those in control of the construction of the canal had notified the country that it was to be let to the lowest bidder under certain conditions, bids were opened, and Mr. Oliver's bid being by far the lowest, six and some hundredths per cent, while others were wanting to charge all the way from twelve to fifteen and twenty—the country fondly imagined that this efficient and able contractor and engineer would be employed, as he had a right to expect to be employed, in the construction of this great work, and that we would get the canal built as soon as possible and at a minimum of cost.

Well, at once hocus-pocus began to come into the game, or there were appearances of how not to do it. The newspapers have been full for the last month of what Mr. Oliver might expect or what he must do before he could expect anything. But, as I understand it, Mr. Oliver has complied with all of the conditions, one after the other, as they have been presented to him. He has turned off his first copartner, who was objectionable, and has secured the assistance and cooperation of responsible financiers, who are backing him. I may be a little suspicious—I confess that mysteries always excite my suspicion—but there has appeared to me to be a purpose to compel Mr. Oliver to let in some of the competitors who were too greedy in their first bids and to share this great work with them.

Now, all of this disappears, and we are informed of a new arrangement; but, of course, we do not know. The President alone can tell us whether or not any bid is to be received from anybody or whether the Government will proceed to construct the canal with the army engineers who have been recently assigned to this duty, and let them employ the labor and control it all and carry on the work as though they were the contractors.

I confess I have some curiosity to have some definite information, and therefore I offered the resolution, and I hope the Senate will adopt it.

Mr. CULBERSON. Mr. President, it is conceded, I believe, that——

Mr. HOPKINS. Mr. President——

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

Mr. HOPKINS. I was going to say that I think the resolution ought to go over under the rule.

Mr. TILLMAN. It is too late to have it go over under the rule. It will go to the Calendar presently, at 2 o'clock, if the Senator will wait.

Mr. CULBERSON. Before it goes over I should like to make a brief statement.

Mr. LODGE. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Massachusetts rises to a point of order.

Mr. LODGE. The resolution was only introduced this morning. It clearly goes over under the rule.

The VICE-PRESIDENT. Under the rule, it will go over if there is objection to its consideration.

Mr. LODGE. There is objection.

Mr. CARMACK. Mr. President——

Mr. CULBERSON. I should like to make a short statement.

Mr. HOPKINS. I rose for the purpose of making an objection, but I will reserve it until the Senator from Texas concludes, with the understanding that my objection will then be entertained by the Chair.

Mr. CULBERSON. Mr. President, I was proceeding to say that it is conceded, I think, by the experts that the possibility, the probability, or the feasibility of successfully constructing the canal rests upon the dam at Gatun. The evidence shows so far that in the borings no rock at Gatun has been discovered, but there is what is called indurated clay, which some of the authorities believe to be a sufficient substitute for rock basis.

That question was to a degree inquired into by the Committee on Interoceanic Canals, of which I am a member, and to the extent that it was then developed I will say frankly it seemed to be satisfactory. Since then, however, I notice in the public press that there is still doubt as to whether a dam at Gatun is feasible, and that this matter will be determined sometime this year after a personal examination is made at Panama by the Secretary of War.

Mr. HOPKINS. Mr. President——

Mr. CULBERSON. I therefore suggest to the Senator from South Carolina to add to his resolution that the President be requested, if not in his judgment incompatible with the public interest, to send to the Senate the official correspondence with reference to this extremely important matter.

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

Mr. CULBERSON. That is all I have to say. I yield the floor.

Mr. HOPKINS. I wish to say to the Senator from Texas that after those suggestions were published in the newspapers, the chief engineer sent a dispatch saying that there was nothing to it, and that further investigations had simply confirmed the earlier reports that the foundation is ample at Gatun.

Mr. CULBERSON. I have already stated that the inquiry made by the committee appeared to be satisfactory, there being correspondence with the chief engineer of the organization, but since then I notice that there is a proposition to examine further into the question by the Secretary of War.

Mr. HOPKINS. My understanding is that the chief engineer, Mr. Stevens, had his attention called to what has already been stated by the Senator from Texas, and that he reported that further investigations made at Gatun simply confirmed the judgment that was originally entertained, that the foundations are ample to sustain the dam which it is proposed to construct at that point.

Mr. President, I ask that the resolution may go over under the rule.

The VICE-PRESIDENT. The resolution will lie over under the rule.

Mr. CARMACK. I beg the Senator to withhold his objection for a moment.

Mr. HOPKINS. Very well.

Mr. LODGE and others. Regular order!

The VICE-PRESIDENT. Does the Senator from Tennessee rise to morning business?

Mr. CARMACK. Yes, sir; I wish to say just a word upon the resolution offered by the Senator from South Carolina.

The VICE-PRESIDENT. Is there objection?

Mr. McCUMBER. Will the Senator yield to me for morning business for a moment?

Mr. CARMACK. I shall occupy only three minutes.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the Senator from Tennessee will proceed.

Mr. CARMACK. I wish to say, Mr. President, that I had prepared a resolution of the same character as that offered by the Senator from South Carolina [Mr. TILLMAN]. I think it better, however, that it should come from the Senator from South Carolina than from me, because he will be here, as I will not, to take part in the subsequent proceedings in this matter, if there should be any.

I merely wish to say that it seems to me Mr. Oliver has received very harsh and unjust measure from this Administration. He is a contractor who stands for ability second to no other contractor in the United States or in the world. He made the lowest bid. He complied with every condition that was required of him. He made all the proper organization. He made all the financial arrangements. He expended about $35,000 or $40,000 of his own money in doing so; and then at the last he has his bid rejected for no good reason, so far as the public knows.

I hope, therefore, that the resolution of the Senator from South Carolina will be adopted.

WILLIAM N. BRONSON.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 7822) entitled "An act granting an increase of pension to William N. Bronson."

NICHOLAS M. HAWKINS.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 5623) entitled "An act granting an increase of pension to Nicholas M. Hawkins."

TRAFFIC BY EXPRESS COMPANIES.

Mr. BURKETT. If the morning business is closed, I desire to call up a resolution on the table that went over yesterday.

Mr. LODGE. I call attention to the fact that the morning hour has expired.

The VICE-PRESIDENT. The morning hour has expired, but the Senator from Nebraska is recognized to present a request to the Senate. Is there objection to the request?

Mr. KEAN. What is the request?

The VICE-PRESIDENT. That the resolution submitted yesterday by the Senator from Nebraska may be now called up. Is there objection to the request?

Mr. BURKETT. It is a resolution for information, I will say to the Senator.

Mr. KEAN. I think it had better go over.

Mr. BURKETT. It has come over from yesterday.

The VICE-PRESIDENT. It would have been laid before the Senate before the morning hour closed had the opportunity occurred.

Mr. KEAN. I thought it was a resolution ordering an investigation.

Mr. BURKETT. It calls for some information from the Interstate Commerce Commission.

Mr. KEAN. But we have nothing from the Interstate Commerce Commission to show that they have any funds on hand to conduct the investigation.

Mr. BURKETT. If the Senator will just withhold the objection a minute, I will explain briefly the object of the resolution.

Mr. KEAN. Certainly.

Mr. BURKETT. Mr. President, I ask the Senate to give attention to this resolution because it is of enough importance, it seems to me.

Mr. ALDRICH. Has the resolution been read?

The VICE-PRESIDENT. The resolution was read yesterday. It has not been read to-day.

Mr. ALDRICH. Reading yesterday, I suggest, does not give the Senate any information now. I ask that it be read, subject to objection. It can be taken up by unanimous consent, I suppose.

The VICE-PRESIDENT. It can be taken up by unanimous consent or on motion.

Mr. ALDRICH. I ask that it be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. BURKETT, as follows:

Whereas on January 4, 1907, at Kansas City, Mo., the Western Fruit Jobbers' Association, in convention assembled, charged that the American Express Company, Adams Express Company, United States Express Company, Pacific Express Company, and Wells-Fargo Express Company are unlawfully engaged, especially in the West, in the business of buying, selling, and handling on consignment fruit, vegetables, and oysters, thus coming into direct competition with merchants and jobbers engaged in such business; that no such business is contemplated or sanctioned in their articles of incorporation, but is contrary to and in violation of the powers legally conferred upon them; that the trafficking in merchandise which they transport is an illegitimate business for express companies to engage in, and is destructive of the legitimate business of fruit jobbers and produce merchants; that it gives opportunity for covering up discriminations, the payment of rebates, and unlawful practices, and that said express companies have increased and are increasing their charges for the transportation of fruits, produce, and other merchandise to an unreasonable extent, to the detriment of growers, shippers, and consumers; and

Whereas the said Western Fruit Jobbers' Association, at the time and place mentioned, by resolutions duly adopted, not only condemned and denounced as injurious and unlawful the contest for business between express companies and merchants engaged in legitimate trade in fruit, produce, and oysters, but demanded that a vigorous and rigorous examination and investigation of the methods and practices adopted and in use by said express companies be instituted by Federal authority, to the end that accurate information may be obtained, abuses and discriminations corrected, and unlawful business prohibited: Therefore, be it

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to inquire, investigate, and report to the Senate—

First. Whether the American Express Company, Adams Express Company, United States Express Company, Pacific Express Company, and Wells-Fargo Express Company, or either of them, are unlawfully engaged, through their local or other agents, in the business of buying, selling, or handling on consignment fruits, vegetables, and oysters entering into interstate commerce.

Second. Whether such business is contemplated or sanctioned by the articles of incorporation of said express companies.

Third. Whether such business is carried on in violation of the provisions of the act to regulate interstate commerce.

Fourth. Whether the carrying on of such business by said express companies is inimical to or destructive of the legitimate business of fruit and produce merchants and gives an unfair advantage to the agents of said express companies, which is used by them to the disadvantage and detriment of legitimate shippers and receivers of fruit and produce.

Fifth. Whether the carrying on of such business gives to said express companies an opportunity to cover up discriminations, to pay rebates, and engage in other unlawful practices.

Sixth. Whether said express companies have increased and are increasing their charges for the transportation of fruits, produce, and other merchandise to an unreasonable extent, to the detriment of growers, shippers, receivers, and consumers of such fruits, produce, and other merchandise.

Seventh. That the Interstate Commerce Commission be required to make the investigation at its earliest possible convenience and to report the facts and its conclusions thereon, together with its recommendations, as soon as it can be done, consistent with the performance of its public duty.

Mr. ALDRICH. Mr. President, I feel constrained to interpose an objection to the further consideration of the resolution. I would not object to a resolution instructing the Interstate Commerce Commission to report the facts, but they are not a court of law and can not tell whether these practices are unlawful. Certainly the Senate ought not to adopt the preamble without any knowledge whatever. I would not object to a plain resolution to inquire as to the facts, but I must object to the present consideration of the resolution.

Mr. BURKETT. I ask the Senator to withhold his objection a moment and perhaps we can amend it. I want to get at the facts. I will say to the Senator that this is a very important matter. The law of last year is being violated it seems in this way, and if the resolution is improper——

Mr. CARTER. Mr. President——

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

Mr. BURKETT. I yield for a question.

Mr. CARTER. I ask the Senator why complaints have not been made as contemplated by law and prosecutions instituted under existing statutory regulations?

Mr. BURKETT. I wish to explain the resolution, and when I get through I will answer any questions.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Nebraska?

Mr. GALLINGER. I ask for the regular order.

Mr. LODGE. I think the messages from the House ought to be laid before the Senate.

The VICE-PRESIDENT. Objection is made.

Mr. BURKETT. I ask if the Senator is going to object to my explaining briefly the object of the resolution.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Nebraska to make an explanation? The Chair hears none. The Senator from Nebraska will proceed.

Mr. BURKETT. Mr. President, I try not to introduce any resolution here where the inquiry is not a proper one, and if this resolution is not in proper form I want the Senate to amend it. As it is drawn up it may be very improper in form, but the facts are what I am after. All over the country the complaint is being made by producers and shippers and by commission merchants that the express companies are going into the business of selling and buying commodities and produce.

The producers have taken up the matter, and they have protested to the express companies. The express companies have curtly replied to them that there is nothing to be done in the matter; but they admit, as I shall show, that they do the business. In this I contend that they are violating the intent and purpose of the law that we passed last winter.

When the charge was first made it appeared to me to be very ridiculous, and I ask the attention of those Senators who are objecting to the resolution. I realize that if anything comes up in this body that looks toward the correcting of any particular abuses, there is always somebody who is alarmed about it. I am not going to run away with the railroads or the express companies, but I do know that the people of this country are entitled to some consideration in a matter of this kind. I simply want to present the matter to the Senate.

When the charges were made that the express companies were going out and buying orchards in some localities and putting the products of that community into the market and then putting a rate over another community so high that that community could not possibly get its apples or products into that market, it occurred to me, as I said, to be a ridiculous proposition that any express company or any other transportation company should be so shortsighted, after all the trouble these transportation companies have had and that Congress has had to adjust this matter of transportation. And I may say for a long time I could not believe that that thing was possible. It seemed to me so wholly aside from their business that I could not believe it.

But the other day this letter came to me, signed by the superintendent of the Adams Express Company. It is addressed to the secretary of the Western Fruit Jobbers' Association. Let me say that last spring, at Kansas City, when the Western Fruit Jobbers' Association met they passed the resolutions, in substance, that are recited in the preamble of this resolution, saying that the express companies were buying poultry, apples, and all sorts of products and handling them; buying them and selling them to the detriment of the producers and consumers and the commission merchants. Now, let me read just a few lines from the letter that I referred to of Mr. Zimmerman, the superintendent of the Adams Express Company, in his reply to this secretary urging them to desist from this sort of business.

> Other express companies go into the business regularly, buying and selling. Are you moving against them as strenuously as you are against us in proportion to the competition with your association as represented by the methods of this company and others?

Now, Mr. President, I have here another important matter that I want to read in part. It is a card sent out by the American Express Company. Note what it says:

> American Express Company's order and commission department purchases or obtains any article for patrons at any place where the company has an agency, in the United States, Canada, or Europe, etc.

I have here a card sent out by the Pacific Express Company, and it says:

> Prices quoted below are on first-class goods and from local dealers, who are constant shippers of express.

And then quotes the prices of dressed poultry, live poultry, and butter, etc.

I have here also a document sent out by the American Express Company quoting prices of all sorts of produce. I do not want to detain the Senate very long, and I am not going into this matter in detail unless it shall come up for consideration properly; but I desire to present some of the facts, that the Senate may know the importance of the resolution.

I have here from the Wells-Fargo Express Company a price list sent out of oysters of all kinds, and also telling where they can get all kinds of oysters, to which agent to send, for this kind of oysters and the other.

I have in my hand also a circular which the Senate can see [exhibiting], a price list of four pages of various kinds of products in the country, by the American Express Company. I desire to read just a little from it to show what character of business they are doing.

> Agents of this company should familiarize themselves and comply with the following instructions:
> "Through our order and commission department we aim to find a market for the producer and shipper and a supply for the dealer, and by applying a few of your efforts through this department you can increase the earnings of your office to a large degree."

Now, let me call the attention of the Senate to what I have here—proof that they hire these agents and give them a commission on the business they do, and instruct them to buy orchards and sell apples. I have one letter here showing how they make a special rate, for example, from a town in Texas to a town in Iowa. It was a cheaper rate than they gave from a nearer town in Texas, because they bought the orchards in the vicinity of that one town.

Now, notice further—

> These price lists are issued and mailed at intervals from office of the traffic department, and are worthy of your careful attention and prompt action.

Notice a little further. This is the circular letter written by the traffic and commission department to the agents of the United States Express Company—

> See that your dealers receive a list of our quotations at earliest convenience, solicit their orders, and forward same to agent at shipping point.

A little further on it says:

> Any printed matter desired by our agents to increase their business through this department will be printed for them upon receipt of a copy of what is wanted.

A little further on it says:

> For further instructions, apply to superintendent of traffic.

Now, here in this same circular we find the following:

OYSTER SEASON IS OPEN.

Below we give the names of a few shipping points. Our agents there will receive your orders.

Now, notice—

Baltimore, Md.; Annapolis, Md.; Loreley, Md.; New York City, Greatkills, N. Y.

And other places.

Mr. ALDRICH. Mr. President——

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

Mr. BURKETT. I do.

Mr. ALDRICH. I withdrew my objection to this resolution on the statement of the Senator from Nebraska that he desired to make a short explanation. It strikes me that he is discussing the merits of this proposition at some length; and I suggest that that discussion be postponed until we get the resolution properly before the Senate.

Mr. BURKETT. Let me just close in a few words. I wanted to show the necessity of this resolution with a view that the Senate might consent to go on and perfect the resolution if it needed it and send it to the Interstate Commerce Commission.

Mr. ALDRICH. I am willing to perfect it now, if the Senator will permit—perfect it by striking out the preamble and all the resolutions except the first one, and making it read as follows:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to inquire, investigate, and report to the Senate—

First. Whether the American Express Company, Adams Express Company, United States Express Company, Pacific Express Company, and Wells-Fargo Express Company, or either of them, are engaged—

Not "unlawfully engaged," for that is a judicial question—

through their local or other agents, in the business of buying, selling, or handling on consignment fruits, vegetables, and oysters entering into interstate commerce.

That is all there is of this proposition, except verbiage. I am willing that the resolution which I have just read shall pass, and, so far as I am concerned, I am willing that it shall pass now.

Mr. BURKETT. Mr. President, let the resolution be put in the form suggested by the Senator from Rhode Island. Certainly the preamble should go out. There is no question about that. The Senator is correct in that respect.

Mr. CLAPP. While the resolution is being amended, I ask the Vice-President to lay before the Senate a communication which is now on the table received from the House of Representatives.

Mr. CULBERSON. I have been trying for an hour and a half to secure the attention of the Chair to present morning business.

Mr. ALDRICH. Morning business has closed.

Mr. LODGE. Morning business has closed; the time for it has expired.

Mr. CULBERSON. The Chair has not announced that morning business has closed.

The VICE-PRESIDENT. Does the Senator from Texas rise to morning business?

Mr. CULBERSON. I do.

The VICE-PRESIDENT. The Chair will recognize the Senator later.

Mr. LODGE. Mr. President, morning business closed at 1 o'clock.

Mr. CULBERSON. I suggest the absence of a quorum, Mr. President.

Mr. BURKETT. Is there——

The VICE-PRESIDENT. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

Mr. CULBERSON. I have been trying to introduce a resolution.

The VICE-PRESIDENT. Debate is out of order pending the calling of the roll.

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

Aldrich	Culberson	Kean	Pettus
Ankeny	Daniel	Latimer	Piles
Bacon	Dick	Lodge	Rayner
Berry	Dillingham	Long	Scott
Beveridge	Dubois	McCreary	Smith
Brandegee	Du Pont	McCumber	Spooner
Bulkeley	Elkins	McLaurin	Sutherland
Burkett	Flint	Mallory	Teller
Burnham	Foraker	Millard	Tillman
Carmack	Frazier	Nixon	Warner
Carter	Frye	Overman	Warren
Clapp	Gallinger	Patterson	Wetmore
Clark, Mont.	Hale	Penrose	Whyte
Clay	Hemenway	Perkins	

The VICE-PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present. Is there objection made to further——

Mr. BURKETT. I think, Mr. President, I now have the resolution in a form in which the Senator from Rhode Island [Mr. ALDRICH] will agree to it.

Mr. LODGE. I ask for the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Massachusetts objects.

Mr. GALLINGER. I ask, Mr. President, that the message from the House——

Mr. BURKETT. I had the floor, had I not, Mr. President? I had asked unanimous consent to make some remarks.

The VICE-PRESIDENT. The Chair so understood, and recognized the Senator from Nebraska to do so.

Mr. BURKETT. And I can not be taken off the floor, can I, by an objection?

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. The Senator from Massachusetts.

Mr. LODGE. Mr. President, I have no interest in this thing one way or the other; but here are Senators in the last forty-eight hours of the session waiting with conference reports and asking to call up House messages. It is now twenty-five minutes past the morning hour, and it seems to me the immediate business of the Senate is to transact business which is pending between the Houses. That is the only interest I have in it.

The VICE-PRESIDENT. The Senator from Nebraska occupies the floor by unanimous consent; the Senator from New Hampshire took the floor upon a message from the House of Representatives, but yielded for morning business only. The Senator from Nebraska occupies the floor subject to the right of the Senator from New Hampshire to resume it.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. I ask that the message from the House of Representatives relating to the ship-subsidy bill be laid before the Senate.

Mr. BURKETT. Mr. President——

CREDENTIALS.

Mr. CLAY. I rise to a question of privilege.

The VICE-PRESIDENT. The Senator from Georgia rises to a question of privilege, which he will state.

Mr. CLAY. I desire to present the credentials of my colleague [Mr. BACON] as a Senator from the State of Georgia for the term commencing March 4 next, and I ask that they be read and properly filed.

Mr. BURKETT. Mr. President, before we get by this, I desire to move to take up the resolution I have offered.

The VICE-PRESIDENT. The Senator from New Hampshire [Mr. GALLINGER] rose nearly an hour ago to call up a House message and withdrew his request that the message be laid before the Senate in order that morning business might be presented.

Mr. BURKETT. What is the business?

The VICE-PRESIDENT. It is a message from the House of Representatives. The Senator from Georgia now presents a privileged matter, which is the credentials of his colleague.

Mr. ALDRICH. I suggest that the credentials be referred to the Committee on Privileges and Elections.

Mr. FORAKER. I object, Mr. President. I hope that will not be done.

The VICE-PRESIDENT. Objection is made, and the Secretary will read the credentials.

The Secretary read the credentials, as follows:

STATE OF GEORGIA, EXECUTIVE DEPARTMENT, ATLANTA.

I, Joseph M. Terrell, governor of the State of Georgia, by virtue of the authority in me vested by subdivision 2 of section 3 of Article I of the Constitution of the United States, by reason of a vacancy happening from the expiration of the term of Hon. AUGUSTUS O. BACON as United States Senator from the State of Georgia on the 3d day of March, 1907, and during the recess of the legislature of said State, do hereby make temporary appointment of AUGUSTUS O. BACON, of Macon, Bibb County, Ga., who is duly qualified therefor under the Constitution of the United States, to be a Senator in the Congress of the United States from the State of Georgia from the 4th day of March, 1907, until the next meeting of the legislature, in accordance with the Constitution and laws of the United States.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Georgia to be affixed at Atlanta, the capital, this 1st day of March, 1907.

[SEAL.] JOSEPH M. TERRELL, *Governor.*

By the governor:

PHILIP COOK,
Secretary of State.

Mr. FORAKER. I ask that the credentials be placed on file.

The VICE-PRESIDENT. The credentials will be filed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts:

On February 28:

S. 1622. An act granting a pension to Jane Agnew;

S. 1896. An act granting a pension to Smith Bledsoe;

S. 3495. An act granting a pension to Joseph H. Boucher;
S. 4762. An act granting a pension to Mary A. Brady;
S. 6093. An act granting a pension to Hester A. Coller;
S. 6724. An act granting a pension to Mary W. Granniss;
S. 7064. An act granting a pension to Edward T. Blodgett;
S. 7078. An act granting a pension to Daniel Schaffner;
S. 7129. An act granting a pension to Susan J. Chandler;
S. 7. An act granting an increase of pension to Edwin B. Lufkin;
S. 12. An act granting an increase of pension to Nancy Littlefield;
S. 161. An act granting an increase of pension to Ruth E. Rogers;
S. 177. An act granting an increase of pension to Alvah D. Wilson;
S. 435. An act granting a pension to Luther H. Canfield;
S. 463. An act granting an increase of pension to Justin C. Kennedy;
S. 496. An act granting an increase of pension to Lewis Young;
S. 570. An act granting an increase of pension to John W. Crane;
S. 588. An act granting an increase of pension to Priscilla L. Hamill;
S. 883. An act granting an increase of pension to Thomas A. Willson;
S. 913. An act granting an increase of pension to Charles E. Foster;
S. 990. An act granting an increase of pension to Relf Bledsoe;
S. 1136. An act granting an increase of pension to Warren W. Whipple;
S. 1261. An act granting an increase of pension to Edwin P. Richardson;
S. 1299. An act granting an increase of pension to Ludwig Schultz;
S. 1515. An act granting an increase of pension to Elizabeth Strong;
S. 1520. An act granting an increase of pension to Laura M. Freeman;
S. 1526. An act granting an increase of pension to Theodore W. Gates;
S. 1350. An act granting an increase of pension to Michael Cullen;
S. 1935. An act granting an increase of pension to Charles Church;
S. 1980. An act granting an increase of pension to Mary O. Foster;
S. 2083. An act granting an increase of pension to Asa K. Harbert;
S. 2109. An act granting an increase of pension to Elisha T. Arnold;
S. 2181. An act granting an increase of pension to Mary G. Potter;
S. 2285. An act granting an increase of pension to William W. Herrick;
S. 2315. An act granting an increase of pension to William T. Graffan, alias William Rivers;
S. 2336. An act granting an increase of pension to Annie E. Smith;
S. 2387. An act granting an increase of pension to Harvey Smith;
S. 2394. An act granting an increase of pension to John A. J. Taylor;
S. 2502. An act granting an increase of pension to Stephen M. Fitzwater;
S. 2729. An act granting an increase of pension to Robert J. Henry;
S. 2743. An act granting an increase of pension to Daniel B. Morehead;
S. 2748. An act granting an increase of pension to Joel R. Smith;
S. 2792. An act granting an increase of pension to John W. Ogan;
S. 2954. An act granting an increase of pension to Hanna Welch;
S. 2971. An act granting an increase of pension to Henry O. Bennum;
S. 3197. An act granting an increase of pension to Hiram Focht;
S. 3266. An act granting an increase of pension to William P. McKeever;
S. 3267. An act granting an increase of pension to George C. Veile;
S. 3268. An act granting an increase of pension to Jacob A. Ward;
S. 3275. An act granting an increase of pension to Thomas J. Harrison;
S. 3432. An act granting an increase af pension to Samuel Ellis;
S. 3434. An act granting an increase of pension to Charles M. Canfield;
S. 3435. An act granting an increase of pension to Rowland Saunders;
S. 3446. An act granting an increase of pension to Anna M. Woodbury;
S. 3527. An act granting an increase of pension to Samuel S. Watson;
S. 3552. An act granting an increase of pension to Joseph P. Wilcox;
S. 3563. An act granting an increase of pension to Orin D. Sisco;
S. 3652. An act granting an increase of pension to Sallie Noble;
S. 3672. An act granting an increase of pension to Daniel R. Emery;
S. 3852. An act granting an increase of pension to Levi W. Curtis;
S. 3929. An act granting an increase of pension to Ellen L. Stoughton;
S. 3997. An act granting an increase of pension to Jacob Berry;
S. 3998. An act granting an increase of pension to Thomas Warner;
S. 4008. An act granting an increase of pension to Charles B. Saunders;
S. 4028. An act granting an increase of pension to Ann H. Barnes;
S. 4208. An act granting an increase of pension to Charles V. Nash;
S. 4461. An act granting an increase of pension to Thomas S. Elsberry;
S. 4501. An act granting an increase of pension to Horatio S. Brewer;
S. 4559. An act granting an increase of pension to John A. Wagner;
S. 4531. An act granting an increase of pension to Levi M. Stephenson;
S. 4562. An act granting an increase of pension to Henry Stegman;
S. 4580. An act granting an increase of pension to William Hale;
S. 4629. An act granting an increase of pension to Mary Jane Miller;
S. 4693. An act granting an increase of pension to Irvin M. Hill;
S. 4865. An act granting an increase of pension to James W. Muncy;
S. 4873. An act granting an increase of pension to D. Laning Ross;
S. 4875. An act granting an increase of pension to Nathan S. Wood;
S. 4890. An act granting an increase of pension to Lorin N. Hawkins;
S. 4936. An act granting an increase of pension to Jacob Grell;
S. 4958. An act granting an increase of pension to William W. Duffield;
S. 5970. An act granting an increase of pension to Julia A. Horton;
S. 5981. An act granting an increase of pension to John H. La Vaque;
S. 5992. An act granting an increase of pension to Franklin Craig;
S. 6044. An act granting an increase of pension to John H. Arnold;
S. 6076. An act granting an increase of pension to John McKnight;
S. 6103. An act granting an increase of pension to William P. Visgar;
S. 6127. An act granting an increase of pension to John R. Callender;
S. 6140. An act granting an increase of pension to Julia A. Birge;
S. 6177. An act granting an increase of pension to Louisa Anne Morton;
S. 6245. An act granting an increase of pension to Susan Mahany;

S. 6281. An act granting an increase of pension to Joseph C. Bowker;
S. 6319. An act granting an increase of pension to Angus Fraser;
S. 6380. An act granting an increase of pension to Josiah B. Kinsman;
S. 6467. An act granting an increase of pension to John M. Smith;
S. 6475. An act granting an increase of pension to Harvey Key;
S. 6518. An act granting an increase of pension to William H. Stiles;
S. 6531. An act granting an increase of pension to Francis A. Dory;
S. 6567. An act granting an increase of pension to George C. Gibson;
S. 6570. An act granting an increase of pension to George W. Cole;
S. 6606. An act granting an increase of pension to Alexander Sholl;
S. 6609. An act granting an increase of pension to John Shank;
S. 6610. An act granting an increase of pension to Isaac Johnson;
S. 6612. An act granting an increase of pension to George H. McClung;
S. 6616. An act granting an increase of pension to Jacob P. Crooker;
S. 6634. An act granting an increase of pension to John P. Murray;
S. 6635. An act granting an increase of pension to John A. Morris;
S. 6652. An act granting an increase of pension to Hiram H. Lockwood;
S. 6663. An act granting an increase of pension to Thomas M. Chase;
S. 6665. An act granting an increase of pension to Samuel B. T. Goodrich;
S. 6669. An act granting an increase of pension to Timothy B. Lewis;
S. 6672. An act granting an increase of pension to Hannah Peavey;
S. 6702. An act granting an increase of pension to Charles E. Du Bois;
S. 6711. An act granting an increase of pension to Harvey B. F. Keller;
S. 6713. An act granting an increase of pension to James L. Short;
S. 6726. An act granting an increase of pension to Mary A. Jackson;
S. 6731. An act granting an increase of pension to Elizabeth H. Rice;
S. 6734. An act granting an increase of pension to John C. Snell;
S. 6774. An act granting an increase of pension to James B. Hackett;
S. 6768. An act granting an increase of pension to John E. Hayes;
S. 6818. An act granting an increase of pension to John E. Anthony;
S. 6838. An act granting an increase of pension to Samuel Shepherd;
S. 6899. An act granting an increase of pension to George H. Nye;
S. 6909. An act granting an increase of pension to William H. Adams;
S. 6910. An act granting an increase of pension to George F. Chamberlin;
S. 6911. An act granting an increase of pension to George A. Boyle;
S. 6912. An act granting an increase of pension to James G. Harvey;
S. 6913. An act granting an increase of pension to Samuel C. Murdough;
S. 6952. An act granting an increase of pension to Martin A. Rubert;
S. 6954. An act granting an increase of pension to Henry Matter;
S. 6955. An act granting an increase of pension to Abram W. Vandel;
S. 6956. An act granting an increase of pension to Eli Ford, alias Jacob Butler;
S. 6962. An act granting an increase of pension to Franklin Rust;
S. 6970. An act granting an increase of pension to Alonzo W. Fuller;
S. 6996. An act granting an increase of pension to John Snyder;
S. 7004. An act granting an increase of pension to Edward G. Burnet;
S. 7021. An act granting an increase of pension to Hugh K. McJunkin;
S. 7038. An act granting an increase of pension to William Curran;
S. 7039. An act granting an increase of pension to Robert Hamilton;
S. 7044. An act granting an increase of pension to Sylvester O. Pevear;
S. 7054. An act granting an increase of pension to Charles H. Clapp;
S. 7058. An act granting an increase of pension to Gilbert Bailie;
S. 7061. An act granting an increase of pension to Hugh McNaughton;
S. 7063. An act granting an increase of pension to William T. Hastings;
S. 7068. An act granting an increase of pension to Richard B. Hall;
S. 7098. An act granting an increase of pension to Henrietta Teague;
S. 7136. An act granting an increase of pension to Cornelia W. Clay;
S. 7138. An act granting an increase of pension to George H. Allen;
S. 7150. An act granting an increase of pension to John Bell;
S. 7154. An act granting an increase of pension to Samuel A. Miller;
S. 7168. An act granting an increase of pension to Edward B. Shepherd;
S. 7171. An act granting an increase of pension to Margaret Holden;
S. 7194. An act granting an increase of pension to Lawrence Over;
S. 7196. An act granting an increase of pension to William H. Hubbard;
S. 7218. An act granting an increase of pension to Samuel D. Thompson;
S. 7222. An act granting an increase of pension to Sylvester Byrne;
S. 7223. An act granting an increase of pension to Joseph W. Little;
S. 7231. An act granting an increase of pension to Oscar F. Richards;
S. 7237. An act granting an increase of pension to Daniel McConnell;
S. 7244. An act granting an increase of pension to Bessie Sharp Pettit; and
S. 7268. An act granting an increase of pension to Dewayne W. Suydam.

On March 1:

S. 5125. An act granting an increase of pension to Nancy A. E. Hoffman;
S. 5144. An act granting an increase of pension to Morgan H. Weeks;
S. 5171. An act granting an increase of pension to Jennie H. Marshall;
S. 5191. An act granting an increase of pension to Robert H. White;
S. 5261. An act granting an increase of pension to Stephen A. Barker;
S. 5361. An act granting an increase of pension to John H. Peters;
S. 5380. An act granting an increase of pension to Richard Jones;
S. 5383. An act granting an increase of pension to Greenberry B. Patterson;
S. 5400. An act granting an increase of pension to John A. Chase;
S. 5420. An act granting an increase of pension to Thomas W. Gilpatrick;
S. 5423. An act granting an increase of pension to William M. Tinsley;
S. 5456. An act granting an increase of pension to Marcellus Cash;
S. 5457. An act granting an increase of pension to Albert Teets;
S. 5558. An act granting an increase of pension to George Payne;

S. 5578. An act granting an increase of pension to Sheffield L. Sherman, jr.;
S. 5621. An act granting an increase of pension to Frederick Buehrle;
S. 5681. An act granting an increase of pension to William Grant;
S. 5692. An act granting an increase of pension to Margaret E. Craigo;
S. 5718. An act granting an increase of pension to William D. Hoff;
S. 5724. An act granting an increase of pension to George C. Saul;
S. 5730. An act granting an increase of pension to William O. Spelman;
S. 5752. An act granting an increase of pension to Ruth M. Hoag;
S. 5756. An act granting an increase of pension to Charles A. Bell;
S. 5782. An act granting an increase of pension to Octave L. F. E. Fariola;
S. 5813. An act granting an increase of pension to Marshall T. Kennan;
S. 5884. An act granting an increase of pension to Cyrus Palmer;
S. 5940. An act granting an increase of pension to Henry Bittleston;
S. 7272. An act granting an increase of pension to George W. Cook;
S. 7283. An act granting an increase of pension to William T. Cooper;
S. 7305. An act granting an increase of pension to Robert K. Leech;
S. 7329. An act granting an increase of pension to Nathaniel Lewis Turner;
S. 7334. An act granting an increase of pension to Joshua T. Jellison;
S. 7341. An act granting an increase of pension to Menzo S. Bishop;
S. 7344. An act granting an increase of pension to Clara T. Coleman;
S. 7355. An act granting an increase of pension to William McHenry Plotner;
S. 7357. An act granting an increase of pension to Levi S. Bailey;
S. 7373. An act granting an increase of pension to Jeremiah Thomas;
S. 7379. An act granting an increase of pension to Mary E. Dougherty;
S. 7380. An act granting an increase of pension to Andrew J. Harris;
S. 7394. An act granting an increase of pension to Henrietta C. Cooley;
S. 7427. An act granting an increase of pension to George L. Danforth;
S. 7452. An act granting an increase of pension to Thomas Harrop;
S. 7470. An act granting an increase of pension to William F. Burnett;
S. 7473. An act granting an increase of pension to John M. Gilliland;
S. 7476. An act granting an increase of pension to Oliver S. Boggs;
S. 7477. An act granting an increase of pension to Patrick Cooney;
S. 7478. An act granting an increase of pension to William H. Brown;
S. 7479. An act granting an increase of pension to George L. Corey;
S. 7480. An act granting an increase of pension to John Bowen;
S. 7481. An act granting an increase of pension to Alanson W. Edwards;
S. 7482. An act granting an increase of pension to Wilford Herrick;
S. 7483. An act granting an increase of pension to Marinda D. Beery;
S. 7485. An act granting an increase of pension to Lester M. P. Griswold;
S. 7491. An act granting an increase of pension to Anna V. Blaney;
S. 7493. An act granting an increase of pension to George Arthur Tappan;
S. 7503. An act granting an increase of pension to George W. Baker;
S. 7504. An act granting an increase of pension to David Decker;
S. 7509. An act granting an increase of pension to William T. Bennett;
S. 7531. An act granting an increase of pension to William F. Letts;
S. 7532. An act granting an increase of pension to Joseph Kiichli;
S. 7533. An act granting an increase of pension to Orvil Dodge;
S. 7553. An act granting an increase of pension to Adolphus P. Clark;
S. 7555. An act granting an increase of pension to James T. Piggott;
S. 7561. An act granting an increase of pension to Charles A. Woodward;
S. 7567. An act granting an increase of pension to William Booth;
S. 7570. An act granting an increase of pension to George W. Hapgood;
S. 7572. An act granting an increase of pension to Warren M. Fales;
S. 7574. An act granting an increase of pension to Emily J. Larkham;
S. 7598. An act granting an increase of pension to Jesse C. Newell;
S. 7604. An act granting an increase of pension to John M. Morgan;
S. 7605. An act granting an increase of pension to Judiah B. Smithson;
S. 7606. An act granting an increase of pension to Samuel Reeves;
S. 7609. An act granting an increase of pension to Thomas Strong;
S. 7610. An act granting an increase of pension to Frederick Kurz;
S. 7616. An act granting an increase of pension to Ezekiel C. Ford;
S. 7622. An act granting an increase of pension to George K. Taylor;
S. 7628. An act granting an increase of pension to John P. Wildman;
S. 7632. An act granting an increase of pension to Elias W. Garrett;
S. 7634. An act granting an increase of pension to Charles Shattuck;
S. 7636. An act granting an increase of pension to Samuel M. Breckenridge;
S. 7642. An act granting an increase of pension to Oliver H. P. Rhoads;
S. 7655. An act granting an increase of pension to Francis G. Brown;
S. 7657. An act granting an increase of pension to Harman Grass;
S. 7666. An act granting an increase of pension to True Sanborn, jr.;
S. 7668. An act granting an increase of pension to Henry H. Buzzell;
S. 7671. An act granting an increase of pension to Charles H. Alden;
S. 7678. An act granting an increase of pension to Joseph Kennedy;
S. 7679. An act granting an increase of pension to George M. Shaffer;
S. 7683. An act granting an increase of pension to William Wakefield;
S. 7685. An act granting an increase of pension to Albion W. Tebbetts;
S. 7696. An act granting an increase of pension to Zadok K. Judd;
S. 7708. An act granting an increase of pension to Sue A. Brockway;
S. 7722. An act granting an increase of pension to Henderson Stanley;
S. 7745. An act granting an increase of pension to Frederick Wood;
S. 7763. An act granting an increase of pension to Jacob S. Hawkins;
S. 7764. An act granting an increase of pension to Davis Gilborne;
S. 7768. An act granting an increase of pension to Alonzo P. Mann;
S. 7782. An act granting an increase of pension to Henry F. Reuter;

S. 7785. An act granting an increase of pension to Carlo J. Emerson;
S. 7786. An act granting an increase of pension to Chauncey M. Snow;
S. 7803. An act granting an increase of pension to William H. Long;
S. 7818. An act granting an increase of pension to Edward Bird;
S. 7820. An act granting an increase of pension to Benjamin B. Cravens;
S. 7825. An act granting an increase of pension to Garret P. Rockwell;
S. 7830. An act granting an increase of pension to Wilbur A. Stiles;
S. 7831. An act granting an increase of pension to William H. Grandaw;
S. 7838. An act granting an increase of pension to Ole Gunderson;
S. 7841. An act granting an increase of pension to Frank De Noyer;
S. 7842. An act granting an increase of pension to Evarts C. Stevens;
S. 7843. An act granting an increase of pension to Isaac Oakman;
S. 7862. An act granting an increase of pension to Elias Laughner;
S. 7870. An act granting an increase of pension to Albert Bennington;
S. 7872. An act granting an increase of pension to Gilbert H. Keck;
S. 7877. An act granting an increase of pension to Thomas B. Marsh;
S. 7878. An act granting an increase of pension to Richard J. Gibbs;
S. 7880. An act granting an increase of pension to Sarah E. Stockton;
S. 7890. An act granting an increase of pension to Henry Zacher, alias Charles Stein;
S. 7895. An act granting an increase of pension to William Wallace;
S. 7903. An act granting an increase of pension to Catherine De Rosset Meares;
S. 7907. An act granting an increase of pension to Wilkison B. Ross;
S. 7912. An act granting an increase of pension to Eleanor P. Bigler;
S. 7915. An act granting an increase of pension to Mary M. Howell;
S. 7918. An act granting an increase of pension to Royal T. Melvin;
S. 7923. An act granting an increase of pension to William H. Brady;
S. 7930. An act granting an increase of pension to Joseph Hare, jr.;
S. 7936. An act granting an increase of pension to Liberty W. Foskett;
S. 7938. An act granting an increase of pension to John W. Messick;
S. 7947. An act granting an increase of pension to Charles G. Sweet;
S. 7948. An act granting an increase of pension to Jane Tate;
S. 7968. An act granting an increase of pension to James Slater;
S. 7983. An act granting an increase of pension to Samuel Dubois;
S. 7993. An act granting an increase of pension to George E. Purdy;
S. 7995. An act granting an increase of pension to Ashley White;
S. 7996. An act granting an increase of pension to Robert B. Lucas;
S. 8005. An act granting an increase of pension to Garrett F. Cowan;
S. 8006. An act granting an increase of pension to Epaminondas P. Thurston;
S. 8015. An act granting an increase of pension to Samuel B. Hunter;
S. 8017. An act granting an increase of pension to Watson L. Corner;
S. 8023. An act granting an increase of pension to Harry N. Medbury;
S. 8034. An act granting an increase of pension to Jacob M. F. Roberts;
S. 8038. An act granting an increase of pension to John F. Ackley;
S. 8049. An act granting an increase of pension to Daniel C. Swartz;
S. 8056. An act granting an increase of pension to William H. Fountain;
S. 8064. An act granting an increase of pension to Carloss Trowbridge;
S. 8079. An act granting an increase of pension to Joseph Ickstadt;
S. 8081. An act granting an increase of pension to William H. Cochran;
S. 8084. An act granting an increase of pension to John Hazen;
S. 8089. An act granting an increase of pension to Mary E. Jacobs;
S. 8090. An act granting an increase of pension to Inger A. Steensrud;
S. 8101. An act granting an increase of pension to Jacob B. Getter;
S. 8104. An act granting an increase of pension to Henry Shelley;
S. 8105. An act granting an increase of pension to Anna Arnold;
S. 8107. An act granting an increase of pension to Leonidas Obenshain;
S. 8120. An act granting an increase of pension to Benjamin T. Woods;
S. 8125. An act granting an increase of pension to Mary O. Cherry;
S. 8144. An act granting an increase of pension to Elizabeth A. Bonner;
S. 8147. An act granting an increase of pension to Ann E. Macy;
S. 8153. An act granting an increase of pension to Henry B. Johnson;
S. 8195. An act granting an increase of pension to Asa E. Swasey;
S. 8196. An act granting an increase of pension to Michael J. Geary;
S. 8197. An act granting an increase of pension to Arabella J. Farrell;
S. 8201. An act granting an increase of pension to Clara A. Keeting;
S. 8207. An act granting an increase of pension to Peter Wedeman;
S. 8215. An act granting an increase of pension to James W. Lendsay;
S. 8225. An act granting an increase of pension to Elizabeth P. Hargrave;
S. 8237. An act granting an increase of pension to Lydia Irvine;
S. 8259. An act granting an increase of pension to Henry B. Love;
S. 8263. An act granting an increase of pension to Martha L. Bohannan;
S. 8278. An act granting an increase of pension to Calvin Herring;
S. 8314. An act granting an increase of pension to James P. Worrell;
S. 8317. An act granting an increase of pension to Annie C. Stephens;
S. 8340. An act granting an increase of pension to Maria L. Philbrick;
S. 8345. An act granting an increase of pension to Frank Holderby, alias Frank Giles;
S. 8347. An act granting an increase of pension to Ervin F. Mann;
S. 8348. An act granting an increase of pension to Cornelius E. Bliss;
S. 8378. An act granting an increase of pension to Eli B. Woodard;
S. 8379. An act granting an increase of pension to Bertha Maria Johnson;
S. 8390. An act granting an increase of pension to Joseph H. Kinsman;
S. 8397. An act granting an increase of pension to Martin Peacock;
S. 8404. An act granting an increase of pension to Nelson W. Jameson;
S. 8407. An act granting an increase of pension to Reuben C. Webb;
S. 8422. An act granting an increase of pension to Overton E. Harris;
S. 8456. An act granting an increase of pension to Margaret Baber;
S. 8469. An act granting an increase of pension to Thomas L. Hewitt;

S. 8485. An act granting an increase of pension to Ann Hudson;

S. 8508. An act granting an increase of pension to Miranda W. Howard;

S. 2011. An act granting a pension to Lucinda L. McCorkle;

S. 7667. An act granting a pension to Henry Lunn;

S. 7670. An act granting a pension to Sarah E. Lungren;

S. 7698. An act granting a pension to Fannie S. Grant;

S. 7772. An act granting a pension to Ellen Dougherty;

S. 7871. An act granting a pension to Catharine Hayes;

S. 8024. An act granting a pension to Susan J. Rogers;

S. 8212. An act granting a pension to Azelia Mittag;

S. 8214. An act granting a pension to Jeremiah Bowman;

S. 8235. An act granting a pension to James H. Huntington;

S. 8258. An act granting a pension to Mary B. Yerington;

S. 8279. An act granting a pension to Edward Dunscomb;

S. 8302. An act granting a pension to Ella B. Morrow;

S. 8349. An act granting a pension to Mary Ellen Van Amringe;

S. 8443. An act granting a pension to Fanny M. Grant;

S. 8511. An act granting a pension to George L. Dancy;

S. 7420. An act granting a pension to Eleanor N. Sherman;

S. 7429. An act granting a pension to Caroline A. Gilmore;

S. 7430. An act granting a pension to Mary F. Johnson;

S. 8451. An act ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz.;

S. 8534. An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof;

S. 7017. An act extending the time for making settlement, final proof, and payment on public lands in certain cases;

S. 6229. An act to authorize the sale of public lands for cemetery purposes;

S. 8435. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs; and

S. 8533. An act to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa against the Sac and Fox Indians of the Mississippi in Oklahoma and the United States, and for other purposes.

On March 2:

S. 5888. An act authorizing the President to appoint James Carroll a surgeon, with the rank of major, in the United States Army;

S. 8400. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; and

S. 8446. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

THE MERCHANT MARINE.

Mr. GALLINGER. I ask the Chair to lay before the Senate the message from the House of Representatives in regard to the ship-subsidy bill.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce; which was to strike out all after the enacting clause and insert:

That the act entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," approved March 3, 1891, be, and hereby is, amended by adding thereto the following section:

"SEC. 10. That the Postmaster-General is hereby authorized and directed to enter into contracts for a term of ten years, with citizens of the United States, for the carrying of mails on steamships hereafter built and registered in the United States, by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof, a majority of the stock of which shall be and shall continue to be owned by citizens of the United States), between ports of the United States and ports on the routes and for the amounts hereinafter prescribed.

"First. From a port or ports of the Atlantic coast of the United States to Brazil, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year.

"From a port or ports of the United States on the Gulf of Mexico to Brazil on steamships of the United States of not less than 16 knots speed for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year.

"Second. From a port or ports of the Atlantic coast of the United States to Argentina, on steamships of the United States of not less than 16 knots speed, for a monthly service at a monthly compensation not exceeding $400,000 a year, or for a fortnightly service at a maximum compensation not exceeding $800,000 a year: *Provided*, That a vessel receiving compensation for mail service pursuant to contract on a voyage on this route shall not also receive compensation for mail service pursuant to contract on said voyage on the first route as described above.

"Third. From a port or ports of the Pacific coast of the United States to the Isthmus of Panama, Peru, and Chile, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year: *Provided*, That the requirements of this section as to the rates of speed shall be deemed to be complied with if said rates are developed during a trial of four hours continuous steaming at sea in ordinary weather in water of sufficient depth to make the test a fair and just one and if the vessels are maintained in a condition to develop such speed at any time while at sea in ordinary weather. This trial shall be made under the direction and supervision of a board of naval officers which the Secretary of the Navy shall appoint upon the application of the owner or owners of the vessel to be tested: *And provided further*, That all the provisions of the first nine sections of this act are hereby made applicable in all respects to the services provided for in this section: *Provided, however*, That the specific rates of compensation described in section 5 of this act shall not apply to the services provided for in this section, and that all ordinary repair or overhauling of a steamship employed and paid for carrying mails under this section shall be made in the United States, except in cases where drydocking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of said ship when the repairs shall be needed: *Provided*, That subject to the foregoing provisions every contract hereunder shall be awarded to that responsible bidder who will contract under penalties prescribed by the Postmaster-General for the highest running speed between the points named in said contract."

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act in whole or in part whenever in its judgment the public interest shall so require, without, however, impairing in any wise the obligation of any specific contract then in force which shall have been entered into under the provisions of this act.

SEC. 3. That there shall be enrolled, in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and fisheries of the United States, including the coastwise trade of the Atlantic and Pacific, and the Great Lakes, such officers, petty officers, and men as may be capable of rendering service as members of a naval reserve, for duty in time of war, and who are willing to undertake such service, to be classified in grades and ratings according to their capacity as shown at time of enrollment. No man shall be thus enrolled who is not a citizen of the United States by either birth or naturalization. These members of the Naval Reserve shall be enrolled for a period of four years, during which period they shall be subject to render service on call of the President in time of war. They shall also possess such qualifications, receive such instruction, and be subject to such regulations as the Secretary of the Navy may prescribe. The Secretary of the Treasury is hereby authorized and directed, upon proper audit by the Auditor of the Navy Department, to pay out of any money to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates to such officer, petty officer, or man thus enrolled and employed in the merchant marine or fisheries, including the coastwise trade of the Atlantic and Pacific, and the Great Lakes, as hereinafter provided, an annual retainer as follows: For each officer of the line or Engineer Corps having the rank of lieutenant in the Naval Reserve, $110; for each officer of the line or Engineer Corps having the rank of lieutenant (junior grade) in the Naval Reserve, $90; for each officer of the line or Engineer Corps having the rank of ensign in the Naval Reserve, $80; for each man with a rating of chief petty officer, $70; for each man with a rating of petty officer, first class, $60; for each man with a rating of petty officer, second class, $48; for each man with a rating of petty officer, third class, $40; for each seaman, first class, $36; for each seaman, second class, $30; for each seaman, third class, $24. Such retainer shall be paid at the end of each year of service on certificate, by the Secretary of the Navy, that the member of the Naval Reserve has complied with the regulations and has served for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or fisheries. The total number of officers, petty officers, and men enrolled in the Naval Reserve shall not at any time exceed 10,000.

SEC. 4. That this act shall take effect on July 1, 1907.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

Mr. BURKETT. Mr. President, I ask for information, is not this a House bill that has come here as a substitute for something or other?

Mr. GALLINGER. "For something or other" that the Senator voted against. He remembers it.

Mr. BURKETT. I am not asking the Senator from New Hampshire. I will say to him that I am asking the Chair whether this is not a House bill?

The VICE-PRESIDENT. It is a Senate bill returned with a House amendment.

Mr. BURKETT. Is it not a House bill as a substitute for a Senate bill?

The VICE-PRESIDENT. It is a House substitute for a Senate bill.

Mr. BURKETT. It is a House substitute for a Senate bill, and I submit, Mr. President, that I have a right to make a motion as a substitute for the motion of the Senator from New Hampshire that the Senate proceed to the consideration of Senate resolution No. 290.

Mr. GALLINGER. I have made my motion, Mr. President.

Mr. BURKETT. I submit, Mr. President, that this is a matter of legislation that has come from the House. I had the

floor by unanimous consent and was taken off by the motion of the Senator from New Hampshire. My motion now is made as a substitute for the motion to take up and consider the House substitute for the Senate bill.

Mr. GALLINGER. Mr. President, I desire simply to observe that the most casual examination of the rule, I think, will reveal the fact that a motion to proceed to the consideration of a message from the House of Representatives is in order.

The VICE-PRESIDENT. The Chair is of that opinion.

Mr. BURKETT. I have only offered a motion as a substitute for that. The Senate can determine what they want to take up, I am sure.

Mr. CULBERSON. Mr. President——

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

Mr. GALLINGER. I yield to the Senator from Texas, briefly.

Mr. CULBERSON. Mr. President, the Senator from New Hampshire was correct in saying that it is in order for him to make the motion he has made, but that does not necessarily make that the motion of precedence.

Mr. GALLINGER. I think if the Senator will——

Mr. CULBERSON. The Senator from Nebraska, who had the floor on a resolution, moves that in lieu of taking up the subsidy bill the Senate proceed to the consideration of resolution No. 290.

Mr. SPOONER. I rise to make a parliamentary inquiry.

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

Mr. SPOONER. What is the question before the Senate?

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire to concur in the amendment made by the House of Representatives to Senate bill No. 529.

Mr. HANSBROUGH. What is the title of the bill?

The VICE-PRESIDENT. "To promote the national defense, to create a naval reserve to establish American ocean mail lines to foreign markets, and to promote commerce."

Mr. SPOONER. Mr. President, that is a very important measure. I am informed that it has been very greatly changed from the bill as it passed the Senate. I think that Senators ought to have an opportunity to familiarize themselves with it, and I ask the Senator from New Hampshire that action on this report may be deferred and that his motion may go over until a time, pending which we can have the bill printed, so that we can read it.

Mr. GALLINGER. Would the Senator from Wisconsin indicate a time?

Mr. SPOONER. Four o'clock, I should say—as soon as the bill can be printed.

Mr. HANSBROUGH. It can be printed in a couple of hours.

Mr. SPOONER. There are some memorial exercises which were fixed, not at a specific hour, but to be taken up before recess or adjournment to-day, that can be accommodated, I suppose, to this situation.

Mr. GALLINGER. I will say, Mr. President, in reference to the interrogatory of the Senator from Wisconsin [Mr. SPOONER], that I want to be entirely courteous, and I want to proceed properly in reference to this matter. I have no disposition to crowd it at all, except that we are nearing the end of the session, and the Senator will agree with me that this is a matter of sufficient importance to be considered.

Mr. SPOONER. And to be understood before it is considered.

Mr. GALLINGER. I agree with the Senator about that. So if the Senator will suggest that the matter go over until the hour of 4 o'clock this afternoon, I will very cheerfully accede to that request.

Mr. SPOONER. I suggest that the printing be rushed.

Mr. GALLINGER. Yes; I will agree to that. Let that, then, be understood.

The VICE-PRESIDENT. What is the request of the Senator from New Hampshire?

Mr. GALLINGER. The Senator from Wisconsin made a request that the further consideration of this matter be postponed until the hour of 4 o'clock this afternoon, and that in the meantime the bill be printed.

Mr. SPOONER. I make that motion, if it is in order.

The VICE-PRESIDENT. The Senator from Wisconsin moves that further consideration of the message of the House of Representatives be postponed until 4 o'clock this afternoon, and that the report be printed.

Mr. PENROSE. Mr. President, I call up the conference report on the bill limiting the hours of railroad employees.

Mr. GALLINGER. This matter is not settled yet.

Mr. PENROSE. Very well; I will wait.

Mr. CARMACK. Mr. President——

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

Mr. GALLINGER. I wish the motion to be put, and I desire to have it understood that the motion to concur in the House amendment shall be pending when it is taken up at 4 o'clock.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Wisconsin.

Mr. CARMACK. I move to amend the motion of the Senator from Wisconsin, so as to postpone it until to-morrow.

Mr. GALLINGER. That is Sunday.

The VICE-PRESIDENT. The Senator from Tennessee moves, as an amendment to the motion of the Senator from Wisconsin, that the consideration of the message and the bill be postponed until to-morrow morning.

Mr. CARMACK. On that I ask for the yeas and nays.

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

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer it to the junior Senator from Iowa [Mr. DOLLIVER] and will vote. I vote "nay."

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. I transfer it to my colleague [Mr. PLATT] and will vote. I vote "nay."

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. In his absence I withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER]. During his absence I withhold my vote on this question.

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR], who is not present. I therefore withhold my vote. If he were present, I should vote "yea."

Mr. McLAURIN (when Mr. MONEY's name was called). My colleague [Mr. MONEY] is unavoidably absent because of sickness. He is paired with the senior Senator from Wyoming [Mr. WARREN]. If my colleague were present, he would vote "yea."

Mr. WARNER (when Mr. STONE's name was called). My colleague is absent by reason of sickness.

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

The roll call having been concluded, the result was announced—yeas 23, nays 37, as follows:

YEAS—23.

Berry	Culberson	McEnery	Rayner
Blackburn	Daniel	McLaurin	Simmons
Burkett	Dubois	Mulkey	Tallaferro
Carmack	Frazier	Newlands	Teller
Clapp	Latimer	Overman	Whyte
Clay	McCreary	Pettus	

NAYS—37.

Aldrich	Du Pont	Hemenway	Piles
Ankeny	Elkins	Heyburn	Scott
Brandegee	Flint	Hopkins	Smith
Bulkeley	Foraker	Kean	Spooner
Burrows	Frye	Knox	Sutherland
Crane	Fulton	Lodge	Warner
Cullom	Gallinger	Long	Wetmore
Curtis	Gamble	Nixon	
Depew	Hale	Penrose	
Dick	Hansbrough	Perkins	

NOT VOTING—30.

Allee	Clark, Wyo.	McCumber	Platt
Allison	Clarke, Ark.	Mallory	Proctor
Bacon	Dillingham	Martin	Smoot
Bailey	Dolliver	Millard	Stone
Beveridge	Dryden	Money	Tillman
Burnham	Foster	Morgan	Warren
Carter	Kittredge	Nelson	
Clark, Mont.	La Follette	Patterson	

So Mr. CARMACK's amendment was rejected.

Mr. RAYNER. I move, as an amendment to the motion of the Senator from Wisconsin, that the consideration of this matter be postponed until 8 o'clock this evening, instead of 4 o'clock.

The VICE-PRESIDENT. The Senator from Maryland moves, as an amendment to the motion of the Senator from Wisconsin, that the consideration of the pending bill be postponed until 8 o'clock this evening, the motion of the Senator from Wisconsin being to postpone it until 4 o'clock.

Mr. DANIEL. I beg leave to make an observation to the Senate.

The VICE-PRESIDENT. Is there objection to the request

of the Senator from Virginia to make an observation? The Chair hears none.

Mr. DANIEL. I wish to call attention to the fact that three memorial exercises are to take place to-day. I would not think, of course, of calling a matter of that kind to the attention of the Senate to antagonize any measure, but I should like to hear from the Senate as to when it could most conveniently consider that subject.

Mr. SPOONER. I am to participate in the exercises, and I will say to the Senator that that is left entirely open.

Mr. DANIEL. I know it is entirely open, but I wish to call attention to it now that we may agree as to the time when the proceedings shall commence.

Mr. HALE. I think it is proper to state, for the information of the Senate, that I hope to be able to call up the deficiency appropriation bill this afternoon and send it over to the House, and, by staying here perhaps as late as 7 or 8 o'clock, save a night session.

But I think Senators should bear in mind that whatever arrangements are made about the consideration of anything else, ought to be made subordinate to appropriation bills and conference reports. I shall try to keep the Senate out of the disagreeable necessity of a night session by bringing up the bill as soon as we get it from the Printer and giving the Senate an opportunity to pass it some time between now and 7 or 8 o'clock. I repeat that I hope no arrangement will be made for occupying the time except by subordination to the appropriation bills.

Mr. DANIEL. I concur in the sentiment expressed by the Senator from Maine, but at the same time I can not forget that it is a subject of great dignity and solemnity with which we have to deal. For that reason I should like suggestions from other Senators who are to take part in the proceedings as to the hour which will best suit the business of the Senate. Can it be agreed that at 7 or 8 o'clock this evening the memorial exercises shall be proceeded with?

Mr. SPOONER. I should like to inquire of the Senators who have charge of appropriation bills whether it would be objectionable to take up the memorial exercises at 8 or 9 o'clock this evening?

Mr. HALE. I think perhaps the Senator had better wait, because we may dispose of the deficiency bill in two hours or in one hour, and then the memorial exercises can be entered upon.

Mr. DANIEL. I will wait, Mr. President.

Mr. CULBERSON. I desire to inquire if it is in order at this time to move that the pending bill be referred to the Committee on Commerce and printed?

The VICE-PRESIDENT. It would not be in order.

Mr. CULBERSON. At this time?

The VICE-PRESIDENT. At this time. The question is on agreeing to the amendment proposed by the Senator from Maryland to the motion of the Senator from Wisconsin.

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

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

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer the pair to the junior Senator from Iowa [Mr. DOLLIVER], and I desire that that pair shall stand for the day without further announcement. I vote "nay."

Mr. DEPEW (when his name was called). I transfer my pair—and that arrangement will stand during the rest of the day—to my colleague [Mr. PLATT], and I will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER]. That Senator being absent, I withhold my vote.

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

The roll call was concluded.

Mr. PERKINS (after having voted in the negative). I inquire if the Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE-PRESIDENT. He has not.

Mr. PERKINS. I withdraw my vote. I have a general pair with that Senator.

Mr. WARREN. I desire to announce that my colleague [Mr. CLARK of Wyoming] is absent from the Chamber on account of illness and is paired with the Senator from Missouri [Mr. STONE]. Regarding my own pair, an arrangement has been made to transfer it to the Senator from New York [Mr. PLATT], so that the Senator from New York will stand paired with the Senator from Mississippi [Mr. MONEY], and I will vote. I vote "nay."

The result was announced—yeas 23, nays 41, as follows:

YEAS—23.

Berry	Dubois	Mallory	Simmons
Blackburn	Frazier	Mulkey	Taliaferro
Clapp	Latimer	Overman	Teller
Clark, Mont.	McCreary	Patterson	Tillman
Clay	McEnery	Pettus	Whyte
Culberson	McLaurin	Rayner	

NAYS—41.

Aldrich	Dick	Heyburn	Proctor
Ankeny	Du Pont	Hopkins	Scott
Brandegee	Flint	Kean	Smith
Bulkeley	Foraker	Kittredge	Spooner
Burnham	Frye	Knox	Sutherland
Burrows	Fulton	Lodge	Warner
Carter	Gallinger	Long	Warren
Crane	Gamble	Millard	Wetmore
Cullom	Hale	Nixon	
Curtis	Hansbrough	Penrose	
Depew	Hemenway	Piles	

NOT VOTING—26.

Allee	Clark, Wyo.	Foster	Newlands
Allison	Clarke, Ark.	La Follette	Perkins
Bacon	Daniel	McCumber	Platt
Bailey	Dillingham	Martin	Smoot
Beveridge	Dolliver	Money	Stone
Burkett	Dryden	Morgan	
Carmack	Elkins	Nelson	

So Mr. RAYNER'S amendment was rejected.

Mr. CARMACK. A parliamentary inquiry, Mr. President.

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

Mr. CARMACK. I should like to know whether, if the motion of the Senator from Wisconsin is adopted and the consideration of this measure is postponed until 4 o'clock, at that time a motion to further postpone would be in order?

The VICE-PRESIDENT. The Chair did not hear the Senator.

Mr. CARMACK. I ask whether, if the motion of the Senator from Wisconsin should prevail——

Mr. HALE. Has the roll call been completed, Mr. President?

The VICE-PRESIDENT. It has been completed, and the result announced. The question recurs upon the motion of the Senator from Wisconsin.

Mr. CARMACK. I was making a parliamentary inquiry, whether, if the motion of the Senator from Wisconsin prevails, when the consideration of this measure is resumed on the motion of the Senator from Wisconsin at 4 o'clock, a motion at that time to postpone further the consideration of the matter would be in order.

The VICE-PRESIDENT. The Chair will decide that question when it arises. The question recurs on agreeing to the motion of the Senator from Wisconsin.

Mr. CARMACK. I move to amend the motion of the Senator from Wisconsin by substituting 6 o'clock for 4 o'clock; and on that I ask for the yeas and nays.

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

Mr. McCUMBER (when his name was called). I again announce my pair with the junior Senator from Louisiana [Mr. FOSTER]. I transfer the pair to the junior Senator from New Jersey [Mr. DRYDEN] and will vote. I vote "nay."

Mr. WARREN (when his name was called). Under the arrangement of pairs already announced I will vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 23, nays 40, as follows:

YEAS—23.

Berry	Daniel	McLaurin	Simmons
Blackburn	Dubois	Newlands	Taliaferro
Clapp	Frazier	Overman	Teller
Clark, Mont.	Latimer	Patterson	Tillman
Clay	McCreary	Pettus	Whyte
Culberson	McEnery	Rayner	

NAYS—40.

Ankeny	Du Pont	Heyburn	Penrose
Brandegee	Flint	Hopkins	Perkins
Bulkeley	Foraker	Kean	Piles
Burrows	Frye	Kittredge	Scott
Carter	Fulton	Knox	Smith
Crane	Gallinger	Lodge	Spooner
Cullom	Gamble	Long	Sutherland
Curtis	Hale	McCumber	Warner
Depew	Hansbrough	Millard	Warren
Dick	Hemenway	Nixon	Wetmore

NOT VOTING—27.

Aldrich	Burnham	Elkins	Mulkey
Allee	Carmack	Foster	Nelson
Allison	Clark, Wyo.	La Follette	Platt
Bacon	Clarke, Ark.	Mallory	Proctor
Bailey	Dillingham	Martin	Smoot
Beveridge	Dolliver	Money	Stone
Burkett	Dryden	Morgan	

So Mr. CARMACK'S amendment was rejected.

Mr. CULBERSON. I move to amend the motion of the Senator from Wisconsin by striking out "4" and inserting "half past 5."

The VICE-PRESIDENT. The Senator from Texas proposes to amend the motion of the Senator from Wisconsin by making the hour half past 5 o'clock.

Mr. CULBERSON. On that I ask for the yeas and nays.

Mr. CARMACK. Pending that motion I move that the Senate take a recess until 6 o'clock.

The VICE-PRESIDENT. Pending the motion the Senator from Tennessee moves that the Senate take a recess until 6 o'clock.

Mr. CARMACK. I will make it 9 o'clock.

Mr. RAYNER. I move to amend by making it 8 o'clock.

Mr. SPOONER. Why not make it 3 minutes after 8?

Mr. RAYNER. Three minutes after 8.

Mr. SPOONER. Make it dignified.

Mr. GALLINGER and others. Question!

Mr. KEAN. Regular order!

Mr. RAYNER. I call for the yeas and nays on my motion.

The VICE-PRESIDENT. The Senator from Tennessee moves that the Senate take a recess until 9 o'clock.

Mr. RAYNER. There is an amendment to that motion. I moved to amend the motion of the Senator from Tennessee by moving that the Senate take a recess until 8 o'clock, instead of 9.

Mr. FRYE. The other side can filibuster a good deal better by going into minutes, instead of making it hours.

Mr. GALLINGER. They can make more motions.

Mr. CULBERSON. We seem to be doing very well at this rate, Mr. President.

The VICE-PRESIDENT. The Senator from Maryland moves to amend the motion of the Senator from Tennessee by making the hour 8 o'clock instead of 9.

Mr. RAYNER. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was not agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Tennessee, that the Senate take a recess until 9 o'clock.

Mr. CARMACK and Mr. McLAURIN called for the yeas and nays.

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

Mr. McCUMBER (when his name was called). Again announcing my pair with the junior Senator from Louisiana [Mr. FOSTER], I will transfer that pair to the junior Senator from New Jersey [Mr. DRYDEN] and vote. I vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence, having had notice from the Senator from Wisconsin [Mr. LA FOLLETTE] that he wanted to vote "nay" on the bill, I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Wisconsin, and will vote. I vote "yea." This statement will hold good until the return of the Senator from Vermont [Mr. DILLINGHAM]. I will further state that the Senator from Wisconsin [Mr. LA FOLLETTE] is ill.

Mr. WARREN (when his name was called). By an arrangement a transfer of pairs has been made so that the Senator from Mississippi [Mr. MONEY] stands paired with the Senator from New York [Mr. PLATT]. I will make this announcement for the day unless one of the Senators mentioned shall return. I vote "nay."

The roll call was concluded.

Mr. ALLISON. I am paired with the senior Senator from Alabama [Mr. MORGAN]. Otherwise I should vote "nay."

The result was announced—yeas 18, nays 40, as follows:

YEAS—18.

Berry	Dubois	McLaurin	Teller
Blackburn	Frazier	Overman	Tillman
Clark, Mont.	Latimer	Pettus	Whyte
Culberson	McCreary	Rayner	
Daniel	McEnery	Taliaferro	

NAYS—40.

Aldrich	Dick	Heyburn	Penrose
Ankeny	Du Pont	Hopkins	Perkins
Beveridge	Flint	Kean	Piles
Brandegee	Foraker	Kittredge	Scott
Bulkeley	Frye	Knox	Smith
Burnham	Fulton	Lodge	Spooner
Burrows	Gallinger	Long	Sutherland
Cullom	Gamble	McCumber	Warner
Curtis	Hansbrough	Millard	Warren
Depew	Hemenway	Nixon	Wetmore

NOT VOTING—32.

Allee	Clark, Wyo.	Foster	Nelson
Allison	Clarke, Ark.	Hale	Newlands
Bacon	Clay	La Follette	Patterson
Bailey	Crane	Mallory	Platt
Burkett	Dillingham	Martin	Proctor
Carmack	Dolliver	Money	Simmons
Carter	Dryden	Morgan	Smoot
Clapp	Elkins	Mulkey	Stone

So the Senate refused to take a recess until 9 o'clock p. m.

Mr. SPOONER. Mr. President, I made the motion to postpone the further consideration of the report until 4 o'clock in what I thought was the interest of the intelligent disposition of an important measure. I opposed the bill when it passed the Senate. I do not know but that I shall oppose it now, because I have not read it. I have never been a party to any filibuster in the Senate, and I am not willing that the motion which I made should be the foundation of a filibuster. I therefore withdraw the motion.

Mr. GALLINGER. Then I ask for a vote on the motion I made.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws his motion, and the question recurs on the motion of the Senator from New Hampshire to concur in the amendments of the House of Representatives.

Mr. DUBOIS. I move that the Senate take a recess until half-past 7 o'clock.

Mr. BEVERIDGE. I ask the Senator to withhold his motion.

Mr. DUBOIS. And on my motion I ask for the yeas and nays.

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

Mr. BEVERIDGE. I ask the Senator from Idaho if he will not withhold his motion until I ask unanimous consent at this point—which I think will be given when I state the reason for it—for the present consideration of a bill which I report from the Committee on Territories. I will say to the Senator that the reason why I make this request is because there has been an amendment made to the bill by the committee and it will have to go to conference. It is a bill which will provoke no discussion at all. I ask the Senator if he will not withhold his motion until I can ask unanimous consent for that purpose?

Mr. DUBOIS. I withhold the motion with the understanding that I can renew it after the consideration of the bill.

Mr. CULBERSON. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Texas rises to a point of order.

Mr. CULBERSON. I ask if it is in order now to interrupt the proceedings on the subsidy bill?

The VICE-PRESIDENT. Not except by unanimous consent. The Senator from Indiana has requested unanimous consent. Is there objection?

Mr. CULBERSON. I understand it is against the recent rule of the Senate introduced, I believe, by the Senator from Georgia [Mr. BACON].

Mr. BEVERIDGE. No; that applies to a Senator speaking—that he can not be interrupted for that purpose, as I understand it.

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

Mr. CULBERSON. I simply wanted to call the attention of the Chair to the rule which makes it the duty of the Chair to enforce the order without an objection.

The VICE-PRESIDENT. Is this a report from a committee?

Mr. BEVERIDGE. It is a report from the Committee on Territories, and I wish to ask unanimous consent for the immediate consideration of the bill.

The VICE-PRESIDENT. Then the Senator is out of order under the rule. The Chair recognizes the Senator from Idaho.

Mr. BURKETT. Mr. President——

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

Mr. DUBOIS. I yield to the Senator.

Mr. BURKETT. I ask that the resolution submitted by me yesterday and which has been under consideration to-day may be taken up and passed by unanimous consent.

Mr. ALDRICH. I sympathize with the Senator from Nebraska in his effort to have the resolution passed, but I object to this form of procedure in the Senate.

The VICE-PRESIDENT. Objection is made.

Mr. DUBOIS. I move that the Senate take a recess until half past 7 o'clock this evening.

The VICE-PRESIDENT. The question on the motion of the Senator from Idaho, that the Senate take a recess until half past 7 o'clock this evening.

Mr. McLAURIN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary called the roll.

Mr. DILLINGHAM. I inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. DILLINGHAM. I have a general pair with him. If he were present, I should vote "nay."

Mr. PROCTOR (after having voted in the negative). I am paired with the Senator from Florida [Mr. MALLORY]. I do not see him in his seat. If he has not voted, I wish to withdraw my vote.

The VICE-PRESIDENT. The Senator from Florida [Mr. MALLORY] did not vote.

Mr. TILLMAN. Under the transfer of my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Wisconsin [Mr. LA FOLLETTE], I will vote. I vote "yea."

The result was announced—yeas 18, nays 40, as follows:

YEAS—18.

Blackburn	Latimer	Overman	Taliaferro
Clark, Mont.	McCreary	Patterson	Tillman
Culberson	McEnery	Pettus	Whyte
Dubois	McLaurin	Rayner	
Frazier	Newlands	Simmons	

NAYS—40.

Aldrich	Crane	Gallinger	Long
Ankeny	Cullom	Gamble	Millard
Beveridge	Curtis	Hansbrough	Nixon
Brandegee	Depew	Hemenway	Penrose
Bulkeley	Dick	Heyburn	Scott
Burkett	Du Pont	Hopkins	Spooner
Burnham	Flint	Kean	Sutherland
Burrows	Foraker	Kittredge	Warner
Carter	Frye	Knox	Warren
Clay	Fulton	Lodge	Wetmore

NOT VOTING—32.

Allee	Clarke, Ark.	La Follette	Perkins
Allison	Daniel	McCumber	Piles
Bacon	Dillingham	Mallory	Platt
Bailey	Dolliver	Martin	Proctor
Berry	Dryden	Money	Smith
Carmack	Elkins	Morgan	Smoot
Clapp	Foster	Mulkey	Stone
Clark, Wyo.	Hale	Nelson	Teller

So the Senate refused to take a recess until half past 7 o'clock.

Mr. BACON. Mr. President, I understand the pending motion is the motion of the Senator from New Hampshire to concur in the amendment of the House. I think it will be conceded by all that it is manifestly impossible for Senators to vote intelligently upon that motion without having an opportunity to read the substitute bill which has come from the House. Not only so, Mr. President, but it is equally manifest that it is impracticable even to discuss it until Senators have had an opportunity to inform themselves as to the contents and provisions of that bill.

I rise for the purpose of making a suggestion to the Senator in control of the bill or of this particular motion that there be such suspension of his motion as will enable us to be in a position to act intelligently upon this most important matter; in other words, until the bill can be laid before us in print.

Mr. GALLINGER. My answer to the Senator is that at the hour of half past 1 o'clock I agreed to a postponement until 4 o'clock, and that immediately developed a filibuster, notice having been served upon me that the bill was to be killed in that way.

Mr. President, I perfectly understand the situation, and I will say to the Senator from Georgia that I am quite willing that the bill shall be printed and come back here before my motion is pressed. I have no disposition to rush this matter when Senators do not understand the bill. I had intended very briefly to explain the bill, if a request had not been made to postpone the matter. I expected that a request to explain the bill would be made, and I have stood ready at every moment to accede to it. I stand ready now.

Mr. BACON. I will say for myself, with the permission of the Senator from New Hampshire, that the suggestion made by me is in the utmost good faith.

Mr. GALLINGER. I understand it.

Mr. BACON. I desire myself to be informed as to the provisions of the bill.

Mr. GALLINGER. Nobody would question the Senator's good faith.

Mr. BACON. I do not know how far the bill goes. There are some features of the bill, as I indicated in the former debate in the Senate, that I would favor. I do not know to what extent the present bill conforms to the suggestions I then made, or whether it contains matter other than that which I indicated would be favorably considered by me. I am speaking only for myself. I had no conference with my associates on the matter.

Mr. GALLINGER. I ask unanimous consent that the further consideration of the bill be postponed until half past 4 o'clock.

Mr. BACON. With a view to having it printed?

Mr. GALLINGER. And in the meantime that it be printed as hurriedly as possible and be returned to the Senate.

Mr. CARMACK. Will the Senator make it 5 o'clock?

Mr. McLAURIN. Mr. President, I do not think that the bill can be printed and be placed in the hands of Senators and be thoroughly considered and understood in less than two hours. It is a very important measure. I understand it is practically a new bill—not the one that was sent to the House of Representatives from the Senate.

Mr. GALLINGER. Will the Senator yield to me a moment?

Mr. McLAURIN. With pleasure.

Mr. GALLINGER. I will modify my request for unanimous consent and make the hour 5 o'clock.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the further consideration of the pending bill be resumed at 5 o'clock, and that in the meantime the bill be printed as speedily as possible. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. McLAURIN. The request is, as I understand it, that the consideration of the vote be postponed until 5 o'clock.

Mr. GALLINGER. That is right.

The VICE-PRESIDENT. That is the effect of it.

Mr. SPOONER. I suppose under the request, as soon as the report is printed, copies will be laid on the desks of Senators.

Mr. GALLINGER. Oh, yes; it will be here in a very few minutes, and my motion will be pending at that time.

PURCHASE OF PLANT OF PHOENIX WATER COMPANY.

Mr. BEVERIDGE. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 25039) to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant, to report it favorably with an amendment, and I ask unanimous consent for its present consideration.

Mr. ALDRICH. Let the bill be read for information.

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

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

The amendment reported by the Committee on Territories was, in section 1, on page 2, line 1, after the word "confirmed," to strike out the word "and" and to insert:

Provided, That the same shall be submitted to the electors of said city of Phoenix and approved by a majority thereof at the next general city election, and in the event of approval by a majority of said electors.

So as to make the section read:

That the contract entered into by and between the common council of the city of Phoenix, county of Maricopa, Territory of Arizona, and the Phoenix Water Company, a corporation doing business in and about the said city of Phoenix, Ariz., of date January 15, 1907, for the purchase of the water plant of the said Phoenix Water Company for the sum of $90,000 in cash and the assumption of $60,000 of first-mortgage bonds be, and the same is hereby, validated, ratified, and confirmed: *Provided*, That the same shall be submitted to the electors of said city of Phoenix and approved by a majority thereof at the next general city election, and in the event of approval by a majority of said electors, the said common council of the city of Phoenix is hereby authorized to proceed under said contract to purchase the said water plant described and specified in said contract, and is hereby authorized to use the money arising from the sale of the $300,000 waterworks bonds heretofore authorized by the Congress of the United States and mentioned in said contract, for the purpose of purchasing the said property and carrying out the provisions of the said contract, and for the further purpose of paying the said $60,000 assumed thereunder and of improving, extending, enlarging, repairing, and rebuilding said water system.

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.

LEGALITY OF BUSINESS DONE BY EXPRESS COMPANIES.

Mr. PENROSE. Mr. President, I now ask that the conference report on the sixteen-hour bill be laid before the Senate.

Mr. BURKETT. Mr. President——

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

Mr. PENROSE. I should like the Senator to state for what purpose.

Mr. BURKETT. In order to have the resolution, which was heretofore considered and which is now in a shape in which it is acceptable, considered and passed.

Mr. PENROSE. Will it lead to any debate?

Mr. BURKETT. It will lead to no debate.

Mr. PENROSE. I will yield, if it will lead to no debate.

Mr. BURKETT. It will not.

The VICE-PRESIDENT. The Secretary will read the resolution of the Senator from Nebraska as he has modified it.

The Secretary read as follows:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to inquire, investigate, and report to the Senate whether the American Express Company, Adams Express Company, United States Express Company, Pacific Express Company, and Wells-Fargo Express Company, or either of them, are unlawfully engaged, through their local or other agents, in the business of buying, selling, or handling on consignment fruits, vegetables, and oysters entering into interstate commerce; and also that the Interstate Commerce Commission be required to make the investigation at its earliest possible convenience and to report the facts and its conclusions thereon, together with its recommendations, as soon as it can be done consistent with the performance of its public duty.

By unanimous consent, the Senate proceeded to consider the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. ELKINS. Mr. President, I think that resolution ought to be referred to the Committee on Interstate Commerce.

Mr. ALDRICH. It simply asks for facts, and I think there can be no objection to it.

Mr. KEAN. And it has been well amended.

Mr. ELKINS. Very well.

The resolution as modified was agreed to.

LANDS ON JICARILLA RESERVATION.

Mr. CLAPP. I ask the Chair to lay before the Senate the message of the House of Representatives in reference to House bill 23650.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes, and asking for conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendment disagreed to by the House of Representatives, accede to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

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

CLAIMS UNDER THE NAVY DEPARTMENT.

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. 13605) to satisfy certain claims against the Government arising under the Navy Department, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FULTON. I move that the Senate insist on its amendments disagreed to by the House of Representatives, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. FULTON, Mr. KEAN, and Mr. MCLAURIN.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. PENROSE. Mr. President, I now ask that the conference report on the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report on the bill referred to by the Senator from Pennsylvania, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, 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 House amendment, and agree to the same with amendments as follows:

In line 3, page 1, strike out the word "and" and insert "or" in said amendment.

In line 13, page 1, strike out the word "corporation" and insert in lieu thereof the words "common carrier" in said amendment.

In line 13, page 2 of said amendment, after the word "continue," insert "or can go;" and in the same line strike out the four concluding words of said line, reading "or go on duty."

In line 14, page 2 of said amendment, after the word "eight," insert the word "consecutive."

In lines 14 and 15, page 2, strike out the words "within such twenty-four-hour period."

In line 15, page 2, strike out the concluding word "operator."

In line 16, page 2, after the word "dispatcher," insert the words "or dispatcher's operator in the dispatcher's office."

In lines 17 and 18, page 2, strike out "dispatches reports, transmits, receives, or delivers" and insert in lieu thereof "issues."

In line 20, page 2, strike out the word "nine" and insert in lieu thereof the word "eight."

In lines 21, 22, 23, and 24, page 2, strike out the words "in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime" and insert in lieu thereof "and that no employee who by the use of the telegraph or telephone transmits, receives, or delivers orders pertaining to or affecting train movements (excepting those who issue train orders) or who is charged with the operation of signals or switches from towers, offices, or stations shall be required or permitted to be or remain on duty for a longer period than twelve hours in the aggregate in any twenty-four-hour period."

In line 9, page 3, after the word "suits," insert the words "to be."

In line 13, page 3, strike out the word "verified."

In line 15, page 3, strike out the words "three years" and insert "one year."

In line 21, page 3, after the word "of," insert the word "all;" and in the same line strike out the words "duly authorized" and insert in lieu thereof the words "officers and."

In line 24, page 3, after the word "its," insert the words "officer or."

In lines 1 and 2, page 4, strike out the words "with the exercise of reasonable prudence."

Strike out all of lines 7 and 8, page 4, and insert in lieu thereof "and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this act."

And the Senate agree to the same.

BOIES PENROSE,
FRANK P. FLINT,
Managers on the part of the Senate.
W. P. HEPBURN,
J. S. SHERMAN,
Managers on the part of the House.

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

Mr. MCCREARY. Mr. President, I was not able to tell from the reading of the report in what respect the bill as it passed the Senate had been changed. I therefore ask the Senator from Pennsylvania to make an explanation of it.

Mr. FLINT. As the Senator from Pennsylvania [Mr. PENROSE] is absent from the Chamber for a moment, I will endeavor to explain the report.

The House bill with a few amendments has been adopted in lieu of the Senate bill, with the exception of one section, that relating to telegraph operators, and an amendment that provides that when an employee of a railroad company has been engaged sixteen hours in the aggregate during the twenty-four-hour period he must have eight consecutive hours' rest. Under the bill as it came from the House it was possible to divide the eight hours rest up into two four-hour periods, or four two-hour periods, or into a six-hour and a two-hour period, so that it would not give the employee the necessary rest, and it is now changed in this bill so that the employee's rest shall be eight consecutive hours.

Mr. KNOX. Mr. President——

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

Mr. FLINT. I do.

Mr. KNOX. Will the Senator be good enough to inform me whether this bill in its present form applies to all railroads engaged in interstate commerce?

Mr. FLINT. Yes, sir. The word "verified," on line 10, page 5, has been stricken out, so that complaint can be made and proceedings brought without the complaint being verified. The other changes are merely as to form and are not important. The provision in reference to the telegraph operators in the House bill has been changed by the conference report, so that certain employees are not permitted to work more

than eight hours. Train dispatchers and operators in dispatcher's offices, and other operators, under the bill, are limited to twelve hours' work. There were certain employees included in the conference report that were not included in the House bill. We deemed it important that men working in the towers operating switches and signals should have their hours shortened. Under the House bill these men could work sixteen hours, but under the bill as reported by the conference committee they are limited to twelve hours.

Mr. NEWLANDS. Mr. President, I wish to ask the Senator from California whether this conference report has been printed as yet?

Mr. FLINT. The bill as proposed to be amended by the report of the conference committee was printed in to-day's RECORD.

Mr. NEWLANDS. Has the conference report been printed?

Mr. FLINT. And the conference report has also been printed in the RECORD.

Mr. NEWLANDS. I wish to ask the Senator from California concerning the amendment limiting the hours of railroad telegraphers. That amendment, as I understand, was offered in the House.

Mr. FLINT. The bill as it passed the House contained a provision limiting certain telegraph operators to nine hours' work in a day. The bill as reported by the conference committee limits certain operators or officials to eight hours a day and others to twelve hours a day. Testimony was taken before the conference committee, and it was ascertained that if the bill as passed by the House should be enacted into law, it would be impossible to obtain enough telegraph operators in the country to do the work. There are some 50,000 men now engaged in the line of work covered by this provision, and it is estimated that it would increase the number of employees from ten to fifteen thousand. No one has been able to state definitely just how much of an increase it would require, but it is admitted that it is impossible to-day to obtain telegraph operators sufficient to carry out the provisions of this bill; and if it were enacted into law as it came from the House, we would be in the position of compelling the railroads of this country to do something that it was impossible for them to do unless between now and the time that this act goes into effect some ten or fifteen thousand persons could become proficient in telegraphy so that they could perform this duty.

Mr. NEWLANDS. Mr. President, I simply wish to compare the status of this bill with reference to the claims of the telegraph operators. Do I understand that the demands or contentions of the telegraph operators were met by the House amendment and that that provision has since been modified by the conference committee?

Mr. PENROSE. Mr. President, if the Senator will permit me, I will answer his question.

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

Mr. NEWLANDS. Yes.

Mr. PENROSE. If the Senator will look at page 4436 of to-day's CONGRESSIONAL RECORD, he will find the statement filed in the House of Representatives, showing just what was done as to the provisions of the bill relating to telegraphers.

Mr. McCREARY. Mr. President, I am very heartily in favor of legislation on the lines indicated in the title of the bill, which is "To promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon." I introduced a bill in January last somewhat broader, the title of which is "To limit the hours of employment of telegraph and telephone operators on all railroads engaged in interstate commerce in the United States to eight hours in each day of twenty-four hours, and to prescribe the time of their eligibility." There is nothing in this bill about the time of eligibility. The bill I introduced provided that a telegraph operator should be at least 21 years of age and not over 50 years of age—a very important provision, I think.

I am in favor of the first paragraph of the pending bill, which limits to sixteen hours in twenty-four the service of railroad employees, etc. The part of the conference report to which I wish to address my remarks is in regard to dispatchers and telegraph operators. I might say here that I think it is time that we should have some legislation on the line indicated in the pending bill, which is the basis of the conference report. Nearly every morning the newspapers have reports about a collision, accident, or railroad wreck. This morning the papers announced a head-on collision on the New York, New Haven and Hartford Railroad, with four dead and many hurt. Yesterday morning the newspapers announced a wreck on the Baltimore and Ohio Railroad near Connellsville, Pa., in which the engineer was killed, the fireman fatally injured, and forty other persons injured. I read a few days ago, in the New York Tribune, a list compiled showing forty-nine railroad wrecks during the last six months, exclusive of the last tragedy on the New York Central. According to that table, which I have in my hand, 351 persons have been killed and 474 injured. Nearly every newspaper brings to us information about some accident or wreck, and it is high time we were doing something, so far as we can, to prevent these appalling wrecks and accidents.

The first paragraph of the second section of this bill limiting the hours of service of railroad employees to sixteen hours in twenty-four I think is a very good provision; but I do not understand the second paragraph of section second in the same way that the Senator from California has explained it. There is in that provision, as will be noticed, an exception of persons who issue train orders. If the section be closely analyzed, it will be seen that while there are no dispatcher's operators, there are operators in dispatch offices who are not embraced in the bill. However, even in the case of dispatcher's operators, they are not all limited to eight hours, for the reason that the provision applies only to those who issue orders. The dispatchers issue the orders and the operators only transmit, receive, or deliver an order. If the operator issues an order, he is clearly a dispatcher, and dispatchers now work only eight hours. At present operators work twelve hours, so there is no change in the law with regard to them, as the bill provides that all operators shall work twelve hours.

The bill which passed the House of Representatives provided that in continuous day and night offices operators should work not exceeding nine hours in twenty-four hours, and in day offices not exceeding thirteen hours. It does not appear to me, Mr. President, that this conference report on this important bill changes the existing conditions. It does not protect or benefit telegraph operators as they should be. I can see that it benefits railroad employees, but I do not see where it benefits telegraph operators as they should be protected and benefited and their hours of service limited.

There is no doubt that quite a number of serious collisions have been brought about by telegraph operators being overworked. I am heartily in favor of limiting the time that telegraph operators shall be engaged to eight hours—and not exceeding nine—out of twenty-four. I want legislation that is fair and just to the railroads and fair and just to the telegraph operators and legislation that will protect the traveling public. I do not believe that this report as presented by the conference committee comes up to that standard.

The conference report contains some good provisions, and while I believe it should be amended, yet if it can not be amended I shall vote for it as the best that can be done at present.

Mr. DANIEL. Mr. President, I was a member of the conference committee of the Senate that made this report, but I did not concur therein, nor did the Democratic member of the conference committee on the part of the House do so. At the same time, Mr. President, I recognize the fact that this is a distinctive step of progress in the right direction. I was so occupied in matters of engagement before the Senate and the Appropriations Committee of the Senate that I could attend but two of the meetings of the conferees. Their last meeting it was impossible for me to attend by reason of actual and necessary occupation upon the Senate floor.

The measure as embodied in the conference report is, in my judgment, a decided improvement upon Senate bill 5133, which was adopted by this body. That bill in its first section limited the hours of employees on railroads to sixteen, with certain modifications in particular cases.

This bill as now embodied in the conference report manifests considerable improvement. Nothing better is likely to be attainable during this session, now within forty-eight hours of its close. Hence I am disposed to vote for the conference report. While it falls short of the provisions made in the House amendment to the Senate bill, it is nevertheless a betterment of existing laws, and also in some respects a betterment of the Senate bill.

I recognize the difficulties that environ the subject. I am quite sure that the Senate committee, although I do not altogether agree with their majority report, labored hard and faithfully with a view to accomplishing the best result that they deemed practicable. Those who oppose the limitation of hours by Congressional enactment as applicable to the interstate commerce of the country will be in some measure discontented by this bill. Those who had large hopes, especially with regard to the ordinary telegraph operators, will also be dissatisfied with this measure. If we had ample time to discuss it, I should advocate a more liberal measure than is found in the framework

either of the Senate bill or of the conference report. At the same time I do not feel that any of us would be justified in voting against the conference report, for the reason that it is not only an improvement of the present order of things, but also in some substantial respects an improvement upon the measure which the Senate itself adopted.

By the House substitute for the Senate bill it was provided:

That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime.

There is an exception in case of emergency, "when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three consecutive days in any week."

Mr. President, the conference report adopts eight hours as the lowest limit instead of nine hours, and at the same time and in effect it extracts those who are named in the eight-hour limit from the provisions of the Senate bill which required sixteen hours as its lowest limit. The provision now embodied in the measure recommended by the conferees reads:

That no train dispatcher, or dispatcher's operator in the dispatcher's office, or other employee who by the use of the telegraph or telephone issues orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than eight hours in any twenty-four-hour period.

So that here, Mr. President, in this phrase is a clear, explicit, and wise adoption of the eight-hour rule applicable—

First, to train dispatchers.

Second, to the operators of train dispatchers in their offices.

Third, to those employees who by the telegraph or telephone issue orders pertaining to or affecting train movements. This is progress.

Mr. President, it will be observed that in a second part of this recommended measure it is provided—

That no employee who by the use of the telegraph or telephone transmits, receives, or delivers orders pertaining to or affecting train movements (excepting those who issue train orders) or who is charged with the operation of signals or switches from towers, offices, or stations shall be required or permitted to be or remain on duty for a longer period than twelve hours in the aggregate in any twenty-four-hour period except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three consecutive days in any week.

It was much desired, and many petitions, letters, telegrams, and all manner of communications were made in which the desire was expressed, that this class of operatives, like the distinctive classes to whom I have already referred, should be embraced in the eight-hour period. This was deemed by the majority of the committee an unattainable result at this time. There are many who wish to see the whole body of telegraphic operators embraced in the eight-hour law, as in the House amendment. It was to the contrary that three classes of them, to wit, the train dispatcher, the dispatcher's operator in his office, and other employees who issue orders pertaining to or affecting train movements are put under the eight-hour rule, and that the other classes embodied in the second amendment, which I have explained, had best be withdrawn from the sixteen-hour rule and are placed upon an intermediate scale of hours, namely, twelve.

So, Mr. President, there are two elements of progression in this measure, and I do not think that any of us would be justified, at this late stage of this Congress so soon to adjourn, in voting against the adoption of the report, when the good it accomplishes might thereby be wholly lost. There are some other changes; for instance, the fine for violation of the law to be enacted is reduced from $1,000 to $500. That is the law. In the second place, violation of the law was made a misdemeanor by the Senate measure, whereas under the amendment as now recommended there is only provision made for the recovery of a fine. In the third place, the limitation of three years to bring actions for violation of the law is reduced to one. If time permitted us to discuss these competing measures, I might criticise some of these and other changes. But, taking the conference bill as a whole—the law as it stands, the law as the Senate recommended it and as now embodied in this measure—there is too much good in it to be ignored and not enough evil to make us vote against it under the existing environment.

There is a difficulty about the matter which I may be pardoned, I hope, if I spend a few moments to advert to. Train dispatchers and those operatives who have to transmit the messages upon which trains are moved are here put in the eight-hour rule. The responsibility of their positions is so great, the danger that arises from error is so disastrous, that we may well rejoice that this improvement will be verified by the bill.

As to the other class of operatives, who occupy signal towers, etc., as set forth in the conference report, it may be regretted that they are not also more liberally dealt with. At the same time it should be remembered that their limit is twelve hours, instead of being sixteen, as in the Senate bill, and instead of being no limit at all, as under the absence of law on the subject which now prevails.

The operators at the small way stations, who have to transmit messages during the period of twenty-four hours, who have but very few trains to deal with and very few messages to send, are public servants of great responsibility and importance to the public weal. Their business, it is said, is frequently so light that the railroads have felt that they could not pay fitting salaries for the whole period in which telegraphic service may be required but is not sure to be required. Consequently the companies have often intermingled the business of operating with other businesses at the station and imposed a variety of duties upon the person employed. A witness before the Committee on Interstate and Foreign Commerce of the House—I mean the Hon. Arthur P. Murphy, who has been prominently connected with this measure—relates how this is. He says, on page 39 of the House hearings:

An operator is required, in addition to his telegraphic duties, where the post-office is within the required radius under the law, to carry the United States mails from the post-office to the depot, put it on the trains, take care of it, take it off, and in the morning take it back to the post-office, and the same in relation to day trains. The operator, in addition to his duties of telegraphing, receiving orders, handling his block, and keeping his block sheet, is required to sweep out the depot; he is required to sell tickets, at a great many stations both local tickets and coupons; he is required to handle all of the baggage—check it, truck it, put it on the trains, take it off and put it in the house. In addition he is required to handle all of the express. At stations where they have no electric lights—and the company generally puts them in when they almost give them to them—they are required to take care of their signals and of all of the lamps used in and about the depot. They are required on a great many of the roads—all that I know about—to take care of the switch lamps or lamps that are on the switch targets; to clean them, take care of them, put them out, and take them in.

There is a good deal of evidence of this description, and some have stated sometimes that the operative at the small way station is the country doctor or storekeeper or anybody who happens to be around, who may diversify his employment by sending telegrams when they are necessary.

I know also—and I wish to state the case with absolute candor and fairness—that it is said that the condition described by Mr. Murphy has been improved in recent years and does not now exist so generally, at least, as of the time when Mr. Murphy spoke by his own experience and observation. But here is a pronounced difficulty that arises with reference to the operative who has but a little business to do. To telegraph respecting a moving train, of which steam is the power and which if misdirected may bring upon the passengers on that train a catastrophe which causes the heart of the whole country to bleed and carries sorrow and loss to many a household, is to perform one of the most responsible and delicate operations connected with our social system. If the telegrapher be called on four, five, eight, or ten times a day, and especially if he be called on at hours which he can not anticipate, he may be so distracted by other cares as not to be able to put his mind promptly or concentratively on the subject, if he has duties commingled with other duties. On the other hand, the railroads say that if this system of operation is broken up, it must inevitably lead to the result of abandoning the stations altogether. There is a collision of interest between the convenience of the countryside, between fitness of salary, and between the gravity of the duties which are to be performed.

The whole subject must ere long be embraced by some mind expert in knowledge and bent upon so classifying the duties of all these operatives and so apportioning their assignments that the public may be sure that no man sends any telegram respecting the moving of cargoes of humanity that are carried across the country without being a reliable, an expert, and a responsible, and constantly attentive man. While this will be recognized as just and right by all fair-minded men, it is stated per contra and it is in evidence before the committee that the operatives have declined to teach others the art of telegraphy, and the railroad companies say that if they were forced to provide at once a separate operator whose sole business it should be to attend to the railroad telegraph at all the way stations in the country they would have to employ 20,000 more men, and that the country does not furnish them. They are not to be had, according to their statements.

I read this morning a statement such as that referred to by the Senator from Kentucky [Mr. McCreary] who a few moments ago commented on this subject. The article that attracted my

attention was in the Literary Digest and appeared to be a very cautious and careful estimate of the casualties on the railroads of this country for the last six months. It was an appalling schedule. It showed that 4,000 human beings had lost their lives by accidents on railway trains of the United States within six months past.

Estimating human life at a thousand dollars a head, there would be a sum of $4,000,000 lost. But life is a thing that can not be estimated in money. There was a vaster loss to the country in the brain power and nerve power many times this pecuniary estimate. And wholly beyond the range of figures to calculate is the horror, affliction, and distress caused by such slaughter.

Mr. President, I would call attention to the fact that when two American armies stood up for three days and shot death into each other's bosoms at Gettysburg there were not so many men slain in either army as are slain upon the railroad of this country in six months of calm prosperity and peace.

A recent writer called attention to the fact that notwithstanding all the safety appliances which have been required by law and which are being adopted in the transportation service, notwithstanding all the complaint that has come up from the country and the reflection and energy that have been exercised upon this subject, the ratio of accidents is increasing. There must be a cause for that. Are our people becoming more reckless in their daily conduct, or does it lie in some human causation which can be reached by the hand of the law? Is it due to the fact that in the immense rush of traffic and travel over the railroads they are conducting a double-track business on a one-track road? Does it arise from the fact that the fierce competitions of our times have imposed upon the railway operatives longer hours of work than they can stand? Have they been so overworked that their alertness has been blunted, their strength weakened, their faculties blurred so that they have fallen below the standard of efficiency that should be maintained? Undoubtedly it is the fact that there is no harder-working body of operatives in the world than those who operate our transportation system, and none who bear so constant a strain.

Mr. President, I shall not at this stage prolong my remarks save to say that this is a causation suspected by many, and believed by some. When the Senate shall have adopted, as I anticipate it will, the conference report, it will at least have the satisfaction of knowing that it has gone forward in a wise step to relieve and remove in some degree what would seem to be one of the causes of these many and increasing accidents. It will also have the further satisfaction of knowing that when analysis has better explored the subject and enlightenment better comprehended it, they will find the way paved to further action by the tentative and progressive steps we are now taking.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on agreeing to the report of the committee of conference.

Mr. PATTERSON and Mr. HALE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado rise to this report?

Mr. PATTERSON. I yield to the Senator from Maine.

Mr. HALE. I am ready to go on with the deficiency appropriation bill. If we can pass it sometime within the next hour or two, it will go to the House and will obviate the necessity for a night session. I should be very glad to have it taken up and considered. In the meantime the conference report, of course, holds its place and will come up afterwards.

Mr. PATTERSON. As far as I am concerned, I am quite willing that the appropriation bill shall be taken up.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Senate to proceed to the consideration of the bill (H. R. 25851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments shall first receive consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 16, to insert:

International Maritime Exposition: To enable the Government of the United States to participate in the International Maritime Exposition to be held at Bordeaux, France, from May 1 to October 31, 1907, $25,000.

The amendment was agreed to.

Mr. HALE. After line 21 I move to insert:

Digest of International Law: For reimbursement to John Bassett Moore, the editor of the Digest of International Law, prepared under the act approved February 20, 1897, for all expenses incurred, including the service of copyists, typewriters, and other clerical service employed during the eight years the work was in preparation, $8,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, under the subhead "Foreign intercourse," on page 3, after line 7, to insert:

The Secretary of State is hereby authorized to expend for furniture, typewriters, filing cases, and other equipment for consular offices a sum not to exceed $25,000 from the unexpended balance of the appropriation made by the act approved March 3, 1905, for contingent expenses, United States consulates, for the fiscal year 1906.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 3, after line 19, to insert:

To enable the Secretary of the Treasury to effect a change in the methods of bookkeeping in the Treasury Department, and to install a double-entry system of bookkeeping, $7,000, or so much thereof as may be necessary, is hereby appropriated, to remain available until expended; said sum to be used by the Secretary of the Treasury, as he shall determine, in payment for services of such of the force of the division of bookkeeping and warrants of the Treasury Department as may be needed to carry the change into effect, notwithstanding the provisions of sections 170, 1763, 1764, and 1765 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Office of the Supervising Architect, on page 4, line 17, to change the date from "1908" to "1907;" so as to make the proviso read:

Provided, That the expenditures on this account for the fiscal year ending June 30, 1907, shall not exceed $300,000; and that the Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

Revenue-Cutter Service: To reimburse officers and enlisted men of the United States Revenue-Cutter Service who were on duty under orders at San Francisco during the earthquake and fire in that city on or about April 18, 1906, for losses of uniforms, equipment, and other personal effects sustained by them through said fire: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Treasury and upon vouchers approved by him, $5,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the transportation of silver coin, on page 8, line 15, after the word "cents," to insert "and for the fiscal year 1907, $10,000; in all, $16,043.30;" so as to make the proviso read:

Provided, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants; and the Secretary of the Treasury shall report to Congress the cost arising under this appropriation, for the fiscal year 1906, $6,043.30, and for the fiscal year 1907, $10,000; in all, $16,043.30.

The amendment was agreed to.

The reading was continued to line 8, on page 12.

Mr. BACON. I wish to make an inquiry of the Senator from Maine about a provision which has just been passed. I desire to know whether, on page 8, under the head of the "Transportation of silver coin," it is intended to restore the regulation which has previously existed, under which the Government has heretofore paid the express charges upon silver coin shipped to different parts of the country for the benefit of private individuals, banks, etc., or does it mean simply the shipment on account of the Government?

Mr. HALE. It is simply to carry the appropriation which the Senate put in the sundry civil appropriation bill for the next year, to cover the time between now and the 1st of July.

Mr. BACON. The Senator did not understand my inquiry. He will notice that on page 8 there is an appropriation for the transportation of silver coin. The inquiry I made of the Senator was whether that was intended to restore the regulation which has heretofore existed, under which the Government has paid the express charges of coin shipped to different individuals who, for instance, would send large bills to the Treasury and desire silver coin in the place of it. That was formerly the regulation, and a year or two ago it was changed, and the payment of express charges by the Government for such purposes was abandoned.

This item is not very clear to my mind, and I desire to know whether it intended to restore that or whether it relates to a different matter.

Mr. HALE. It is not a matter of regulation. It is a matter provided by law.

Mr. BACON. I am speaking of the legal regulations.

Mr. HALE. It continues what is now in force.

Mr. BACON. It does not make any change as to what was done before?

Mr. HALE. Oh, no.

The next amendment was, on page 12, after line 8, to insert:

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

That the accounting officer of the Treasury Department be, and he is hereby, authorized to pay to R. H. von Ezdorf, passed assistant surgeon, $222.83, and H. P. Huddleson, clerk, $58.50, out of the unexpended balance of the appropriation for the Public Health and Marine-Hospital Service, 1906, to reimburse them for actual expenses incurred under Department approval while on duty at the Louisiana Purchase Exposition in St. Louis, Mo.

The amendment was agreed to.

The next amendment was, under the subhead "Government in the Territories," on page 13, after line 16, to insert:

For additional amount to defray the expenses of the constitutional convention, Territory of Oklahoma, and expenses of holding an election for the ratification of the same, $135,240.

The amendment was agreed to.

The next amendment was, on page 14, after line 21, to insert:

To pay John M. McDowell, of Council City, Alaska, a sum not to exceed $3,000, for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 15, after line 10, to insert:

Assessor's office: To enable the assessor to prepare a complete set of water-main assessment cards, general arrears cards, and book of arrears, in conformity with the system of assessment and taxation completed November 1, 1906, under the act of February 23, 1905, the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated from the revenues of the water department exclusively: *Provided*, That employees of the assessor's office may be allowed to do this work outside of office hours and to receive therefor reasonable additional compensation.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, in the items for the District of Columbia, to insert:

Militia: For equipment, machinery, and repairs for practice ships, $1,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 9, to insert:

For apparatus for instruction in seamanship and signaling, $250.

The amendment was agreed to.

The next amendment was, on page 22, after line 16, to insert:

Garfield Hospital: For additional amount required for isolating ward for minor contagious diseases at Garfield Hospital, $2,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 7, in the items for the police court of the District of Columbia, to insert:

For miscellaneous items, including fuel, $750.

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to insert:

For rent of temporary quarters, $75.

The amendment was agreed to.

The next amendment was, on page 23, after line 15, to insert:

For support, maintenance, and transportation of convicts transferred from the District of Columbia, to be expended under the direction of the Attorney-General, $3,000.

The amendment was agreed to.

The next amendment was, at the top of page 24, to insert:

Home for the Aged and Infirm: For duplicating the water supply at the Home for the Aged and Infirm of the District of Columbia, including an artesian well, deep-well pump and house for the same, steel tank, piping, and all necessary connections with the pump and tank, $6,500, to continue available during the fiscal year 1908.

The amendment was agreed to.

The next amendment was, on page 24, after line 7, to insert:

For miscellaneous expenses of the home, $3,750.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 27, after line 19, to insert:

Claims for property taken from Confederate officers and soldiers after surrender: For payment of claims filed with the Quartermaster-General under act of February 27, 1902, and amendments thereto, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, $40,000.

The amendment was agreed to.

The next amendment was, under the head of "Military Establishment," on page 28, after line 13, to insert:

For the expenses incident to stay of United States troops at the Jamestown Tercentennial Exposition and of visiting foreign military organizations in attendance upon such exposition at the invitation of the United States Government, including preparation and sanitation of a camp site for such troops, $10,000: *Provided*, That the police, discipline, sanitation, and exercises connected with visiting military organizations of foreign governments and of the National Guard shall be under supervision and control of the Secretary of War, and for this purpose the President is authorized to accept from the State of Virginia the necessary temporary cession of jurisdiction over camp sites of all such troops and organizations.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 34, after line 4, to insert:

The Secretary of the Navy is hereby authorized and empowered to define and establish suitable anchorage grounds in Hampton Roads and the adjacent waters during the continuance of the Jamestown Tercentennial Exposition, to be held in pursuance of the provisions of the act of Congress approved March 3, 1905, and the act of Congress approved June 30, 1906, and the Secretary of the Navy is hereby further authorized to make such rules and regulations regarding the movements of all vessels in the roadstead and harbor named as may be necessary in order to insure the proper and orderly conduct of the naval features of the exposition and provide for the safety of the vessels participating therein, and such rules and regulations when so issued and published shall have the force and effect of law.

The amendment was agreed to.

The next amendment was, on page 34, after line 19, to insert:

The Auditor for the Navy Department is hereby directed to credit in the settlement of the accounts of Pay Director Lawrence G. Boggs, United States Navy, the amounts paid by him on vouchers No. 7007, second quarter, 1905; No. 6915, third quarter, 1905, No. 7153, fourth quarter, 1905; in all, $4,304.77.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 46, after line 8, to insert:

To reimburse R. Lowen, C. Morgan, and E. Bailey for loss of time and doctor's fees on account of injuries received while employed in the construction of the office building for the House of Representatives, $250 each; in all, $750.

The amendment was agreed to.

The next amendment was, on page 46, after line 23, to insert:

Care and custody of the insane, District of Alaska: For the care and custody of persons legally adjudged insane in the District of Alaska, including transportation and other expenses, fiscal year 1908, $23,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 50, after line 23, to insert:

For payment of the salaries of district judges for the northern district of Alabama and the southern district of Ohio, appointed or to be appointed under acts approved February 25, 1907, and the salary of the district judge for the district of Nebraska, appointed or to be appointed under an act approved February 27, 1907:

For the fiscal year 1907, $6,000:

For the fiscal year 1908, $18,000.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 59, after line 2, to insert:

To reimburse Aug. F. Rodgers, assistant, Coast and Geodetic Survey, chief of party, for repairs to a hired boat necessary in making a survey of the immigrant reservation at Angel Island, San Francisco, Cal., $20.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 60, after line 2, to insert:

The Secretary of the Department of Commerce and Labor is hereby authorized to pay, out of the existing appropriation for the enforcement of the Chinese-exclusion laws, to the Canadian Pacific Railway Company the sum of $1,666.50, for reimbursement of cost of maintenance of alleged native-born Chinese in the years 1903 and 1904 for the period during which, by order of the courts under habeas corpus proceedings, said Chinese were detained in the detention station at Richford, Vt., until said Chinese were delivered to said company for deportation to China.

The amendment was agreed to.

The next amendment was, on page 60, after line 14, to insert:

EXECUTIVE.

For additional compensation for the Secretary of the President, fiscal year 1908, $1,500, and from March 4 to the end of the fiscal year 1907, $487.50; in all, $1,987.50.

Mr. HALE. In line 18, before the word "dollars," I move to strike out "five hundred;" in lines 19 and 20, to strike out "$487.50" and insert "$330;" and in line 20, after the word "all," to strike out "$1,987.57" and insert "$1,330;" so as to read:

For additional compensation for the Secretary of the President, fiscal year 1908, $1,000, and from March 4 to the end of the fiscal year 1907, $330; in all, $1,330.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Legislative," on page 61, after line 7, to insert:

The Committee on Printing of the Senate, with three Members of the present House of Representatives who are reelected to the next Congress, to be appointed by the Speaker of the House of Representatives, shall constitute a commission to continue the work of the Printing Investigation Commission appointed under the provisions of an act approved March 3, 1905, and shall have power to inquire into the general subject of the public printing and binding for Congress and the various Executive Departments, bureaus, boards, and other offices of the Government and the distribution of public documents; and to inquire concerning the accumulations, if any, of Government publications stored in warehouses and public buildings for which no legal method of distribution now exists, and the rental of buildings, if any, now occupied for the storage of such accumulated documents; and to report from time to time during the Sixtieth Congress such remedial legislation as the Commission may deem proper; and to continue the inquiry into the necessity for the continuance of the various branch printing offices and other

offices maintained by the various Executive Departments, bureaus, and independent offices of the Government, and to report the economies, if any, which would be effected in the consolidation of such offices with the Government Printing Office; and to employ a secretary and such clerical assistance as may be necessary, such employees to be paid such compensation as said Commission may deem just and reasonable; and said Commission is authorized to send for persons, books, papers, or documents, and through its chairman or acting chairman, or the chairman of any subcommittee thereof, to administer oaths, examine witnesses, books, papers, or documents respecting all matters pertaining to the duties of said Commission; said Commission to sit, if necessary, during the recess of Congress; and the sum of $12,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid out by the disbursing officer of the Senate on vouchers approved by the chairman or acting chairman of the said Commission. Said appropriation shall be immediately available.

The amendment was agreed to.

Mr. HALE. On page 62, after the amendment just agreed to, I move to insert:

To defray the expense of the members of the joint committee of the Senate and House authorized to attend and represent the Congress of the United States on the occasion of the formal opening ceremonies of the Jamestown Tercentennial Exposition, to be held at Norfolk, Va., April 26, 1907, $7,000, or so much thereof as may be necessary, of which sum $3,000 shall be accredited to the Senate, to be expended under the direction and by the order of the Sergeant-at-Arms of the Senate, and $4,000 accredited to the account of and expended under the direction and by the order of the Sergeant-at-Arms of the House of Representatives, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and by the Committee on Accounts of the House, respectively.

The amendment was agreed to.

The next amendment was, under the subhead "Senate," on page 63, after line 3, to insert:

The Secretary of the Senate is hereby authorized and directed to pay the following persons from the appropriation for salaries of officers, clerks, messengers, and others in the service of the Senate for the fiscal year 1907:

E. B. Shurter, clerk to Hon. HENRY A. DU PONT, of Delaware, for clerical services rendered from October 1 to December 2, 1906.

The amendment was agreed to.

The next amendment was, on page 63, after line 11, to insert:

Mary Lajord, widow of Thomas Lajord, late a messenger on the rolls of the Senate, the salary of a messenger from July 1 to July 7, 1906, the date of his death.

The amendment was agreed to.

The next amendment was, on page 63, after line 15, to insert:

Clerk to the Select Committee on Ventilation and Acoustics, salary at the rate of $1,800 per annum from January 9 to June 30, 1907.

The amendment was agreed to.

The next amendment was, on page 63, after line 19, to insert:

For miscellaneous items, exclusive of labor, $60,000.

Mr. HALE. At the end of line 21, after the word "dollars," I move to insert "to be available during the fiscal year 1908."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 63, after line 21, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation of stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $60,000.

Mr. HALE. On page 64, line 4, at the end of the amendment, I move to insert "to be available during the fiscal year 1908."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 64, after line 4, to insert:

To pay to the widow of the Hon. Russell A. Alger, late a Senator from the State of Michigan, $5,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 7, to insert:

To reimburse the Hon. REED SMOOT for expenses incurred in the matter of the protest against his right to retain his seat in the Senate of the United States, $15,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 11, to insert:

To pay the persons who prepared the four volumes of Consolidated Index to the United States Statutes at Large, from March 4, 1789, to March 3, 1903, under Senate resolution of June 19, 1902, for expenses incurred and for services, $5,000, which sum may be expended as additional pay or compensation to any officer or employee of the United States, and be paid upon vouchers approved by the chairman of the Committee on the Judiciary of the Senate.

The amendment was agreed to.

The next amendment was, on page 64, after line 21, to insert:

To pay Pitman Pulsifer for labor in compiling and indexing the annual appropriation laws covering what is known as the new navy, and in preparing tabular statements relating to appropriations for and vessels and personnel of the Navy (now known as the Navy Yearbook), for the second and third sessions of the Fifty-eighth Congress, and the first and second sessions of the Fifty-ninth Congress, $5,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 4, to insert:

To pay George R. Butlin for services in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, $500.

The amendment was agreed to.

The next amendment was, on page 65, after line 7, to insert:

To pay J. B. Haynes for services in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, $500.

The amendment was agreed to.

The next amendment was, on page 65, after line 10, to insert:

To pay Ernst H. Djureen for services rendered in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, $500.

The amendment was agreed to.

The next amendment was, on page 65, after line 14, to insert:

To pay Ormsby McHarg for indexing and for extra services as clerk to the Committee on Pensions, $750.

The amendment was agreed to.

The next amendment was, on page 65, after line 17, to insert:

To pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, $750.

The amendment was agreed to.

The next amendment was, on page 65, after line 20, to insert:

To pay William M. Malloy for reporting hearings before the Committee on Foreign Relations during the Fifty-ninth Congress, $202.

The amendment was agreed to.

The next amendment was, on page 65, after line 23, to insert:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, $100 for the second session of the Fifty-ninth Congress.

The amendment was agreed to.

The next amendment was, on page 66, after line 3, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1906, to March 4, 1907, for clerk hire and other extra clerical services, $4,740.

The amendment was agreed to.

The next amendment was, on page 66, after line 8, to insert:

To pay for extra services rendered to the Committee on Interstate Commerce of the Senate during the consideration of the hearings on the regulation of railway rates, from the adjournment of the Senate, March 4, 1905, during and subsequent to the special meetings of the committee (the employees named herein were inadvertently omitted from the urgent deficiency act), as authorized by Senate resolution No. 288, as follows: J. F. Sellers, $200; S. A. Maryman, $200; F. L. Thompson, $200; Parker Williams, $200; J. F. Siebert, $200, and William McCaffrety, $200; in all, $1,200.

The amendment was agreed to.

The next amendment was, on page 66, after line 21, to insert:

For additional compensation to the clerks to the Committees on Appropriations of the Senate and House of Representatives, $500 each, $1,000.

Mr. ALLISON. I move to amend the amendment of the committee, in line 24, before the word "dollars," where it first occurs, by striking out "five hundred" and inserting "one thousand;" and in the same line, after the word "each," by striking out "one" and inserting "two."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 66, line 24, before the word "dollars," where it first occurs, it is proposed to strike out "five hundred" and to insert "one thousand;" and in the same line, after the word "each," to strike out "one" and insert "two;" so as to make the amendment read:

For additional compensation to the clerks to the Committees on Appropriations of the Senate and House of Representatives, $1,000 each, $2,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. After the amendment just adopted I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

For preparing index to the report of the French-Venezuelan Claims Commission, $200.

The amendment was agreed to.

Mr. HALE. To follow that, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

To pay Woodbury Pulsifer, clerk to the Committee on Commerce, for extra services in the preparation of report on river and harbor bill, $1,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "House of Representatives," on page 71, after line 24, to insert:

For additional compensation to the janitor of the House document room from March 4, 1907, to June 30, 1908, inclusive, at $120 per annum, $159.

The amendment was agreed to.

The next amendment was, under the subheading "Printing and binding," on page 73, after line 13, to insert:

The Public Printer shall cause the new index to the Statutes at Large, now being prepared in accordance with the plan approved by the Judiciary Committees of both Houses of Congress, to be printed, bound, and distributed in the manner now provided by law for the printing, binding, and distribution of the United States Statutes at Large.

The amendment was agreed to.

The next amendment was, on page 73, after line 19, to insert:

For printing and binding for the Department of the Interior, $48,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 21, to insert:

For printing and binding for the Census Office, $10,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 23, to insert:

For printing and binding for the Bureau of American Republics, $10,000, to continue available during the fiscal year 1908.

The amendment was agreed to.

Mr. HALE. On page 73, to come in ahead of the amendment just adopted, after line 23, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 73, after line 23, it is proposed to insert:

For printing and binding for the Court of Claims, $3,000.

The amendment was agreed to.

Mr. HALE. At the top of page 74, after line 2, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 74, after line 2, it is proposed to insert:

That the provisions of section 3 of "An act to amend an act providing for the public printing and binding and the distribution of public documents," approved March 1, 1907, shall not become operative until July 1, 1908; and for the fiscal year ending June 30, 1908, the Public Printer is hereby directed to keep separate accounts of the expense of the administration of the office of the superintendent of documents of the Government Printing Office, and also a separate account of the cost of the printing and binding of such publications of the Government as are now directed by law to be supplied to State and Territorial libraries and other designated depositories.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Judgments, United States courts," on page 74, line 18, before the word "to," to strike out "certified" and insert "reported;" in the same line, after the word "session," to strike out "by the Attorney-General;" and in line 20, after the word "four," to insert "and Senate Document No. 368;" so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," reported to Congress at its present session in House Documents Nos. 447 and 504, and Senate Document No. 368, and which have not been appealed.

The amendment was agreed to.

The next amendment was, on page 75, after line 6, to insert:

Under the Department of Justice, $247.86.

The amendment was agreed to.

The next amendment was, on page 75, line 9, to increase the total appropriation for the payment of the final judgments and decrees of the United States courts from $4,572.70 to $4,820.56.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 75, line 21, after the word "Senate," to strike out "Document" and insert "Documents;" and in line 22, after the word "seven," to insert "and 369;" so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 656, and in Senate Documents Nos. 507 and 369, first session Fifty-ninth Congress.

The amendment was agreed to.

The next amendment was, on page 75, line 24, to increase the appropriation for the payment of the judgments, Court of Claims, under the Treasury Department, from $71,574.45 to $72,860.37.

The amendment was agreed to.

The next amendment was, on page 76, line 4, to increase the appropriation for the payment of judgments, Court of Claims, under the War Department, from $62,582.27 to $120,223.69.

The amendment was agreed to.

The next amendment was, on page 76, line 8, to increase the appropriation for the payment of judgments, Court of Claims, under the Navy Department, from $21,048.42 to $156,724.44.

The amendment was agreed to.

The next amendment was, on page 76, line 12, to increase the appropriation for the payment of judgments, Court of Claims, under the Department of Justice, from $3,111.77 to $6,880.87.

The amendment was agreed to.

The next amendment was, on page 76, after line 16, to insert:

Under the Department of Commerce and Labor, $2,672.22.

The amendment was agreed to.

The next amendment was, on page 76, line 20, to increase the total appropriation for the payment of judgments rendered by the Court of Claims from $159,157.03 to $360,201.71.

The amendment was agreed to.

Mr. BACON. Mr. President, I should like to secure from the Senator from Maine some information in regard to the items which have just been read, beginning on page 75, which are under the heading of "Judgments, Court of Claims."

Of course I suppose these are all matters of record, being judgments of the court, and these are for the payment of the judgments of that court; but the point which strikes me as requiring some little explanation is this: These judgments of the court doubtless have all of them been matured prior to last month, and yet we see some very large increases in the Senate over the amounts provided for in the House. Where they are small amounts of increases it is not a matter to be especially remarked. For instance, at the bottom of page 75 the House provision as to the Treasury Department was for $71,574.45, and the Senate provision is for $72,860.37. That is a small amount, and we can readily understand how those differences should exist.

Under the War Department, however, which is the next item, in the House the judgments of the Court of Claims were stated at $62,582, while the Senate amendment proposes to appropriate $120,223. Under the Navy Department the House provision was for $21,048, and the Senate provision is for $156,724. Under the Department of Justice the amount is increased from $3,111 to $6,880. Under the Post-Office Department there is no increase. Under the Department of Commerce and Labor there is an amendment providing for the appropriation of $2,672. The succeeding amount is simply the aggregate.

I suppose these amendments are all based upon information which comes from the Departments, but I can not understand how the Departments should send the House information so inaccurate as to require when the Senate deals with this matter, which is a matter of record—judgments—that the appropriation should in some instances be absolutely double in the Senate what it is in the House.

Mr. HALE. Mr. President, this is done as it has always been done. Just before the consideration of the annual deficiency appropriation bill the Senate sends up a resolution directing that additional estimates for judgments of the Court of Claims shall be submitted in order to incorporate them in the bill. That was done yesterday by a Senate resolution, and the answer is to be found in documents the Departments have sent in, and that are in the room of the Committee on Appropriations. The Senate can see from them there that instead of putting them in the bill in detail we added the amounts referred to in those documents.

Mr. BACON. The Senator has not caught the point of my inquiry. I can understand, Mr. President, when an appropriation is for an estimated expenditure that there may be differences of estimate in the House and in the Senate; but these are appropriations for the payment of judgments, which are of record and must necessarily be of record, and the point of my inquiry is that as these appropriations relate not to estimates, but to judgments of record, how is it that the reports submitted to the House should be different from the reports submitted to the Senate, if they apply to records?

Mr. HALE. Mr. President, I can not tell the Senator. The Departments do not send us any definite recommendations, but send in the documents showing in detail what each judgment is for and the appropriations are for, judgments which have been rendered by the court since the House laid the foundation for this bill, some two months ago, I suppose. We always do that. But I can not tell the Senator why it is.

Mr. BACON. If the Senator means that this increase represents judgments which have been procured in the Court of Claims since the House bill was passed or since the House bill was made up——

Mr. HALE. Not since the House bill was passed, but since the House bill was made up.

Mr. BACON. Well, that is the information which I desired to have. The Senator will pardon me, Mr. President, if I say that while we have the most perfect and unbounded confidence not only in the industry but in the judgment of the Senators who are members of this great committee, there is not given to the Senate the information which enables Senators to vote intelligently on appropriations. Nine Senators out of ten in the Chamber vote exclusively upon the fact that they have confidence that the Senate Committee on Appropriations has acted wisely and properly; but so far as any individual judgment is concerned, in nine cases out of ten it is absolutely impossible for any Senator to form the slightest conception whether or not the appropriation is a proper one. We are guided exclusively and necessarily by the method of procedure, by the question of whether or not we have confidence in the committee, and we vote for bills solely upon that hypothesis. It must be apparent that Senators do not know as to these items the facts upon which the appropriations are based.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, beginning at the top of page 77, to insert:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases certified to Congress at its present session in Senate Document No. 370, $55,209; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exist no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

The amendment was agreed to.

The next amendment was, beginning at the top of page 87, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1904 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 371, reported to Congress at its present session, there is appropriated as follows:

"CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

"Additional compensation to certain employees in the civil service at Washington, D. C., under joint resolution of February 28, 1867, $398.32.

"For salaries and expenses of agents and subordinate officers of internal revenue, $130.

"For Life-Saving Service, $200.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

"For pay, etc., of the Army, $165.95.

"For encampment and maneuvers, organized militia, 1905, $441.26.

"For regular supplies, Quartermaster's Department, $150.

"For incidental expenses, Quartermaster's Department, $5.90.

"For transportation of the Army and its supplies, $1,303.16.

"For ordnance service, $25.

"For bringing home the remains of officers and soldiers who die abroad, $5.66.

"For headstones for graves of soldiers, $38.66.

"For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $78.80.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

"For pay of the Navy, $295.86.

"For pay, Marine Corps, $394.62.

"For contingent, Bureau of Ordnance, $1,548.65.

"For provisions, Navy, Bureau of Supplies and Accounts, $16.

"For construction and repair, Bureau of Construction and Repair, 13 cents.

"For indemnity for lost property, naval service, act March 2, 1895, $282.40.

"For indemnity for lost clothing, $53.58.

"For destruction of clothing and bedding for sanitary reasons, $9.

"For bounty for destruction of enemy's vessels, $76.95.

"For enlistment bounties to seamen, $166.69.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

"For surveying the public lands, $11,872.22.

"For transportation of Indian supplies, $2.23.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

"Legislative: For public printing and binding, $237.08.

"State Department: For salaries, chargés d'affaires ad interim, 1906, $302.08.

"For relief and protection of American seamen, $48.83.

"Department of Commerce and Labor: For salaries of keepers of light-houses, $23.98.

"For supplies of light-houses, $200.31.

"For repairs and incidental expenses of light-houses, $7.95.

"For expenses of light vessels, $75.34.

"For expenses of buoyage, $174.74.

"For expenses of fog signals, $1.20.

"For Point Arguello light station, California, $5.48.

"Department of Justice: For fees of clerks, United States courts, $22.88.

"For fees of commissioners, United States courts, $7.15.

"For fees of witnesses, United States courts, $13.80.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

"For limited indemnity for lost registered mail, $9.

"For star transportation, $327.27.

"For miscellaneous items, first and second class offices, $122.45.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. Mr. President, there are one or two other committee amendments. I offer the amendment which I send to the desk, to come in on page 28, after line 5.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 28, after line 5, it is proposed to insert:

For the destruction of a dangerous ice gorge in the Missouri River, near Vermilion, S. Dak., under the direction of the Secretary of War, $5,000.

The amendment was agreed to.

Mr. HALE. I offer the amendment which I send to the desk, to come in on page 80, line 1.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 30, line 1, after the first word "seven," it is proposed to strike out the second word "seven" and insert "one million two;" so as to read "$1,200,384.68."

The amendment was agreed to.

Mr. HALE. Mr. President, I submit the document which I send to the desk, and ask to have it printed in the RECORD in connection with the last amendment.

The VICE-PRESIDENT. The document will be printed as requested.

The document referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, February 28, 1907.

The appropriation for "Regular supplies" was less by $500,000 for the fiscal year 1907 than that for the fiscal year 1906. Notwithstanding every effort on the part of this office to curtail expenses, the increased cost of forage for the animals, fuel, and engine supplies for electric lighting and for electric lights, and power at sea-coast artillery posts, etc., together with the increase in the quantities of forage made necessary by the additional animals authorized for machine-gun platoons, mounts for field service, etc., and of fuel by the additional barracks, etc., recently completed and which require to be heated, made a deficiency estimate necessary. The amount, $300,000, is included in the $1,200,384.68 required on this account and for maneuvers and Cuban pacification, no appropriations having been made for the two latter purposes.

At a recent hearing on the deficiency bill, before the House Committee on Appropriations, it became apparent that the committee was reluctant to allow the amount in which the Department is deficient on account of its ordinary work. Since then there has been prepared, and is submitted herewith, a detailed statement showing the excess cost of fuel and forage for the present fiscal year over the previous one, $559,341.72. It appears that forage now costs, on an average, 6 cents per hundred, and coal 1⅞ cents per hundred more than last year, and wood about 51 cents more per cord.

The Department has been able to save in other directions, to some extent, but the deficiency estimated for is absolutely required, otherwise the contractors for fuel and forage must go unpaid for supplies now being delivered under contracts entered into under the provisions of section 3732, Revised Statutes.

In this connection it may be remarked that this Department can not, when preparing estimates far in advance, anticipate increase or decrease in the cost of fuel and forage supplies.

The matter being urgent, it is recommended that the necessary steps be taken to bring the condition of affairs to the attention of the Senate Committee on Appropriations; it appears to be too late to secure proper consideration in the House. The whole of the sum estimated for, $1,200,384.68, is absolutely needed.

In submitting the deficiency estimates it was not supposed that Congress would require, or desire, minute details, so that steps were only taken to furnish such general information as had heretofore usually been called for, and as would show that the deficiency was unavoidable in the conduct of the affairs of the Department under existing laws, regulations, and conditions. Immediately it was discovered that precise details were desired the work of compiling the data was begun, but the labor involved prevented the earlier completion of the task.

C. F. HUMPHREY,
Quartermaster-General, U. S. A.

Statement of excess cost of fuel and forage purchased by the Quartermaster's Department from the appropriation "Regular supplies," fiscal year 1907 over fiscal year 1906.

	1906.		1907.	
	Pounds.	Cost.	Pounds.	Cost.
Forage	220,540,787	$1,926,304.39	244,356,415	$2,280,176.63
Coal	523,865,718	1,353,421.99	575,746,517	1,514,332.25
Wood.....cords..	49,103	251,286.46	52,515	295,845.68
Total		3,531,012.84		4,090,354.56

Cost for fiscal year 1907	$4,090,354.56
Cost for fiscal year 1906	3,531,012.84
Excess fiscal year 1907	559,341.72

Statement of excess cost of fuel and forage, etc.—Continued.

FORAGE.

Post.	1906.		1907.	
	Pounds.	Cost.	Pounds.	Cost.
Adams	1,166,000	$11,799.52	1,513,000	$16,252.50
Alcatraz	126,000	1,216.05	105,000	1,160.70
Andrews	30,000	345.50	62,000	712.89
Apache	1,450,000	27,400.00	1,850,000	34,915.00
Armistead				
Army Hospital, Hot Springs				
Assiniboine	4,175,000	43,667.50	5,180,000	54,897.50
Augusta Arsenal	21,100	252.00		
Baker	136,000	1,411.55	210,800	2,446.40
Banks	106,000	1,176.70	106,000	1,169.71
Barrancas	187,500	1,768.30	228,000	2,708.40
Bayard	638,000	7,782.50	523,000	7,182.60
Benicia Arsenal	100,500	793.30	46,000	455.80
Benicia Barracks	207,000	2,071.60	210,500	2,651.18
Bliss	550,000	4,481.00	494,000	4,407.20
Boise Barracks	936,000	7,238.50	844,450	7,992.52
Brady	41,205	502.70	175,900	1,151.04
Carroll				
Casey	148,000	1,249.00	139,000	1,256.60
Caswell	57,500	720.25	55,100	571.21
Clark	6,350,000	51,347.92	6,120,000	48,432.00
Columbia	36,500	346.00	70,000	736.80
Columbus Barracks	258,396	2,006.37	265,500	2,229.55
Constitution	50,600	620.92	59,700	679.94
Crook	180,000	1,488.00	886,000	5,676.00
Dade	107,000	1,238.20	134,000	1,528.00
D. A. Russell	3,970,000	30,634.50	7,825,000	64,470.50
Davis	189,000	1,819.40	126,000	1,599.15
Des Moines	6,430,000	41,837.00	8,840,000	64,337.00
De Soto	68,000	761.20	116,000	1,330.70
Douglas	2,945,000	27,228.25	743,000	6,241.73
Duchesne	1,430,000	24,290.50	1,940,000	26,832.50
DuPont	151,000	1,549.00	160,000	1,662.00
Egbert	742,000	7,474.27	711,000	9,239.93
Ethan Allen	8,510,000	74,012.50	12,570,000	119,558.00
Flagler	89,000	804.50	122,000	1,020.85
Foster				
Fremont	65,000	737.90	73,600	992.00
Gibbon	10,778	358.36	193,000	2,113.05
Greble	96,400	1,077.02	79,300	884.75
Hamilton				
Hancock	225,000	2,223.00	303,000	2,876.60
Heath	51,000	153.00	79,200	236.61
Henry Barracks				
H. G. Wright	119,000	1,195.40	134,000	1,309.75
Honolulu				
Howard	108,000	1,040.65	132,000	1,276.95
Huachuca	2,760,000	33,993.00	3,080,000	31,905.00
Hunt	82,600	1,081.26	80,700	970.78
Jackson Barracks	116,400	1,104.44	110,400	1,143.00
Governor's Island	170,000	1,477.63	191,500	1,629.54
Jefferson Barracks	6,223,000	50,275.10	4,040,000	36,848.00
Keogh	3,250,000	31,347.50	2,355,000	23,089.50
Key West Barracks	209,000	2,647.20	230,000	2,914.90
Lawton	388,000	3,121.44	1,202,000	10,462.85
Leavenworth	14,400,000	93,525.00	13,150,600	91,282.03
Levett				
Lincoln	157,000	945.30	170,000	1,021.20
Liscum	670,000	6,677.50	712,000	9,777.53
Logan	1,055,000	7,462.50	505,000	4,335.00
L. H. Roots	273,000	2,184.70	260,000	2,108.50
McDowell	132,000	1,303.25	144,000	1,922.20
McHenry	110,000	1,099.15	90,000	897.35
McIntosh	369,000	2,895.35	436,000	3,350.85
Mackenzie	1,800,000	12,612.00	1,930,000	15,615.00
McKinley	225,755	2,259.51	165,000	1,808.95
McPherson	734,000	7,557.80	676,000	7,030.00
McRee				
Madison Barracks	358,000	2,800.68	555,000	4,631.00
Mansfield	82,000	1,115.00	82,000	1,125.00
Mason	115,000	1,193.90	168,500	2,413.25
Meade	7,390,000	55,129.00	6,530,000	57,087.50
Michie			65,000	642.75
Miley	144,000	1,429.00	180,500	2,094.60
Missoula	600,000	5,342.00	620,000	6,042.50
Monroe (Cuba)	175,000	1,490.00	9,695,000	120,610.50
Morgan	168,000	1,630.00	169,600	1,722.00
Mott	109,000	1,123.95	105,000	1,068.70
Moultrie	184,000	1,864.20	213,000	1,775.90
Myer	6,895,000	71,329.50	6,530,000	67,625.00
Niagara	172,000	1,364.75	149,000	1,127.63
Niobrara	1,057,000	5,685.35		
Oglethorpe	8,800,000	77,347.50	10,890,000	92,695.00
Ontario	166,900	1,366.17	210,000	1,811.30
Pickens				
Plattsburg Barracks	332,000	2,941.10	379,000	3,229.10
Porter	75,000	660.00	138,000	1,334.00
Preble	123,800	1,348.25	123,700	1,406.88
Presidio, Monterey	1,670,000	13,957.50	3,895,000	43,315.50
Presidio, San Francisco	8,315,000	86,918.13	8,300,000	95,092.50
Reno	566,000	2,917.20	939,000	7,761.50
Revere	53,000	633.40	44,000	548.99
Riley	18,050,000	101,250.00	21,370,000	180,502.50
Robinson	7,990,000	50,437.00	5,700,000	25,328.75
Ringgold	670,000	6,741.00		
Rock Island Arsenal				
Rodman	97,800	1,048.10	97,800	1,057.20
Rosecrans	167,000	1,568.50	161,600	1,845.75
St. Michaels	196,000	1,917.55	64,000	981.50
St. Philip				
Sam Houston	6,500,000	47,307.00	6,750,000	49,800.00
San Juan, P. R				
Schuyler	115,000	1,087.50	178,000	1,641.17
Smallwood				
Screven	190,000	$2,119.60	215,000	$2,621.80
Sheridan	5,496,120	57,481.50	3,312,600	30,539.87
Sill	4,750,000	35,290.25	2,490,000	19,720.50
Slocum	232,000	1,806.00	236,000	1,676.18
Snelling	7,630,000	51,153.00	6,230,000	41,592.75
Springfield Armory	54,400	590.24	54,400	602.72
Stevens	136,000	1,326.00	1,063,000	10,365.00
Strong	47,000	561.10	50,000	559.66
Terry	127,000	1,489.75	149,000	1,400.50
Thomas	382,350	3,863.04	645,700	7,142.88
Totten	272,000	2,667.40	302,000	2,848.30
Trumbull	120,000	1,289.50	19,000	183.00
Vancouver Barracks	3,450,000	30,208.73	3,392,000	31,330.76
Wadsworth	171,000	1,644.78		
Walla Walla	2,795,000	28,405.20	3,670,000	34,878.95
Ward	59,000	503.50	66,000	589.95
Warren	72,000	814.50	67,000	695.44
Washakie	225,428	4,395.85	550,000	6,625.00
Washington Barracks	566,000	6,040.26	464,300	5,053.50
Washington General Hospital				
Watertown Arsenal				
Washington, Fort	186,000	2,040.14	260,000	3,100.63
Watervliet Arsenal	47,500	463.80		
Wayne	269,180	2,364.51	120,600	1,066.14
West Point	4,690,000	36,637.50	3,750,000	28,484.62
Wetherill				
Whipple Barracks	1,005,000	8,209.00	1,175,000	13,458.00
W. H. Harrison	545,000	5,175.50	582,000	5,613.80
W. H. Seward	301,000	2,823.75	289,500	3,752.03
Williams	101,000	1,101.40	103,000	1,822.50
Wingate	1,885,060	22,755.00	2,575,000	33,332.50
Wood	29,600	2,502.00	26,000	266.69
Worden	108,000	928.50	201,000	1,811.65
Wright	504,000	4,405.45	359,500	3,045.55
Yellowstone	2,300,000	23,400.00	2,280,000	21,692.00
Wawona, Cal	737,000	15,742.50	541,000	15,689.50
Sequoia Park, Cal	379,000	6,738.00	216,000	4,115.00
Omaha Depot	290,000	1,990.00	310,000	1,963.50
Philadelphia Depot	275,320	2,550.22	309,870	2,939.81
New York Depot	103,595	1,181.59	150,795	1,575.44
Seattle	30,832,500	326,106.75	14,000,000	185,300.00
San Francisco Depot	2,711,000	24,845.19	26,885,000	223,154.75
Total	220,540,787	1,926,304.39	244,356,415	2,280,176.63

Statement of excess cost of fuel and forage, etc.—Continued.

FORAGE—continued.

COAL.

Post.	1906.		1907.	
	Pounds.	Cost.	Pounds.	Cost.
Adams	8,400,000	$20,565.00	7,800,000	$18,850.00
Alcatraz	8,500,000	27,415.00	6,050,000	24,785.00
Andrews	1,700,000	5,030.00	2,150,000	6,273.00
Apache				
Armistead	130,000	413.40	72,000	208.80
Hot Springs	2,720,000	3,199.00	2,720,000	4,896.00
Assinniboine	12,000,000	25,800.00	23,000,000	49,450.00
Augusta Arsenal	105,000	405.00	170,000	678.00
Baker	2,500,000	11,250.00	2,500,000	11,630.00
Banks	3,410,000	9,817.37	2,950,000	7,600.26
Barrancas	4,800,000	8,862.50	3,908,000	9,126.00
Bayard	3,500,000	12,775.00	6,230,000	22,739.50
Benicia Arsenal	300,000	1,179.00	300,000	1,209.00
Benicia Barracks	1,550,000	6,559.00	600,000	2,790.00
Bliss	2,000,000	7,000.00	2,400,000	8,760.00
Boise Barracks	550,000	1,856.25	673,000	2,624.70
Brady	3,325,000	12,054.00	2,332,000	8,453.50
Carroll	150,000	477.00	76,000	216.60
Casey	2,400,000	7,200.00	2,400,000	7,760.00
Caswell	654,000	1,790.20	1,275,000	3,525.00
Clark				
Columbia	1,000,000	3,050.00	1,130,000	4,661.25
Columbus Barracks	7,579,000	10,325.20	7,300,000	16,590.00
Constitution	1,300,000	5,163.00	350,000	1,202.50
Crook	6,800,000	16,704.00	6,800,000	17,450.00
Dade	2,200,000	4,657.00	200,000	755.00
D. A. Russell	8,000,000	15,600.00	8,000,000	15,800.00
Davis			1,000,000	5,880.00
Des Moines	11,000,000	19,350.00	8,500,000	22,625.00
De Soto				
Douglas	6,000,000	13,800.00	5,000,000	12,625.00
Duchesne	1,300,000	4,717.50	1,600,000	7,200.00
Du Pont	4,200,000	10,360.00	4,300,000	7,785.00
Egbert				
Ethan Allen	12,000,000	38,400.00	13,030,000	41,723.00
Flagler	1,800,000	4,320.00	3,000,000	9,825.00
Foster			73,000	328.50
Fremont	800,000	2,347.50	1,175,000	3,830.50
Gibbon				
Greble	3,500,000	8,523.50	2,741,600	5,899.54
Hamilton	5,600,000	14,525.00	4,600,000	12,466.00
Hancock	4,700,000	13,301.00	5,000,000	14,000.00
Heath	51,000	153.00	79,200	236.61
Henry Barracks				
H. G. Wright	3,880,000	10,423.00	3,800,000	10,300.00
Honolulu				
Howard	6,200,000	10,310.00	7,300,000	12,293.00
Huachuca				

Statement of excess cost of fuel and forage, etc.—Continued.

COAL—continued.

Post.	1906.		1907.	
	Pounds.	Cost.	Pounds.	Cost.
Hunt	2,797,000	$6,824.45	1,449,000	$2,888.22
Jackson Barracks	1,350,000	2,712.50	1,460,000	3,492.00
Governors Island	9,500,000	21,775.00	10,000,000	23,640.00
Jefferson Barracks	9,900,000	12,282.00	18,200,000	22,380.00
Keogh	5,000,000	12,250.00	3,500,000	8,575.00
Key West Barracks	1,165,000	3,438.13	820,000	2,378.00
Lawton	1,170,000	4,080.00	1,725,000	4,916.25
Leavenworth	30,200,000	65,405.00	38,300,000	67,788.50
Levett	150,000	600.00	800,000	2,306.63
Lincoln	1,700,000	6,842.00	2,304,000	9,874.60
Liscum	2,000,000	11,000.00	1,500,000	4,650.00
Logan	9,000,000	17,437.50	5,300,000	9,050.00
L. H. Roots	1,200,000	2,630.00	1,200,000	2,860.00
McDowell	2,575,000	9,992.50	2,950,000	12,830.00
McHenry	2,460,000	6,519.00	1,400,000	3,570.00
McIntosh			1,000,000	1,935.00
Mackenzie	3,500,000	2,362.50	4,000,000	2,900.00
McKinley	5,500,000	19,295.00	5,800,000	19,000.00
McPherson	7,300,000	18,292.50	7,560,000	20,074.00
McRee	480,000	1,104.00	960,000	2,688.00
Madison Barracks	6,200,000	18,785.00	6,800,000	20,611.88
Mansfield	1,590,000	5,283.50	1,600,000	5,443.50
Mason	800,000	2,992.00	1,500,000	6,520.00
Meade	4,400,000	17,490.00	4,000,000	15,500.00
Michie	500,000	1,697.50	900,000	3,123.00
Miley	1,272,000	5,277.96	1,548,000	7,319.20
Missoula			150,000	468.75
Monroe	11,800,000	26,660.00	10,840,000	23,149.00
Morgan	5,210,000	11,004.00	6,950,000	20,335.00
Mott	2,100,000	5,880.00	2,300,000	7,130.00
Moultrie	2,886,000	7,064.43	4,555,000	13,538.63
Myer	8,580,000	23,058.75	7,400,000	19,517.50
Niagara	3,250,000	8,549.50	3,100,000	7,893.00
Niobrara	7,000,000	11,200.00		
Oglethorpe	9,300,000	17,875.50	7,500,000	11,100.00
Ontario	2,700,000	7,251.00	2,700,000	6,750.00
Pickens	1,200,000	2,400.00	1,200,000	3,240.00
Plattsburg Barracks	7,700,000	26,350.00	8,100,000	25,160.00
Porter	2,100,000	6,188.00	2,250,000	6,150.00
Preble	2,100,000	6,195.00	2,000,000	5,880.00
Presidio, Monterey	1,100,000	5,544.00	1,100,000	6,370.00
Presidio, San Francisco	12,000,000	48,360.00	12,000,000	63,400.00
Reno	2,250,000	5,457.50	1,710,000	4,110.00
Revere	2,000,000	5,840.00	1,646,000	5,220.00
Riley	16,150,000	31,760.00	15,000,000	30,550.00
Robinson	11,010,000	23,600.00	10,024,000	19,000.00
Ringgold				
Rock Island	1,400,000	2,330.00	1,300,000	1,965.00
Rodman	1,302,000	4,165.00	1,600,000	5,120.00
Rosecrans	2,000,000	8,250.00	1,824,000	11,292.00
St. Michael	3,000,000	7,200.00	3,000,000	7,436.00
St. Philip	980,000	3,363.00	500,000	1,810.00
Sam Houston	3,000,000	9,300.00	2,500,000	7,950.00
San Juan	1,600,000	4,107.41	1,290,000	3,464.00
Schuyler	3,020,000	7,558.00	3,396,000	8,682.00
Smallwood	100,000	270.00	60,000	204.00
Screven	4,500,000	12,737.50	1,980,000	5,729.00
Sheridan	12,290,000	38,274.20	12,100,000	37,975.00
Sill	2,250,000	6,487.50	1,970,000	5,658.00
Slocum	7,100,000	16,039.00	8,400,000	20,770.00
Snelling	11,500,000	34,625.00	15,000,000	46,500.00
Springfield Armory	392,000	1,147.64	392,000	1,237.60
Stevens	2,000,000	7,950.00	3,653,000	11,689.60
Strong	800,000	2,337.50	2,200,000	6,232.50
Terry	3,110,000	9,295.50	3,100,000	9,320.00
Thomas	7,900,000	16,890.00	8,500,000	19,365.00
Totten	8,460,000	20,648.80	13,600,000	34,952.00
Trumbull	4,000,000	8,000.00	4,000,000	8,000.00
Vancouver Barracks	8,000,000	18,560.00	12,300,000	35,362.50
Wadsworth	4,500,000	12,951.00	4,500,000	11,475.00
Walla Walla	2,000,000	5,000.00	2,900,000	8,337.50
Ward	350,000	1,050.00	420,000	13,121.50
Warren	3,000,000	9,137.50	3,500,000	9,716.25
Washakie	1,900,000	5,890.00	4,000,000	13,800.00
Washington Barracks	5,100,000	13,617.00	7,800,000	19,792.50
Washington General Hospital				
Watertown Arsenal	645,000	1,942.50	650,000	1,950.00
Washington, Fort	6,700,000	12,507.50	6,142,100	13,547.70
Watervliet Arsenal	850,000	2,317.50	850,000	2,435.00
Wayne	4,130,000	12,390.00	2,400,000	7,188.00
West Point				
Wetherill	95,000	475.00	100,000	400.00
Whipple Barracks	1,600,000	6,000.00	1,600,000	5,920.00
W. H. Harrison	5,000,000	9,000.00	5,000,000	9,500.00
W. H. Seward	4,300,000	19,050.00	4,970,000	25,625.75
Williams	6,700,000	16,636.00	6,700,000	16,686.00
Wingate	2,500,000	4,250.00	2,000,000	3,400.00
Wood	900,000	2,502.00	900,000	2,520.00
Worden	2,500,000	7,500.00	3,700,000	11,840.00
Wright	2,500,000	6,125.00	3,840,000	11,136.00
Yellowstone	1,500,000	4,500.00	1,350,000	4,185.00
Wawona, Cal				
Sequoia National Park				
Omaha Depot	1,700,000	4,515.00	1,940,000	6,446.20
Philadelphia Depot	3,695,518	6,953.99	4,933,616	10,348.76
New York Depot	2,717,200	6,254.81	10,550,000	25,085.00
Seattle				
San Francisco Depot	4,000,000	16,520.00	1,800,000	8,340.00
Total	523,865,718	1,353,421.99	575,746,517	1,514,332.25

Statement of excess cost of fuel and forage, etc.—Continued.

WOOD.

Post.	1906.		1907.	
	Cords.	Cost.	Cords.	Cost.
Adams				
Alcatraz				
Andrews				
Apache				
Armistead	8	$48.00		
Army Hospital, Washington	30	135.00		
Assinniboine	1,200	8,376.00	850	$5,270.50
Augusta Arsenal	60	375.00	80	420.00
Baker	100	926.59		
Banks	30	300.00	16	160.00
Barrancas	1,338	7,818.50	940	5,755.00
Bayard	4,100	16,724.00	3,500	18,830.00
Benicia Arsenal				
Benicia Barracks	25	199.75	18	179.82
Bliss	72	432.00		
Boise Barracks	400	3,000.00	400	3,300.00
Brady	75	577.25	40	319.60
Carroll	10	79.80		
Casey	1,000	3,084.10	1,000	3,294.86
Caswell	619	3,528.30	612	3,560.00
Clark	3,000	16,200.00	3,000	15,750.00
Columbia				
Columbus Barracks			100	895.00
Constitution	35	290.00	25	215.00
Crook			20	120.00
Dade	158	923.00	280	1,825.00
D. A. Russell	100	800.00	175	1,400.00
Davis				
Des Moines			380	1,824.40
De Sota	540	3,110.00	380	2,532.50
Douglas	200	1,498.00	180	1,431.00
Duchesne	1,400	7,350.00	1,400	16,050.00
Du Pont	95	499.60	100	562.00
Egbert	1,800	17,481.88	2,000	16,794.53
Ethan Allen	284	1,870.00	90	551.00
Flagler	800	3,392.00	500	2,070.00
Foster				
Fremont	150	675.00	160	691.50
Gibbon	150	1,462.50	2,000	22,000.00
Greble	20	210.00	25	237.50
Hamilton	120	794.40		
Hancock	75	488.75	140	964.00
Heath				
Henry Barracks			420	1,512.00
H. G. Wright			80	690.00
Honolulu				
Howard				
Huachuca	1,500	8,587.50	1,700	11,305.00
Hunt	89	380.03		
Jackson Barracks	270	1,641.00		
Governors Island	200	1,286.00		
Jefferson Barracks	84	499.80		
Keogh	600	2,898.00	500	2,375.00
Key West Barracks	350	2,782.50	350	2,555.00
Lawton	1,000	2,300.00	1,100	2,530.00
Leavenworth	450	2,128.50	570	2,510.10
Levett	4	28.00	10	97.00
Lincoln	15	89.85		
Liscum				
Logan	160	840.00		
L. H. Roots	160	760.00	40	210.00
McDowell				
McHenry	120	657.60	76	304.88
McIntosh	900	4,050.00	850	3,655.00
Mackenzie				
McKinley			60	680.20
McPherson	498	1,992.00	900	4,191.00
McRee	315	1,963.50	330	2,070.00
Madison Barracks	50	325.00	40	300.00
Mansfield				
Mason				
Meade	2,800	12,488.00	2,500	11,360.00
Michie	9	108.00	28	323.00
Miley	18	151.02	15	217.50
Missoula	2,000	7,360.00	2,000	7,726.00
Monroe	285	1,261.00	230	1,055.50
Morgan	174	1,044.00	150	970.00
Mott	60	480.00	25	197.50
Moultrie	250	1,950.00		
Myer	228	1,254.00	267	1,652.90
Niagara	36	268.20	36	231.84
Niobrara	385	2,021.25		
Oglethorpe			2,500	7,347.50
Ontario	60	595.00	50	445.50
Pickens	438	2,679.00	430	2,567.50
Plattsburg Barracks	120	663.00	120	630.00
Porter	120	685.00		
Preble	120	766.20	34	219.35
Presidio, Monterey			5,000	27,250.00
Presidio, San Francisco			30	266.70
Reno	800	3,864.00	450	2,466.00
Revere	5	50.00	8	96.00
Riley			559	3,715.00
Robinson	1,200	6,401.20	1,000	5,323.00
Ringgold	1,200	2,076.00		
Rock Island Arsenal				
Rodman	5	32.50	25	175.00
Rosecrans			12	156.00
St. Michael				
St. Philip	20	140.00		
Sam Houston	4,050	17,700.00	3,600	17,632.00
San Juan, P. R	1,500	8,625.00	800	4,192.00

Statement of excess cost of fuel and forage, etc.—Continued.

WOOD—continued.

Post.	1906.		1907.	
	Cords.	Cost.	Cords.	Cost.
Schuyler				
Smallwood				
Screven	700	$1,270.00	600	$1,020.00
Sheridan	1,250	9,387.00	850	7,545.00
Sill	1,000	5,190.00	900	5,040.00
Slocum	50	333.50	24	178.28
Snelling	300	1,719.00	400	2,428.00
Springfield Armory				
Stevens	500	2,642.00		
Strong	24	288.00	70	822.50
Terry	30	300.00	40	400.00
Thomas	60	360.00		
Totten	200	1,315.00		
Trumbull	30	217.50		
Vancouver Barracks	2,000	5,942.00	1,500	4,826.00
Wadsworth	50	333.50	72	551.96
Walla Walla			200	1,120.00
Ward				
Warren				
Washakie				
Washington Barracks	63	323.82	114	677.16
Washington General Hospital	48	313.92		
Watertown Arsenal	50	221.50		
Washington, Fort				
Watervliet Arsenal				
Wayne	89	729.50		
West Point	150	787.50	150	840.00
Wetherill	80	360.00	60	297.00
Whipple Barracks				
W. H. Harrison	200	1,080.00	200	1,020.00
W. H. Seward			700	241.50
Williams	60	388.20	60	523.80
Wingate	60	450.00		
Wood	27	214.65		
Worden	400	1,260.00	400	1,260.00
Wright				
Yellowstone	1,000	4,100.00	850	3,825.00
Wawona, Cal				
Sequoia Park (California)				
Omaha Depot			8	52.80
Philadelphia Depot				
New York Depot				
Seattle				
San Francisco Depot	30	238.80	20	300.00
Total	49,103	251,286.46	52,515	295,845.68

Mr. GALLINGER. Mr. President, I am about to submit an amendment that is clearly subject to a point of order if any Senator feels that it is his duty to make it. It is an amendment providing for temporary street railway facilities to the Union Station, so as to get transportation for the men, women, and children from all over the country who will come to Washington after the Union Station is completed and before we can get legislation to make a permanent extension of the existing street railway lines.

I do not care to discuss the matter. The Senate is fully aware of the efforts I have made to get permanent extensions, and those are impossible at this session of Congress. I offer the amendment with the hope that the Senate will allow it to go in the bill, so that we will not have a condition of things which will be a reproach to the city when the station is finished, which will be in a very few months.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. On page 26, after line 9, it is proposed to insert:

That the City and Suburban Railway of Washington be, and it hereby is, authorized to construct a double-track overhead electric temporary connection between its existing tracks at G and First streets NW. and Third and D streets NE. and at the northwest corner of Stanton square, the aforesaid temporary tracks to cross the Union Station plaza within 50 feet of the entrance to the Union Station.

That the Washington Railway and Electric Company be, and it hereby is, authorized to construct a double-track overhead electric temporary connection between its existing tracks at Delaware avenue and C streets NE. and the temporary tracks of the City and Suburban Railway of Washington hereinbefore authorized; also a double-track loop on the Union Station plaza connecting with the tracks herein authorized.

That the Capital Traction Company be, and it hereby is, authorized to operate its cars (under intercompany agreement) over the tracks, herein authorized, from Delaware avenue and C streets NE. to the Union Station: *Provided*, That immediately after the construction of such permanent street railway connections to the Union Station as may hereafter be authorized by law the several companies shall immediately remove all the overhead electric construction herein authorized.

Mr. HANSBROUGH. I should like to inquire of the Senator from Maine, who has been very industrious at this session, as he is at every session, in keeping general legislation off appropriation bills, if he thinks this amendment should be inserted?

Mr. HALE. I think, as the Senator who offered it said, it is subject to the point of order.

Mr. HANSBROUGH. I make the point of order.

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

Mr. ALDRICH. I offer an amendment, to come in on page 7.

The SECRETARY. On page 7, line 2, after the words "per annum," it is proposed to insert:

And the salary of each of the general appraisers of merchandise shall be at the rate of $10,000 per annum.

Mr. HALE. I make the point of order on the amendment offered by the Senator from Rhode Island, that it is a change of existing law and is legislation affecting salaries.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains it.

Mr. MCENERY. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to insert at the bottom of page 76 the following:

That the Secretary of the Treasury, with the approval of the President, is hereby authorized to return to the Citizens' Bank of Louisiana the money taken from said bank by military order on June 19, 1862, and now in the Treasury, and a sum sufficient to do so is hereby appropriated.

Mr. HALE. I make the point of order that it is an old claim.

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

Mr. BACON. I offer the amendment I send to the desk, to be inserted at the end of the bill.

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

That jurisdiction be, and is hereby, given to the Court of Claims to adjudicate the claim or claims of any owner, or the legal representatives of any owner, to the proceeds of any abandoned or captured property which have heretofore been placed in the United States Treasury, notwithstanding any former suit to recover said proceeds may have been dismissed by said court for want of jurisdiction: *Provided*, That said claimant proves his or her right to such proceeds and brings suit to recover the same within two years from the passage of this act: *Provided further*, That no proof shall be required of the loyalty of the claimant or of the original owner of the property seized or taken by the United States at the time of its seizure.

SEC. 2. That any testimony, affidavits, reports of officers, and other papers on file in the Departments or in the courts relating to such claims shall be considered by the court as competent evidence and such weight given thereto as in its judgment is right and proper.

SEC. 3. That all judgments rendered in favor of claimants under the provisions of this act shall be paid out of the captured and abandoned property fund, as provided by section 3689 of the Revised Statutes.

SEC. 4. That all sales, transfers, or assignments of any claims against said fund heretofore or hereafter made, except such as have occurred in the due administration of decedents' estates, and all contracts heretofore made for fees and allowances to claimants' attorneys are hereby declared null and void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, or transferred under administrative proceedings, except so much thereof as shall be allowed claimants' attorneys by the court for prosecuting said claims; and the Court of Claims in rendering judgment under this act shall in each case fix the amount of compensation to the attorney or attorneys prosecuting the claim in said court.

Mr. BACON obtained the floor.

Mr. HALE. I make the point of order——

Mr. BACON. Mr. President, I have the floor.

The VICE-PRESIDENT. The Senator from Georgia is entitled to the floor.

Mr. BACON. I will detain the Senate but a moment. I desire to say that this amendment, which was presented by me in the Senate day before yesterday and was referred to the Committee on Appropriations, is a copy of a bill pending in the House—No. 25400—which was introduced by Mr. WILLIAMS, of Mississippi, and I hold in my hand the report of the House committee on the subject of the propriety of the enactment into law of what is proposed in that amendment.

Without detaining the Senate to read it, I ask consent to have it printed in the RECORD in connection with the amendment.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The report is as follows:

[House Report No. 7540, Fifty-ninth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 25400) to give the Court of Claims jurisdiction of claims for captured and abandoned property which was sold and the proceeds thereof placed in the Treasury of the United States, beg leave to submit the following report and recommend that said bill do pass:

Under the acts of March 12, 1863, and July 2, 1864, known as the "captured and abandoned property acts," and other kindred measures, a large amount of property in the States declared in insurrection was seized by the military and other Federal authorities, without regard to its ownership or the political status of its owners, and subsequently sold and the proceeds paid into the National Treasury. The sum realized from this source at the close of the war, as shown by a report of the Secretary of the Treasury, amounted to something over $30,000,000.

The third section of the act of March 12, 1863, under which the greater portion of the property was seized, provided as follows:

"Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of

his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of such property, and any other lawful expenses attending the disposition thereof." (12 Stat. L., 820.)

Under this provision of the statute a large number of suits were commenced in the Court of Claims by persons claiming to be the owners of property seized under this and similar statutes, and in cases in which the claimants could make the proof required by the act judgments were rendered in their favor for the net proceeds of their property paid into the Treasury, and by this and other means the fund in the Treasury has been reduced, so that the sum now on hand amounts to something over $10,000,000.

Many questions arose under the act of March 12, 1863, such as, "What constituted proof of loyalty?" "When was the rebellion suppressed?" and "When did the two years expire within which suit could be commenced?" All of which were vigorously contested, and in which the court ruled strictly and rigidly against the claimants, rendering appeals to the Supreme Court necessary, and by which the owners of the property were delayed or deterred from preferring their claims under the act.

In December, 1869, the Supreme Court of the United States decided, in Anderson *v.* The United States (9 Wall., 56), that the rebellion was suppressed on the 20th of August, 1866, the date of President Johnson's proclamation of pardon and amnesty, with restoration of civil and political rights, and the limitation of the right to commence suit took effect or expired on the 20th of August, 1868. And it thus appears that the period in which the claimants could bring suits to recover the net proceeds of their property had expired more than one year prior to the decision fixing the date of the close of the war was announced and when it was too late for the claimants to derive any benefit from the decision.

It was not till 1871 that the Supreme Court gave full consideration to this act of March 12, 1863. In December of that year, in the case of Klein *v.* The United States (13 Wall., 128), the court decided—

(1) That it was not the intention of Congress by the enactment of that statute that the title to property seized under it should be divested from the loyal owners.

(2) That the proceeds of the property should go into the Treasury without change of ownership.

(3) That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

(4) That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

(5) That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, *was a decision on the part of the Government which decided affirmatively the right of the owners of such property to the proceeds thereof in the Treasury, and the restoration of the proceeds became the absolute right of the persons pardoned.*

(6) And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, *and for those whom it should thereafter recognize as entitled.*"

And in its opinion the court uses this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act, and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, *though then hostile, might subsequently become loyal* appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by the proceedings for confiscation.

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war. Even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. *The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon.* * * *

"*The restoration of the proceeds became the absolute right of the persons pardoned* on application within two years from the close of the war. It was, in fact, promised for an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

And then the court adds this strong language:

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

And in the prior case of The United States *v.* Padleford (9 Wall., 531) the court held that under the proclamation of pardon issued by President Lincoln, dated December 8, 1863, and the act of March 12, 1863, the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

This decision in the Klein case settled the important questions in relation to the owners of captured and abandoned property and their rights under the act of March 12, 1863, and subsequent statutes relating to that subject, and it left nothing for Congress to do but provide a tribunal to which claimants might resort to establish their absolute right, in the language of the Supreme Court, to their share of the fund derived from the sale of such property.

In June, 1873, the case of Haycraft *v.* The United States was commenced in the Court of Claims to recover the net proceeds of certain property of the claimant. The suit was brought more than two years after the suppression of the rebellion, upon the theory that, as the Government held those proceeds *in trust*, as decided in the Klein case, it was liable outside of the act of March 12, 1863, upon an implied promise to pay to the claimant his portion of the fund; but the Court of Claims decided that the provision in that act limiting the right of the claimant to two years in which to prefer his claim was a limitation upon its jurisdiction, and thereupon it dismissed the petition. In January, 1875, this decision was affirmed by the Supreme Court, which held that the question was one of jurisdiction and not of limitation, and that Congress having legislated upon the subject, the Court of Claims did not possess jurisdiction to entertain suits of this character under an implied contract to refund to claimants the net proceeds of their property in the Treasury. (Haycraft *v.* The United States, 22 Wall., 81.)

While the Haycraft case was pending in the Court of Claims, and before its decision by the Supreme Court, a large number of suits were commenced in the former court upon the theory on which the Haycraft case was based, viz, that the Government was liable to the claimants for the net proceeds of their property, under an implied contract, and these cases were all continued upon the dockets of the court till the decision of the Supreme Court to which we have referred, when they were all dismissed for want of jurisdiction.

Here, then, was the difficulty which existed—*parties having rights which they were unable to enforce, for the reason that there was no tribunal to which to resort for their enforcement.* It requires no argument to prove that a right may exist where there is no remedy for its enforcement; and this was, and is to-day, the precise predicament of all persons claiming an interest in the captured and abandoned property fund. While the power of the Court of Claims in the premises had ceased to exist, the rights of the claimants had survived; and neither the court nor the claimants, in order to enable each to act, required anything more than this: *The one the privilege to sue and the other the right to entertain and determine such suits.*

To remedy the wrong which existed in this respect, and in order to make effective the decisions of the Supreme Court to which reference has been made, Congress enacted section 1059 of the Revised Statutes, giving the Court of Claims jurisdiction of four classes of claims. The fourth clause of said section reads as follows:

"Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, 1863, chapter 120, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' or by the act of July 2, 1864, chapter 225, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property, in virtue or under color of said acts, from suit at common law, or any other mode of redress whatever, before any court other than the Court of Claims."

And Congress provided for the payment of any judgment the court might render in favor of claimants under said fourth clause by section 3689 of the Revised Statutes, which, under the head of "Permanent annual appropriations," among other things, provides as follows:

"For the return of proceeds from the sale of captured and abandoned property in insurrectionary districts to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property."

These provisions of the Revised Statutes construed together provided a complete and adequate remedy for the claimants under the act of March 12, 1863, and subsequent statutes relating to the subject. The statutes declare this was the law on the 1st of December, 1873, though they were not approved by the President till June 22, 1874, and were not published till in 1875. These provisions of the statutes were in force, though not published, when the Haycraft case, above cited, was decided by the Supreme Court, and it can hardly be doubted that the decision in that case would have been different if the court had been aware of the existence of the two clauses in sections 1059 and 3689 of the Revised Statutes.

To every unprejudiced mind the language of the fourth clause of section 1059 is clear and unambiguous, and requires no construction to arrive at the intention of the National Legislature. It could have had but one object, and that was to confer upon the Court of Claims a jurisdiction which had once existed and which Congress well knew had expired by limitation. While the provision confers no new rights upon those claiming the fund derived from the sale of their property, but, on the contrary, restricts those rights by making the jurisdiction exclusive, it provides a tribunal before which they can go to enforce existing rights, and that tribunal one specially provided for adjudicating claims against the Government. Acting upon the assumption that the Government can not be sued without its consent, the legal effect of the clause is to give that consent, with the proviso that the claimants shall be confined in the prosecution of their claims to the provisions of the acts of March 12, 1863, and July 2, 1864—that is to say, that they should only recover the net proceeds of the sale of their property after deducting all costs and charges. And this conclusion is strengthened when section 3689 is construed in connection with section 1059.

The act of March 12, 1863, provided for the payment of all judgments rendered under its provisions, and if by the fourth clause of section 1059 it was only intended to continue the jurisdiction of the Court of Claims as to suits then pending before it, then no additional legislation was necessary to provide for the payment of any judgments rendered by the court in favor of the claimants. Besides, the limitation of two years in the act of March 12, 1863, operated upon the claimants rather than upon the court. It gave them the two years in which to prefer their claims to the proceeds of their property, and the act nowhere provided that the jurisdiction of the court should terminate in two years, whether the cases then pending were disposed of or not. But when Congress came to confer a new jurisdiction upon the court without limitation as to time in which suits might be commenced, in order to make the remedy effective it was necessary to make provision for the payment of any judgments obtained by the claimants, and this Congress did by the enactment of section 3689 of the Revised Statutes.

The Court of Claims, however, adhering to its habit of ruling rigidly against claimants in that court, took a different view of sections

1059 and 3689, and in the case of Mary A. Wade, administratrix, and B. M. Martel, syndic, held that Congress did not intend by the above sections to repeal the two years' limitation in the act of March 12, 1863, and that these sections would not admit of such a construction, thus placing Congress in the ridiculous attitude of conferring jurisdiction upon the court and in the same clause limiting that jurisdiction to a period of time which had expired five years previously. This decision is based upon the ground "that the object of the revision of the statutes was not to change existing law, but to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time the commissioners should make the final report of their doings," and that the commissioners, "instead of reenacting the full language, for conciseness and condensation merely referred to the act and provided that the court should have jurisdiction of all claims for the proceeds of captured or abandoned property, as provided in the act of March 12, 1863."

Without stopping to criticise further this decision of the Court of Claims, it is sufficient to say that it completely nullifies the fourth clause of section 1059 of the Revised Statutes and defeats the will of the lawmaking power as expressed by that provision of the law. So long as that decision stands, even were there no other obstacles in the way, no suits can be maintained in the Court of Claims for the recovery of any portion of the captured and abandoned property fund, and the doors of that court, as well as all other legal tribunals, are closed against the claimants.

This is the condition and state of the law bearing upon this subject at this time as construed and defined by the courts, and it seems apparent that if this captured and abandoned property fund is ever to be distributed to its owners some additional legislation is necessary to that end. If the title of the owners of the property seized and sold under the captured and abandoned property acts has never been divested; if the Government holds the net proceeds of the property thus sold without any legal title thereto and as trustee for the owners, and if the President's proclamation of pardon and amnesty, including restoration to civil and political right, was a decision on the part of the Government which decided affirmatively the right of all owners of the property to the proceeds thereof in the Treasury, as the highest judicial tribunal of the nation has decided, then in equity and good conscience it ought not to retain the money, and the honor and dignity of the nation demand that some provision should be made by which the claimants of the fund may be enabled to enforce their rights thereto. For more than thirty years the Government has had the use of this money.

For more than thirty years the claimants have been appealing to Congress for relief; and if Congress in the discharge of more pressing duties has neglected this appeal, or if the remedy it provided has proved inefficacious, the stronger the reason for some action in this direction at the present time. The claimants are fast passing away, leaving as an inheritance to their children the prospect of litigation with their Government; and the witnesses upon whom the claimants must depend to establish their rights are being scattered and lost sight of, and to delay further is simply to rob and deprive these parties of their rights, some of whom are widows and orphans, while others are colored, or men of small means.

That Congress has from time to time felt the necessity for making some provision for the disposition of this fund is evident from the fact that at nearly every session special acts have been enacted for the benefit of claimants of this fund, thus doing justice to some at the expense of others; and it seems to your committee that common justice demands that a general law should be enacted by which all claimants to the fund may be relegated to some tribunal where they can establish their rights according to legal methods and each receive that portion of the fund to which he shows himself entitled.

Time and again favorable reports have been made by one House or the other upon bills having in view the same purpose as the bill now under consideration. In the Fifty-second Congress, first session, the Judiciary Committee of this House made such report on H. R. 455 (Report No. 1377).

In the Fifty-third Congress, second session, the Judiciary Committee upon a number of bills of like character adopted a report of the same committee made in the preceding Congress.

The same in the Fifty-fourth Congress, second session (House Report No. 2568, from the Committee on War Claims, on H. R. 7618).

The same in the Fifty-fifth Congress, third session (Senate Report No. 1634).

The same in the Fifty-seventh Congress, first session (Senate Report No. 1292).

The same in the Fifty-eighth Congress, second session (Senate Report No. 1861).

The same in the first session of the present Congress (Senate Report No. 3290).

Your committee report back the bill and recommend its passage.

Mr. BACON. Of course I recognize the fact that as the committee has failed to report it favorably the point of order made by the Senator from Maine will undoubtedly be sustained by the Chair. I have no question on that point; but this report absolutely demonstrates, I think, under the decisions of the Supreme Court of the United States not only the propriety, but the high duty of Congress to enact this legislation.

Mr. HALE. I insist on the point of order, Mr. President.

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

Mr. FORAKER. I offer an amendment extending the time for the completion of a local street railway.

The VICE-PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

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

That the time for the completion of the Anacostia, Surrattsville, and Brandywine Electric Railroad in the District of Columbia is hereby extended for twelve months from March 3, 1907.

Mr. HALE. As I am making these points of order, I must make it against this amendment. It is legislation.

Mr. FORAKER. I am sorry the Senator feels constrained to make the point of order against the amendment, because I think it will work a hardship.

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

Mr. FORAKER. I offer an amendment which I hope the Senator from Maine will accept.

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

For the preparation of a table of contents and index to the final report of the Louisiana Purchase Exposition Commission, $350, the same to be immediately available.

The amendment was agreed to.

Mr. LODGE. I move to insert, on page 7, line 2, after the word "annum," the words:

And the salary of the appraiser of merchandise at the port of Boston shall be at the rate of $6,000 per annum.

Mr. HALE. Mr. President——

Mr. LODGE. Before the Senator from Maine makes the point of order against the amendment, I wish to say one word on the matter of the salaries of the appraisers. I have made many attempts to get the salary of the appraiser at the port of Boston increased. It is very low. It is only half what it is proposed to make the salary at New York. The work is just as onerous and it is just the same kind of work. The responsibilities are just as great and the expenses of living are no less.

I have been told year after year, when I have made the attempt, that never under any circumstances were salaries to be increased on an appropriation bill; and I was told particularly that the House would never permit the increase of a salary on an appropriation bill; that it was something the House could not endure. Now I observe the House has increased very largely the salary of the appraiser of merchandise at the port of New York. I dare say it is entirely deserved and entirely proper, but I do not think there should be a different rule applied to one port from that applied to all others, and that the House should put on these increases of salary and we be denied, at all other ports and in all other cases in the country, any opportunity to get increases where they are greatly needed.

The salary of the chief appraiser at the port of Boston is now $4,000. I do not know what it is in New York at this moment, but I think it is $6,000. I move to make the salary of the appraiser at Boston $6,000, not to pay the New York salary, though that ought to be given.

Mr. HALE. If the Senator had moved to insert "six" instead of "eight" in the New York item, that, of course, would not be subject to the point of order. But I must make the point of order that the amendment is not in order here to raise the salary, changing the present law.

Mr. LODGE. I have no desire to cut down the New York salary. I have no doubt it is perfectly proper. But I think we ought to have some arrangement which would be reasonably fair to the members of both Houses.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and sustains it.

Mr. BRANDEGEE. I call the attention of the chairman of the committee to the language on page 61, line 1:

Employees on * * * the session rolls on the 1st day of January.

I am informed by a member of the committee that the roll in the House is made up as of the 1st day of February. I wanted to ask the Senator from Maine whether, if there is any doubt about it, it would not be wise to change the date from January to February, and then the matter could be adjusted in conference according to the fact.

Mr. HALE. The Senator from Iowa, the chairman of the committee, looked into that in connection with a case that came up and found that, so far as was known, everybody that could be covered would either be upon the rolls of the House or the Senate. So this provision covers every case.

Mr. BRANDEGEE. Very well.

Mr. OVERMAN. I have an amendment which I suppose is subject to a point of order, but I ask the Senator if he will not agree to accept the amendment. It merely extends the time to the State to be reimbursed, as others have been reimbursed, for expenses incurred in raising volunteer soldiers for the Spanish war. A great many States have been unable to get a settlement with the Auditor, and this only extends the time for the settlement. The time limit under the act has expired, and this merely extends the time. I wish the Senator would let it go in.

The VICE-PRESIDENT. The Senator from North Carolina proposes an amendment, which will be stated.

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

The general appropriation provided for in the act approved July 8, 1898, 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," is hereby continued in effect, and it shall be available for payment of all amounts heretofore allowed or which may hereafter be allowed by the Auditor for the War Department or the Comptroller of the Treasury, under the provisions of said act and the acts amendatory thereof, or by the Court of Claims, for expenses of the States incurred in raising, organizing, supplying, or equipping volunteers for said Volunteer Army.

Mr. HALE. I just made the same kind of a point against the amendment of the Senator from Ohio. I must insist upon the point of order.

The VICE-PRESIDENT. The amendment is in contravention of the rule. The Chair sustains the point of order.

Mr. HEYBURN. I desire to offer an amendment.

The SECRETARY. On page 47, after line 10, it is proposed to insert:

That section 5 of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, be amended by adding thereto the following proviso:

"*Provided*, That upon the expiration of five years from the date of the entry of said lands by said entryman, upon proof of residence and cultivation of said land as required under the homestead laws of the United States and proof of cultivation as required by this act, and upon the payment by said entryman to the receiver of the United States land office for the district in which the said land is situated of all installments due or to become due upon said land under the provisions of this act, whether in payment for the said lands or for water rights thereon, said entryman shall be entitled, without further delay, to receive a patent from the United States for the said land, and to be discharged from all liabilities for any other or further residence upon said lands or payments for said lands or water except maintenance charges under this act."

Mr. HEYBURN. Mr. President, this is the reverse of the ordinary amendment. This is an amendment asking for the privilege of *paying* to the Government several million dollars before it is due. It is hardly within the spirit of the ordinary amendment. It asks that these parties may be permitted to pay to the Government five years before it is due sums that amount to several million dollars in order that their titles may be clear. It seems to me that, inasmuch as the Senate adopted this amendment to the agricultural appropriation bill and it went out because it not was not considered by the conferees germane to the bill, the Senator should hardly raise a point of order against the amendment, proposing as it does to allow people to pay money to the Government when they are anxious to pay it and the Government will have the fund and get the benefit of the interest.

Mr. HALE. All the same, it is general legislation, Mr. President.

The VICE-PRESIDENT. The point of order is well taken, and the Chair sustains it.

Mr. SCOTT. I have a very small amendment that I am sure the Senator from Maine will not object to, because it is so evidently just and proper.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment, which will be stated by the Secretary.

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

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the sixty-nine Capitol police of the Senate and House the sum of $150 each as additional compensation to the salary they now receive.

Mr. HALE. I make the point of order that the amendment increases an appropriation; that it is not estimated for, and that it is not reported by a committee.

The VICE-PRESIDENT. The amendment is clearly against the rule, and the Chair sustains the point of order.

Mr. LODGE. I have no desire to reduce the sum proposed for the appraiser in New York, but I should like to have the matter before the conference committee, so that the conferees may consider the case of the Boston appraiser, who now has a salary of $4,000, in comparison with the salary at New York, which I think is a proper one. I therefore move to strike out "eight" and insert the word "seven," and, after "thousand," to insert "five hundred." That is in order, for it is to reduce an appropriation.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment which will be stated.

The SECRETARY. On page 7, line 1, before the word "thousand," it is proposed to strike out "eight" and insert "seven;" and, after the word "thousand," to insert "five hundred."

Mr. HOPKINS. I should like to have the clause read as it will read if the amendment is adopted.

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

The Secretary read as follows:

Hereafter the salary of the appraiser of merchandise at the port of New York shall be at the rate of $7,500 per annum.

The amendment was agreed to.

Mr. PATTERSON. The junior Senator from Wisconsin [Mr. LA FOLLETTE] introduced a proposed amendment to this bill. He is ill at home, and at his request I offer the amendment.

The VICE-PRESIDENT. The Senator from Colorado on behalf of the junior Senator from Wisconsin offers an amendment which will be stated.

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

That section 2 of the deficiency appropriation act approved May 18, 1872 (17 Stat. L., p. 134), is hereby revived and continued in force and made applicable to all labor performed in excess of eight hours per day by all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States since the 19th day of May, 1869, the date of the proclamation of the President concerning such pay: *Provided*, That all of the said claims for labor so performed in excess of eight hours per day be, and they are hereby, referred to the Court of Claims, to be adjusted upon the basis that eight hours constitute a working day, and they are to be paid for at the price per day as provided in said act and judgment given against the United States in favor of each claimant for the amount found to be due, shall be paid as other judgments of the Court of Claims against the United States, and no statute of limitations or payment made or receipt given for a less sum per day than the full price of a day's work, as provided in said act, shall affect the right of recovery, nor shall any contract or agreement made by any such laborer, workman, or mechanic, whether for piecework, stintwork, taskwork, or any other kind of work, affect such right: *Provided further*, That all suits under this act shall be commenced within two years from and after its passage, and any number of claimants may join in the same suit: *And provided further*, That whenever a sufficient number of claimants of any one class shall join in one suit, so that the amount claimed shall in the aggregate exceed the sum of $5,000, the said claimants shall have the right of appeal to the Supreme Court of the United States: *And provided further*, That the heads of the proper and respective departments of the Government are hereby authorized and required to furnish, upon call duly made by or through the Court of Claims, a complete statement of all the laborers, workmen, and mechanics referred to above, who have performed labor under the direction of the said departments in excess of eight hours per day, during the period covered by this act, stating the amount of the excess of labor above eight hours in each case and the rate of pay per diem, respectively.

Mr. HALE. The amendment is a great body of general law, and I must make the point of order against it.

Mr. PATTERSON. Mr. President, I wish to make just a short statement.

Mr. HALE. Very well. I will withhold the point of order for a moment.

Mr. PATTERSON. This identical bill was reported favorably from the Committee on Education and Labor the 2d of February, 1903, but no action was taken upon it in that Congress. However, a few days ago, on the 27th of February, a like measure to provide for the payment of overtime claims of letter carriers was adopted by the Senate. The only reason why this amendment has not been reported from one of the standing committees of the Senate to the Committee on Appropriations is because the chairman of the Committee on Education and Labor has been absent and no meetings have been held. The junior Senator from Wisconsin [Mr. LA FOLLETTE] hoped that under those circumstances the point of order would not be made against it.

The VICE-PRESIDENT. The proposed amendment is forbidden by the provisions of Rule XVI as an amendment to a general appropriation bill. The point of order is well taken, and the Chair is obliged to sustain the point of order.

Mr. CULBERSON. Mr. President, I would not ask the question I am about to ask if I had had the time to read the bill. It has just been reported, and the print we have is that of the subcommittee. I therefore ask the Senator from Maine if there is any provision in the bill to pay for the remaining expenses of the constitutional convention of Oklahoma?

Mr. HALE. There is.

Mr. MCLAURIN. I should like to ask the Senator who has the bill in charge a question regarding the amendment found on page 64, at line 8:

To reimburse the Hon. REED SMOOT for expenses incurred in the matter of the protest against his right to retain his seat in the Senate of the United States, $15,000.

I should like to ask the Senator of what items this consists?

Mr. HALE. The committee has followed the rule in all contested cases in putting on the amendment offered by the committee that had charge of the case. The expenses of the Senator in that case were greatly in excess of $15,000. The counsel fees alone, as I remember, amounted to this sum. It is a large sum; but instead of being like other cases, where we have reported $5,000 and other sums, cases that have occupied only a session of Congress, this investigation, as Senators know, dragged through two entire Congresses. The appropriation does not in any way make good the expenses of the Senator from Utah, but the committee thought it was advisable to put in this amount to partially compensate him for his expenses.

Mr. MCLAURIN. The question I desire to have answered is of what items the appropriation consists.

Mr. HALE. As I remember it, the payment of counsel fees amounted to $15,000, aside from other expenses.

Mr. SUTHERLAND. Mr. President——

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

Mr. HALE. Certainly.

Mr. SUTHERLAND. The expenses of counsel fees alone amounted to $20,000. I happen to know about that.

Mr. HALE. I was under the impression that the expenses of counsel amounted to only $15,000; but the Senator is correct; they amounted to $20,000. However, the committee allowed him only $15,000.

Mr. McLAURIN. The Senate by its action yesterday declared that it was not the policy of the Government to pay costs, and I think if that policy is to be pursued in one particular it ought to be followed in all.

Personally I should like to see the Senator from Utah get the amount, because personally I like the Senator from Utah; but it seems to me that this is a pretty loose way of appropriating the public money.

Mr. BLACKBURN. Will the Senator from Mississippi allow me to ask the Senator from Maine, in charge of the bill, a question?

Mr. McLAURIN. Certainly.

Mr. BLACKBURN. I ask the Senator in charge of the bill whether this item is predicated upon a report made by the Committee on Privileges and Elections?

Mr. HALE. I thought I had stated that it was.

Mr. BLACKBURN. I understood the Senator to say that the committee had followed the usual rule. That rule, as I understand it, is to predicate the amount upon a report made from the committee that tried the case.

Mr. HALE. That is the case here.

Mr. McLAURIN. I have not read the bill through, but I should like to know another thing. I should like to know whether any amount has been allowed to those who prosecuted the protest against the admission of the Senator from Utah to a seat in the Senate.

Mr. HALE. Of course there has been no claim presented to Congress, because there was no contestant. Heretofore in cases where there have arisen contests between sitting members and contestants the Senate has appropriated money for both, but in this case no claim of that kind has been put forward because there was no contestant for the seat.

Mr. McLAURIN. Do I understand the Senator to say that the Committee on Privileges and Elections have recommended the payment of this amount?

Mr. HALE. Fifteen thousand dollars. The amendment was introduced from the committee. It is on that basis.

Mr. McLAURIN. The Committee on Privileges and Elections?

Mr. HALE. The Committee on Privileges and Elections.

Mr. HANSBROUGH. I offer an amendment to come in after line 25, on page 48. I move to insert as a separate paragraph:

For maintenance of the Indian school at Bismarck, N. Dak., $15,000, or so much thereof as may be necessary.

I will state——

Mr. OVERMAN. Will the Senator from North Dakota yield to me for a moment?

Mr. HANSBROUGH. Certainly.

Mr. OVERMAN. I wish to correct one matter stated here. While I am not objecting to the item in the bill, I wish to state that there has been no meeting of the Committee on Privileges and Elections, so far as I know; that I received no notice of any meeting. There must be some mistake about a recommendation of this amount by the Committee on Privileges and Elections. They might have done it, but there has been no meeting of the committee. Other Senators bear me out in my statement. If there has been any call, we were not notified.

Mr. HALE. I am mistaken in my statement. I thought that the amendment was offered by the Committee on Privileges and Elections. I am told by the chairman that that was not the case. I was wrong about it. But there is no question about the amount.

Mr. HANSBROUGH. I was about to state that the Indian school building at Bismarck, N. Dak., is now in process of construction and will be completed early in the fall. This sum of $15,000 is for maintenance between the time of completion and the end of the fiscal year. Of course if it is not completed the money will not be used. Therefore I have added the words "or so much thereof as may be necessary."

Mr. HALE. I know nothing about this matter. Has it been estimated for by the Department, or is it a bill that has passed the Senate? If not, of course it is subject to a point of order. I do not know about that. The Senator must tell us about it.

Mr. HANSBROUGH. Of course it is a matter that would hardly come in the estimates. The situation was only recently discovered by the Department. My attention was called to it by an officer of the Department a few days ago. Certainly the matter had been overlooked by the Department itself. I hardly think it comes within the rule.

Mr. GALLINGER. Mr. President, the white people of Washington have been put to a great deal of inconvenience, and I think the Indians can suffer slightly in the same direction. I make the point of order against the amendment.

The VICE-PRESIDENT. The point of order is sustained.

Mr. SPOONER. On page 45, after line 13, I move to insert:

To enable the Secretary of the Interior to purchase from the reporter of the Supreme Court of the United States, at $3 per copy, 576 copies of a digest prepared by him of opinions contained in volumes 187 to 202, inclusive, of the reports of said court, and to distribute such digests in the same manner and to the same persons as the 576 copies of reports of said court are now distributed by him under the several acts of Congress relating thereto, and that the amount necessary to pay for said digests is hereby appropriated out of any money in the Treasury not otherwise appropriated; in all, $1,728.

Mr. HALE. This is entirely new. Has it been estimated for or has it been a bill passed by the Senate or recommended by any committee?

Mr. SPOONER. If the Senator will allow me a moment, I agree with him entirely that the amendment is subject to a point of order. That it is subject to a point of order, I think, is due entirely to an oversight of my own. It was before the Committee on the Judiciary in my charge and I overlooked it. I have no doubt the committee would have authorized a favorable report upon it.

The purpose appears upon the face of the amendment. Under existing law 576 copies of the report are distributed to judicial and quasi-judicial officers of the United States. It is very important, of course, everyone knows, that officers discharging judicial functions or quasi-judicial functions, like the land officers and district attorneys, should have the digest. This brings the decisions up from volume 182 to volume 202.

I will say to the Senator, if he will let it go in and the conference committee feel that it is not well justified, it can be stricken out. I think it is important.

Mr. HALE. On the statement of the Senator, I will not make the point of order.

The amendment was agreed to.

Mr. McLAURIN. I offer the following amendment, to come in immediately after the word "dollars," line 11, on page 64:

Provided, That the same amount shall be appropriated to defray the expenses of those who prosecuted the protest.

I have just been informed that the women of the country made up $7,500 to employ attorneys to prosecute the protest. They do not seem to have been able to raise as large an amount by very nearly one-third as was raised by the contestee or protestee; but, I think, if the protestee is to receive $15,000 to defray his expenses, those who opposed him ought to receive an equal amount for prosecuting the protest, which they did in good faith.

Mr. SPOONER. The Government has paid $25,000 of the expenses.

Mr. McLAURIN. I did not hear what the Senator from Wisconsin said.

Mr. HALE. I was just going to say what the Senator from Wisconsin has already said. The United States has already paid more than $25,000 to these parties.

Mr. McLAURIN. I can not hear what the Senator from Maine says.

Mr. HALE. The United States has already paid for the benefit of the parties who were making this contest, who were the contestants, more than $25,000. That has already been paid, but nothing has been paid to the Senator from Utah.

Mr. McLAURIN. I will ask the Senator if he will yield to me for a question?

Mr. HALE. Certainly.

Mr. McLAURIN. How was the money paid to these protestants?

Mr. HALE. I do not know to whom it was paid, but it was paid to cover their expenses in the way of witness fees and traveling expenses of witnesses who were summoned here.

Mr. McLAURIN. I will ask if the same thing was not done for the witnesses for Senator SMOOT?

Mr. HALE. Not unless they were summoned by the committee.

Mr. McLAURIN. My understanding is that the same thing was done for the witnesses for the protestee and that the United States paid his witnesses. That is my understanding.

The VICE-PRESIDENT. The Chair does not understand that the Senator from Maine has interposed a point of order.

Mr. HALE. I think it is better to take the vote of the Senate. I have some doubt about it.

Mr. McLAURIN. I should like to know what the point of order is, if it is to be made.

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

Mr. BACON. I ask that the amendment may be read.

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

The SECRETARY. On page 64, line 11, after the word "dollars," insert:

Provided, That the same amount shall be appropriated to defray the expenses of those who prosecuted the protest.

Mr. BACON. Mr. President, I think there is a good deal in what the Senator from Mississippi suggests to the Senate in this regard, though I do not think the amendment is in proper shape. I think it has been the universal custom in each House when there has been a contested election, which is analogous to this case, to pay a certain sum, but which is considered not as compensation. I suppose the Senator from Maine inadvertently used the word "compensation" when he meant "reimbursement." It is to pay a certain sum of money to reimburse each side for expenses incurred in the contest. I think it would not be proper to adopt an amendment which should stipulate that a certain sum equal to that which was paid to reimburse the Senator from Utah should be paid to those who occupied an opposing attitude to him, but I do think it would be proper to pay an amount to reimburse them within certain limits for such expenditures as they made in the prosecution of the contest.

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

Mr. BACON. Certainly.

Mr. WARREN. Of course a contest between two men who both believe they are entitled to the same seat in Congress makes some foundation upon which to rest the payment of the expenses of both; but would the Senator from Georgia undertake or consent to establish a precedent here now by paying John Doe and Richard Roe, who make claim for no one for a seat in this body, so that hereafter any persons, no matter whether it is any of their business or not, can attack any Senator on this floor and be paid for making such attacks?

Mr. BACON. I certainly would not desire to encourage any capricious attack on the right of a Senator to a seat on this floor, but nobody will contend that this was a capricious attack. It was one which very deeply interested the entire American people, and there is not pretense that it was a capricious attack on the right of a Senator to his seat on this floor. I think it was evidently done in the utmost good faith. Whereas there may have been some zealous parties who may have possibly been influenced by motives rather more extreme than we would sustain or approve, at the same time the general proposition which was made and upon which this most notable contest was founded can not be classed among those attacks which may be said to be capricious, and an undue attack upon the right of a Senator to his seat on this floor.

Mr. CARMACK. I wish to ask the Senator if those who prosecuted this protest against the Senator from Utah have made any request for reimbursement?

Mr. BACON. They have not, so far as I know.

Mr. CARMACK. Then it seems to me the Senate certainly ought not to volunteer to make reimbursement.

Mr. BACON. If the Senator had permitted me to proceed I possibly would have made a suggestion in that regard which would have relieved him of that inquiry. I had previously said that I did not think the amendment was in proper form.

Mr. McCUMBER. Mr. President——

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

Mr. BACON. I would prefer if the Senator will allow me to proceed with my reply, and then I will yield.

Mr. McCUMBER. I merely wanted to ask the Senator a question.

Mr. BACON. I wish to reply first to the suggestion of the Senator from Tennessee. I can not reply to both at once. Then I will yield with pleasure to the Senator.

I was proceeding to say when interrupted that I would think it unfortunate if any action should be taken by the Senate at this time which would negative the propriety of the reimbursement within certain limitations of the parties who made expenditures in the prosecution of the question as to the right of Senator SMOOT to retain his seat.

As I understand it, the Government has paid the expenses of witnesses on both sides, which I think was eminently proper to be done. I understand further that the appropriation in this bill is to reimburse Senator SMOOT for expenditures made by him outside of the matter of procurement of witnesses, in the payment of his counsel and other expenses, and I think that is an eminently proper appropriation to be made. I think it also proper, if we knew the amount, to reimburse the parties who we must be assured made expenditures upon the same line in the prosecution. But in the absence of any information on that subject, I do not think we could properly adopt the amendment offered by the Senator from Mississippi.

So the Senator from Tennessee and myself are in accord on that matter. My sole purpose was to prevent any action by the Senate which would seem to negative the right of these parties at some future time to make known what demands they may have in reference to the matter.

Mr. HALE. Mr. President——

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

Mr. BACON. I promised to yield to the Senator from North Dakota.

Mr. HALE. If the Senator is not through, I do not wish to interfere.

Mr. BACON. I promised to yield to that Senator.

Mr. McCUMBER. I simply wish to ask the Senator a question. Is it not true that all the witnesses have been paid?

Mr. BACON. I think so.

Mr. McCUMBER. Then, the sum that is sought to be paid by this amendment is for the attorneys. Is it not also true that the attorneys have been paid?

Mr. BACON. I am sure I do not know. They were not paid by the Government, I presume.

Mr. McCUMBER. No; but if they have been paid by anyone who employed them, why should the Government pay them again?

Mr. BACON. I understand that this appropriation is to reimburse the Senator from Utah.

Mr. McCUMBER. I am not speaking about the Senator from Utah, but of the amendment. The amendment proposes to appropriate $15,000 to pay some other expenses; and inasmuch as the Government has already paid the expenses of the witnesses, most of the appropriation must necessarily be for expenses of counsel. It is my understanding that the counsel for the prosecution were taken care of and that their expenses and fees have been paid.

Mr. BACON. Now, Mr. President, that is, I presume, the question of the Senator from North Dakota. As I understand it, the Senator from Utah has paid his counsel, and this is to reimburse him for that expenditure. On the other hand, I suppose it is true really that those who prosecuted this question as to the right of the Senator from Utah to his seat have also paid their counsel. I simply contended that when a proper presentation was made they should within certain limitations be reimbursed; but, so far as this amendment is concerned, I myself could not vote for it, because we have no evidence as to what was paid or the persons by whom it was paid. I think that makes clear my position in the matter.

Mr. HALE. I move to lay the amendment on the table.

Mr. DUBOIS. Mr. President——

Mr. HALE. I am so very desirous of getting the bill through and getting it over to the House to avoid a night session that I must make the motion.

Mr. DUBOIS. I can clear up a little of this question in just a few words, if the Senator from Maine will allow me.

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

Mr. HALE. I will yield briefly to the Senator.

Mr. DUBOIS. I knew nothing about the amendment which the Senator from Mississippi has proposed. I was not consulted about it at all and I had nothing whatever to do with it. But the facts are that the women organizations of the country and the ministerial association paid the attorneys $7,500. That amount was paid and it was paid by those organizations. That answers the question of the Senator from Tennessee.

Mr. CARMACK. Let me ask the Senator how the money was paid?

Mr. DUBOIS. It was paid directly to the attorneys through the ministerial organization and the woman's organizations of the country.

Mr. CARMACK. They collected the money, I suppose?

Mr. DUBOIS. They collected the money from their people.

Mr. CARMACK. And will give it back?

Mr. DUBOIS. If it is given back to them I have no doubt it will be used in good work, in missionary work, and works that they carry on.

Mr. HALE. Mr. President, I have already moved to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine to lay the amendment on the table.

The motion was agreed to.

Mr. McLAURIN. Mr. President, I offer another amendment, and I wish to address a few remarks to the Senate on it, before anybody else gets the floor.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. At the same point in the bill it is proposed to insert the following proviso:

Provided, That $7,500 be appropriated to defray the expense of those who prosecuted the protest.

Mr. McLAURIN. Mr. President, in reference to the form of the amendment, I should myself prefer to put it in different phraseology if I had time, but I did not see this provision in the bill until a few minutes ago, and I have not had an opportunity while this discussion has been going on to prepare an amendment which meets in some respects my idea of the justice of this case. If I had time to prepare an elaborate amendment, I should prepare one that probably would be in better phraseology than this.

In reference to the suggestion of the Senator from Tennessee [Mr. CARMACK] that this is a mere voluntary act, I think an act of justice ought always to be voluntary, and I do not think that the Senate of the United States or the Congress of the United States ought to wait until demand is made to do an act of justice when it is apparent that it ought to be done.

Mr. CARMACK. Mr. President——

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

Mr. McLAURIN. With pleasure.

Mr. CARMACK. Does the Senator from Mississippi claim that the United States ought to pay money to any person who is not even asking for it?

Mr. McLAURIN. I think if it owes the money or if it is just, that it ought to. I think the United States Government, like an individual, ought not to wait to be dunned. I think when an individual has the money and owes a just debt that the individual ought to pay it, and so, I think, with the Government. Here is a proposition to pay one of the contestants, and in that same proposition there is a proposition, which I make, to pay the other.

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

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

Mr. McLAURIN. I do, if the Senator from Tennessee is through with his question.

Mr. CARMACK. I intended to ask the Senator one other question.

Mr. McLAURIN. Very well.

Mr. CARMACK. The money which has been used by the opponents or the contestants against Senator SMOOT was collected, as I understand the Senator from Idaho [Mr. DUBOIS], from people all over the country. How are we going to get this money back to the people who really paid it?

Mr. DUBOIS. No, Mr. President; the Senator misunderstood me. It was this woman's organization which expended this money in this good work, and they would expend it again in good work if the amount is refunded to them.

Mr. CARMACK. For other purposes?

Mr. DUBOIS. In good work, missionary work. The money originally came from this organization.

Mr. McLAURIN. That I think answers the question of the Senator from Tennessee.

Mr. CARMACK. No, sir; the money might be expended for other purposes.

Mr. BACON. Mr. President, I desire to ask the Senator from Mississippi a question.

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

Mr. McLAURIN. With pleasure.

Mr. BACON. I desire to ask the Senator from Mississippi this question: If this amendment should be adopted, who is the person who will be authorized to go to the Treasury and draw the money?

Mr. McLAURIN. Is that the question the Senator propounds?

Mr. BACON. Yes.

Mr. McLAURIN. The person who paid the money for the prosecution.

Mr. BACON. But it must be paid to somebody.

Mr. McLAURIN. If the Senator from Georgia or anybody else can draw an amendment that will make it more explicit, I shall take pleasure in accepting such an amendment.

Mr. BACON. If the Senator from Mississippi will pardon me, I would do so if I knew the names of the parties and the amounts paid by them; but I would not be in favor of paying them any amount larger than was expended by them. I do not know what the amount is nor the parties by whom the expenditure was made, and I do not see how any amendment could be framed which would meet the case.

Mr. TILLMAN. Somebody must receipt for it before they can get the money out of the Treasury.

Mr. McLAURIN. I believe that by law that is certain which is capable of being made certain—id certum est quod certum reddi potest. I believe that is one of the legal maxims, and I think that about covers the case. The parties who paid the amount would present their claim, and that amount could be returned to them. It does not seem to me that there is so much trouble about the ascertainment of the ones to whom this money should go, as there is about the willingness to pay the amount to them.

Here is $15,000 to be paid to one of the parties to this contest and $7,500 is asked for the other parties to the contest. Because one party——

Mr. CLAY. Mr. President——

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

Mr. McLAURIN. With pleasure.

Mr. CLAY. I will ask the Senator has there been any contest at all?

Mr. McLAURIN. Then, I will say "protest." There has been a protest.

Mr. CLAY. If the Senator will allow me, if somebody else had been a candidate for United States Senator against Senator SMOOT and had claimed that he, instead of Senator SMOOT, had been elected, though Senator SMOOT had received the certificate of election, and such a contestant had come here and contested the seat of Senator SMOOT, then there would have been a precedent for paying both the contestant and the contestee; but simply to say that because numerous persons have protested against the Senator from Utah holding a seat in this body, the Senate should pay them for their expenses is simply inviting assault upon the titles of Senators and Representatives to their seats.

Mr. McLAURIN. If A should sue B in court, there would be two litigants, and the litigation would probably end by the success of one and the defeat of the other; but that does not disprove the proposition where a protest is filed, as in this case, and the protest has been prosecuted by the protestant and defended by the protestee, that there is a contest. There was a contest here between the protestant and the protestee, and it does not make any difference whether the parties were called protestants and protestees or whether it be called a contest; it is an effort on the part of the protestants to keep out of the Senate a man who is supposed by them not to be worthy of a seat in the Senate, and the junior Senator from Georgia, who has just taken his seat [Mr. CLAY], did not believe that this was a frivolous protest—the prosecution of the protest against the seating of the claimant to his seat—because, as I recollect, he voted for excluding the Senator from Utah from his seat and voted to uphold the protest made by these protestants.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. McLAURIN. With pleasure.

Mr. MALLORY. I desire to ask the Senator from Mississippi if he does not see the difference in the case of a contest for a seat in the United States Senate between a contestant and a contestee who was seated, and the case of parties who come here protesting against the seating of an individual or who come here with a protest showing why they think he ought not to be seated? Does the Senator from Mississippi see no distinction between those two cases?

Mr. McLAURIN. Of course there is a distinction; but when a Senator comes with a certificate showing that he is duly elected and the contestant comes with a contest and fails, the contestant is allowed money for his expenses in the contest. It is a distinction without a difference.

Mr. MALLORY. Why do these protestants ask for this money?

Mr. McLAURIN. I suppose it is because they want to get the money out of the Treasury. I do not know of any other reason. It seems to me the justice of the matter would be to allow these litigants to stand upon their merits just as any other contestants in election cases are allowed to stand upon their merits. Like any other contestants prosecuting a contest,

they should not be denied the amount expended in defraying the expense of the litigation. That is my idea about it.

Mr. MALLORY. I will not interrupt the Senator to go into an exposition of my views of the matter.

Mr. McLAURIN. I should be very glad if the Senator would do so, because I always like to hear the Senator speak.

Mr. MALLORY. There is a very wide distinction between the two cases. The Senate pays a contestant in case of a contest, because it is proper and right that those who think themselves duly elected to this body should not be deterred from contesting their seats just because they may not have the means to do so and have no certainty of reimbursement; but that is a very different thing from a case in which there is no contest whatever brought into the Senate, but just simply a protest filed. If we set a precedent of this kind, there is no telling how many protests may be filed against any Senator who comes here, duly elected, simply for the purpose of getting the compensation which may be awarded to the protestant.

Mr. McLAURIN. A frivolous protest would be treated as a frivolous suit or a frivolous prosecution in court would be treated. The prosecutor would be taxed with the costs.

Mr. DANIEL. Was the money that it is proposed to reimburse to these people the money of those by whom it was expended?

Mr. McLAURIN. I do not know that the Senator from Utah paid out of his own pocket his expenses. I do not know that the Mormon Church did not pay them; I do not know anything about that; but I know if it is just to pay the expenses of the protestee it is just to pay the expenses of the protestants.

Mr. DANIEL. The Senator does not know that they had any? That is the question I asked him.

Mr. McLAURIN. They have already paid——

Mr. DANIEL. Seven thousand five hundred dollars, I believe.

Mr. McLAURIN. It is said that they paid $7,500 to the lawyers.

Mr. DANIEL. Are there any other expenses?

Mr. McLAURIN. I did not ask whether there were any other expenses. This amendment does not propose to pay the lawyers. It proposes to refund to the protesting women the money they paid to the lawyers.

Mr. DANIEL. The lawyer, then, has been paid, according to his contract?

Mr. McLAURIN. Certainly.

Mr. DANIEL. And you propose to pay him a bonus?

Mr. McLAURIN. No, sir; I do not propose to pay the lawyer.

Mr. DANIEL. Who is to be paid?

Mr. McLAURIN. It is to reimburse those who have paid the lawyer to prosecute the protest.

Mr. DANIEL. Who paid for their own legal expenses?

Mr. McLAURIN. Certainly. The committee amendment proposes to reimburse the protestee for his own legal expenses, and if that is done the protestants should be reimbursed their legal expenses.

Mr. DANIEL. Was the $7,500 gathered up by small contributions?

Mr. McLAURIN. It was stated by the Senator from Idaho to be from organizations.

Mr. DANIEL. Did the organizations gather it by contribution?

Mr. McLAURIN. I am not in the confidence of the organizations. I do not know about it; but it does not make any difference to me who gathered it, where they gathered it, or how they gathered it. They used it for what they considered a good purpose, a just purpose, and a purpose that was moral. Furthermore, they were women, and because they were women they ought not to be cut out. That is my idea about it.

Mr. BURROWS. Mr. President——

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

Mr. McLAURIN. With great pleasure.

Mr. BURROWS. Mr. President, I perhaps ought to state the facts, so far as I know them. When this investigation commenced it was asked at the outset if anyone appeared for the contestants, and Mr. Tayler, now Judge Tayler, said he appeared for the contestants, who were nineteen gentlemen from the city of Salt Lake who signed the protest. The question was asked if anyone appeared for Senator SMOOT, and Mr. Worthington, an attorney of this city, and also Mr. Van Cott, of Salt Lake City, said they appeared for him and desired to be heard.

Mr. Carlisle was also announced to appear for the protestants and did appear, and he conducted the latter part of the hearing. The hearing was a protracted one, as the Senate knows. Over one hundred witnesses were subpœnaed. Of course the witnesses were all paid by the Government their traveling expenses and the usual per diem allowance. Mr. Tayler remained in the case until he went on the Federal bench, and then Mr. Carlisle concluded the case. What was paid by the contestants for Mr. Tayler's services and for Mr. Carlisle's services I have no knowledge. I have stated the simple facts of the case, and that is all there is to it.

Mr. McLAURIN. Mr. President, there has been handed to me a list of the expenses, which is as follows: Witnesses $22,641.40; stenographer $4,124.43; marshal $181.34. Then there is a little item which I can not make out, of $14.20; aggregating $26,961.44.

The thing that occurs to me is that it is bad policy for the Government to pay expenses of either party to this protest; but, inasmuch as the expenses of the protestee are to be paid, and inasmuch as extravagant counsel fees are to be allowed—because it does seem to me that in a case of this kind $15,000 is rather extravagant for counsel and attorney's fees—if the organization of women who fought this case thought that the morals of the country required that there should be a protest entered against the admission of a man into the Senate who belonged to an organization that recognized polygamy; if they thought that the admission of one who belonged to an organization that recognized polygamy was to strike at the homes of the country; prosecuted in good faith that protest and expended this amount of money, and it can not be charged that it was a frivolous prosecution, it does seem to me that the actual amount of money that they expended, inasmuch as it is only half of that that is appropriated for the protestee, ought to be appropriated in their behalf. That is my idea about it, and I submit it to the Senate.

As I have said before, I can not believe it is good legislation or that it is good policy for the Government to pay either party to this contest. So far as the principle is concerned, while there is an apparent distinction between a contestant contesting for a seat and a contestee contesting for the retention of his seat, that distinction is merely in words, because the principle is exactly the same.

In one case the contestant says, "I am entitled to this seat and the other man is not entitled to it, and he ought not to be permitted to legislate for the country, because he has not been elected to represent the State whose credentials he brings purporting to authorize him to represent it," whereas in the other case the protestants say, not that they want a seat, but that good government requires that the man who occupies the seat ought not to be entitled to the seat until an adjudication can be had of the question of his election, of the returns of his election, and of his qualifications. If they say that because of a deficiency in either one of these he is not entitled to his seat, they have a right to present their protest, whether it is to the election, to the returns, or qualifications, and they have a right to bring it before the Senate of the United States and ask the Senate to pass upon the qualifications. Whether it is decided by the Senate that the only qualifications are those negatively named in the Constitution or whether all matters tending to justify his expulsion may be considered, is a matter immaterial to this question.

Mr. HALE. Mr. President, the House of Representatives is waiting to receive this bill, and therefore I am constrained to move to lay the amendment of the Senator from Mississippi on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

Mr. HANSBROUGH. I offer the amendment which I send to the desk to come in on page 63, after line 3.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, after line 3, it is proposed to insert:

For increase in salary of the Secretary of the Senate, from March 4 to June 30, $833.33, and for the fiscal year of 1908, $2,500.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota. [Putting the question.] The "noes" appear to prevail.

Mr. HANSBROUGH. I should like to have the question again put.

Mr. HALE. I would rather the amendment would go in, and I will make no point on it.

The VICE-PRESIDENT. The Chair will again put the question. The question is on the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH].

The amendment was rejected.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes; further insists upon its disagreement to amendments Nos. 4, 10, 11, 12, 68, 69, 80, 82, 83, 87, 96, 97, 98, 99, 117, and 126 to the bill; recedes from its disagreement to the amendments of the Senate Nos. 78 and 79; agrees to a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. TAYLOR of Alabama managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10305) to provide for the repayment of certain customs dues.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, and it was thereupon signed by the Vice-President.

THE MERCHANT MARINE.

Mr. GALLINGER. Mr. President, it will be recalled that there was an agreement that the shipping bill should go over until 5 o'clock, it being understood that it would not interfere with appropriation bills. I now rise to make a request for unanimous consent that the further consideration of that matter shall be postponed until 11 o'clock to-morrow morning.

Mr. BLACKBURN. That is agreeable, Mr. President.

Mr. GALLINGER. I understood it would be agreeable to the opponents of the bill.

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

HOMESTEAD SETTLERS IN ALABAMA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6704) to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905, which was, on page 4, line 2, after the word "aforesaid," to insert:

Provided, That such homesteader or vendee or successor in interest of either of said railroad companies shall not be permitted to select more than 160 acres of lands in one section nor more than 320 acres of contiguous lands.

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

The motion was agreed to.

STANDING AND SELECT COMMITTEES OF THE SENATE.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the standing and select committees of the Senate as constituted at the end of this session be, and they are hereby, continued until the next regular session of Congress, or until their successors are elected.

PAYMENT OF CLAIMS.

Mr. PETTUS. I desire to make a few remarks to the Senate, and I promise that I will try my best to deserve the praise that was given to Red Jacket, who was famed as a speaker; and the secret of his mastery was that his speeches were short, so Halleck says.

I desire to ask unanimous consent for the present consideration of the bill (S. 5951) to repeal section 3480 of the Revised Statutes of the United States.

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

Mr. PETTUS. Mr. President, I desire to thank the Senators, and especially the President of the Senate, for the indulgence and kindness which they have extended to me ever since I have been here. The Senate may possibly be afflicted with my presence for the next eight years. I have been treated here with as much kindness and consideration as I have at my home, and the Lord knows that has been abundant.

Now, as to this question, here is a statute which has been virtually abrogated ever since the President made his proclamation of amnesty. Some Senators, impressed with the idea that that was not so, have objected to this bill, but they have had the magnanimity and kindness to yield their notions on that subject when they had the advice of lawyers in whom they had confidence, and I thank them for so yielding.

Mr. President, this act was enacted years ago, just after the war. It was one of the penal statutes, but I propose to prove now in a very short way that it has been abrogated by the President of the United States in his general amnesty. Here I have the authorities, which I will not trouble the Senate to read, except the headnote:

The President's proclamation of the 25th December, 1868, granting "unconditionally and without reservation to all and every person who directly or indirectly participated in the late insurrection or rebellion a full pardon and amnesty for the offense of treason against the United States, etc., with restoration of all rights, privileges, and immunities under the Constitution, and the laws which have been made in pursuance thereof," granted pardon unconditionally and without reserve; and enables persons otherwise entitled to recover from the United States the proceeds of captured and abandoned property, under the abandoned and captured property act, to recover it though no proof be made, as was required by that act, that the claimant never gave any aid or comfort to the rebellion. (Armstrong *v.* U. S., 13 Wallace.)

There is another case following this to exactly the same effect. These two decisions of the Supreme Court decide without any qualification that the act which I seek to have repealed has been abrogated. There were some gentlemen who doubted this matter, but they consulted counsel in whom they had confidence.

This bill has been approved by every member of the Judiciary Committee except one, and that is the distinguished Senator from Pennsylvania [Mr. KNOX]. He was not present. But he has thoroughly examined the question and has convinced those who were opposed to the bill on the legal grounds that there was no foundation for it. This statute has been virtually destroyed by these decisions, as the Committee on the Judiciary has unanimously agreed.

Mr. President, the statute being of no force or effect, you might ask me, "Why do you want it repealed if it is of no force or effect?" It has been published as the law of the land ever since, and there are various men affecting to know all about the law who now act upon it.

During Mr. Cleveland's Administration the Comptroller of the Treasury refused to pay a small warrant issued by the Secretary of the Interior because it was to a southern man and there was no proof of his loyalty; and that stood, although the Secretary of the Interior tried his best to get it allowed.

Mr. President, this thing of pardon is not usually very well considered by anybody except the lawyers. If I had lived north of Mason and Dixon's line in 1861 I would quote the Bible for you. I would say:

Let the wicked forsake his way and the unrighteous man his thoughts; and let him return unto the Lord, and He will have mercy upon him; and to our God, for He will abundantly pardon. (Isaiah lv, 7.)

I myself do not say that, but I say if I lived north of Mason and Dixon's line I would put in that plea.

Mr. President, all I have to say in conclusion is that this statute has been virtually repealed by the amnesty proclamation of the President. All lawyers who thoroughly examine the case agree that it was virtually repealed by that act. I would not ask to have it repealed, but it is acted on by many people who think they know more law than Chief Justice Marshall, although they never looked into a law book.

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

ADDITIONAL DISTRICT JUDGE IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 25692) to provide for an additional district judge for the northern and southern districts of California; which was read the first time by its title and the second time at length.

Mr. SPOONER. I ask unanimous consent for the present consideration of the bill.

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

Mr. SPOONER. I move to amend the bill by striking out all after the enacting clause and inserting in lieu thereof what has passed the Senate, on the recommendation of the Judiciary Committee, at an earlier stage of the session.

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That there shall be in the northern district of California an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation provided by law in respect to other district judges.

SEC. 2. That the senior circuit judge of the ninth circuit or any circuit judge within the State of California shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for an additional district judge for the northern district of California."

ORDER OF PROCEDURE.

Mr. HALE. I ask that at the conclusion of the eulogies which are set for to-day, the Senate take a recess until 11 o'clock to-morrow morning.

Mr. DANIEL. Just a suggestion, Mr. President——

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that at the conclusion of the eulogies this evening the Senate take a recess until 11 o'clock to-morrow morning. Is there objection to the request?

Mr. DANIEL. I rose to make an observation—to see, if it consisted with the views of the Senators who have in charge the regulation of business; I should like to have the Senate proceed with the eulogies at 8 o'clock to-night, if it be agreeable, and I hope it may be. We have deferred them that they might not interfere with other business.

Mr. CARTER. I suggest that a recess be now taken until 8 o'clock.

Mr. HALE. Then let me see if I can modify my request. Of course we have to take a recess. We can not adjourn. This session must be carried on until Monday forenoon.

Mr. CULLOM. Mr. President——

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

Mr. HALE. I am trying to do my best. The trouble is that if the eulogies come on at 8 o'clock nobody will be here——

Mr. DANIEL. This evening at 8 o'clock?

Mr. HALE. Yes; but I say nobody will be here if we take a recess from now until 8 o'clock—two hours—and nothing is to be done but the eulogies. Therefore I have to get the agreement now.

Mr. ALDRICH. What is the suggestion of the Senator from Maine?

Mr. HALE. I do not know how the Senator himself may be, but the Senator from Wisconsin and others have stated that they will go right on——

Mr. DANIEL. Some gentlemen are not ready, though.

Mr. FLINT. Mr. President——

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

Mr. FLINT. Before any action is taken——

Mr. HALE. I will make this proposition, that the Senate now take a recess——

Mr. ALDRICH. I suggest 6.30, so as to have an executive session.

Mr. HALE. What else does some one else want?

Mr. WARREN. The Senator asks what some one else wants. There are a few small matters, a conference report or two, and one or two small matters to which there can be no objection. It seems to me they ought to be cleaned up between now and 8 o'clock. So I think we ought not to take a recess until 8 o'clock.

Mr. FLINT. Before any action is taken——

Mr. HALE. If we are going into general business——

Mr. LODGE. Which will keep us all here.

Mr. CULLOM. I want to make a statement.

Mr. HALE. I am no more interested in this than is anybody else. We have got to do——

Mr. CULLOM. I was about to move an executive session.

Mr. KEAN and others. Oh, no.

Mr. HALE. Let us have an agreement. I will make this proposition. I ask unanimous consent that the Senate take a recess until 8 o'clock——

Mr. DANIEL. When?

Mr. HALE. Now—that the Senate take a recess until 8 o'clock, and then at the close of the evening session the Senate shall take a recess until 11 o'clock to-morrow morning.

Mr. ALDRICH. I ask for a modification of the request—that at 6.30 o'clock the Senate take a recess. That will enable the Senate to have an executive session, which I am told on all hands is very desirable.

Mr. CULLOM. It will last only a few minutes.

Mr. ALDRICH. Let us take a recess until 8 o'clock, with the understanding that at the session this evening there shall be nothing but eulogies, and on the conclusion of the eulogies a recess shall be taken until 11 o'clock to-morrow morning.

Mr. HALE. Then, I will modify my proposition——

Mr. FLINT. Mr. President——

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

Mr. HALE. Yes.

Mr. FLINT. I should like to ask what in the meantime becomes of the unfinished business, the conference report on Senate bill 5133?

Mr. HALE. It goes over until to-morrow.

Mr. FLINT. Then, I should like to have unanimous consent that it shall be taken up immediately——

Mr. HALE. It will be up.

Mr. LODGE. It is privileged, anyway.

Mr. HALE. I will see if I can get this agreement—that at the conclusion of the executive session the Senate take a recess until 8 o'clock this evening, and that at the close of the night session it take a recess until 11 o'clock to-morrow morning.

Mr. ALDRICH. And that at the evening session there be nothing but eulogies.

Mr. HALE. Of course, the evening session to be devoted to eulogies.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that at the close of the executive session the Senate take a recess until 8 o'clock this evening, then to reassemble and listen to eulogies, and that at the close of the eulogies the Senate take a recess until 11 o'clock to-morrow morning.

Mr. HALE. That is it.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. TILLMAN. No other business to be transacted this evening but the eulogies.

Mr. OVERMAN. I rise to inquire, as it understood that no business is to be conducted after the eulogies to-night?

The VICE-PRESIDENT. That is the purport of the unanimous-consent agreement.

Mr. HALE. Yes.

DEATH OF H. BOWYER M'DONALD.

The VICE-PRESIDENT laid before the Senate the following communication; which was read:

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
March 2, 1907.

To the President of the Senate:

It becomes my painful duty to advise you of the death of H. BOWYER MCDONALD, Chief Clerk of the Senate, and for upward of thirty-four years an employee of this body.

Respectfully,

CHARLES G. BENNETT, *Secretary.*

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, recedes from its disagreement to the amendments to the bill numbered 86 and 88, further insists on its disagreement to the residue of the amendments, agrees to a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 4964. An act for the relief of Thomas F. Walters;

S. 5660. An act for the relief of William N. Hughes;

S. 5869. An act for the relief of Larvan Gordon;

S. 6134. An act providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society;

S. 6729. An act authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service;

S. 7550. An act for the relief of Harry A. Young;
S. 7840. An act granting an increase of pension to Lewis A. Towne;
S. 8303. An act to establish the Foundation for the Promotion of Industrial Peace;
S. 8427. An act to annul certain titles to land acquired by judicial proceedings in courts of the United States in Texas, and for other purposes;
S. 8540. An act to ratify a certain lease with the Seneca Nation of Indians;
S. 8580. An act granting land to Anna Johnson;
H. R. 3268. An act for the relief of Henry C. Bassett, heir of Henry Opeman Bassett, deceased;
H. R. 8699. An act for the relief of James A. Carroll;
H. R. 10095. An act making certain changes in the postal laws;
H. R. 10305. An act to provide for the repayment of certain customs dues;
H. R. 11401. An act granting an increase of pension to William Kling;
H. R. 13418. An act for the relief of W. S. Hammaker;
H. R. 15859. An act ceding lands to Colorado State Agricultural College;
H. R. 19500. An act for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin;
H. R. 19751. An act to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery roadway at Natchez, Miss.;
H. R. 21091. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Homason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;
H. R. 22588. An act for the relief of homestead entrymen who have paid more than the lawful purchase money;
H. R. 24816. An act to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906;
H. R. 24833. An act for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company;
H. R. 25437. An act to grant American registry to the German bark *Mariechen;*
H. R. 25474. An act 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;"
H. R. 25739. An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across Cumberland River;
H. R. 25801. An act granting an honorable discharge to Seth Davis;
H. R. 25811. An act to authorize the Monroe, Farmerville and Northwestern Railway Company to construct a bridge over the Ouachita River and one over the D'Arbonne River in Louisiana;
H. R. 25832. An act to authorize Herman L. Hartenstein to construct a dam across the St. Joseph River, near the village of Mottville, St. Joseph County, Mich.;
H. R. 25849. An act permitting the building of a dam across the Savannah River at Cherokee Shoals;
S. R. 92. Joint resolution to authorize the Secretary of War to permit José March Duplat to receive instruction at the Military Academy at West Point; and
H. J. Res. 236. Joint resolution authorizing the Secretary of the Navy to furnish metal for a bell.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE RIXEY.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 25, 1907.

Resolved, That as a mark of respect to the Hon. JOHN F. RIXEY, late a Member of this House from the State of Virginia; and in pursuance of the order heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. DANIEL. Mr. President, I beg leave to offer the resolutions which I send to the desk.

The resolutions were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. JOHN F. RIXEY, late a Representative from the State of Virginia.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Mr. DANIEL. When two days hence the Fifty-ninth Congress shall cease and the term of the Sixtieth Congress shall begin, there will be names accredited to the new roll which will have none to answer thereto. Death has been busy in this Congress. Four Senators and five Representatives have ceased to be. This day three weeks ago JOHN FRANKLIN RIXEY, of Culpeper, Va., Representative of the Eighth district, was numbered amongst them. He was the able and effective Representative of that district for ten years. He had been chosen, although absent from the State by reason of his sickness, to succeed himself. No need for his presence. The people knew him and were for him. The voice of the Ruler of the Universe has overruled the voice of the people and has disposed the purposes of man.

Mr. RIXEY was born in Culpeper, near the county seat which bears the county name, on the 1st day of August, 1854. He died in this city on the 9th day of February of the present year, at the home of his brother, Surgeon-General Rixey, of the Navy. His body, attended by the committee of the two Houses of Congress which had been appointed to pay to him the last honors, and followed by many mourning friends, was borne to his home and consigned to his native dust.

There is a brief sketch of him in the Congressional Directory, which recites as follows: That he was educated in the common schools, at Bethel Academy, and the University of Virginia; is a lawyer and farmer; was Commonwealth's attorney for Culpeper County twelve years; was elected to the Fifty-fifth, Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses, and reelected to the Fifty-ninth Congress, receiving 7,986 votes to 2,443 for his opponent. To this account should be added that he was reelected to succeed himself at the Congressional election of November, 1906.

For five terms he had faithfully served his people with diligence and with successful attention to every duty committed to his hands.

It is probable that there is no district in the United States, unless it be the Congressional district of Maryland which adjoins the District of Columbia, which has so many affairs to be attended to in Washington as has this Eighth district of Virginia. Many of its people have located here. Many who are engaged in Washington on official or other business have located there. Many of them find employment here by reason of their proximity and convenient access. The Representative of the district has therefore entailed upon him multifarious duties such as are but lightly shared by Representatives from distant places.

With patience, with alacrity, with faithful and affectionate regard for his people, as well as with a loyal and devout sense of obligation to his country, Mr. RIXEY bestowed a constant and unrelaxing devotion to his tasks.

The feelings of a past generation have died out save in honor of the past. There is nothing of public sentiment in Virginia that is not in unison with the United States. Congressman RIXEY, though in boyhood he knew war in its sternest and bitterest ways, represented to-day and to-morrow as much as ever his brother, who heads the Medical Corps of our Naval Department.

As a member of the Naval Committee of the House he distinguished himself by his knowledge of naval affairs, and he was always to be found at the post of duty. His interest in and attention to agriculture led to the measure that established the experimental agricultural station in Alexandria County, just across the Potomac River.

Of a fine mind, well trained in the schools, and with an earnest and energetic nature which was tireless and ceaseless in pursuing the ends it aimed at, few men have been so concentrative in their endeavors or so successful in their attainment.

His boyhood was spent at the very focus of the active scenes of war. From his father's house, where were the headquarters of the Federal Army in the town of Culpeper, General Grant, on the 3d of May, 1864, rode forth to the battle of the Wilderness. During the four years while the storm of conflict raged over northern Virginia scenes of swift recurring battles were familiar to his eyes and the diapason of the cannonade familiar to his ears. When war ended, the territory which he represented and that adjoining had come to be known as "the Flanders of the War."

When the surviving Confederate soldiers returned to their

homes. Maj. Albert G. Smith, who had been wounded in Pickett's charge at Gettysburg, and who I have heard described by his comrades as standing on the heights with the hilt of a sword in his hand, which had been broken by some hurtling missile of the battle, established the Bethel Academy near the town of Warrenton, in Fauquier. As Lee went to the head of Washington College, which became Washington and Lee University, so Major Smith now devoted himself to training the boys of the countryside in the ways of peace. Not forgetting that peace must always be prepared for war, and instinctively knowing that "to ride, to shoot, and to tell the truth" was the maxim of his people for the instruction of youth not less than the ancient Persian, he made it a military as well as a classical and mathematical academy. At one time one of his tutors was Major Jenkins, of South Carolina, afterwards distinguished at Santiago, and many of his boys went forth with the Army of the United States to the Spanish war.

In the Berkley School and in this academy young RIXEY received his early education, and then repaired to the University of Virginia and to the study of law.

He was ere long elected Commonwealth's attorney for Culpeper County, and then commenced the Congressional career which has been so unhappily closed by his death.

For scenic and for dramatic things and for those which attract conspicuous notice, Mr. RIXEY displayed but little taste. His was a businesslike and practical mind, that looked to the accomplishment of results rather than to ostentation or parade on the road to them.

He was a lover of the country, and lived at a beautiful home near Brandy Station, which overlooks the field of the great cavalry battle of June 9, 1863, between Stuart and Pleasanton. A third of the war was fought in Virginia. The Eighth and the adjoining districts, with that around Richmond and Petersburg were its centers. Within view of the summit on which stands his home are many other battlefields and scenes identified with the great strife which on each side made ambition virtue.

As success came to him he increased his holdings of land. A farm was to him the spot of most attractiveness. On the scarred Manassas field, scene of great wrestlings, as well as in his native county of Culpeper, he rejoiced to see the grass grow and his flocks and herds feed amidst scenes of pastoral beauty.

His was a wholesome as well as an active and busy life. The domesticity of his nature manifested itself in his pursuits and apirations whenever public cares relaxed.

He was an able lawyer; well read in the books, and well practiced in his profession. He established high rank at a bar where he was brought into competition and conflict with many of the brightest and ablest minds of the State.

When he entered politics he soon became a leader of the people. The successive times that he was chosen to represent them here attest their fidelity to him even as his own career attests his fidelity to them.

If deep conviction, thorough devotion, and the enthusiasm of service make the partisan, such, then, must Mr. RIXEY be counted. But he was not a man offensive either in words or ways to those opposed to him. Standing for the independence and honesty of opinion, for free action and free speech, he respected those whose opinions were different from his own. He observed the wisdom that comes from the heart. He obeyed the wise counsel so well given by Allen G. Thurman, "the old Roman," when he said: "Keep a civil tongue in your mouth."

Such is the characteristic of all well-mannered, self-respecting, and well-poised men, who remember that by the very truths on which their own rights are founded rest also side by side with them the equal rights of others. "So use thine own as not to hurt another" is a maxim of our common law, borrowed from the broad-minded and deep-hearted jurisprudence of ancient Rome, that lays its inflexible injunction on the tongue as well as on the hand of man, and keeps him within the bounds of his own domain in the moralities, decencies, and civilities of life as well as in his dealings with respect to material things.

Partisan he may have been—most of us are—but he never trenched by word upon the character, as he did not by deed, upon the belongings of another.

The Eighth district of Virginia is one of the most historic regions of the United States. If its history were written it would involve the writing of the history of the whole country from its colonial days to the present time.

When one considers even the names of the counties which Mr. RIXEY represented he sees in them the names drawn from memory of the motherland rather than from the new inspirations of the Republic.

Culpeper County, of which he was a native and a resident, was formed in 1748 and named after Lord Culpeper, one of the colonial governors of Virginia.

Fairfax County dates its origin to 1742 and bears the name of Lord Fairfax, who held an immense grant from the English Crown. Fauquier County, separated from Prince William in 1759, was called after Charles Fauquier, colonial governor from 1758 to 1767. King George County, formed in 1720 from Richmond County, takes its name from the English King. Loudoun County, formed in 1757 from Fairfax, gets its name from the Earl of Loudoun, who commanded the British forces during the latter part of the French war. Prince William County, named after an English prince, was created from Stafford and King George. Stafford, formerly a part of Westmoreland, was formed in 1675. Louisa, created in 1742 from Hanover, and Alexandria, the newcomer—all alike bear the ancient names. I have not examined to see, but, unless in New England, I doubt if there is another Congressional district in the United States where so many counties bear the old colonial names which they bore when independence was declared. Alexandria County has the fine flavor of the ancient days, which it acquired from the venerable city which was the home of both Washington and Lee.

The traits of the fatherland are in them. But they are Americans all; founders and lovers of freedom as the greatest of human possessions; patriotic to the core; upholders of home rule, but filled with the splendid aspiration of the reunited nation.

They are lovers of the land, and on isolated plantations they have planted pleasant homes. They have taken part not only in the Indian wars that antedated the Revolution, but in every war with which this country has been identified. I noted not long since, in traversing some of the reminiscences of Culpeper, that George Washington was surveyor of that county when he was a youth of 17, in the service of Lord Fairfax, making his own living and going out into the adventures of life before he had yet become a man. In the records of that county there is this entry:

> 20th July, 1749, George Washington, Gent., produced a commission from the president and members of William and Mary College, appointing him to be surveyor of this county, which was read, and thereupon he took the usual oaths to His Majesty's person and Government and took and subscribed the abjuration oath and test, and then took the oath of surveyor, according to law.

Four of our great Presidents are identified with its history. Washington's tomb is in Fairfax. Madison lived and rests in Orange. Monroe for a time had his seat at Oak Hill, in Loudoun. Zachary Taylor was born in Orange.

When the Revolution broke out the Culpeper minutemen made a name for themselves, not only in the swift patriotism with which they responded to the call of Governor Patrick Henry, but by their conduct upon the field of battle. The Culpeper minutemen turned out for war the last time in the Spanish war. From the day of the Revolution to this hour they have always been ready to respond at a moment's warning to their country's call. They float on their flag the picture of a rattlesnake, with the legend, "Don't tread on me!" Those Culpeper minutemen and the men of the adjoining counties were soon formed into a regiment. Lawrence Taliaferro, a kinsman of the distinguished Senator now representing Florida in this body, was its colonel.

Stevens was its lieutenant-colonel, afterwards a general. Thomas Marshall, father of the great Chief Justice, was its major, and serving as a lieutenant was the incipient Chief Justice himself.

There is a story told of this regiment at the battle of the Great Bridge which I like to refer to, because it is characteristic of the great people who inhabit the region of Virginia along the Potomac, and which those going westwardly in the State and beyond it have carried with them. This regiment encountered in the battle of the Great Bridge a regiment of the British regulars. They were behind earthworks, and when the British regulars charged them they were beaten back. Swift to heal, as quick and steady to fight, the Virginians leaped over the breastworks and helped to bind the wounds which they had made.

The people of this whole section are high spirited, chivalrous, brave, quick to resent insult, firm and strong in resistance to wrong, but at the same time one of the sweetest-tempered and most hospitable people that one could meet upon a summer's day. They are lovers of the land. They rejoice in the scenes of the countryside, in the fields, in the streams, in the woods. In their libraries are good books that abound not in sensations. They are good hunters and fine marksmen and they are hospitable

hosts. The refinements of life abide amongst them and they are as gentle in peace as they are fierce and dauntless in war.

Mr. RIXEY was a representative man of this countryside. His father was a landholder. He himself had that land thirst which made him buy and cultivate the land whenever he was able to do so. He bespoke a people who loved home, who imbibe principles of love of country from the fireside. They respect character above all things; never call without reverence the name of woman.

The Representatives of this district have always been men of mark. The district looks upon its Representative as a man who must be one fit to hold a great and responsible office and worthy to discharge its trust and duty. Since the reconstruction period but six men have represented it: Elliot Braxton, descended from a signer of the Declaration of Independence; Eppa Hunton, renowned first in his service in the legislature of his State and in the State convention and then as a soldier, who led the ironsides of battle; John S. Barbour, accomplished in many ways—in the studies of the academy; as president of a great railroad; as chairman of a great party; equal in mental grasp and in social dignity to any of the higher tasks of life. Then William H. F. Lee, a brave soldier and a noble gentleman, a man whose beautiful attachment to his every duty was like the esprit de corps which converts the soldier to the cause which commands his allegiance; then Elisha Meredith, a younger man of a new generation, but one of a most noble and manly type; manly and vigorous mold, generous, active, a true friend, a hardy champion, a man of hope who died too young, and then succeeding him came JOHN F. RIXEY, whom we mourn to-day.

Three of these Representatives have died while they served in the House of Representatives, Lee and Meredith, and now, also, RIXEY. Two of them became Senators of the United States, John S. Barbour and Eppa Hunton, and the former was borne from this Chamber to his last home. The latter survives, venerated of all. Who will be Mr. RIXEY's successor no man knows, but we all know that these six gentlemen who have represented their State in the halls of Congress have represented it and their country well and that their successor has worthy exemplars before him.

Mr. RIXEY's home life was a happy one. He wedded Miss Barbour, daughter of James Barbour, who was a lawyer, legislator, and publicist, who was distinguished by the abilities which have characterized the family to which he belonged. For many years they dwelt together in the holy estate and in the quiet hospitable home. We pause at its threshold. But to its inmates go forth our deepest sympathy for the loss irreparable. We can neither retrieve nor heal it; we can only bow before Him whose mercy endureth forever.

In the fifty-fourth year of his age, while his ripened faculties, cultivated by experience as well as by education, were at maturity, and when they might have been of most benefit to his country, to his family, and to his kind, he has been cut down. There were premonitions of his end. A year ago, when Congress adjourned, it was known that he was ailing. It seemed that that dreadful disease, tuberculosis, had menaced if not yet fully attacked him. He went to the wholesome climate of Colorado seeking relief. But he sought it there in vain. He returned to his home. During his absence he had been chosen as his own successor. But it was not to be. He was for several months an invalid, and it became evident that the hand of the destroyer could not be stayed. Patient, submissive, meeting the fate in store for him with the fortitude with which he had contemplated all the tasks and dangers and tribulations of life, peacefully, at his brother's home in this city, on the 9th day of last month he breathed his last.

It is a characteristic of our race, Mr. President, and one worthy to be cultivated and preserved, that they do not make loud lamentations over the dead and do not seek ostentatious funerals. When their time has come, they step aside for the generation that presses upon their heels. They would not add one memory of grief and sorrow to those left behind. It can be said of JOHN F. RIXEY that he performed a man's part in life, and did it well and faithfully. It is enough.

His kindred, his companions, and his people honored him. Those dear to him loved him. Such was his reward. He proved equal to all the tasks which he assumed. He has passed hence, leaving a name to be cherished by those who loved him and to be honored and respected by those who knew him.

Mr. HOPKINS. Mr. President, death is ever an unwelcome guest. He is no respecter of person, no respecter of time or place. The laughing schoolboy feels the clutch of his icy fingers and passes from the pleasures and pastimes of childhood into the great unknown. The gray-haired man, who has conquered every obstacle that appeared in his pathway during a long and strenuous life, though surrounded by every comfort and luxury that wealth can bring, responds to the call that death sends to him, and leaves all and follows death out into the shadows and across the dark waters that separate this life from a future existence.

However long may be the struggle, however fierce the contest, all alike must sooner or later yield to that grim-visaged monster.

JOHN F. RIXEY has trodden the path prepared for him by death long before his exit from this world, and has passed into the great unknown. Many years before death finally claimed him for his own he recognized that he was stricken with a mortal disease and, like the Christian philosopher that he was, prepared to meet his final conqueror with that perfect resignation that comes from a realization of a well-spent life here and an assurance that the transition from this life to another will take him to that better world where all Christians are taught the just will meet.

Death achieved no mastery over him. He fought the battle as becomes a true Christian, and when the inevitable hour approached welcomed death more in the spirit of a victor than that of the vanquished. Dearly as he loved this life, his family and friends, his native State and his country, he believed that he was passing into that higher and holier existence that we are all taught is the fortune of those who follow the simple precepts of a Christian life.

I first met Mr. RIXEY in the House of Representatives in the Fifty-fifth Congress. He had just been elected to the House from the Eighth Virginia district, and I had been reelected from the then Eighth district of Illinois. I had had a service of some years in the House of Representatives and was well acquainted with many of the older Members of Congress from that State. That great Commonwealth and her public men have always had a great interest for me. The Northwest Territory, from which the State of Illinois was carved, was once a possession of Virginia, and all loyal citizens of Illinois take a natural pride in that State and her public men. Mr. RIXEY was a typical Virginian. He had inherited that love of country life that is characteristic of the great men of that State from the time of Washington and Jefferson to that of Lee and Wise. The men of mark in that State have been men who were passionately fond of country life.

Mr. RIXEY did not possess the brilliant qualities of mind that made Patrick Henry the first orator of his time and Robert E. Lee one of the greatest military geniuses of his age. His attainments were of the solid, substantial kind, that were so marked in the type of men like James Madison in the earlier history of the State, and more recently in men like the late Senator Barbour.

In his brief biographical sketch that he prepared for the Congressional Directory, he described himself as a lawyer and a farmer. To men residing in great cities like Chicago, New York, or Philadelphia this combination of farmer and lawyer seems inconsistent, but it accurately described the life that was led by Mr. RIXEY. He was a country-bred lawyer, and when he was not engaged in court or over his law books in the preparation of a case for trial, was out upon his plantation enjoying to the fullest limit the pleasures of rural life. It is said that he was very successful at the bar. From my knowledge of him as a Member of Congress, I can well appreciate the fact of his great success with courts and juries. He had an air of honesty that disarmed opposition, and possessed a clearness of speech and a cogency of reasoning that must have made him very effective with the jury of twelve or with the judge.

His experience upon his farms in coming in close touch with nature gave him keener perceptions and a nicer judgment on all questions of right and justice than can be acquired in a smoky law office in a great city. There is something about life in the country that broadens and enlightens the mind. Men who follow intellectual pursuits are greatly strengthened and broadened by this contact with nature that one derives from country life. John Marshall would never have given to the country and to the world those marvelous opinions construing the Constitution of our common country had he been deprived of the benefits and influences exerted upon him in that ideal country life that he enjoyed during the thirty-odd years that he was Chief Justice of the Supreme Court of the United States.

The late Judge Drummond, of Chicago, is a man whose name is revered and loved by all lawyers who had the good fortune to practice in the circuit court of the United States at Chicago—the court over which he presided. I have often heard it said by those who were most familiar with him, that whenever he was troubled over legal questions that were argued before him or when his mind was clouded or uncertain on what course he should adopt on litigation pending before him, he would go out

into the country to his little farm and there, while he was overseeing the care of his cattle and sheep and hogs and horses, he solved the problems that perplexed him while in his court room in the great city; and when he came back to his court he came with a mind clarified and broadened by his country experience and administered the law in a spirit of fairness and justice that has placed his name among the greatest judges of this or any other country.

Mr. RIXEY naturally, from his mode of life, took a deep interest in politics, and that he should eventually represent his people in Congress was as natural and as inevitable as that night follows day. His practice at the bar in the circuit carried him over many of the counties of his district. The people in the court room learned of his high character, his candor, and his fidelity to duty, and when the time came in his career when he felt that he could abandon in whole or in part his law practice the people of the Eighth Virginia district honored themselves by electing him to the House of Representatives of the United States. The repeated elections which followed his first show how well he met the expectations of his constituents and how fully he discharged all of the duties of a Representative in Congress. I found him during the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses, in which I served with him, always alert when the interests of his constituents or of his State were involved. He was a broad-minded, patriotic citizen, and while he never forgot the people of his district or of his State, he was always quick to respond to any question that involved the true interests of his country.

Mr. President, Virginia will undoubtedly have in the future, as she has had in the past, men to represent her in the Congress of the United States of marvelous oratorical ability, but she will have no one, in my judgment, who will be more faithful to her interests or more true to his ideals than was JOHN F. RIXEY.

Mr. HEMENWAY. Mr. President, I desire to add a few words of tribute to the memory of JOHN FRANKLIN RIXEY. I served with him in the Lower House of Congress, and there learned to respect and admire him. He was a member of the Committee on Naval Affairs, and my position on the Committee on Appropriations frequently brought me in personal contact with the members of his committee, and I shall never forget the industry, patience, and patriotism with which Mr. RIXEY discharged his duties as a Representative of the great State of Virginia. We differed in politics, but above partisanship there always shone out from his character the higher and nobler sentiments of a patriotic American citizen.

He was a typical Virginian, and he was proud of her history. He knew Virginia as the great State that she is, that has furnished to our country some of our most noted statesmen and greatest jurists. He was born in Culpeper County, August 1, 1854, during the days when public sentiment was arraying itself on one side or the other of the question that seven years later resulted in the greatest war the world has ever witnessed. His earlier impressions were formed during the days when men thought deep and strong, when martial music filled the air and soldiers were marching to war. Though he lived in a section of the country where the fruits of war were most bitter, and where the hand of destruction fell most heavily, yet in his life and public service there was naught but the broadest statesmanship that rejoices in a great united country.

Words of eulogy can not add to or detract from the fame of any man, but when offered as they are to-day they do credit to those who speak them. Perhaps no higher tribute can be paid a man in public life than the tribute that he labored earnestly and faithfully to bring about matters of public benefit, and perhaps no public man who had an ambition to serve the people faithfully and earnestly would desire a greater compliment than have it said of him "he succeeded."

Measured by this test, Mr. RIXEY's life was complete. He not only served his people diligently and faithfully and accomplished much good, but he made many friends, who shall always remember him pleasantly and kindly.

Mr. CARMACK. Mr. President, the death of JOHN F. RIXEY was to me a personal grief. I served with him as a Member of the House, was brought into close and frequent contact with him in committee, and learned to know him—head and heart. We entered the House together. We became friends almost as soon as we became acquaintances. This friendship, upon my part, was based upon the only sure and enduring foundation of friendship, an admiration for the solid qualities of the man. I observed in my association with him that his conscientiousness in the performance of public duties was marked and exceptional. He loved to know things thoroughly and to do things well. He sought with earnest purpose to know his premises perfectly before he reasoned to the conclusion. He brought to the consideration of public questions a mind that was lucid, clear, and logical. It seemed to me that he labored to cast out of his thought all prejudice and preconceived opinion when he had to deal with a particular case. He had fixed principles which he held, not for show nor for purposes of academic discussion. They were to him rules of life, and he made his opinions and his conduct in particular cases conform rigidly thereto. Truth and right and justice were always present with him.

In dealing with public matters his thought was directed to the merits of the question in debate rather than to the temper or disposition of his audience, and his power of persuasion lay in the force of his reasoning, the lucidity of his statement, and his clear comprehension of the subject. He was a man of ability—of much more than usual ability—and yet it was his character more than his intellect that commanded respect. The same might be said of every man who is truly great. It was true of Washington; it was true of Lee; it was true of Alfred. JOHN F. RIXEY had a character which made him love the right; he had an intellect which enabled him to understand and defend it.

He therefore could always command attention. While never a rhetorical, he was always an interesting speaker, for he brought to the discussion of every question that most compelling of all faculties, earnestness—an evident sincerity and a strong conviction. His intellectual abilities would not have made him what he was if they had not been coupled with love of truth and justice. I saw and observed this quality in him when we were members of the Committee on Claims in the House of Representatives. No false or unjust demand upon the public Treasury could evade his relentless questioning; but he was as eager to do justice to the claimant as he was to the Government, and every honest claim found in him an earnest champion.

Before he entered public life he had won distinction as a lawyer in competition with a bar famed for legal lore and skilled in forensic combat. There were perhaps many of those whom he met in such combat who had, in the popular sense of the term, a greater gift of eloquence than he. He was a match for the best of them, because he was learned in the law, industrious in the preparation of his cause, and clear and logical in its presentation, and had that indescribable power of character which gives double power to the intellectual faculties. Those who knew him as a lawyer not only testify to his ability, but to the fidelity with which he observed the ethics and honorable traditions of a noble profession. This was a part of his character as a gentleman, born and bred.

From my first acquaintance with JOHN F. RIXEY he seemed a man in feeble and failing health, whose mental energies held disease at bay. In the latter years of his service this fatal disease made steady progress upon him, but he clung heroically to his post of duty, disregarding the warnings of his physicians and the pleadings of his friends that he might be faithful—faith-to the last—to his trust. He felt that the high honors his people had bestowed upon him demanded of him a great sacrifice in their service. He made that sacrifice to the uttermost—"greater love hath no man than this."

JOHN F. RIXEY was not only esteemed and respected, but by those who knew him he was loved. He had that charm of manner which goes with a pure and upright soul—the charm which, unconsciously and without effort, sheds itself abroad, a charm which all men feel, but which none can define.

It is to me a melancholy pleasure to lay my humble wreath upon the coffin of so grand a man. I hope the few but earnest words I speak may be of some comfort to his family and his friends. Whenever such a life goes out there is the comforting thought that such a character and such a life can never be in vain. The pure spirit of JOHN F. RIXEY has passed beyond the bounds of this mortal life; but he lives, not alone in the loving hearts of friends and family, but in the blessed influence he left behind, which will help to make in his own image the lives of those who come after him.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE ADAMS.

The VICE-PRESIDENT laid before the Senate the following resolutions from the House of Representatives; which were read:

IN THE HOUSE OF REPRESENTATIVES,
February 24, 1907.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. HENRY C. ADAMS, late a Member of this House from the State of Wisconsin.

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 the exercises of this day, 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.

Mr. SPOONER. Mr. President, I offer the resolutions which I send to the desk, and ask their adoption.

The VICE-PRESIDENT. The resolutions will be read.

The resolutions were read, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY C. ADAMS, late a Member of the House of Representatives from the State of Wisconsin.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Mr. SPOONER. Mr. President, the angel of death has been very busy among the Members of the Fifty-ninth Congress. Many times we have been summoned, giving pause to the public business, to stand by the open grave of a comrade in the public service who has died in the line of duty. In this roll of the dead is the name of one of Wisconsin's best-loved and most-trusted citizens, the Hon. HENRY CULLEN ADAMS, late a Member of the House of Representatives from the Second district, who was stricken on his journey homeward, and in Chicago on Monday, the 9th of July last, sank into "that sinless, stirless rest which we call death."

It is my belief that but for his spirit of self-sacrifice and unyielding devotion to duty as a legislator he might have been still among us. I saw him often during the last week of the session, ill and weary, but intensely interested, as a leading member of the Committee on Agriculture, in the pure food and agricultural appropriation bills, each containing novel and important propositions which he deemed of vital consequence to the people, and the success of which he promoted with unflagging spirit and unceasing personal effort. The end of the session left him, in the reaction from its activity and excitement, an easy victim to any acute physical ailment. In our last conversation he spoke of his unutterable longing for the rest and companionship of home and its surroundings of rare beauty. In the providence of God he was never again to behold it, but his wasted body was borne by loving hands, amid the tears of the thousands who had known and loved him, to the resting place which he had long ago chosen.

Mr. ADAMS was born November 28, 1850, at Verona, Oneida County, N. Y. He removed with his parents to Wisconsin in 1851, attended the Albion Academy one year and the University of Wisconsin three years, being compelled by frail health to forego the ambition to graduate with honor in his class, which no one doubted he would have attained.

He was a member of the Wisconsin legislative assembly two terms, from 1883 to 1887, and from the beginning of his service was a distinguished and useful member of that body.

He served a time as State superintendent of public property, and was dairy and food commissioner of Wisconsin from 1894 to 1902. It is safe to say that there was not in any State a dairy and food commissioner who excelled him in aptitude for the work or in ability to perform it, if, indeed, his equal was anywhere to be found.

He was elected to the Fifty-eighth Congress and reelected to the Fifty-ninth Congress from the Second district, his home being at Madison, the capital of the State, which also is the home of my colleague and myself.

Mr. ADAMS was married on the 15th of October, 1878, to Miss Anna B. Norton, and his home life was always a charming and happy one.

He could look back upon an ancestry in which were great names celebrated for learning, eloquence, and distinguished public service to the whole country. I knew his father well and entertained for him great admiration. He was a scientific farmer, many times a member of the legislature, and a man of mark and individuality in a body in which were a large number of the ablest men in the State. He was an entrancing speaker. His voice was musical and his diction perfect. A very modest man, who never talked of himself, it used to be marveled that "Farmer Adams" was so scholarly and so eloquent. But Benjamin Franklin Adams was one of the earlier graduates of Hamilton College, New York, and for some years professor of Greek and Latin in that institution. He would have been eminent at the bar or in public life, but he preferred the life of the farm and the intelligent and scientific pursuit of agriculture. The last time I ever saw him was at a Psi Upsilon banquet, the first he had attended for over forty years and at which he was the guest of honor. In an hour he grew young again and made an address of great beauty. In a little time he died.

On the farm and under the tutelage of such a father, HENRY CULLEN ADAMS spent his youth, and was well taught before entering college in history, the languages, literature, rhetoric, and agriculture in its theoretical and practical phases. Here he imbibed an abiding love for agriculture, a thorough knowledge of the needs of the farmer, and a sincere devotion to his interests. His life work was largely dedicated to the service of agriculture. He was a man of large constructive ability, an admirable logician, of analytical, yet broad, mind, and the author of many laws enacted in Wisconsin and other States in the interest of agriculture. He spoke in many States in advocacy of pure-food laws and of the dairy interests of the country. There was no field or phase of agriculture in which he had not been a student and upon which he could not write and speak instructively and with great ability.

He was a Republican always. He loved politics of a decent, manly sort, and he was one of the most interesting and popular exponents of the principles and policies of the party which he loved who ever appeared upon the hustings in the Northwest.

He was a broad-minded man, full of charity for all men and tolerant of differences of opinion, and, although a partisan, he found no warrant because of difference of opinion upon party principles and public policies for impeaching the patriotism or sincerity of his opponents.

It had been, Mr. President, to my knowledge, the ambition of his life to become a member of the national House of Representatives, and he was admirably equipped in every way to render to the country great and conspicuous service as a national legislator. During the too brief period which he served here he exhibited in a high degree strength as an original thinker, an eloquent and resourceful debater, a high order of constructive statesmanship, an unconquerable spirit, a geniality which won the affectionate regard of his associates in both parties, and made it certain that, with health and years of service, he could easily achieve a lofty eminence in the field of national legislation. His whole life, Mr. President, was pathetic in this, that it was the constant struggle of a dauntless spirit with bodily weakness.

In the last session which he attended he made great impression upon the body of which he was a member, and won the respect and admiration of the President and members of his Cabinet. I have more than once dwelt with peculiar pleasure, since he was laid to rest at "Forest Hill," near by the home which he had builded for himself and family, and in which he had spent so many happy years, upon the fact that I was able in the last conversation I had with him, as we sat in our cloak room, to repeat in his presence the friendly and flattering words spoken of him by the President in conversation with me an hour before. They brought color into his pale cheeks and a new light to his tired eyes.

He spoke always with persuasive eloquence, and when aroused, with great power, and with a vocabulary which was simple and quite classic.

His body was frail, but his will was strong; his ambition was keen and honorable, and his spirit was unconquerable. He possessed a rare sense of humor and was a delightful companion, a faithful friend, and quick and tender in his sympathies.

It was altogether characteristic of him and of his life that the first legislative purpose which he developed and pursued in Congress to successful consummation was an enlargement of the appropriation for the support of agricultural colleges and experiment stations, the value of which to the farmers of the country, and therefore to the people of the country, he knew as well, if not better, than any other man of my acquaintance.

He was a man of strong convictions, and when committed upon a policy or principle which he thought was right he was absolutely unshakable. He was opposed to the compulsory joinder of two Territories into one State, and no power or pleading could move him from his position. And that, Mr. President, was characteristic of him, although he was as free from what men commonly call obstinacy as any man I ever knew.

He died too soon, but—

Death is the dropping of the flower that the fruit may swell.

Wisconsin will not forget his shining qualities and his splendid public services, and her good people will tenderly cherish his memory.

My colleague [Mr. LA FOLLETTE], who was a lifelong friend of Mr. ADAMS, is, to his sorrow, prevented from joining in the tribute to him this evening because of illness.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE KETCHAM.

The VICE-PRESIDENT laid before the Senate the following message from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,
February 24, 1907.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon JOHN H. KETCHAM, late a Member of this House from the State of New York.

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 the memorial exercises of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk communicate these resolutions to the family of the deceased.

Mr. DEPEW. Mr. President, I offer the resolutions I send to the desk.

The VICE-PRESIDENT. The Senator from New York submits resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. JOHN H. KETCHAM, late a Representative from the State of New York.

Resolved, That the business of the Senate be now suspended, that fitting tribute may be paid to the memory of the deceased.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from New York.

The resolutions were unanimously agreed to.

Mr. DEPEW. Mr. President, those of us who have been here for many years have experienced during this Congress and others how frequently death comes where there are 90 Senators and 386 Members of the House. As a rule, the colleague who has departed did not have the qualities of mind or distinction in public life which raised him sufficiently above the average of his fellows for him to be distinguished beyond them all. Now and then there is a rare character who does possess these qualities and has achieved this unique success.

I know of no one in my long acquaintance with public men, covering now more than half a century, who without being spectacular, without calling to himself the attention of the whole country, yet had such a remarkable career as Gen. JOHN H. KETCHAM. He lived in the district adjoining the one in which I was born and passed most of my life, and during the whole of his public career he was my intimate friend. I knew him in his private, business, and political life. He had the distinction of being for thirty-four years a Member of the House of Representatives, a period longer than any other man has served since the formation of the Republic, and in the changing conditions, increased population, and greater competition of our times and those which will succeed, I doubt if that record will ever be equaled, and I think he will always stand as the man who spent more years in the public service in the popular branch of our Government than any other one who ever served there.

His career presents a beautiful example of American life. He was born in modest circumstances. He became a farmer in early life, upon a moderate patrimony, and proceeded at once, with the qualities which made his success, to impress himself upon his community. The advantages of education to him were only those of the common school and the local academy, but they sufficed to overcome all obstacles and to enable him to surpass all his contemporaries.

He was a member of the local legislature of his county as a supervisor from his town the year he became of age. Two years afterwards he became a member of the lower house of the legislature of the State of New York, and at 25 he was a State senator. He was reelected, and then came the civil war.

The manner in which the volunteer regiments were raised in our State was that in each Congressional district three citizens were appointed to take charge of the recruiting. In his Congressional district they were Benson J. Lossing, the distinguished historian; Judge Emmett, one of the most eminent members of our supreme court, and this young senator. The work of this recruiting service devolved upon this young man, who had already become a familiar figure upon every farm and in every household in the district. In three weeks the One Hundred and Fiftieth New York was raised. They were men of his own age, of his own period, his intimate friends, his political allies and associates, and their demand was that he should go with them as their leader to the front, and they elected him their colonel.

He was a young married man with a little family—very young—yet he did not hesitate a moment. He assumed the responsibility of command of the regiment—a farmer's boy who knew nothing whatever of military tactics and who had never been connected with a military organization. But with the same persistent energy and grasp of things with which he had to do that made his success, he drew about him the best military talent available and studied night and day, and used the same efforts with his regiment, until when it came to the front it was a disciplined organization with a competent leader.

During all the years of the civil war it was the characteristic of the One Hundred and Fiftieth New York that it was equal to any duty it might be called upon to perform. It was in all the campaigns of the Army of the Potomac and afterwards in those of the Army of the West, and as in different battles its ranks were depleted they were recruited again from these same farmer boys of the district which its colonel had represented in the legislature.

He was wounded at Gettysburg, his life despaired of, and from that wound he suffered during his life. But when he could once more move, though he had ample excuse to retire, he was with Sherman, at the head of the One Hundred and Fiftieth New York, and marching through Georgia to the sea.

In 1865 the boys, writing home from the regiment of their colonel, who was always caring for their comfort regardless of his own, whether it was in camp or on the battlefield or in the hospital, created a sentiment in the district that he should represent them in Congress, and he was practically unanimously elected. For four terms he was in the lower House, covering eight years.

Then came one of the most remarkable contests which has ever occurred in our country. It was in 1872. The candidacy of Horace Greeley had demoralized for the time the Republican party, which had been brought up on the New York Tribune, and demoralized the Democratic party which had nominated its most distinguished, able, and bitter opponent as its candidate for the Presidency. The Democratic party then undertook to defeat Colonel, Brigadier-General, Major-General, and Congressman KETCHAM. They selected a millionaire opponent, and the contest developed election methods to an extent never before or since known.

In those days we had no civil-service and no corrupt-practices acts. In those days when the courts met and the judge charged the grand jury on the statutory clauses, among which was bribery at the polls, it received no other attention than a smile in the court room. In this contest, which attracted the attention of the country, and especially of our State, General KETCHAM was defeated by a few hundred votes. But it was known and admitted that the contest had cost the successful candidate more than a quarter of a million dollars, and when the grand jury met again and the judge solemnly charged, no smile was seen in the court among the grand jury, the petit jurymen, the litigants, the lawyers, or the witnesses, because all knew the facts, and many of them were disgracefully connected with them.

No investigation followed and no action was taken, and no public interest in the matter shown. We hear much in praise of the good old times and regrets that they can not return, but such a canvass and election would be impossible now in our State or any other.

General Grant knew and appreciated General KETCHAM as a soldier, and came, during the General's eight years in Congress, to recognize his talents for affairs, and instantly called upon him to serve the Government in the new organization of the District of Columbia, appointing him on the commission with Governor Dennison, of Ohio, and Henry T. Blow, of Missouri, two eminent executive officers. The General made a deep and profound study of the capital problem. He became familiar with the plan of that remarkable genius, L'Enfant, who was selected by General Washington to lay out this city, then a city of magnificent distances, so well described by that phrase.

During his three years as Commissioner he energetically advanced the plans since carried out and expanded which have made Washington remarkable, and in the full development of which this city will become the most beautiful capital in the world.

But after three years without its old Representative his district found it did not have the same distinction and service as with General KETCHAM, and it again called on him to represent its people in the House of Representatives. The second time he was a Member for sixteen years, eight times consecutively reelected, generally without any opposition, though it was one of the most doubtful districts in our State, and often Democratic. But frequently he would be unopposed in order that his forceful genius and efforts might not prevail in the local campaign.

At the end of sixteen years his health failed, and he retired for three years, but the district again demanded him. It would have no one else. He was unanimously called upon and remained in Congress for eight years more, until his death.

One of the most pathetic and beautiful tributes which can be paid to a man was that which crowned his life. It was known that he was in desperate health; it was known that he was paralyzed; that he could perform little or no service for his district or the country, and yet the convention of his party unanimously nominated him, and it was understood that there would be no opposition; but unhappily he died ten days before election.

Mr. President, here is the life of a man who was fifty-one years in the public service, who was thirty-four years in Con-

gress, who served with distinction in the legislature of his State, who won approbation as a Commissioner of this capital District of the country, and who as a soldier received the commendation of his brigade and division commanders for distinguished services in the field, and who left the Army a major-general.

Now, what were the peculiarities, what were the characteristics, which made this very remarkable career? He served in Congress under the leadership of Thaddeus Stevens, James G. Blaine, James A. Garfield, William McKinley, David B. Henderson, and JOSEPH G. CANNON; and while the RECORD might display little of what he did, he was a most valuable assistant to each one of them. He was in Congress with every President from Lincoln to Roosevelt, and while occupying but little space in the public press he was constantly invited to the White House for his assistance and advice.

It was known that while orators might speak and leaders might direct, there was no Member of Congress in KETCHAM'S time who could accomplish so much for the success of any measure or the defeat of any bill which was before the House. If he could have written his reminiscences and autobiography, giving the unwritten story of party measures and policies and the secret of success and of failure of leaders during his long term, what a valuable contribution it would have been to our political history.

In New York, which probably more than any other State in the Union has been for a century in both parties subject to dominant leadership, he was always a stalwart. He was in office when the famous partnership of Seward, Weed, and Greeley was dramatically dissolved, and continued during Greeley's temporary leadership and the control of Thurlow Weed. He was in office when Conkling and Fenton had their bitter fight, first Fenton in command and then the autocratic domination of Conkling, and so on down to the time of his death. He never shifted from one side to the other as leaders changed. His own side might be in a minority in the State organization, but his hold upon his own district, from the affection which the people had for him, was such that the State organization could never wrest from his hands the organization of his Congressional district.

He was a politician of the old school. He believed in machines. He believed in patronage. He believed in getting all that was possible of positions for his friends. I do not think any man who lived in his time, or any twenty, had so many men in office as General KETCHAM. He had an instinctive knowledge when there was a vacancy in any Department of the Government, and he had a man ready to fill it and generally got him in. The President or a Cabinet minister or the bureau head knew perfectly well when General KETCHAM came in that the desired position had to be surrendered before the General retired. He did not confine his activities to political appointments in taking care of his friends. There was scarcely a firm or corporation in the State with a large force of employees which was not subject to his activities. The New York Central Railroad had the Hudson River division running on one side of his district and the Harlem division on the other, and during the period of nearly twenty years while I was its executive officer if a vacancy occurred in his district General KETCHAM knew it before I did—before it was reported to the president—and he was in my office with a candidate for the place, and usually secured it.

I will say in this connection that his selections were always men fitted for the duties. There was no distinction with him as to politics in securing positions. If the candidate was a young man whom he believed deserving or a middle-aged man with whom fortune, for no fault of his own, had somehow gone wrong, he would do for him what he could. Fathers were succeeded by sons grateful to this old general who had either given them in youth a lift in life or saved the family in hard luck from distress.

He had an utter contempt for the holier-than-thou patriot. He had an inexpressible and infinite loathing for the man who believed that he was lifted as he tore down reputations.

Now, then, what constituted his enormous success? How did he remain fifty-one years in public life? How did he rise to be a major-general in the hot battles of the civil war? Why was it he could never be defeated, except in that one extraordinary canvass against him, in his own district? Why was he as fortunate in business as in politics? Because under all circumstances and at all times he was a man of such wise judgment and good sense that he knew a situation before other people; because of tireless industry, which was spurred to greater effort by failure and often won victory from defeat.

He never made a speech, and yet he was more successful than great orators. He never wrote a magazine article or a contribution for the newspapers, and yet he had more influence with the public opinion of his district than all orators or editors or magazine writers.

Mr. President, this farmer, legislator, Senator, Congressman, soldier had ideals. He had ideals about his home, and it was a beautiful one, with wife and children. He had ideals about the public service, and he did his full part in the great measures which for the last fifty years have been before the Congress of the United States. He had his ideals as a soldier, and he met the commendation of those great soldiers whose names will be forever connected with the most glorious part of the history of our country. He had ideals of public life—that he should be true to his country, his friends, and his own manhood and independence.

So Gen. JOHN H. KETCHAM lived and died. For fifty years he was in the open and before the public. Important investigations were held while he was upon the platform, but he was never brought in. Great scandals smirched both Houses of Congress while he was in office, but he was never touched. Continually on the platform and in the public eye, his record was always honorable, and he had the highest consideration of his associates, his friends, and his enemies.

I know of no example of a man so inconspicuous and yet so great which furnishes such a noble lesson of the possibilities of American citizenship to the youth of our country as that of Gen. JOHN H. KETCHAM.

Mr. HOPKINS. Mr. President, I served for eighteen years in the House of Representatives with General KETCHAM. During that period I learned to know him well. I ask the privilege of printing in the RECORD my estimate of his character and his public services.

The VICE-PRESIDENT. Without objection, permission is granted.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE FLACK.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The resolutions were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 24, 1907.

Resolved, That the business of the House be now suspended and that opportunity be now afforded Members to pay tribute to the memory of Hon. WILLIAM H. FLACK, late a Representative from the State of New York.

Resolved, That as a special mark of respect and esteem for Mr. FLACK, the House, at the conclusion of these proceedings, adjourn.

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.

Mr. DEPEW. Mr. President, I submit the resolutions which I send to the desk, and I ask for their adoption.

The resolutions were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. WILLIAM H. FLACK, late a Representative from the State of New York.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Mr. DEPEW. Mr. President, when a man has passed his limit of three score and ten, and four score is near, his death is not an interruption, but the sudden checking of ultimate possibilities. We mourn his loss as we have in the last hour that of General Ketcham, who died at 74. But when the dread event comes in the early forties it is more than an ordinary calamity. The citizen who is in his meridian and has accomplished something of success is a valuable asset of his community and of the State. He has cleared the obstacles and difficulties from his pathway, his judgment has ripened, experience has made him wise, and the course before him is clear.

Mr. WILLIAM HENRY FLACK commenced the struggle early, with no advantages other than those afforded by the common school. He made his fight in the battle with the world in the community where he was born. At 46, when he died, he had been a success in business, a trustee and president of his village, chairman of his party committee in the county, and twice a Member of Congress from the district comprising the counties of St. Lawrence, Franklin, Essex, and Clinton. In the usual course of events he should have possessed thirty years more for service to his country and rewards for himself.

The difficulties which surround a country boy who aspires not only to business success, but to a political career, are greater than those which meet the son of the city. This is peculiarly the case where political distinction is desired. The man of the town is absorbed in the hot competitions of his vocation. The theater, the club, and other social diversions claim his spare time. It is only in periods of excitement about public questions that his attention is diverted to political matters. Public

opinion in great cities is dormant unless aroused by some crisis in the affairs of the municipality, the State, or the nation. After a period of feverish and passionate activity the people settle down again to the normal conditions with less interest in public affairs than in those which pertain immediately to their welfare. In the city there is no neighborhood. The citizen rarely knows who lives on his street or who are the occupants of the other apartments in his apartment house. Many a man who has been distinguished and looked up to by his neighbors in the country, who has been a local oracle and in a measure the pride of the people, has come to the metropolis for a larger field for his talents and activities. I have had the ex-judge and the ex-Senator or ex-Congressman say to me: "I do not know who lives on either side of me or across the way. I am a stranger in the elevator to those who are going to their offices in the vast building. I am jostled in the streets and crowded on the cars. Few call upon my family, and we might almost as well be in the Desert of Sahara. I miss the attention and recognition to which I have been accustomed, and that most delightful flattery in the world, the respect and admiration of men, women, and children, which I had at home, and we are going back. No pecuniary rewards compensate for the loss of that human contact and brotherly feeling which constitute the larger part of the pleasures of life." Under these conditions the organization more than the individual governs his career, unless he can control the organization.

In the country, however, the circle of the citizen enlarges with his activities and he becomes socially and politically well known, first in the town, then the county, and afterwards the district; but he must be somebody and do something which raises him above the average in order to receive recognition as a leader. Happily for our institutions, politics in these rural communities are not the spasmodic and often wild passions or crazes of the hour, but they are the thought and the pursuit of everyone all the year round. The newspapers are not read for the stock market or telegraphic news or cablegrams, but for editorials, transactions of conventions, and speeches of public men. Magazines are on the table of the sitting room not for ornament, but to be read. The lecture hall takes the place of the theater, and there the greatest questions of religion, politics, and sociology are discussed. The interval between the morning and afternoon service on Sunday is utilized as a sort of Chautauqua for the interchange of views, and they promote general education. It is to the credit of Mr. FLACK that he made his career in such a community. There is no community more typical of the very best conditions of rural life in the country than the district which Mr. FLACK represented in Congress. Its common and high schools, its academies and its college, are of the foremost educational rank. Its people have always been noted for their public spirit, interest in public affairs, and pronounced convictions. In the best sense they are all politicians, and the schoolhouse is as much a political primary as it is a primary school. Men of State and national fame have been its representatives. No ordinary man could command the suffrages of these counties. The difficulties in the way of success are greater because they are overwhelmingly of the same party, and a nomination is an election, and the competition is infinitely keener than where a nomination means a doubtful fight.

Mr. FLACK possessed not only the confidence of the people, which led to his being so often honored, and each time with promotion, but he had in a peculiar degree the love as well as the respect of all. He possessed a personality so agreeable and a disposition so charming that they won to him everyone with whom he came in contact. His illness, unfortunately, prevented continued activities in the House of Representatives, but while here he was a conscientious worker and had the confidence and respect of his associates. He leaves an honorable record for his family and for the representation of New York in the Congress of the United States.

Mr. DEPEW. I move that the Senate do now take a recess.

The motion was agreed to; and (at 9 o'clock and 32 minutes p. m.) the Senate took a recess until to-morrow, Sunday, March 3, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1907.

COLLECTORS OF CUSTOMS.

Reginald Branch, of New Jersey, to be collector of customs for the district of Burlington, in the State of New Jersey, in place of I. Snowden Haines, resigned.

William B. Boone, of New Jersey, to be collector of customs for the district of Bridgeton, in the State of New Jersey, in place of George W. McCowan, whose term of office expired by limitation February 23, 1907.

Walter Fifield, of New Jersey, to be collector of customs for the district of Great Egg Harbor, in the State of New Jersey. (Reappointment.)

Charles F. Leach, of Ohio, to be collector of customs for the district of Cuyahoga, in the State of Ohio. (Reappointment.)

APPOINTMENTS IN THE ARMY.

General officers.

Col. Alfred C. Markley, Thirteenth Infantry, to be brigadier-general from March 2, 1907, vice Jocelyn, retired from active service.

Col. Charles B. Hall, Eighteenth Infantry, to be brigadier-general, vice Duggan, to be retired from active service.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. John G. D. Knight, Corps of Engineers, to be colonel from March 2, 1907, vice Heuer, retired from active service.

Maj. George W. Goethals, Corps of Engineers, to be lieutenant-colonel from March 2, 1907, vice Knight, promoted.

Capt. Herbert Deakyne, Corps of Engineers, to be major from March 2, 1907, vice Goethals, promoted.

First Lieut. Michael J. McDonough, Corps of Engineers, to be captain from March 2, 1907, vice Deakyne, promoted.

Second Lieut. Ernest Graves, Corps of Engineers, to be first lieutenant from March 2, 1907, vice McDonough, promoted.

Cavalry Arm.

Second Lieut. Arthur J. Lynch, Fifteenth Cavalry, to be first lieutenant from February 28, 1907, vice Duncan, Fourteenth Cavalry, retired from active service.

APPOINTMENTS IN THE ARMY.

Maj. Gen. Fred C. Ainsworth, The Military Secretary, to be The Adjutant-General with the rank of major-general from April 23, 1904.

Brig. Gen. William P. Hall, military secretary, to be adjutant-general with the rank of brigadier-general from April 23, 1904.

Col. Henry O. S. Heistand, military secretary, to be adjutant-general with the rank of colonel from July 22, 1902.

Col. George Andrews, military secretary, to be adjutant-general with the rank of colonel from August 7, 1903.

Col. William A. Simpson, military secretary, to be adjutant-general with the rank of colonel from August 18, 1903.

Col. Henry P. McCain, military secretary, to be adjutant-general with the rank of colonel from April 23, 1904.

Col. James T. Kerr, military secretary, to be adjutant-general with the rank of colonel from June 17, 1905.

Lieut. Col. Alexander O. Brodie, military secretary, to be adjutant-general with the rank of lieutenant-colonel from June 10, 1905.

Lieut. Col. Benjamin Alvord, military secretary, to be adjutant-general with the rank of lieutenant-colonel from June 17, 1905.

Maj. Eugene F. Ladd, military secretary, to be adjutant-general with the rank of major from June 23, 1905.

PROMOTIONS IN THE ARMY.

Adjutant-general with the rank of lieutenant-colonel.

Maj. Eugene F. Ladd, adjutant-general, to be adjutant-general with the rank of lieutenant-colonel from March 2, 1907, to fill an existing vacancy.

Deputy surgeon-general with the rank of lieutenant-colonel.

Joseph Y. Porter, late captain and assistant surgeon, United States Army, to be deputy surgeon-general with the rank of lieutenant-colonel from March 2, 1907.

POSTMASTERS.

CALIFORNIA.

Clyde F. Baldwin to be postmaster at Whittier, in the county of Los Angeles and State of California, in place of Lindley M. Baldwin. Incumbent's commission expired February 9, 1907.

Oliver H. Duvall to be postmaster at Claremont, in the county of Los Angeles and State of California. Office became Presidential January 1, 1907.

KENTUCKY.

James N. Coffey to be postmaster at Columbia, in the county of Adair and State of Kentucky. Office became Presidential January 1, 1907.

ILLINOIS.

Charles F. Douglass to be postmaster at Ashland, in the county of Cass and State of Illinois, in place of Charles F. Douglass. Incumbent's commission expired February 23, 1907.

Karl Miller to be postmaster at Winchester, in the county of

Scott and State of Illinois, in place of Karl Miller. Incumbent's commission expires March 3, 1907.

B. Reinbach to be postmaster at Waverly, in the county of Morgan and State of Illinois, in place of James M. Joy. Incumbent's commission expired February 23, 1907.

INDIANA.

Henry P. Hardie to be postmaster at Anderson, in the county of Madison and State of Indiana, in place of Robert P. Grimes, resigned.

NEW JERSEY.

Charles C. Cowperthwait to be postmaster at Mount Holly, in the county of Burlington and State of New Jersey, in place of Charles C. Cowperthwait. Incumbent's commission expired February 26, 1907.

Thomas C. Elvins to be postmaster at Hammonton, in the county of Atlantic and State of New Jersey, in place of Marcellus L. Jackson. Incumbent's commission expires March 2, 1907.

Arthur Winner to be postmaster at Palmyra, in the county of Burlington and State of New Jersey, in place of John E. Morton, resigned.

MASSACHUSETTS.

George Abbott to be postmaster at East Douglass, in the county of Worcester and State of Massachusetts, in place of George Abbott. Incumbent's commission expired February 11, 1907.

Frederick H. Greene to be postmaster at Ashburnham, in the county of Worcester and State of Massachusetts, in place of Ermina L. Evans, resigned.

MICHIGAN.

Frederick A. Roethlisberger to be postmaster at Hillsdale, in the county of Hillsdale and State of Michigan, in place of Edwin J. March. Incumbent's commission expired February 19, 1907.

MISSOURI.

Walter A. Coon to be postmaster at Republic, in the county of Greene and State of Missouri. Office became Presidential January 1, 1907.

John M. Eaton to be postmaster at Fayette, in the county of Howard and State of Missouri, in place of James Taylor. Incumbent's commission expired January 13, 1907.

PENNSYLVANIA.

Clara E. Fessenden to be postmaster at Roulette, in the county of Potter and State of Pennsylvania. Office became Presidential January 1, 1907.

OKLAHOMA.

W. S. Cade to be postmaster at Shawnee, in the county of Pottawatomie and Territory of Oklahoma, in place of George E. McKinnis. Incumbent's commission expired January 13, 1907.

TEXAS.

William J. Miller to be postmaster at Hallettsville, in the county of Lavaca and State of Texas, in place of William J. Miller. Incumbent's commission expires March 2, 1907.

J. S. Wells to be postmaster at Bowie, in the county of Montague and State of Texas, in place of William C. Smith, removed.

WISCONSIN.

James W. Meiklejohn to be postmaster at Waupun, in the county of Fond du Lac and State of Wisconsin, in place of James W. Meiklejohn. Incumbent's commission expired February 26, 1907.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 2, 1907.

Henry P. Hardie, sent to the Senate to-day, to be postmaster at Anderson, Ind.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1907.

UNITED STATES MARSHAL.

George H. Green, of Texas, to be United States marshal for the northern district of Texas.

REGISTER OF LAND OFFICE.

William Farre, of Oregon, to be register of the land office at Burns, Oreg.

PROMOTIONS IN THE NAVY.

Commander Thomas B. Howard to be a captain in the Navy, from the 24th day of February, 1907.

Passed Asst. Paymaster Francis J. Painter, United States Navy, retired, with the rank of lieutenant, to be a paymaster on the retired list of the Navy, with the rank of lieutenant, from the 29th day of June, 1906, in accordance with the provisions of an act of Congress approved on that date.

Professor of Mathematics Harry McL. P. Huse, to be a commander on the active list of the Navy from the 25th day of February, 1907, to take rank next after Commander William L. Rodgers, in accordance with the provisions of an act of Congress approved February 15, 1907.

PROMOTIONS IN THE ARMY.

Joseph Y. Porter, deputy surgeon-general and lieutenant-colonel.

Maj. Gen. Fred. C. Ainsworth, adjutant-general and major-general.

To be adjutant-generals.

Col. William P. Hall, with the rank of brigadier-general.
Col. Henry O. S. Heinstand, with the rank of colonel.
Col. George Andrews, with the rank of colonel.
Col. William A. Simpson, with the rank of colonel.
Col. Henry P. McCain, with the rank of colonel.
Col. James T. Kerr, with the rank of colonel.

Lieut. Col. Alexander O. Brodie, with the rank of lieutenant-colonel.

Lieut. Col. Benjamin Alvord, military secretary, to be adjutant-general with the rank of lieutenant-colonel from June 17, 1905.

Maj. Eugene F. Ladd, adjutant-general, to be adjutant-general with the rank of lieutenant-colonel from March 2, 1907, to fill an existing vacancy.

Maj. Eugene F. Ladd, with the rank of major.

Colonels to be brigadier-generals.

Alfred C. Markley.
Charles B. Ball.

Corps of Engineers.

Col. John G. D. Knight to be colonel.
Maj. George W. Goethals to be lieutenant-colonel.
Capt. Herbert Deakyne to be major.
First Lieut. Michael J. McDonough to be captain.
Second Lieut. Ernest Graves to be first lieutenant.

Cavalry Arm.

Second Lieut. Arthur J. Lynch to be first lieutenant.

COLLECTORS OF CUSTOMS.

William B. Boone to be collector of customs at Bridgeton, in the State of New Jersey.

Reginald Branch to be collector of customs at Burlington, in the State of New Jersey.

Walter Fifield to be collector of customs at Great Egg Harbor, in the State of New Jersey.

POSTMASTERS.

COLORADO.

Augusta Reardon to be postmaster at Victor, in the county of Teller and State of Colorado.

CONNECTICUT.

Walter B. Cheney to be postmaster at South Manchester, in the county of Hartford and State of Connecticut.

ILLINOIS.

Karl Miller to be postmaster at Winchester, in the State of Illinois.

B. Reinbach to be postmaster at Waverly, in the State of Illinois.

Charles F. Douglas to be postmaster at Ashland, in the State of Illinois.

INDIANA.

Virgil A. Geiger to be postmaster at Cherubusco, in the county of Whitley and State of Indiana.

W. O. Nash to be postmaster at Jacksonville, in the county of Green and State of Indiana.

IOWA.

Charles H. Hoyt to be postmaster at Fayette, in the county of Fayette and State of Iowa.

KANSAS.

John K. Cochran to be postmaster at Pratt, in the county of Pratt and State of Kansas.

John Gilman to be postmaster at Madison, in the county of Greenwood and State of Kansas.

Robert D. Rodgers to be postmaster at Syracuse, in the county of Hamilton and State of Kansas.

Lisse H. Shoup to be postmaster at Cimarron, in the county of Gray and State of Kansas.

MICHIGAN.

William H. Goodman to be postmaster at Allegan, in the county of Allegan and State of Michigan.

John T. P. Smith to be postmaster at Clarkston, in the county of Oakland and State of Michigan.

MINNESOTA.

Thomas M. Paine to be postmaster at Glencoe, in the county of McLeod and State of Minnesota.

Mark Swedberg to be postmaster at Luverne, in the county of Rock and State of Minnesota.

MISSISSIPPI.

Robert Burns to be postmaster at Brandon, in the county of Rankin and State of Mississippi.

MISSOURI.

Archie T. Hollenbeck to be postmaster at Westplains, in the county of Howell and State of Missouri.

William W. Wagner to be postmaster at Jefferson City, in the county of Cole and State of Missouri.

NEBRASKA.

James N. Brooks to be postmaster at Rushville, in the county of Sheridan and State of Nebraska.

William Cook to be postmaster at Hebron, in the county of Thayer and State of Nebraska.

William T. Mauck to be postmaster at Wahoo, in the county of Saunders and State of Nebraska.

John F. Nesbit to be postmaster at Tekamah, in the county of Burt and State of Nebraska.

NEVADA.

William B. Graham to be postmaster at Ely, in the county of White Pine and State of Nevada.

NEW JERSEY.

James E. Sherman to be postmaster at Frenchtown, in the county of Hunterdon and State of New Jersey.

NORTH DAKOTA.

James D. McKenzie to be postmaster at Milnor, in the county of Sargent and State of North Dakota.

OREGON.

William H. Lachner to be postmaster at Baker City, in the county of Baker and State of Oregon.

Thomas P. Randall to be postmaster at Oregon City, in the county of Clackamas and State of Oregon.

James S. Van Winkle to be postmaster at Albany, in the county of Linn and State of Oregon.

PENNSYLVANIA.

Ada U. Ashcom to be postmaster at Ligonier, in the county of Westmoreland and State of Pennsylvania.

W. F. Balsbach to be postmaster at Bellwood, in the county of Blair and State of Pennsylvania.

Barnett C. Fretts to be postmaster at Scottdale, in the county of Westmoreland and State of Pennsylvania.

SOUTH DAKOTA.

John Reich to be postmaster at Scotland, in the county of Bonhomme and State of South Dakota.

Delbert W. Wilmarth to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota.

VIRGINIA.

James Carter to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia.

R. W. Garnett to be postmaster at Farmville, in the county of Prince Edward and State of Virginia.

John B. Grayson to be postmaster at Warrenton, in the county of Fauquier and State of Virginia.

William H. Parker to be postmaster at Onancock, in the county of Accomac and State of Virginia.

Thomas H. Smith to be postmaster at Manchester, in the county of Chesterfield and State of Virginia.

WISCONSIN.

James W. Meiklejohn to be postmaster at Waupun, in the State of Wisconsin.

David B. Worthington to be postmaster at Beloit, in the county of Rock and State of Wisconsin.

REJECTION.

Executive nomination rejected by the Senate March 2, 1907.

POSTMASTER.

CONNECTICUT.

Joseph T. Elliott to be postmaster at Middletown, in the county of Middlesex and State of Connecticut.

PECUNIARY CLAIMS.

The injunction of secrecy was removed March 2, 1907, from the ratification of a convention signed on August 13, 1906, by the delegates of the Governments represented at the Third International Conference of American States, continuing in force, with the exception of its third article, the convention providing for the arbitration of pecuniary claims signed on January 30, 1902, by the delegates to the Second International Conference.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 2, 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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 236. Joint resolution authorizing the Secretary of the Navy to furnish metal for a bell;

H. R. 25849. An act permitting the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 25811. An act to authorize the Monroe, Farmerville and Northwestern Railway Company to construct a bridge over the Ouachita River and one over the D'Arbonne River, in Louisiana;

H. R. 25801. An act granting an honorable discharge to Seth Davis;

H. R. 24833. An act for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company;

H. R. 22588. An act for the relief of homestead entrymen who have paid more than the lawful purchase money;

H. R. 21091. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;

H. R. 19751. An act to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery roadway at Natchez, Miss.; and

H. R. 15859. An act ceding certain lands to Colorado State Agricultural College.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 25437. An act to grant American registry to the German bark *Mariechen.*

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 54.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill S. 5623, entitled "An act granting an increase of pension to Nicholas M. Hawkins."

Also:

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill S. 7822, entitled "An act granting an increase of pension to William N. Bronson."

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8622. An act granting an increase of pension to William N. Bronson.

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. 16659. An act to correct the military record of Tobe Holt.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8328. An act to permit the laying of two water pipes from Bayonne, N. J., to Staten Island, New York—to the Committee on Interstate and Foreign Commerce.

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

H. R. 24991. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 23551. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1908;

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

H. R. 24991. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. R. 15909. An act for the relief of the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the U. S. Army transport *Meade*.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I present a conference report on the sundry civil appropriation bill. I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota presents a conference report, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 18, 19, 20, 28, 29, 33, 57, 58, 62, 63, 65, 88, 101, 102, and 109.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 8, 9, 13, 14, 15, 23, 24, 25, 26, 27, 30, 31, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 59, 60, 61, 64, 66, 67, 70, 71, 72, 75, 76, 77, 84, 85, 86, 89, 90, 91, 92, 93, 94, 100, 104, 105, 106, 107, 108, 112, 113, 114, 115, 116, 118, 119, 120, 121, 123, and 124, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out all after the word "available" in line 5 of said amendment; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out all after the word "available" in line 4 of said amendment; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for his information and action thereon;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Point Cabrillo light and fog-signal station, California: For completing a light and fog-signal station at or near Point Cabrillo, California, twenty-five thousand dollars."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "February," insert the word "twenty-sixth;" strike out the fourth line of said amendment, and in lines 6 and 7 of said amendment strike out the words "at a cost not to exceed;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For light and fog-signal station at or near the west end of the draw near the Lehigh Valley Railroad bridge at Passaic, N. J., fifteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "islands;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For light keepers' dwellings and appurtenant structures, including sites therefor, within the limit of cost fixed by said act approved February twenty-sixth, nineteen hundred and seven, seventy-five thousand dollars."

And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For completion of building, including everything necessary for occupation, exclusive of nurses' home, and in addition to the two following sums, fifty-six thousand four hundred dollars, to be immediately available."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with amendments as follows: On page 95 of the bill, in line 11, after the word "dollars," insert the words "to be immediately available;" and on page 95 of the bill, in line 19, after the word "dollars," insert the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "one hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Road to national cemetery, Keokuk, Iowa: For repairs to approach roadway to the Keokuk, Iowa, National Cemetery, one thousand five hundred dollars: *Provided*, That the city of Keokuk improve and agree to maintain in proper repair the road leading south from the main driveway of the city cemetery to the point where the road herein authorized to be improved begins."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Add after the word "appropriated," at the end of said amendment, the following: "This appropriation is made upon the express understanding that it is in full of all just claims against the United States and the District of Columbia on account of the reconstruction of said hospital, and that neither the United States nor the District of Columbia shall hereafter be called upon to pay any further sum on account of such reconstruction or debts incurred in connection therewith;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and one thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million five hundred and twenty-eight thousand and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: On page 190 of the bill, in line 5, strike out the words "present session" and in lieu thereof insert the words "first session of the Fifty-ninth Congress;" and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125,

and agree to the same with an amendment as follows: Restore the matter stricken out by said Senate amendment, amended as follows: On page 197 of the bill, in line 19, after the word "be," insert the words "approved by the Commission and then;" and the Senate agree to the same.

The committee of conference have been unable to agree on amendments numbered 4, 10, 11, 12, 22, 68, 69, 78, 79, 80, 82, 83, 87, 96, 97, 98, 99, 117, and 126.

J. A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,
Managers on the part of the House.
W. B. ALLISON,
EUGENE HALE,
JAMES H. BERRY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25745) making appropriations for the sundry civil expenses of the Government for the fiscal year 1908, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on each of said amendments, namely:

On amendments numbered 1, 2, 3, 5, 6, 7, 8, 9, and 10, relating to public buildings: Increases the amount for the public building at Asheville, N. C., from $30,000 to $45,000, as proposed by the Senate; inserts the provision proposed by the Senate relative to the expenses incident to the occupancy of the building at Cedar Rapids, Iowa; appropriates $5,000, as proposed by the Senate, for additional land for the public building at Erie, Pa.; and appropriates $25,000, as proposed by the House, for the public building at Fairmont, W. Va., instead of $25,000, as proposed by the Senate, for the purchase of the site; appropriates $70,000, as proposed by the Senate, for the public building at Lynchburg, Va., and makes a verbal correction in the provision for the public building at Richmond, Va.

On amendment numbered 13: Appropriates $5,000, as proposed by the Senate, for a telephone line from the Umpqua River life saving station, Oregon.

On amendments numbered 14, 15, 16, and 17: Inserts the appropriations proposed by the Senate for the construction of two revenue cutters, a seagoing tug, and a boarding vessel for the Revenue-Cutter Service.

On amendments numbered 18, 19, 20, 21, 23, and 24: Makes verbal corrections in the text of the bill; fixes the compensation of three employees at the Bureau of Engraving and Printing at $1,600, $1,400, and $1,200, respectively, as proposed by the Senate.

On amendments numbered 25, 26, and 27: Appropriates, as proposed by the Senate, for a general inspector of supplies for public buildings at $3,000, an inspector of furniture and other furnishings for public buildings at $2,500, and an inspector of furniture at $1,600.

On amendments numbered 28 and 29: Appropriates $3,800,000, as proposed by the House, instead of $3,700,000, as proposed by the Senate, for expenses of collecting revenue from customs during the fiscal year 1908, and repeals the indefinite appropriation for the customs service to take effect at the close of the fiscal year 1907, as proposed by the House, instead of 1908, as proposed by the Senate.

On amendment numbered 30: Appropriates $1,500, as proposed by the Senate, instead of $1,200, as proposed by the House, for expenses of local appraisers' meetings.

On amendment numbered 31: Appropriates $540, as proposed by the Senate, for addition to the Prudence Island light station, Rhode Island.

On amendments numbered 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 56 strikes out the appropriation of $100,000, as proposed by the Senate, for a light station at the easterly end of Gull Island, Lake Superior, Wisconsin, and appropriates for certain other light stations authorized by the act approved February 26, 1907, and for light keepers' dwellings in the sums proposed by the Senate.

On amendments numbered 57, 58, 59, 60, 61, and 62, relating to the Light-House Establishment: Appropriates $800,000, as proposed by the House, instead of $825,000, as proposed by the Senate, for repairs of light-houses; $950,000, as proposed by the House, instead of $1,000,000, as proposed by the Senate, for salaries of keepers of light-houses; $700,000, as proposed by the Senate, instead of $650,000, as proposed by the House, for expenses of buoyage; $375,000, as proposed by the Senate, instead of $350,000, as proposed by the House, for lighting of rivers, and $15,000, as proposed by the House, instead of $25,000, as proposed by the Senate, for oil houses for light stations.

On amendments numbered 63 and 64: Appropriates for a chief of division of naturalization, $3,500, as proposed by the House, instead of $4,000, as proposed by the Senate.

On amendment numbered 65: Strikes out the appropriation of $50,000, proposed by the Senate, for compensation of special agents for carrying on the work of the division of naturalization.

On amendment numbered 66: Appropriates $50,000, as proposed by the Senate, for the division of information in the Bureau of Immigration and Naturalization.

On amendment numbered 67: Appropriates $5,000, as proposed by the Senate, to ascertain the conditions under which to refuse permission to certain aliens to enter the United States.

On amendment numbered 70: Appropriates $720,000, as proposed by the Senate, for the Senate office building.

On amendments numbered 71 and 72: Appropriates, as proposed by the Senate, $7,500 for metal cases for the office of the clerk of the Supreme Court, and $3,000 for ventilating machinery in the attic of the Senate Chamber.

On amendments numbered 73 and 74: Appropriates $56,400, instead of $114,000, as proposed by the Senate, for completing the new Freedman's Hospital building.

On amendment numbered 75: Makes the appropriation for resurvey of Wyoming boundary line immediately available.

On amendments numbered 76, 77, and 81: Appropriates $100,000, instead of $150,000, as proposed by the Senate, for gauging streams and determining the water supply of the United States, and limits the investigation of structural materials by the Geological Survey to such as are for the use of the United States, as proposed by the Senate.

On amendments numbered 84 and 85: Appropriates $25,200 to continue the work of reproducing the official records of the offices of the surveyor-general and register and receiver at San Francisco until December 31, 1907, and $2,000 for rent of office room for said force.

On amendment numbered 86: Makes the appropriation for the Mesa Verde National Park immediately available.

On amendment numbered 88: Strikes out the provision proposed by the Senate placing the control of the expenditure of the appropriation for reindeer in Alaska under the Commissioner of Immigration.

On amendments numbered 89, 90, 91, 92, 93, and 94: Fixes the price per lamp per annum for electric lights in the public parks at $85, as proposed by the Senate, instead of $80, as proposed by the House.

On amendment numbered 95: Appropriates $1,500 for road to national cemetery at Keokuk, Iowa.

On amendment numbered 100: Makes the appropriation heretofore made for enlargement of the Fort Sheridan Military Reservation available for additional land.

On amendments numbered 101 and 102: Appropriates $40,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for the Chickamauga and Chattanooga National Park.

On amendment numbered 103: Appropriates $130,629.67, as proposed by the Senate, for Providence Hospital.

On amendment numbered 104: Appropriates $6,500, as proposed by the Senate, for renewal of plumbing in Garfield Hospital.

On amendment numbered 105: Makes appropriation of $15,000, heretofore made for moorings in Hampton Roads and adjacent waters available also for temporary beacons and buoys during the Jamestown Exposition.

On amendments numbered 106 and 107: Appropriates $45,000, as proposed by the Senate, for improving sewerage system at the Soldiers' Home at Togus, Me.

On amendments numbered 108, 109, 110, and 111: Appropriates $6,500, as proposed by the Senate, for pipe line to water system at the Pacific Branch of the Soldiers' Home, and strikes out the appropriation of $8,325 proposed by the Senate for an iron fence at said Home.

On amendment numbered 112: Makes the appropriation for the Red Cross conference immediately available.

On amendments numbered 113, 114, and 115: Appropriates, as proposed by the Senate, $1,800 for rent of an additional building for the Department of Justice; $1,000 for furniture, and $3,000 for miscellaneous expenses of said Department.

On amendment numbered 116: Appropriates $30,000, as proposed by the Senate, instead of $20,000, as proposed by the House, for a court-house and jail at Nome, Alaska.

On amendments numbered 118, 119, 120, and 121: Makes cer-

tain appropriations for the reform school for the District of Columbia immediately available, and makes a verbal correction in the text of the bill.

On amendment numbered 122: Inserts the provision proposed by the Senate relative to printing for The Military Secretary's office, War Department.

On amendments numbered 123 and 124: Appropriates $2,298,367.50, as proposed by the Senate, to pay outstanding four and one-half per cent bonds of the Panama Railway Company.

On amendment numbered 125: Restores to the bill the provisions proposed by the House making available for equipment purposes the appropriation made for 1907 for reequipment of the Panama Railroad.

The committee of conference have been unable to agree on the following amendments of the Senate, namely:

On amendment numbered 4, concerning public building at Denver, Colo.

On amendment numbered 10, concerning subtreasury public building at San Francisco.

On amendment numbered 11, addition to Bureau of Engraving and Printing.

On amendment numbered 12, appropriating $3,000,000 for buildings for Departments of State, Justice, and Commerce and Labor.

On amendment numbered 22, appropriating $125,000 for transportation of silver coin.

On amendments numbered 68 and 69, striking out the provision of the House requiring the statistics as to woman and child labor to be taken by the Census Office.

On amendments numbered 78, 79, 80, 82, and 83, relating to the Geological Survey.

On amendment numbered 87, proposing to establish a national park in Idaho.

On amendments numbered 96, 97, 98, and 99, relating to military posts.

On amendment numbered 117, relating to the Spanish Treaty Claims Commission.

On amendment numbered 126, striking out the provision proposed by the House relating to the purchase of supplies for Executive Departments, and inserting, by the Senate, appropriations for purchase of parks in the District of Columbia.

J. A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,
Managers on the part of the House.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The gentleman from Minnesota moves to agree to the conference report.

Mr. TAWNEY. On that I ask the previous question.

Mr. CLARK of Florida. Mr. Speaker, I would like to ask about the last item read by the Clerk. Is there a disagreement on that?

The SPEAKER. The Clerk will report the item.

The Clerk read as follows:

On amendment numbered 126, striking out the provision proposed by the House relating to the purchase of supplies for Executive Departments, and inserting by the Senate appropriations for purchase of parks in the District of Columbia.

Mr. CLARK of Florida. I understand there is a disagreement on that?

Mr. TAWNEY. That is disagreed to. The conferees have not agreed to it.

Mr. KEIFER. Mr. Speaker, there are some amendments we understand have been agreed to and some not, but we have not had opportunity to examine the report of the conference committee. To some of the amendments disagreed to we desire to ask the House to recede from its former disagreement and to concur, and I desire to make a motion of that kind at the appropriate time.

Mr. TAWNEY. Mr. Speaker, I will say if the previous question is ordered on the adoption of the report and the report is adopted, I understand the parliamentary situation then will be that any Member of the House who desires a separate vote on any amendment yet in conference and disagreed to will have an opportunity to make that motion. Following the adoption of the report I intend to move that the House further insist upon its disagreement to the amendments that are yet in conference and agree to the conference asked by the Senate.

Mr. KEIFER. But, Mr. Speaker, I desire to make a motion to recede from some amendments.

The SPEAKER. But the motion can not be made until the conference report is first disposed of.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Will the motion of the gentleman from Minnesota shut out a separate vote on any amendment which may be desired?

The SPEAKER. Not of those still undisposed of, but this would buckle all those agreed to—that is, buckle up everything covered by the report.

The question was taken; and the report was agreed to.

Mr. TAWNEY. Now, Mr. Speaker, I move that the House further insist upon its disagreement to the amendments yet undisposed of and ask for a further conference.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. KEIFER. Mr. Speaker, before that is put I desire a separate vote——

Mr. UNDERWOOD. Mr. Speaker, I desire——

The SPEAKER. The gentleman will please state on what amendment a separate vote is desired.

Mr. UNDERWOOD. Mr. Speaker, I desire to get some information from the chairman of the committee before I make the request. I would like to ask the chairman of the committee to state the situation of this bill at present as to the items in reference to the Geological Survey.

Mr. TAWNEY. I will say for the information of the House and for the information of the gentleman from Alabama that the particular items in disagreement between the two Houses in this report are, first, the amendment of the Senate proposing to purchase the site for a departmental building at the cost of $3,000,000. There is another Senate amendment in respect to a public building that is in disagreement, which is an authorization of the preparation of plans for the construction of a very large public building in the city of Denver. The amendment of the Senate in respect to woman and child labor is in disagreement, and the amendment of the Senate in respect to the fuel tests, increasing the appropriation $50,000, and the language which extends the purpose of that investigation to all the coal fields of the United States, is in disagreement; and the amendment in respect to the investigation of black sand; also the amendment in respect to the transportation of silver dollars, and the amendment in respect to the purchase of large areas of land in the District of Columbia for public parks is in disagreement. Those are the chief amendments that are in disagreement, including also—and I do not want to omit it—the amendment of the Senate striking out the House provision standardizing the miscellaneous supplies of the Departments, which was carried in our bill as we passed it in the House.

Mr. WILEY of New Jersey. May I ask the gentleman a question?

Mr. TAWNEY. Yes.

Mr. WILEY of New Jersey. I would like to know what was done about the structural material for topographical survey?

Mr. TAWNEY. The structural-material item is included in the agreement. The House conferees receded from the disagreement and agreed to the language the Senate inserted. That is the only change.

Mr. DALZELL. Did they cut out the words "for use of?"

Mr. TAWNEY. Yes; "for use of."

Mr. DALZELL. That is not a disagreement?

Mr. TAWNEY. No.

Mr. DALZELL. No. 78, increasing the sum to $50,000, and No. 79, putting in the language that was stricken out on the point of order, are both in disagreement, and also, if I understand the gentleman rightly, No. 80, for the investigation of black sand?

Mr. TAWNEY. Those three are all in disagreement.

Mr. WILEY of New Jersey. And the one relating to the topographical survey?

Mr. TAWNEY. The topographical survey is in disagreement.

Mr. NEEDHAM. Is there an agreement on the investigation of water resources?

Mr. TAWNEY. Yes; there is an agreement, and it is included in the report just adopted.

Mr. MONDELL. As I understand it, the agreement is a reduction of $50,000 in the Senate provision?

Mr. SIMS. The gentleman from Minnesota [Mr. TAWNEY] spoke of matters of serious disagreement, and did not mention the omnibus park bill, to provide four parks in the District of Columbia.

Mr. TAWNEY. I beg the gentleman's pardon. I did mention it.

Mr. SIMS. I beg the gentleman's pardon; I misunderstood it.

Mr. TAWNEY. I stated that the proposition to purchase various areas in the District of Columbia for public parks is in serious disagreement.

Mr. SIMS. I am glad to hear the gentleman say "seriously in disagreement."

Mr. MANN. Mr. Speaker, I have no doubt that this colloquy is interesting to the gentlemen, but the rest of us would like to know what it is.

Mr. TAWNEY. Mr. Speaker, I have made the motion that the House insist upon its disagreement to the Senate amendment.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. KEIFER. Mr. Speaker, there is.

The SPEAKER. What amendment?

Mr. KEIFER. On amendment No. 22.

The SPEAKER. Any other amendment?

Mr. KEIFER. Yes; there are others here. The gentleman from Pennsylvania [Mr. DALZELL] will designate the numbers.

The SPEAKER. Does the gentleman from Pennsylvania ask a separate vote?

Mr. DALZELL. On amendments Nos. 78, 79, and 80.

Mr. KEIFER. And on No. 76 also.

Mr. WILEY of New Jersey. Mr. Speaker, I demand a separate vote on Senate amendment No. 82.

Mr. CRUMPACKER. Mr. Speaker, I ask a separate vote upon the provision relating to the investigation of woman and child labor.

The SPEAKER. What is the number of it?

Mr. CRUMPACKER. I do not have the number.

Mr. PARSONS. Nos. 68 and 69.

The SPEAKER. Is there objection? If not, the vote will be taken on the remaining amendments in gross. The gentleman *from Minnesota* [Mr. TAWNEY] moves to further insist on the House disagreement to the Senate amendment, excepting those on which separate votes have been demanded.

The question was taken; and the motion was agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment No. 22, to strike out the paragraph reading as follows:

"Transportation of fractional silver coin: For transportation of fractional silver coin, by registered mail or otherwise, $50,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, fractional silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation."

And insert in lieu thereof the following:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin by registered mail or otherwise, $125,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. KEIFER. Mr. Speaker, I move that the House recede from its disagreement and agree to the amendment.

The SPEAKER. The gentleman from Ohio moves that the House recede from its disagreement and concur in the same. The gentleman from Minnesota controls the time.

Mr. TAWNEY. I will yield to the gentleman.

Mr. KEIFER. Ten minutes will be more than I will want.

Mr. TAWNEY. I yield to the gentleman.

Mr. KEIFER. Mr. Speaker, I do not want to rehash the talk that has been going on during this and the last session on the subject of the free carriage by the Government of silver coin. Originally when this bill came in here it made no provision for carrying any silver coin, neither silver dollars nor fractional silver. The bill was amended in the House so as to appropriate $50,000 for the carriage of fractional silver coin. It was my proposition that we should appropriate $120,000, the usual sum appropriated in recent years for the purpose of carrying silver coin generally. The Senate put in this amendment, which I now move to have concurred in, appropriating $125,000 for the free carriage by the Government of silver coin—that is, the carriage of silver dollars and fractional silver coin. This is the exact amount that the Secretary of the Treasury asked this year to have appropriated.

In the general deficiency bill that we passed last night we put in a sufficient sum to carry silver dollars and fractional coin for the remainder of the present fiscal year.

Mr. TAWNEY. I do not think the gentleman is stating that exactly right. We carry a deficiency for the fiscal year 1906 of six thousand and some odd dollars, which deficiency arose in consequence of the express companies not getting their accounts in in time to be closed up under the appropriation.

Mr. KEIFER. Mr. Speaker, my statement was substantially right—providing for a deficiency for the carriage of silver coin of all kinds for the present fiscal year. So that up to the end of this present fiscal year provision has been made in accordance with the appropriations ever since 1881.

Now, my motion is to do just that thing that we have been in the habit of doing, to wit, provide for the free carriage by the Government, not to banks alone, but to all persons in this country who may ask to have silver dollars and fractional silver coin sent to them for use. If we do not do this we are striking the first great blow at silver dollars, of which we have about 560,000,000. We are discrediting them. We will be taking out of circulation about 85,000,000 silver dollars and will have to substitute small paper at greater expense than is proposed by this amendment. The silver dollar is desired by the miner in the coal-mining regions and in all places where oil is being pumped from the earth and handled. It is desired by all miners in the mining regions of the United States, including Alaska, and by the common people throughout the entire West. It is desired by all of the people of the South where labor is carried on. The people use the silver dollar and like it. The opposition seems to come from places where they do not desire it, or perhaps need it; from places like the city of New York, where the people and the banks can get their silver coin without any expense to the party or to the Government, and this is true in other eastern cities. Boston, New York, Philadelphia, Baltimore, and Washington are all places where there are subtreasuries or a treasury of the United States, where silver coin can be obtained by the banks when they want it without cost. These cities have five of the ten subtreasuries of the United States. The other five are at New Orleans, Chicago, Cincinnati, St. Louis, and San Francisco. Now, when you go west of St. Louis there is but one place where there is a subtreasury where silver coins can be obtained, and that is San Francisco; and all that great geographical region west, if they want silver, the people who use it, will have to obtain it at great cost to themselves, whereas the people who are opposing this, from the East, can obtain it without any cost. And, as said by Mr. Roberts, the Director of the Mint, it is essential and necessary in order to keep up our circulation of currency and coin in the United States.

I appeal to the House to do simply that thing which has been done and accepted as proper by the people practically since we had silver coin to a large amount to circulate in this country. It is not, as has been stated on the floor of this House over and over, in order to defeat this provision, an appropriation of $125,000 or $135,000 to carry silver dollars alone; but all that is asked here is an additional appropriation of $75,000; and it will turn out that if this is not done that we will have to provide for a deficiency yet for carrying fractional silver.

In the past fractional silver coin and silver dollars have been carried together, and it has been hard to separate the cost of each separately. The cost is not to be measured by the amount so much as by the cost and the frequency of shipment. There was a little incident that occurred a few years ago called the "Yonkers incident," in which gentlemen say the Government was cheated out of a few dollars in the matter of transporting coin, and that has been the stock in trade of those who are opposed to carrying more silver coin for a great many years. It has been repeated in this session of this Congress, but that incident is of the past and was corrected; and we have been carrying millions upon millions of dollars since without a second incident, so far as I know. The Government should look to it that it makes no contracts by which it will be cheated in the carriage of this money. I wonder they do not urge it now against having any appropriation at all for carrying currency or coin, because by some possibility somebody may do something that is not fair to the Government. I regard this as of great importance to the country, especially to the great Northwest and the South, and to all the people who desire to continue to use the silver. We should not discredit and drive out of use the, about, $85,000,000 now generally in circulation, and which we have by law pledged to keep on a parity with gold.

Mr. Speaker, that is all I desire to submit at this time. There are others who want to be heard on this question.

Mr. TAWNEY. I yield five minutes to the gentleman from Maine [Mr. POWERS].

Mr. POWERS. Mr. Speaker, I hope that the House will recede and concur in the Senate amendment. This provision which the Senate has enacted, or substantially this provision, has been in every appropriation bill for more than twenty-five years. It has for its purpose the sending to distant places in the country of silver dollars, which are very much desired and needed there, and it does help to keep in circulation the silver dollars, of which we have so large an amount coined and piled up in the United States Treasury. That there is now a crying

need in many parts of the country for small bills or silver dollars is evidenced by the provisions of the Aldrich bill, which has just passed the Senate and which, among other things, attempts to relieve that want. I can see no good reason why we should not appropriate for the carriage of these silver dollars, if we appropriate for carrying fractional currency. The same rule, in my judgment, applies to both, and the demand of the people is as urgent for one as the other. Take it in a far-off lumbering country—I mean a locality distant from any financial center, like that in northern Maine, which in part is located in the district that I have the honor to represent—and the people there, the woodsmen, the laborers, the small banks, and others engaged in business, desire to have these dollars, and very many of them are used. They have been carried to them in the past when called for at a very small expense on the part of the Government. It is common knowledge that the Government has a contract with the express companies for transporting money to all parts of the United States, and under this contract moneys are carried much more cheaply than individuals are charged. These silver dollars are not only wanted by the country banks, but they are used by the people in their business relations. Anybody who looks over our country to-day who is conversant with the conditions in the South and in the West, or even away down in the State of Maine, knows that there is a dearth of small bills; knows that silver dollars are demanded with as much force as is the fractional currency, for the transportation of which this bill provides; and if it is good legislation to appropriate to carry the one, I see no reason why it is not proper and good legislation to appropriate to transport the other when the business of sections distant from a subtreasury demand it.

Of course gentlemen who live in large business and financial centers, who represent banks and banking institutions where there are subtreasuries, or where they are in close contact with subtreasuries, can readily and easily get small currency, can readily and easily get silver dollars; but as to the people who, living far away in small towns and cities, have had the privilege for more than a quarter of a century of obtaining this silver, which has been so beneficial to them and has cost the Government so little compared with its profits from the seigniorage, to take that privilege away will work a great hardship. It seems to me that this is a sort of cheeseparing, a sort of saving that ought not to commend itself to the Members of this House. Therefore I hope that we shall recede and concur. Let the same privileges and opportunity to obtain silver dollars which have been extended to the distant parts of the country and to the country banks for the accommodation of the customers and to the merchants and business men of having these silver dollars carried to them, so that the people can get them when desired and needed, still continue to be granted in the future. [Applause.]

Mr. TAWNEY. I yield five minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Speaker, may I have the attention of the House for two or three minutes? I am an officer of a bank, and the gentleman from Maine [Mr. POWERS] is an officer of a bank. He asks that in the interests of the banks this $125,000 may be appropriated.

Mr. POWERS. Will the gentleman pardon me?

Mr. HILL of Connecticut. The gentleman said in the interest of the banks and the people.

Mr. POWERS. Yes.

Mr. HILL of Connecticut. Very well. Now, as an officer of the bank, desiring fair play toward the American people, I ask that the Appropriations Committee may be sustained and this amendment may be defeated. The banks of the United States are paid by this Government about $5,000,000 a year to furnish circulation to the people of the country, about 1 per cent profit on all of their circulation, and they have no right to come to the United States Treasury and ask that the people as a whole shall transport their money for them from the Treasury. I think that is a sound proposition, and as a bank officer I repudiate coming to the Treasury and asking for charity or help to transport that money. I repudiate it also because I believe it has developed into a colossal system of graft by the express companies. I deny the statement that the Treasury Department is here asking for this money. Not a report has been made to that effect.

Mr. KEIFER. No report has ever been made that I can remember asking to discontinue it.

Mr. HILL of Connecticut. The gentleman remembers what occurred forty years ago, but not what occurs from day to day now.

Mr. KEIFER. The gentleman from Connecticut is mistaken; I will put my memory against his.

Mr. HILL of Connecticut. I challenge the gentleman.

Mr. KEIFER. It is time for the gentleman from Connecticut to correct his statement, when he says that this is in the interest of the banks alone, when the very terms of it allows any individual to call for the silver coin.

Mr. HILL of Connecticut. Mr. Speaker, I can not allow the gentleman to make a speech in my time. There has not been a report of the Treasury Department for the last ten years which has not opposed or which has favored the free transportation of silver. Of course, when they submit estimates to pay the expenses of the Government they must make an estimate to carry out the legislation of Congress, if Congress sees fit to legislate contrary to their advice.

Now, I want to say this, Mr. Speaker, and I will rest this proposition on this one statement: An attempt has been made to distinguish between the East and the West and the North and the South. Every one of you gentlemen in the South and in the North and in the East and the West who have found difficulty in getting one and two dollar bills, who have been refused them over and over again at your bank, think that you can not get paper money and must take silver dollars. You have been deceived in that proposition in just this respect—that your banks could get silver dollars free of charge, and they had to pay to get the paper money. Now, that is all there is to it, and if you will disagree to this amendment and compel your banks to get you paper money, you will have no trouble to get all the small bills you want. Why? Here is a proposition that you are probably going to act on to-day, which provides for all the small bills the country can possibly need; all you can ask for, all you can wish are provided for in this bill. I refer to the Aldrich bill. But just so long as the banks can have silver dollars transported to them free that bill will do you no good, for the banks will not pay 60 or 70 cents on each thousand dollars express charges, if they can make the Government pay $2.15 a thousand on silver, and thus permit them to escape that expense. If you want small bills, if you want paper money, vote down this amendment.

Mr. TAWNEY. Mr. Speaker, the conferees on the part of the House, in the consideration of this question, felt that in view of the action of the House, it was our duty to insist upon the disagreement of the House to this Senate amendment. Now, what is this proposition? The Senate proposes to give or to appropriate for the transportation of silver dollars more money by this amendment than has ever been appropriated for the purpose in any previous fiscal year. They propose to appropriate $125,000 for this purpose. The beneficiaries of that appropriation are the banks and the express companies. The Government of the United States and the people of the United States are not benefited when they can get small bills with which to transact their business; it is not material to them. But if the banks can have this smaller currency transported at the expense of the Government while their bills must be transported at their own expense, they will continue, when there is a special demand for currency, to call upon the express companies or to make a demand upon the subtreasury to continue its transportation at the expense of the Government alone for their convenience.

Now, Mr. Speaker, I do not believe we can justify the expenditure of this large sum of money for the purpose that does not inure to the benefit of the people—one that does not involve the performance of any governmental purpose whatever.

It is, to say the utmost, merely to provide for the convenience of the banks, and, as the gentleman from Connecticut has said, to continue a monumental graft that is now being practiced by the express companies on the Treasury of the United States. The gentleman from Ohio [Mr. KEIFER] says that we appropriated in the deficiency bill to continue this practice throughout the remainder of this fiscal year. That statement is not correct.

The appropriation carried in the general deficiency bill was not an anticipated deficiency; it is an actual deficiency. The gentleman also spoke of our paying the expense of transporting currency. It may be that he did not stop to think of the fact, but it is a fact nevertheless, that the Government of the United States does not transport free of charge any money for anybody, except silver dollars and fractional silver coin and minor coin. We have amply provided in the amendment which was offered by the committee, and agreed to by the House, for the transportation of fractional silver currency and also for the transportation of minor coin. That transportation the Government of the United States can afford to pay, because it is making a large profit out of the coinage of fractional silver currency and also out of the minor coins—nickels and pennies. But, Mr. Speaker, I do contend that there is no justification for the Government of the United States paying $2.50 for every thousand dollars of silver that any bank wants to have transported to the subtreasury or to itself, and I trust that

this motion will be voted down. I believe that if it is voted down we will finally end the practice of transporting free of charge or at the expense of the Government the silver dollars for the benefit of the banks and the large department stores of this country that are using silver dollars as change and as a medium of advertising.

Mr. KEIFER rose.

The SPEAKER pro tempore (Mr. BURTON of Ohio). Does the gentleman yield?

Mr. TAWNEY. I yield three minutes to the gentleman from Ohio.

The SPEAKER pro tempore. The gentleman is recognized for three minutes.

Mr. KEIFER. Mr. Speaker, I congratulate the gentleman from Connecticut [Mr. HILL] in having made one speech in which he has not exaggerated the cost of carrying the silver dollars by the Government. A few days ago he had it one hundred and thirty-five thousand, and to-day he is modest about it. He still insists that it is the banks that get the benefit of it, whereas it is the people and not the banks that get the benefit of it, and both the gentleman from Connecticut [Mr. HILL] and the gentleman from Minnesota [Mr. TAWNEY] say that we do not carry any coin. I beg their pardon, but I desire to say that we carry all of the coin to different parts of the United States—gold, as well as silver—for the purposes of distribution. We do not carry gold coin in exactly the same way, but we send gold coin and paper money all over the country, to all the subtreasuries or business centers of the United States. If we did not do that we would all have to go to the mints for all our coin, and to Washington, D. C., for our paper currency, and then suffer the inconvenience and great injustice that the gentlemen who oppose this Senate amendment desire the people who believe in the silver dollar and who want to use it will suffer if this amendment is not adopted. I congratulate the gentleman from Minnesota [Mr. TAWNEY] on again calling attention to the single Yonkers incident, about the irregularity of an express company in carrying coin, where the Government was cheated, and insisting that that one instance should be a sufficient reason for striking down a policy of the Government that has existed so long and worked so well. The gentleman says I was mistaken about my statement as to the general deficiency bill. I was exactly right. Reading the bill will show that I was. The language of it shows that we did appropriate, to add to the one hundred and twenty thousand that we appropriated last year, about $18,000 more, to complete the carriage of silver dollars and fractional coins for the present fiscal year.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Ohio that the House recede from its disagreement to Senate amendment 22, and agree to the same.

The question was taken; and the Chair announced himself in doubt.

Mr. KEIFER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAWNEY. The question that the House is about to vote upon is upon agreeing to the Senate amendment appropriating $125,000 for the transportation of silver dollars.

The SPEAKER pro tempore. That is the question. The question is, Shall the House recede from its disagreement to Senate amendment 22, and concur.

The question was taken, and there were—yeas 107, nays 151, answered "present" 8, not voting 111, as follows:

YEAS—107.

Adamson	Dixon, Ind.	Lamb	Sheppard
Aiken	Dixon, Mont.	Lee	Sibley
Bankhead	Ellerbe	Legare	Sims
Bartlett	Finley	Lever	Slayden
Beall, Tex.	Flood	Lewis	Small
Bell, Ga.	French	Lloyd	Smith, Ky.
Bonynge	Gaines, Tenn.	Macon	Smith, Md.
Brantley	Garber	Maynard	Smith, Tex.
Brooks, Colo.	Garrett	Meyer	Smyser
Broussard	Gill	Mondell	Southall
Brumm	Gillespie	Moon, Tenn.	Sparkman
Brundidge	Graham	Mouser	Spight
Burgess	Granger	Norris	Stephens, Tex.
Burleson	Gregg	Overstreet, Ga.	Sulzer
Burnett	Gronna	Padgett	Thomas, N. C.
Calderhead	Haskins	Page	Thomas, Ohio
Candler	Hay	Patterson, S. C.	Towne
Chaney	Heflin	Powers	Trimble
Clark, Fla.	Hill, Miss.	Pujo	Underwood
Clark, Mo.	Houston	Rainey	Wallace
Clayton	Howard	Randell, Tex.	Wanger
Cole	Hunt	Ransdell, La.	Watkins
Davey, La.	James	Richardson, Ala.	Webb
Davis, W. Va.	Keifer	Robinson, Ark.	Wiley, Ala.
Dawes	Kinkaid	Rucker	Williams
De Armond	Kitchin, Claude	Russell	Zenor
Deemer	Lamar	Shackleford	

NAYS—151.

Acheson	Edwards	Kline	Reynolds
Alexander	Ellis	Knapp	Riordan
Allen, Me.	Englebright	Knopf	Roberts
Babcock	Esch	Knowland	Rodenberg
Bannon	Fassett	Lacey	Ruppert
Bates	Fitzgerald	Lafean	Ryan
Bede	Fletcher	Law	Samuel
Bennet, N. Y.	Fordney	Lawrence	Schneebeli
Brick	Foss	Lilley, Conn.	Scott
Brown	Fowler	Longworth	Sherley
Brownlow	Fulkerson	Loud	Sherman
Burke, S. Dak.	Gaines, W. Va.	Loudenslager	Smith, Ill.
Burton, Del.	Gardner, Mass.	Lovering	Smith, Iowa
Burton, Ohio	Gardner, Mich.	Lowden	Smith, Mich
Calder	Gillett	McCall	Smith, Pa.
Campbell, Kans.	Glass	McCleary, Minn.	Southard
Capron	Goebel	McCreary, Pa.	Sperry
Cassel	Graff	McGavin	Stafford
Chapman	Greene	McKinney	Sterling
Cocks	Grosvenor	McMorran	Stevens, Minn.
Cooper, Pa.	Gudger	Mahon	Sullivan
Cooper, Wis.	Hale	Mann	Sulloway
Coudry	Hamilton	Martin	Tawney
Crumpacker	Hedge	Minor	Taylor, Ala.
Currier	Henry, Conn.	Moon, Pa.	Taylor, Ohio
Cushman	Hepburn	Mudd	Tirrell
Dale	Higgins	Needham	Townsend
Dalzell	Hill, Conn.	Nelson	Volstead
Darragh	Hinshaw	Olcott	Wachter
Davidson	Holliday	Olmsted	Wadsworth
Davis, Minn.	Howell, N. J.	Otjen	Waldo
Dawson	Hubbard	Parsons	Washburn
Denby	Humphrey, Wash.	Payne	Weeks
Dickson, Ill.	Jenkins	Pearre	Wharton
Dovener	Jones, Wash.	Perkins	Wiley, N. J.
Draper	Kelliher	Pollard	Wood
Driscoll	Kennedy, Nebr.	Prince	Woodyard
Dunwell	Kennedy, Ohio	Reeder	

ANSWERED "PRESENT"—8.

Butler, Pa.	Foster, Vt.	Hull	Livingston
Cousins	Goulden	Lilley, Pa.	Lorimer

NOT VOTING—111.

Allen, N. J.	Field	Landis, Frederick	Reyburn
Ames	Floyd	Le Fevre	Rhinock
Andrus	Foster, Ind.	Lindsay	Rhodes
Barchfeld	Fuller	Littauer	Richardson, Ky.
Bartholdt	Gardner, N. J.	Littlefield	Rives
Beidler	Garner	McCarthy	Robertson, La.
Bennett, Ky.	Gilbert	McDermott	Saunders
Bingham	Gilhams	McKinlay, Cal.	Scroggy
Birdsall	Goldfogle	McKinley, Ill.	Shartel
Bishop	Griggs	McLachlan	Slemp
Blackburn	Hardwick	McLain	Smith, Cal.
Boutell	Haugen	McNary	Snapp
Bowers	Hayes	Madden	Southwick
Bowersock	Hearst	Marshall	Stanley
Bowie	Henry, Tex.	Michalek	Steenerson
Bradley	Hermann	Miller	Talbott
Broocks, Tex.	Hogg	Moore, Pa.	Tyndall
Buckman	Hopkins	Moore, Tex.	Van Duzer
Burke, Pa.	Howell, Utah	Morrell	Van Winkle
Burleigh	Huff	Murdock	Vreeland
Butler, Tenn.	Hughes	Murphy	Watson
Byrd	Humphreys, Miss.	Nevin	Webber
Campbell, Ohio	Johnson	Overstreet, Ind.	Weems
Cockran	Jones, Va.	Palmer	Weisse
Conner	Kahn	Parker	Welborn
Cromer	Kitchin, Wm. W.	Patterson, N. C.	Wilson
Dresser	Klepper	Pou	Young
Dwight	Landis, Chas. B.	Reid	

So the motion was rejected.

The Clerk announced the following pairs:

For the day:

Mr. MORRELL with Mr. WILLIAM W. KITCHIN.

Mr. SOUTHWICK with Mr. LINDSAY.

Mr. RIVES with Mr. VAN DUZER.

Mr. ANDRUS with Mr. BOWERS.

Mr. BARCHFELD with Mr. TALBOTT.

Mr. BARTHOLDT with Mr. HENRY of Texas.

Mr. BIRDSALL with Mr. MCNARY.

Mr. MCKINLAY of California with Mr. BYRD.

Mr. HUFF with Mr. BUTLER of Tennessee.

Mr. BURLEIGH with Mr. MOORE of Texas.

Mr. CONNER with Mr. FIELD.

Mr. HAYES with Mr. MCLAIN.

Mr. KAHN with Mr. RHINOCK.

Mr. MCKINLEY of Illinois with Mr. JOHNSON.

Mr. MARSHALL with Mr. GOLDFOGLE.

Mr. MILLER with Mr. JONES of Virginia.

Mr. MOORE of Pennsylvania with Mr. ROBERTSON of Louisiana.

Mr. VREELAND with Mr. HEARST.

Mr. WILSON with Mr. RICHARDSON of Kentucky.

For the vote:

Mr. COUSINS with Mr. REID.

Mr. WATSON with Mr. SAUNDERS.

Mr. SMITH of California with Mr. PATTERSON of North Carolina.

Until further notice:

Mr. DWIGHT with Mr. FLOYD.

Mr. BUTLER of Pennsylvania with Mr. GARNER.

Mr. BOUTELL with Mr. GRIGGS.
Mr. HUGHES with Mr. STANLEY.
Mr. LORIMER with Mr. HUMPHREYS of Mississippi.
Mr. MADDEN with Mr. HARDWICK.
Mr. YOUNG with Mr. WEISSE.
Mr. FULLER with Mr. HOPKINS.
Mr. LILLEY of Pennsylvania with Mr. GILBERT.
Mr. BINGHAM with Mr. COCKRAN.
Mr. FOSTER of Vermont with Mr. POU.
Mr. AMES with Mr. BOWIE.
Mr. LITTAUER with Mr. LIVINGSTON.
For the session:
Mr. VAN WINKLE with Mr. MCDERMOTT.
Mr. MCCARTHY with Mr. BROOCKS of Texas.
Mr. BRADLEY with Mr. GOULDEN.
The result was announced as above recorded.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. TAWNEY] is recognized.

Mr. TAWNEY. Mr. Speaker, I move that the House insist upon its disagreeing vote to this amendment and ask for a further conference.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the House further insist upon disagreement to the Senate amendment and ask for further conference.

The question was taken; and the motion was agreed to.

The SPEAKER pro tempore. The next amendment is amendment No. 68. No. 69 is so closely connected with it, if there is no objection, it may be considered with it. Is there objection to the consideration of the two amendments together?

Mr. CRUMPACKER. They ought to be considered together. They are substantially one amendment.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

The SPEAKER pro tempore. The request is made that amendments Nos. 68 and 69, which are inseparably connected, may be considered together. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I would like to have the amendments reported.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendment No. 68:
Page 101, in line 5, strike out "Census Office."
Amendment No. 69:
Page 101, lines 5 and 6, strike out "under the Census Office."

Mr. TAWNEY. Mr. Speaker, if I can have order, I think I can state what the amendment is in a word. When the sundry civil bill was under consideration an amendment was offered by the gentleman from Indiana [Mr. CRUMPACKER] to place the investigation as to women and child workers under the Bureau of Labor. The bill as reported provided for investigations under the Census Office. Now, the Senate has stricken out the Census Office, leaving the investigation to be made under the Department of Commerce and Labor. I yield to the gentleman from Indiana [Mr. CRUMPACKER] five minutes.

The SPEAKER pro tempore. The question before the House is, Is there objection to the consideration of the two amendments together? If there is no objection, they will be considered together.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Minnesota [Mr. TAWNEY] a question.

The SPEAKER pro tempore. The gentleman from Minnesota can proceed only by unanimous consent.

Mr. CLARK of Missouri. I ask unanimous consent, then, to ask the gentleman a question.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman from Minnesota [Mr. TAWNEY] may explain these two amendments.

Mr. TAWNEY. Mr. Speaker, I understand I have the floor on this conference report.

The SPEAKER pro tempore. The Chair will suggest that no motion has been made to recede and concur, and the Chair would further suggest that the request has been made that these two amendments be considered together. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. I had supposed they had been submitted.

Mr. Speaker, I move now that the House recede from its disagreement to the Senate amendment and that the House concur in those amendments.

The SPEAKER pro tempore. The gentleman from Indiana moves that the House recede from its disagreement to Senate amendments Nos. 68 and 69 and concur in the same.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for five minutes.

Mr. CRUMPACKER. Mr. Speaker, the purpose of the Senate amendment is to leave the investigation of women and children in the industries under the control of the Secretary of the Department of Commerce and Labor instead of requiring that investigation to be made by the Census Office. This question was up when the sundry civil bill was before the House for consideration. The law originally authorizing the investigation required it to be done by the Secretary of the Department of Commerce and Labor. It authorized him, of course, as he would have had the power without specific authority, to use any bureau in his Department in making the investigation. The Director of the Census informed the Committee on Appropriations that the Census Office was not fitted or adapted to make this kind of investigations. The Census Office recently published a very excellent report upon children in the industries. It is now engaged in the preparation of a report upon women in the industries. These reports are largely statistical, the only kind of reports the Census Office is qualified to make. The Census Office is peculiarly a census office, a statistical bureau, and this investigation, as, of course, the House knows, is much broader than merely a statistical investigation. It goes into the sociological, the moral, and the educational condition of women and children in the industries. And it seems to me that if the investigation is to be made at all, it ought to be made by the Bureau of Labor. The question ought to be left with the Secretary of Commerce and Labor, and rather than to require the Census Office to make the investigation the appropriation had better be struck out altogether, because in a large measure it must of necessity be a duplication of work that has recently been done, and the result will not be satisfying to those who are promoting the investigation.

It is one of great importance and ought to be in the hands of a bureau that is peculiarly fitted to make this identical kind of investigation. The Administration earnestly asks that the Labor Bureau be charged with this work and responsibility. But the amendment put in the bill by the Senate leaves the whole question to the discretion of the Secretary of Commerce and Labor; leaves it where the original law vested it; leaves it where it ought to be left. And I believe, Mr. Speaker, that the House ought to recede from its disagreement and concur in the Senate amendment. If it can not do that, I believe the appropriation ought to be stricken from the bill; because I believe it will be largely a waste of money. I have the utmost faith in the Census Office. It is a splendid statistical bureau, and its reputation is such that the Government ought to be proud of its work. But statistical work ought not to be commingled and combined with this speculative investigation contemplated by the appropriation carried in the bill. The Census Bureau ought to be free from speculative inquiries. The reports of that office should be impartial, free from opinion, free from bias, color, or recommendation, if its reputation and work are to be valuable for statistical purposes.

Mr. KEIFER. Mr. Speaker, I desire to ask the gentleman whether the Census Office has ever had an investigation of this character, and whether it is not confined to matters of statistics?

Mr. CRUMPACKER. Its work has always been confined to statistical investigations, and the labor office has conducted all the labor investigations that the Government has ever authorized; and, incidentally, valuable reports have been made and given to the public on such questions by the Bureau of Labor.

Mr. TAWNEY. Mr. Speaker, I will now answer the question that the gentleman from Missouri wanted to ask.

Mr. CLARK of Missouri. What I want to know is this, so that Members can understand how they are voting: There is so much confusion you can not hear anything. Now, if we vote for the Crumpacker motion and it carries, then this work is to be done by the Labor Bureau?

Mr. CRUMPACKER. No.

Mr. TAWNEY. I will answer the gentleman's question. It will then be done by the Department of Commerce and Labor, and under the law the Department of Commerce and Labor is authorized to utilize the Bureau of Labor or the Census Bureau; and then, in addition to that, the law is so loosely drawn that it is construed to give the Secretary authority to employ agencies other than those two Bureaus for the purpose of making this investigation.

Mr. CLARK of Missouri. Then if we vote down the Crumpacker motion, then we go back to your position and say that it shall be done by the Census Office?

Mr. TAWNEY. Not necessarily. We ask the House to further insist on disagreeing to the Senate amendment. Then it would go back to conference again, and the House would not

lose an opportunity to vote on the proposition later on as they may see fit to.

Mr. CLARK of Missouri. Now, one more question. If the Crumpacker motion prevails, then the Secretary can have it done by either one of the two Bureaus?

Mr. TAWNEY. Then he will be able to have it done by either one of the two Bureaus or any outside agency he may see fit to employ.

Mr. CLARK of Missouri. And if your motion prevails, it will have to be done by the Census Bureau?

Mr. TAWNEY. It will have to be done by the Census Bureau, provided the Senate recedes.

Mr. SLAYDEN. I should like to ask the gentleman a question.

Mr. TAWNEY. I yield to the gentleman.

Mr. SLAYDEN. If the Senate amendment prevails, then it would open up the possibility of having it done at an additional cost, possibly the creation of an additional bureau, demanding an additional appropriation; and that would not be necessary if it was done by the Census Bureau?

Mr. TAWNEY. That is exactly what it means.

Mr. SLAYDEN. Then I am with the chairman of the committee.

Mr. TAWNEY. I now yield three minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, the question before us is very simple. If the motion of the gentleman from Indiana prevails, the Secretary of Commerce and Labor is given discretion to have the condition of woman and child labor investigated as he sees fit. If the motion is voted down, the amendment goes back into conference. The House, when the bill was before it, voted to place this work on the Census Office. It did that because the committee, after a complete investigation, determined that the Census Office was the only bureau of the Department of Commerce and Labor that was equipped to do the work.

Mr. CLARK of Missouri. I would like to ask the gentleman from New York a question.

Mr. FITZGERALD. I yield to the gentleman.

Mr. CLARK of Missouri. Did not the Director of the Census state that his office was not equipped to do this work, and that he did not want to do it, and did not want it loaded onto him?

Mr. FITZGERALD. I will reply to that in my own way. The Director of the Census in effect stated this: That his Bureau had been compiling facts and publishing information that was accurate; that the public had confidence in the reports of his Bureau; that the information sought to be acquired by this investigation was of such an uncertain character that he feared if his office was charged with the obligation of doing the work, that it would seriously impair the confidence of the public in the reports made by his Bureau in other investigations.

It is easy to understand his statement that he did not desire to do the work, because the President has stated that he did not want the Census Bureau to do it. The Secretary of Commerce and Labor has stated that he did not want him to do it. The Commissioner of Labor insists that his Bureau is the proper bureau to do the work. The question for the House to determine, with all the information before it, is which bureau will most efficiently and economically do the work. I merely wish to say one word with regard to a certain statement that has been issued as to the motive that is behind the effort to compel the Census Bureau to do the work. It is not a reflection on the Bureau of Labor; it is not intended, as has been charged, as a penalty upon the Bureau for doing certain other work, but the action of the committee was based upon the conviction, which was made certain by all the evidence before it, that the only bureau of the Government that has the facilities to do the work is the Census Bureau.

The Commissioner of Labor himself admits that he had not the facilities to do this work, and that if he is charged with it he will have to spend months in the most important cities of the country in perfecting an organization. I believe the preliminary work of organizing his bureau will take as long as it would take the Census Bureau to complete the investigation. Nobody has charged that the Census Bureau has been inefficient in other work heretofore imposed upon it. Nobody has complained that it has been partial in its investigations. It has so done the work committed to it that it has earned the confidence of the entire country, and for one I am heartily in favor of imposing this investigation upon that bureau, because I believe it will do the work better than any other bureau.

Mr. TAWNEY. I yield to the gentleman from Missouri [Mr. CLARK] three minutes.

Mr. CLARK of Missouri. Mr. Speaker, I do not really know whether this squabble is very important or not, but one thing I do know, and that is that child labor in factories ought to cease. It has dwarfed the English laboring people to such an alarming extent that a systematic governmental inquiry has been instituted to discover some remedy for the physical decadence of English men and women. Child labor in factories will dwarf our laboring people. We should put a stop to it before it is everlastingly too late; and surely we should have the facts. I do not care very much what the President of the United States wants, or the Secretary of Commerce and Labor or the Director of the Census. It seems to me, however, expressing my own opinion and not undertaking to express the opinion of anybody else, that it is the difference between putting this investigation into friendly hands and unfriendly hands; and on that proposition the President and his Secretary of Commerce and Labor happen to be right.

Mr. SMITH of Iowa. Does the gentleman suspect the Census Bureau of being unfriendly?

Mr. CLARK of Missouri. That is exactly what I do, under the circumstances.

Mr. SMITH of Iowa. Have you any reason for suspecting the Bureau of the Census to be unfriendly?

Mr. CLARK of Missouri. I do, because it did not want to do the work. It is but human nature that if you or I or any of the rest of us are set to do a task that we really want to do, we will do it with a great deal more enthusiasm and thoroughness than if we are set to do another task that we do not want to do. The Director of the Census says they are not situated to do it. He ought to know. These other people do want to do it, and I am in favor of giving them a chance. None of them can do anything except collect the facts, and facts are what we want. Nobody cares anything about what the opinion of some one is. What we want is the facts. These facts properly presented will give the various State legislatures information on which to act.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. CLARK of Missouri. Yes; certainly.

Mr. FITZGERALD. Does the gentleman from Missouri think he ought to vote to put this work in charge of a bureau the head of which admits that he has neither the organization nor the facilities to do the work?

Mr. CLARK of Missouri. I will answer that question in this way: While he says that, the Director of the Census says he is not fixed to do it.

Mr. FITZGERALD. He did not say exactly that.

Mr. CLARK of Missouri. If he did not say that, I should like to know very much what he did say.

Mr. CRUMPACKER. He said that the organization of his office was not adapted to doing it. He said he did not know anything about that kind of an investigation himself and he could not prepare for it.

Mr. CLARK of Missouri. That is exactly the situation. I do not mean that the Census Bureau is unfriendly to finding out the truth about it, but I do say that the Census Bureau in this particular juncture is unfriendly to this investigation. It does not want to undertake the work, and the work should not be forced upon it. That is all I have to say about it.

Mr. TAWNEY. I yield two minutes to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN. Mr. Speaker, I do not think the House has any reason to apprehend that the Director of the Census will not perform his duty if the law imposes upon him the obligation of doing this work. It is true it is a new work for him. It is equally true that it would be a new kind of work for the Bureau of Labor. It is also true that the Census Office has compiled statistics heretofore and is better equipped than the Bureau of Labor for doing that kind of work. There is no reason why the Bureau of the Census can not do the work better than the Bureau of Labor, because it is an older organization and a better-equipped one. Although the Director of the Census did say it was new work, which he would not like to undertake and that his Bureau was not adapted for the doing of it, his statement did not carry conviction before the committee, for he gave the committee no reasons for that conclusion, and the committee believed that not only was his Bureau adapted for it, but that it was better adapted for it than any other agency of the Government.

Now, the House can choose, if it will, to create a new organization at a greater expense to the taxpayers or have the work performed cheaper by an organization already in existence. The House the other day voted by a large majority to put this work under the Director of the Census. Since that vote was taken no new reason has grown up why we should reject the previous conclusion, except the insistence of the executive department of the Government that the law shall

be bent according to its will, and that, I submit, is not a sufficient reason to cause this House to reverse its previously recorded judgment. [Applause.]

Mr. TAWNEY. Mr. Speaker, I now yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I will be corrected if I am not right in this, that the census is now under the direction of the Department of Commerce and Labor. That being conceded, what we are proposing to do is to direct the Secretary of Commerce and Labor, through the Census Bureau, one of the bureaus under that Secretary, to make this investigation. Now, I think the bill as it comes to us amended from the Senate is exactly right, and if I am right in my statement—and no one seems to controvert it—then if we agree to the motion of the gentleman from Indiana to recede from our disagreement and concur in the Senate amendment, it will leave the Secretary of Commerce and Labor to make this investigation according to his own best plan, and he might even do it under the Census Bureau.

We are undertaking to tell him how he is to carry out the provisions of the act of January 29, 1907, a provision that requires an investigation into the condition of women and child workers in the United States, one of the most important laws perhaps that this or any other Congress has ever passed, important in its ultimate results on the condition of humanity in the United States. I therefore insist that to adopt the motion of the gentleman from Indiana is simply to authorize the Secretary of the Interior to build up whatever machinery is necessary under him to carry out this required investigation.

Mr. TAWNEY. Mr. Speaker, I want to say just a word in conclusion in regard to this amendment. When this amendment was offered on the floor of the House last week in the Committee of the Whole it was voted down by a vote of 98 to 34. The conferees on the part of the House therefore felt that it was their duty to return to the House and report a disagreement instead of agreeing, even had we been disposed to agree, to the Senate amendments.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. CRUMPACKER. Is it not true when this amendment was proposed, when this bill was before the Committee of the Whole House, that it was not the present amendment, but one to strike out the Census Office and substitute the Bureau of Labor; and this simply strikes out the Census Office and leaves it with the Department of Commerce and Labor?

Mr. TAWNEY. The gentleman has stated the facts correctly; but it is only fair to say that while the amendment comes back from the Senate to the House in the form it does it is not, in substance, different from the amendment offered by the gentleman from Indiana. In fact, it is in effect the same amendment. Every person, every Member of this House, knows that those who are opposed to this investigation being made by the Census Bureau intend and propose to have it made by the Bureau of Labor. Now, as the gentleman from Ohio has said, this investigation under the law is placed in the Department of Commerce and Labor. The law does not stop there; the law simply declares that the head of the Department may utilize the Census Bureau and the Bureau of Labor. The law also contains other language which is construed to confer upon that Department authority to employ any independent agency to make that investigation.

Now, Mr. Speaker, the thought of the House undoubtedly was, as expressed in the vote a few nights ago, that inasmuch as the Census Bureau now has an organization of intelligent special agents, clerks, and other people eminently qualified to make the investigation, and in view of the fact that the Bureau of Labor has no organization at all and will necessarily have to create a new orgnization for the purpose of carrying on this investigation, to place the investigation under that Bureau would lead to an enormous unnecessary expense. For this reason, sir, it was thought best to leave this investigation under the Census Bureau, as the Committee on Appropriations recommended.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. UNDERWOOD. I want to ask the gentleman if this is not the difference in that proposition—that if it is left to the Census it will be a mere statement of facts; if it is left to the Bureau of Labor, it will be an investigation that will wake the country up to legislation to protect women and children. Is not that the real difference?

Mr. TAWNEY. Why, I am surprised at the want of information manifested by the gentleman from Alabama in the question that he has asked.

Mr. UNDERWOOD. Wherein is the want of information?

Mr. TAWNEY. The want of information is as to what the law requires this investigation to be. The law specifies the character of the investigation. It can not be determined by the character of the work now being done by that Bureau, and it is only a question of which agency of the Government shall be employed for the purpose of finding that information. It does not necessarily mean statistical information alone if you confine it to the Census Bureau. The men employed in the Census Bureau who are engaged in gathering statistics in regard to manufacturing industries are sufficiently intelligent to acquire information regarding the manufacturing industries of the country; and what sense is there, what justification is there, for Congress to require that when a man goes into a factory one day to gather information which he is authorized to obtain that he shall then cease that investigation, leave the factory, and then be followed by another man from another bureau in the same Department the next day to obtain the information which is required under this law?

Mr. UNDERWOOD. Because the gentleman well knows it is discretionary with the agent to make the kind of a report that he expects to make. The Census Bureau will report statistics, and if you leave it to the Bureau of Labor it will report facts. It will show where these women and children are being ground down, and the Census report will not show that. That is why this investigation ought to be made by the bureau that will show the country what is actually happening.

Mr. TAWNEY. I am surprised that the gentleman from Alabama is unable to comprehend the duty the law imposes upon the bureau that is charged with making this investigation, I care not whether it is the Census Bureau or the Bureau of Labor.

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. I do.

Mr. MANN. Is it not a fact that in the past and at the present time the Census Bureau in making various reports makes reports covering the whole scope of the subject, without confining itself to statistical information alone?

Mr. TAWNEY. That is absolutely the fact, and the last two bulletins published by the Census Bureau disclose that fact.

Mr. MANN. Is it not a fact that in such matters as reports upon chemicals, those reports cover the whole scope of the subject, a thorough report not upon statistics, but upon the subject-matter, and that these reports are considered the standard reports in the United States covering the whole scope of the subject?

Mr. TAWNEY. That is absolutely true.

Mr. KEIFER. Mr. Speaker——

The SPEAKER pro tempore. Will the gentleman yield?

Mr. TAWNEY. I yield to the gentleman from Ohio for a question.

Mr. KEIFER. I wish to ask the gentleman, in order that the House may know, whether there is anything in the act of January 29, 1907, that requires a statistical report at all, and whether it is not confined wholly to the matter of conditions—that is, relating to the industrial, social, moral, educational, and physical condition of women and children workers—and whether he can find anything in that act that relates to any matter that is statistical, as is usual in the matter of the Census Bureau?

Mr. TAWNEY. In respect to the question of the gentleman from Ohio [Mr. KEIFER], I will say that it is just as competent for the representatives of the Census Bureau to inquire into the things mentioned in that law as it is for the representatives of the Bureau of Labor or any outside organization that may be brought in for the purpose of making its investigation.

Mr. PRINCE. Mr. Speaker, will the gentleman yield for a question?

Mr. TAWNEY. I do.

Mr. PRINCE. Is it not a fact that the same Cabinet officer directs this investigation, whether it is through the census or through the other bureau?

Mr. TAWNEY. That is true.

Mr. PRINCE. And if there is any question about going into the merits of it, it falls upon the Cabinet officer, and no one else, in failing to make the report.

Mr. TAWNEY. That is a fact.

Mr. MANN. If this work should be done by the Census Office, is it the intention, as insinuated by the gentleman on the opposition, to have the work done by the tabulating machines in the Census Office?

Mr. TAWNEY. I don't think I need to answer that question, Mr. Speaker. Mr. Speaker, I call for a vote.

The SPEAKER pro tempore. The question is on the motion

of the gentleman from Indiana, that the House recede from its disagreement to Senate amendments numbered 68 and 69 and concur in the same.

The question was taken; and on a division (demanded by Mr. CRUMPACKER) there were—ayes 55, noes 87.

So the motion was rejected.

Mr. TAWNEY. I move that the House further insist upon its disagreement to amendments numbered 68 and 69.

The question was taken; and the motion was agreed to.

The SPEAKER pro tempore. The next amendment to which there is disagreement is numbered 76, which the Clerk will read.

Mr. KEIFER. I called attention to that for a separate vote, and somebody said the matter had been adjusted.

Mr. TAWNEY. That is included in the report which has been adopted.

Mr. KEIFER. Then it is already adopted.

The SPEAKER pro tempore. Seventy-eight is the next Senate amendment, and the Clerk will report the same.

The Clerk read as follows:

Page 15, line 10, insert, after the word "hundred," the words "and fifty," so as to read: "$250,000."

Mr. DALZELL. Mr. Speaker, I move that the House recede from its disagreement to amendment numbered 78 and agree to the same.

The SPEAKER pro tempore. The Chair would suggest the amendment now under consideration is numbered 77.

Mr. TAWNEY. No. 77 is embodied in the report which has been disposed of.

The SPEAKER pro tempore. The Chair was in error. The gentleman from Pennsylvania moves that the House recede from its disagreement numbered 78 and concur in the same. Does the gentleman from Minnesota yield to the gentleman from Pennsylvania?

Mr. TAWNEY. I yield five minutes to the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, the paragraph to which the amendment is made is that—

For the continuation of the analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to the United States, in order to determine their fuel value, etc., under the supervision of the Director of the United States Geological Survey, $200,000.

The Senate has amended by adding "and fifty," making the total appropriation $250,000. The appropriation for the current year in the sundry civil bill is $250,000. The amendment offered in the House was for $250,000, but $50,000 was stricken out upon the motion of the gentleman from Minnesota upon the statement that a considerable amount of equipment had been purchased during the current year, and for that reason the appropriation was not required to be so great for the next as for the current year. Now, Mr. Speaker, I have made an investigation of the matter, and I find that the statement of the gentleman from Minnesota was in error. The total amount expended for equipment during the current year was less than $25,000, and the estimate for equipment to be purchased in the coming year is in excess of $35,000. In addition to that I find that there are some special reasons why this appropriation should not be less than it is for the current year. For instance, a number of tests are to be made in connection with the Naval Department for the manufacture and use of briquettes on the naval vessels; and investigations are in progress as to the spontaneous combustion of coals in storage, for which it is estimated there will be required at least the sum of $30,000. Then there is, in addition, to continue special investigations of coal and lignites on the public lands, for which an estimate is made at $25,000. Then there is a special investigation of very great importance in connection with the explosions in coal mines and loss of coal and loss of life, for which $25,000 is estimated as necessary. I am told that over 4,000 men were killed in explosions in coal mines in the United States during the past year, and coal to the amount of millions of dollars' worth was lost. Now, Mr. Speaker, it is not necessary that I should say anything about the necessity and the value of these coal tests. That question has already been passed upon, and it is simply a question of the amount of money to be appropriated. The $50,000 which the Senate has now added to the House appropriation makes the appropriation the same as for the current year. The reason why the $50,000 was cut off in the House, as given by the gentleman from Minnesota, turns out to have been an error. It turns out, in other words, that the necessity for the appropriation for the next year should be as much as for the current year, and, if these estimates be taken into account, larger than for the current year. For that reason I think the House ought to concur in the Senate amendment.

Mr. TAWNEY. Mr. Speaker, the gentleman from Pennsylvania in stating the situation in respect to this $50,000 addition, or the Senate amendment appropriating $50,000 in addition to the amount carried in the bill as it passed the House, said that the estimate was reduced $50,000 in the House upon the statement of the "gentleman from Minnesota," that a large part of that appropriation for the current fiscal year had been expended for the purchase of equipment, and upon that statement the House reduced the appropriation to $200,000, or the exact amount which by the Senate amendment it is proposed to increase the appropriation. And then the gentleman from Pennsylvania says further that he has since made an investigation and he finds that the statement of the "gentleman from Minnesota" was erroneous. Now, I want to give the House the facts in regard to this matter, and let the House judge as to whether the statement of the "gentleman from Minnesota" or the gentleman from Pennsylvania is in error. The gentleman from Pennsylvania, in discussing this proposition when this bill was under consideration in the committee of the whole last week, said:

With respect to these fuel tests, if the committee will turn to page 572 of the hearings before the Committee on Appropriations of last year, 1906, it will find outlined in those hearings a complete programme for these fuel investigations, and the statement made that the completion of this programme would require several years. After that testimony was submitted to the committee an appropriation was made for $250,000, and immediately after the passage of the appropriation a new equipment, estimated for, was purchased, the necessary additional experts were employed, and the investigations, necessarily modified in accordance with the wording of the appropriation act, were inaugurated.

The statement referred to came from the gentleman from Pennsylvania [Mr. DALZELL] and not from the "gentleman from Minnesota."

Mr. DALZELL. Will the gentleman allow me?

Mr. TAWNEY. Just a minute. I want to complete this. On the next page of the CONGRESSIONAL RECORD, page 3894, the Members of the House will find:

Mr. TAWNEY. Mr. Chairman, I move now to reduce the appropriation to $200,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Strike out the word 'fifty;' so that it will read '$200,000.'"

Mr. TAWNEY. Now, Mr. Chairman, I do that upon the statement of the gentleman from Pennsylvania—

It was not done on my statement. It was done on the statement of the gentleman from Pennsylvania—

that out of the current appropriation of $250,000 the Geological Survey has bought very expensive machinery for carrying on these tests. It is therefore manifest that they will not need $250,000 for the service if the service is continued during the next fiscal year.

Mr. DALZELL. Will not the gentleman allow me a moment?

Mr. TAWNEY. In just a moment. I want to complete the statement. But, Mr. Speaker, the statement of both the gentleman from Pennsylvania and myself was correct. I now read from House Document No. 691. In the estimates submitted to the last session of Congress for this indentical purpose it reads as follows:

For analyzing, etc.: Coal, lignites, etc.—For the investigation of the coals, lignites, and other fuel substances of the United States, in order to determine their fuel values, etc., under the supervision of the Director of the United States Geological Survey, and at such places as he may deem most advantageous (sundry civil act, Mar. 3, 1905, vol. 33, p. 1187, sec. 1), $200,000.

Two hundred thousand dollars was the estimate for the investigation. Following that:

For the removal of the plant and necessary equipment, $50,000.

That was the estimate—$200,000 for the investigation and $50,000 for the purchase of equipment for making the investigations—and upon that basis Congress appropriated $250,000 for this service. But when the amendment was offered by myself, the gentleman from Pennsylvania said:

Mr. Chairman, on the statement of the gentleman from Minnesota, I accept the amendment.

That statement was a repetition of his own statement that a large amount of the money appropriated for the current fiscal year for the investigation was for the specific purpose of purchasing equipment, and that appropriation was based upon the estimate submitted, and now it is proposed by the gentleman from Pennsylvania [Mr. DALZELL] to appropriate for this purpose $50,000 more than has ever been appropriated for the testing of coals and fuels in any one fiscal year. I now yield to the gentleman.

Mr. DALZELL. Mr. Speaker, I do not wish to be put in the position of doing an injustice to the gentleman from Minnesota. I freely concede that the statement he made to the House was based upon a prior statement made by me. The statement made by me on which the gentleman based his statement I have since found to be erroneous. I concede also that the concession that I made with respect to this appropriation when the gentleman

offered his amendment was made upon the statement as made by him, and that that statement turns out to be erroneous. So that, going back again, perhaps I was the party that made the first erroneous statement, but all the subsequent action of the House was based upon that statement; and I say now that, after a full investigation, I find that that statement was erroneous, and that all the reason that existed as to why we should have an appropriation of $250,000 for the current year in the current sundry civil bill exists for the having of that appropriation for the coming year in the sundry civil bill, and it is in answer to those necessities, as demonstrated by the work of this Commission, that the Senate has inserted what ought to have been kept in in the House—the $50,000—so that our appropriation ought to be just as the Senate has made it, namely, $250,000, and for that reason the House ought to concur in the Senate amendment.

Mr. TAWNEY. Mr. Speaker, in reply to the gentleman from Pennsylvania, I will say that it matters not to me how much investigation he has made since this House acted upon this proposition; and it matters not from whom he obtained his information, the appropriation of $50,000 was made at the first session of this Congress for the current fiscal year for buying an equipment with which to make this investigation, and now it is proposed to increase the appropriation for the investigation, because the appropriation during the current year is $250,000. I call for a vote.

Mr. UNDERWOOD. I ask the gentleman to yield to me for a few minutes.

Mr. TAWNEY. I call for a vote.

Mr. UNDERWOOD. Then I make the point of no quorum. If the gentleman does not yield me five minutes on this subject, he can bring in his quorum.

Mr. JAMES. I ask unanimous consent that the gentleman may have some time.

The SPEAKER pro tempore. The time is under the control of the gentleman from Minnesota.

Mr. TAWNEY. I will yield to the gentleman; I thought he wanted to ask me a question.

Mr. UNDERWOOD. Then I will withdraw the point of no quorum.

The SPEAKER pro tempore. Does the gentleman withdraw the point of no quorum?

Mr. UNDERWOOD. I do.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I feel a great deal of interest in this appropriation to be given for an investigation of the fuel products of the country. There are a large number of coal mines in my district, and I am candid to say that I feel this appropriation is of great importance to the people I represent. Testing the coal is not merely a question of developing an individual industry, but it is for the purpose of developing the coal business of the United States. As I have stated before in this House, the European governments have a government test of coal. When the collier of Great Britain sends his coal to South America, it goes there with a government test. When the captain of a ship enters a port to buy his coal, he has that government test lying before him, and he knows exactly how much fixed carbon and how much fuel material there is in that coal. When the coal of the United States goes to a South American port, you can send the test of an individual chemist, the chemist of the company, but it carries no official authority with it. The result is that our coals are always discriminated against in foreign ports; and the only effort that has been made along this line of testing coal at all is this recent effort on the part of the Geological Survey. Now it is doing great good.

Mr. SULLIVAN. Does the gentleman understand that this appropriation will supply the kind of service he mentions, namely, testing coal for export?

Mr. UNDERWOOD. I do not contend at all that this is an effort to test coal for export. Now, what I do say, and what is evident, is that this experiment goes to my district and goes to the district of the gentleman from Pennsylvania and goes to the districts of the West. It tests the coal that comes not out of a particular set of mines, but of a particular country. Coals are marked in their character. Say the Pratt seam will be investigated, and if the coal comes out of the Pratt seam it gets the Government certificate. That does not indicate from what mine it comes, but what is represented by that seam of coal. Now, I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Can the gentleman from Alabama cite a single instance in which these coal tests have been of practical value to the country?

Mr. UNDERWOOD. Well, I will say to the gentleman that in his own country my understanding is that the effort on the part of these people to take the lignite coals of the West and convert them into briquettes has proved successful and demonstrated that a good fuel material can be made out of coal that was not useful heretofore.

Mr. CAMPBELL of Kansas. I will state to the gentleman from Alabama that the only test made of the coal in my section of country—and we have great quantities of it there, and we know what it is good for, and knew that before the creation of this Bureau—I think the only Government test of the coal from there is an alleged test the result of which was to publish to the world that our coal was not a coke-bearing coal. This was done in face of the fact that we then had coke ovens and a large coke industry in that district.

Mr. UNDERWOOD. Well, I will state to the gentleman that there is coke and there is coke, and you can make coke out of almost any coal; but you can make coke that when you put it into the furnace it has not strength to bear the burden, and those cokes are practically no good. I do not know anything about the test. It may be that your coal has so much sulphur in it that it would make a weak coke. It would not appear to be different when you had it in your hand, but when the burden is put on top of it it would not bear it, and that is the very purpose of this investigation, and shows that they have accomplished something there.

Mr. TAWNEY. I yield three minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, touching the question of equipment for this coal investigation, I want to speak for just a moment. The importance of it is hardly questioned by anyone. We all know that the President of the United States, whom I do not always accept as the best and highest authority upon all questions, has recently recommended, and very wisely, as I think, that the immensely valuable coal lands owned by the Government should be so handled as to return the best possible dividend to the people, who own them. It is highly desirable that the country should be advised of the value of those lands, and nothing will so well develop that value as the work done by the Survey.

Now, as to the equipment. Less than $25,000 has been expended in the present equipment for this coal testing. I think the gentleman from Pennsylvania [Mr. DALZELL] was rather unfortunate in his remarks about it when this bill was under discussion in the House. Less than $25,000 has been expended. In addition to that, having had put upon them the burden of investigating about 50,000,000 acres——

Mr. TAWNEY. Will the gentleman from Texas permit a question?

Mr. SLAYDEN. Yes.

Mr. TAWNEY. From what paper is the gentleman reading?

Mr. SLAYDEN. A memorandum.

Mr. TAWNEY. Prepared by the gentleman himself?

Mr. SLAYDEN. No, Mr. Speaker, I went to the authorities on that subject. The gentleman's sneer can not overturn the fact that reputable and honorable gentlemen, who have no personal interests to serve in this matter, have not in the whole course of their lives and will not now tell falsehoods in order to get an appropriation to aggrandize their bureau.

Mr. Speaker, having had put on them, as I started to say, the duty of investigating about 50,000,000 acres of the public lands supposed to be underlain with coal, they will require an additional equipment of the value of about $35,000 and a certain increase of ten or fifteen thousand dollars, I believe, for chemical and laboratory materials.

I believe that this is a wise appropriation to make. I believe it is in the interest of all the people that it should be made. I believe it tends to make them appreciate, and to make the world appreciate, the value of one of their greatest assets, and that it is good common sense and good business policy to make the appropriation, as recommended by the Senate.

Mr. TAWNEY. I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, I am opposed to the amendment and to the entire appropriation, for the reason that I contend that the work alleged to be done is of no practical value to the country. We were burning coal in this country for many years prior to the St. Louis Exposition. We knew then that there were conditions under which coal dust would explode, and that there were dust explosions in coal mines. We knew that there was coke-bearing coal; we knew that there was noncoke-bearing coal; we knew that there was coal that was serviceable to the Navy; we knew there was other coal that was not serviceable to the Navy, and it is not shown by anyone that the Navy has accepted or rejected coal because of these tests. No man in favor of this appropriation can point to a single practical test that has been made that has been of service to the whole country. It may be that tests that have

been made have been of practical service to some particular coal field or some particular section of the country that produces coal; but upon the whole no one who is supporting this proposition has pointed to a practical test that has been made that is of substantial value. Now, while this bureau—for it is now a Bureau that is to be permanently saddled upon the country—was making its coal tests at the St. Louis Exposition, which were intended to be temporary and to have an existence only during the lifetime of the exposition, a coal producer in my district offered a carload of coal out of the coke-producing section of that coal field for the purpose of having a test made. He was ignored. A carload of coal from Kansas, 18 miles away from the coke-bearing coal, reached the testing plant at St. Louis. A test was made and a bulletin was published stating that Kansas coal was not a coke-bearing coal. The gentlemen in charge of the tests had no information as to what part of the coal field this coal came from. They simply knew that it was a carload of coal that reached them from the large coal field of Kansas. They made an alleged test and then published a bulletin, containing the statement that Kansas coal would not make coke. As a matter of fact we had a town we call Cokedale, in Cherokee County, Kans., where at the time this bulletin was published there was a large string of coke ovens producing coke. The coke was sold and being burned everywhere in that part of the country. Since the issuance of this bulletin the ovens at Cokedale have shut down because a Government bureau said Kansas coal would not produce coke.

Now, I would like to hear some who favor this appropriation say, before this vote is taken, that these tests are of practical value to the country.

Mr. TAWNEY. I now yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, unlike the gentleman from Kansas [Mr. CAMPBELL], I have no grievance against the work or the reports of the operations of this Bureau. On the contrary, I believe they have been doing a very good work; at least, that the greater portion of the work that they have been carrying on is exceedingly useful, and that their reports in the main have been just and fair and in accordance with the facts.

But in passing upon this matter we must take into consideration not only the character of the work, the amount which may be necessary to carry it on, but we should also take into consideration the decision of the House in regard to other work of the Geological Survey, and the decision that the House arrived at when this matter was first under investigation.

Most of the appropriations of the Survey have been reduced by the united action of the two bodies, indicating an intent on the part of Congress to somewhat limit the activities of the Geological Survey along various lines. The House has already passed upon this particular matter and has passed upon it with the full knowledge, in my opinion, of the facts in the case. It is true that a considerable portion of the appropriation last year was used for the purchase of machinery, and I am of the opinion that a less amount will be required or should be used for that purpose next year. I think it is very much better if this work is to be continued, that it should be continued with a reasonable appropriation, an appropriation sufficient to carry on the work along proper lines, rather than with a temporarily increased appropriation above the amount given for other branches of the service, resulting in all probability in a successful effort to reduce it or wipe it out at the next Congress.

If I were of the opinion that the gentleman from Texas seems to be, that the activities of the Bureau have been directed toward advising the action that has been taken in regard to the public coal lands of the country, I should vote against the appropriation in toto; and if the present policy of the Interior Department relative to the coal lands of the Government continues with the advice of this Bureau, I shall be compelled to oppose the appropriation of a single dollar in the future for this kind of work.

Mr. SLAYDEN. Will the gentleman from Wyoming allow me an interruption?

Mr. MONDELL. Yes.

Mr. SLAYDEN. I want to say to the gentleman that he evidently misunderstood me. I did not say that the activities of the Geological Survey had led to the position of the President with reference to coal lands. I meant to convey the idea that the action of the President had increased the activities on the part of the Geological Survey.

Mr. MONDELL. I practically understood the gentleman. I want to call his attention to the fact that the orders withdrawing practically all the national coal lands from entry have prevented all coal development in the West, and whatever good this Bureau may have done in the last year, if it had anything to do with proposing that policy and advocating it, or recommending it, it would have been infinitely better for the West had there been no Bureau of this sort or kind created. To-day, in the face of an increasing demand for coal, all public coal lands are withdrawn from entry, tied up absolutely, creating a monopoly in the hands of those who are already operating coal mines, making it possible for them for the first time in the history of our western country to increase the price of coal at the mines above a reasonable profit above the cost of mining.

This is the condition we find ourselves in to-day, and if this bureau had anything to do with bringing about that condition of affairs, brought about by repeal of the coal-land laws of the land by Executive order, I shall regret that I ever favored one dollar of appropriation for this purpose.

Mr. Speaker, the work which has been carried on under this appropriation has been a highly useful and beneficial work. The men who have had it in charge are most earnest, capable, and efficient men, as in fact are most of the men in charge of the work of the Survey in all branches; but I am not in full sympathy with all the lines of work contemplated for the future, and especially am I not in sympathy with what seems to be a tendency through Government bureaus to commit the Government to permanent paternalistic and socialistic policies.

Mr. TAWNEY. I now yield to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN. Mr. Speaker, none of the arguments which have been made to sustain the appropriations for gauging streams and the making of topographical maps and surveys are available for the purposes of this discussion. The matter of investigating the quality of coal is not a national one in any sense of the word, but is purely a local question. It is a question which affects the States and the owners of coal lands in those States. The attempt to increase this appropriation, it seems to me, ought not to be made now. The House conferees have very generously made a concession in agreeing to an appropriation of $200,000, and it seems to me that the House ought to sustain the committee in that regard and not pile upon the appropriation $50,000 more.

Mr. UNDERWOOD. Is not the appropriation as it comes back here just as it was when it went out of the House? It passed the House for $200,000.

Mr. SULLIVAN. And the amendment now is to increase it $50,000.

Mr. UNDERWOOD. Yes; and the conferees have not yielded to anything, nor has the committee yielded to anything.

Mr. SULLIVAN. Mr. Speaker, this is simply another attempt to put upon the Government an expense which properly should rest upon private individuals: There is no reason why the Pennsylvania Railroad or the coal trust should not make these experiments at their own expense. There is no reason why that expense should be saddled upon all the taxpayers of the United States, and I have not heard in the argument of any gentleman upon this side or upon that any good reason for compelling the National Government to pay the bill which properly ought to be paid by the owners of coal mines in the several States of the Union.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House recede from its disagreement to the Senate amendment No. 78 and concur in the same.

The question was taken; and on a division (demanded by Mr. DALZELL), there were—ayes 84, noes 50.

Mr. TAWNEY. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. DALZELL and Mr. TAWNEY were appointed tellers.

The House again divided; and the tellers reported—ayes 92, noes 50.

So the motion was agreed to.

The SPEAKER. The next amendment for consideration is amendment No. 79, which the Clerk will report.

The Clerk read as follows:

Page 115, beginning with line 12, insert the following:

Provided, That in examinations, hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits; and it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States, and to give these examinations preference over other work: *Provided further*, That in publishing the results of these investigations the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

Mr. DALZELL. Mr. Speaker, I move that the House recede from its disagreement to this amendment No. 79 and concur in the same.

Mr. TAWNEY. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I hardly think it is necessary to occupy the attention of the House. This is purely a legislative provision. It is a matter that is embodied in the current sundry civil appropriation bill, and has been always where the appropriation that has already been put into the bill has been made. It went out in the House upon a point of order, because it was new legislation. Undoubtedly it is legislation, but it is good legislation; it is in the interest of the public service, and it is legislation, to repeat what I have said, that we have always had in connection with this appropriation. I can see no reason why there should be any objection made to concurring in the Senate amendment, since the addition has been made to the appropriation.

Mr. TAWNEY. Mr. Speaker, if I can have the attention of the House for just a minute I will endeavor to state why, in my judgment and in the judgment of my associates on the conference, this amendment should not be concurred in. The House passed this provision limiting the investigation and the test of fuel upon lands owned by the Government of the United States. The importance of this amendment is the fact that it widens the scope of the investigation and authorizes the Geological Survey to not only test the fuels on the lands belonging to the United States, but to test the fuels belonging to individual coal operators and mine owners. The coal purchased in any section of the country, owned by anybody, or the coal trust, or anybody else, can be tested, and tested at the expense of the Government, under this proposed legislation—

And it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States and to give these examinations preference over other work: *Provided further*, That in publishing the results of these investigations the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

The first part of the amendment, "that in examinations, hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources of the United States," is where the Survey obtains its authority to examine everybody's coal, or every coal deposit wherever located and owned by anybody whomsoever, and I submit, Mr. Speaker, that if this work is of benefit to the corporations that own the great coal beds of this country, they should at least pay the charge and expense of making the investigation if they are unable or have not the facilities to make the investigation themselves. The amendment as it passed the House is limited, as I said, to an investigation of fuel belonging to the United States and for the use of the United States. It was not proposed by the House to extend this investigation into every coal mine throughout the United States and have an investigation made at the expense of the Federal Treasury, as it is now proposed by this Senate amendment which the gentleman from Pennsylvania moved to concur in.

Mr. UNDERWOOD. I ask the gentleman from Minnesota for a minute or two.

Mr. TAWNEY. I yield to the gentleman from Alabama three minutes.

Mr. UNDERWOOD. Mr. Speaker, I think it is very important for us to concur in this Senate amendment if we wish to carry out the very purpose for which we have made this appropriation. The object of Congress in appropriating $250,000 for fuel tests, and other appropriations for the Geological Survey all along the line, has not been for the purpose of investigating lands that belong to the Government. The argument has been made here from the beginning, from the very time this survey was inaugurated, that it should cover the space of the United States, and that the words "public domain" meant the United States from the Pacific to the Atlantic oceans, not the mere land that belonged to the Government of the United States. The investigation, if limited merely to the domain that belongs to the United States, would be limited to a few Western States and Territories. It is of as much importance and of more importance to the consumers of coal and the people who use this material to know what is in the coals of Pennsylvania, Alabama, and Illinois as there is in the coals of the western domain, and the real object of this investigation is for the purpose of investigating all the coals of the United States, and the gentleman opposing this amendment seeks to limit the operation of the appropriation merely to the public domain in the western territory and cut that benefit away from the southern, middle western, and eastern people entirely, and therefore I think that the motion should be adopted.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House recede.

Mr. MONDELL rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. TAWNEY. I yield three minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I presume this motion will be carried, for I imagine that the same interests that increased the appropriation $50,000 will demand that the major portion of it be used in the Eastern States to determine the value of fuel in private ownership. It is a curious and interesting fact, Mr. Speaker, that while originally practically all the appropriations for the Geological Survey were supposed to be for the development of the public domain, but a limited portion of those appropriations are so used now. The words "national domain" were unquestionably placed in the fundamental law of the Survey with a view of indicating the lands owned by the Government, and for many years the topographic and geological surveys, the stream gauging, and most of the other activities of the Survey were confined very largely to the western country, where the Government has large landed interests, where it has millions of acres of land to dispose of, where it is attempting to develop a vast and undeveloped region; but gradually the eastern brethren began to trench upon those appropriations, these practically the only appropriations of all of the millions of annual appropriations of the Government that are or ought to be peculiarly beneficial to western development.

So year after year smaller and still smaller portions of these appropriations are used in the West on the public domain. But a fraction of the appropriation for stream gauging is now used where the Federal Government owns public lands; but a fraction of the appropriation for topographic surveys is used for the purpose of thus surveying the public domain; but stream gauging is carried on in Massachusetts and Alabama and New York for the purpose of enabling wealthy corporations to determine the amount of available waterpower for their mills and factories, and topographic surveys are carried on in the aid of street-car and trolley companies and other corporations desiring to know the topographical features of large cities and of densely populated regions where they propose to operate.

And so on through all of these appropriations, intended originally to develop the resources of the West, intended to aid in the development of that great region comprising the public domain where we have so many important problems to be determined and solved. Gradually these appropriations have been shifted east of the Mississippi River, until those of us who have stood here year after year fighting for them find that our regions obtain only the crumbs that remain after the older States have received bountiful helpings from the national larder. In many instances wealthy Commonwealths——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to continue for two minutes more.

Mr. TAWNEY. Mr. Speaker, I yield two minutes to the gentleman.

Mr. MONDELL. Wealthy eastern Commonwealths, where the land is all in private ownership, where private capital is well able to develop all the resources of the region, are clamoring for these paternalistic public appropriations, for they are paternalistic when applied to private industry. They are not paternalistic when they are intended for and used for the benefit and development of the public domain. And so, I say, year after year we find these appropriations passing from the territory for which they were originally intended to other territory where, in my opinion, the Federal Government should make no appropriations for the purpose of enabling individuals or corporations to develop private property.

Mr. Speaker, if the lands of the West were all in the hands of individuals and taxable; if it were not a fact that one-half to four-fifths of our territory belongs to the Government and is therefore not taxable; if we were in position to draw on all our area for the support of our institutions, our people would not, in my opinion, ask for appropriations like this, for then, and in that event they would be paternalistic as they are now when diverted to the development of private lands and private industries.

Give us our domain, pass into the hands of the States or gradually into the hands of private individuals the lands of the West and the West will not be here as a mendicant, asking for Federal appropriations for the gauging of streams belonging to individuals, for the testing of coals belonging to private parties, or for the carrying on of any of these enterprises in the interest of private corporations.

Mr. OLMSTED. How about irrigation?

Mr. MONDELL. We are paying all we receive for irrigation back to the nation.

Mr. OLMSTED. You have not paid back much yet.

Mr. MONDELL. Well, we begin to do so this year, and those funds are not derived from taxation, but from the money received from land sales. In this session we passed a bill which gives to the seaboard and the people along our river systems—and I do not quarrel with that appropriation—$80,000,000 for rivers and harbors, a gratuity, while we are to pay back every dollar which we receive for irrigation.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania [Mr. DALZELL], that the House recede from its disagreement to Senate amendment No. 79, and concur in the same.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. TAWNEY. Division, Mr. Speaker.

The committee divided; and there were—ayes 75, noes 37.

So the motion was agreed to.

The SPEAKER pro tempore. The next amendment in order is amendment No. 80, which the Clerk will report.

The Clerk read as follows:

For the continuation of the investigation of the black sands of the United States, and especially processes for the electric smelting of iron ores, to be immediately available, $25,000.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized to make a motion.

Mr. DALZELL. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 80 and concur in the same.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves that the House recede from its disagreement to Senate amendment No. 80 and concur in the same.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. DALZELL].

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. DALZELL] is recognized for five minutes.

Mr. DALZELL. Mr. Speaker, I regard this amendment as the most important of all the amendments to this portion of the bill relating to the Geological Survey. I believe that if the Members of this House understood the actual situation and what the value of this amendment is there would not be a dissenting voice to the motion. One great essential to the manufacturing interests of this country, and especially to the electrical interests of this country, is the possession of platinum. There is not in all the United States a place where platinum can be secured except through the medium of these black sands. The only platinum that is now available for manufacturing purposes is produced in Russia. It is controlled by an English syndicate, and the price of platinum in the market to-day is $40 an ounce. Now, through these investigations that have been made in the years gone by of the black sands upon the Pacific coast a great many mineral resources have been ascertained, and amongst others the existence of platinum.

To a large extent the experiment made in the investigation of the black sands upon the Pacific coast have been completed, but the black sands of the Gulf coast, the black sands of the entire South Appalachian Range yet remains to be made; and how much there is of hidden mineral wealth in these black sands nothing but an investigation made under Government supervision can disclose. It is the purpose of the provision put in by the Senate, which ought to have been put in by the House, to devote the sum of $25,000 to make this investigation. The result may be, if we may judge from what has been accomplished in the past, an addition to the wealth of the country many times $25,000. It is for these reasons that I say the Senate amendment ought to be concurred in by a unanimous vote.

Mr. SMITH of Iowa. Mr. Speaker, the testimony taken before the committee in reference to the investigation of black sands shows, if it be reliable, and I take it that it is, that we have already discovered that the black sands wasted contain more than four times as much platinum as is annually consumed in the United States. This is not, therefore, an effort to discover whether we can produce platinum in America, because it has already been discovered that the annual waste of these sands carries with it more than four times as much platinum as is consumed now in America.

Not only that, but these investigations of black sands show a production of iron, varying from 5 to 50 per cent, whereas 12 per cent would pay handsomely for the reduction of the iron in the sands. In the face of that it is proposed here not to appropriate $25,000 for the continuation of the investigation of black sands, but that it shall be extended into an investigation of processes for the electric smelting of iron ore. If it be the duty of this Government to investigate processes for the electric smelting of iron ore, then why is it not the duty of this Government and the function of this Government to enter upon investigations with the view of discovery in every mechanic art? If it has been discovered that these black sands carry all the way up to more than 50 per cent of magnetic ore, why should not the process of the reduction of the iron be discovered by private individuals, as all other important scientific truth is discovered?

I have not worried the House by talking upon these fuel tests and on the tests of concrete, but the fact is we entered a few years ago, at the St. Louis exposition, into an investigation of these fuels with an appropriation of $7,500, as I recall. That has grown and grown and grown until now it takes $250,000 a year to carry on these investigations. I think I see in this proposal for the entering upon an investigation of processes of electric smelting iron ores something which portends hundreds of thousands of dollars of expense a year in the near future. Most of the Departments of the Government have to rely upon the general benefits of their service as the basis of appeal for an appropriation.

Fortunate is the bureau of the Government which, desirous of unlimited expansion, is able to do a little bit of something for many Congressional districts and thereby enlist the support of the people of those districts for that local use. But if we are to launch out and vest authority in the Government and impose upon it the duty of making investigations of discoveries of all kinds in every line of human industry and human endeavor, there is absolutely no limit to the possibilities of appropriations for these investigations.

This investigation of black sands has gone so far as to demonstrate their commercial value for the purpose of producing both platinum and iron, and it is not the duty of this Government now to go on and discover and improve processes of electric smelting of iron ores. That is like what it has done in the fuel tests. The money has been spent not in testing the fuel, but in testing whether the fuels are more productive of power in their original form or when first converted into gas; and they are now taking a step further and are investigating gas engines, and determining what are the best patterns of gas engines. We see how these processes go on. Is it not sufficient for us, having loaded ourselves with the fuel test and the concrete test, to at least wait until we have found whether this is a never-ceasing and never-ending work before we embark in an effort to make scientific discoveries in other lines of human endeavor? I am opposed to this amendment of the Senate because the investigation of black sands has now reached a state where the utilization of these sands is for American industry and enterprise. I am utterly opposed to this amendment, because it provides for embarking in an investigation of processes of the electric smelting of iron ore.

Mr. TAWNEY. I yield five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, it is a very common way of attempting to defeat a very meritorious proposition to exaggerate what it is and also to speculate about what it might be. Now, we are not proposing by this provision of the Senate to do anything more than we have been doing under like appropriations from year to year. We are proposing, of course, to investigate and enter upon processes of electric smelting of iron ores; but an investigation of the things that have been done and entered upon by the Geological Survey will show that we have made some very material progress in that direction and that we have brought it about up to the point where we can produce satisfactory results, and we should not stop now and lose the rich fruits of work already done and which will largely be lost if we cease to continue the work so well begun.

The gentleman from Iowa [Mr. SMITH] professes to believe that we ought to turn over that result to private individuals and private companies; but in order to make his statement complete he ought to have said that we ought to turn it over to the steel trust and to the great corporations of this country, in order that they may make it a monopoly against the people of this country, rather than have the Government do it and give it over to the people of the country. In the new use of electricity our skilled practical men in the Geological Survey have entered the field for the purpose of determining whether the great black-sand regions of our country and other ores of this country that have always been denominated "refractory" and are utterly useless, could be made useful and could be smelted through the processes of electricity and made valuable. In this day, when we have about exhausted the iron ores that are not refractory from our great mines in Pennsylvania, in Ohio, and on Lake Superior, and elsewhere, it is about time that we were introducing the new process and making the discoveries that will make this valuable ore useful and utilize it and cheapen it. In so far as progress has been made, it promises to save to the people

of this country many hundreds of millions of dollars in the near future, and yet we are now hesitating whether we shall give for this purpose, to carry on these processes, the sum of $25,000 or leave this matter to go into the control of the great corporations interested in iron ore and steel and let them ultimately get patents from the United States for the new discoveries and hold them for at least a period of seventeen years under patent monopoly. It is for this reason that I have been in favor of continuing this appropriation. The other reasons stated by the gentleman from Pennsylvania [Mr. DALZELL] are equally potential. For fear that there would be any lack of zeal on the part of the Geological Survey, the Senate, in wording this amendment No. 80, says:

For the continuation of the investigation of black sands of the United States, and especially processes for the electric smelting of iron ores, to be immediately available, $25,000.

I regard that as a very small appropriation for the very great interest involved in it.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN. Mr. Speaker, it is difficult to account for the reasoning of the gentlemen who advocate this appropriation. The gentleman from Ohio [Mr. KEIFER] says that the Government of the United States should make these scientific investigations, because forsooth unless the Government does, private industry may make the examination and obtain a patent upon the process, and in that manner extra charges may be imposed upon the people of the United States. That is a reason which I submit to the House for its own examination without further comment.

The gentleman says further that if this investigation be made, it will result in the gain of hundreds of thousands of dollars by the people of the United States. That statement carries with it the inference that these black sands are already of great commercial value, and it follows unavoidably from that that private industry should pay the expense of making the initial investigation, inasmuch as private industry will ultimately reap the profit of the transaction. Now, if the reasoning of the gentleman from Pennsylvania be followed, every commercial transaction must be preceded by a scientific investigation under the auspices of the Government of the United States. Examine his statement for just one moment. He says that platinum, which can be obtained from black sands, is to-day worth $40 an ounce, and that the available supply is under the control of an European syndicate. That means that platinum is immensely valuable in the United States to any organization of individuals who will make it commercially available, and it follows from that that there is a sufficient stake hung up now for private industry to warrant it in paying the expenses of this investigation.

And yet in the face of the great value of the article, disclosed by the argument of the gentleman from Pennsylvania, he asks that the Government of the United States be compelled to pay the bills which will ultimately benefit the owners of the territory where these black sands are located.

I could not help admiring the subtle touch of the gentleman from Pennsylvania [Mr. DALZELL] when he suggested that the black sands in the Appalachian Range had not yet been investigated. It seemed to me when he made that remark he disclosed a sublime faith in the corruptibility of the minority in suggesting that an appropriation would be useful in certain sections of the United States. [Laughter.] I trust that Members on this side of the House will reject the proposition that is contained in the suggestion of the gentleman from Pennsylvania, and will show by their votes that they still retain a portion of the measure of their original virtue which formerly they asserted by opposing all paternalistic schemes, and vote solidly against this pernicious enterprise, which has no justification in business, sound legislative principles, or in morals. [Applause.]

Mr. TAWNEY. I now yield three minutes to the gentleman from New Jersey [Mr. WILEY].

Mr. WILEY of New Jersey. Mr. Speaker, I wish to answer the statement of the gentleman from Massachusetts [Mr. SULLIVAN] who has just taken his seat. His premises, if true, would justify the conclusion that he draws from them, but the fact is his premises are not quite correct. It is necessary in investigating the black sands to ascertain by scientific investigation whether those sands bear this platinum, which is the article we are in search of.

Mr. SULLIVAN. That has already been demonstrated.

Mr. WILEY of New Jersey. In certain localities.

Mr. SULLIVAN. On the Pacific coast.

Mr. WILEY of New Jersey. Yes; upon the Pacific coast.

Mr. SULLIVAN. The gentleman is correcting my premises.

Mr. WILEY of New Jersey. I will do so if the gentleman will let me proceed. The southern black sands have not been investigated, and it is unknown at the present time whether they do or do not contain platinum, although the presumption is in favor of it. Now, this appropriation is to determine whether or not platinum exists in these sands. It is necessary such investigation should be made by the United States Government, because no private individual or company is capable of doing it. The source of platinum at the present time is Russia, and during the Russo-Japanese war the mines were practically abandoned and the price of platinum rose to fabulous figures. Now, the platinum discovered in the black sands has been for the good of this country at large, and served to render this nation, to some extent, independent of the foreign supply. All the electric systems use it to a large extent, and so do the jewelers. This investigation will show whether these sands contain the platinum and whether it is worth while to work them. If the presence of platinum is established private capital will at once be enlisted to obtain it, but in the absence of such determination by a disinterested investigation, such as the United States would make under this appropriation, no private capital will be forthcoming, and these sands will be neglected in the future as they have been in the past.

Mr. TAWNEY. Mr. Speaker, I now yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, if I understand it, sufficient investigation has been made to demonstrate that they can find platinum in paying quantities in the sands of the Pacific coast. It has also been demonstrated that by force of electricity they can extract the iron ore from those sands, although it is difficult to get it in any other way, if not impossible. These experiments or demonstrations have proved that these black sands are of commercial value. What more does the great iron industry need? What more do the great electric industries of the United States need? If there are any industries that possess boundless wealth and capital, boundless resources, that have in their employ great talent, the greatest ingenuity of any class of business in the United States in greater degree than these two industries, I would like to have some gentleman name them. Is it possible that the Government of the United States is to take the lead in individual endeavor? Are the men engaged in these industries of so little enterprise, of so little perseverance, and so little enthusiasm in their work that they will decline to invest the paltry sum of $25,000 to discover what a mine of vast wealth, as it has been described in this case, there is in these black sands? What reason is there for the Government of the United States not leaving this to individual enterprise? My friend from Ohio says that it is turning it over to the great steel trust. Great heavens! Is there any danger of the United States discovering anything of value? If so, the steel trust will be on hand and they will take it just as soon if the United States discovers it as though the individual discovered it.

It will make no difference about that. It seems to me almost like demagogy gone mad to say that the United States must invest money in this investigation in order to protect itself from the corporations which are engaged in the manufacture of steel and of iron, and the gentleman says that if they discover the process they will take out patents and make a monopoly of it. Well, it does not prevent a monopoly by the way of the patents, for the United States to make investigations and discoveries.

Mr. KEIFER. Why not?

Mr. PAYNE. Because we would wake up the next morning and find that the man who was employed by the United States, paid by the United States, the cost of whose investigation was paid by the United States, goes over to the Patent Office and gets out a patent upon the process which he has discovered.

Mr. KEIFER. And in every such instance it has been held void.

Mr. MANN. Oh, the gentleman from Ohio is mistaken about that.

Mr. PAYNE. The gentleman is mistaken about the law, as he sometimes is; and then they have a monopoly against the citizens of the United States. The United States itself may use the patent, but the citizens of the United States can not, and it is a question that has not been settled yet, as to whether this particular thing is not the property of the citizen employee of the United States and that he can make the United States pay for it. I suspect the only reason why that question has not been settled, is because there is no way now by which they can get into the Court of Claims to bring an action for such a claim as that; but it does not protect the people of the United States, the individuals, the manufacturers from the claim of a patent discovered by the employee of the United States Government. Mr. Speaker, it seems to me there is no

reason why we should not leave this to individual enterprise; we should never make it a charge upon the Treasury of the United States.

Mr. TAWNEY. Mr. Speaker, just one word. I want to call the attention of the House to the fact that this proposition was first suggested to Congress in 1905. It was then limited exclusively to the investigation of black sands at Portland, Oreg., where an exposition was then being held. And in the following year, in the urgent deficiency bill, or at the beginning of this Congress, the appropriation of $25,000 was made in the following words:

To enable the Director of the Geological Survey to complete the investigation of the useful values contained in black sands.

That was to complete the investigation. Now, they propose to start anew not only along the line of investigating black sands, but they propose for the benefit of the steel manufacturers of this country to engraft upon this investigation this language:

And especially processes for the electric smelting of iron ores.

That is a field so wide that no one can begin to encompass it at this time. The investigation that would be authorized by this language would put the Government of the United States in the position of investigating processes of all kinds, as well as instrumentalities and equipment of all kinds, for the purpose of developing the industry of electric smelting of iron ores.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. MANN. Has the gentleman made any calculation as to how many millions or hundreds of millions of dollars could be used for the purpose of investigating process for the electric smelting of iron ores?

Mr. TAWNEY. I have not. It is not possible for anybody to make even an approximate estimate of that expense.

Mr. MANN. Without a very vivid imagination.

Mr. SULLIVAN. I would suggest that the appropriations be coextensive with the appetite of the steel trust.

Mr. MANN. It would go beyond the appetite of the steel trust. It would go beyond even the imagination of my friend from Ohio [Mr. KEIFER].

Mr. KEIFER. The steel trust does not want it, and is opposed to it.

Mr. TAWNEY. In view of the fact that at the beginning of this Congress it was proposed by Congress and by the Geological Survey itself to complete this investigation with an appropriation of $25,000 then given, I submit that this House ought not to go on record in favor of further continuing the investigation or embarking upon the business of investigating the processes for the electric smelting of iron ores, and I hope the motion of the gentleman from Pennsylvania will not prevail.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Pennsylvania that the House recede from its disagreement to the Senate amendment No. 80 and concur in the same.

The question was taken; and on a division, demanded by Mr. DALZELL, there were—ayes 56, noes 67.

Mr. THOMAS of North Carolina. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. TAWNEY and Mr. DALZELL were appointed tellers.

The House again divided; and the tellers reported—ayes 79, noes 77.

Mr. TAWNEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that the amendment may be reported, so that the House will know what it is voting upon.

The SPEAKER pro tempore. Unanimous consent is asked that the amendment be again reported. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report Senate amendment No. 80.

The amendment was again reported.

The question was taken; and there were—yeas 123, nays 142, answered "present" 4, not voting 108, as follows:

YEAS—123.

Aiken	Burke, Pa.	Dawes	Gardner, N. J.
Allen, Me.	Burke, S. Dak.	De Armond	Graham
Bannon	Burleigh	Deemer	Gregg
Barchfeld	Burnett	Dixon, Mont.	Gronna
Bartholdt	Burton, Del.	Dovener	Grosvenor
Bates	Calderhead	Dunwell	Gudger
Beall, Tex.	Campbell, Kans.	Ellerbe	Hamilton
Bell, Ga.	Cassel	Englebright	Hay
Blackburn	Clark, Fla.	Finley	Hayes
Brantley	Clayton	Foss	Heflin
Broussard	Cole	Foster, Vt.	Higgins
Brown	Dale	French	Hill, Miss.
Brownlow	Dalzell	Gaines, W. Va.	Hinshaw
Brumm	Davey, La.	Garber	Howell, N. J.
Brundidge	Davis, W. Va.	Gardner, Mass.	Hunt
Kahn	Mudd	Schneebell	Steenerson
Keifer	Murphy	Scott	Sulloway
Kline	Norris	Sheppard	Talbott
Knowland	Olmsted	Sibley	Taylor, Ohio
Lafean	Page	Slayden	Thomas, N. C.
Lee	Patterson, N. C.	Slemp	Thomas, Ohio
Lever	Patterson, S. C.	Small	Townsend
Lilley, Pa.	Pollard	Smith, Ill.	Underwood
Loud	Pou	Smith, Md.	Wachter
Lovering	Rainey	Smith, Mich	Watkins
Mahon	Ransdell, La.	Smith, Pa.	Webb
Marshall	Reyburn	Smith, Tex.	Weems
Maynard	Reynolds	Smyser	Wiley, N. J.
Meyer	Richardson, Ala.	Southall	Wood
Moon, Pa.	Robinson, Ark.	Sperry	Zenor
Moore, Pa.	Samuel	Southard	

NAYS—142.

Alexander	Esch	Lamb	Parsons
Andrus	Fassett	Landis, Chas. B.	Payne
Babcock	Fitzgerald	Landis, Frederick	Perkins
Bankhead	Fordney	Law	Powers
Bartlett	Foster, Ind.	Lawrence	Prince
Bennet, N. Y.	Fowler	Legare	Randell, Tex.
Birdsall	Fulkerson	Littauer	Reeder
Bishop	Gaines, Tenn.	Littlefield	Riordan
Bowers	Gardner, Mich.	Livingston	Rucker
Brick	Garrett	Lloyd	Ruppert
Burton, Ohio	Gilhams	Longworth	Russell
Calder	Gillespie	Loudenslager	Ryan
Candler	Gillett	Lowden	Shackleford
Capron	Glass	McCall	Sims
Chaney	Goebel	McCleary, Minn.	Smith, Cal.
Chapman	Graff	McCreary, Pa.	Smith, Iowa
Clark, Mo.	Granger	McGavin	Smith, Ky.
Cocks	Greene	McKinley, Ill.	Spight
Conner	Hale	McKinney	Stafford
Cooper, Wis.	Haskins	McMorran	Sterling
Coudry	Henry, Conn.	McNary	Sullivan
Cousins	Hepburn	Macon	Tawney
Cromer	Hill, Conn.	Mann	Taylor, Ala.
Crumpacker	Holliday	Martin	Tirrell
Currier	Houston	Miller	Volstead
Cushman	Hubbard	Minor	Wadsworth
Darragh	Hull	Moon, Tenn.	Waldo
Davis, Minn.	Humphrey, Wash.	Murdock	Wallace
Dawson	James	Needham	Washburn
Denby	Jones, Wash.	Nelson	Watson
Dickson, Ill.	Kelliher	Olcott	Weeks
Dixon, Ind.	Kennedy, Nebr.	Otjen	Wharton
Draper	Kinkaid	Overstreet, Ga.	Williams
Driscoll	Knapp	Overstreet, Ind.	Woodyard
Edwards	Knopf	Padgett	
Ellis	Lacey	Parker	

ANSWERED "PRESENT"—4.

Burgess	Butler, Pa.	Jenkins	Wanger

NOT VOTING—108.

Acheson	Flood	Klepper	Roberts
Adamson	Floyd	Lamar	Robertson, I
Allen, N. J.	Fuller	Le Fevre	Rodenberg
Ames	Garner	Lewis	Saunders
Bede	Gilbert	Lilley, Conn.	Scroggy
Beidler	Gill	Lindsay	Shartel
Bennett, Ky.	Goldfogle	Lorimer	Sherley
Bingham	Goulden	McCarthy	Sherman
Bonynge	Griggs	McDermott	Snapp
Boutell	Hardwick	McKinlay, Cal.	Southwick
Bowersock	Haugen	McLachlan	Sparkman
Bowie	Hearst	McLain	Stanley
Bradley	Hedge	Madden	Stephens, Tex.
Broocks, Tex.	Henry, Tex.	Michalek	Stevens, Minn.
Brooks, Colo.	Hermann	Mondell	Sulzer
Buckman	Hogg	Moore, Tex.	Towne
Burleson	Hopkins	Morrell	Trimble
Butler, Tenn.	Howard	Mouser	Tyndall
Byrd	Howell, Utah	Nevin	Van Duzer
Campbell, Ohio	Huff	Palmer	Van Winkle
Cockran	Hughes	Pearre	Vreeland
Cooper, Pa.	Humphreys, Miss.	Pujo	Webber
Davidson	Johnson	Reid	Weisse
Dresser	Jones, Va.	Rhinock	Welborn
Dwight	Kennedy, Ohio	Rhodes	Wiley, Ala.
Field	Kitchin, Claude	Richardson, Ky.	Wilson
Fletcher	Kitchin, Wm. W.	Rives	Young

So the motion was rejected.

The Clerk announced the following additional pairs:

For the day:

Mr ACHESON with Mr. BURGESS.

For the vote:

Mr. RODENBERG with Mr. HOWARD.

Mr. MONDELL with Mr. WILEY of Alabama.

Mr. MCLACHLAN with Mr. FLOOD.

Mr. KENNEDY of Ohio with Mr. SPARKMAN.

Mr. COOPER of Pennsylvania with Mr. SHERLEY.

Mr. DAVIDSON with Mr. TRIMBLE.

Mr. BUCKMAN with Mr. SULZER.

Mr. BROOKS of Colorado with Mr. PUJO.

Mr. BONYNGE with Mr. LAMAR.

Mr. ROBERTS with Mr. BURLESON.

Mr. JENKINS with Mr. HENRY of Texas.

Mr. SHERMAN with Mr. LEWIS.

Mr. BEDE (in favor of) with Mr. STEVENS of Minnesota (against).

Until further notice:

Mr. SNAPP with Mr. GOLDFOGLE.

Mr. NEVIN with Mr. MOORE of Texas.
Mr. PEARRE with Mr. GILL.
Mr. MOUSER with Mr. TOWNE.
Mr. LILLEY of Connecticut with Mr. CLAUDE KITCHIN.
Mr. LE FEVRE with Mr. RHINOCK.
Mr. KLEPPER with Mr. MCLAIN.
Mr. HOWELL of Utah with Mr. SAUNDERS.
Mr. HAUGEN with Mr. STEPHENS of Texas.
Mr. BOWERSOCK with Mr. FIELD.
Mr. BEIDLER with Mr. REID.
For the session:
Mr. WANGER with Mr. ADAMSON.
The result was announced as above recorded.

Mr. TAWNEY. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the House insist upon its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The next amendment for consideration is No. 82, which the Clerk will report.

The Clerk read as follows:

On page 116, line 13, before the word "thousand," insert "and fifty;" so it will read: "$350,000."

Mr. OLMSTED. Mr. Speaker——

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania to make a motion.

Mr. OLMSTED. Mr. Speaker, I move that the House do recede from its disagreement to that amendment and concur therein.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. OLMSTED] moves that the House recede from its disagreement to Senate amendment No. 82 and concur therein.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. OLMSTED. Mr. Speaker, this is not a matter that in any exceptional manner affects Pennsylvania, for out of $480,000 expended last year only $17,100 were expended in that State. This covers the topographical survey of the whole country, and the whole country is interested in it. It affects every State in the Union.

As this bill was originally reported from the Committee on Appropriations the words "United States," which had previously appeared, were changed to "national domain," intending thereby to confine the topographic survey to the lands owned by the Government, and the appropriation was reduced to $250,000. But the House, in the Committee of the Whole, struck out "national domain" and inserted "United States." A motion was made to increase the appropriation to $400,000, but it carried at $300,000. The Senate has increased the amount to $350,000, which was just the amount appropriated in the previous year and the year before that for expenditure for topographical surveys throughout the United States. I submit that if $250,000, the amount proposed by the Appropriation Committee for lands owned by the United States, was a proper appropriation, then $350,000 is very small when covering all the United States, not confining it to lands owned by the Government itself.

This work, Mr. Speaker, is in progress in every State and Territory in the Union. It is just about half completed now. From all sections there are clamors for this work—from the Government Departments, the War Department, and the Interior Department. The States are interested to such extent that thirteen different States out of their own treasuries have appropriated for the purpose of expediting this survey. I think that the Senate amendment restoring the amount to the same figure which was appropriated in the preceding year and the year before that is certainly a very proper amendment, and I therefore hope that the House will recede from its disagreement and concur in that amendment.

Mr. TAWNEY. Mr. Speaker, the amount of money that the Geological Survey can expend in making a topographical survey is limited only by the amount that it can get from the Congress of the United States. The work that is now being done by the Geological Survey in the making of topographical surveys is being done in those States that cooperate with the Geological Survey in making the survey, and if the State is willing to put up $50,000, the Director of the Geological Survey is willing to take out of this Federal appropriation an amount equal to the amount contributed by the State.

Mr. OLMSTED. Will the gentleman yield just for a question? I think the gentleman is in error there, for I find in the report of the Director that money was expended in forty-five States last year, and only thirteen contributed anything out of their own treasury.

Mr. TAWNEY. The money that is expended in the States that do not contribute is the smallest amount that the Director of the Geological Survey does expend, simply because he wants it to be said on the floor of the House that he is not spending all of this money in the States that contribute aid in making this topographical survey. I say, therefore, that the House deliberately, after full discussion here the other night, voted $300,000 for this survey during the next fiscal year, and that it is ample to meet the requirements of that service during the next year. And in view of the enormous appropriations at this session of Congress I submit that every man on this floor should vote to keep that appropriation at the amount fixed a week ago, when we voted in favor of $300,000 for this service. I ask for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania [Mr. OLMSTED] that the House recede from its disagreement to Senate amendment No. 82 and concur in the same.

The question was taken; and the Chair announced that the "noes" seemed to have it.

Mr. OLMSTED. I ask for a division, Mr. Speaker; but first I would like the amendment to be understood by the House.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent that the amendment be again reported. Is there objection?

There was no objection.

The amendment was again reported.

The House proceeded to divide.

Mr. OLMSTED. I withdraw the demand.

The SPEAKER pro tempore. The demand for a division is withdrawn, and the motion is lost.

Mr. TAWNEY. Mr. Speaker, I move now that the House further insist upon its disagreement in this amendment.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the House further insist upon its disagreement to the Senate amendment.

The question was taken; and the motion was agreed to.

Mr. TAWNEY. Mr. Speaker, I move to agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. TAYLOR of Alabama as conferees on the part of the House.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I call up the conference report on the agricultural bill.

The SPEAKER. The gentleman from New York calls up the conference report on the agricultural appropriation bill.

Mr. WADSWORTH. I ask to dispense with the reading of the report and that the statement may be read.

Mr. PAYNE. Pending that, I suggest to my colleague that he ask the report be considered as read. I desire to raise a point of order against the report. Then, afterwards, if that is decided in his favor, he can ask for the reading of the statement.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the reading of the report. The Chair hears no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 13, 44, 45, 50, 56, 57, 62, 63, 64, 67, 68, 69, 71, 74, 75, 76, and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 28, 29, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 46, 47, 49, 51, 53, 54, 55, 58, 59, 60, 61, 65, 66, 73, 81, 82, 83, 84, 85, 87, and 89, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety-five thousand seven hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and nineteen thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: In line 1 of said amendment, after the word "and," insert "also;" and on page 34, in line 6, after the word "into," strike out the words "interstate or;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: On page 40 of the bill, in line 6, after the word "forests," insert the words "in the District of Columbia or elsewhere;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "officers," strike out the word "for" and insert in lieu thereof the word "of;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "Congress," insert the words "classified and;" and in the same line, after the word "detailed," insert the words "reports of all receipts by the Forest Service and classified and detailed;" and in line 11 of said amendment, after the word "receipt," insert "and there is hereby appropriated and made available as the Secretary of Agriculture may direct, out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States;" and in line 26 of said amendment, after the word "sources," strike out the colon and the matter following down to and including the word "reserve" in line 30; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Restore the matter stricken out, in addition to the matter inserted by the Senate; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"BUREAU OF BIOLOGICAL SURVEY.

"Salaries, Bureau of Biological Survey: One biologist, who shall be Chief of Bureau, three thousand dollars; one clerk, class 1, $1,200; two clerks, at $1,000 each, $2,000; one clerk, $900; one messenger or laborer, $480; in all, $7,580."

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,000;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"Nutrition investigations: To enable the Secretary of Agriculture to incur such expenses as may be necessary for the packing, transporting to, and storing in Washington, D. C., of all apparatus now the property of the Government and used in the nutrition investigations, $5,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "One million and thirteen thousand two hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "Twelve thousand three hundred and ninety dollars;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "Seventy thousand and fifty dollars;" and the Senate agree to the same.

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

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine million four hundred and forty-seven thousand two hundred and ninety dollars;" and the Senate agree to the same.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
F. M. SIMMONS,
Managers on the part of the Senate.

The Clerk read as follows:

STATEMENT.

The House recedes from amendments Nos. 1, 2, 3, 7, 8, 9, 10, 12, 15, 16, 18, 19, 20, 21 with amendment, 22, 23, 24, 26, 28, 29, 30 with amendment, 31, 32, 33, 34 with an amendment, 36, 38, 39, 40, 41, 43 with an amendment, 46, 47, 48 with an amendment, 49, 51, 53, 54, 55, 58, 59, 60, 61, 65, 66, 70 with an amendment, 73, 81, 82, 83, 84, 85, 86, 87, and 89.

The Senate recedes from amendments Nos. 4, 13, 50, 52, 56, 57, 62, 63, 64, 67, 68, 69, 71, 74, 75, 76, 77, 78, and 79.

Amendment No. 1 appropriates $12,000 for the salary of the Secretary of Agriculture, in accordance with the law recently passed.

Amendment No. 2 increases the salary of the Assistant Secretary from $4,500 to $5,000.

Amendment No. 3 increases the salary of the solicitor to $3,500.

Amendments Nos. 10, 15, 26, and 36 increase the salaries of the Chiefs of the Bureaus of Animal Industry, Plant Industry, Chemistry, and Forestry to $5,000.

Amendment No. 73 restores the salary of the Director of Office of Public Roads to $2,750, the amount originally recommended by the House committee.

Amendment No. 16 increases the salary of the chief clerk of the Bureau of Plant Industry to $2,250.

Amendment No. 53 increases salary of the cashier of the division of disbursements and accounts to $2,000.

Amendment No. 12 increases the amount for experiments in animal feeding and breeding from $25,000 to $50,000. This was the amount originally proposed by the House bill.

Amendment No. 20 increases the appropriation for grain investigations from $15,000 to $40,000. The increase was conceded by your conferees to meet the demands for foreign commerce.

Amendment No. 31, granting an increase of $1,000,000 to the Forest Service, was agreed to by your conferees because of a Senate amendment which requires all receipts from the forest reserves to be turned into the Treasury, and not to be again available by the Forest Service except by direct appropriation.

Amendment No. 34 requires the Secretary of Agriculture to submit detailed reports of receipts and estimates for the Forest Service and estimate of expenditures intended for this service each year, and that all receipts from the Forest Service after July 1, 1907, shall be covered into the Treasury, thus putting an end to the use of those receipts as a "revolving" fund. This amendment further provides that hereafter no forest reserves shall be created nor any additions made within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming except by act of Congress.

Amendment No. 41 strikes out that provision of the House bill which provides "that no part of this sum shall be used for the payment of compensation or expenses to any officer or other person employed by any State, county, or municipal government," and substitutes the following: "That any sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government shall be reported to Congress in detail."

The Senate amendment was agreed to by your conferees in the belief that it would be perhaps wiser to allow the Department to follow its own plan for at least the first year of the enforcement of the pure-food law.

Amendment No. 48 restores to the bill the salaries for the

Bureau of Biological Survey exactly as it is carried in the current bill.

Amendment No. 70, as amended by the conferees, instead of restoring the item for nutrition investigations, appropriates $5,000 to bring to Washington the apparatus belonging to the Government which has been used in these investigations.

Amendment No. 89 provides that hereafter, on or before the 1st day of January of each year, the Secretary of Agriculture shall submit to Congress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year and detailed reports of all expenditures under any appropriation for each service during the preceding fiscal year.

All other amendments are for correction of totals, slight changes in verbiage, correction of punctuation, restoration of two or three paragraphs stricken out in the House on points of order, but which in no way change the original intent and purpose of the bill.

On careful examination of the bill by the conferees it was found that no authority was given the Forest Service to employ help in the District of Columbia, the words authorizing such employment having been inadvertently stricken from the House bill under a point of order. The conferees therefore recommend the insertion, after the word "forests," in line 6, page 40 of the bill, of the words "in the District of Columbia or elsewhere."

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

Mr. FITZGERALD. Mr. Speaker, I wish to make the point of order against the conference report on the ground that the conferees have inserted on page 40 language in an item which was not in dispute between the two Houses. On page 40, line 24, the conferees have changed the text in the language agreed to by both Houses by inserting, after the word "forest," the words "in the District of Columbia or elsewhere."

Mr. WADSWORTH. Now, Mr. Speaker, I concede the point of order; but the report makes mention of the fact, and my statement calls further attention to the fact. It evidently was a typographical error or an error of some kind by which certain words were left out which authorized the Forest Service to employ help in the District of Columbia. If this is not inserted, the Chief Forester can not pay anybody for work in the District of Columbia.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] makes the point of order that the conferees have exceeded their authority by changing the text to which both Houses have agreed by inserting, after the word "forest," the words "in the District of Columbia or elsewhere." And the report states that such is the case. Does the gentleman from New York confess the point of order?

Mr. WADSWORTH. I do. I simply want the House to understand there was no attempt at concealment.

The SPEAKER. The Chair sustains the point of order.

Mr. WADSWORTH. Then I move that the House insist upon its disagreement to the Senate amendments and ask a further conference.

The SPEAKER. Is a separate vote demanded on any of the amendments?

Mr. OVERSTREET of Indiana. I ask a separate vote on amendment 86 so that I may offer an amendment. It is on page 72.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the vote will be taken on the other amendments in gross.

Mr. DAVIS of Minnesota. I ask that the House concur in Senate amendment——

The SPEAKER. Precisely; but the gentleman from New York, in charge of the bill, moves that the House do further insist upon its disagreement upon all amendments, and the Chair is trying to find out how many amendments the motion of the gentleman would include and on which there is a desire for a separate vote.

Mr. DAVIS of Minnesota. I ask a separate vote on amendment No. 88.

The SPEAKER. Is there any other amendment on which a separate vote is desired? If not, the vote will be taken in gross on the other amendments, excepting amendments 86 and 88.

No other separate vote was demanded.

The SPEAKER. The question is on agreeing to the motion to insist on disagreement to all the other amendments on which a separate vote is not asked.

The question was taken; and the motion was agreed to.

The SPEAKER. The Clerk will report amendment No. 86.

The Clerk read as follows:

Survey of and report on Appalachian and White Mountain watersheds: To enable the Secretary of Agriculture to examine, survey, and ascertain the natural conditions of the watersheds at and near the sources of the various rivers having their sources in the Southern Appalachian Mountains and the White Mountains, and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government's purchasing and setting apart the same as a national forest reserve for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation, $25,000, to be immediately available.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move to concur with an amendment which I offer.

The SPEAKER. The gentleman from Indiana moves to concur in the Senate amendment which has just been read with an amendment. The Clerk will report the motion of the gentleman from Indiana.

The Clerk read as follows:

Amend the Senate amendment numbered 86 by striking out all after the words "to enable the Secretary of Agriculture" and inserting the following: "to examine and ascertain the natural conditions, especially as to forests, of the area of land at and near the sources of all the various streams in continental United States which are of sufficient importance in navigation to have been made the object of expenditure of national money for their improvement, or which have water supplies already utilized for manufacturing or irrigation or capable of such utilization, and to report to Congress the areas and natural conditions of said watersheds, the prices at which the same can be purchased by the Government, and the advisability of the Government's purchasing and setting apart the same for the preservation or propagation of such forests as may be needed to conserve, regulate, or increase the water supply of the before-described streams in the interests of agriculture, water power, and navigation, $25,000, to be immediately available."

Mr. WADSWORTH. I yield five minutes to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET of Indiana. Mr. Speaker, the distinction between the Senate amendment and the amendment I have offered is simply this: The Senate amendment proposes an examination of the sources of rivers having their sources in the southern Appalachian Mountains and the White Mountains. The amendment which I offer is to broaden that examination and leave it open in order that the Congress may have the information, first, of the particular sections where these rivers rise and where the land ought to be purchased, and, second, what the cost may be. If we start upon a project of this kind, individualizing one particular part of the country—the White Mountains, for example—and then wait for a subsequent Congress to select another particular locality, it will be a never ending project; and, I think, at the outset, before Congress has expended any money in the purchase of these lands for the protection of water supplies, we ought to have a more general examination than the Senate amendment provides, and some additional data, before we determine what the cost may be. We seek only to know all the facts, and Members can not criticise any honorable effort which may be made to ascertain those facts. I insist that if this project is to be entered upon at all, we ought to enter upon it on a broader scale than by the limitation to the southern Appalachian Range and the White Mountains, for the purpose of determining more accurately and comprehensively the facts with reference to the cost of the project. I would be glad if the gentleman from New York [Mr. WADSWORTH] would express his recognition of the necessity and the advisability of first ascertaining all of these facts before entering upon the project and would accept the amendment.

Mr. WADSWORTH. I yield to the gentleman from South Carolina [Mr. LEVER] five minutes.

Mr. LEVER. Mr. Chairman, the purpose of amendment No. 86 is plainly set forth in the language of the amendment itself. It is intended to enable the Secretary of Agriculture to make a survey of the Appalachian and White Mountain regions with a view to ascertaining the natural conditions of the watersheds at or near the sources of the various navigable rivers having their fountain heads in these regions, and to report to Congress the number of acres of land involved in these watersheds, the price at which they can be bought, and the advisability and practicability of the Government purchasing them with a view of setting them apart as a forest reserve, in order to conserve and regulate the water supply of the streams which have their origin in these lands. All of this is to be done in the interest of agriculture, to protect the great water powers along these streams, and to aid in making navigable these water courses. This is the plain intent of the amendment, which was put on the agricultural appropriation bill in the Senate through the

efforts of the senior Senator from North Carolina [Senator SIMMONS]. It will be remembered that when the agricultural bill was before the House I had the honor of moving an amendment to appropriate $3,000,000 for the purchase of sufficient lands in the Appalachian and White Mountain regions out of which to establish a forest reserve sufficient to adequately and economically protect the water courses having their origin in these mountain regions. The point of order was raised against the amendment and was sustained by the Chair. Thereupon, my friend from North Carolina [Mr. THOMAS] offered an amendment which, in effect, is the amendment now under consideration. The point of order was raised also against this amendment, and was likewise sustained.

While I shall heartily support this Senate amendment, I must confess that I feel that with reference to the Appalachian Range we have sufficient information and data upon which to pass wise legislation, for it will be remembered that the Department of Agriculture and the Geological Survey, acting together under authority of Congress given some years ago, made an extensive survey of that region, and that report has been submitted to Congress and is now a public document, containing over 100 pages of valuable and detailed information.

However, be that as it may, the friends of the idea of establishing forest reservations in the Appalachian and White Mountain ranges are now brought face to face with an adroit and carefully concealed effort to defeat the whole proposition.

The substitute offered by the gentleman from Indiana [Mr. OVERSTREET] is an indirect attempt to defeat all legislation looking to the establishment of these forest reserves. The substitute of the gentleman proposes to make an examination and to ascertain the natural conditions of the area of land at or near the sources of all the various streams in continental United States, and for this purpose appropriates $25,000. That the purpose of the gentleman from Indiana can be accomplished for this sum of money is absolutely ridiculous, and no one better knows it than the gentleman himself. The truth is that the adoption of the substitute is intended to load down this proposition for the purpose of defeating the ends sought by the Senate amendment. The gentleman from Indiana says he wants the facts. We, too, want all of the facts in regard to this proposition. We are quite willing to have the facts, so far as we are concerned on this side, and, I think, as far as all of the friends of this proposition are concerned, but we are not willing to load down the proposition with another proposition covering the entire country—all of continental America. We are opposed to the substitute of the gentleman from Indiana, and I trust that the friends of the idea of forest reserves for the Appalachian and White Mountain regions will line up and vote it down, so that the House may concur in the Senate amendment and permit the survey passed by it to be made, in order that some of the objections raised against the bill to make a direct appropriation for the purchase of these regions may be met.

With respect to the Appalachian regions, Congress now has sufficient information upon which to act wisely, but a survey of the White Mountains is necessary to ascertain the facts upon which to base economical and wise legislation.

The substitute of the gentleman from Indiana is evidently sinister to the whole scheme of forest reserves in these mountains, but even if it were made in good faith its adoption would mean a delay of from three to five years before any final conclusion could be reached and before sufficient information could be had upon which to act.

This bill has been knocking at the door of Congress for years and years. We have an opportunity now to get the facts upon which Congress can act. The Senate has sent this amendment to us. It is up to us to stand by that amendment in order that we may get the facts, and the friends of this Appalachian-White Mountain proposition will make a great mistake and delay the final creation of these reserves many and many years, and perhaps defeat them finally, by the adoption of the substitute. I wish to say, without imputing to him any motives, for I would not do that, that this substitute has been drawn by a master hand, for if he had studied for years a scheme by which to defeat this whole proposition I do not think he could have found a more effective one by which to do it. It is a drag-net proposition which appeals to the selfishness of every Member of the House, and all of us have more or less of that in us. If the gentleman from Indiana is opposed to the creation of forest reserves in the White Mountain and Appalachian regions, and if it is his purpose to stand up against the strong recommendation of two Presidents of his own party and to place himself against the judgment and the wishes of twelve great States and numerous commercial and civic organizations, not to take into account an undoubted majority of this House, then let the gentleman say so in plain terms and let him make his fight in the open daylight and without any attempt at concealment. Let the friends of the proposition to create forest reserves in these mountain regions not misunderstand the purpose of the substitute. This is really but the opening gun in the battle that is to be fought over this proposition, and to suffer defeat now means everlasting defeat. To defeat the substitute of the gentleman from Indiana means that we control the situation and in the end will force upon Congress a recognition of the justice of this proposition. This, in a way, is a test vote, and yet, because of the drag-net and thin-butter-spread character of the substitute. I do not feel that the vote which is soon to be taken will be a correct evidence of the real strength of the proposition. So adroit is the substitute that it is certain to fool some of us. I trust, therefore, that the House will vote down the substitute offered by the gentleman, so that we can concur in the Senate amendment and let this proposition get before the Sixtieth Congress in order that the House may have an opportunity to express itself upon it. And when such an expression is had, I believe that the wisdom of the American statesmanship will find its vindication in the adoption of the idea of forest reserves in these mountain regions, thereby answering the appeals of the agricultural, manufacturing, and commercial interests of the New England and Southern States. [Applause.]

Mr. WADSWORTH. I now yield five minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Speaker, the evident purpose of the amendment to the Senate amendment offered by the gentleman from Indiana is to kill the whole proposition for a survey of the Appalachian and White Mountain forest reserves. There are a great many Members of this House from New England and the South who believe that we should have at least an investigation of the facts relating to these proposed forest reserves in New England and the South. We are vitally interested in this matter. Now, what does the amendment of the gentleman from Indiana propose? He proposes to have a survey and an investigation of all the watersheds in the United States. The effect of the adoption of that amendment would be necessarily to defeat the whole proposition advocated by New England and the South. What are we asking for in the Senate amendment? Let me read the amendment inserted in the Senate to the agricultural appropriation bill. It is a simple, plain proposition. I want the House to hear it in full:

> To enable the Secretary of Agriculture to examine, survey, and ascertain the natural conditions of the watersheds at and near the sources of the various rivers having their sources in the Southern Appalachian Mountains and the White Mountains, and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government's purchasing and setting apart the same as a national forest reserve for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation, $25,000, to be immediately available.

This is a very small appropriation. The purpose of it is simply by a survey to get at the facts with reference to the advisability of establishing forest reserves in the White Mountains and the Appalachian regions. For years we have been knocking at the door of Congress, asking Congress to do something in the way of an appropriation for these forest reserves. We believe in New England and in the South that such legislation means not only the preservation of the agricultural lands, but also the conservation of our water power for manufacturing purposes, and that means millions of dollars to the people of New England and to the people of the South. We are simply asking to have the facts investigated, the survey made, and then, if advisable, we can go a step further in the passage of the bill to establish the reserves. If not advisable and to our national interests, we can stop with the survey.

It seems to me the adoption of the Senate amendment is in the interest of the economic administration of the Government. We are simply endeavoring by a survey to ascertain whether we ought to establish these forest reserves in the White Mountains and the Appalachian region; then after a survey is made we can tell whether the Congress of the United States ought to act favorably upon the bill reported by the Committee on Agriculture establishing these reserves.

Mr. LITTLEFIELD. I would like to inquire of the gentleman from North Carolina whether the Senate amendment ought not to provide, as well as "ascertaining the natural conditions," also for ascertaining the natural and "existing" conditions, because I understand there has been a pronounced change in the character of the surface of the earth in the Appalachian region, especially, and more or less in the White Mountains. The amendment ought to provide for disclosing the natural conditions and the existing conditions.

Mr. BURLESON. A change in the natural conditions?

Mr. LITTLEFIELD. Certainly.

Mr. BURLESON. Then would not that be still the natural condition?

Mr. LITTLEFIELD. Not at all, you may say, in the sense of not being artificial, and so disclose the whole situation.

Mr. WADSWORTH. I am inclined to think the gentleman from Maine is right.

Mr. THOMAS of North Carolina. The gentleman may be right, but my idea is that the words "natural conditions," as the gentleman from Texas has suggested, would include existing conditions.

Mr. LITTLEFIELD. You might strike out the word "natural," and say "ascertain the conditions," and that will give us what the situation is.

Mr. THOMAS of North Carolina. I see no objection to amending the Senate amendment in that way.

Mr. LITTLEFIELD. I would be very glad, with that amendment, to vote for the Senate amendment.

Mr. THOMAS of North Carolina. I hope the motion of the gentleman from Indiana [Mr. OVERSTREET] will be voted down, and I hope that the motion to recede and concur in the Senate amendment with the amendment suggested by the gentleman from Maine will be adopted. The expenditure of this small amount for survey will give us the facts and may save millions to the agricultural and manufacturing interests of New England and the South. [Applause.]

Mr. WADSWORTH. I yield five minutes to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, I favor the amendment proposed by the gentleman from Indiana [Mr. OVERSTREET], and in taking this position I do so from the standpoint of one who thoroughly believes in our forest-reserve movement. A great deal of criticism has been let loose in both ends of the Capitol upon the general administration of the forest reserves. For one, I have little sympathy with the criticism. I have lived for a quarter of a century in a locality where I have been a close observer of this system. I live on the edge of one of the oldest forest reserves of the entire system, where I have had opportunity to observe both the old method and the new. I therefore favor this amendment, because I think it will in a sensible and legitimate way ascertain the necessary facts regarding this great region of the East and South before the Government shall embark specifically upon the enterprise.

I think that public sentiment is rapidly growing to an understanding of the fact that the great forest and water resources of the country must be administered in a conservative way for the benefit of this as well as future generations. When the Black Hills Forest Reserve was established in 1898 you could scarcely find one man in a thousand who was not opposed to the idea. The practical management and working out of this idea has been so successful that I challenge anyone to find now one man in a thousand in that immediate vicinity who does not recognize its great benefits. One of the mistakes made in the establishment of the forest reserves in the western country has been that there has not been sufficient inspection in advance before the boundaries of the reserves have been established. As a result of this boundary lines have been too carelessly drawn, in the first instance, and large areas not needed for the cultivation or preservation of timber, but better adapted to grazing and agricultural purposes, have been unfortunately included in some of the forest reserves. It is because of this that the reserve system has, to a certain extent, come before the country with a great deal of criticism attached to it. The amendment offered by the gentleman from Indiana would give a thorough investigation of the necessary data upon which Congress could act intelligently in the near future.

We have now in the United States 139 forest reserves, embracing 129,000,000 acres. I will publish with my remarks a list of these reserves, showing the dates when established and the acres of each. It is a noticeable fact that the Senators and Representatives who are objecting to the public forestry movement come from States where the reserves were but recently created. The free pioneer of the West is accustomed to free range, free water, and free fuel, and he at first resents the reserve system as an interference with the time-honored rights of an American citizen. But he soon discovers that the forest supervisor and forest rangers are the best friends of the honest and permanent settler—protecting the forests against destruction by fire, conserving the water resources for the common good, and apportioning the range privileges on an equitable basis, so that all may receive a reasonable share of these benefits.

The act passed at the last session of Congress providing for agricultural settlement in forest reserves was a wise measure. Most of the forest reserves of the West are traversed by fertile valleys. There are some of the best agricultural lands in the country, and being well watered and in close proximity to fuel and building materials they present some of the best opportunities for permanent home building. The permanent settlers in forest reserves take a lively interest in the protection of the timber and water supply. They are usually organized by the forest rangers into an auxiliary force, and can be called into action quickly in case of fire or other emergency.

Our national forestry movement came none too early. The ruthless devastation of the protecting forests at the sources of our rivers was seriously affecting the regular distribution of our water resources. The inevitable effect was torrential floods during the season of rain and melting snow and an insignificant flow during the months of summer and fall. Private greed too often fells the young growing timber as well as the mature trees, and tops and branches are allowed to dry on the ground where they fall, making fuel for forest fires.

Before the Government took the public forests into its own control vastly more timber was destroyed by fire than was taken for commercial uses. The people are beginning to understand that trees are to be protected and grown like any agricultural crop and that only the mature product is to be gathered from year to year. This system is necessary for the best interests of to-day as well as for the generations of the future.

The Black Hills Forest Reserve affords a good concrete illustration of what may be expected from our forest reserve system. It is at present our most important reserve from a commercial standpoint. The large mining operations in that vicinity require vast quantities of mining timber, and lumber and building material are in constant demand in the neighboring towns and agricultural valleys. These demands are now met without destroying the immature trees.

This reserve is about 100 miles long by 40 miles in width. It is a delight to ride through the reserve and see the thrifty young forests springing up on every side. Thousands of acres are now covered with dense vegetation that were comparatively barren until the system of forest patrol was established.

I prophesy that Senators and Members of Congress who are now rebellious against this national forestry movement will be won over among its supporters when they have opportunity to see what the reserve system can accomplish. I have only words of commendation for the Chief Forester, who is the real head of this national movement. He has dedicated his life to a great idea that promises only good for the entire country. He brings to this Service the devotion and enthusiasm of a high purpose, and should receive the cordial support of both branches of the Congress. [Applause.]

Mr. WADSWORTH. I yield five minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, I am opposed to the amendment offered by the gentleman from Indiana [Mr. OVERSTREET] and am in favor of the adoption of the Senate amendment as amended in accordance with the suggestion of the gentleman from Maine. I do not think that anything will come from the proposed dragnet and general investigation. If a proposition were up for some particular river or harbor improvement, it would be just as sensible to amend it by proposing to investigate all the rivers and harbors of the country. If there is anything to be investigated in connection with our western forest reserves, let that be done; but this is a distinct proposition. A bill has passed the Senate and has passed the committee of the House in favor of establishing two great forest reserves. There are at least fifteen States interested in those reserves. The Commonwealth of Massachusetts has none of the forests within her area, but she is vitally interested in having the sources of her rivers protected. And it is for the purpose of specially investigating this clear-cut and definite proposition that this appropriation is proposed. The bill establishing these forest reserves would, in all probability, have received consideration at this session of Congress if it had not been for the indefinite character of some of the information upon it and the lack of knowledge as to the extent to which the Government would be committed; and this survey is in the direction of educating the next Congress so it may understand precisely what the proposition means. An appropriation of $25,000 for the forest-reserve system and water courses of the whole country, as proposed by the Overstreet amendment, is absurdly small. It will have to be followed up by millions, and the gentleman from Minnesota will be fighting here, as he has been fighting through this Congress, the appropriations proposed for making other investigations and maps and surveys than those of the Geological Survey. I trust the amendment proposed by the gentleman from Indiana will be voted down and that then the Senate amendment as amended will be passed.

Mr. WADSWORTH. I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, this is a very important question, involving the respective spheres of activity of the States and the Federal Government. The partial solution of that question by the civil war and other events has already added many pages to the history not only of this country, but of the world. Even those who believe in the unlimited power and authority of the Federal Government may well shrink before some of the undertakings which have recently been entered upon by the Federal Government, and we ought to consider a proposition of this kind very carefully before we adopt it; but if we are to adopt it at all, should we not bear in mind that all portions of the country should be treated alike? [Applause.] The great danger is that when the Federal Government infringes upon the responsibilities and functions of States partiality will be shown, that one locality will assert its claims or rights to the detriment of all the rest. I may say with reference to the branch with which I have had most to do in this House, that of rivers and harbors, that there is no justification for the taking up of that class of work by the Federal Government unless the scales are held with absolute equality and all portions of the Union—North, South, East, and West—are treated alike. And just so it is in this matter. If we are to enter upon these surveys as to the waters on the watersheds, surveys of water power, or anything of that kind, the investigation should not be directed to one part of the country, but to the whole country alike, and so I favor the amendment of the gentleman from Indiana.

Mr. WADSWORTH. Mr. Speaker, I yield five minutes to the gentleman from New Hampshire [Mr. CURRIER].

Mr. CURRIER. Mr. Speaker, the gentleman from Ohio has said that the entire country should be treated alike in this matter, but this appropriation is for a specific purpose which has already received the sanction of the Senate which has passed the bill for these two forest reserves and the sanction of this Committee on Agriculture of the House, which unanimously reported the bill. It is true, of course, that it can not receive any consideration at this session, but this matter will be up again, and we want to be able to tell the committee and the House the natural conditions regarding this matter and lay before them the facts as to the cost of the proposed reserves, so that this matter can be acted upon intelligently by the committee and by the House. If this matter is to be beaten, let it be beaten in a square and manly way and not by indirection [applause], for whatever may be the intention of the mover of this proposition this amendment in fact destroys this whole thing. Talk about a survey of all the navigable rivers of the country and all the watersheds at the expense of $25,000! Why, it is absolutely ridiculous!

Mr. OVERSTREET of Indiana. There is no such proposition for a survey. The word "survey" is not in there.

Mr. CURRIER. Any such examination as you are talking about, extending from the Atlantic to the Pacific and from the Lakes to the Gulf, would cost hundreds of thousands of dollars. It would take years to make any such investigation.

Mr. MANN. Would not the Secretary of War under the substitute have the authority to first make investigation of the Appalachian and White Mountain propositions?

Mr. CURRIER. No other proposition has been pending in this Congress. This has not only been pending, but has passed the Senate and has been unanimously reported from the Committee on Agriculture. It is one specific provision, and we ask for this small appropriation in order that at the next Congress we may lay all the facts before this House. It is a reasonable request.

Mr. MANN. Could not the Secretary have the authority?

Mr. CURRIER. He may have the authority. We want him directed to do it.

Mr. SOUTHARD. What is the objection to directing him?

Mr. CURRIER. None. The amendment of the gentleman from Indiana [Mr. OVERSTREET] leaves him open to wander all over this country to make an investigation.

Mr. THOMAS of North Carolina. Will the gentleman allow me to say that this simply gives an intelligent examination and investigation of the question for future action.

Mr. CURRIER. That we may present this matter fully to the next Congress and to this committee. I am not going into the merits of this project, but if you would give us these reserves we would save in our river and harbor bill alone three times over the cost of the reserves in the next five years in preventing the filling up of streams. I hope the amendment offered by the gentleman from Indiana will be beaten. Let the reserve bill at some time come before this House, and if you want to vote it down there will be no murmur from us; but beat it squarely and in the open.

Mr. WADSWORTH. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I have a love for everything in the forest, from the tiniest plant to the loftiest tree; and I believe—and have for years—that it might be desirable for the General Government to own and control a forest reservation in the White Mountains and in the southern Appalachian region. But before I would be willing to cast my vote in favor of such a proposition I must know what the effect will be on the adoption of that policy. I can see in my mind's eye, Mr. Speaker, in the not far distant future that this country may adopt the policy which has been adopted by some of the foreign countries, and may adopt the plan of conserving its future interests by the establishment of forest reservations. And when my distinguished friend from New Hampshire [Mr. CURRIER] and my distinguished friend from Massachusetts [Mr. MCCALL], through selfish interests in favor of their local projects, object to the survey of the rest of the country and to giving us the information which we need before entering upon the scheme, I think the gentlemen are shortsighted.

Mr. CURRIER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CURRIER. Whenever you will bring in a project here which will receive the approval of the Senate and is unanimously reported by this committee, we will vote to give you a survey.

Mr. MANN. Well, Mr. Speaker, with all due deference to that great legislative body at the other end of this Capitol, its sanction to me contains no weight. [Applause.] Mr. Speaker, the gentleman wants this proposition. Why not let us know what the plan will cost? Under the proposition contained in the substitute amendment, the Secretary of Agriculture, which means the Chief of the Forestry Division, may enter upon an investigation of these two projects and report upon them at the next session of Congress if he be able to do so.

Mr. LEVER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LEVER. I would like to say to my friend from Illinois——

Mr. MANN. I will yield for a question; I do not yield for a speech.

Mr. LEVER. I would like to ask my friend from Illinois, then, that if to ascertain these facts is not the very purpose of this amendment here?

Mr. MANN. Ah, the amendment of the Senate proposed to commit this Government to a policy about which it knows nothing as to cost. I want information before entering upon a project which is to cost not millions of dollars, but billions of dollars. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WADSWORTH. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. I will say, Mr. Speaker, first, that the longing the gentleman from Illinois [Mr. MANN] has for information before he embarks on a large enterprise involved in the expenditure of a large sum of money will be gratified if the Senate amendment to this bill passes. That is the precise and specific object of this amendment—to get the necessary information in order to enable intelligent action to be taken thereon; and the gentleman can gratify his love for all of the various things that grow in the forests on the basis of that information provided this amendment passes. I am very much interested, and I agree with the distinguished chairman of the Committee on Rivers and Harbors in the proposition that everything should be applied equally and alike; but it depends somewhat on the situation as to whether that applies in every respect. I have yet to learn that because we surveyed one river or one harbor that all the rivers and all the harbors are to be surveyed.

Mr. BURTON of Ohio. I will say to the gentleman that what I was dealing with was all of the same class.

Mr. LITTLEFIELD. I so understood it.

Mr. MCCALL. The proposition is that they were all to be surveyed at the same time.

Mr. MANN. The rivers to be surveyed in New England?

Mr. LITTLEFIELD. Not at all. But looking at it in the way that the learned River and Harbor Committee exercises its judgment as to the rivers that shall be surveyed and as to the harbors that shall be surveyed, wisely and properly; but I want to say to the House that they did not survey every harbor and every river, and I can call a great many men in this House as witnesses to this fact.

Now, this amendment contemplates, with all due deference to the gentleman from Indiana who introduced it, a survey of all areas that are the sources of all the various streams in continental United States "which are of sufficient importance to navigation to have been made the object of expenditure of

national money for their improvement, or which have water supplies already utilized for manufacturing or irrigation," because the amendment requires the Secretary to report to Congress the areas and natural conditions of such watersheds.

How is the Secretary going to report an area without in the first place determining the area; and how will he determine it without a survey? Of course it is all well enough by this amendment to provide it shall be done, but how is he going to do it without doing it; how get areas without surveys?

Now, this proposition appropriates $25,000 for a survey of all sources of water supplies of the United States. Absolutely preposterous from every possible financial standpoint! The amendment is not seriously intended to promote this object. Now, what is the proposition here? Why, that the great watersheds that have been generally discussed as being essential and necessary to the preservation of great water supplies, not only for navigation, but for manufacturing and for the development of power. Now where are the watersheds that have been the main subject of discussion? Where are they in any other section than those to which attention has been called and which are provided for in the Senate amendment?

Mr. FITZGERALD. The Adirondacks shed is a very important one.

Mr. LITTLEFIELD. If you want to put in the Adirondacks, put it in, and add $12,500 to your appropriation, which would take care of that.

Mr. FITZGERALD. I am not sure that it would.

Mr. LITTLEFIELD. When you undertake to adopt this proposition putting $25,000 to survey a thousand areas, why, it is indirectly undertaking to defeat the proposition. Now, let us have by the appropriation of $25,000 the information that we all want, and then we can tell whether it is wise to proceed. I hope the Senate amendment will prevail and the amendment of the gentleman from Indiana will be voted down.

Mr. WADSWORTH. I yield five minutes to the gentleman from Massachusetts.

Mr. McNARY. Mr. Speaker, I desire to ask attention to the effect that this will have upon the people of the State of Massachusetts. I have received a great number of petitions from people living in New England in favor of the White Mountain and Appalachian forest reservations. We have been urged to join with the southern Members, the men who come from the States of Maryland, Virginia, West Virginia, North and South Carolina, Georgia, Alabama, and Tennessee, to endeavor to save the forests for the purpose of properly conserving the water supply of all those States. This project has been well considered for a number of years. It has received the thought and the attention of many people. It has been presented before committees of this House and of the Senate, and it comes here with the indorsement of thousands of men—engineers and technical men as well as the ordinary people in all these communities. Why should we, therefore, be balked in carrying out a good plan merely because gentlemen urge an amendment which on its face may appear fair, but the main and ultimate purpose of which is absolutely to kill the survey of the White Mountains and the southern Appalachians?

We find in the White Mountains the source of five streams—the most important streams in New England for the purpose of developing manufacturing and power. Two of those streams, the Connecticut and Merrimac, rise in New Hampshire and flow to the sea through Massachusetts. The Connecticut is navigable in both Connecticut and Massachusetts. The Merrimac is navigable in Massachusetts. In neither Massachusetts nor Connecticut can we control the depletion of the forests in New Hampshire and the grievous injury thereby caused to our interstate streams both as to navigability and supply for power for industrial purposes. The same is true as regards the rivers rising in New Hampshire and flowing through Maine to the sea. It is an interstate, not a State, matter and is therefore national in its scope.

We find in the southern Appalachians, in Maryland, the Virginias, the Carolinas, Tennessee, and Alabama, the sources of the streams which in the future will yield a great power supply, increase our industrial development and wealth, as well as streams which in their lower reaches form the highways of commerce. This project has been carefully looked into. Why, now, because some gentlemen desire to block it as it has been blocked for a long time, should we vote for this amendment? Gentlemen say we should survey all watersheds en bloc. The rivers and harbors of our country are not surveyed altogether at one time. They are surveyed seriatim and in detail. All the work of the Government on rivers and harbors is done seriatim and in detail and not in one block or comprehensive plan.

Looking at the map of the forest reserves of this country, we find that the whole western country is covered with these reserved forest areas, but in the East there is not one forest reserve. It is just as important for us in the East to have our industrial or power water supply and the water in our rivers for commercial or navigation purposes cared for as it is to locate these great forest reserves in the West for irrigation. It seems to me that any man who believes in this principle of the conservation of water supply will vote for the amendment put on by the Senate and vote against the proposition of the gentleman from Indiana [Mr. OVERSTREET]; because if we vote for the amendment of the gentleman from Indiana we will endanger the White Mountain and Appalachian survey. If there be other areas, the Adirondacks or anywhere else, let them come forward in due time, and, after they receive proper committee consideration, let us vote upon them; but concerning this present matter, we now know its beneficial effect; we have it in a shape where we can accomplish some good. Let us therefore vote down the amendment of the gentleman from Indiana, and then vote to concur with the Senate on the proposition for $25,000 for the survey of the White Mountains and the southern Appalachian region. [Applause.]

Mr. WADSWORTH. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, so far the Federal Government has established forest reserves on the public domain only. The amendment incorporated in this bill by the Senate proposes to establish forest reserves by acquiring property that has been reduced to possession and control by individuals in the several States. It is an entirely new departure. It is something to which, at least on this side of the House, it would be natural to expect some opposition. But if it is to be done at all, Mr. Speaker, it should be done without regard to the section of the country. Why should my State be discriminated against? It has expended more than $20,000,000 to conserve its forest reserves and to protect its watersheds. If the Federal Government is to go into these other States in order to do that work for them, why should not my State be reimbursed for its expenditure? The State of Pennsylvania, if I be not mistaken, has expended large sums from the State treasury to create forest reserves and to protect the watersheds within that State. Should not the Federal Government reimburse that State for that work?

Mr. SULLIVAN. I should like to ask the gentleman whether, in his judgment, this is not strictly a national project; and, second, suppose the cupidity of lumber cutters in the State of New Hampshire causes the depletion of the timber there and causes a diminution of the waters of a stream which flows from New Hampshire down through Massachusetts to the sea, what means has the State of Massachusetts of protecting that stream and protecting a navigable river of the United States?

Mr. FITZGERALD. Mr. Speaker, if that argument is to be conceded, and I will not challenge it at this time, it justifies the Federal Government in interfering in every case where some wrongdoer in one State creates an evil condition in another State. I am not ready to admit that to be advisable. But if we are to embark upon this new policy of having the Federal Government go into the different States to establish forest reserves, not upon the public domain but by the acquisition of land now held by private interests and subject to State control, then when we initiate the policy we should do it in such a way that the Federal Government may go into every State where it would be desirable to protect the watersheds of rivers that are navigable and that run through more than one State. For that reason I favor the amendment of the gentleman from Indiana. Let us have this "square deal" about which we hear so much.

The Senate amendment can be analyzed very easily. It is a combination between those representing the New England States and those representing the States that will be benefited by the acquisition of the land in the Southern Appalachian chain. They are united not because of community of interest, but because of community of plunder. Such a combination has never been seen before in this House.

Mr. McNARY. Without making any comment upon the gentleman's last remark, I should like to ask him if he has ever advocated certain surveys and improvements in the waters of New York Bay, without reference at all to having the whole country surveyed and the waters of every other bay improved?

Mr. FITZGERALD. No; I have not.

Mr. McNARY. Mr. Speaker, will the gentleman let me ask him——

Mr. FITZGERALD. Let me answer the gentleman. I say I have not.

Mr. McNARY. Let me ask the gentleman whether or not he has proposed any specific surveys or favored any surveys or specific improvements for New York Harbor?

Mr. FITZGERALD. I know what the gentleman's question

is, and I am glad to say to the House that I have an unblemished record. I have never proposed any survey. I have asked the Congress to provide money to continue improvements that were in the course of being made, but I have not, so far as I can recollect at the present time—I may be under a misapprehension. [Laughter.]

Mr. LITTLEFIELD. The gentleman does not think of any now. [Laughter.]

Mr. FITZGERALD. But regardless of that, I do not believe that any gentleman in this House believes that an amendment to a river and harbor bill for surveys for new projects is on the same plane as this project; that is a general and settled policy upon which the Government has embarked.

The SPEAKER. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

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. 23630) to quiet title to lands on Jicarilla Reservation and to authorize the Secretary of the Interior to cause allotments to be made and to dispose of the merchantable timber, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. CURTIS, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, 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. FULTON, Mr. KEAN, and Mr. MCLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution and bill of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 95. Joint resolution relating to proceedings to set aside deeds alleged to have been made by Mexican Kickapoos.

S. 8614. An act to amend the act entitled "An act to regulate the practice of medicine and surgery in the District of Columbia," approved June 3, 1896.

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. 25039. An act to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company, and to extend and improve said plant.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I now yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, that consistency is the rarest of all jewels has, it seems to me, been very clearly demonstrated in the course of this debate by the remarks of the learned and talented gentleman from Massachusetts, who perhaps is the most earnest and forceful defender of the rights of the State, at least on this side of the House. In the course of his remarks against the pending amendment, he suggested that he desired to invoke the strong arm of the Federal Government in behalf of the people of Masschusetts as against the rights of the States, and the people of the States lying at the headwaters of the rivers that flow through Massachusetts, and that are utilized in that great State to a considerable extent for manufacturing purposes.

And when we gaze on the other side of the Chamber and note these gallant defenders of State rights, these strict constructionists of the Constitution, these gentlemen who at all times hotly insist that the Federal Government shall not invade the sacred rights of the sovereign States, we discover that when it comes to the establishment of forest reserves and the securing of an appropriation, lo and behold, they are not only willing, but anxious that the Federal Government shall acquire and establish jurisdiction over vast areas of territory, and their voice and vote is against the rights of the sovereign States to jurisdiction over their territory, and in favor of making such jurisdiction in favor of Federal bureaucratic control.

Now, Mr. Speaker, if we are to embark on this paternalistic, imperialistic, and centralizing policy, if it is true that this is an empire and not a republic, if we have not a nation of independent and sovereign States which, under the Constitution, have the right and ought to manage their own affairs; if, on the contrary, the Federal Government should go abroad, buy land at high figures, establish its sovereignty, without regard to the interests of the people of the States—if we are to do this, Mr. Speaker, let us do it with our eyes open; let us know what it means and what it is going to cost. Would it cost $10,000,000 for the White Mountains and $100,000,000 for the Appalachian Reserve and a thousand million for all of these great forest and game preserves? If that is the amount that it is going to cost, let us know about it, and let us know what this establishment of Federal power and control over vast areas will lead to. Let us know how far it goes, what its interference with the rights of the States is to be, and what will be the ultimate outcome of it. Does it mean great game preserves in which the favored few—not the citizens of the State who should enjoy the preference rights to which they are entitled under State governments, but favorites of officials having charge of the forest reserves—are to be allowed to go in and hunt and fish and enjoy all the sylvan delights of these great imperial and royal preserves? If that is a good policy for us to start upon, let us know what it means, where it is going to lead us to, and, above all, how much it is going to cost, and the only way to find out is to have the examination proposed by the amendment offered by the gentleman from Indiana, which I hope will be adopted.

Mr. WADSWORTH. Mr. Speaker, I yield two minutes to the gentleman from South Carolina [Mr. LEVER], a member of the committee.

Mr. LEVER. Mr. Speaker, I was very much interested in the statement of the gentleman from Wyoming [Mr. MONDELL], but I want to remind him that his plea for State rights is coming rather late, when he already has in the West 127,000,000 acres in forest reserve.

Mr. MONDELL. Not by our fault, I will say to the gentleman, and we will gladly surrender at least 100,000,000 acres of those reserves.

Mr. LEVER. We would be very glad to take that in the Appalachian and White Mountain ranges.

Mr. LITTLEFIELD. I would suggest that they have an irrigation proposition in the West which involves exactly these questions, the limit of which nobody yet knows, in millions.

Mr. MONDELL. All of which is to be paid back into the Federal Treasury; not a penny of which is a gift.

Mr. LITTLEFIELD. That is the expectation, but it has not been paid back yet.

Mr. LEVER. Mr. Speaker, I do not yield the floor. I have only two minutes.

The SPEAKER. The gentleman from South Carolina has the floor.

Mr. LEVER. Mr. Speaker, in addition to the 127,000,000 acres under forest reserve, they have their great irrigation scheme out there, and we people over here support it gladly because we think it is a good work.

Mr. MONDELL rose.

Mr. LEVER. I can not yield.

Mr. MONDELL. Is the gentleman willing to pay for these reserves, as we pay for the irrigation?

Mr. LEVER. I do not yield, Mr. Speaker. The gentleman supports the substitute to the Senate amendment because he says he wants the facts. The gentleman must know that the very purpose of the amendment is to get the facts that the gentleman from Wyoming [Mr. MONDELL] speaks about. The Senate amendment proposes to ascertain the cost of the land, to ascertain the natural conditions of the streams and the amount of water power, and all such important information. The very thing the gentleman wants we are trying to get in this amendment, and I do trust that the friends of this proposition will vote down the substitute offered by the gentleman from Indiana [Mr. OVERSTREET].

Mr. WADSWORTH. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET of Indiana. Mr. Speaker, there is now pending in this House, I am informed, one bill which asks for an appropriation of $10,000,000 for the purchase of a part of this Appalachian Range.

Mr. LEVER. Three millions of dollars.

Mr. OVERSTREET of Indiana. I think there is one bill calls for $10,000,000. This amendment of the Senate seeks to fasten upon Congress a policy which would lead directly to that character of purchase. The forest reserves to which the gentleman from South Carolina [Mr. LEVER] has referred in the West are reserves of public lands.

Mr. LEVER. Let me ask the gentleman——

Mr. OVERSTREET of Indiana. No; I decline to yield. They are not the purchase of private property. The very fact that the Congress has entered upon the project of irrigation in the West ought to challenge our attention to the importance of going slowly into a new project before we commit the Government to those large expenditures. We should know more of the

facts necessary to base our judgment upon some reasonable grounds. We have no information as to what particular section will be next in order for this survey and examination, and I am in favor of the ascertainment of those facts before we have gone too far to retrace our steps. I think that the Members of this House should take a second thought before they commit the Government to such a condition of affairs, and I appeal to that second thought of the Members, and I believe that when it has been properly exercised they will agree that it is far better to adopt the amendment than to embark upon the project of the survey of these two particular sections of the country with a view to their purchase.

Mr. SOUTHARD. Will the gentleman yield?

Mr. OVERSTREET of Indiana. I yield to the gentleman.

Mr. SOUTHARD. I would like to ask the gentleman why his proposition does not commit the Government just as much as that involved in the Senate amendment?

Mr. OVERSTREET of Indiana. I am very glad the gentleman asked me that question. It gives us an examination of sufficient latitude to have some sort of information of the final cost. If we bring into the House at the next session a proposition for the purchase of a part of the White Mountain and southern Appalachian Range and then a suggestion is made for an additional examination and purchase, we would be just where we are now; but we do not know whether this project is to cost $3,000,000 or $300,000,000, and now is the time to stop and consider whether or not we will move on without information or by adopting this kind of examination find out just where this project will lead the Government. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House recede and concur in the Senate amendment with an amendment, which has been reported.

Mr. THOMAS of North Carolina. Mr. Speaker, a parliamentary inquiry. Will the motion to recede and concur not take priority over the motion of the gentleman from Indiana?

The SPEAKER. The Chair understands that a motion to recede and concur would take priority, but both motions are divisible, and if the motion was taken first on receding, as it would be, then the motion to amend would have precedence over the motion to concur.

Mr. THOMAS of North Carolina. Mr. Speaker, then if we vote down the motion of the gentleman from Indiana we can move to recede and concur?

The SPEAKER. Yes.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. At this stage of the proceedings, the bill having come from the conference committee, has not that motion which has a tendency to bring the two Houses together priority over a motion that has not? Then, if that is the case, at this stage of the proceedings would not the motion to concur have priority over the motion to recede and concur?

The SPEAKER. In the first place, the bill is not in conference. In the second place, under all circumstances a motion to recede and concur is divisible and takes precedence over the motion to disagree. Now, then, the gentleman from Indiana made a motion to recede and concur with an amendment. That is divisible. Now, if that vote on another motion, which would be in order, to recede and concur, is taken and a vote is taken to recede and the House should conclude to recede, why then the amendment of the gentleman from Indiana would be in order before the vote on the motion to concur. As many as are in favor of the motion of the gentleman from Indiana that the House do recede and concur in the Senate amendment with an amendment that has been reported, say "aye;" those opposed, "no."

The question was taken; and the Chair announced the Chair was in doubt.

On a division (demanded by Mr. OVERSTREET of Indiana) there were—ayes 74, noes 105.

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask for tellers.

Tellers were ordered.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] and the gentleman from South Carolina [Mr. LEVER] will take their places as tellers.

The House again divided; and the tellers reported—ayes 71, noes 121.

So the amendment was rejected.

Mr. LAMB. Mr. Speaker, I move to recede and concur in the Senate amendment.

The question was taken.

The Chair announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Speaker!

The SPEAKER. The gentleman from Illinois demands a division.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 115, answered "present" 4, not voting 120, as follows:

YEAS—138.

Adamson	Foss	Lloyd	Sherley
Aiken	Foster, Vt.	Lovering	Slayden
Allen, Me.	Fowler	McCall	Small
Bankhead	Gardner, Mass.	McNary	Smith, Md.
Bartholdt	Glass	Marshall	Southall
Bell, Ga.	Goldfogle	Maynard	Southard
Bennet, N. Y.	Goulden	Meyer	Sparkman
Bowers	Granger	Moon, Tenn.	Sperry
Brantley	Greene	Mudd	Spight
Brownlow	Gregg	Olcott	Stephens, Tex.
Brundidge	Gronna	Overstreet, Ga.	Sterling
Burleigh	Hale	Padgett	Sullivan
Burnett	Haskins	Page	Sulloway
Burton, Del.	Heflin	Parsons	Sulzer
Calder	Henry, Conn.	Patterson, N. C.	Talbott
Candler	Higgins	Patterson, S. C.	Taylor, Ala.
Capron	Hill, Conn.	Perkins	Thomas, N. C.
Clark, Fla.	Hill, Miss.	Pou	Thomas, Ohio
Clayton	Houston	Powers	Tirrell
Cocks	Howard	Rainey	Townsend
Cooper, Wis.	Hunt	Randell, Tex.	Trimble
Coudry	Keliher	Reeder	Underwood
Currier	Kitchin, Claude	Reyburn	Wachter
Dale	Kline	Reynolds	Wadsworth
Davey, La.	Lacey	Richardson, Ala.	Waldo
Davis, Minn.	Lafean	Riordan	Wallace
Dawes	Lamar	Roberts	Washburn
De Armond	Lamb	Robinson, Ark.	Watkins
Denby	Lawrence	Rucker	Webb
Dixon, Mont.	Lee	Ruppert	Weeks
Dunwell	Legare	Russell	Wiley, Ala.
Edwards	Lever	Ryan	Wiley, N. J.
Ellerbe	Lewis	Saunders	Zenor
Finley	Lilley, Conn.	Scott	
Flood	Littlefield	Sheppard	

NAYS—115.

Alexander	Ellis	Knapp	Rodenberg
Andrus	Englebright	Knopf	Samuel
Barchfeld	Esch	Landis, Chas. B.	Schneebeli
Bartlett	Fassett	Littauer	Shackleford
Beall, Tex.	Fitzgerald	Longworth	Sherman
Birdsall	Fletcher	Loudenslager	Sims
Bishop	Fordney	Lowden	Smith, Cal.
Bonynge	French	McCreary, Pa.	Smith, Ill.
Brick	Fulkerson	McKinley, Ill.	Smith, Iowa
Brumm	Gardner, Mich.	McKinney	Smith, Ky.
Burke, S. Dak.	Garrett	McMorran	Smith, Mich
Burton, Ohio	Gilhams	Macon	Smith, Pa.
Cassel	Gill	Mahon	Smith, Tex.
Chaney	Gillespie	Mann	Smyser
Chapman	Graff	Martin	Stafford
Clark, Mo.	Graham	Miller	Steenerson
Conner	Grosvenor	Mondell	Stevens, Minn.
Cooper, Pa.	Hamilton	Moore, Pa.	Tawney
Cousins	Hay	Mouser	Taylor, Ohio
Cromer	Hayes	Murdock	Volstead
Crumpacker	Hepburn	Needham	Vreeland
Cushman	Hubbard	Nelson	Wanger
Dalzell	Hull	Norris	Watson
Darragh	Humphrey, Wash.	Olmsted	Weems
Dawson	James	Otjen	Wharton
Deemer	Jones, Wash.	Overstreet, Ind.	Williams
Dickson, Ill.	Keifer	Parker	Wilson
Dixon, Ind.	Kennedy, Nebr.	Payne	Wood
Driscoll	Kennedy, Ohio	Pollard	

ANSWERED "PRESENT"—4.

Burgess	Butler, Pa.	Jenkins	Lilley, Pa.

NOT VOTING—120.

Acheson	Davis, W. Va.	Howell, Utah	Morrell
Allen, N. J.	Dovener	Huff	Murphy
Ames	Draper	Hughes	Nevin
Babcock	Dresser	Humphreys, Miss.	Palmer
Bannon	Dwight	Johnson	Pearre
Bates	Field	Jones, Va.	Prince
Bede	Floyd	Kahn	Pujo
Beidler	Foster, Ind.	Kinkaid	Ransdell, La.
Bennett, Ky.	Fuller	Kitchin, Wm. W.	Reid
Bingham	Gaines, Tenn.	Klepper	Rhinock
Blackburn	Gaines, W. Va.	Knowland	Rhodes
Boutell	Garber	Landis, Frederick	Richardson, Ky.
Bowersock	Gardner, N. J.	Law	Rives
Bowie	Garner	Le Fevre	Robertson, La.
Bradley	Gilbert	Lindsay	Scroggy
Broocks, Tex.	Gillett	Livingston	Shartel
Brooks, Colo.	Goebel	Lorimer	Sibley
Broussard	Griggs	Loud	Slemp
Brown	Gudger	McCarthy	Snapp
Buckman	Hardwick	McCleary, Minn.	Southwick
Burke, Pa.	Haugen	McDermott	Stanley
Burleson	Hearst	McGavin	Towne
Butler, Tenn.	Hedge	McKinlay, Cal.	Tyndall
Byrd	Henry, Tex.	McLachlan	Van Duzer
Calderhead	Hermann	McLain	Van Winkle
Campbell, Kans.	Hinshaw	Madden	Webber
Campbell, Ohio	Hogg	Michalek	Weisse
Cockran	Holliday	Minor	Welborn
Cole	Hopkins	Moon, Pa.	Woodyard
Davidson	Howell, N. J.	Moore, Tex.	Young

So the motion was agreed to.

The Clerk announced the following additional pairs:
Until further notice:
Mr. BANNON with Mr. GARBER.
Mr. BABCOCK with Mr. BROUSSARD.
Mr. BURKE of Pennsylvania with Mr. DAVIS of West Virginia.
Mr. BROOKS of Colorado with Mr. PUJO.
Mr. CAMPBELL of Kansas with Mr. RANSDELL of Louisiana.
Mr. GILLETT with Mr. LIVINGSTON.
Mr. COLE with Mr. GUDGER.
Mr. DOVENER with Mr. HEARST.
Mr. PEARRE with Mr. TOWNE.
For the balance of the day:
Mr. DAVIDSON with Mr. JONES of Virginia.
Mr. JENKINS with Mr. HENRY of Texas.
For the vote:
Mr. BRADLEY with Mr. GAINES of Tennessee.
Mr. DRAPER with Mr. BURLESON.
Mr. GAINES of West Virginia with Mr. SIBLEY.
The result of the vote was announced as above recorded.

The SPEAKER. Is a separate vote demanded on amendment No. 88?

Mr. WADSWORTH. Mr. Speaker, I move that the House insist on its disagreement and ask for a committee of conference.

The SPEAKER. The gentleman from New York [Mr. WADSWORTH] asks that the House insist on its disagreement to amendment No. 88.

Mr. CLAYTON. Is this amendment No. 88 the one relating to agricultural colleges?

The SPEAKER. The amendment will have to be reported.

Mr. WADSWORTH. The amendment is for aid to the State agricultural colleges.

Amendment No. 88 was read, as follows:

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890, the sum of $5,000, in addition to the sums named in the said act, for the fiscal year ending June 30, 1908, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of $5,000 over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be $50,000, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the act of Congress approved July 2, 1862," and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July 2, 1862, and the said act of Congress approved August 30, 1890: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Mr. CLAYTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] moves that the House recede and concur in the Senate amendment, which motion takes precedence of the motion of the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, how much time have we on that?

The SPEAKER. The gentleman from New York controls the time.

Mr. WADSWORTH. How much time—an hour?

The SPEAKER. The Chair supposes that there could be an hour, but it is now fifteen minutes past 5 o'clock, and many other bills to be acted upon.

Mr. WADSWORTH. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I may say to the gentleman from New York [Mr. WADSWORTH] that a brief statement from him would be quite sufficient to inform the House as to what this particular Senate amendment is, and that, so far as I am concerned and so far as I am advised on the part of everybody else who is in favor of this Senate amendment, there is no desire for any protracted discussion. It is a simple proposition, Mr. Speaker, to increase the appropriation for the support and maintenance of agricultural and mechanical colleges. I believe, without stopping to read it in extenso, this Senate amendment provides $5,000 per annum. For how many years?

Mr. WADSWORTH. Five thousand dollars the first year, $10,000 the second year, $15,000 the third year, $20,000 the fourth year, $25,000 the fifth year, and for every year after that $25,000 a year

Mr. CLAYTON. I understand that; and, Mr. Speaker, it is in line with the legislation that has heretofore been passed, beginning with the act of Congress in 1862, for the support and encouragement of agricultural and mechanical colleges and for the teaching of scientific agriculture and of mechanical arts. Now, that is the whole subject. It is for the benefit of agricultural and mechanical colleges. I think, Mr. Speaker, that is all I desire to say.

Mr. WADSWORTH. Mr. Speaker, the House conferees refused to agree to that amendment, first, because it was a most important piece of legislation, leading to important results, involving an ultimate expenditure of $1,150,000 a year, and it had never been considered by the House committee nor by this House and had never been considered by the Senate five minutes. We refused to agree to it also for the reason that there is no State in this Union so poor that it is not able to give to the cause of agriculture anything which that cause may justly ask of her.

Mr. CLAYTON. Mr. Speaker——

Mr. WADSWORTH. What does the gentleman desire?

Mr. CLAYTON. I wanted to ask the gentleman in reply to his first suggestion whether the House committee had not considered this matter, and I doubt not that is true——

Mr. WADSWORTH. It is true.

Mr. CLAYTON. Has not considered it at this session, but has not the Committee on Agriculture repeatedly at former sessions of Congress considered this very appropriation named here in this bill?

Mr. WADSWORTH. Never to my knowledge, and I have been chairman of the committee twelve years.

Mr. CLAYTON. Now, if the gentleman will pardon me, I do not know and do not recall now what committee it was or whether the gentleman was present; but I recollect distinctly that some committee of this House several Congresses ago did have hearings on this very matter.

Mr. WADSWORTH. That may be so, but it was not the Committee on Agriculture during the last twelve years.

Mr. LACEY. There were hearings in the Committee on Public Lands a number of years ago on this question.

Mr. CLAYTON. The hearing was before the Committee on Public Lands.

Mr. WADSWORTH. That is another proposition entirely. Now, Mr. Speaker, as I said before, there is no State in this Union so poor that she can not give to the cause of agriculture any sum that it needs. The original appropriation in 1862 was made when there were a great many new Territories and new States. They were not rich; they had not developed their taxable property, and perhaps in those days it was a sensible proposition.

Mr. TAWNEY. How much are we appropriating to agricultural colleges?

Mr. WADSWORTH. We are already appropriating to agricultural colleges $25,000, and this seeks to add $5,000 a year to that sum, until the total reaches $50,000 a year. To my mind there is a more serious opposition to this bill than that. Mr. Speaker, it opens the widest door toward centralization of power in the Federal Government. It is the longest step toward centralization that this House has ever taken.

Let me show you how easy the steps are. Last year we passed the Adams bill, so called, giving $15,000 a year for the experimental stations. I said then I was opposed to it, and that I thought every State ought to take care of its own. Now, the next thing in the programme will be $15,000 or $25,000 for agricultural colleges. And the step, as you see, has come. Now, let me show you the bills that are pending along this line now before the Committee on Agriculture: "To apply a portion of the proceeds of the public lands to the State normal schools." Now, there are twice as many State normal schools as there are agricultural colleges, and twice as many votes behind them to pass that measure in this House. Another is this bill in question. Another is "For the maintenance of agricultural colleges in Congressional districts;" another, "To provide"—listen—"To provide an annual appropriation for industrial education in agricultural high schools and in city high schools;" another, "To provide for an annual appropriation for branch agricultural and branch experimental stations, and regulate the expenditure thereof."

Now, Mr. Speaker, the next step will be the public schools; and there you have Federal governmental supervision of your school systems and Federal governmental control of your education. That is the basis of my great opposition to it, and I beg this House not to take this step; at least let it go over and be considered on its merits and not jam it through here on an appropriation bill.

Mr. CLAYTON. Will the gentleman give me a few minutes?

Mr. WADSWORTH. With pleasure. I yield five minutes to the gentleman.

Mr. CLAYTON. Mr. Speaker, I did not in the beginning desire or intend to indulge in very extensive remarks, but I do desire to reply briefly to some of the observations just delivered by the gentleman from New York. First, as to his suggestion that this matter has not been properly considered, I desire to say that it has been considered in former Congresses; that it has been discussed in the public prints; that every Member in this House—it may be with the exception of those Members from cities—certainly all the Members of the great country districts, have had this matter under consideration and have had it called to their attention. So much for the "surprise;" that this legislation is by way of "surprise," and that we do not know what we are about to do.

Mr. Speaker, we know what we want to do and when we want to do it, and we propose to pass this measure now in order that poor boys may have the full benefit of a good education in scientific agriculture and the most useful and common mechanical arts.

We have been deliberating upon it, we have been considering it, and this House understands the proposition now as well as if we were to discuss it and consider it again and again during forty Congresses. We are going to have this legislation now. I appeal to the Members from the farming districts to stand with me.

Before going further, I desire to say that the gentleman from Iowa has just called my attention to what occurred in a former Congress. This matter was considered by the Committee on Agriculture—this specific proposition. Since that time——

Mr. WADSWORTH. Will the gentleman yield for a question?

Mr. LACEY. By the Committee on Public Lands.

Mr. WADSWORTH. Oh!

Mr. CLAYTON. I beg your pardon. The Committee on Public Lands considered this very measure. It was not brought before Congress; why, I do not know. The only difference between that measure and this measure is that the proposition when it was pending before the Committee on Public Lands, provided that the funds should come out of the sale of the public lands. Since that time the legislation of Congress has exhausted the money arising from the sale of public lands by devoting it to irrigation purposes.

Now, then, as to the other proposition, of centralization—that this is a great scheme of centralizing the Government. Well, now, nobody is afraid that the Government is going to be ruined and centralized on account of this small contribution to the agricultural and mechanical colleges of the country.

It is too late to discuss this policy of legislation. It was begun in 1862, this very sort of legislation, and it is strictly in line with the policy of that legislation that this present measure is ordered. The agricultural and mechanical colleges that have been aided by appropriations of Congress since the act of 1862 and the other act of 1890 have never in the slightest degree fallen under Federal control. So that imaginary danger suggested by the gentleman from New York can not frighten us.

The gentleman from New York tries further to make it appear that it is a frightful proposition, that a large number of bills of different characters that he refered to might be considered by the House. No good lawyer would and no good legislator ought to depart from the discussion of a pending case or pending measure by going off to try an imaginary case or a measure that is not before the court or legislature. Let us consider this measure that is before us, and on its merits. We do not hesitate to give money to Annapolis or West Point. We do not hesitate to give money for our consular service. We do not hesitate to encourage the commerce of our country, and let us in this small way encourage agriculture as we have commerce, her handmaiden. [Applause.]

Mr. KEIFER. I should like to ascertain whether this provision does not give to every college, regardless of its size, the same sum of money. I understand that to be the fact, and I wish to state that that was not the provision of the act of 1862 establishing these colleges.

Mr. WADSWORTH. I yield five minutes to my colleague from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, as I understand this proposition involved in the Senate amendment, it is that ultimately, under the legislation now upon the statute books and under the legislation that it is proposed by this amendment to write into the statute books, the Government of the United States will in four years be contributing annually to the agricultural colleges and experimental stations $80,000 each per annum. Now, Mr. Speaker, the House, in concurring in the amendment a few moments ago authorizing the survey of the Appalachian Forest Reserve, has opened the way for the expenditure in the next few years of $200,000,000 in the purchase of the worthless land it is proposed to buy from individuals and the States for forestry purposes. I want to call attention to the fact that in the next fiscal year we perhaps will have to meet out of the current revenue of the Government a larger expenditure, authorized by this Congress, than we have ever before made in any year in the history of our Republic. Notwithstanding this fact, the Senate sends us this amendment, thus largely increasing the amount to be donated to the State agricultural colleges. Is there no limit, Mr. Speaker, to the extravagance of this Congress? During this session of Congress the Senate has increased the appropriations carried in the bills sent to that body by the enormous amount of $51,000,000. Fifty-one million dollars is the gross increase of the regular appropriation bills by the Senate above the amount these bills carried when they left the House. Eight millions of that is accounted for on account of the service-pension bill, $6,000,000 of it on account of the Coast Artillery bill, for which the House must share the responsibility with the Senate, leaving a net increase on the part of the Senate over the appropriations as they passed the House of $35,000,000, a larger increase than has ever been made by the other House of Congress for a great many years, if not in the entire history of this country.

I therefore submit, in view of these enormous increases, that we should stop and consider whether or not we can afford to thus legislate on an appropriation bill, without opportunity for considering the merits of the proposed legislation and without time to consider whether the Federal Treasury will be able to stand the increased expenditure made necessary by appropriating this increased amount to every State and Territorial agricultural college in the country. True, the amount is only $80,000 to each college, but that amount will be added to hereafter if this policy is continued, as is evidenced by the bills that are now pending before the Committee on Agriculture.

Mr. SOUTHARD. I should like to ask the gentleman if this amount is not more urgently needed in the improvement of State roads?

Mr. TAWNEY. No doubt this amount would serve a better purpose in some respects if used in the improvement of our roads, but it would be hard for the gentleman from Ohio to convince his rural constituents of that fact. Pressure upon Congress for the passage of a good-roads bill is growing all the time, and if we continue this policy of paternalism much further it will not be long until Congress will be swept off its feet and called upon to appropriate from $25,000,000 to $50,000,000 annually for the construction and maintenance of good roads. I hope, Mr. Speaker, that the House will stop and consider the extent to which we are going in this session of Congress in the appropriation of the public funds for objects that are not governmental, but purely paternal.

Mr. STAFFORD. Would $80,000 a year be sufficient to support an agricultural college without any aid from the State whatever?

Mr. TAWNEY. I do not know whether $80,000 would be sufficient, but in view of the fact that it is not a part of the business of the Federal Government to maintain these local institutions, $80,000 is more than we ought to contribute for that purpose. Mr. Speaker, I now yield five minutes to the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS of Minnesota. Mr. Speaker, if the House will give me its attention for a few moments I will, in a concise form, give what I understand to be the present situation. In 1862 the Congress passed what is known as the "Morrill Act." That act gave an endowment for the benefit of agricultural colleges and mechanic arts schools certain donations of land, and the States were authorized under that act to select these lands, sell them at the price then authorized, and out of the proceeds to form a permanent endowment fund for inaugurating and perpetuating the agricultural and mechanic arts colleges. Supplemental to that act the second Morrill Act, in 1890, was passed, which gave to each State having an agricultural college therein established the sum of $25,000 annually.

Now, at the time the first Morrill Act was passed there was no such thing as a manual training school, a mechanic arts school, an industrial school, or an agricultural college. The impetus given to that branch of education by this donation was very marked. It produced an effect like that produced upon our public schools when the Government donated and appropriated large tracts of the public domain in their behalf. Our common schools, which are our pride are largely the product of Federal aid. Call it paternalism, call it centralization of power, but such is the case with the present common school system, and who objects to it? In consequence of these two public acts, what has been the result? At the present time

it has incited every State government to invest, and they have invested in lands and buildings for agricultural colleges and mechanic arts schools the enormous sum of $45,834,731, making an average for each State of $954,000.

At the present time the annual appropriations by the Government for the maintenance of all these schools is less than $2,000,000. Of the total expenses of maintaining this splendid system of education, 83 per cent thereof is borne by the respective States.

Now, Mr. Speaker, I want to say just a word as to centralization. I do not agree that this provision, or any other of a similar kind, means in the least centralization of power. Centralization of power does not mean to build up and make strong an individual State. The individual State is a unit, and the more powerful you make the individual State, the more independent it becomes; and the greatest power you can give the individual State is to aid it and to educate it along the lines of industrial arts and agriculture. This amendment means decentralization in every line and every word.

The family unit is strongest when each of its members are individually strong. The State is most powerful when all of its peoples are social, moral, and intellectual giants, and the Federal Government is all powerful only when each and all of the States and Territories constituting it have attained a degree of great solidarity; call it what you may, "paternalism" or "centralization of Federal powers," yet to my mind the education obtained by and through colleges of agriculture or mechanic arts strengthens and develops not only the Government, but all and each of its constituent parts, and hence fails to be obnoxious.

During the year 1905 the total income from all sources for all of these colleges was $9,748,702, 83 per cent of which was furnished by the respective States and the balance by the Federal Government. This showing indicates the great strides that have been made in this line of education since the endowment of these colleges under the Morrill Act of 1862.

The amendment placed upon this bill by the Senate, and which I earnestly hope will be concurred in by the House, provides for an annual increase of appropriations for these colleges of agriculture and mechanic arts in the sum of $5,000 for each State and Territory in which one or more of these colleges are established and maintained, and a like increase of $5,000 for four additional years thereafter, thus making $25,000 for each State and Territory, so that ultimately the Federal Government will contribute to the States and Territories $50,000 annually for the encouragement and maintenance of these institutions of learning.

The amendment further provides that a portion of this may be used for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Statistics show that of the many thousand students now being instructed in these colleges the line of their instruction is as follows: Fully one-half thereof are pursuing a practical course of study in all the various branches of mechanic arts; and of the remainder, about two-thirds are being educated along agricultural lines and one-third in home economics.

This new education, while retaining the high moral and ethical ideals of the old, combines with these substantial training in doing the thing of everyday life. This broader field of public education is now suited to the needs alike of workers, business men, home makers, technicians, and professionals. It trains to think by thinking. It trains to do by doing. And Congress can not do too much to help the States in completing this broadest kind of public education.

These land-grant colleges have influenced the nonagricultural industries to nearly as great a degree as they have improved agriculture.

The engineering courses in these colleges have supplied a large share of the men to develop our vast systems of transportation and manufacturing.

The people are generally awakening to the value of educating the boy and girl along these lines who are to remain on our farms. They are being educated, as it were, closer to the soil, for in its last analysis productive land is the basis of our greatest and lasting prosperity.

We are nearing the 90,000,000 population mark, and about one-third of whom are of school age. Therefore let us be wise in time and educate these young men and women in a way that they will not only be self-supporting and wholly independent, but that they may by their knowledge and habits of industry contribute more surely to the welfare, happiness, and prosperity of our already great but constantly increasing civilization, ever remembering that education ought not to be, and is not, a burden upon civilization, but that education is strong and bears upon its shoulders civilization itself. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WADSWORTH. I now yield five minutes to the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, the importance of the original act by which the agricultural colleges were established is of course conceded. It might indeed be called an epoch-making measure, because it began a new policy on the part of the Federal Government. It was a measure of so great importance and ran so far contrary to the policies that had theretofore been followed that the preceding President, James Buchanan, vetoed a similar, if not exactly the same, measure during his Administration. He vetoed it on the ground that it was an unwarranted, unconstitutional expenditure of Government funds to be expended in education wholly within the State.

Here we have a measure brought in in the closing hours of this session almost as important as this original act, because it doubles the appropriation which the original acts carried, brought in here without any consideration by any committee in this House, without any consideration on the floor of the Senate, and in such a shape that if it had been brought here originally it could have been stricken from the bill on a point of order. It seems to me, therefore, that the action of your conferees in refusing to concur was fully warranted in the interest of orderly and regular parliamentary procedure. But passing by for a moment the irregular way in which the measure comes before us. I most earnestly believe that the House ought to stand by its conferees on the merits or, I should say, the demerits of the measure. I want to call the attention of Members of this House to the fact that the Government of the United States is already paying to each of these agricultural colleges $25,000 a year under the Morrill Act, $15,000 a year under the Hatch Act, and when the Adams Act matures we will be paying $15,000 more a year, a total of $55,000 a year, which goes to these agricultural colleges and experiment stations in every State and Territory of the Union. If this act should become a law when it reaches maturity, we will then be paying $80,000 a year to every State and Territory, and that would make an annual appropriation for that purpose of $3,840,000. It seems to me preposterous that the States should come to the Congress after having been so generously treated and demand still further grants. I know that in the State which I have the honor to represent here we have a splendid agricultural college, and I am not saying a word against the policy, because I approve of it. We have a splendid agricultural college, and I want to say to the credit of the man who presides with honor over that institution that he has not asked the Representatives here from Kansas to support this measure, because he knows that that State can provide for itself.

Mr. PERKINS. Mr. Speaker, how much are these strictly agricultural colleges? Is it not a fact that by no means the larger proportion of students actually follow the profession of agriculture, and that to a large extent they are mostly colleges for general education for those entering all ranks of life?

Mr. SCOTT. The gentleman from New York has called the attention of the House to a very important fact, Mr. Speaker, and that is that the agricultural colleges carry general courses of instruction and do not by any means limit their work to education in agriculture—another reason why this additional grant should not be made. But I was going on to say that if any of these colleges need more money than they are getting from the Government, there is no Commonwealth in this nation that is not amply able to supply that money. I may be pardoned if I make reference to a personal experience. As a member of our own State legislature, when bills came before the committee of which I was a member making appropriations for the various educational institutions of the State, we took judicial notice of the fact that the agricultural college was getting $40,000 a year, as it was at that time, from the Government, and we cut the appropriation from the State treasury by just that amount. If we pass this measure, it simply means that when the next legislature meets the amount of money to be appropriated from the State treasury will be reduced by just the amount this bill carries. And what is true in Kansas will be true in all the other States and Territories. The passage of this bill will not result in a single additional dollar being spent for agricultural education. It will simply mean that the money shall be taken from the national and not from the State treasuries.

[Here the hammer fell.]

Mr. WADSWORTH. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Speaker, I shall not occupy much time, but I feel like calling the attention of the House to the

fact that this is not a departure from the methods that have been hitherto followed, and in answer to the statement of the gentleman that this is a question that has never been properly considered, I desire to inform the House that a printed document of the Senate entitled "Hearings before the Committee on Agriculture and Forestry" is in evidence before us, and to further inform the gentleman of the fact that beginning at about page 58 and concluding with page 86 there is evidence on this particular subject taken before the Committee on Agriculture in January and in the first days of February of this year. I think some of the most distinguished gentlemen that have been before any committee appeared before the committee at that time and made statements as to the necessity of this particular legislation.

It is not true that this legislation is intended for State purposes alone. The original idea which was maintained in 1862 and which was again brought to the attention of the Congress in 1890 fairly illustrated the fact that if this Government was to aid in any particular department of the public life, it could bring the most benefit through aid along the lines of our agricultural schools. One gentleman has suggested that a majority of the boys who graduate from our agricultural colleges do not follow the profession of farming (I think it is a profession at this time); but the fact of the matter is that there is scarcely a boy who goes out from our agricultural schools who does not make life mean more, who does not contribute perhaps more to the general benefit of the whole people, than is done by the graduate of almost any other college. This provision is made for the purpose of enlarging the possibilities of the work of these schools, and it is interstate. There can be no question about that. There is coming to be a common system of agricultural schools throughout the United States, and the professors in one school visit and lecture to the students in other schools. So I say that there is a fairly uniform system all through the United States. We have here in this House contributed thousands of dollars of the public money for the purpose of investigating fuels, for the purpose of investigating our geological conditions, and yet I submit that there is no money that could be expended in a more generally useful way, in a way that reaches the people more directly, that more forcibly appeals to the higher manhood and to better civilization, than this particular appropriation. [Applause.] And it is supported, I repeat, by the very best men who have appeared before any committee—men who have devoted their lives to this particular work.

I do not care to occupy any further time, although it is a most fruitful subject for discussion. Let us consider for a moment the higher principles of our civilization, and not devote ourselves always to the lower elements. We have a school in Michigan that turns out boys which reflect credit on all of the United States. It is the first of its kind in the United States. It is an inspiration for others to follow. Let us say by our vote that manhood is not at a discount in comparison with coal or gold. Can this House afford to subsidize steamship companies, develop water courses, test coal, and then refuse to aid in extending knowledge and developing manhood? I can not believe it.

[Here the hammer fell.]

Mr. WADSWORTH. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, I regret to differ with my honored colleague, but I would like to have him and the House notice a few figures. We are now, if this measure passes, contracting to give $80,000 a year in perpetuity to fifty institutions, State and Territorial. What does that mean to each college? It means a sum equal to $2,000,000 every year at 4 per cent per annum to every institution. At 4 per cent that means an accrued income at the end of twenty years of $1,600,000 to the agricultural college of the State of Michigan and every other like institution.

It means the drying up of private benevolence and that our States will withhold the hand that gives to our agricultural colleges because the General Government gives so liberally. I speak for the State of Michigan when I say I believe her great commonalty do not ask it. She is rich in agriculture, rich in mines, rich in all the elements of wealth, and she does not ask the Government to give this perpetual endowment, which would annually employ forty professors at $2,000 each. The Michigan Agricultural College is the oldest, the most renowned, and one of the best endowed in the country. The President of the United States comes to us on the 31st of May to celebrate our semicentennial as the mother of all the agricultural colleges in the United States.

Mr. TOWNSEND. Let me interrupt the gentleman. I want to remind the gentleman that before Members of this House and before Members of the Senate the president of the agricultural college in Michigan did insist that this should be granted. I know of no way of voicing the sentiment of Michigan except through its authorized agent. [Applause.]

Mr. GARDNER of Michigan. And there is no institution in the country that will not do the same. There is not a State that has not an agricultural college, and there is not a Territory that has not an agricultural college now that will not have one in twelve months and come here asking for $80,000 to sustain it. I hope, gentlemen, you will not embark upon this undertaking without ample consideration and discussion. This is far-reaching in extent. The gentleman from Michigan talks about the benefit to men living upon the farm. A former president of the Michigan Agricultural College states that very few of her graduates are practical agriculturalists——

The SPEAKER. The time of the gentleman has expired.

Mr. WADSWORTH. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am sincerely in favor of concurring in the Senate amendment. [Applause.] I do not regard this bill as showing any predilection toward paternalism. If it is, then paternalism with regard to the matter of education has been a favored method of procedure of the Government of the United States. The very first of the new States carved out of the Northwest Territory coming into the Union received a sixteenth section of land in each township for educational purposes. Every other State, from 1803 down to about 1860, received a sixteenth section of land for educational purposes. Then came a new policy and the sixteenth and thirty-sixth sections of land were granted to all of the new States, and to some a very much larger portion of the public domain was given.

There has been no equality in the distribution of the public lands, but very great inequality. The old States not only secured all of the land within their borders, but Pennsylvania, New York, Connecticut, and others of the old States received large grants in the Northwest Territory. Now, this is in the direction of absolute equality to all the States. Heretofore the legislation has not been of that character. The original grant made to establish agricultural colleges in 1862 was 30,000 acres for each Senator and Representative in the delegation of the State. Under that legislation the State of New York, without an acre of public lands within her borders, received about 900,000 acres. She received it in scrip, and scrip that very shortly became very much more valuable than the dollar and a quarter an acre, the money value that that act of Congress gave to this donation. Practically it was money to the old States rather than land.

Now, this bill in its operation is uniform. It operates upon all the States alike. It will be remembered that some of the States by the act of 1862 were debarred from participating in its benefits. Whether that has been remedied to the full since then I am not prepared to say, but some of them at least are compelled to take an inferior quality of land that did not bring to them the large sums that some other of the States got. This bill, however, is equal in its benefits to all, and I for one am not deterred by the fear that this is paternalism. I am not deterred by the extravagant figures of my friend, the $40,000,000 that are to be given to his State, which he will upon reflection conclude was an effort to draw upon his imagination. No such sums as those come from the Treasury of the United States. He talks about income rather than capital.

Mr. GARDNER of Michigan. Does the gentleman deny the accuracy of the figures?

Mr. HEPBURN. I do not deny the accuracy of the figures, but the gentleman has multiplied, in showing the enormousness of this grant, the actual outlay of the Government some twenty or twenty-five times.

Mr. GARDNER of Michigan. Does not the gentleman know that every college in the land creates its income in that way?

The SPEAKER. The time of the gentleman has expired.

Mr. WADSWORTH. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. The gentleman who has just taken his seat has fallen into some confusion about equality. He has forgotten that the original act of 1862 gave a certain number of acres of land or scrip to each Congressional district, and that in that way we had in the larger States the larger amount of land or scrip. He has also forgotten that States that had no land subject to be taken up got only scrip and could not enter land with it in the name of the State unless on land within the State. He has forgotten that in the States having no land subject to entry they generally sold their scrip for 50 cents an acre. I bought some of it myself, and I know. The only State that I can now

recall that violated that was the State of New York. That State had its scrip taken by Mr. Cornell, who went to Wisconsin and, perhaps, to other States and Territories and there entered it in his own name and afterwards sold it and gave the proceeds of the sale to the State of New York, and therefore New York called her agricultural college "Cornell." That is the way it worked in that State. And now it is not proposed to equalize this matter of donation and to carry it on from year to year, but it is proposed to give to each agricultural college in each State, and to each little agricultural college as much as the greater ones. If this is equity, I do not understand it. That is the reason, no doubt, that it has friends all around here, but if we are going to do equity we should give in proportion to numbers in each State, in proportion to students in the colleges. You ought to do it by following the same general principle and rule established in the original act of 1862, which laid the foundation for all these colleges. That act only intended to endow, through the public lands, these agricultural institutions, and it did not contemplate the carrying on of those institutions, and it devolved on the States to carry them on, as has been done ever since.

[Cries of "Vote!"]

Mr. WADSWORTH. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Alabama to recede from the disagreement and concur in the Senate amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. CLAYTON. Division!

The committee divided; and there were—ayes 100, noes 92.

Mr. WADSWORTH. Mr. Speaker, I ask for the yeas and nays.

Mr. WILLIAMS. Mr. Speaker, I want to suggest to the gentleman from New York that we take a recess from now until 8 o'clock, and at 8 o'clock have the yeas and nays.

Mr. PAYNE. Regular order!

Mr. WILLIAMS. That destroys the recess, and you will have to be here all night.

The yeas and nays were ordered.

The question was taken; and there were—yeas, 120, nays 87, answered "present" 4, not voting 166, as follows:

YEAS—120.

Adamson	Darragh	Hull	Robinson, Ark.
Aiken	Davis, Minn.	Humphreys, Miss.	Russell
Allen, Me.	Dawes	Kline	Samuel
Bankhead	Deemer	Lafean	Saunders
Beall, Tex.	Dickson, Ill.	Lamar	Sheppard
Bell, Ga.	Dixon, Ind.	Lee	Small
Bennet, N. Y.	Dixon, Mont.	Legare	Smith, Md.
Birdsall	Dunwell	Lewis	Smith, Mich
Bonynge	Ellerbe	Littlefield	Smith, Pa.
Bowers	Finley	Lowden	Southall
Brantley	Flood	McKinney	Sparkman
Buckman	Foster, Vt.	McMorran	Sperry
Burleigh	Fowler	Macon	Steenerson
Burnett	French	Mahon	Stevens, Minn.
Burton, Del.	Gill	Maynard	Sulloway
Butler, Pa.	Glass	Moon, Tenn.	Talbott
Calderhead	Gregg	Mudd	Taylor, Ala.
Candler	Grosvenor	Murphy	Taylor, Ohio
Capron	Hale	Nelson	Thomas, N. C.
Cassel	Hamilton	Olmsted	Townsend
Chaney	Haskins	Overstreet, Ga.	Trimble
Chapman	Hay	Page	Underwood
Clark, Fla.	Heflin	Patterson, N. C.	Wallace
Clark, Mo.	Henry, Conn.	Patterson, S. C.	Watkins
Clayton	Hepburn	Pearre	Webb
Conner	Higgins	Pou	Wiley, Ala.
Cooper, Wis.	Hill, Miss.	Powers	Wiley, N. J.
Cousins	Houston	Rainey	Williams
Crumpacker	Howard	Randell, Tex.	Wood
Currier	Hubbard	Reynolds	Zenor

NAYS—87.

Allen, N. J.	Garrett	Longworth	Riordan
Andrus	Gilhams	Lorimer	Ryan
Babcock	Gillespie	Loudenslager	Scott
Barchfeld	Goldfogle	Lovering	Sherley
Bartholdt	Graff	McCreary, Pa.	Smith, Cal.
Bates	Graham	McNary	Smith, Iowa
Brick	Granger	Mann	Smyser
Brumm	Greene	Miller	Southard
Burton, Ohio	Hayes	Mondell	Stafford
Cocks	Hill, Conn.	Mouser	Sterling
Cromer	Hinshaw	Murdock	Sullivan
Cushman	Humphrey, Wash.	Needham	Tawney
Dalzell	James	Olcott	Tirrell
Denby	Jones, Wash.	Otjen	Vreeland
Driscoll	Keifer	Overstreet, Ind.	Wachter
Englebright	Kennedy, Nebr.	Parker	Wadsworth
Esch	Kennedy, Ohio	Parsons	Waldo
Fassett	Knopf	Payne	Wanger
Fitzgerald	Lacey	Perkins	Weems
Gardner, Mass.	Lamb	Pollard	Wharton
Gardner, Mich.	Lawrence	Reeder	Wilson
Gardner, N. J.	Littauer	Reyburn	

ANSWERED "PRESENT"—4.

Jenkins	Norris	Shackleford	Sherman

NOT VOTING—166.

Acheson	Dresser	Kitchin, Claude	Rhinock
Alexander	Dwight	Kitchin, Wm. W.	Rhodes
Ames	Edwards	Klepper	Richardson, Ala.
Bannon	Ellis	Knapp	Richardson, Ky.
Bartlett	Field	Knowland	Rives
Bede	Fletcher	Landis, Chas. B.	Roberts
Beidler	Floyd	Landis, Frederick	Robertson, La.
Bennett, Ky.	Fordney	Law	Rodenberg
Bingham	Foss	Le Fevre	Rucker
Bishop	Foster, Ind.	Lever	Ruppert
Blackburn	Fulkerson	Lilley, Conn.	Schneebell
Boutell	Fuller	Lilley, Pa.	Scroggy
Bowersock	Gaines, Tenn.	Lindsay	Shartel
Bowie	Gaines, W. Va.	Livingston	Sibley
Bradley	Garber	Lloyd	Sims
Broocks, Tex.	Garner	Loud	Slayden
Brooks, Colo.	Gilbert	McCall	Slemp
Broussard	Gillett	McCarthy	Smith, Ill.
Brown	Goebel	McCleary, Minn.	Smith, Ky.
Brownlow	Goulden	McDermott	Smith, Tex.
Brundidge	Griggs	McGavin	Snapp
Burgess	Gronna	McKinlay, Cal.	Southwick
Burke, Pa.	Gudger	McKinley, Ill.	Spight
Burke, S. Dak.	Hardwick	McLachlan	Stanley
Burleson	Haugen	McLain	Stephens, Tex.
Butler, Tenn.	Hearst	Madden	Sulzer
Byrd	Hedge	Marshall	Thomas, Ohio
Calder	Henry, Tex.	Martin	Towne
Campbell, Kans.	Hermann	Meyer	Tyndall
Campbell, Ohio	Hogg	Michalek	Van Duzer
Cockran	Holliday	Minor	Van Winkle
Cole	Hopkins	Moon, Pa.	Volstead
Cooper, Pa.	Howell, N. J.	Moore, Pa.	Washburn
Coudry	Howell, Utah	Moore, Tex.	Watson
Dale	Huff	Morrell	Webber
Davey, La.	Hughes	Nevin	Weeks
Davidson	Hunt	Padgett	Weisse
Davis, W. Va.	Johnson	Palmer	Welborn
Dawson	Jones, Va.	Prince	Woodyard
De Armond	Kahn	Pujo	Young
Dovener	Keliher	Ransdell, La.	
Draper	Kinkaid	Reid	

So the motion to recede and concur was agreed to.

The following additional pairs were announced:

For this session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. BRADLEY with Mr. GOULDEN.

Mr. FOSS with Mr. MEYER.

Until further notice:

Mr. BROWNLOW with Mr. GAINES of Tennessee.

On this vote:

Mr. ELLIS (against) with Mr. PADGETT (in favor).

Mr. MCKINLEY of Illinois with Mr. LEVER (against college).

Mr. NORRIS (favor receding) with Mr. ROBERTS (against receding).

Mr. COOPER of Pennsylvania with Mr. BARTLETT.

Mr. LILLEY of Connecticut with Mr. STEPHENS of Texas.

Mr. KINKAID with Mr. RUCKER.

Mr. BEIDLER with Mr. BRUNDIDGE.

Mr. BEDE with Mr. SMITH of Texas.

Mr. WATSON with Mr. CLAUDE KITCHIN.

Mr. SIBLEY with Mr. RICHARDSON of Alabama.

Mr. GOEBEL with Mr. LLOYD.

Mr. SNAPP with Mr. SHACKLEFORD.

Mr. DRAPER with Mr. BURLESON.

Mr. BARTHOLDT with Mr. DE ARMOND.

Mr. GARNER (in favor) with Mr. KELIHER (against agricultural college).

Mr. ALEXANDER with Mr. DAVEY of Louisiana.

Mr. BURKE of Pennsylvania with Mr. HUNT.

Mr. DAWSON with Mr. SIMS.

Mr. HOWELL of Utah with Mr. SLAYDEN.

Mr. PRINCE with Mr. SULZER.

Mr. THOMAS of Ohio with Mr. SPIGHT.

Mr. KNAPP with Mr. TOWNE.

The result of the vote was then announced as above recorded.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the House receded from its disagreement and concurred in the Senate amendment was laid on the table.

Mr. BURLESON. Mr. Speaker, I send to the Clerk's desk a bill and ask that it be read.

The Clerk read as follows:

A bill (H. R. 13671) to provide for the taking of a census of agriculture in the year 1906 and every tenth year after the year 1905.

Be it enacted, etc., That in addition to the census now required by law to be taken every ten years, there shall be taken in the year 1906 and every tenth year after the year 1905 a census of agriculture, which shall show:

First. A classified census of live stock, with their values.

Second. The acreage of the principal crops, including cotton, corn, wheat, rice, and oats, grown in the United States.

SEC. 2. That the Director of the Census is hereby authorized and required to prepare such schedules and to make such rules and regulations and to submit such estimates as may be necessary to carry this act into effect. And he may utilize the services of rural free-delivery carriers wherever practicable in distributing and collecting schedules along the routes of such carriers, who will perform this service without additional compensation: *Provided*, That for the purpose of securing the statistics required by this act the Director of the Census may select and appoint special agents when necessary, and such special agents shall receive compensation at rates not to exceed $4 per day and actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding $2 per day during their necessary absence from their usual place of residence: *And provided further*, That said special agents shall be residents of the counties where they are to be employed.

SEC. 3. That the Director of the Census is hereby prohibited from publishing any statistical data gathered under the provisions of this act containing an element of estimation, but he shall only cause to be announced actual facts ascertained to exist through careful canvass and enumeration.

Mr. BURLESON. Mr. Speaker, more than three years ago I introduced a bill embodying substantially the same provisions contained in this bill. I did so after consultation with the representatives of many agricultural associations and at the instance of the late secretary of the National Live Stock Association of America, who urged the importance of a more frequent enumeration of live stock. At that time the purpose of the bill was indorsed by the National Board of Trade. Shortly before then a committee had been appointed, representing the various commercial organizations of our country, to investigate agricultural statistics as disclosed by the last census, and this committee, consisting of a member of the Philadelphia Commercial Museum, the New York Produce Exchange, the Chicago Board of Trade, the Baltimore Chamber of Commerce, the Cincinnati Chamber of Commerce, and the National Board of Trade unanimously reported in favor of "a census report every five years, especially for agricultural data which form a basis for calculations of estimates and of area and production by other official service, governmental and otherwise, as to the more prominent crops and as to the number of farm animals." Since introduction this bill has likewise been indorsed by a number of agricultural societies and farmers' institutes and associations throughout the Southern States.

The purpose of the measure is first to obtain a quinquennial census of the live stock of the country. The necessity and importance of this is readily and naturally suggested to the mind of every thoughtful person. A second purpose is to obtain a quinquennial census of the acreage planted to the more important crops like cotton and wheat, for the purpose of furnishing the Bureau of Statistics of the Agricultural Department more frequent standards, in order to enable it more accurately to prepare its annual estimate of these crops.

Mr. Speaker, the annual estimate of live stock issued by the Agricultural Department largely depends for its accuracy upon a base line of established fact. This base line is furnished every ten years by the national census. It is believed by those most competent to judge that there should be furnished to the scientific statisticians who make these estimates a more frequent standard. Believing this, the cattle growers of the Northwest and the Southwest have been for many years persistently urging the necessity of a quinquennial census of live stock. They say that the period of time between each decennial census is so long that they become uncertain whether or not the annual estimate furnished by the Agricultural Department is sufficiently accurate to enable them to determine the real value of their stock.

If error should creep into the annual estimates of live stock made by the Agricultural Department, one can readily understand that the error might become more hurtful year by year as we get away from the standard which is furnished by each decennial census, and this error might not be corrected until the next decennial period was reached. You can easily understand what great damage might be done our live-stock interests, especially when it is remembered that we annually export approximately a quarter of a billion dollars of live stock and meat products. Furthermore, a material change in the market price of live stock frequently results in a decrease of the output for several years following this change of price. I will illustrate what I mean: Suppose there is a marked advance in the price being paid for cattle in Fort Worth, Chicago, Kansas City, or St. Louis. It frequently results in many female cattle being disposed of, and in consequence of this fact there is for several years a smaller increase in the number of cattle. Or, on the contrary, as has happened, if cattle sell for a number of years at a very low price, the stock raiser is not encouraged to enlarge his herd, but, on the contrary, reduces the number of his female cattle, which is followed, of course, by a decrease in the annual output of cattle. These conditions can only be known to the parties at interest through the instrumentality of the Department of Agriculture when it announces its annual estimate of live stock, and any action we can take to make these estimates more accurate is, of course, of the greatest importance. All stock growers thoroughly understand this.

The purpose of this bill has therefore been indorsed by the National Live Stock Association of America and by the Texas Cattle Growers' Association. Mr. Martin, late secretary of the National Live Stock Association, made a trip from Denver to Washington for the purpose of setting this measure on foot, having been directed to do so by the membership of that organization.

Mr. Speaker, the knowledge of the number of stock raised in the country has not only a very material effect upon the value of the stock, but if the fact is made known (through the annual estimates) that the number of cattle or hogs has for any reason decreased or increased it enables the grower to determine the correct line of policy to adopt—whether to sell or to hold; whether to prepare to increase or diminish the number he is growing.

The principal difficulty besetting the statistician in making the annual estimate of live stock has been the marked changes in conditions occasioned by the extraordinary development of the southwestern and northwestern sections of our country.

These varying conditions have brought about many radical changes, especially with regard to domestic animals, which the system of the Department has found it difficult to meet as time has elapsed after each census. The transference of stock raising from range to farms, the multiplication of farms upon hitherto public land, the expansion of dairying, the feeding of beef animals, the breeding of horses, and the shifting of sheep-growing areas—all these have presented difficulties with which no system short of a census enumeration could cope during years far subsequent to a census. If this country had such constant and stable agricultural conditions as are found in Great Britain, Germany, or France, perhaps the crop-reporting system, outside of census enumeration, might be trusted to work along upon this census base line for a period of ten years, since it would find no place where it would be balked by radical and momentous changes in agriculture and stock raising; but in this country, where such changes are constantly going on, the country certainly needs to give to the Department of Agriculture a more frequent base line than one every ten years with respect to the principal crops and domestic animals.

Mr. Speaker, I desire to impress on the House the importance of the special agricultural census under discussion, and I ask consideration of two or three commodities or groups of commodities. Take the *live stock on farms and ranges*. They have increased to vast numbers, and in the aggregate amounted to 204,000,000 on January 1, 1907, at a time when the number of sheep and of swine is from 15 to 20 per cent below the number in early summer.

The value of live stock on farms and ranges in the United States was ascertained by the Department of Agriculture to be $4,424,000,000 on January 1, 1907. The increase in the number of domestic animals on the farms and ranges of this country for a period of sixty-seven years is exhibited in certain tables which I will embody in my remarks.

TABLE A.—*Number of domestic animals on farms and ranges June 1, as ascertained by census enumerators in contiguous United States, 1840–1900.*

[Not including calves, colts, and lambs under 1 year.]

Census of June 1—	Cattle.			Horses.	Mules.[a]	Sheep.	Swine.
	Total.	Dairy cows.	Other cattle.				
	Number.	*Number.*	*Number.*	*Number.*	*Number.*	*Number.*	*Number.*
1840..	14,971,586	.....	.....	.....	.....	19,311,374	26,301,293
1850..	[b]17,778,907	6,385,094	[b]11,393,813	[b]4,336,719	[b]559,331	21,723,220	[b]30,354,213
1860..	[b]25,620,019	8,585,735	[b]17,034,284	[b]6,249,174	[b]1,151,148	22,471,275	[b]33,512,867
1870..	[b]23,820,608	8,935,332	[b]14,885,276	[b]7,145,370	[b]1,125,415	28,477,951	[b]25,134,569
1880..	[c]39,675,533	12,443,120	[c]27,232,413	[b]10,357,488	[b]1,812,808	[c]42,192,074	[c]49,772,670
1890..	[c]57,648,792	16,511,950	[c]41,136,842	[c]15,266,244	[c]2,251,876	[c]40,876,312	[c]57,426,859
1900[d]	52,403,828	17,135,633	35,268,195	16,952,191	3,032,987	39,852,967	62,868,041

[a] Prior to 1890 asses and burros were enumerated with mules.
[b] No separate report or estimate of range animals.
[c] Including estimated number of range animals separately reported.
[d] For purposes of comparison spring calves, colts, and lambs are not included in the total numbers of neat cattle, horses and mules, and sheep, respectively, for 1900. In 1850 they were excluded from reports by instructions to enumerators. For other census years no instructions were given concerning them. It is probable that a few, but not all, were reported.

TABLE B.—*Total value of domestic animals, 1900 and 1907, in contiguous United States.*

[Including calves, colts, and lambs under 1 year.]

Date.	Total.	Cattle.		
		Total.	Dairy cows.	Other cattle.
CENSUS.				
1900, June 1:				
On farms and ranges	$2,970,121,053	$1,475,204,633	$508,616,501	$966,588,132
Off farms and ranges	213,556,356	41,102,637	28,879,619	12,223,018
Total	3,183,677,409	1,516,307,270	537,496,120	978,811,150
DEPARTMENT OF AGRICULTURE.				
1907, January 1:				
On farms and ranges	4,423,697,000	1,527,054,000	645,497,000	881,557,000

Date.	Horses.	Mules.	Sheep.	Swine.
CENSUS.				
1900, June 1:				
On farms and ranges	$896,513,217	$196,222,053	$170,203,119	$231,978,031
Off farms and ranges	154,013,750	11,052,504	678,624	6,708,841
Total	1,050,526,967	207,274,557	170,881,743	238,686,872
DEPARTMENT OF AGRICULTURE.				
1907, January 1:				
On farms and ranges	1,846,578,000	428,064,000	204,210,000	417,791,000

TABLE C.—*Total number of domestic animals, 1900 and 1907, in contiguous United States.*

[Including calves, colts, and lambs under 1 year.]

Date.	Total.	Cattle.		
		Total.	Dairy cows.	Other cattle.
CENSUS.				
1900, June 1:	*Number.*	*Number.*	*Number.*	*Number.*
On farms and ranges	213,622,799	67,719,410	17,135,633	50,583,777
Off farms and ranges	6,776,626	1,616,422	973,033	643,389
Total	220,399,425	69,335,832	18,108,666	51,227,166
DEPARTMENT OF AGRICULTURE.				
1907, January 1:				
On farms and ranges	204,132,000	72,534,000	20,968,000	51,566,000

Date.	Horses.	Mules.	Sheep.	Swine.
CENSUS.				
1900, June 1:	*Number.*	*Number.*	*Number.*	*Number.*
On farms and ranges	18,267,020	3,264,615	61,503,713	62,868,041
Off farms and ranges	2,936,881	173,908	231,301	1,818,114
Total	21,203,901	3,438,523	61,735,014	64,686,155
DEPARTMENT OF AGRICULTURE.				
1907, January 1:				
On farms and ranges	19,747,000	3,817,000	53,240,000	54,794,000

NOTE.—The number of sheep and swine January 1 is 15 to 20 per cent below the number of the preceding June 1.

Mr. Speaker, a very cursory examination of these tables discloses the great importance of the meat animals of this country. They furnish not only one-third of the food of the nation, but sustain an export trade amounting in value to $200,000,000 annually. If the value of the exports of live animals and of dairy, packing-house, and other animal products be combined, the exports have ranged during the last ten years from about $200,000,000 to $270,000,000 annually.

TABLE D.—*Value of exports of live animals and dairy, packing-house, and other animal products, 1897–1906.*

Year ending June 30—	
1897	$188,322,221
1898	217,808,053
1899	218,377,750
1900	233,764,590
1901	254,966,844
1902	250,815,851
1903	220,998,208
1904	233,034,209
1905	224,000,796
1906	268,748,834

The interest of the consumer in this matter is often overlooked, and it may be affected to the extent of many millions of dollars annually. It is the consumer, fully as much as other parties, who would be benefited by the quinquennial census of farm products and domestic animals. It has been estimated by the Department of Agriculture that in 1900 the production of meat, in terms of dressed weight and of weight of extra edible parts not included in dressed weight, amounted to 19,000,000,000 pounds, of which about 2,400,000,000 pounds were exported.

TABLE E.—*Meat production, exports, and consumption, expressed in pounds of dressed weight and weight of extra edible parts, 1900.*

Kind of meat.	Production.	Net exports (mean of three years).	Consumption.
	Pounds.	*Pounds.*	*Pounds.*
Beef, including veal	8,771,263,000	830,855,000	7,940,408,000
Mutton, including lamb	1,135,484,000	615,000	1,134,869,000
Pork, including lard	9,279,583,000	1,601,565,000	7,678,018,000
Total	19,186,330,000	2,433,035,000	16,753,295,000

If, through any failure on the part of the Bureau of the Census or of the Department of Agriculture to report the full number of meat animals, the price of meat at retail were to be advanced as little as one-quarter of a cent a pound, the meat expense of the consumers of the country, upon the basis of the consumption of 1900, would be advanced about $42,000,000, and an increase of 1 cent per pound would mean to them an advance of $168,000,000 in their annual meat bill.

Are not these great interests entitled to most serious consideration at our hands?

Now, Mr. Speaker, a word about the necessity of a more frequent census of the acreage planted to the more important crops. Recently the Keep Commission, a board consisting of some of the most intelligent officials connected with this Administration, recommended that an agricultural census be taken every year. I myself do not think there is a necessity for that, but I do think there is necessity that we have more frequent and more accurate knowledge of the acreage of the important crops. It would be of incalculable benefit to the Bureau of Statistics of the Agricultural Department in making its annual estimates if it could have a quinquennial census of the acreage planted, thereby preventing to a great extent or lessening the chances of making inaccurate estimates. If a census could be had every five years, it would decrease the percentage of chances of error creeping into its estimates, which might increase from year to year as we get away from the decennial census result, which is now the sole standard.

There are frequent changes in the acreage planted to the more important crops, sometimes from one cause and sometimes from another. The price for wheat or cotton being very high one year may result in a very large increase in the acreage for the succeeding year, or the invasion of a section of our country by an insect pest may, as it frequently does, result in a material reduction in the acreage planted to an important crop. And when you consider that agriculture furnishes the exports that retain for our country the balance of trade in her favor, I think everything should be done that can be done to aid the farmer to intelligently and profitably market the fruits of his labor.

To illustrate my meaning, Mr. Speaker, we all must recognize the importance of accurate statistical information relating to wheat. It is not only important as a source of domestic food, but it has been valuable as an article of export. A knowledge of the quantity of wheat raised in this country is of great importance not alone to the farmer and the miller, but also to the vast number of bread consumers. For years the amount produced has been so large that the surplus itself has been of great proportions, great enough to exert a very large influence upon world prices, if not at times a dominating one. More than one-fifth of the wheat of the world is raised in the United States, with a value in recent years that reaches $500,000,000.

TABLE F.—*Place of United States in world's production of wheat.*

Year.	The world (nearly).	United States.	
		Production.	Fraction of the world's crop.
	Bushels.	*Bushels.*	*Per cent.*
1899	2,783,885,000	[a] 658,534,252	23.7
1901	2,955,975,000	748,460,218	25.3
1902	3,126,624,000	670,063,008	21.4
1903	3,224,993,000	637,821,835	19.8
1904	3,170,723,000	552,399,517	17.4
1905	3,337,400,000	692,979,489	20.8
1906	3,209,464,000	735,260,970	21.6

[a] Census.

TABLE G.—*Wheat production, exports, and consumption, 1899–1906.*

Year.	Production.		Domestic exports, year beginning July 1. (Flour reduced to wheat, at 4½ bushels per barrel.)	Consumption of domestic crop (including seed and animal feed).
	Quantity.	Farm value.		
	Bushels.		*Bushels.*	*Bushels.*
1899 (census)	658,534,252	$369,945,320	186,096,762	472,437,490
1901	748,460,218	467,350,156	234,772,516	513,687,702
1902	670,063,008	422,224,117	202,905,598	467,157,410
1903	637,821,835	443,024,826	120,727,613	517,094,222
1904	552,399,517	510,489,874	44,112,910	508,286,607
1905	692,979,489	518,372,727	97,609,007	[a] 595,370,482
1906	735,260,970	490,332,760	.....	.....

[a] Stocks on hand at beginning and end of this year as well as of previous years modify the apparent consumption.

It is patent that any ignorance with regard to the supply of wheat which would indicate a shortage that would increase the price by, say of 5 or 10 cents per bushel, might increase the consumers' expense for flour to the extent of $25,000,000 to $50,000,000 annually. This is on the basis of a consumption of 5½ bushels of wheat per capita annually for food purposes. Its market price might be materially affected because of a lack of such information.

But, Mr. Speaker, I now want a word about cotton—our most important crop. Cotton is more sensitive to influences upon its price than any other crop or product of the farm, and, more than any other product, it is the object of false reports, of efforts legitimate and illegitimate to depress or raise its price. Until within the last half dozen years the cotton grower was the frequent victim of the professional crop estimator, whose object is always to overestimate the crop and thus depress the price.

Mr. Speaker, this situation, so disastrous to the cotton growers, has now been largely relieved, because the professional estimators have been put out of confidence, if not out of business, by the two governmental offices that now issue crop reports—the Bureau of the Census, and the Bureau of Statistics of the Department of Agriculture. The cotton crop alone is of such great importance that it should have the benefit of a quinquennial census of acreage in order that the Department of Agriculture may be given every opportunity to make its annual estimate of the yield just as accurate, just as near the truth as possible. To do this the Department of Agriculture must have a foundation not more than five years distant at the farthest.

The cotton crop of this country now amounts to more than 5,000,000,000 pounds annually, with a value, not including seed, of $560,000,000, or, with seed, of $650,000,000. Two-thirds of the cotton of the world is raised in the United States, and about the same fraction of the world's exports of cotton go out of this country, mostly to Europe. Let the exports of cotton from this country cease and the apparent balance of trade in favor of this country on account of the interchange of commodities would be nearly, if not completely, extinguished.

The consequences of false reports concerning the prospective quantity of the cotton crop are very large, and as far as they are merely a question of dollars can be approximately ascertained. If the Government were to cease its cotton reports and the crop left at the mercy of the speculators, for every cent per pound that the price were unfairly depressed the growers would lose $50,000,000 or more, according to the size of the crop; and to a proportionate degree the whole country would suffer because of the decreased value of our exports.

TABLE H.—*Production, exports, and consumption of cotton, 1899–1906.*

[500-pound bales, gross weight.]

Year.	Production.		Domestic exports, year beginning September 1.	Consumption of domestic crop.
	Quantity.	Value, not including linters.		
	Bales.		*Bales.*	*Bales.*
1899	9,459,935	$323,758,171	6,505,133	2,954,802
1900	10,266,527	.....	7,178,782	3,087,745
1901	9,675,771	.....	7,245,507	2,430,264
1902	10,827,168	421,687,941	7,286,748	3,540,420
1903	10,045,615	576,499,824	6,575,922	3,469,693
1904	13,679,954	561,100,386	9,546,384	4,133,570
1905	10,804,556	556,833,818	7,302,818	3,501,738

TABLE I.—*Importance of cotton and other principal products in the exports of the United States.*

[Department of Commerce and Labor.]

Article or group of articles.	Value of domestic exports, year ending June 30—			
	1904.		1905.	
	Value.	Per cent.	Value.	Per cent.
Cotton fiber	$372,049,264	25.9	$381,398,939	25.6
Breadstuffs	149,050,378	10.4	107,732,910	7.2
Provisions	176,027,586	12.3	169,998,873	11.4
Iron and steel, manufactures of	111,948,586	7.8	134,728,363	9.0
Agriculture, products of	853,643,073	59.5	821,074,439	55.0
Manufactures	452,415,921	31.5	543,620,243	36.5
All other	129,120,023	9.0	127,049,959	8.5
Total domestic exports	1,435,179,017	100.0	1,491,744,641	100.0

Article or group of articles.	Value of domestic exports, year ending June 30, 1906.		Six months ending December 31, 1906.	
	Value.	Per cent.	Value.	Per cent.
Cotton fiber	$401,005,921	23.3	$251,726,379	27.1
Breadstuffs	186,468,901	10.9	90,954,906	9.8
Provisions	210,990,065	12.3	98,283,829	10.6
Iron and steel, manufactures of	160,984,985	9.4	87,823,682	9.5
Agriculture, products of	969,457,306	56.4	(a)	(a)
Manufactures	603,227,836	35.1	(a)	(a)
All other	145,268,240	8.5	(a)	(a)
Total domestic exports	1,717,953,382	100.0	928,328,154	100.0

[a] The Bureau of Statistics of the Department of Commerce and Labor has made a new classification, which renders it impossible, at this time, to compare with preceding years.

How important is this crop, not alone to the section producing it, but to all the United States? Can we afford to fail to do anything within our power which will tend to increase its production? Is it not to our interest to do all we can, considering its importance as an export product, to increase its market value?

Mr. Speaker, it is palpable that frequent information concerning the prospective production and the harvested amount of the principal farm crops is essential alike to successful agriculture, to the stability of the business of marketing the crops, and to the financial safety of the manufacturers who use them as raw materials.

So well has this matter been understood that traders and manufacturers who have had a business large enough to sustain the expense have for many years undertaken to acquire a knowledge of present conditions affecting principal farm crops; and for a shorter period of time these efforts have been supplemented by private crop-reporting agencies, which have sold their reports or have given them gratuitously to the public in order that they might sell their publications.

In more recent years most of these private lines of crop estimation have drifted toward, if not positively into, the uses of speculators and gamblers in prices. As far as these private agencies are concerned, some of them make earnest endeavors to publish the truth; others are at the service of bulls or bears in the market, if they are not actually manipulated by them.

If left to themselves they would create a situation in which the few would profit at the expense of the many, and these few at any time would be in danger of themselves becoming losers to another set of winners for the moment.

In the meantime the farmers, the producers of fabulous contributions to the wealth of the nation, the men upon whom the prosperity of the nation rests and ever must rest, would find their crops the football of speculation and price gambling were it not for an impartial service furnishing accurate statistics.

It is practically out of the question that 100,000, much less 1,000,000, farmers should combine to report to a central office of their organization information which would enable that office to indicate the size of the forthcoming crops or of the harvested crops. Even if such large numbers of farmers should cooperate for this purpose and find incorruptible managers of the undertaking, there would be small confidence in the accuracy of the work, and those who buy these crops from the farmers would reject the estimates for fear that self-interest might have exerted a controlling influence in their preparation. Still we need estimates, impartial and as near accurate as possible, and these are now being given us by the able and upright statistician, Mr. Victor H. Olmsted, who heads the Bureau of Statistics in the Agricultural Department.

In such a large field of production as that of the United States, with crops so large as to be beyond the efforts of the mind to grasp, with countless diversities of conditions of soil, of rainfall, of heat, and of transportation, with its numerous antagonistic forces within the domain of production, of trade, and of industrial consumption, and particularly with its greater antagonisms reaching out from each of these domains into one or both of the others, it becomes a herculean task to prepare with any degree of accuracy an estimate of any particular crop. It is distinctly a situation in which a governmental office must be called into requisition, and it should be required to establish facts and to make them known to all parties. To do this in such a way as to win the confidence of the public every facility for securing accuracy should be afforded.

The system of estimation should be as perfect as it can be devised, and it can be readily seen that the success in making such estimates depends essentially upon a base line of established fact. This all-important base line has so far been furnished the statistician of the Department of Agriculture only once in each decade.

Mr. Speaker, to furnish an additional base line is the purpose of this measure. I think the facts I have brought to your attention demonstrate the necessity of a restricted agricultural census midway between the decennial census.

The interests that are concerned and that would be benefited by this extra agricultural census are too large to be measured. On the part of the farmers alone there is a capital which has now reached $28,000,000,000. On the part of the traders in farm products and industrial consumers of them no corresponding figure can be estimated.

A quinquennial census of live stock and of the acreage of the important crops can be taken for about $900,000; this amount distributed over a period of ten years would be $90,000 a year. This would cover the cost of this all-important work. How trivial this sum is compared with the interests to be affected. Mr. Speaker, I now desire to read from the hearings had in support of this bill a short statement by Mr. Secretary Wilson. When asked to express his views with reference thereto he said:

Secretary WILSON. Look up the discussion, Mr. Chairman, in regard to the taking of a quinquennial census of manufactures, and apply every word of the reasons therein set forth to a quinquennial census of crop acreage and live stock. There is not a reason given for having a census taken of manufactures that does not apply with much greater force to a census taken of those things mentioned in this bill.

We sell every year to foreign countries approximately $900,000,000 worth of farm products. In round numbers, $250,000,000 of that is live stock and animal products; $650,000,000 of that is the value of the farm crops of the country—first, corn; I shall not mention hay; next, cotton, then wheat, rice, etc.

* * * * * * *

The farmers of the United States last year produced, using round numbers, $6,415,000,000 worth of farm products and sent abroad approximately $900,000,000 worth, which is considerably more than half of all the stuff we export in a year.

Mr. BURLESON evidently has in mind a quinquennial census between the decennials, for the purpose of giving to those who are growing these articles and those who are dealing in them a closer idea of the tendency and trend of production along those lines. Before there was a permanent Census Bureau provided for, the Department of Agriculture had for many years been in the habit of making estimates of the production of all those things. But the time between decennial censuses was too long, because the increase of production of one class of things and the possible standstill or decrease in the prduction of another might have a very great influence on the producer and the dealer in the United States. The benefit that would come to the Department of Agriculture would be that instead of having once in ten years a reliable basis for estimating we should have it once in five years.

Mr. Speaker, every time there is a long gap between the Government reports upon the conditions of the crops or the size of the crops private agencies begin to get in their work, and there never has been a case when these private agencies, unless checked through Government sources of information, have not overestimated the production, with a consequent depression of prices. To-day if the Government should cease to make its estimate of the cotton crop, we might just as well put the price fixing of that great product in the hands of Mr. Buston, Mr. Neill, and other professional estimators. For a number of years I have been laboring to make the estimates issued by these professional estimators as little hurtful to the farmer as possible. It was to accomplish this end that I caused to be enacted the law providing for the Ginners' reports, and it is a source of much satisfaction to me that the Neills and Bustons can not affect the market price of cotton as they once could by giving out gross and outrageous overestimates of the crop. The passage of this bill will still further aid in securing honest and accurate statistics relating to this important crop and thereby aiding in making still less hurtful the practices of the professional estimators.

Mr. Speaker, I have endeavored to show the importance of this measure. I believe it is of vast importance to the people of the entire country, and especially to the people of the South. After a most careful hearing, the Committee on the Census, on April 31 of last year, unanimously reported the same, and now for a year it has been pending on the Calendar awaiting consideration at the hands of this House. I have repeatedly made efforts to secure an opportunity to have the same given a hearing. In these efforts I have had the cooperation of the chairman of the Census Committee, the gentleman from Indiana [Mr. CRUMPACKER]. We have gone to the extent of asking that the bill be taken up on suspension day, when, as we all know, it would require two-thirds majority to pass it; but, Mr. Speaker, all my efforts have resulted in failure, and this bill, though of the utmost importance to my people, will die upon the adjournment of this body day after to-morrow. I now send to the Clerk's desk, and ask that same be read, a letter I have recently received from the Secretary of the National Live Stock Association of America.

AMERICAN NATIONAL LIVE STOCK ASSOCIATION,
Denver, Colo., January 29, 1907.

Hon. ALBERT S. BURLESON,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to inclose you herewith copy of a resolution adopted at the Tenth Annual Convention of this association, held at Denver, Colo., January 23, 1907, indorsing your bill for a new and more frequent census of live stock in the United States. I trust you will have this resolution read in Congress and referred to the proper committee.

If there is any assistance our association can render you in having this bill enacted into law, please advise.

Very respectfully, yours,

T. W. TOMLINSON, *Secretary.*

Mr. Speaker, I now ask that the resolution be read.

The Clerk read as follows:

Resolution adopted at the Tenth Annual Convention of the American National Live Stock Association, held at Denver, Colo., January 22 and 23, 1907.

Whereas live stock growers of the United States are absolutely without correct information as to the number of animals being produced for food purposes; and

Whereas it would be greatly to the advantage of both the producer and the consumer to have correct data as to the probable meat supply for present and future markets; and

Whereas the Federal Government provides estimates regarding crops, such as cotton, wheat, etc., greatly to the advantage of the producers of those commodities; and

Whereas we believe the Government should supply similar information as to live stock: Now, therefore, be it

Resolved, That the American National Live Stock Association, in convention assembled in Denver, Colo., January 22 and 23, 1907, respectfully petitions the Federal Government to at once take a full and comprehensive census of all cattle, sheep, and hogs in the United States; and be it further

Resolved, That the bill now pending in Congress providing for such census every five years, known as the "Burleson bill," be hereby indorsed by this convention; and be it further

Resolved, That a copy of these resolutions be forwarded to the proper Department of the Federal Government in Washington and to all Members of Congress.

I hereby certify that the above is a true copy.

T. W. TOMLINSON, *Secretary.*

Mr. BURLESON. Mr. Speaker, the fate of this bill is an apt illustration of the tremendous power which the majority of the membership of this body has lodged in the hands of our presiding officer. Here is a bill of tremendous importance to all the people of the United States. It has been reported favorably, both Democrats and Republicans joining with unanimity in recommending its passage. I am confident if I had been permitted by the organization of this House to bring it before this body that this bill, with all its provisions fully understood, would have received the support of 90 per cent of the Members of this House. No difficulty was experienced when the effort was made to secure a quinquennial census of manufacturers; but notwithstanding the persistence with which I have urged this quinquennial census of agriculture, only disappointment has been my portion. I have been unable to secure even consideration of same.

Mr. Speaker, it is my purpose to reintroduce this bill at the beginning of the Sixtieth Congress, and I shall press it to enactment if energy and persistence can possibly accomplish that end.

Mr. WADSWORTH. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 23630. An act authorizing the President to nominate and appoint Birchie O. Mahaffey, John A. Cleveland, and Traugett F. Keller as second lieutenants in the United States Army;

H. R. 25630. An act to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved June 8, 1906;"

H. R. 19275. An act for the relief of T. E. Boyt;

H. R. 6104. An act to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails;
H. R. 25846. An act permitting the building of a dam across the Savannah River at Calhoun Falls;
H. R. 25848. An act permitting the building of a dam across the Savannah River at Andersonville Shoals;
H. R. 25847. An act permitting the building of a dam across the Savannah River at Hattons Ford;
H. R. 25850. An act permitting the building of a dam across the Savannah River at Trotters Shoal;
H. R. 20128. An act to complete the naval record of Patrick Naddy;
H. R. 8984. An act to amend the laws governing labor or improvements upon mining claims in Alaska;
H. R. 25738. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River;
H. R. 11040. An act to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys;
H. R. 24122. An act in reference to the expatriation of citizens and their protection abroad;
H. J. Res. 31. Joint resolution authorizing the wearing of the distinctive badge adopted by the Army and Navy Union upon all occasions of ceremony;
H. J. Res. 240. Joint resolution to create a joint committee to consider the revision and codification of the laws of the United States;
H. R. 15320. An act to remove charge of desertion standing against Peter Parsch;
H. R. 22210. An act to correct the military record of Homer Quick;
H. R. 11044. An act authorizing and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys acting as special disbursing agents amounts paid by them out of their private funds;
H. R. 25716. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.," approved June 14, 1906;
H. R. 25717. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.," approved June 14, 1906;
H. R. 24390. An act to correct the military record of Charles H. Kellen;
H. R. 24605. An act granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va.;
H. R. 25776. An act permitting the building of a dam across the Savannah River at Middleton Shoals;
H. R. 25795. An act to authorize the Pensacola and Northeastern Railroad Company, a corporation existing under the laws of the State of Florida, to construct a bridge over the Escambia River between the counties of Santa Rosa and Escambia, in the State of Florida;
H. R. 25401. An act to authorize the Secretary of War to make certain disposition of condemned guns and cannon balls;
H. R. 21857. An act to correct the military record of Jacob Rockwell;
H. R. 25774. An act permitting the building of a dam across the Savannah River at Turner Shoals;
H. R. 25773. An act permitting the building of a dam across the Savannah River at McDaniel Shoals; and
H. R. 19524. An act to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906.

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. 25483. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes;
H. R. 19751. An act to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery roadway at Natchez, Miss.;
H. R. 25832. An act to authorize Herman L. Hartenstein to construct a dam across the St. Joseph River near the village of Mottville, St. Joseph County, Mich.;
H. R. 3268. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;
H. R. 10095. An act making certain changes in the postal laws;
H. R. 19500. An act for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin;
H. R. 24816. An act to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906;
H. R. 24833. An act for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company;
H. R. 21091. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;
H. R. 25801. An act granting an honorable discharge to Seth Davis;
H. R. 22588. An act for the relief of homestead entrymen who have paid more than the lawful purchase money;
H. R. 25437. An act to grant American registry to the German bark *Mariechen;*
H. R. 15859. An act ceding certain lands to Colorado State Agricultural College;
H. R. 25849. An act permitting the building of a dam across the Savannah River at Cherokee Shoals;
H. R. 25811. An act to authorize the Monroe, Farmerville and Northwestern Railway Company to construct a bridge over the Ouachita River and one over the D'Arbonne River, in Louisiana;
H. R. 13418. An act for the relief of W. S. Hammaker;
H. R. 25474. An act 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;"
H. R. 25739. An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across Cumberland River;
H. R. 11401. An act granting an increase of pension to William Kling;
H. J. Res. 236. A joint resolution authorizing the Secretary of the Navy to furnish metal for a bell;
H. R. 10305. An act to provide for the repayment of certain customs dues; and
H. R. 8699. An act for the relief of James A. Carroll.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:
S. R. 92. A joint resolution to authorize the Secretary of War to permit Jose March Duplat to receive instructions at the Military Academy at West Point;
S. 8580. An act granting land to Anna Johnson;
S. 7550. An act for the relief of Harry A. Young;
S. 6729. An act authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service;
S. 6134. An act providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society;
S. 5869. An act for the relief of Larvon Gordon;
S. 8540. An act to ratify a certain lease with the Seneca Nation of Indians;
S. 5660. An act for the relief of William N. Hughes;
S. 4964. An act for the relief of Thomas F. Walters;
S. 8427. An act to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes;
S. 8303. An act to establish the Foundation for the Promotion of Industrial Peace; and
S. 7840. An act granting an increase of pension to Lewis A. Towne.

AGRICULTURAL APPROPRIATION BILL.

Mr. DAVIS of Minnesota. Mr. Speaker, I have introduced, during this session of Congress, a certain bill which I deem, if enacted into law, one of the greatest importance to all of the people of the United States, and I feel confident that when its provisions are fully understood by the Congress it will almost unanimously meet its approval. During this short session, owing to the vast amount of other business which has engrossed attention, little opportunity has been given for consideration of this measure; and my purpose at this time in addressing myself, as I shall, to the provisions of this bill is that the Congress and the country at large may in the interim consider it and be prepared to place a just estimate upon it, and that we may, during the first session of the Sixtieth Congress, act accordingly. The bill as introduced is known as H. R. 24757, and entitled "A bill to provide an annual appropriation for industrial

education in agricultural high schools and in city high schools and for branch agricultural experiment stations, and regulating the expenditures thereof." Specifically its language is as follows:

Be it enacted, etc., That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid, as hereinafter provided, to each State and Territory for the maintenance of instruction in agriculture and home economics in agricultural high schools of secondary grade and instruction in mechanic arts and home economics in city high schools of secondary grade, a sum of money equal to 10 cents per capita of the population of each State and Territory, respectively, as shown by the last preceding national or State census, as shall be apportioned by the Secretary of Agriculture and estimated for in the annual estimates submitted to Congress for the Department of Agriculture: *Provided*, That the funds thus appropriated shall be used only for instruction in agriculture, mechanic arts, and home economics, and that all States and Territories and all schools accepting these funds shall provide other funds with which to pay the cost of providing the necessary lands and buildings and of instruction in all general studies required to make well-rounded high school courses of study.: *And provided further*, That not less than one-half of the sum thus appropriated to any State or Territory shall be expended for instruction in agriculture and home economics in agricultural high schools maintained under State authority in rural communities, and the number of such agricultural high schools which shall be entitled to receive the benefits of this act in any one State or Territory shall not exceed one school for each ten counties in that State or Territory.

SEC. 2. That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid, as hereinafter provided, to each State and Territory for the maintenance of branch agricultural experiment stations under the direction of the State agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March 7, 1862, the sum of $2,500 for each branch experiment station already established by legislative enactment of the respective States and Territories, or which shall be established by said States or Territories in connection with agricultural high schools as appropriated for by this act: *Provided*, That no State or Territory shall be entitled to the benefits of section 2 of this act until its legislature shall by law provide for the establishment of such branch stations and shall provide annually for the equipment and maintenance of such branch stations a sum at least equivalent to that appropriated annually to the State or Territory under section 2 of this act; and the sum paid to each State or Territory under section 2 of this act shall be applied only to paying the necessary expenses of conducting at such branch experiment stations experiments bearing directly upon the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories and the respective agricultural regions therein.

SEC. 3. That the sums hereby appropriated to the States and Territories for the maintenance of branch agricultural experiment stations and for instruction in agriculture, mechanic arts, and home economics shall be annually paid, one-half on the 1st day of July of each year and one-half on the 1st day of January of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations and schools to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amounts so received during the previous year and of its disbursement on schedules prepared by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants.

SEC. 4. That if any portion of these moneys received by the designated officers of any State or Territory for the maintenance of instruction in agriculture, mechanic arts, and home economics or for the maintenance of branch experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory concerned, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory: *Provided*, That no portion of said moneys shall be applied directly or indirectly under any pretense whatever to the purchase or erection of any building or buildings or to the purchase or rental of lands.

SEC. 5. That it shall be the duty of each of said city high schools, agricultural high schools, and branch experiment stations annually, on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said agricultural high schools, city high schools, and branch experiment stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States, said reports to be made on blanks to be supplied by the Secretary of Agriculture.

SEC. 6. That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury as to each State and Territory whether it has complied with the provisions of this act and is entitled to receive its share of the allotment herein provided for branch experiment stations, for agricultural high schools, and for city high schools under this act and the amount thereupon which it is entitled to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory for the whole or part of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separately in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury, and the Secretary of Agriculture is hereby charged with the proper administration of this law.

SEC. 7. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and on the work of the agricultural high schools, city high schools, and branch agricultural experiment stations in all of the States and Territories to which allotments are made, and also whether the appropriation of any State or Territory has been withheld, and, if so, the reasons therefor.

SEC. 8. That Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

A Federal appropriation is sought for the purpose of encouraging the several States and Territories in the promotion of industrial and agricultural education, and with their cooperation. It is mainly for the purpose of encouraging a type of education for the mass of our people that will train them for the practical affairs of life; and while the Morrill Act of 1862 has undoubtedly stimulated great activity along this line, the present measure supplants it and to a large extent will consummate the purposes desired. The science of agriculture is basic in principle, and sooner or later we should return to first principles, and in the last analysis we must recur to the soil as the fundamental source of our wealth, prosperity, and happiness as a people. The practical training to be obtained, if this bill becomes a law, for the young men and women on the farm will undoubtedly make country life more attractive and beneficial, and the industrial training sought to be encouraged in city schools add very materially to the prosperity and happiness of all those who will avail themselves of the opportunities thus provided. The measure therefore responds to the needs of both rural and city conditions.

This bill is designed especially to secure simple justice to the workers and home makers of our country. We have too long confined technical education to the professional classes. Let us carry out the wise plan begun by Congress in 1862—the land-grant act establishing colleges of agriculture and mechanic arts—and provide, along with general schooling, industrial education, not only to the privileged 5 per cent, but also to the 95 per cent who are doing the world's work.

The increase of knowledge, the specialization of industries, and the close division of labor have made a new world, into which the graduates of our schools are precipitated. The old education leads the pupil to believe that he is prepared for life. His preparation is only general. The new education must prepare the pupil for some specific line of life. It must be both broad and practical. It must combine the theme written in the book, the theme written in the soil and in the machinery, with the inspiration for the best living which modern conditions can provide.

The Congress of the United States and other legislative bodies in the world ere long will have spent more than $100,000,000 in agricultural research. Along other lines much greater sums are being expended in university laboratories, in laboratories supported by our great industrial organizations, and in private laboratories devoted to research and invention. The utility results of science have gained recognition in agriculture, in the non-agricultural industries, and in home making. The much-enlarged body of knowledge rapidly becoming available in all vocations has made necessary such organization of our school system that the rising generation may have the key to this new knowledge. The old forms of education, which have so wonderfully aided in bringing forward our civilization, must be rearranged, that the curriculum of our schools may be broadened and enriched with this rapidly accumulating new knowledge.

We shall soon have about 90,000,000 of people in this country, one-third of whom, or 30,000,000, will be of school age—between 5 and 20 years—and entitled to school privileges. The Twelfth Census, using round numbers, showed that one-half the persons of school age attended school in 1900, and thus we may calculate that we shall soon have 15,000,000 pupils in schools. Since practically one-third of our population is engaged in agriculture and two-thirds in nonagricultural pursuits, we may roughly say that we shall have 5,000,000 pupils preparing for country life and 10,000,000 preparing for city life. Since three teachers are required for each 100 pupils, we shall need 150,000 teachers in country-life education and 300,000 teachers for schools leading to city life, or a total of 450,000 teachers. With the material increase in the numbers of pupils taking secondary and higher courses of study, we may hope to have 7 per cent of American youth entering high schools of secondary grade, and of these 2 per cent entering higher institutions of collegiate grade; but the great educational problem will remain—the training of the 93 per cent who will stop with the primary city school and the primary rural school. As our schools are improved in their general educational work and in their efficiency to aid the pupil to make a good living, we may expect to increase the proportion of children attending school. Since the teachers in the primary schools are mainly trained for their work in the secondary schools, the most important means for improving the primary schools is better to provide for the preparation of their teachers. Our high schools have three important functions, viz: (1) To give to a large number of people a better education that individually their success may be greater; (2) to place among the people of the country a large number of trained workers whose success, example, and help will enable all people with whom

they associate to become more efficient and more successful, and (3) to prepare the necessary teachers to conduct the primary schools in the most efficient manner possible.

Our educators, farmers, professional, and business classes are of one mind in a desire that the evolution of our school system shall be directed into lines which shall carry to all the people our accumulating technical knowledge and thus add efficiency to our workers. When our population reaches 90,000,000, we shall have engaged in gainful occupations 33,000,000 of people. Of the latter at least 30,000,000 will be interested in agriculture and mechanic arts education and at least another 25,000,000 in home economics education. At $1 a day the industrial and home-making value of these 55,000,000 people, counting 300 days as a year, is $16,500,000,000. It would seem easy by sharply turning our school system somewhat more toward technical instruction to increase the economic efficiency of our workers 1 per cent, or $165,000,000 annually. This bill proposes to devote $8,000,000 to this purpose.

In 1862 the Congress of the United States ventured upon an experiment by providing for the establishment in each State of a college devoted to agriculture and the mechanic arts. Out of this action has grown not a theory, but a condition. The situation demands that we utilize the results of these experiments and the new knowledge thus secured. The knowledge is of more value than any dozen mechanical inventions ever devised. Our American educational machine must be so evolved and even reorganized as to reach every industry and every home in the land. This bill undertakes to point the way and to provide the funds with which to accomplish this purpose. The undertaking is too important to be left to sporadic action, and is too expensive to be inaugurated systematically throughout the United States under any auspices less able to provide funds and to secure cooperative action than the Federal Government.

We now have over fifty State colleges of agriculture and mechanic arts. Their past growth warrants the hope that before long they may have an average of 1,000 students each in collegiate courses related to industry; 500 in mechanic arts courses, 300 in agriculture, and 200 in home economics, or a total of 50,000 students, where there are now 20,000.

Minnesota, Nebraska, Alabama, Georgia, and other States have demonstrated that the industrial education started in our State colleges should be extended into a system of agricultural high schools and into our city high schools. The trend has been to organize an agricultural high school for each group of about ten counties, as has been done in Alabama and Georgia, and to develop mechanic arts education, both in separate city high schools and as courses of study in general city high schools. Minnesota and Nebraska led in devising and developing schools of agriculture of high school grade articulating with the college above, and with both the rural schools and the farms below. Alabama and Georgia have recently taken the lead in establishing one of these schools in each Congressional district. Minnesota and Nebraska have agricultural high schools with 600 and 300 students, respectively. The graduates of these schools nearly all go back to the farm. A very small number go into other vocations, and probably 10 per cent go forward into collegiate courses in agriculture, most of them to become agricultural technicians. These schools have demonstrated so effectively that farm boys and girls can be educated for country life and returned to country life that everyone who looks into the work of these institutions is ready to promote this kind of schools for the entire country.

To Georgia belongs the credit and honor of first taking the step thoroughly to establish a sufficient number of well-equipped agricultural high schools to meet the needs of the farm boys and farm girls of the State. Last July the Georgia legislature authorized Governor Terrell to establish an agricultural high school in each of Georgia's eleven Congressional districts. A State appropriation of $6,000 was provided annually as a current expense fund with which to begin each school. The districts securing these schools were required to provide at least 200 acres of land and to erect buildings and equip the schools. The different localities sought to secure the location of these schools. The result was such that it is inspiring the entire country with an interest and faith in high school education in agriculture and home economics. By private subscription Georgia has raised $800,000 with which to establish and equip these eleven schools. Never before have the American people so emphatically expressed their faith in agricultural education. In no way has the South better expressed the fact that she is rising from the difficulties and depression which resulted from the civil war.

The passage of this bill will precipitate a similar movement in every State in the Union. If all of the States will follow Georgia's example, we shall have 300 agricultural high schools for our 3,000 agricultural counties. With each of these schools averaging 500 students we would have a total of 150,000 students in agricultural high schools, an average of 3,000 in each State. This number of students would provide a large number of men technically trained in agriculture to become leading farmers, and a large number of young women trained in home economics to develop exemplary farm homes. It would also provide a body of young people who could rapidly be developed into teachers who could carry instruction and inspiration in agriculture and home building into all the rural schools of the land and thus carry this education to all farm youth. There may be a difference of opinion as to whether we shall make our rural schools more efficient by retaining the present unit—the isolated rural school—or whether we should consolidate these into larger units. Which ever plan is pursued, all must agree that this class of schools must be improved by providing teachers trained both in general studies and in the subjects relating to the future life work of that 85 per cent of rural youth which will remain in country life. It may be presumed that the expense will not be very greatly different whether we develop the rural schools under a plan of consolidation or by adequately improving the little rural schools. At present we have no body of people in our rural communities who have either knowledge or faith to reorganize our country schools. Probably the chief function of the provisions of this bill will be to provide a large class of leaders in our rural communities who, as progressive farmers and home makers and as rural school-teachers, will press to a successful issue the development of our rural primary school system.

The State colleges of agriculture and mechanic arts established by the Congress have developed mechanic arts education even much more rapidly than agricultural education. The engineering courses of these colleges have been very successful and popular from the start, and this class of instruction has extended into numerous city high schools, as in the mechanic arts high schools of St. Paul, Pittsburg, Philadelphia, and Washington. The graduates of these colleges and high schools have profoundly modified our mechanical and transportation industries. Our manufacturing and transportation companies are in touch with these local mechanic arts high schools and with these State colleges and are offering good positions to every young man who shows technical instincts and ability. Graduates of these mechanic arts high schools in turn have carried the elements of this line of instruction under the name of "manual training" into very many of the primary city schools of the country. Most of these mechanic arts high schools are as yet relatively small because of the difficulty of securing local appropriations sufficient to pay the larger expenses of these more practical studies which require laboratories and shop practice as well as class-room instruction. This bill is designed to meet this difficulty. Our State colleges were more tardy in developing education in home economics than in either mechanic arts or agriculture, but even in this line it may be said that the Congressional act of 1862 has developed a revolution in education in domestic economy. Numerous of the State colleges having successfully organized instruction in domestic-science subjects have provided teachers who have successfully introduced this line of education into city high schools, agricultural high schools, and into a large proportion of the colleges and academies attended by women, and even into city primary schools and into some rural schools. It is found that this line of technical education is relatively inexpensive and yet very important for the future home makers.

Under the movement for industrial education and research started in the sixties, including the Federal Department of Agriculture, the State experiment stations, the State agricultural colleges, and the two or three dozen agricultural high schools, we now spend, exclusive of inspection and other general work, something like $10,000,000. These expenditures have added not less than a billion dollars in value to the products of our American farms, shops, and other industries, and greatly improved the social conditions of our workers and of all our people. Thus for the price of one battle ship there is created sufficient additional wealth to pay two or three times over our direct and indirect expenses incident to war.

I maintain that we should have a properly equipped Army and Navy that we may have stability and peace for our industries; but, on the other hand, those who advocate large expenditures for the Army or for the Navy should be the first to see the importance of expenditures which create individual efficiency and wealth. Now that our national wealth has reached nearly $100,000,000,000, our annual production nearly $30,000,000,000, and our Federal appropriations nearly $1,000,000,000, are we not ready seriously to consider the proposition of making it possible for every boy and girl in the entire country to secure at least the rudiments of technical industrial education? The

relatively small cost is clearly within the scope of our public financial ability.

Of the three great wastes in the economies—land, material, and labor—by far the greatest waste is from inefficient labor. It has been truthfully said that while America wastes land the Old World wastes labor. In America labor commands $1 to $2 a day; in Europe one-fourth of that amount, and in the Orient one-tenth of that amount. The greatest economic need is that our industries be so changed that labor be not wasted. The recent wonderful and far-reaching developments in transportation of all kinds is suddenly bringing together, in close economic competition, all the peoples of the entire world. The nation that uses its labor, lands, and products to the best advantage will take the lead in civilization and in power.

Can America afford to continue the kind of education which cultivates tastes too expensive for the earning capacities of her people, while other peoples are willing to labor cheaply and live within their means? Even more than with boys we are making the mistake of educating the tastes of our girls more rapidly than we are training them in the ability to secure those things which satisfy their tastes. Our most important racial and national institution—the home—can be developed along with our other institutions only as we give to it the discoveries of science and build it up through education. It is not enough that America have homes averaging better than homes of other parts of the world; they should be very much better. The leadership assumed by Congress in 1862 brought with it responsibilities. These responsibilities may now be clearly seen. There is only one organized body competent to deal with the question of the rapid development of technical education for the workers in the industries throughout all of the States, and that is this Congress.

This bill provides for the inauguration of a movement in industrial education second only in importance to the original bill of 1862 creating in America this class of education. It provides for introducing throughout all our public schools of a secondary or high school grade education in mechanic arts, agriculture, and home economics. The sum it is proposed to appropriate is less than 1 per cent of the revenues of the Government, and is based upon an appropriation to the various States and cities of 10 cents per capita of the inhabitants thereof provided that a like sum is raised by them. This means practically appropriating for the industrial education of each pupil of school age 30 cents per annum, or for each pupil actually in school 60 cents per annum.

The bill provides that the money allotted to each State shall be equitably divided between the city people and the country people. Each city will receive 10 cents per captia on its population at the last national or State census. The money thus allotted to the respective States and not apportioned to city high schools will be available for use toward the maintenance of one agricultural high school in each rural Congressional district, or its equivalent. Thus, my own State of Minnesota, with a population of about 2,000,000, half of whom are in cities, will receive $200,000 annually, $100,000 to be apportioned to the respective cities according to their population and $100,000 to be used in eight or ten agricultural high schools distributed throughout the State. Under this bill thousands would be provided with industrial and agricultural education where now hundreds receive this kind of instruction in the one or two schools of each class now in operation.

The course of study in agricultural high schools and mechanic arts high schools, having now been under trial and development for nearly twenty years, has been nearly as well worked out as the general courses of study in our city high schools, and are also successfully articulated with the rural school and the primary city school below and with the college courses above. Passing the land-grant act of 1862 was an experiment, because no agricultural or mechanical college had then been successfully started. The passage of this measure would not be an experiment, because agricultural high schools and mechanic arts high schools, both including industrial work for women in relation to the home, are recognized as among our most successful institutions. It is believed by those well informed that every dollar appropriated for the Federal Department of Agriculture and for the State experiment stations and State college returns to the American people, or rather earns for the American people, at least $20. There is no reason why the appropriations under this act shall be less productive.

The farmers of America have rapidly changed from an indifferent attitude toward so-called "book farming" to a high appreciation of and a profound respect for agricultural science and institutions devoted to improving agriculture. Education in mechanics and home economics has likewise risen to a plane of high appreciation. It requires no prophet to predict that within ten years after the passage of a law as outlined in this bill the entire point of view recently held by the farmers of this country toward agricultural schools and by the practical men of affairs toward city high school education will have been changed.

The feverish desire to leave the land and go to the city will have been removed. Farms as places of business and farm homes as places to develop splendid families will be appreciated at their true American value. With the great Federal Department of Agriculture, with fifty State agricultural colleges and experiment stations, with two or three hundred agricultural high schools and branch experiment stations, and with tens of thousands of improved consolidated rural schools and with other educational machinery as college-extension work, and with highly developed agricultural literature, and with a like equipment for education in city industries, the American people will be so informed and inspired in industrial affairs and home making that we shall have a new America. The pivotal place in turning the education of our workers, whether in country or city, more toward the things with which they must deal is in the high school, because here the teachers for primary schools are trained in those subjects in which they are to instruct the primary pupils.

The provision in this bill which appropriates $2,500 to be placed with an additional amount to be supplied by the respective States for branch experiment stations for each agricultural high school is important from two standpoints. It is necessary that the teachers of agriculture, horticulture, live stock, and dairying in these agricultural high schools have as part of their instructional machinery actual farm operations and such research work as the State experiment stations and the Federal Department of Agriculture may properly delegate to these institutions. The working out of crop rotations and farm plans, the testing of commercial fertilizers, the testing and breeding of plants, the demonstrating of methods of destroying insects, and many other similar lines will have a large value, both as part of the school education and as a means of working out improvements in agriculture.

The question is often asked, Why should the Federal Government take up the burden of the State? Will not the use of Federal money tend to retard activity along educational lines in the States and cause them to depend on Federal aid? Is Congress not already doing too much for the people of the States? Congress, and especially the State legislatures, have not taken full cognizance of the fact that the Federal Government raises and expends more than three times as much money as do all of the State governments combined. The fact that the Federal Government has the indirect, and therefore easy, methods of raising taxes, while the States have the direct and more difficult methods of raising taxes is the best of reasons why the Federal Government should lead general cooperative movements in bringing about important changes affecting the entire length and breadth of the country. Congress, with $800,000,000, offering to cooperate with the States with their aggregate of $200,000,000, will help the States so to increase their $200,000,000 that they will have means with which to improve their secondary and primary schools, tasks which now seem so large as to well-nigh paralyze effort in many States. Material Federal aid will greatly encourage and inspire State and local effort. If this bill is passed, and the States duplicate the amount of money thus appropriated, American education can be put upon a new plane in every State in the Union. Georgia's experience shows that the States are willing to supply the equipment and part of the current-expense fund. Let the Federal Government meet Georgia halfway, and every State will follow the noble example set by that vigorous Commonwealth.

Does not this plan of using some of our immense national funds with which to build up local institutions decentralize rather than increase the tendency to centralization? How can we better strengthen the States than by turning over to State management funds with which to strengthen their educational institutions, around which local interest and local pride center?

This bill does not establish a new precedent in principle, because it simply carries out the precedent established in our country in organizing State colleges of agriculture and mechanic arts in 1862. The British Government several years ago, from their large income from taxes, passed an almost identical act, thus building up local institutions. Under that act technical education, for the most part secondary in grade, has been supplied to the people of the cities of the British Islands, and numerous agricultural high schools have been organized in individual counties or by groups of counties. Through the legislation provided in H. R. 24757 America will not only keep pace with the most progressive nations, but will be in a position to take the lead in industrial education for the masses.

We need to build up a class of people educated in distinctive industrial and agricultural schools, highly organized, so as to give instruction and to inculcate pride in industrial affairs and in the American home. So long as the teachers of our schools are trained in schools devoted mainly to nonindustrial interests they can not well build up an industrial community with full knowledge and inspiration for their life work. Let us have as a dominating force in the education of our country youth and our city youth teachers who are chosen as trained leaders in building up rural and industrial science and practice and in home making.

There is encouragement in the fact that year by year the strong men of the world's legislative bodies are joining the ranks of those who favor larger appropriations for research and education related to the industries. The time has arrived in many of the States when the farming interests demand that legislative bodies counteract the tendency to pile up the largest part of our annual increase of permanent wealth in our largest cities. Labor, too, under wise leadership, is ready to demand more of the fruits of science and art in the form of technical training for their children.

The proposition in this bill at first seems radical. When carefully considered it is not as radical as the proposition to build new battle ships. It is a plan for investing money in the higher industrial efficiency of the nation's 60,000,000 workers and in the better living of all people of all classes. It proposes that we give our workers a square deal by giving them a chance to secure technical training, as we now provide technical training for the professional classes. It looks to universal technical education. This kind of education is not a net expense. It is a net profit. It is an expenditure such as we make in business, only here the economic return plus the social benefit is greater than the expected profits in business. This plan is not an experiment. It will bring the results. No other solution has been offered to the problem of bringing to a free people the results accruing from their own expenditures in scientific research. If another plan superior to this can be devised, let us adopt it, and, failing in that, let us perfect and utilize the plan outlined in this bill.

PERSONAL REQUEST.

Mr. FLOOD, by unanimous consent, obtained consent to file, as a part of the report of the Committee on Expenditures in the Department of Agriculture, the views of the majority of the committee on Mount Weather, and to ask that the report filed by the chairman of the committee be reprinted with the majority's views on Mount Weather substituted for those of the chairman, and the chairman's views on Mount Weather be printed as a minority report from the committee on that subject.

Mr. PAYNE. I move that the House take a recess until 8.30 p. m.

The SPEAKER. The Chair desires to say to gentlemen that the pension appropriation bill must again be sent to conference, and there are many other important bills that ought to be considered to-night, and they can not be considered without a quorum. The question is on the motion of the gentleman from New York [Mr. PAYNE] that the House take a recess until 8.30 p. m.

The question was taken; and the motion was agreed to.

Accordingly (at 6 o'clock and 33 minutes p. m.) the House took a recess until 8.30 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8.30 p. m.) resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. ROSE, its assistant secretary, announced that the Senate had passed the bill of the House (H. R. 25692) to provide for an additional district judge for the northern and southern districts of California, with an amendment thereto, in which the concurrence of the House was requested.

NORTHERN AND SOUTHERN DISTRICTS OF CALIFORNIA.

The SPEAKER laid before the House the bill (H. R. 25692) to provide for an additional district judge for the northern and southern districts of California, with a Senate amendment thereto.

Mr. JENKINS. I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to call up the conference report on the pension appropriation bill, and ask that the report be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24640) "An act act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes," having met, after full and free conference have been unable to agree.

WASHINGTON GARDNER,
W. P. BROWNLOW,
JOHN A. SULLIVAN,
Conferees on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
Conferees on the part of the Senate.

Mr. GARDNER of Michigan. I move that the House insist on its disagreement and accede to the request of the Senate for a conference.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. GARDNER of Michigan, Mr. BROWNLOW, and Mr. SULLIVAN.

CERTAIN STREET RAILWAY TRACKS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to call up a Senate bill and to make the motion which I send to the Clerk's desk.

The Clerk read as follows:

I move to suspend the rules and agree to the following:

"*Ordered*, That immediately upon the adoption of this order it shall be in order to take up the bill (S. 6147) entitled 'An act authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes,' with the amendment thereto reported by the Committee on the District of Columbia, to offer thereto the following amendments: First, strike out section 13 of the House substitute providing for wide tires; second, to provide for universal 3-cent fares, to be collected only from passengers provided with seats; and after votes on the aforesaid amendments the question shall be on the committee amendment and on the bill to a final passage without intervening motion or appeal."

The SPEAKER. Is a second demanded?

Mr. JAMES. I demand a second, Mr. Speaker.

Mr. BABCOCK. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Wisconsin is entitled to twenty minutes and the gentleman from Kentucky [Mr. JAMES] to twenty minutes.

Mr. BABCOCK. Mr. Speaker, this bill provides for the extension of the tracks of the existing street car lines to the Union Depot in the most direct way possible.

Mr. SULZER. Does it provide for 3-cent fares?

Mr. BABCOCK. The order provides for an amendment being offered for 3-cent fares.

Mr. SULZER. What does it provide about the fare?

Mr. BABCOCK. Three-cent fares, not to be paid unless a passenger is given a seat. Do you want any more?

Mr. SULZER. Oh, yes; transfers, too?

Mr. BABCOCK. That is the amendment that is to be considered.

Mr. SULZER. All right; it is about time the people got something. At last, it seems their day is coming.

Mr. BABCOCK. Now, Mr. Speaker, in addition to this is the new construction of the Capital Traction Railway in northeast Washington that has been asked for by the citizens for many years, a good piece of construction that public policy demands. Further than that, Mr. Speaker, it reenacts what is known as the "smoke bill," that the House has passed once or twice before.

And I want to say just a word in reference to the smoke proposition. For several years the people of the District of Columbia—the manufacturers, the hotels, and the restaurants—have been obliged to comply with the present smoke law. Many of them have been fined many times. The electric light company has been driven out of the city, at a cost of $1,000,000 to build a new plant on account of this smoke ordinance. Now, this bill provides that the steam locomotives in the city of Washington shall come under the provisions of this act, a matter of equity between the citizens of Washington and the locomotives in the city.

Mr. Speaker, this is all this bill provides, except that it provides that a motion shall be in order to strike out the provision for wide tires; that it shall be in order for the gentle-

man from Kentucky to offer an amendment for 3-cent fares. It ought to pass, it should pass, and this House will fall far short of its duty unless it does pass.

Mr. PAYNE. Will the gentleman yield?

Mr. BABCOCK. Certainly.

Mr. PAYNE. Does this resolution give any Member the liberty of proposing an amendment that any person shall be carried free on the street cars?

Mr. BABCOCK. It does not.

Mr. PAYNE. I am surprised that the gentleman has made that admission.

Mr. BABCOCK. I notice that the gentleman from Mississippi [Mr. WILLIAMS] is not here.

Mr. SIMS. Yes; the gentleman is here. He will be in his seat in a moment.

Mr. BABCOCK. It was understood that he was to offer the amendment.

Mr. SIMS. The gentleman from Mississippi understands that this motion, if carried, itself eliminates the wide-tire amendment.

Mr. BABCOCK. I do not think it does. It is in order for that motion to be considered, and, if the motion should be made, to strike it out. I will yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, when this bill was before the House the other day I opposed a motion to suspend the rules and put it upon its passage for two reasons, first, because if it were put on its passage on a motion to suspend the rules, the House would have no opportunity to discuss or to vote upon the amendment offered by the gentleman from Kentucky [Mr. JAMES]; secondly, because the bill contained a provision requiring wide tires in the city of Washington. This provision was subject to a point of order under the ordinary procedure when the opportunity to make the point of order could be given to that provision, to which I was opposed independently of an opportunity of making the point of order.

The chairman of the District Committee now offers the bill with the broad-tire provision stricken out of the bill if this resolution is passed. Moreover, the amendment offered by the gentleman from Kentucky [Mr. JAMES] will be subject to discussion, adoption, amendment, or rejection.

Mr. CLARK of Missouri. But the chairman of the District Committee says that the motion will have to be made in order to strike out the section relating to wide tires.

Mr. WILLIAMS. I understood the broad-tire provision, section 13, is stricken out of the bill, as the gentleman presented it.

Mr. BABCOCK. That is the report, but I think the gentleman should make the motion to strike it out formally.

Mr. WILLIAMS. The gentleman from Michigan agreed with me that the bill would be presented with that stricken out.

Mr. BABCOCK. Yes; it says that it shall be in order to strike it out.

Mr. WILLIAMS. Is it in order to make the point of order on it now?

Mr. BABCOCK. No; but make a motion to strike it out.

Mr. WILLIAMS. Then the gentleman has not presented to the House the matter as he and I agreed that it should be presented.

Mr. BABCOCK. Yes; he has as far as possible.

Mr. WILLIAMS. What I insist upon is this: This bill to permit certain railroads to extend their lines to the Union Depot had placed upon it by the Committee on the District of Columbia a provision for broad tires for road wagons, which was not germane to the bill and against which a point of order would lie.

Now, unless the gentleman presents the bill in such shape as to enable me to make that point of order for the consideration of the Chair, then I must insist that this bill be defeated.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the section the gentleman refers to be stricken from the bill.

Mr. SHACKLEFORD. Mr. Speaker, I object.

Mr. BABCOCK. Then, Mr. Speaker, I move that the section be stricken from the bill.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I will ask the Speaker to read the order and to tell me whether or not, worded as it is, it would be in order for me to raise the point of order as to the germaneness of section 13. If it be in order for me to raise that point of order, I know it will have to go out on the point of order. Then I do not care. The point of order is that section 13, being an amendment, is not germane to the subject-matter of the bill.

The SPEAKER. The Chair would suggest that, by unanimous consent, the gentleman from Wisconsin can change his motion so as to put it in the following form, which the Clerk will read.

The Clerk read as follows:

Ordered, That immediately upon the adoption of this order it shall be in order to take up the bill S. 6147, entitled "An act authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes," with the amendment thereto reported by the Committee on the District of Columbia, to offer thereto the following amendments:

First, to strike out section 13 of the House substitute, providing for wide tires, unless said amendment shall have been ruled out on a point or order, which is hereby authorized.

Second, to provide for universal 3-cent fares to be collected only from passengers provided with seats; and after votes on the aforesaid amendments the question shall be on the committee amendment and on the bill to a final passage without intervening motion or appeal.

Mr. BABCOCK. Mr. Speaker, I make the request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES. Mr. Speaker, how much time has the gentleman consumed?

The SPEAKER. The gentleman has fourteen minutes left.

Mr. JAMES. Mr. Speaker, the amendment which I shall offer gives an opportunity to the House of Representatives to vote on a 3-cent fare. I desire to ask the gentleman from Wisconsin [Mr. BABCOCK] how much time he is willing to agree on for a discussion of this question as to the merits of the amendment?

Mr. BABCOCK. I understand there are twenty minutes on each side.

Mr. JAMES. Oh, no; that is on this question of suspending the rules upon my demand for a second.

Mr. SIMS. It is on the other also.

The SPEAKER. That question does not arise at this time.

Mr. JAMES. Then, Mr. Speaker, I want to be heard in support of the amendment that I shall presently offer affording 3-cent fares in this District.

We have been legislating for the various States trying to curb the rapacity of the railroads throughout the country, trying to make them deal equitably and fairly with the shippers, with the produce from the farm, with the great commerce of the country, and in that battle on behalf of the people in favor of justice to all I most heartily joined; and now, Mr. Speaker, I want to urge that this House remedy the daily outrage that is being perpetrated right within the shadow of this Capitol by the street car monopoly, an outrage being perpetrated on the laboring people, the men who work, the women who toil. It is for these that I now appeal.

Mr. Speaker, a 5-cent fare does not amount to much to the Members of Congress. It does not amount to anything to a man who has money, but when we consider the fact that it is 10 per cent, 15 per cent, 20 per cent, and sometimes 25 per cent of the wages of the laboring people of this District, people who labor by the hour for their money, to them it amounts to a very great deal. To these people who toil at 5 cents, 10 cents, and 15 cents an hour, when we consider, Mr. Speaker, that street car fares mean hours of toil to them, then it is time for this House of Representatives to give consideration to this question. [Applause on the Democratic side.]

There are two street-car systems in this city. One is the Capital Traction Company, the other is the Washington Electric Company. The Capital Traction Company goes right by this Capitol. It has a franchise which was given to it by this Government without a dollar being paid for it by the company. The company then capitalized and valued that franchise at $12,000,000, and last year this street-car company collected as street-car fares $1,700,000 and declared a dividend of 6 per cent upon $14,000,000, including $12,000,000 of watered stock. They take the franchise given by the people to them without charge and make it a burden to be borne upon the bending backs of the people from whom it came. [Applause on the Democratic side.]

These companies are given a monopoly of the people's highway, a highway which belongs to all the citizens, a highway of the beggar as well as the street-car magnate, and yet, Mr. Speaker, these street-car companies virtually pay no taxes and not a dollar for the purpose of keeping up the streets of this city.

The Capital Traction Company has made and declared dividends amounting to over $7,000,000 in the last ten years, and this does not take into consideration the extension of their tracks, which was paid out of their profits. They made this last year as profits off the people of this District within a hundred thousand dollars of the original cost of the 22 miles of double track which they own in this District. The Washington Electric lines, that have all the other lines trustized and monopolized in this District, collected last year off of the people $2,879,000, and, allowing 50 per cent as operating expenses, it declared dividends of $1,400,000, and the 50 per cent operating expenses is far more, in my judgment, than it would cost; and

I now appeal to this Congress and ask you, will you allow this outrage to go on right here in the capital of your country? [Applause on the Democratic side.] Not only that, but they go further. They pay the president of this street-car company twice as much salary as is paid to the Vice-President of the United States of America. After all of the exorbitant salaries, which are prolific, to the men high up in places, with a juggling of figures, with a concealment of profit, with a payment of interest upon debts which they do not owe, yet their dividend is so enormous absolutely that they have to add millions of water to the stock in order to keep all the people everywhere from rising up in outrageous protest against it. [Applause.]

The Capital Traction Company, which it cost in round numbers not more than $1,500,000 to build, after adding the $12,000,000 of watered stock, they put that stock upon the market, and it is selling to-day for $1.40. So we see that by the exactions of this company and by the enormous and wonderful profit it makes that its stock to-day is on the open market worth close on to $20,000,000. Mr. Speaker, there can be no doubt on earth that these companies can make abundant profit out of a 3-cent fare.

The legislatures of the various States, in obedience to the public will, are requiring the railroads to charge reasonable fares. Railroads that cost many times as much to operate their lines as it does a street car line, cost more to build, people are demanding that they should come down to that basis of justice of "live and let live." [Applause.]

Mr. Speaker, we do not represent the people of this great city directly. They are orphaned, so far as direct representation is concerned, but on behalf of those people at home for whom we do directly speak, in their names I appeal to the manhood of this Congress to rise up and do justice to these people here, although you do not represent them directly; draw in front of the aggressions of these combinations the naked sword of American justice and in behalf of the laboring people command these companies to do common justice. [Loud applause on the floor and in the galleries.]

Mr. Speaker, I reserve the balance of my time. If the gentleman from Wisconsin desires to yield some of his time, I trust he will do so; if not, I yield five minutes to the gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, will the gentleman from Wisconsin yield me some time? I wish to speak on both amendments?

Mr. BABCOCK. How much time does the gentleman want?

Mr. SIMS. Ten minutes.

Mr. BABCOCK. I have only fourteen minutes remaining. I yield the gentleman four minutes.

Mr. SIMS. The gentleman from Kentucky will yield me six?

Mr. JAMES. I yield six minutes and the gentleman from Wisconsin yields four, making ten minutes.

Mr. SIMS. Mr. Speaker, I wish to state to the House that I have worked hard for a long time to compel the street railway companies of this District to agree to universal free transfers. It was my purpose to offer such an amendment to this bill. I certainly desired to do so. The gentleman from Wisconsin [Mr. BABCOCK] desired to have an amendment known as the wide-tire amendment, but in order to get legislation upon that, about which there seems to be no disagreement, the gentleman from Wisconsin has agreed that the amendment for wide tires may be stricken out, and I have agreed to yield and not offer the amendment for universal free transfers. But I do believe that something ought to be done. The street railway companies will not do anything until they are forced. They did not want to furnish vestibules for their cars to save the lives of their motormen, until Congress forced them to do so. For the same reason I was not willing to advocate 3-cent fares, but inasmuch as we have been threatened by the street railway companies to litigate and test in the courts the question of universal free ransfers I gave it up. Now, I wish to state a few facts, and take them from the hearings, that the House may have a clear knowledge of the condition of affairs. The gentleman from Kentucky has truthfully stated that not one cent has been paid by any street car company of the District of Columbia for the privilege of constructing and operating its railway. I can not discuss at length both of these railroad companies in the brief time I have, but inasmuch as the gentleman from Kentucky has referred to the Capital Traction Company, I will give you from the hearings the facts. Mr. Dunlop was asked what constituted the Capital Traction Company, what its properties were. I quote from the hearings:

Mr. SIMS. I want to ask you a line of questions; whether these provisions are just. What companies does the Capital Traction Company embrace? What does the title "Capital Traction Company" embrace?

Mr. DUNLOP. The Capital Traction Company is the Rock Creek Railway Company with its name changed. If you will turn to the law of March 1, 1895, you will get the whole thing. The Capital Traction Company is simply the Rock Creek Railroad Company with the name changed by act of Congress.

Mr. SIMS. What was the capital stock of the Rock Creek Railway Company?

Mr. DUNLOP. I don't remember; I think it was about $200,000, but you will find it in that same law; I want to answer all your questions absolutely.

Mr. SIMS. I know that; but I want to have to ask them before you answer them.

Mr. DUNLOP. The Capital Traction Company is the Rock Creek Railway Company with its name changed. The same law that authorized that authorized it to purchase the Washington and Georgetown Railway and to pay for the consideration of that purchase in stock, giving them the right to issue their stock to pay for that consideration.

Mr. SIMS. Now, I want to ask this; I think we will get along faster if we will just follow the path that I have mapped out. When you changed the name to Capital Traction, then you issued $12,000,000 of capital stock?

Mr. DUNLOP. Yes, sir; and it was authorized by the law. Just as much as if it had been authorized in the original charter.

Mr. SIMS. You issued $12,000,000, and then you started to float it?

Mr. DUNLOP. There was no floating of it then; and there was never a dollar of cash passed in the transaction.

Mr. SIMS. Never a dollar; all stock?

Mr. DUNLOP. All stock.

Mr. SIMS. Now, when that $12,000,000 was first issued, and put upon the market, for what did it sell? I do not mean what you people exchanged between yourselves, but what was the stock worth on the market?

Mr. DUNLOP. I don't remember; it was something below par; it went down finally to 45.

Mr. SIMS. Went as low as 45?

Mr. DUNLOP. Yes; went as low as 45, and sold on our local exchange for 45.

Mr. SIMS. What is it worth now?

Mr. DUNLOP. About 141 or 142.

Mr. SIMS. Now, then, all purchases or extensions or improvements since that time have been made without any increase of the capital stock?

Mr. DUNLOP. There has never been an issue of stock; there is no law to allow us to increase; we would not attempt to do that.

Mr. SIMS. Consequently all improvements and extensions have been made out of the earnings of the road?

Mr. DUNLOP. No, sir; they have been made by the issuance of bonds.

Mr. SIMS. You have issued how much, one million?

Mr. DUNLOP. There is outstanding $1,080,000.

Mr. SIMS. You paid in 1896, $419,873; in 1897, $209,000; in other words, going on down giving the different dividends; you made extensions in 1891, and your extensions were $480,000, and sale of real estate $558,000.

Mr. DUNLOP. That was the sale of the old powerhouse site to the Government.

Mr. SIMS. And you issued the next year as dividends amounting to $960,000.

Mr. DUNLOP. Four hundred and eighty thousand dollars of that came from the proceeds of the sale of that lot.

Mr. SIMS. Why didn't you pay that on the bonds?

Mr. DUNLOP. Why didn't we pay that on the bonds? That was a matter for the directors to decide. I can not say why they did not pay it. It belonged to the stockholders, and they gave it to them.

Mr. SIMS. And you received $250,000 insurance at the same time?

Mr. DUNLOP. Yes, sir.

Mr. SIMS. Why was it not paid on the bonded indebtedness?

Mr. DUNLOP. Because that was to be put into the electric system on Pennsylvania avenue.

Mr. SIMS. There has been no increase of capital, but a vast increase of value. I gather from the reports for ten years, until 1906, a few days ago, you have paid out in dividends and extensions, together with the proceeds of real estate, $558,000, $6,515,245.15. Your stock to-day is worth about 140.

Mr. DUNLOP. It is selling at about 141 or 142 on the exchange.

Mr. SIMS. In addition to the stockholders receiving all this amount of money and the company's extensions, amounting to about $1,000,000, the increased value in your stock is about $14,000,000. Now, the Capital Traction, since it was formed and started, has got in the way of profits and added value to stock more than the entire issue of stock.

The CHAIRMAN. Didn't you make an error when you said $14,000,000? It should be $480,000.

Mr. SIMS. It went as low as 45. There was an increasing value of $10,000,000 in the price of the stock, and they received $6,000,000 in the way of dividends and consideration. Of course, we realize——

Mr. DUNLOP. Well, General, I think this would throw some light on that: The Washington and Georgetown Railroad Company had sold all of its property to the Rock Creek Railway Company, and went out of existence. The stockholders numbered between 180 and 200, I think. I do not think it ever was over 200, and my recollection is that at the time this took place it was about 180. The Capital Traction Company's stockholders number about 1,250, and you have the names of them in the last report.

Mr. SIMS. I don't want to get off on that.

Mr. DUNLOP. I want to get off on that because I want to disabuse your mind of one thing, that the people who own this stock now have paid a great deal——

Mr. SIMS. I do not care anything about that. I want to ask you, at the time this capital stock was issued you had of single track 35.90 miles, and of double track 17.95 miles; in other words, 18 miles of double track. Now, at $12,000,000 the capital you issued would amount to $666,666.66⅔ per mile of double track. I mean when you issued it.

Mr. DUNLOP. That goes right to the question. You criticise the Rock Creek Railway Company for paying such prices.

Mr. SIMS. I only want to get at the facts. For the 18 miles of double track you issued stock at the rate of $666,666.66⅔ per mile.

Mr. DUNLOP. The Rock Creek Railway Company issued stock for the consideration paid to the owners of the Washington and Georgetown Railway Company, whether it was $500 a mile or $1,000 a mile.

Mr. SIMS. Your statement heretofore has been that it cost $120,000 to construct double track.

Mr. DUNLOP. I looked that up since last meeting. What we built last year cost $63,612 per mile of single track.

Mr. SIMS. But the whole construction has not cost that?

Mr. DUNLOP. I am speaking of the track construction—just what Mr. Madden said cost $30,000, and that he had seen a contract for. And I

went further back than that. I want to get that clear in the minds of the committee. I went back and looked up all the extensions we had made under the Capital Traction Company's management, and the F and G street line and this extension out east here were $66,000, because there were a great many more gas mains and water mains to move in the streets.

Mr. SIMS. You say it cost $66,000. Say it cost $150,000 per mile of double track. You have it capitalized at $666,000 per mile of double track. How much of that is water and how much money?

Mr. DUNLOP. There is none of it water; not a drop of water in it. The Capital Traction Company paid that consideration under an act passed by Congress, and issued that stock.

Mr. SIMS. Perhaps I should not have used the word "watered." What is the difference between the capitalized value and the actual money value?

Mr. DUNLOP. The actual money value upon which it is bound to pay dividends is $12,000,000; that is the actual value.

Mr. SIMS. Is it bound to pay dividends upon that?

Mr. DUNLOP. Yes; it is bound to pay dividends, if it makes the money. That is the money value of the present company.

Mr. SIMS. You are paying 6 per cent dividends upon that value?

Mr. DUNLOP. We are.

Mr. SIMS. And paying for all construction out of the earnings?

Mr. DUNLOP. Not at all. I just said we were issuing bonds, and if you have a report you will find that we have a floating debt this last year of $405,000, and that really is not completed.

Mr. SIMS. But you do not contemplate increasing your capital stock to pay those bonds?

Mr. DUNLOP. No, sir; because we have no right to do it, and we do not contemplate doing anything unlawful.

Mr. SIMS. Why don't you pay the $558,000 you got for real estate on your indebtedness, and reduce it?

Mr. DUNLOP. We paid $480,000—not $580,000—to the stockholders. We paid it by order of the directors.

Mr. SIMS. You received $558,000?

Mr. DUNLOP. The balance of it was used in other matters of the company.

Mr. SIMS. You received that?

Mr. DUNLOP. Certainly we received it.

Mr. SIMS. You were carrying at least $480,000 bonded indebtedness and you were paying 6 per cent on it, and you were paying dividends on approximately $700,000 per mile, and then you tell this committee and this country that you can not take the little reduction that might come about by free transfers, and further acknowledge that your capital stock has enhanced in market value $10,000,000 since shortly after——

Mr. DUNLOP. Whose stock are you talking about?

Mr. SIMS. You said it went to 45 cents.

Mr. DUNLOP. I said the present stock went down to 45.

Mr. SIMS. That was all it was worth then.

Mr. DUNLOP. Not at all.

Mr. SIMS. Then why didn't you sell the stock for what it was worth?

Mr. DUNLOP. How do I know? How does anybody know? It is worth 141 now.

Mr. SIMS. Because it brings it. Anything is worth what it will sell for.

Mr. DUNLOP. That was on the stock exchange.

Mr. SIMS. But the people sold the actual stock, didn't they?

Mr. DUNLOP. I think you will find that there was not very much sold then.

Mr. SIMS. Hasn't there been an enhanced value in the stock of your company out of all proportion——

Mr. DUNLOP. Certainly the stock has enhanced, and the interest of the stock is only 4 per cent on 150. Would you loan money at 4 per cent? I wouldn't.

Mr. SIMS. Would the price of your stock be materially reduced or affected in any way by giving free transfers?

Mr. DUNLOP. Certainly it would.

Mr. SIMS. What effect would it have?

Mr. DUNLOP. It would have the same effect as the issuing of 15,000,000 transfers has now. If we got full fares we would get greater receipts. It will affect it just to the extent that we haul passengers from all the other systems coming to us.

Mr. SIMS. But your business will increase and your receipts will increase with each passenger you carry free after a certain number.

Mr. DUNLOP. That is speculative.

Mr. SIMS. And the idea that it would reduce receipts is also speculative.

Mr. DUNLOP. I know something about that.

Mr. SIMS. Would you take less than 140 for your stock if we put on free transfers?

Mr. DUNLOP. I do not want to sell mine, for just the reason that none of you gentlemen would want to. I think I am entitled under any State law or any law in the country to reasonable compensation on that stock, and I think 6 per cent is not unreasonable. You fix 6 per cent as a point where it is not usury, and I think it is reasonable that the courts will bear me out in that.

Mr. SIMS. Isn't 4 per cent stock good stock; isn't it par everywhere?

Mr. DUNLOP. It is better than 3.

Mr. SIMS. It is practically 100 cents on the dollar?

Mr. DUNLOP. Not at all; some men would not touch it. You would not invest in 4 per cent stock, you said.

Mr. SIMS. No, sir; I said I did not have any money to lend. Now, you would not as a stockholder in your company agree to sell your stock at less than 140 if we put on free transfers?

Mr. DUNLOP. No, sir; because I have it at par and it is bearing me 6 per cent.

Mr. SIMS. You have made 4 per cent then?

Mr. DUNLOP. I have not made anything because I have not sold it.

Mr. SIMS. You have received 6 per cent?

Mr. DUNLOP. Yes; and I have also received 2 per cent.

Mr. SIMS. You have received what was allowed.

Mr. DUNLOP. You will find that we paid——

Mr. SIMS. Your stock has been improved by extension, etc.?

Mr. DUNLOP. Not at all; extensions have a tendency to draw it down.

Mr. SIMS. Are not your extensions a part of the property?

Mr. DUNLOP. Of course.

Mr. SIMS. Is 22 miles of Capital Traction worth more than 36?

Mr. DUNLOP. No; we could have made more money on the 22 than on the 36.

Mr. SIMS. Yes; you said it cost $166,000 a mile to build it.

Mr. DUNLOP. I want to say on that point, because the public doesn't understand this any better than General Sims does, that the more miles you operate the less net profit you get out of it. We have been asking to be allowed to cover this whole District with our lines, and stand ready to build them to-day, but it would reduce our net profits if we did, and it would do away with the demand for free transfers.

Mr. SIMS. With your road as it is, will you not be able without extension, if we give free transfers, to pay your 6 per cent dividend year in and year out with the normal growth of the District?

Mr. DUNLOP. I think not, because we will simply be a dumping line for everything.

Mr. SIMS. You think your company would be injured worse than any other?

Mr. DUNLOP. I think we would be very materially injured.

Mr. SIMS. You would be very materially injured. And yet you would not sell your stock for any less than you say it is bringing now?

Mr. DUNLOP. I do not run the Capital Traction Company on my personal interest. I put that aside absolutely. I try to operate that company on business principles; if my stock didn't pay me 1 per cent I would not have anything to say.

Mr. SIMS. Because you get a salary as president?

Mr. DUNLOP. My salary is known of all men. It is in the public documents here in the Capitol. I am not ashamed of it; I earn every dollar of it. And if the stockholders do not think so, they can say so and I will get out. They pay me $15,000 a year.

Mr. SIMS. That is the reason why I said that you can afford to be in this company, even if you did not have a share. You would not sell your stock because it carries with it something more than the dividend. Suppose you held no office in the company.

Mr. DUNLOP. It carries with it a dividend on its face value that I invested in.

Mr. SIMS. Suppose you had no office and we were going to pass a bill materially reducing the value of the stock, would you not sell your stock at present prices?

Mr. DUNLOP. If I knew you were going to pass a bill to ruin me, I would sell it to-morrow.

Mr. SIMS. But we can not injure you, as you are getting a salary, even if we allowed free transfers. But I believe, Colonel, that you can give free transfers without hurting the stockholders or salaried officers or anybody else.

Mr. DUNLOP. I disagree with you, General, from any standpoint. I think I know more about the business than you do.

Mr. SIMS. You know it better ten times than I do.

Mr. DUNLOP. And then there is the other question to which I want to call the committee's attention. As I said before, we will obey any law that Congress passes that is reasonable. We have always done it, and there need be no penalty in it to make us obey; we will do it without that; but if Congress passes an unreasonable law the courts are open to us.

Mr. SIMS. They ought to be open to you.

Mr. DUNLOP. They ought to be, and I think there is not one gentleman at this table who will deny it. If you pass a law loading us up with free transfers, no one here will deny that we will have a right to go to the courts. But I want to say that there is another question involved there, the right to make any corporation or individual carry a passenger or do any other kind of work without reward. The free transfer means that we must carry those passengers without reward. That question will go to the courts.

Mr. SIMS. The reason I have asked you so much about your own company is because I can not understand the reports of the other companies at all, but I can understand yours.

Mr. DUNLOP. We make everything so that any man can understand. We have nothing to hide, gentlemen, and I want to say here that we make money, too.

Mr. SIMS. Your reports show it.

Mr. DUNLOP. We do not deny it.

Mr. SIMS. But for the franchises——

Mr. DUNLOP. For the franchises we hold the receipts of the District government at 4 per cent.

Mr. SIMS. It is the lowest tax on the face of the earth.

Mr. DUNLOP. The lowest tax on the face of the earth?

Mr. SIMS. The lowest that I have heard of to call it tax. I do not think that it would be reasonable to call it tax if it were any lower.

Mr. DUNLOP. That is your private opinion.

Mr. SIMS. It is about 30 cents per $100 on the selling value of the stock.

Mr. DUNLOP. You are getting into stock; I am not a stock dealer.

Mr. SIMS. It is good property with or without free transfers, and it will be 200 one of these days, and the reason of it is because the city is growing.

Mr. DUNLOP. I want to tell this committee now that if I can make it worth 500 I am going to do it, and you do it, too, at home.

Mr. SIMS. You are looking at it from a salary standpoint, while we are looking at it from the standpoint of the good of the people. When will the day come that your company will be willing to give something in the way of reduced fares?

Mr. DUNLOP. Never. If Congress opens the way to us and says that we can build out to the sections that are clamoring for the car lines it will do away with the demand for free transfers.

Now, I will not read it all, because it is too long. But here is the Capital Traction Company, that, as shown by the statements of its president, was simply the Rock Creek Company with its name changed. The Rock Creek Company had $200,000 of capital stock. The name was changed and stock reissued for $12,000,000. The hearings show that only 18 miles of double track then existed. Five miles of that double track was overhead construction, which cost only half the cost of underground. The capitalization, as is thus shown, was $666,000 per mile. Not a dollar was added to the treasury, not an additional dollar put in. Then the power house, or the lot upon which it stood, was sold. The Government bought it, because it was cheap, at over $550,000, and instead of the company then paying its bonded indebtedness of $1,000,000 then existing, it put $480,000 in the pockets of its stockholders as an extra dividend. The capital stock has advanced from 45 cents on the dollar, market value, to $1.47 on the dollar, for which it sold to-day, making

more than $10,000,000 in profits by advancement of stock. Over $6,000,000 in dividends have been paid, until the enhanced value of stock and dividends exceed every dollar ever put into the treasury of the company by way of investment. And yet they say they will not have free transfers—they will not do something for nothing. When I asked Mr. Dunlop if free transfers would reduce the value of the stock materially he said yes. I asked him if he would sell his at the present market value in case the law passed, and he said he would not. I said to him, "Your stock is a good property, and it will go to 200." He said, "I will make it 500 if I can."

This shows the spirit of those who own and conduct these roads, and here are the facts. This House is as capable of judging whether they can carry passengers for 3 cents as I am. The proof shows that the highest cost of underground construction has never exceeded $60,000 per single mile, or $120,000 for a double track of underground construction, and it is capitalized at $666,000 per mile, including overhead and underground construction, besides having built all new construction out of earnings or without additional issue of stock. These are the facts briefly stated, but not fully stated, as to the railway proposition.

Now, as to the smoke amendment. The terminal company came to Congress last session and asked for a law to permit them to acquire additional real estate at the terminal station by way of condemnation. Upon that bill was ingrafted the smoke amendment, which I had the honor to offer, simply making the steam railways subject to the same law that every other interest and every individual in the District is now subject. One concern, the Washington Traction Railway Company, has paid $5,000 in fines for violating that law. The people of this District stood at the doors of the District Committee for years to get the law repealed or modified. Congress has stood firm on it, and at a cost of hundreds of thousands of dollars every individual and industry in the District of Columbia has been forced to accept this law, while every steam railroad that runs through the District of Columbia can run its engines through the District burning soft coal or anything else, and smoking up the city. The railway engines make more smoke than all the other industries in the District combined. What a farce to require everybody else to obey the law and let go scot-free the railways. There is the great Union Station, toward which the Government has paid by way of cash and real-estate contributions more than $5,000,000—that, taken in connection with the fact that the railways have occupied public property—the Mall—for more than thirty years without paying one single cent of rental, and without even paying taxes. The Government gave them the Long Bridge, and with it the contract that they should maintain the highway part in perpetuity——

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. Mr. Speaker, could I get two minutes in which to finish the statement?

Mr. BABCOCK. I have no more time, I am sorry to say.

Mr. SIMS. I am right in the midst of a statement which is not complete. I ask unanimous consent for three minutes.

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent for three minutes. Is there objection?

There was no objection.

Mr. SIMS. I thank the House for the opportunity to finish this statement, which will have to be hurried. This company was bound to keep that highway bridge in repair in perpetuity. But an act of Congress relieved them and built a new highway bridge at the expense of the District and the nation. This company is now occupying public property, and have charged every other railroad entering here for the use of terminals that they have absolutely free except the cost of the buildings. I have before me the ordinance of New York City, and this same railway company pays to the city of New York for the privilege of going under her streets $75,000 a year for the first ten years and $225,000 for the next fifteen years, with the power to readjust after that time, as I am informed by a gentleman from New York. They are spending in the neighborhood of $100,000,000 in construction of tunnels under East River and North River and through the city. The New York ordinance provides that they must use electricity. We do not provide that they shall use any particular method of preventing smoke, but leave it alone to them. Is this House by its vote going to say that the railroad property of this country is a pet, a select and special favorite, and that these companies shall not be held to the observance of the same law to which every other property holder of the city is subject?

Now, before the tracks are laid, before the plans are executed, is the time to legislate. After its tracks are laid, the plans executed, then if we should undertake to do what we are doing by this bill they will say they constructed their terminals as provided by Congress and now it would be unjust and inequitable to force them to change their construction after completion. We give them to January, 1908, to prepare to obey the law. If they will only make an effort, and it shall appear that they have not had sufficient time, I am confident Congress will give them an extension of time if necessary. Is New York City to be held up to this country as a model, where a single board of aldermen act, while the great Congress of the United States, in its own Capitol, allows them to dig a tunnel under Capitol Hill, spoiling the street in front of the finest building on earth, absolutely free, and allow them to smoke up and ruin these fine buildings simply because it will cost them something to prevent the nuisance? [Loud applause.]

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. If the bill is to be read, the point of order which I would make would come immediately after the reading of the section to which the point of order is to be made, but if the bill is not to be read, I would ask the Chair whether it is not in order now to make the point of order?

The SPEAKER. The rule has not yet been adopted.

Mr. BABCOCK. Mr. Speaker, I understand that the amendment proposed by the gentleman from Kentucky has not yet been offered.

The SPEAKER. Well, the rule has not been passed, and the gentleman from Kentucky can not offer the amendment until the vote is taken on the motion to suspend the rules and agree to the order.

Mr. BABCOCK. I yield five minutes to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, it rarely happens that important legislation meets the wishes of us all in every particular. There are some features of this proposed legislation that do not meet my approval.

I would like to have Congress at this time give notice to the railroads entering the city of Washington that in a reasonable time they will be expected and required to bring their trains into the city with electrical engines or by some power that will avoid the smoke nuisance.

We know from what has already transpired that the railroads will oppose this proposition, but there is no good reason to be given in opposition except the question of expense.

The New York Central and Hudson River Railroad is using electrical engines at their terminals in New York City by means of the third rail. They now have thirty-five electrical engines, and this new method of moving their trains in and out of the city seems to be a decided success.

I am told that we have appropriated between twelve and fifteen millions of dollars for white marble buildings that are being or are soon to be erected in this city. Is not this the time and place to take the precaution and give notice to the railroads entering the city that we feel that they ought to join with us in sparing no efforts to preserve these beautiful buildings from the discoloration that will surely come to them in a short time if the smoke trouble is not abated?

I desire to spend just a moment upon the amendment with reference to 3-cent fares. A few days ago this House passed a bill fixing the rate of fare for a suburban railroad desiring to enter this city at 3 cents. If there is a gentleman within the sound of my voice here to-night that knows where in the financial markets of this or any other country you can get money to build a suburban railroad with a 3-cent fare, I would like to have that gentleman stand up now.

Gentlemen, we are asked by an amendment to this bill to say that the electric railroads in the city of Washington shall charge only 3 cents. I wish for one that it were possible to do so—perhaps it is. Knowing, as we all do, that the underground system here costs much more than it does in the most of the cities, where the overhead system is used, and where in many cities a straight 5-cent fare is charged, and in some cases six tickets sold for a quarter, as they are here, I do not feel at this time that I can give my vote to the 3-cent proposition without some additional light. I think so important a matter should receive further and more careful consideration and that we should move cautiously at this time.

My judgment is that the people are not complaining so much about the rate of fare and universal transfers as they are about the want of cars and the lack of proper service. [Applause.]

Mr. HEPBURN. Mr. Speaker, a few days ago when the proposition was made to suspend the rules and pass this bill I was opposed to that action not because of the provisions of the bill, but because an opportunity was not given to secure certain amendments that I thought ought to be engrafted upon the bill. I am in favor of the passage of the bill, but I am confident that its merits can be enhanced by the adoption of the amendment

to be proposed by the gentleman from Kentucky [Mr. JAMES]. It has been suggested that this amendment, providing for universal 3-cent fares and prohibiting the collection of fare from any passenger who is not furnished with a seat, is untimely, that this is not the fit occasion for its consideration.

I am free to admit, Mr. Speaker, that it would have been better that there should have been ample time for the discussion of this question; that there should have been hearings, and that all of the facts beyond disputation should have been brought to the attention of the House; but, Mr. Speaker, if that has not been done, it is not the fault of those who favor this amendment. [Applause.] We have sought opportunity time and again to engraft amendments upon the legislation that would compel, upon the part of the owners of these franchises within the District, some attention to be paid to the interests of the people of this District. Mr. Speaker, I am not able to prove to the satisfaction of this House that a 3-cent fare will be remunerative to all of the roads that are interested in this subject, but I have no doubt that every Member of this House, from the ample information that we now have, is satisfied that to one of the great street railway corporations a 3-cent fare would be remunerative and will enable them to pay fit and proper dividends upon their stock, watered as it is.

The other corporation, the Washington Electric, consists, I think, of thirteen distinct corporations. Five of the roads owned by that company, and consolidated under this new name, are remunerative roads. The other eight perhaps to-day are not, but, Mr. Speaker, remember they have cost this corporation next to nothing. They have but little real investment in those roads, which have been built largely out of bonds. The capitalization of this Washington Electric Company amounts to about $229,000 for each mile of single track. Forty-two miles of single track they own and now operate, and their lines have been built out of the bonds that they have issued, and the stock has cost the present proprietors nothing, as I am informed. So that if they do not secure the ample dividends immediately that will in five or six years raise the price of their stock from forty-five to one hundred and forty-seven, they can afford to wait. They will not be out anything.

Now, Mr. Speaker, it is within the knowledge of all the membership of this House that the people of this District are not furnished with those proper facilities for comfortable riding that it is their right to demand. It is my fortune very frequently to be compelled to take, between the hours of 4 and 6 o'clock, a car near the Library building. On all of the occasions but four or five since I came into this city nearly four months ago, when I have attempted to use that road, I have been compelled to stand. On one occasion I counted the passengers who overloaded the car that I was in. Twenty-four persons were sitting, nineteen persons were standing between the seats, twelve persons were on the rear platform, and one passenger was on the front platform. Here was a much larger number of men and women who were compelled to pay their fares who were not provided with seats than those who had seats. In my humble judgment, it is a crime, it is a robbery for these corporations to compel men and women to pay for a comfortable ride and then habitually refuse to furnish it. [Applause.]

So it is that I most heartily favor the adoption of this amendment that makes it a crime, punishable under the law, for any of their servants to demand, with threats, from a reluctant passenger compensation for that which the company habitually refuses to give to its customers. We are in their power; we can not help ourselves. They can say, "Walk, if you do not want to ride." There are some people that can not walk, that need to ride, that need these rights, that are entitled to them, and that are willing to pay for them, and I insist that they ought to be permitted to have them.

One gentleman sneeringly said, a little while ago, "Is there any provision in this bill to compel these corporations to carry passengers for nothing?" and seemed to think that the friends of the measure had been derelict because they had not incorporated such a provision. Another gentleman in my hearing sneeringly said, "Do you propose to shoot or hang the president?" Ah, no, Mr. Speaker, no one wants either to shoot or to hang; no one wants to compel them to perform a service for nothing. All that the people in this District want, all that the friends of this measure want, is to compel these corporations that have received these franchises without the payment of a cent when they come to Congress asking for other franchises, asking for still greater facilities, asking for other opportunities to build railroads out of the bonds and to issue stock for which they do not pay, at least to give those facilities which common honesty and common decency require that they should give. [Applause.]

Mr. BABCOCK. Mr. Speaker, I want to say a few words in answer to the gentleman from Iowa [Mr. HEPBURN]. It is not a question of bonds or stocks or capital. During the last year the cost of each passenger carried by the Capital Traction Company was 2½ cents; on the other line, the Washington Electric, 2.56 cents. This was the actual operating expenses; it did not include taxes, it did not include interest on bonds, it did not include dividends, and if you pass this provision for a 3-cent fare, it means confiscation. Mr. Speaker, I yield the balance of my time and ask for a vote.

Mr. HEPBURN. Will the gentleman answer me a question before he yields?

Mr. BABCOCK. Yes.

Mr. HEPBURN. Has any man, under the solemnity of an oath, made the statements that the gentleman repeated here? [Applause.]

Mr. BABCOCK. These statements made to the House are made under oath.

Mr. HEPBURN. I should like to cross-examine for half an hour the man that dares to make that statement. [Applause.]

The SPEAKER. The question is on suspending the rules and agreeing to the order.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the order was agreed to.

Mr. PAYNE. Mr. Speaker, is not the bill to be read?

Mr. BABCOCK. The bill has been read in the House two or three times.

Mr. SHACKLEFORD. I ask unanimous consent that the reading be dispensed with and that the gentleman from Mississippi be allowed to make his point of order now.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment in the nature of a substitute, as follows:

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

SEC. 2. That the Washington Railway and Electric Company be, and it hereby is, authorized and required to construct a double-track extension of its line from Delaware avenue and C street NE. northeastwardly along Delaware avenue to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway of Washington, hereinbefore authorized; also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6: *Provided*, That existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company, a corporation of the District of Columbia, shall not be terminated except by authority of Congress; and, unless said Metropolitan Coach Company shall within one year after the passage of this act substitute motor vehicles to be approved by the Commissioners of the District of Columbia for the herdics now used by it, its right to operate its line shall cease and determine: *Provided further*, That all transfers issued by the Metropolitan Coach Company shall be properly dated and punched as to time limit, and that unless said transfers are so dated and punched the Washington Railway and Electric Company shall not be required to receive them: *And provided further*, That the aforesaid companies are hereby required within one year after the completion of the work herein authorized, to remove their respective tracks from the following streets and after their removal to repave the space now occupied by said tracks to the satisfaction of the Commissioners of the District of Columbia, namely: G street NW. from North Capitol street to New Jersey avenue; C street north from First street east to Fourth street east; First street east from C street north to D street north; D street north from First street east to Massachusetts avenue; First street west from C street north to G street north; Sixth street west from Louisiana avenue to B street north; and Louisiana avenue from Fifth street west to Sixth street west; and upon neglect or refusal of said companies to remove their respective tracks and to repave said space to the satisfaction of the said Commissioners within the time above limited said companies shall be deemed guilty of a misdemeanor and shall be subject to the penalty provided in section 710 of the Code of Laws for the District of Columbia, regarding the removal of abandoned tracks, and said Commissioners are authorized to remove said tracks and to repave the space occupied by same and charge the cost thereof to such railway company, and the same shall be collected as provided in section 5 of the act providing a permanent form of government for the District of Columbia approved June 11, 1878.

SEC. 3. That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct a double-track extension of its lines from C street and Delaware avenue NE. northeastwardly along Delaware avenue to the plaza in front of the proposed Union Station, together with a double-track loop passing in front of the station on said plaza, connecting with the four tracks provided for in section 6 and northwestwardly along Massachusetts avenue to Fourth street NW., there to connect with the existing tracks of the Washington Railway and Electric Company and thence over those tracks (under intercompany agreement) to Seventh and K streets NW., there to connect with the existing Seventh street tracks of said Capital Traction Company; also a double-track extension of its lines beginning

at Florida avenue and Seventh street NW., running eastwardly along Florida avenue to its intersection with Eighth street east, thence along Eighth street to its intersection with said company's tracks at Pennsylvania avenue SE.; also a double-track extension beginning at the intersection of Eighth and F streets NE., westwardly on said F street to Second street east, thence to connect by such route as may be approved by the Commissioners of the District of Columbia with the double-track loop hereinbefore mentioned.

SEC. 4. That the companies hereinbefore named be, and they hereby are, permitted to lay duct lines on such streets as may be necessary for the proper operation of their lines, the location of such duct lines to be approved by the Commissioners of the District of Columbia.

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

SEC. 6. That where the route or routes provided for in this act coincide with each other or with the route or routes of existing street railways or street railways hereafter authorized to be operated or constructed, one set of tracks shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties, and to fix the terms of the joint trackage: *Provided*, That there shall be at least two sets of double tracks immediately in front of the main entrance to the Union Station facing Massachusetts avenue, the most northerly rail being not more than 50 feet south of the said main entrance.

SEC. 7. That the railway companies affected by this act shall have over and respecting the routes herein provided for the same rights, powers, and privileges as they respectively have or hereafter may have by law over and respecting their other routes and shall be subject in respect thereto to all the other provisions of their charters and of law.

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

SEC. 9. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it necessary, in order to reasonably accommodate vehicular traffic, to widen the roadway of any street or streets in which such track or tracks are to be laid, the cost and expense of such widening, including the laying of new sidewalks, the adjustment of all underground construction, and of every public appurtenance, shall be borne by the said railway company, and the said railway company shall deposit with the collector of taxes of the District of Columbia the estimated cost of changing and widening the said street or streets, the work to be done by said Commissioners; and whenever, at any future time, the said Commissioners deem it necessary to widen the roadway of any street or streets occupied by the extensions herein authorized said railway company shall bear one-half the cost of widening and improving such street or streets, to be collected in the same manner as the cost of laying or repairing pavement lying between the exterior rails of the tracks of said street railroad and for a distance of 2 feet exterior to such track or tracks is collectible under the provisions of section 5 of an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878.

SEC. 10. That whenever in the construction of any of the tracks herein authorized it is necessary, in the opinion of the Commissioners, to improve, by paving or otherwise, the roadway of any street occupied by such track or tracks, said company shall adjust the grade of its tracks to the new grade of the street or streets, the cost thereof to be borne by said company in the same manner as the cost of paving between the exterior of the tracks of the street railroad companies, as referred to in the preceding section.

SEC. 11. That the arrangement of all tracks herein authorized within the lines of the plaza in front of the Union Railroad Station shall be in accordance with the plans approved by the Commissioners of the District of Columbia, and all work of constructing the extensions herein authorized shall be executed in accordance with plans to be approved by the Commissioners of the District of Columbia, and under a permit or permits by the said Commissioners.

SEC. 12. That on and after January 1, 1908, the provisions of the act of Congress approved February 2, 1899, entitled "An act for the prevention of smoke in the District of Columbia, and for other purposes," shall be, and are hereby, extended to apply to any and all steam locomotive engines of any description used on any steam railroad within the District of Columbia; and any officer, agent, or employee of any individual, firm, or corporation operating any steam locomotive engine or any steam railroad within the District of Columbia from the smokestack of which engine shall issue or be emitted dense or thick black or gray smoke or cinders after the date above mentioned shall be deemed and held guilty of creating a public nuisance and violating the provisions of said act.

SEC. 13. That from and after the 1st day of January, 1908, every wagon or other vehicle of whatsoever kind or description weighing, when loaded, more than 2 tons exclusive of the weight of the vehicle, used, operated, or propelled on, over, or across any of the streets, avenues, alleys, bridges, or roadways of the District of Columbia, shall have wheel tires not less than 4 inches broad. Any owner or driver or other person in control of such wagon or other vehicle so using, operating, or propelling the same who shall violate the provisions of this section, shall, on conviction thereof in the police court of the District of Columbia, be punished by a fine not exceeding $25, or by imprisonment for not more than sixty days, or both.

Mr. WILLIAMS. Mr. Speaker, I make the point of order that this is a Senate bill with a House amendment, and that section 13 is not germane to the subject-matter of the bill.

The SPEAKER. The Chair sustains the point of order.

The Clerk completed the reading of the bill, as follows:

SEC. 14. That all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 15. That Congress reserves the right to alter, amend, or repeal this act.

Mr. JAMES. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Add a new section as follows:

"That from and after the passage of this act the rate of fare that may be charged for the transportation of passengers over any and all street railway lines in the District of Columbia shall not exceed 3 cents, good for one continuous transportation of one passenger over the whole or any part of the line of said street railway company over which tickets are sold; and all conductors or other persons are hereby prohibited from demanding or receiving a fare or ticket from any passenger who is not provided with a seat.

"For a violation of any of the provisions of this section such company or other person violating the same shall be subject to a fine of $500 for each offense."

Mr. PERKINS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. Can I demand a division of the amendment, so that a vote shall be taken on a portion of the amendment which provides for 3-cent fares and a separate vote on the amendment forbidding the collection of fares unless the passenger is provided with a seat? If so, I demand such a division.

Mr. BABCOCK. Mr. Speaker, I would say that under the rule it is provided that the amendment shall be offered as a whole. The order specifically stated it to be one proposition.

The SPEAKER. The gentleman from New York [Mr. PERKINS] demands a division of the question. It seems to the Chair, after examining the amendment with some care, that there are two propositions.

Mr. PERKINS. I demand a division, Mr. Speaker, that the vote be taken on the question of the 3-cent fare first, and, second, the vote on the question refusing to allow any charge where a seat is not furnished.

The SPEAKER. The Clerk will read the first proposition as the Chair has marked it.

The Clerk read as follows:

That from and after the passage of this act the rate of fare that may be charged for the transportation of passengers over any and all street-railway lines in the District of Columbia shall not exceed 3 cents, good for one continuous transportation of one passenger over the whole or any part of the line of said street railway company over which tickets are sold.

Mr. HEPBURN. Mr. Speaker, allow me to suggest to the Chair that the question is not divisible, for the reason that the penalty that is to be found at the end of the second part applies to both of these prohibitions.

The SPEAKER. The Chair will state to the gentleman from Iowa that the consistency or wisdom of either or both propositions is not with the Chair. The only question is, Are there two propositions to be separated? and the Chair finds that there are.

Mr. HEPBURN. But, Mr. Speaker, how can there be two distinct propositions divided as the Chair proposes to divide them?

The SPEAKER. The Clerk will read the first one and then read the other.

Mr. HEPBURN. But the penalty applies to the first one as well as to the other.

The SPEAKER. After all, the continuity or the wisdom of the proposition is not to be passed upon by the Chair. The only question is whether there are two propositions, so that if one is taken away there would remain a substantive proposition, and the Chair finds there are two. The Clerk has reported the first one, and the question is now on the motion to insert the proposition read.

The question was taken.

The SPEAKER. The Chair is in doubt.

Mr. JAMES. Mr. Speaker, I demand a division.

Mr. BABCOCK. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted.

Mr. BABCOCK. Mr. Speaker, I withdraw the demand for the yeas and nays.

The SPEAKER. The gentleman withdraws the demand for the yeas and nays.

The question was again taken; and on a division, there were—ayes 114, nays 103.

Mr. BABCOCK. Mr. Speaker, I now demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 102, answered "present" 8, not voting 126, as follows:

YEAS—141.

Adamson	Esch	Knopf	Robinson, Ark.
Aiken	Finley	Lamar	Rodenberg
Bankhead	Flood	Lamb	Rucker
Bartlett	Fordney	Landis, Chas. B.	Russell
Beall, Tex.	Foster, Vt.	Landis, Frederick	Ryan
Bell, Ga.	French	Lee	Shackleford
Birdsall	Fulkerson	Legare	Sheppard
Bowers	Gaines, Tenn.	Lever	Sherley
Brantley	Garrett	Lewis	Sims
Brumm	Gilhams	Lloyd	Slayden
Brundidge	Gillespie	McKinney	Small
Burke, S. Dak.	Glass	McLain	Smith, Ill.
Burleson	Goldfogle	McNary	Smith, Ky.
Burnett	Graff	Macon	Smith, Tex.
Burton, Del.	Granger	Martin	Smyser
Calder	Gregg	Moon, Tenn.	Southall
Candler	Hale	Mouser	Southard
Chaney	Hamilton	Murdock	Steenerson
Chapman	Hay	Murphy	Stephens, Tex.
Clark, Mo.	Heflin	Nelson	Sterling
Clayton	Hepburn	Otjen	Sullivan
Cocks	Hill, Miss.	Overstreet, Ga.	Sulzer
Cooper, Wis.	Hinshaw	Padgett	Taylor, Ala.
Cromer	Houston	Page	Thomas, N. C.
Crumpacker	Howard	Patterson, N. C.	Trimble
Cushman	Howell, N. J.	Patterson, S. C.	Volstead
Davey, La.	Hubbard	Pearre	Wallace
Dawson	Humphrey, Wash.	Perkins	Watkins
De Armond	Humphreys, Miss.	Pou	Webb
Dickson, Ill.	Hunt	Powers	Wharton
Dixon, Ind.	James	Prince	Williams
Dixon, Mont.	Jones, Wash.	Rainey	Wilson
Driscoll	Keliher	Randell, Tex.	Zenor
Edwards	Kennedy, Ohio	Reynolds	
Ellerbe	Kinkaid	Richardson, Ala.	
Ellis	Knapp	Riordan	

NAYS—102.

Alexander	Draper	Law	Reyburn
Allen, Me.	Dunwell	Lawrence	Ruppert
Allen, N. J.	Englebright	Littauer	Schneebell
Andrus	Fassett	Littlefield	Scott
Babcock	Fitzgerald	Longworth	Shartell
Barchfeld	Fletcher	Lorimer	Sherman
Bates	Foss	Loud	Sibley
Bede	Fowler	Loudenslager	Smith, Md.
Bennet, N. Y.	Gaines, W. Va.	Lovering	Smith, Mich.
Bonynge	Gardner, Mass.	Lowden	Snapp
Brick	Gardner, N. J.	McCreary, Pa.	Sperry
Brooks, Colo.	Graham	McKinley, Ill.	Stevens, Minn.
Burke, Pa.	Greene	McMorran	Sulloway
Burleigh	Grosvenor	Mahon	Tawney
Burton, Ohio	Haskins	Mann	Taylor, Ohio
Campbell, Kans.	Hayes	Marshall	Wadsworth
Capron	Henry, Conn.	Miller	Waldo
Cassel	Higgins	Moore, Pa.	Wanger
Cole	Hill, Conn.	Mudd	Washburn
Cooper, Pa.	Howell, Utah	Needham	Weeks
Currier	Kahn	Norris	Weems
Dalzell	Keifer	Olcott	Wiley, N. J.
Davidson	Kennedy, Nebr.	Parker	Wood
Dawes	Knowland	Parsons	Woodyard
Deemer	Lacey	Payne	
Denby	Lafean	Reeder	

ANSWERED "PRESENT"—8.

Goulden	Hull	Kline	Meyer
Hughes	Jenkins	Maynard	Townsend

NOT VOTING—126.

Acheson	Davis, W. Va.	Klepper	Roberts
Ames	Dovener	Le Fevre	Robertson, La.
Bannon	Dresser	Lilley, Conn.	Samuel
Bartholdt	Dwight	Lilley, Pa.	Saunders
Beidler	Field	Lindsay	Scroggy
Bennett, Ky.	Floyd	Livingston	Slemp
Bingham	Foster, Ind.	McCall	Smith, Cal.
Bishop	Fuller	McCarthy	Smith, Iowa
Blackburn	Garber	McCleary, Minn.	Smith, Pa.
Boutell	Gardner, Mich.	McDermott	Southwick
Bowersock	Garner	McGavin	Sparkman
Bowie	Gilbert	McKinlay, Cal.	Spight
Bradley	Gill	McLachlan	Stafford
Broocks, Tex.	Gillett	Madden	Stanley
Broussard	Goebel	Michalek	Talbott
Brown	Griggs	Minor	Thomas, Ohio
Brownlow	Gronna	Mondell	Tirrell
Buckman	Gudger	Moon, Pa.	Towne
Burgess	Hardwick	Moore, Tex.	Tyndall
Butler, Pa.	Haugen	Morrell	Underwood
Butler, Tenn.	Hearst	Nevin	Van Duzer
Byrd	Hedge	Olmsted	Van Winkle
Calderhead	Henry, Tex.	Overstreet, Ind.	Vreeland
Campbell, Ohio	Hermann	Palmer	Wachter
Clark, Fla.	Hogg	Pollard	Watson
Cockran	Holliday	Pujo	Webber
Conner	Hopkins	Ransdell, La.	Weisse
Coudrey	Huff	Reid	Welborn
Cousins	Johnson	Rhinock	Wiley, Ala.
Dale	Jones, Va.	Rhodes	Young
Darragh	Kitchin, Claude	Richardson, Ky.	
Davis, Minn.	Kitchin, Wm. W.	Rives	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

For the vote:

Mr. CONNER with Mr. PUJO.

Mr. HULL with Mr. TALBOTT.

Mr. BROWNLOW with Mr. SPARKMAN.

Mr. BEIDLER with Mr. WILEY of Alabama.

Mr. GARDNER of Michigan with Mr. KLINE.

Mr. BENNETT of Kentucky with Mr. MAYNARD.

Mr. WACHTER with Mr. MEYER.

Mr. SMITH of Iowa with Mr. BROUSSARD.

Until further notice:

Mr. GRONNA with Mr. HENRY of Texas.

Mr. CALDERHEAD with Mr. UNDERWOOD.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. BUTLER of Pennsylvania with Mr. GARNER.

Mr. WATSON with Mr. CLAUDE KITCHIN.

Mr. BARTHOLDT with Mr. DAVIS of West Virginia.

Mr. COUSINS with Mr. GILL.

Mr. DARRAGH with Mr. GUDGER.

Mr. OLMSTED with Mr. TOWNE.

Mr. ROBERTS with Mr. RANSDELL of Louisiana.

Mr. THOMAS of Ohio with Mr. SPIGHT.

Mr. TIRRELL with Mr. SAUNDERS.

The result of the vote was announced as above reported.

[Applause on the floor and in the galleries.]

The SPEAKER. The Speaker must admonish the galleries not to applaud. The Clerk will report the remainder of the amendment.

The Clerk read as follows:

And all conductors or other persons are hereby prohibited from demanding or receiving a fare or ticket from any passenger who is not provided with a seat. For a violation of any of the provisions of this section such company or other person violating the same shall be subject to a fine of $500 for each offense.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

Mr. SIMS. Mr. Speaker, I do not think the House understands they are voting now on the whole substitute reported by the committee as amended.

Mr. JAMES. Mr. Speaker, a parliamentary inquiry. Has it not been passed on by a yea-and-nay vote?

The SPEAKER. The question is on agreeing to the amendment reported from the Committee on the District of Columbia as amended.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

Several MEMBERS. Oh, no.

The SPEAKER. Objection is heard.

The question was taken; and the Chair announced that the "noes" seemed to have it.

Mr. JAMES. Division, Mr. Speaker.

The House divided; and there were—ayes 141, noes 91.

So the amendment was agreed to.

The bill as amended was ordered to be read a third time, was the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid upon the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the Senate of the following title:

S. 5951. An act to repeal section 3480 of the Revised Statutes of the United States.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 25851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes.

GENERAL DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I call up the bill H. R. 25851, the general deficiency bill, and ask unanimous consent to disagree to the amendments of the Senate and ask for a conference.

Mr. KEIFER. Mr. Speaker, there are some amendments we would like to concur in. I object, unless we will be allowed to make a motion to concur.

Mr. LITTAUER. Mr. Speaker, I move that the rules be suspended, the bill be taken from the Speaker's table, the amendments be disagreed to, a conference asked, and the Speaker be directed to appoint conferees without intervening motion.

The SPEAKER. The gentleman from New York [Mr. LITTAUER] moves that the rules be suspended and that the bill be taken from the Speaker's table, amendments be disagreed to, and that a conference be asked, and that the Chair be directed to appoint conferees without intervening motion. Is a second demanded?

A second was not demanded.

The SPEAKER announced the following conferees: Mr. LITTAUER, Mr. TAWNEY, and Mr. BRUNDIDGE.

CURRENCY BILL.

The SPEAKER laid before the House the bill H. R. 13566, with Senate amendments, which were read.

Mr. FOWLER. Mr. Speaker, I move to concur in the Senate amendments, and upon that motion I demand the previous question.

The SPEAKER. The gentleman from New Jersey moves to concur in the Senate amendments, and on that motion demands the previous question.

Mr. JAMES. Mr. Speaker——

Mr. LEWIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LEWIS. Mr. Speaker, I ask for the regular order.

Mr. JAMES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JAMES. I want to offer an amendment.

The SPEAKER. The gentleman from Kentucky has not the floor for that purpose. The gentleman from New Jersey has the floor and has moved to concur in the Senate amendments, and upon that motion demands the previous question.

Mr. JAMES. Mr. Speaker, a parliamentary inquiry.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Georgia [Mr. LEWIS] desires to offer a motion which has precedence of that. He calls for the regular order. The regular order is that this bill go to the Committee on Banking and Currency.

The SPEAKER. What would send it there? How does the regular order send it there?

Mr. WILLIAMS. The gentleman makes the motion.

The SPEAKER. The gentleman has not the floor for that purpose.

Mr. WILLIAMS. I now make the motion.

The SPEAKER. And the gentleman from Mississippi has not the floor for that purpose. The gentleman from New Jersey took the floor, was recognized, moved to concur in the Senate amendments, and upon that motion demands the previous question; and until that is voted down the gentleman can not obtain the floor.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Does or does not a motion to send this bill to the committee have precedence of the motion to concur? And if it have precedence, does the fact that the motion to concur has been made cut off its precedence? In other words, can a rule of the House be violated merely by a recognition?

The SPEAKER. There is no rule of the House as the gentleman seems to think. It is perfectly plain. The gentleman from New Jersey [Mr. FOWLER], the chairman of the Committee on Banking and Currency, rose in his place and addressed the Chair, and moved that the House do concur in the Senate amendments, and upon that motion demands the previous question.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Georgia [Mr. LEWIS] also rose in his place and was attempting to get recognition from the Chair.

The SPEAKER. Two gentlemen can not be recognized at the same time.

Mr. WILLIAMS. I understand that, of course.

The SPEAKER. The chairman of the Committee on Banking and Currency, under usage and custom, was entitled to recognition and can not be taken off his feet until the House takes him off.

Mr. WILLIAMS. A gentleman can not be taken off his feet except in one way, and a gentleman can always be taken off his feet in that way. Whenever any gentleman on his feet makes a motion, and another gentleman rises and makes a motion which has precedence of that motion in connection with the bill which is sent in from the Senate, a House bill with a Senate amendment, then a motion to send it to the committee charged by this House with the consideration of the subject-matter is a motion having precedence, and it being a motion having precedence, the gentleman who has made a motion not having precedence can be taken off his feet by the Member making a motion having precedence.

The SPEAKER. Now, as to the question of fact. The motion of the gentleman from New Jersey is in order, and he can not be taken off his feet by a motion to refer to a committee.

Mr. SHERMAN. No such motion was made. The gentleman from Georgia simply demanded the regular order.

Mr. WILLIAMS. This is the regular order.

Mr. SHERMAN. He made no motion.

The SPEAKER. No such motion was made.

Mr. WILLIAMS. But this is the regular order.

The SPEAKER. The gentleman from Mississippi and all gentlemen will please be in order.

Mr. JAMES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JAMES. I want to know if a motion to concur in a Senate amendment to a House bill with an amendment does not have precedence over a motion to concur?

The SPEAKER. It would if the gentleman from New Jersey had not demanded the previous question.

Mr. JAMES. But before he demanded the previous question I was on my feet. [Laughter.]

The SPEAKER. The gentleman might be on his feet, but parliamentarily he is not upon his feet until he is recognized by the Chair. [Laughter.]

Mr. JAMES. That may be.

The SPEAKER. The question is on ordering the previous question.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD. Should not this Senate amendment under the rule require consideration in Committee of the Whole, or else does it not have to be referred to the committee?

The SPEAKER. The Chair is not aware of anything in it that requires consideration in Committee of the Whole.

Mr. FITZGERALD. I desire to call the attention of the Speaker to the language of the bill, which provides that the Secretary of the Treasury is authorized to issue notes under certain contingencies. That involves expense or a charge upon the Treasury.

The SPEAKER. That is a matter of argument or speculation. But even if it were correct, the point of order having not been made until the gentleman makes the motion and demands the previous question, it would come too late. But it is not necessary to decide that matter. The point of order was not made; and the gentleman from New Jersey makes a motion which is in order, and upon that demands the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 175, noes 100.

Mr. LEWIS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 84, answered "present" 2, not voting 127, as follows:

YEAS—164.

Alexander	Draper	Kennedy, Nebr.	Pearre
Allen, Me.	Driscoll	Kennedy, Ohio	Perkins
Allen, N. J.	Dunwell	Kinkaid	Powers
Andrus	Edwards	Knapp	Prince
Babcock	Ellis	Knopf	Reeder
Barchfeld	Englebright	Knowland	Reyburn
Bates	Esch	Lacey	Reynolds
Bede	Fassett	Lafean	Samuel
Bennet, N. Y.	Fletcher	Landis, Chas. B.	Scott
Birdsall	Fordney	Landis, Frederick	Shartel
Bonynge	Foss	Law	Sherman
Brick	Foster, Vt.	Littauer	Sibley
Brooks, Colo.	Fowler	Littlefield	Smith, Ill.
Burke, S. Dak.	French	Longworth	Smith, Iowa
Burleigh	Fulkerson	Lorimer	Smith, Mich
Burton, Del.	Gaines, W. Va.	Loud	Smith, Pa.
Burton, Ohio	Gardner, Mass.	Loudenslager	Smyser
Calder	Gardner, Mich.	Lovering	Snapp
Calderhead	Gardner, N. J.	Lowden	Southard
Campbell, Kans.	Gilhams	McCreary, Pa.	Sperry
Capron	Graff	McKinley, Ill.	Steenerson
Cassel	Graham	McKinney	Sterling
Chaney	Greene	McMorran	Stevens, Minn.
Chapman	Gronna	Mahon	Sulloway
Cocks	Grosvenor	Mann	Tawney
Cole	Hale	Marshall	Taylor, Ohio
Conner	Hamilton	Martin	Townsend
Cooper, Pa.	Haskins	Miller	Volstead
Cousins	Hayes	Mondell	Vreeland
Cromer	Henry, Conn.	Moore, Pa.	Wadsworth
Crumpacker	Hepburn	Mouser	Waldo
Currier	Higgins	Mudd	Wanger
Cushman	Hill, Conn.	Murdock	Washburn
Dalzell	Hinshaw	Murphy	Watson
Darragh	Howell, N. J.	Needham	Weeks
Davidson	Hubbard	Norris	Weems
Dawes	Hull	Olcott	Wharton
Dawson	Humphrey, Wash.	Otjen	Wiley, N. J.
Deemer	Jones, Wash.	Parker	Wilson
Denby	Kahn	Parsons	Wood
Dixon, Mont.	Keifer	Payne	Woodyard

NAYS—84.

Adamson	Burnett	Fitzgerald	Heflin
Aiken	Candler	Flood	Hill, Miss.
Bartlett	Clark, Mo.	Gaines, Tenn.	Houston
Beall, Tex.	Clayton	Garrett	Howard
Bell, Ga.	Cooper, Wis.	Gill	Humphreys, Miss.
Brantley	De Armond	Gillespie	Hunt
Brumm	Dixon, Ind.	Glass	James
Brundidge	Ellerbe	Gregg	Kelifer
Burleson	Finley	Hay	Kline

Lamar	Overstreet, Ga.	Ruppert	Stephens, Tex.
Lamb	Padgett	Russell	Sullivan
Lee	Page	Ryan	Sulzer
Legare	Patterson, N. C.	Shackleford	Talbott
Lever	Patterson, S. C.	Sheppard	Thomas, N. C.
Lewis	Pou	Sherley	Trimble
Lloyd	Rainey	Sims	Wallace
McNary	Randell, Tex.	Slayden	Watkins
Macon	Richardson, Ala.	Small	Webb
Maynard	Riordan	Smith, Ky.	Wiley, Ala.
Moon, Tenn.	Robinson, Ark.	Smith, Md.	Williams
Nelson	Rucker	Smith, Tex.	Zenor

ANSWERED "PRESENT"—2.

Goulden Hughes

NOT VOTING—127.

Acheson	Davis, W. Va.	Kitchin, Claude	Rhinock
Ames	Dickson, Ill.	Kitchin, Wm. W.	Rhodes
Bankhead	Dovener	Klepper	Richardson, Ky.
Bannon	Dresser	Lawrence	Rives
Bartholdt	Dwight	Le Fevre	Roberts
Beidler	Field	Lilley, Conn.	Robertson, La.
Bennett, Ky.	Floyd	Lilley, Pa.	Rodenberg
Bingham	Foster, Ind.	Lindsay	Saunders
Bishop	Fuller	Livingston	Schneebeli
Blackburn	Garber	McCall	Scroggy
Boutell	Garner	McCarthy	Slemp
Bowers	Gilbert	McCleary, Minn.	Smith, Cal.
Bowersock	Gillett	McDermott	Southall
Bowie	Goebel	McGavin	Southwick.
Bradley	Goldfogle	McKinlay, Cal.	Sparkman
Broocks, Tex.	Granger	McLachlan	Spight
Broussard	Griggs	McLain	Stafford
Brown	Gudger	Madden	Stanley
Brownlow	Hardwick	Meyer	Taylor, Ala.
Buckman	Haugen	Michalek	Thomas, Ohio
Burgess	Hearst	Minor	Tirrell
Burke, Pa.	Hedge	Moon, Pa.	Towne
Butler, Pa.	Henry, Tex.	Moore, Tex.	Tyndall
Butler, Tenn.	Hermann	Morrell	Underwood
Byrd	Hogg	Nevin	Van Duzer
Campbell, Ohio	Holliday	Olmsted	Van Winkle
Clark, Fla.	Hopkins	Overstreet, Ind.	Wachter
Cockran	Howell, Utah	Palmer	Webber
Coudry	Huff	Pollard	Weisse
Dale	Jenkins	Pujo	Welborn
Davey, La.	Johnson	Ransdell, La.	Young
Davis, Minn.	Jones, Va.	Reid	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DRESSER with Mr. HENRY of Texas.

Mr. BENNETT of Kentucky with Mr. UNDERWOOD.

Mr. BEIDLER with Mr. CLAUDE KITCHIN.

Mr. BROWNLOW with Mr. SPARKMAN.

Mr. LAWRENCE with Mr. PUJO.

Mr. WACHTER with Mr. MEYER.

Mr. BROWN with Mr. BROUSSARD.

Mr. BUCKMAN with Mr. BANKHEAD.

On this vote:

Mr. DICKSON of Illinois with Mr. DAVEY of Louisiana.

The result of the vote was announced as above recorded.

Mr. JAMES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. JAMES. I want to offer the following amendment.

The SPEAKER. This is not the amendment stage.

Mr. JAMES. I offer the following amendment, and ask that it be reported for the information of the House.

The SPEAKER. The amendment is not in order. The previous question has been ordered. The question is on concurring in the Senate amendments.

Mr. JAMES. Mr. Speaker, I appeal from the decision of the Chair that the amendment is not in order.

Mr. MANN. I make the point of order that that appeal is dilatory.

Mr. JAMES. You know more than I do about it, then. I had made it in good faith.

Mr. SHERMAN. In good faith, after the previous question is ordered!

Mr. JAMES. Mr. Speaker, I desire to say that the amendment I offer is an amendment to the Senate amendment.

Mr. DALZELL. Regular order, Mr. Speaker.

Mr. PAYNE. The gentleman has offered an amendment after the previous question has been ordered, and every Member of the House knows that the rules of the House prohibit it and that the appeal from the decision of the Chair can not be classed as anything else but dilatory.

Mr. WATSON. Mr. Speaker, I make the point of order that the amendment by the gentleman from Kentucky is not in order under the parliamentary status.

Mr. SULZER. That can not be determined until the amendment is read.

Mr. HEFLIN. Mr. Speaker, let us have the amendment read.

The SPEAKER. The gentleman from Kentucky proposes to offer an amendment after the previous question has been ordered on a motion to concur in the Senate amendments, and the point of order is made that it is not in order to offer an amendment after the previous question is ordered. Under the present conditions the Chair sustains the point of order.

Mr. JAMES. And from that decision, Mr. Speaker, I appeal.

Mr. PAYNE. I make the point of order that the appeal is dilatory.

Mr. MANN. I move to lay the appeal on the table.

Mr. JAMES. And upon that I call for the yeas and nays.

The SPEAKER. The gentleman from Kentucky asks for the yeas and nays.

The question was taken.

The SPEAKER. Thirty-six gentlemen have arisen; not a sufficient number.

Mr. JAMES. I demand the other side.

The SPEAKER. The gentleman from Kentucky demands the other side. As many as are opposed to ordering the yeas and nays will rise. [After counting.] One hundred and sixty-one gentlemen have arisen on the other side.

Mr. JAMES. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Kentucky demands tellers.

The question was taken.

The SPEAKER. Forty gentlemen have arisen; a sufficient number, and tellers are ordered.

The SPEAKER appointed the gentleman from Illinois [Mr. MANN] and the gentleman from Kentucky [Mr. JAMES] as tellers.

Mr. LACEY. Mr. Speaker, I make the point of order that the gentleman from Kentucky did not demand tellers on ordering the yeas and nays.

Mr. FLOOD. The regular order, Mr. Speaker.

The SPEAKER. Did the gentleman from Kentucky intend to demand tellers on ordering the yeas and nays?

Mr. JAMES. Certainly.

The SPEAKER. The Chair so understood the gentleman.

The House divided; and the tellers reported 53 ayes and 143 noes.

The SPEAKER. On this question the ayes are 53 and the noes are 143, a sufficient number, and the yeas and nays are ordered. As many as are in favor of laying the appeal from the decision of the Chair on the table will answer "aye" and those opposed "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 159, nays 67, answered "present" 10, not voting 141, as follows:

YEAS—159.

Allen, Me.	Draper	Kennedy, Nebr.	Powers
Allen, N. J.	Driscoll	Kennedy, Ohio	Prince
Andrus	Dunwell	Kinkaid	Reeder
Barchfeld	Ellis	Knapp	Reyburn
Bates	Esch	Knopf	Reynolds
Bede	Fassett	Knowland	Riordan
Bennet, N. Y.	Fordney	Lacey	Rodenberg
Birdsall	Foss	Lafean	Ruppert
Bonynge	Foster, Ind.	Landis, Chas. B.	Samuel
Brick	Foster, Vt.	Landis, Frederick	Saunders
Brooks, Colo.	Fowler	Law	Scott
Brumm	French	Littauer	Sbartel
Burke, S. Dak.	Fulkerson	Littlefield	Sherman
Burleigh	Gaines, W. Va.	Longworth	Sibley
Burton, Del.	Gardner, Mass.	Lorimer	Smith, Ill.
Burton, Ohio	Gardner, Mich.	Loud	Smith, Iowa
Calder	Gardner, N. J.	Loudenslager	Smith, Mich
Calderhead	Gilhams	Lovering	Smith, Pa.
Campbell, Kans.	Graff	Lowden	Smyser
Capron	Graham	McCreary, Pa.	Snapp
Cassel	Granger	McMorran	Southard
Chaney	Gronna	Mann	Sperry
Chapman	Grosvenor	Marshall	Steenerson
Cocks	Hale	Martin	Stevens, Minn.
Cole	Hamilton	Miller	Sulloway
Conner	Haskins	Mondell	Tawney
Cooper, Pa.	Hayes	Moore, Pa.	Townsend
Cooper, Wis.	Henry, Conn.	Mouser	Volstead
Cousins	Hepburn	Mudd	Wadsworth
Cromer	Higgins	Murdock	Waldo
Crumpacker	Hill, Conn.	Needham	Wanger
Cushman	Hinshaw	Nelson	Washburn
Dalzell	Howell, N. J.	Norris	Watson
Darragh	Hubbard	Olcott	Weeks
Davidson	Hull	Otjen	Weems
Dawes	Humphrey, Wash.	Parker	Wiley, N. J.
Dawson	Jones, Wash.	Parsons	Wilson
Deemer	Kahn	Payne	Wood
Denby	Keifer	Pearre	Woodyard
Dixon, Mont.	Kelliher	Perkins	

NAYS—67.

Adamson	De Armond	Hill, Miss.	Macon
Aiken	Dixon, Ind.	Houston	Maynard
Bartlett	Finley	Howard	Moon, Tenn.
Beall, Tex.	Flood	Humphreys, Miss.	Overstreet, Ga.
Bell, Ga.	Gaines, Tenn.	Hunt	Padgett
Brundidge	Garrett	James	Patterson, N. C.
Burleson	Gill	Lamar	Patterson, S. C.
Burnett	Gillespie	Lee	Pou
Candler	Gregg	Lever	Rainey
Clark, Mo.	Hay	Lewis	Randell, Tex.
Clayton	Heflin	Lloyd	Robinson, Ark.

Rucker	Slayden	Sullivan	Watkins
Russell	Small	Sulzer	Webb
Ryan	Smith, Ky.	Talbott	Wiley, Ala.
Shackleford	Smith, Md.	Thomas, N. C.	Williams
Sheppard	Smith, Tex.	Trimble	Zenor
Sherley	Stephens, Tex.	Wallace	

ANSWERED "PRESENT"—10.

Glass	Hughes	Legare	Sims
Goldfogle	Kline	Richardson, Ala.	Southall
Goulden	Lamb		

NOT VOTING—141.

Acheson	Davis, W. Va.	Kitchin, Wm. W.	Reid
Alexander	Dickson, Ill.	Klepper	Rhinock
Ames	Dovener	Lawrence	Rhodes
Babcock	Dresser	Le Fevre	Richardson, Ky.
Bankhead	Dwight	Lilley, Conn.	Rives
Bannon	Edwards	Lilley, Pa.	Roberts
Bartholdt	Ellerbe	Lindsay	Robertson, La.
Beidler	Englebright	Livingston	Schneebeli
Bennett, Ky.	Field	McCall	Scroggy
Bingham	Fitzgerald	McCarthy	Slemp
Bishop	Fletcher	McCleary, Minn.	Smith, Cal.
Blackburn	Floyd	McDermott	Southwick
Boutell	Fuller	McGavin	Sparkman
Bowers	Garber	McKinlay, Cal.	Spight
Bowersock	Garner	McKinley, Ill.	Stafford
Bowie	Gilbert	McKinney	Stanley
Bradley	Gillett	McLachlan	Sterling
Brantley	Goebel	McLain	Taylor, Ala.
Broocks, Tex.	Greene	McNary	Taylor, Ohio
Broussard	Griggs	Madden	Thomas, Ohio
Brown	Gudger	Mahon	Tirrell
Brownlow	Hardwick	Meyer	Towne
Buckman	Haugen	Michalek	Tyndall
Burgess	Hearst	Minor	Underwood
Burke, Pa.	Hedge	Moon, Pa.	Van Duzer
Butler, Pa.	Henry, Tex.	Moore, Tex.	Van Winkle
Butler, Tenn.	Hermann	Morrell	Vreeland
Byrd	Hogg	Murphy	Wachter
Campbell, Ohio	Holliday	Nevin	Webber
Clark, Fla.	Hopkins	Olmsted	Weisse
Cockran	Howell, Utah	Overstreet, Ind.	Welborn
Coudry	Huff	Page	Wharton
Currier	Jenkins	Palmer	Young
Dale	Johnson	Pollard	
Davey, La.	Jones, Va.	Pujo	
Davis, Minn.	Kitchin, Claude	Ransdell, La.	

So the motion to lay the appeal on the table was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ALEXANDER with Mr. SPARKMAN.

Mr. COUDREY with Mr. BRANTLEY.

Mr. TIRRELL with Mr. ELLERBE.

Mr. EDWARDS with Mr. TAYLOR of Alabama.

Mr. MAHON with Mr. PAGE.

Mr. LE FEVRE with Mr. GOLDFOGLE.

For the vote:

Mr. DALE with Mr. MAYNARD.

Mr. CURRIER with Mr. LEGARE.

Mr. BABCOCK with Mr. SIMS.

Mr. BURKE of Pennsylvania with Mr. KLINE.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion to concur.

Mr. FOWLER. Mr. Speaker, just a moment. I understand that we have twenty minutes on a side.

The SPEAKER. Under Rule XXVIII, clause 3, there not having been any debate on this proposition, the previous question being ordered, there is twenty minutes' debate on a side, in the opinion of the Chair. The Chair will recognize the gentleman from New Jersey.

Mr. FOWLER. Mr. Speaker, at the last session of Congress the House passed House bill 13566, and it is now returned with certain amendments. By the act of March 14, 1900, our note issues of various kinds were all rearranged, the object being to bring our silver certificates down to practically $10 and under, although 10 per cent of the silver certificates could be issued for $20 and upward. Our gold certificates were $20 and upward. Our United States notes were to be issued in a $10 denomination and upward. The result was that in the course of three years we find that we had only practically half enough of $1, $2, and $5 bills.

The House passed a bill providing for two changes, namely, a $5 gold certificate, which also included a $10 certificate, and that the national banks could issue such a part of their notes in $5 denominations as the Secretary of the Treasury might authorize. The object was to cut up the two hundred and ninety-five millions of $5 silver certificates in ones and twos, so far as the trade of the country might require. We sent that bill to the Senate, and they have amended it in one or two respects. They have changed the $5 gold certificate to a $10 gold certificate, and they have provided that the Secretary of the Treasury may issue $1, $2, and $5 United States notes instead of cutting up the $5 silver certificates as we intended by supplying the $5 gold certificates. They also amended the bill in another respect. They exclude the exception in the act of June, 1864, which provided that customs receipts should not be placed in the banks.

That exception was made in order that we might secure gold coin in order to pay interest on the public debt. They also made another change, which provided that, with the authority or approval of the Comptroller of the Currency and the Secretary of the Treasury, we could retire by deposits of lawful money nine millions of bank notes per month instead of three millions. Another amendment was that the public money should be equitably distributed throughout the United States. Those are the only amendments which were made, and the motion was to concur in those amendments.

Now I will give the gentlemen on the other side their twenty minutes and will reserve the balance of my time.

Mr. LEWIS. Mr. Speaker, I regret that such important legislation has come up at such a late hour of the session. I do not believe the Members of this House fully understand the importance of this bill. The gentleman from New Jersey has stated the points in the bill sent over by the House to the Senate. That bill was a very innocent one. It merely provided for the cutting down of some of our larger denominations of money into smaller bills. The Senate has taken this bill and amended it and sent it back to us entirely disguised or in a new form. The original House bill provided for the cutting down of the $20 gold certificates into $5 certificates. The Senate amended the bill so as to cut them down to $10 denominations instead of $5, as provided in the House bill. The Senate then ingrafts very dangerous legislation, to my mind, on the House bill, in that it authorizes the Secretary of the Treasury to deposit all and every kind of money, including customs receipts, with national-bank depositories of the United States. In 1864, when the national-bank act went into effect, it provided that only the internal-revenue receipts could be deposited by the Secretary of the Treasury in these depositories, but this bill provides now that the customs receipts shall also be deposited in these national-bank depositories.

Now, so far as I am concerned, I have no objection to depositing this money in those depositories if we derived benefit from it by charging interest therefor. We are told that the country demands that this money go to the banks that it may bring prosperity and ease the financial stress, etc. Now, that all sounds very well, and I am willing to help the country, but through this bill we first help the national banks and afterwards the national banks help the country. Now, in Georgia we have a law by which the State money is deposited in the different State bank depositories, for which the State charges 2 per cent interest. Now, we ought to get interest on this money deposited in these national-bank depositories. I have noticed in the last ten years, and I only go back ten years, there has been an average deposit of $150,000,000 in these depositories by the Government. Let us figure the interest at 2 per cent per annum. In the last ten years at 2 per cent, and 2 per cent is a low rate, it would have amounted to $30,000,000 that this Government has given as a profit to the national banks of this country. I am putting that on the basis that the national banks only made 2 per cent. The national banks make more than 2 per cent. Now, if a national bank has a deposit with the Secretary of the Treasury of 2 per cent bonds as security to secure these deposits, then it can only make 2 per cent; but we see where the Secretary of the Treasury is now depositing other securities. I notice the statement in the morning paper, coming from the Treasury Department, in which it was stated that there were $57,000,000 of deposits secured by State, municipal, and railroad bonds. Thus the profit to the banks must be much greater. But we will go further. As I understand, the great money centers get the real benefit of these deposits, because they have the security more readily to furnish the Secretary of the Treasury. We know that savings banks, trust companies, and life insurance companies all have many securities, such as bonds, etc., suitable for securing these deposits. Therefore national banks need not own at all times bonds to secure deposits, for they can go and hire or borrow these securities from these institutions. When they do that, they do not have to put their own money in the bonds. Then they make a profit up to the amount of interest they charge for the money loaned out. In other words, I will put it this way: We will take one of these depositories, say, in the city of New York, one of the large banks of $25,000,000 capital. They want to get some of this free Government money. What would they do? They would go out to one of these trust companies, insurance companies, savings banks, or probably their customers, and borrow, or, if not, they would hire or rent, these bonds, and they can get them for a very small per cent. Then they send them on and get this money and lend it out at the present existing rate of 6 per cent. Then what profit will such

deposits net the banks? Six per cent on $150,000,000 is $9,000,000 a year. Take the New York banks, and they have been loaning money on call for the last six months at the rate of 10 and 20 per cent. Suppose we put it at 10 per cent, and what would be their profit? It would be $15,000,000 a year on this Government money put out by the Secretary of the Treasury. Now, that applies to past and present conditions. Put this Senate bill into law, and the Secretary of the Treasury would be able to loan a much larger amount to the banks, thereby giving these favored banks of depository a very largely increased profit.

Mr. HILL of Connecticut. How would the Treasury Department pay all of the debts of the Government if they deposited all the money in the banks on which they were going to draw this large amount of interest? Can the Secretary of the Treasury deposit anything but the surplus under any law?

Mr. LEWIS. I am only speaking of the surplus now. The present amount of money in the depositaries is $150,000,000, and a few days ago it was $155,000,000. I am speaking of what is in the banks now. The New York Stock Exchange is looking forward to the passage of this bill. Let me read to you what comes out in the papers every day. I will read the headnotes. Here is one:

New York Stock Exchange. Tone very weak. Depression largely due to the delay of the Aldrich bill.

Meaning the bill which is now under consideration.

That came out a few days ago. Let me read here something of a day or two ago. It is as follows:

More or less encouragement was felt in the financial community over the prospect of the passage to-morrow in Congress of the Aldrich bill.

A few days ago Wall street was troubled for fear this bill would not become a law, but on yesterday they were happy because they thought the bill would pass.

Mr. Speaker, I desire to have printed as a part of my remarks an editorial from the New York World, which I think strongly expresses the true results to come from the operation of this bill:

A GIFT TO THE BANKS.

Before the Aldrich currency bill is passed by the House of Representatives it should be amended, as ably urged by Mr. NELSON in the Senate, to provide for the payment of 2 per cent interest by national banks upon Government money deposited with them.

No Member of the House who votes for the measure without that amendment will ever be able to explain to his constituents why he does so, for there is no explanation. Senator SPOONER attempts one when he says:

"The object in depositing money in the banks is not to secure interest thereon, but to get the money in circulation among the people."

That is one object undoubtedly. But in accomplishing that object the Government need not and it should not make a free gift every year to James Stillman, George F. Baker, Valentine Snyder, and other bankers of the United States of a million dollars or so of interest money.

Now, Mr. Speaker, I would like to say more, but we have only twenty minutes for debate, and there are other Members who desire to speak. [Applause on the Democratic side.]

Mr. JAMES. Mr. Speaker, this bill properly defined is a bill to turn four hundred millions of the people's money into the Wall-street banks in New York. That is what it means. You can not deny it. It can not be disguised. You can not conceal it. That is the true situation. But it means more than that. It means not only to turn $400,000,000 into the Wall-street banks, but it means to deny to every other bank in the United States a fair opportunity to get this money deposited in those banks, that the people in the West, and in the South, and in the other parts of the United States may have the opportunity to use it. [Applause on the Democratic side.] Not only that, but you give it to these banks without a dollar of interest, and when you voted to sustain the Speaker in ruling my amendment out of order, when I appealed from his decision, you voted to turn over to the national banks four hundred millions of the people's money without a dollar of interest.

The amendment which I proposed was as follows:

The Secretary of the Treasury before depositing any public money in the national banking associations designated as depositories for same shall advertise for bids of interest under such rules and regulations as he may prescribe, and in depositing said money aforesaid in the national banking associations he shall deposit same with the national banking associations paying the greatest amount of interest for same, but in no event shall the rate of interest be less than 2 per cent. Where the rate of interest bid by more than one national banking association for any deposit of such public money is an equal rate above the 2 per cent aforesaid, the Secretary of the Treasury in such event shall distribute said public money equitably in the various national banking associations throughout the various States making such equal bids, and the rate of interest chargeable upon the public money deposited in the national banking associations under this act shall be computed from the average daily balance of such deposit: *Provided*, That the amount deposited in any national banking association, under the provisions of this act, shall not exceed 50 per cent of the capital stock of such association.

But the party in the majority upon this floor, knowing that this amendment would be presented, fearing even their own side upon a vote directly upon it, seek to conceal their true purpose behind parliamentary tactics and deny to the country the opportunity to see their votes recorded upon the amendment itself. The majority knowing I had heretofore offered it in the committee, that I had declared upon this floor on February 16 of this year that I would introduce this amendment, they resort to the previous question to hide behind it, afraid to meet an outraged people upon the direct issue, by saying the amendment was not voted on, when by their votes sustaining the Speaker they made it impossible to vote on it. On February 16 in the House I used this language:

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 $400,000,000 a year, without any interest and loan it to whom they please at from 6 to 10 per cent.

The amendment which provides for interest had been submitted to and approved by my Democratic colleagues upon the committee and to the floor leader of the minority upon this side, and had his approval as the true Democratic policy upon the question of the loaning of public money to the national banks. When I appealed from the decision of the Chair refusing me the opportunity to have this amendment considered in the House, a motion was made to lay the appeal upon the table, and in this way we have a direct vote upon the question of whether or not the national banks should use the people's money without interest or pay interest therefor. Every Member upon the floor knew when he cast his vote, if he voted to overrule the decision of the Speaker, that this amendment would be considered, and if adopted the millions of the people's money deposited in the banks would bring into the public Treasury as interest between five and ten millions of dollars yearly. The record of that vote is now history, but the country is afforded the opportunity of seeing the friends of themselves upon one side and those who believe in giving their money out to corporations without interest on the other side. [Applause on the Democratic side.]

Mr. Speaker, under this amendment the public money would be loaned out under competitive bids of interest to the highest bidder. It provides where two or more associations make equal bids of interest that then the Secretary shall distribute said money equitably to the various banking associations throughout the States making such equal bids, and it limits the amount that may be deposited in any one bank to 50 per cent of the capital stock. Who is prepared to proclaim that this is not just? When this matter was under consideration in the Senate the Senate had an opportunity to vote directly upon the question of interest, and I believe that if the House had been given such an opportunity, they would have voted by a considerable majority in favor of making the banks pay interest.

Under the provisions of this bill which you are now considering, which, when it went from the House only provided for the issuance of gold certificates in denomination less than $20, was amended in the Senate so as to strike out the words "customs dues," which is now the law, which requires all of the customs dues collected to be turned into the United States Treasury, and by this amendment turns this money into the banks in the respective ports of entry throughout the United States, and as we all know New York port collects 70 per cent of the money collected under our customs duty system, therefore 70 per cent of this money will be deposited in the New York banks. It is virtually the only system we have of getting gold, as customs dues are paid in gold. And this gold now is to be turned into the national banks without any interest at all.

Why was this scheme held back until the last hours of the Fifty-ninth Congress? And here it comes into this House at 12.30 o'clock Sunday morning to be considered, and all debate shut off, except a very limited time upon each side for the discussion of this momentous question.

The State of Missouri loans its money out to competitive bidders and by this gets 3 per cent. The State of Kentucky, which I have the honor in part to represent upon this floor, gets 2½ per cent interest upon its public money, and many other States of this Union get interest upon the public fund. If this amendment were adopted which I have offered, competitive bids would have been received by the Secretary of the Treasury from the far West, from the South, from the Northwest, and the national bankers of these sections of the country, the producing section, would have had a chance to make bids upon this money. But this opportunity is denied them and, under the provisions of this bill, three-fourths of this money will go into the Wall street banks, to be used by the gamblers upon the stock market, and the Treasury of the United States made an ally

and an aid to the bulls and bears in the market. [Applause on the Democratic side.]

Mr. WEEKS. Will the gentleman yield?

Mr. JAMES. I have not got time. Your side would not give us a chance for a fair debate, or I would have been glad to yield to any gentleman in this House. But you gentlemen knew well enough that this bill would not stand the open light of discussion, and hence you keep us down to twenty minutes' debate upon it. [Applause on the Democratic side.]

Mr. Speaker, under the provisions of this bill, which was amended in the Senate, and now up for consideration, it is provided:

That the Secretary of the Treasury shall require the associations thus designated to give *satisfactory* security by deposit of United States bonds *and otherwise* for the public money.

What does this mean? It means that the Secretary of the Treasury will have the right, under the provisions of this bill, to designate bonds of any character, whether railroad bonds, trust bonds, or bonds of whatever description, whether Southern Pacific Railroad bonds, Louisville and Nashville Railroad bonds, Illinois Central Railroad bonds, or any bonds whatever as may be satisfactory to him will be deposited as security for this money, which is to be loaned to the banks without interest; and it is further provided in this bill "that the Secretary shall on or before the 1st of January of each year make a public statement of the securities required during that year for such deposit."

Under the provisions of this bill the Secretary can affect the market value of the bonds and securities of every description. It puts the United States Government, in an official way, as a gambler upon the stock markets, because every man knows that when the secretary declares that bonds of a certain character will be received for the deposit of public money that it will have a tendency to make those bonds rise in value and therefore will aid the gamblers upon the market who are playing that side of the issue, and yet after millions of the public money have been deposited in the national banks, secured by such bonds as may be *satisfactory* to the Secretary of the Treasury, have been deposited in the national banks, we are *not* informed how the *Government is to be reimbursed* in case of a *collapse of these stocks*. It has never been held by any Secretary of the Treasury since this Government has been in existence that any bonds should be accepted for the deposit of public money except national bonds until Secretary Shaw made this ruling during his term of office. National bonds have always been accepted as security, because the Government looked upon *its bond* as being as good as gold; but now under the provisions of this bill it invites the Secretary, indeed, directs that he shall accept other bonds than national bonds, and that he shall advertise what bonds are to be acceptable. Satisfactory security to the Secretary? National bonds? No. Satisfactory security? What sort? Southern Pacific Railroad bonds.

Mr. CLAYTON. Satisfactory to whom?

Mr. JAMES. Oh, satisfactory to the bankers. Satisfactory to the money changers, not satisfactory to the people.

Mr. Speaker, only day before yesterday, by a majority of three votes, after the opposition had won upon the first vote, upon a reconsideration, which was made possible only by a majority of three, this House decided to give to the shipbuilding trust a subsidy of $4,000,000 a year for ten years. But now, to-night, you are called upon to vote to give to the national bankers' trust a subsidy of from $5,000,000 to $10,000,000 a year. [Applause on the Democratic side.] But the viciousness of this system does not end here, Mr. Speaker. Not only have you done this, but you have inaugurated this vicious system which will make it possible for the Secretary of the Treasury to get enormous campaign funds to corrupt the elections and to debauch the ballot. And how is this done? Under the provisions of my amendment bids should be advertised for the public money; the bank that bid the greatest per cent of interest could get it, but under the provisions of this bill this money is to be deposited in the national banks as the *Secretary of the Treasury may direct*. No competitive bid of interest, no interest at all, but merely to be deposited by him. After these millions of dollars have been deposited in the national banks by the Secretary of the Treasury, what will be done when election time is drawing near? The head of the Republican party will go to these national banks and to the stockholders of same and point out to them that they have had the use of millions of the *people's money without interest* through the *favoritism* of the *Republican Secretary of the Treasury* and will *modestly* suggest that the Republican party is in need of campaign money, and of course it will be forthcoming in abundance. Can the people indorse such a system as this? Is the public mind so adverse to all idea of equal chance and fair opportunity that it desires to change the doctrine that the Government should deal equitably with all her citizens, regardless of political affiliations, and that public legislation should be for the public weal and not for political campaign corruption funds? [Applause on the Democratic side.]

Let me quote to you here what Mr. Berry, the treasurer of the great State of Pennsylvania, had to say upon the question of interest, when testifying before the Committee on Banking and Currency at its hearings recently. He said:

Of course money is worth more than 2 per cent to any bank, and the demand for it makes a contention between the different bankers in the State as to who shall have it, and keeps the treasurer in constant hot water, and he has no index as to where it ought to go. If, however, we had a competitive interest rate, then the man who wanted it the most would pay the most for it and would pay it and turn the proceeds to the city, the State, or the nation, as the case might be.

So we see this brilliant financier of one of the greatest States of the Union declaring in favor of a competitive rate of interest. He states that the State of Pennsylvania gets 2 per cent interest upon its deposits; that the State of Maryland gets 2½ per cent interest on its deposits.

The purpose, Mr. Speaker, of the Democratic side in this controversy is to divorce the United States Government from Wall street. It is to give equal chance and equal opportunity to all the citizens of the United States. It is to give to the people interest upon its public funds. It is to give to the bankers of all parts of this Union an equal chance to bid for the public money and not be denied this right through the arbitrary action of the Secretary of the Treasury.

Let me quote to my Republican friends upon the other side of this Chamber the language of a distinguished Republican United States Senator, Mr. McCUMBER, who, in discussing this question when it was in the Senate, used this language:

I certainly fail to understand why the bankers receiving the benefit should not pay the 2 per cent, or whatever may be necessary. If the money is worth nothing to them, there is nothing to compel them to take the money. If they do not need it badly enough to pay the extra 2 per cent, let it go as it is. If they do not need the money, then we certainly should not give it to him. But I presume, Mr. President, that the money they have received from the Treasury of the United States has been of inestimable value to them not only in loaning it again, but in upholding an immense amount of industrial securities that are held by banks until they can get rid of them; and that, I believe, more than anything else, is the basis of the desire of these great banks of New York and other eastern cities to secure Government deposits without the payment of one cent of interest.

Who can dispute the logic and the justice of this argument? Who is willing to declare for a standard in this country of taxation so high that it will fill the Treasury to overflowing with the people's money, which is to be loaned to the banks without interest, that they may fatten upon it?

Let me quote the language of another distinguished United States Senator in discussing this bill, which is known as the "Aldrich bill." I quote from Senator NELSON:

If the banks were simply required to keep this money in their vaults and were not permitted to loan it out, or if they would loan the Government money to the people without interest, I would not say anything. But where they take this volume of Government money by the millions and loan it out and loan it out on stock collaterals at an immense profit, why, in the name of justice and fairness, should we not compel them to pay a portion of the gains to the Government of the United States?

Yet, Mr. Speaker, all these arguments have been brushed aside, and here beyond midnight on the Sabbath day this legislation is to be rushed through under the whip and spur of the previous question in less than one hour's consideration, turning over the Federal Treasury to the benign mercies of the coupon clippers and the money changers. [Applause on the Democratic side.]

The people of this country should inquire why it is that nearly every State in this Union is receiving interest upon its public money from the banks of from 2 to 3 per cent, and when these banks are paying interest to depositors of from 3 to 4 per cent, they want to know why the men who represent them upon this floor will turn over their money to the banks without any interest at all? [Applause on Democratic side.] You remember, Mr. Speaker, when the subtreasury scheme was up, you and those who thought with you denounced that as Populistic, and said that it had a tendency to anarchism; but, Mr. Speaker, it should be recalled that those struggling farmers only wanted under that system the opportunity to pledge their crops for public money, upon which they were always willing to pay interest. But now, after having denounced that system, your party turns and takes the money for which they were willing to pay interest and turns it over to the national banks without a single cent of interest, and back of this money to secure it you have no fruition of the harvest field, no gathered crop, no bursting bin, but only the inflated, watered stock as may by the Secretary of the Treasury be declared to be ac-

ceptable. In the name of the American people, Mr. Speaker, I protest against this outrage upon them. Your party, flushed with many victories, seem to have the opinion that you shall never be called to account. [Applause on the Democratic side.] I would remind you gentlemen upon the other side that a public office is a public trust; that the public money in the Treasury is a public trust, and, in my judgment, if the people of this great Republic come to understand this question, they will drive from power a party which is drunk with rapacity and public plunder. [Loud applause on the Democratic side.]

Mr. LEWIS. I ask the gentleman from New Jersey to consume some of his time.

Mr. FOWLER. You had better use all your time.

Mr. LEWIS. I prefer not to use it all at this time.

Mr. FOWLER. I yield four minutes to the gentleman from Maine.

Mr. POWERS. Mr. Speaker, notwithstanding the eloquent assertions the gentleman from Kentucky has just made on this floor, this bill is wise legislation and is demanded and indorsed by the best business interests of the country, and the persistent opposition to it by our Democratic friends will not commend itself to the country or gain for them any special credit, glory, or political advantage. The newspapers of to-day state that the prospect that this bill will pass has created confidence and strengthened the market, and so far as I have seen them, all indorse it. Assertions are not facts. The gentleman says this is to dump $400,000,000 of the people's money into Wall street for the benefit of the gamblers there, and take it away from other sections and places whenever the Secretary of the Treasury sees fit to do so. Now, let us see what the bill provides and how much of truth there is in this statement. I assert that the bill expressly prohibits such action.

Mr. JAMES. Will the gentleman allow me to ask him a question?

Mr. POWERS. I have not time to yield.

On page 6, commencing in line 23, it reads as follows:

Provided, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections.

Perhaps the gentleman from Kentucky will see in the record of his remarks that this is a sufficient answer to that contention.

Mr. JAMES. Will the gentleman state if in the Fifty-eighth Congress he did not vote that the national banks should pay interest to the Government on deposits of the public funds?

Mr. POWERS. I shall answer that in this way: That this is a bill that is dealing with the present; it has several provisions that are necessary; we must pass this as it is or get no legislation whatever. This is the one and only chance that we have to get any legislation this session along the lines the bill proposes, and the matter of interest can wait and be attended to by the next Congress.

Mr. JAMES. Well, answer the question then.

Mr. POWERS. I must absolutely decline to be interrupted. Now, it may be that it is not entirely satisfactory to me and that it could be improved if we had time to do it, but we must take this bill as it is or take none. We are not getting interest on deposits now; the bill makes no change in that regard. I think it may be proper to charge interest, since it settles the question that other securities and Government bonds may be used by the banks, but, as I have said, that question must be relegated to a future Congress. It was enhaustively discussed in the Senate and defeated by a large majority. Therefore I submit for the present to what is inevitable.

The gentleman from Kentucky says, "Why should not the United States receive interest on its money" that the State of Kentucky and the State of Missouri? The State of Kentucky, the State of Missouri, and the State of Maine deposit their money with the banks without demanding any such security from the banks receiving it as the United States would require. As far as I know none whatever is demanded. That is a very cogent reason why they should receive interest on their deposits. This bill endeavors to return to the channels of trade the money of the people instead of locking it up in the Treasury, a condition tending to create panics and which does not exist in any other civilized country, which is of vastly more importance to the country than the mere question of interest on any deposit.

It also provides for the printing and distribution of one and two dollar bills, which the business interests of the country urgently demand. It also authorizes, with the consent and approbation of the Secretary of the Treasury and the Comptroller of the Currency, an increase in the retirement of national-bank bills to the amount of $9,000,000 each month instead of the $3,000,000 limitation under existing law.

We have had before the Committee on Banking and Currency several of the leading bankers of this country, and according to the statements of all of them the one thing that is more troublesome than any other is the nonelasticity of our present currency system. It has seemed to me, though I believe my views are not fully shared or indorsed, that by permitting banks to retire a much larger sum every month we hold out the inducement to them, when money is needed, to take out or issue a larger amount of national-bank notes; and the bankers advocating credit or asset currency demand it especially for the reason that it will give greater elasticity and contract automatically when the abnormal demand has ceased.

For the purpose of effecting that a bill has been introduced substantially along the lines recommended by the bankers' committee, known as the "Fowler bill," being H. R. 23017, but I do not concede that this bill will effect any such purpose for reasons which I shall endeavor to explain, and at the same time submit my views upon the bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TALBOTT. Will the gentleman yield to me for a moment?

Mr. POWERS. I understand that my time has expired, and I ask unanimous consent that I may extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TALBOTT. Mr. Speaker, I ask for one minute.

Mr. FOWLER. The gentleman from Georgia [Mr. LEWIS] has control of the time that is left on that side.

Mr. TALBOTT. Will the gentleman from Georgia yield to me one minute?

Mr. LEWIS. The time is already promised on this side, but I yield one minute to the gentleman.

Mr. TALBOTT. The gentleman from Maine [Mr. POWERS] has stated that one of the reasons why the Government made these deposits in the national banks without interest was because the banks in the various States which do pay interest on State deposits are not required to give security. I desire to state to the gentleman that the moneys belonging to the State of Maryland are deposited in the various national banks through the State, and the State receives 2½ per cent interest, and every bank is required to give bond.

Mr. POWERS. That may be so in Maryland, but I do not believe that is the rule as to any other State in the Union, and the requiring of a bank to give bond is a very different thing from requiring the deposit of bonds.

Mr. Speaker, I apprehend, if one sought to be considered wise in reference to financial and banking matters and to escape all criticism, it might be much better and easier to subscribe to the views of the bankers' committee in reference to the issuing of credit currency, and I concede that their large experience gives them a weight that should command consideration. Nevertheless, I shall have the temerity to doubt and differ from some of their conclusions.

I listened very attentively to the eminent bankers who appeared before the Committee on Banking and Currency, and I have also carefully read the plan or method proposed by the fifteen representatives, from all sections of our country, of the great finanical institutions in different monetary centers. I must confess that I am not convinced of its desirability or wisdom or that it will accomplish what is so confidently claimed for it, especially by giving to the country a credit currency which shall be sufficiently elastic to retire from circulation as soon as the emergency or conditions that called it into existence have passed.

By general consent of all who have studied the question and have carefully looked into and considered it, it is conceded that one of the most glaring defects in our present banking laws is the want of currency elasticity, so that the amount in circulation may accommodate itself to the business demands of the country at different times, as is the case in Canada, and, I believe, in some other countries.

This condition, I am confident, could be relieved to some extent by either repealing the $3,000,000 limitation which banks may now retire in one month or increasing it so as to permit them to retire at least twelve or fifteen million dollars per month. I doubt very much if this limitation was ever necessary or has been productive of any good. The last thing that banks desire is a panic and the consequent loss flowing therefrom. Hence I do not believe that they would do anything which should create an alarming stringency through the sudden retiring of their currency if they had the power to do it. But

admitting that there was a sufficient reason for the enactment, I submit that the reason no longer exists, and that we should either repeal or modify it.

We have been adding year by year to the volume of our various kinds of currency as the national wealth and business have increased. We have increased the circulation of national-bank notes so much during the past forty years that the right of the banks to retire a very much larger sum would only be extending the proportion which was granted them when the banking laws were passed, and this change should commend itself to the Congress and be enacted into law. I have hoped that a bill might be presented for that purpose solely and not connected with anything else, so that it would be debated and considered on its merits and voted upon.

It is my deliberate judgment that a credit currency as proposed by the bankers' committee, with a 2½ per cent tax on circulation to create a safety fund, or with a 3 per cent tax as in the bill now before the House, said currency to be issued as therein provided and to be possessed of so many of the attributes of money, will be readily received by all the people of the country with the same confidence as national-bank notes or any of the other denominations of currency now in circulation. And I have no question that it will be as safe and as good as our other varieties of money which we have in circulation, and I am sure that no one can or will lose anything by receiving it as money; that it will circulate among and lodge in the pockets of the people and in all the moneyed institutions, and that it will substantially accomplish all the requirements and purposes of money.

It is not upon any doubt as to its validity or its soundness that I place my objection to it, but I do contend that these very qualifications will prevent any immediate return to the banks issuing it through the several redemption agencies which it is proposed to provide for that purpose. In short, I fear and believe that the result of this credit-currency legislation will be the addition of another variety of money to our already multiplex currency, and also that it will largely inflate the circulation of the country, thereby further reducing and cheapening its purchasing power, intensifying the era of extravagance and speculation through which we are now passing.

Now, I for one am unalterably opposed to any inflation legislation. There are still ample means by which our currency can be properly increased under existing laws. To my mind, an inflation of $200,000,000 of our currency is uncalled for, and will sooner or later prove injurious to every legitimate industry. It may benefit for the present the speculator and promoter. Certainly none other. If I do not misrecall, the Secretary of the Treasury says in his report that such an expansion would indicate or produce no peril to the stability of the currency, but it does seem to me that we are making our various paper credits pretty large, considering the amount of gold that we have at the base; yet I do not apprehend that we will have any serious trouble so long as the balance of trade is in our favor and the outflow of gold does not exceed the amount that we can produce from our mines, and confidence continues unimpaired. Therefore I am inclined to concur in the views of the Secretary, and am not fearful of any resulting panic.

By the coinage of gold and silver, the organization of additional national banks, and the issuing of national-bank notes we added to the circulating medium of the country in the past fiscal year over $148,000,000. The mines are still producing an increased amount of gold, banks are being organized everywhere, and I have no doubt that in this manner we shall increase it fully as much during the present year.

Many banks now organized—in fact, most of them—can issue more currency if they choose to do so. We have in this country to-day almost $34 per capita, more than ever before, I am confident, and more than any other country in the world, except France. There are still bonds available for banking purposes and there is no immediate danger of the supply being exhausted. Many banks have bonds which they use as security for deposits placed with them from time to time by the Secretary of the Treasury. As they use them in this manner and for this purpose rather than for increasing their issues of national-bank notes, it is fair to assume that it is more profitable to do so. The opportunity for this use of Government bonds, and perhaps I should say the necessity results from the vicious and inadequate laws which lock the people's money in the Treasury instead of permitting it to be immediately returned to the channels of commerce and trade—a peculiar condition that Congress should relieve and do away with. I doubt if anything similar to it exists in any other civilized country.

The Government has been, and doubtless will from time to time, be placing upon the market Panama Canal bonds. These are all available for banking purposes, and I think it may be assumed that a very large amount of them will be issued before we shall complete what I regard as the most difficult undertaking of modern times. I therefore submit that we have not reached the limit to which our currency can expand under the present banking laws, and that there is no such urgent and imperative demand for this credit currency legislation as some of its sponsors and advocates would have us believe. The amount authorized in the bill is not so large, if we should stop there, and it had an element of elasticity as to be seriously objected to, if it were advisable to issue it at all.

The restrictions, conditions, and limitations provided furnish, I think, ample safeguards to protect the holder, but I do respectfully dissent from the proposition that in enacting this legislation we are following a precedent of any of the countries to which its advocates refer, which furnishes to us, as they claim, a safe and reliable guide to go by, and I have a fear—I had almost said a conviction—that we are embarking on an unknown and, to a great extent, unexplored financial sea, with no reliable chart to guide us, and that inflation and not elasticity will be the inevitable and unavoidable result which must come from this undertaking. That there is great danger that when we have once opened the door and authorized this limited issue of credit currency we may soon be induced or compelled to enlarge the amount, as the same financial distress or scarcity of money that called for this issue may recur with each succeeding year; hence this experiment, in the end, by its inflation will be found very potent to nurse and aid speculation than to supply yearly a natural want to move the crops. And I submit that a careful analysis of all the evidence given by its advocates furnishes no good ground for relief, no satisfactory and convincing one to my mind, at least, showing that when the emergency was passed this currency would readily return, through the redemption channels or otherwise, to the issuing banks.

There can be no question that it would largely remain among the people and in the various banking institutions of the country. This was the view of the Secretary of the Treasury, as I recall it, in his statement before the committee. My recollection is that he thought 15 per cent might come back. There is no sufficient compelling cause to send it home. A distrust of its soundness or value in the minds of its holders would assuredly hasten it back, but, as I have tried to show, there can be nothing of this kind, as it is abundantly safeguarded.

Also, a tax so high as to make it unprofitable to issuing banks, except upon extraordinary occasions, might, and I concede would, be very effective.

If we look over the money market and the rates of interest for the past twelve months, there has been no time that the 3 per cent tax on circulation which the bill provides for would have made it unprofitable to the issuing banks. Perhaps the additional amount authorized to be issued under certain circumstances and contingencies at a 5 per cent tax might and probably would be called in. We all know that there were very low rates of interest in this country for a number of years, but that within the past one or two years, owing to our great undertakings and the rise in prices and in wages, there has been an increase in the rates of interest not only in this country, but in Europe. The Bank of England several months ago raised its rate to 6 per cent. Our unprecedented prosperity, in which most of the civilized world has shared to a considerable extent, has created an abnormal demand for money and has enabled the borrowers to pay higher rates of interest. This has resulted as a necessary consequence of our rapid and extensive industrial development and the financiering of new undertakings.

Perhaps we are suffering a little, as some claim, from too much prosperity, especially as regards the high rate of interest. Yet I contend that on the whole legitimate business of the country has not been crippled and I can see no dire calamity threatening it to-day. The chariot wheels of industry, progress, and legitimate enterprise have moved on continuously and rapidly. There has been no very marked change, so far as I know, in the rates of interest during the different months of the past year paid on good time business paper. Perhaps it may have been 1 to 2 per cent higher at some one time than at others. The farmer, the lumberman, and the manufacturer have not been very much cramped or injured for want of the necessary funds to do business with.

The great fluctuations in the price of call money have not seriously affected their loans or their business. It is the promoter and speculator, the gambler in stocks, that at times have paid very high call-money rates during the past year. They have to have it on the hour. I have been informed, and I think correctly, that there is a rule of the New York Stock Exchange which makes it imperative that all cash sales or purchases of stock must be settled every afternoon of the transaction ex-

cept upon Saturday. This obligation and peremptory requirement to settle and pay on so short a time often create great fluctuations in the rate of interest on call money from day to day, but I am not sure we need to give ourselves uneasiness or lay awake nights brooding over the hardships of these gentlemen who are striving to get rich quick by gambling in stocks. They are amply able to care for themselves; and if some one of them does occasionally get "pinched," it may be a debatable question if any honest man is hurt. It is the "lambs" they are shearing without compunction or mercy that need our protection and sympathy.

I can not agree with the oft-repeated statement that has been made before the committee, that the methods adopted for issuing currency in England, France, Germany, or Canada, so far as I have been able to learn anything about them, furnish any precedent or substantial guide for what we are proposing to do in this bill. Our systems of banking are *sui generis*. Wholly unlike those of the countries before named. There are, in round numbers, some 6,000 national banks, and I believe nearly 8,000 more chartered by the several States. They are located not only in large centers, but in nearly every small town and village. They are not interdependent; they are doing business on individual responsibility.

In Germany, France, and England there is one great central or imperial bank for each country, having various branches in different localities and all controlled and guided under one management, or this is substantially so. I have neither the time nor the requisite knowledge to explain the conditions and limitations under which currency is issued in those countries. I have never sufficiently investigated their banking systems to do this. I know, however, that they are very unlike our own in many essential particulars.

Canada is referred to in the committee's report and was also pointed out at the hearings as a guide and example for what this bill proposes to do. I deny that in its essentials there is any similarity between the proposed credit-currency scheme and the methods of issuing bank bills in Canada. The currency provided for in this bill can be issued by 6,000 banks scattered all over the Republic. There are only thirty-four banks in Canada. I do not know how many of that number can or do issue currency. I am informed, and I think correctly, that no bank in Canada has this right unless it has a paid-up capital of at least $500,000. It can do no business until at least $250,000 of its capital has been paid in. In Canada banks pay out over their counters their own bills only. The credit currency which this bill authorizes can be paid out to customers or kept in the vaults by every national, savings, and State bank in the United States. They need not send it to the issuing or the redemption bank unless they choose to do so. When a bank in Canada receives the bills of any other bank it must send them to the bank which issued them. It is very plain that this limitation would make the currency contract automatically when there is no special demand for it, after it has been returned to the bank of issue.

A similar clause in this bill would necessarily contract it very rapidly; yet I doubt very much if any of our national banks would avail themselves of the right or privilege of having this limitation upon its circulation, and the same, I think, might be true in case the tax was made much larger than this present bill provides. Banks are not philanthropic institutions. They are in business to make something for their stockholders.

It is claimed that the provision in this bill authorizing this currency is especially in the interests of the "dear" people. To my mind it is a pretty good thing for the banks. Hence it allows banks to surrender part of their present issues and reap the benefit of it under certain conditions. I grant that many bankers have declared that its passage is both necessary and wise. Yet I have not received any letters or petitions from anyone engaged in the various industries asking me to vote for it. I have found many who believe that the bill should not pass. The press of the country is not calling for it very loudly, so far as I am able to judge.

A question has presented itself to my mind as to the fund that will be raised from this 3 per cent tax, which I am not clear or sure that I am right about, and perhaps some one can explain it to me. There can be no doubt that the 3 per cent tax will in the not far distant future produce a much larger amount than will be required for the necessary expenses and the very small sum that may be lost or paid out and not ultimately recovered back on account of failing banks.

A careful examination of the cost and losses by national banks in the past will convince anyone of this proposition. Now, what I desire to know is this: Will not that fund belong to the banks collectively in the proportion of the amount each has paid into it, and will or will not any bank winding up its affairs be entitled to have its equitable proportion refunded after all costs and liabilities up to that date have been adjusted and settled? If this is so, what bearing, if any, does it have upon the burdens which a higher tax than 3 per cent, or any tax, will in the last analysis place upon the issuing bank? The Treasury of the United States holds this money in trust. It can apply a certain amount of it, whatever may be necessary, to expenses and losses of failing banks. When that trust has been accomplished there is no provision whatever to turn the balance into the Treasury.

I have said that our national banking system is peculiar. I think that in its inception and in its methods of doing business it is unlike that of any other country. Our national-bank notes are not secured by coin reserves, but by the debt of the United States. They rest upon the debt of the Government. At the time of its passage the framers of the national banking act had in view two distinct purposes at least. One was to provide the country with a safe, sound, and reliable currency which should be good and circulate freely everywhere; the other to create a demand for the then large Government indebtedness, or at least for a part of it, with which the country found itself burdened and struggling at the close of the war of 1861.

As to the latter purpose, time has proved that its authors "builded better than they knew." It has been a very potent factor in enabling the Government to refund all its obligations at constantly decreasing rates of interest and has created such a demand for Government bonds for banking purposes that its 2 percents command a premium. No other nation borrows money at so low a rate as ours, and certainly we could not if it were not for the use of the bonds for banking and the necessity of having them in order to do the banking business.

It has also provided us, as was intended, a safe and sound currency, circulating everywhere in our country, and in many foreign lands, without discount or distrust. No laborer ever lost a dime by taking it for his wage—in fact, no one cares whether a bank issuing a bill is located in Maine or Texas, whether it is solvent or has gone into the hands of a receiver. The United States stands behind it and is virtually pledged to redeem it, and it certainly has and will continue to do it.

It is common knowledge that our national banking system in the past has been most bitterly attacked and denounced by political organizations, yet it has stood the test of over forty years and to-day, I submit, the people are satisfied with it and believe in it.

Next to its transportation facilities, the currency and banking of a country are essential elements for its prosperity and development. A want of sufficient elasticity, so that it may expand and contract with the demands of business, seems to be the gravest charge now brought against our banking system, and I concede that there is much force and truth in this charge. This should, and I think can be, remedied in part at least by proper legislation. Doubtless it may have other faults and weak points, but we should not lose sight of the fact that it has in the past accomplished much of good and has fully justified its right to be and the wisdom of those creating it.

Possibly in time it may outlive its usefulness, and it may become necessary to substitute some other method of banking in its place, yet I doubt very much if we shall improve or strengthen it by any such experimental patchwork as the credit currency proposition in this bill. I am of those who believe that it is better, at least for the present, "to bear the ills we now have rather than fly to others that we know not of," and I am quite confident that the country and the people share largely in this view.

As I have stated, I fear that the measure will be productive of more harm than good. I doubt its wisdom and am not fully convinced of its imperative necessity or that it would produce the beneficial results its sponsors claim for it. We have many kinds of currency—gold, silver, copper, greenbacks, national-bank notes, silver certificates, and gold certificates. I object to increasing the list by adding the proposed credit currency notes until the country has more carefully considered and weighed the proposition and fully understood its possible consequences. Does it lead us along the road of sound or populistic finance? I am not entirely clear upon this point.

What I contend Congress can and should do, and do it speedily, is to repeal or increase the $3,000,000 limitation to which I have referred, and should also provide some safe and secure methods by which money collected from the people by the Government, except so much as is needed for its present purposes, shall be immediately available, to be used in the trade and commerce of the country. Let us have less artificial in-

terference with monetary conditions, cease locking up in the Treasury of the United States the people's money, thereby creating a stringency and compelling the Secretary of the Treasury to do something unusual to avoid disaster or panic. After we have done this, which we can readily do, let Wall Street refrain from financing more than one new deal each day, especially of the Harriman dimensions, and I prophesy we will get on very well without this asset or credit currency, that business interests will be cared for, and, to use the words of Mr. Mattilini, we shall not go to the "demnition bow-wows," but, on the contrary, under the present good, efficient, and Republican Administration and the beneficial schedules of the much-maligned Dingley tariff, enterprise, peace, and happiness will still continue to rule and bless our land.

Mr. PRINCE. Mr. Speaker, this is the best measure we can hope to have before us in the closing days of this Congress. It may not be all that we would like to have such a measure contain, but nevertheless this is the best bill that is presented to us with any hope of passing at this time. I wish we could make the banks pay interest on the deposits. The purpose of this bill is to issue gold certificates in denominations of not less than $10. It also permits the depositing of customs receipts in the banks known as "depositories." It is said by some of the gentlemen on the floor that this will permit the placing in banks of $400,000,000 that are not now placed in the banks of our country. The truth about it is that this has been done by indirection, and we are now seeking to do it directly. It is not enlarging the volume of money in this country, but it is permitting customs receipts to be placed in the banks and to check upon those deposits if they see fit. It is done now. All the statements to the effect that it is swelling the coffers of Wall street is not in accordance with the facts.

As to another provision, about raising the limit of retirement from $3,000,000 to $9,000,000 a month, if it was not for the limiting clause in this bill, saying that it should be done only with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, I should not favor the provision, and I will state the reason why. On page 199 of the hearing before the Committeee on Banking and Currency, the present great Secretary of the Treasury, Mr. Shaw, stated as follows:

Mr. WEEMS. Mr. Secretary, I would like to ask you if it would not be necessary in that case to repeal the prohibition against retiring?

Secretary SHAW. No; that prohibition is quite generally misunderstood. That limitation is not against the redemption of notes, but against their retirement by a deposit of money. For instance, I can send in as many of the First National Bank notes as I please, every dollar of its issue, for that matter.

Mr. WEEMS. That is the retirement as distinguished from a redemption?

Secretary SHAW. Yes; and I want to speak on that subject a moment. That provision, I think, should be amended so as to allow, with the consent of the Secretary of the Treasury, an unlimited retirement. I do not think the bridle should be taken off entirely, and I will tell you why. When I was selling the Panama bonds this year and was trying to stimulate the price, some banks started in to reduce the price so that the Government bonds would sell lower; and they started to retire their circulation and put their bonds on the market to pound the price down, while I was making deposits to crowd the price up, and we had a very nice chase.

They had a limit of three millions a month, and I had no limit, and I got away with them, and I ran the price up over 1 per cent. [Laughter.] But they would have whipped me and bought those bonds probably below one-dollar-two instead of one-dollar-four, without that limitation.

Mr. JAMES. Mr. Speaker, I desire unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. LEWIS. I yield the balance of my time to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the gentleman from Maine was singularly unfortunate in his statement of facts. The gentleman from Maryland stated to the House the case in his State, and I am informed that is the case in Georgia. Each State requires security as well as interest. I hold in my hands the hearings before the Committee on Banking and Currency, and I find that it is the case in Pennsylvania, too.

I find that Pennsylvania requires security; that she lends the money at 2 per cent, and Mr. Berry, who was before the committee—the treasurer, I believe, of that State—says that such is the demand on the part of the banks for money after giving security and upon condition of paying 2 per cent that, to use his language, "It keeps the treasurer in constant hot water, and he has no index as to where it ought to go—none whatever under that system." He continues:

If, however, we had a competitive interest rate, then the man who wanted it the most would pay the most for it, and the man who took it would return the proceeds to the city or the State or the nation, as the case might be.

I could go entirely through the Union and find that the gentleman from Maine simply didn't know what he was talking about. Now, Mr. Speaker, banks do not lend money without demanding of the borrower both security and interest. The banks ought not to expect to borrow money from the people—and it is the people, because the Government's money is the people's money—without paying interest and without giving security. This whole thing, Mr. Speaker, the evil upon which you have arrived and the bad remedy that you are resorting to to cure it, are alike the results of your pernicious system of class legislation.

The best way to keep money in circulation among the people is not to tax it out of circulation into the Treasury. [Applause.] But when you have taxed it out of circulation into the Treasury, then, of course, it is a bad thing to keep it in the Treasury if you can get it back into circulation. Now, then, you are forced to put out this surplus somewhere; you call it a deposit, but you are forced to put the money out at work. Everything in this world that produces value is at work, and money is no exception to the general rule. And as money works and is an employee—and is a valuable employee at that—the universal custom of humanity is that you should pay something for it as its wage, besides securing the return of the money itself. There is no more reason why the Federal Government should lend its money to a pet class of bankers without demanding a dollar of compensation for the use of it and without security for its return than there is why the bank should lend me its money without demanding interest and security from me.

Mr. Speaker, this is a significant occasion. We all remember when the Hill bill was before this House; we remember when the majority of this House incorporated upon that bill a provision whereby it became necessary to put out the deposits to competitive interest bids to the banks. We remember very well that after that provision got upon that bill that bill died "aborning." They never dared carry the bill any further, they never dared face the country with the question of interest on deposits. And now you wait until just two nights before the close of this Congress and you bring into this House an entire currency bill grafted by the Senate upon a little innocent House bill—to do what? To take the people's money and give it to the banks without a dollar of interest. [Applause.] Hide behind what pretexts you please, that is what you are doing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOWLER. Mr. Speaker, I want to say that the effect of this bill is only to give to the country a larger supply of one, two, and five dollar notes. There will be no other practical result whatever, and if the committee will bear with me, I would like to give my views of the present situation.

Let the merchants and bankers of the country answer these questions:

First. If our revenues be great enough to pay off our debt in the course of a few years, what shall we do for currency? What will become of the $600,000,000 of bank notes secured by Government bonds? Let them remember that our debt was reduced, from 1888 to 1891, $440,663,020.

Second. If, by any chance, we should be compelled to issue one or two thousand millions of bonds under stress of war, what would be the rate of interest? Not less than 3 per cent—probably under present demands for capital not less than 4 per cent. With an issue of, say, $2,000,000,000 at 4 per cent, what would be the selling price of the 2 per cent bonds? Would it exceed seventy? At this price the banks of the country would lose in their present bond investments about $200,000,000.

These possibilities alone ought to be sufficient to startle every thinking man and to condemn the present scheme of supplying currency for the country—a scheme in no way related to business demands, but distinctly a bond speculation.

But it is constantly asserted that we have the soundest currency in the world; and that it has been as good as the best for more than forty years. As a matter of fact, it has been no better than the price of our national credit. In 1862, when the banks in New Orleans were still redeeming their notes in gold coin, our bank currency was being redeemed in United States notes worth 75 cents on the dollar. And in 1864 our bank currency was being redeemed in United States notes, which were selling at $2.85, or 35 cents in gold. And they were never worth their face until we resumed specie payments January 1, 1879.

The credit of a nation, of a municipality, or of a corporation should never be the basis of currency; its only proper relation is that to the consumable wealth of a country, and its standard of value should be gold, or the metal of redemption.

The history of the bank of France and its signal aid to the

French Government in every crisis for one hundred years justifies the conclusion that the currency of a country should always rest upon its liquid wealth, as represented by the credits of commerce.

The average daily clearings last year for New York City were $342,422,000. The total clearings for New York City in 1906 were $103,754,000,000, and were settled by the payment in cash of 3.69 per cent, or $3,832,000,000.

The aggregate clearings of the United States for the year ending September 30, 1906, were $157,749,000,000 and were settled by paying approximately $5,793,000,000 in cash. Yet in the form of current credits, instead of paying only 3.69 per cent in gold or its equivalent, the percentage of lawful or reserve money in the hands of the people, with which they transact their daily business, is $1,206,531,814—the remaining money in their hands, consisting of bank notes, approximated $500,000,000. In other words about 60 per cent of current transactions are paid in reserve money, gold or its equivalent, instead of some form of credit; and $1,206,531,184 of gold or its equivalent is lodged in the pockets and tills of the people, and there locked up as effectually as though it were still in the bowels of the mountains.

If this vast reserve were in the banks, where it should be, it would serve as the basis of a credit of $6,000,000,000, with a reserve of 20 per cent. If we are going on, increasing in population and withdrawing reserves from the channels of trade for the daily transaction of current business, what effect will the practice have upon our present reserves or those we might hope to accumulate from the current production of gold?

Let no man suppose that the change of the law in respect to the $3,000,000 limit per month will have the slightest effect upon present currency conditions. It will not result in any perceptible change in our currency as related to business, but will of course facilitate the speculation in Government bonds to some extent. I challenge any man to give a single reason for supposing that the privilege of retiring $9,000,000 per month will result in any greater changes than we have heretofore had so far as our business requirements are concerned.

NATIONAL BANK-NOTE CIRCULATION, 1890–1906.

Total national-bank notes outstanding at the end of August and December, in the years named and at the end of the following April.

Year.	August.	December.	April.
1890	$184,391,633	$178,568,376	$171,805,064
1891	168,543,059	172,993,607	172,529,451
1892	172,527,713	173,614,871	176,094,544
1893	183,755,148	208,948,105	207,875,695
1894	207,539,066	206,686,337	207,541,211
1895	211,372,045	213,960,598	221,316,027
1896	226,030,042	235,398,890	233,795,141
1897	230,844,256	229,634,216	224,481,878
1898	226,780,064	242,784,803	243,134,892
1899	241,623,553	243,842,067	271,034,337
1900	320,095,890	332,292,300	350,101,405
1901	356,152,903	359,720,711	357,476,407
1902	358,984,183	384,854,514	382,519,258
1903	417,346,487	421,106,979	434,909,942
1904	450,206,888	460,679,075	475,948,944
1905	503,971,395	540,914,347	556,646,282
1906	569,852,303		

Mark this, that from 1890 to 1906, a period of sixteen years, there was an actual decrease of our bank-note currency from August to December in three of those years when it should have largely increased, while in seven of those years the increase was only about $3,000,000 each year. As a matter of fact, during these months the expansion of current credits ought to have been more than $250,000,000 in every year.

During nine of those sixteen years there was an actual increase of currency from December to April, when it should have decreased; and for seven years there was a decrease during the same months of only $2,700,000 per year.

Mark this, from 1864, when the first national-bank notes were issued, there was a gradual increase up to 1882, when the amount reached $357,000,000. Then, out of the plenitude of ignorance and mad prejudice, this uneconomic limitation of $3,000,000 each month was imposed.

From that very year, although the business of the country was constantly expanding, the national-bank notes began to contract, and, from 1882 to 1891, the $352,000,000 fell to $123,000,000.

Keeping these facts in mind, are we not at least put upon inquiry when we recall that in little Canada, to the north of us, with a population of only 5,800,000, they have an expansion and contraction of about $20,000,000 in the fall, or more than $3 per capita; while in Germany the expansion and contraction of bank notes or current credits is about $120,000,000 every three months.

If the principle of a true credit currency, such as is in operation in Scotland, Ireland, France, Germany, Austria, Japan, and Canada, were in force here, the expansion and contraction of current credits would annually exceed $250,000,000; and we would have no currency famines nor useless quantities of currency, at times suggesting if not leading to riotous and ruinous speculations, and constantly disturbing the natural and orderly course of business.

Again, let us not suppose that, so far as the business interests of the country are concerned, it is a matter of any consequence whatever that we have removed the words "except receipts from customs" from the statutes, except in this respect—that the Government can save the cost of transporting customs receipts from the point where received to a subtreasury, and the necessary cost of transporting internal-revenue receipts to such places or ports as pay a large amount of customs to the Government, in order that an equal amount to such customs may be returned to the channels of trade by the deposit of the internal revenues transferred for that purpose.

The internal-revenue receipts last year were $249,150,212.91, while the amount to-day deposited in the national banks is only $140,727,976.54, showing that the internal-revenue receipts largely exceed the bank deposits.

In support of the assertion that, commercially speaking, this change in the law will have little or no effect, I desire to call the attention of the House and the country to the fact that on May 9, 1906, the cash in the Treasury was $139,622,790.94, and that the liabilities outstanding against this amount were $102,492,007.36, leaving a working balance of only $37,130,783.58, or $13,000,000 *less* than the assumed working balance of $50,000,000.

As the law stands to-day, the Secretary of the Treasury could pay all the current expenses out of the customs receipts, and reserve the internal revenues, of which there have already been this year received $174,194,924.86, to deposit with the banks.

The matter resolves itself down to the mental attitude of the Secretary of the Treasury with regard to the current deposits of Government receipts. With the amendment, he may or may not from day to day redeposit all the customs receipts the Government may receive in the banks at the points where they are paid in, down to the assumed working balance of $50,000,000, and thereby save the cost of transporting internal revenues of the same amount to the points at which the customs are received. We have simply lopped off a branch long since dead.

Mr. Speaker, these questions suggested by this bill will never be settled until they are settled upon sound, economic principles—principles as certain in their operation as the laws of gravitation. Nor will any handicap be so heavy in our competition with the commercial world as the burden of bungling patchwork that precludes us from being what we ought already to have become—the leading, the controlling financial center of the world.

As it is, our methods in finance and currency only excite the derision of the financial centers of Europe; for they realize that if we but had the intelligence, courage, and patriotism to solve this one problem the world would take its financial cue from the United States every hour of the day the whole year round.

Think of these stupendous facts: The coal production of the United Kingdom, Germany, and France amounts to 422,671,000 gross tons, while that of the United States is 350,820,840 gross tons. Their production of pig iron is 23,319,000 gross tons, while ours is 22,992,380 gross tons. Their exports amount to $3,908,489,100, while ours are $1,717,953,382. Their railway mileage at the end of 1905 amounted to 80,984 miles, while ours amounted to 217,018 miles. Their gross receipts from operation of railways was $1,317,851,000, while ours was $2,082,482,406.

Comparative industrial and commercial statistics of the United States for the years 1900 and 1905.

	1900.	1905.	Increase.
			Per cent.
Value of agricultural products	[a]$4,717,070,000	[a]$6,415,000,000	36
Value of mineral products	$1,107,020,352	$1,623,877,127	46.7
Value of manufactures	$11,411,121,122	$14,802,147,087	29.7
Production of coal .....gross tons	240,789,310	350,820,840	45.7
Production of pig iron .....do	13,789,242	22,992,380	66.7
Imports for consumption	[b]$807,763,301	[b]$1,213,417,649	50.2
Domestic exports	[b]$1,460,462,806	[b]$1,717,953,382	17.6
Mileage of railways.....miles	[c]192,941	[c]217,018	12.5
Gross receipts from operation of railways	[c]$1,487,044,814	[c]$2,082,482,406	40

[a] 1900 census figures and 1905 figures of the Department of Ariculture, respectively.
[b] Figures for the years ending June 30, 1901 and 1906, respectively.
[c] Figures for the years ending June 30, 1900 and 1905, respectively.

Principal industrial and commercial statistics of the leading foreign countries for 1905.

	Production of coal.	Production of pig iron.	Imports for consumption.
	Gross tons.	*Gross tons.*	
United Kingdom	236,129,000	9,593,000	[a] $2,371,153,000
Germany	171,064,000	10,703,000	1,696,660,400
France	35,478,000	3,023,000	922,329,200
Total	442,671,000	23,319,000	4,990,142,600
United States	350,820,840	22,992,380	1,213,417,649

	Domestic exports.	Mileage of railways at end of year.	Gross receipts from operation of railways.
		Miles.	
United Kingdom	$1,605,053,000	22,847	$511,623,000
Germany	1,364,130,800	[b] 33,443	[b] 502,276,000
France	939,305,300	24,694	[c] 303,952,000
Total	3,908,489,100	80,984	1,317,851,000
United States	1,717,953,382	217,018	2,082,482,406

[a] Net imports equal general imports less exports of foreign and colonial merchandise.
[b] Year ending March 31, 1905.
[c] Total gross receipts.

BANKING POWER OF THE WORLD.

Remember this, that while the banking power of the United States is $16,000,000,000 and that of all the rest of the world is but $21,000,000,000, we have a little over $500,000,000 of what we call bank notes, and the rest of the world has more than $4,000,000,000 of credit notes with which to carry on trade.

The banking power of the United States in 1906, as represented by capital, surplus, other profits, deposits, and circulation of national and other reporting banks, together with estimated amount of funds of this character in nonreporting banks, is shown to be $16,462,470,465. The items composing this fund are stated in the accompanying table:

Classification.	Number.	Capital.	Surplus, etc.
National banks	6,053	$826,129,785	$665,163,368
State, etc., banks	11,852	739,163,401	893,679,524
Nonreporting banks [a]	3,491	75,356,000	33,280,000
Total	21,396	1,640,649,186	1,592,122,892

Classification.	Deposits.	Circulation.	Total.
National banks	[b] $4,145,783,632	$510,860,726	$6,147,937,511
State, etc., banks	8,159,894,029	.....	9,792,776,954
Nonreporting banks [a]	413,160,000	.....	521,795,000
Total	12,718,837,661	510,860,726	16,462,470,465

[a] Estimated capital, etc., based on reports received from private banks.
[b] Includes Government deposits.

From the latest and most reliable data obtainable the banking power of the foreign countries is estimated at $21,952,500,000, the details being set forth in the following table:

Banks.	Capital.	Surplus.	Deposits.	Circulation.	Total.
	Millions.	*Millions.*	*Millions.*	*Millions.*	*Millions.*
Principal European and other foreign banks	$1,364.7	[a] $587.4	$7,642.7	$4,111.8	$13,706.6
Foreign savings banks	.....	.....	8,245.9	.....	8,245.9
Total	1,364.7	587.4	15,888.6	4,111.8	21,952.5

[a] Estimated.

Mulhall estimated the world's banking power in 1890 at $15,985,000,000, the United States being credited with about one-third of that amount. Since that year the banking power of the United States has increased to the extent of $11,312,400,000, or over 219 per cent; that of the foreign countries, $11,117,500,000, or 102.6 per cent; and the combined banking power, $22,429,900,000, or 140.3 per cent.

The statement following, relating to the banking power of the world in 1890 and 1906, shows also the amounts and percentages of increase in 1906 over 1890:

Classification.	1890.	1906.	Increase.	
			Amount.	Per cent.
	Millions.	*Millions.*	*Millions.*	
Banking power of the United States	$5,150	$16,462.4	$11,312.4	219.6
Banking power of foreign countries	10,835	21,952.5	11,117.5	102.6
Banking power of the world	15,985	38,414.9	22,429.9	140.3

Let us remember that of all the great questions confronting this country to-day none is to be compared with the importance of a sound and scientific financial system; one that automatically coordinates itself with the gigantic changes that are going on in the commercial world, and will give to the United States a mechanism of exchange as economic as sound credits and conservatism will permit.

No human mind can comprehend the frightful danger and wasteful disaster that may be attributable to the condition of our currency or complete want of any true current credit at all.

Already apprehensions are felt that something is wrong; and various excuses or explanations are forthcoming.

We are told that commodities are so far above what they ever were that this is the source of our danger. But is this true? Let us see.

I will insert in my remarks a table showing the prices of the 41 leading commodities selected by the Bureau of Labor for reference:

Average wholesale prices of forty-one commodities, 1890 to 1897, and 1906.

[From Bulletin No. 63 and advance figures of Bulletin No. 69 of the United States Bureau of Labor.]

Commodities and markets.	Percentage of 1894-1898 prices.									
	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1893 to 1897, inclusive.	1906.
Wheat, Chicago (bushel)	128.3	138.2	113.2	97.3	80.3	86.2	92.1	114.2	94.0	114.0
Corn, Chicago (bushel)	119.3	173.5	136.0	119.8	130.7	119.5	77.9	76.9	105.0	139.9
Oats, Chicago (bushel)	134.1	167.2	131.3	122.1	134.3	102.5	77.8	78.8	103.1	141.7
Barley, Chicago (bushel)	126.6	152.6	127.2	117.2	128.4	107.6	74.5	80.7	101.7	128.0
Cotton, New York (pound)	144.2	111.9	99.9	108.2	91.1	94.9	103.0	93.0	98.0	143.4
Cattle: Steers, good to choice, Chicago (100 pounds)	88.5	109.0	96.2	103.5	96.7	105.5	91.3	102.1	99.8	114.5
Hides, Chicago (pound)	100.9	102.8	94.1	81.0	69.3	111.1	87.7	107.7	91.4	166.8
Beef, fresh, sides, New York (pound)	111.4	132.6	123.4	131.6	121.1	128.2	113.0	124.5	123.7	126.3
Hogs, heavy, Chicago (100 pounds)	98.8	110.5	128.9	163.7	124.3	106.9	83.9	89.7	113.7	155.9
Hams, smoked, Chicago (pound)	107.9	106.5	116.7	135.5	110.5	102.7	102.3	97.0	109.5	133.9
Lard, New York (pound)	109.6	114.3	133.5	178.3	133.8	113.1	81.2	76.4	116.5	153.6
Butter, creamery, Elgin (pound)	114.5	127.9	129.3	132.0	112.2	105.6	91.7	94.0	107.1	125.8
Cheese, New York (pound)	102.2	107.9	112.9	114.8	113.1	99.1	96.9	103.3	105.4	140.1
Eggs, fresh, New York (dozen)	106.8	118.6	118.9	123.3	100.7	109.9	95.6	94.3	104.8	143.5
Molasses, New Orleans, New York (gallon)	117.1	92.2	105.4	110.6	102.2	102.0	107.3	86.5	101.8	112.4
Dried apples, New York (pound)	132.2	158.1	81.0	97.3	120.9	92.1	59.8	51.1	84.3	101.9
Sugar, granulated, New York (pound)	172.2	131.6	121.6	135.0	114.8	116.0	126.6	125.6	123.6	126.1
Coffee, Rio, New York (pound)	151.8	141.5	121.1	145.9	140.1	134.8	104.4	67.1	118.5	68.7
Beans, New York (bushel)	142.9	158.7	131.7	140.2	130.1	126.1	82.7	73.6	110.5	133.8
Rice, New York (pound)	110.8	116.7	104.2	84.1	96.3	97.6	95.1	99.3	94.5	86.8
Sheep, western, Chicago (100 pounds)	136.0	133.3	142.0	120.3	86.9	90.2	91.6	109.9	99.8	153.9
Wool, Ohio medium fleece, Boston (pound)	163.3	154.7	140.2	122.8	94.2	87.2	84.7	106.3	99.0	136.2
Hay, timothy, Chicago (ton)	102.2	125.6	121.0	114.6	106.5	116.4	105.6	86.3	105.9	132.5
Hops, New York (pound)	214.3	215.9	204.8	185.7	123.9	76.9	71.7	94.8	110.6	133.2
Salt, Chicago (barrel)	117.5	116.7	112.4	104.2	106.7	104.2	92.4	98.1	101.1	106.0
Flour, winter wheat, New York (barrel)	128.5	135.4	113.8	90.7	75.9	89.2	100.0	120.4	95.2	99.8
Codfish, Boston (quintal)	114.1	135.3	141.8	128.2	119.8	111.0	84.6	90.9	106.9	152.9

Average wholesale prices of forty-one commodities, 1890 to 1897, and 1906.—Continued.

Commodities and markets.	Percentage of 1894–1898 prices.									
	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1893 to 1897, inclusive.	1906.
Silver, New York (ounce)	165.4	155.5	137.5	122.9	100.6	104.1	107.1	95.5	106.0	105.8
Copper, New York (pound)	144.6	119.8	106.0	100.4	87.1	98.7	100.7	103.9	98.2	180.1
Lead, New York (pound)	129.8	128.9	121.8	110.3	97.6	96.2	88.5	105.6	99.7	173.5
Pig iron, Foundry No. 1, Philadelphia (ton)	147.3	140.2	126.0	116.2	101.3	104.9	103.7	96.8	104.6	167.9
Lumber, white pine, No. 2, barn, Buffalo (1,000 feet)	100.9	102.1	103.0	111.9	109.1	103.6	99.1	95.1	103.8	178.7
Hemlock, Pennsylvania, New York (1,000 feet)	110.8	109.7	108.3	105.7	103.1	98.2	98.3	96.9	100.4	192.8
Shingles, cypress, at mills (1,000)	130.9	127.0	123.0	117.2	109.4	103.5	97.7	91.8	103.9	126.6
Nails, wire, 8 penny, Pittsburg (100 pound keg)	154.2	128.3	113.9	103.6	85.9	110.1	152.1	77.2	105.8	101.8
Barb wire, galvanized, Chicago (100 pounds)	178.0	160.6	138.0	125.7	108.5	112.1	97.9	89.8	106.8	121.3
Ginghams, Amoskeag, general market (yard)	136.5	141.9	141.9	137.8	105.9	101.7	103.1	95.6	108.7	123.4
Calico, Cocheco, prints, general market (yard)	127.5	112.7	127.5	122.5	107.8	102.9	102.9	98.0	106.9	107.8
Cotton flannel, general market (yard)	130.6	130.6	123.3	109.1	104.4	99.6	104.4	104.4	104.4	137.2
Brick, New York (1,000)	125.9	109.5	110.7	111.9	95.9	101.9	97.1	94.7	100.3	164.0
Coal, bituminous, Youghiogheny, Cincinnati (bushel)	112.9	134.2	127.4	128.9	107.8	102.0	97.4	96.9	106.6	134.2
Average per cent, 41 commodities	129.1	131.5	122.2	120.3	107.1	104.3	95.7	94.7	104.4	133.8

The foregoing table shows that the prices in 1891 rose to the index number 131, against 133 in 1906.

Nor does this slight increase of only 1½ per cent in the prices of 1891 justify the declaration that gold has depreciated, for the increase in wages would more than account for this trifling advance in fifteen years; but then allowance must be made for the differential growing out of inventions, discoveries, and improved methods of production.

When the crops and general production are more abundant than ever in the history of our country, those of 1906 being upon the average more than 50 per cent above those of 1900, and nothing can be found in the general business situation to excite the suspicion and anxiety already felt, ought we not to look deeper and inquire more closely in order that we may get at the real cause and ascertain whether there is not an explanation, a solution, to this mental condition—nay, more, this financial condition—and remedy the evil before it is too late?

In search of the real reason for the universal caution now felt, I addressed certain queries to the Comptroller of the Currency, and herewith submit them and the detailed information they elicited:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, January 17, 1907.

SIR: In compliance with the request contained in your communication of the 16th instant, for certain information with respect to cash reserves held by national and other banks of the United States, I have the honor to inclose herewith statements prepared in the form indicated in your letter, as follows:

(1) Aggregate resources and liabilities of national banks on July 14, 1896, and June 18, 1906.

(2) Aggregate resources and liabilities of State banks, loan and trust companies, savings banks and private banks, 1896.

(3) Aggregate resources and liabilities of State banks, loan and trust companies, savings banks and private banks, 1906.

(4) Net deposit liabilities of national banks and reserve held thereon, July 14, 1896, and June 18, 1906.

(5) Individual deposits of State banks, amount and per cent of cash on hand and balance due from banks, June 30, 1896, and 1906.

(6) Individual deposits of loan and trust companies, amount and per cent of cash on hand and balance due from banks, June 30, 1896, and 1906.

(7) Individual deposits in savings banks, amount and per cent of cash on hand, and balance due from banks, June 30, 1896, and 1906.

(8) Individual deposits of private banks, amount and per cent of cash on hand and balance due from banks, June 30, 1896, and 1906.

(9) Individual deposits, amount and per cent of cash on hand and balance due from banks, of all banks reporting other than national.

(10) Net deposit liabilities and reserve held thereon, of commercial banks, savings banks, and all reporting banks together with per capita of deposits, on or about June 30, 1896.

(11) Money in the United States and distribution per capita.

(12) Reserve money held by all reporting banks on or about June 30, 1896, and 1906.

(13) Lawful money in circulation outside of banks on or about June 30, 1896, and 1906.

(14) Statement indicating the amount required to bring present cash reserve held by national banks and by all commercial banks to ratio of cash reserve held, 1896.

(15) Statement showing cash reserve held by commercial banks of the United States, Canada, Japan, and banks of issue of the principal European countries.

Respectfully,

T. P. KANE,
Deputy and Acting Comptroller.

Hon. CHARLES N. FOWLER,
Chairman Committee on Banking and Currency,
House of Representatives, Washington, D. C.

Aggregate resources and liabilities of the national banks on July 14, 1896, and June 18, 1906.

	July 14, 1896 (3,689 banks).	June 18, 1906 (6,053 banks).
RESOURCES.		
Loans and discounts	$1,959,166,368.99	$4,206,890,078.33
Overdrafts	12,475,642.66	30,034,557.56
United States bonds for circulation	227,213,650.00	516,871,650.00
United States bonds for deposits	15,928,500.00	66,534,380.00
Other bonds for deposits	.....	27,455,331.82
United States bonds on hand	12,835,655.00	8,158,300.00
Premiums on United States bonds	17,579,015.44	13,172,694.72
Bonds, securities, etc	190,262,918.13	651,171,903.32
Banking house, etc	78,227,350.23	143,747,117.26
Real estate, etc	27,221,722.40	19,349,501.59
Due from national banks	116,328,082.38	330,038,966.33
Due from State banks	28,388,424.79	127,895,385.53
Due from reserve agents	204,384,106.92	587,668,626.51
Checks and other cash items	13,601,452.76	31,213,772.60
Clearing-house exchanges	75,926,122.93	313,377,664.41
Bills of other banks	17,444,746.00	28,283,210.00
Fractional currency	999,427.31	1,993,213.71
Specie	203,835,449.11	485,987,256.88
Legal-tender notes	113,213,290.00	165,246,347.00
United States certificates of deposit	27,165,000.00	.....
Five per cent fund with Treasurer	9,922,944.49	25,247,287.95
Due from United States Treasurer	1,677,206.43	3,890,858.52
Total	3,353,797,075.97	7,784,228,113.04
LIABILITIES.		
Capital stock	651,144,855.00	826,129,785.00
Surplus fund	248,368,423.63	448,858,491.99
Undivided profits	83,483,208.76	216,304,875.89
National-bank circulation	199,214,049.50	510,860,726.00
State-bank circulation	60,393.50	30,966.50
Due to national banks	291,990,811.77	796,650,181.46
Due to State banks	162,311,142.23	362,693,480.22
Due to savings banks	.....	349,804,181.05
Due to reserve agents	.....	36,119,635.43
Dividends unpaid	2,833,357.12	1,753,347.21
Individual deposits	1,668,413,507.62	4,055,873,636.60
United States deposits	12,556,149.50	80,922,909.92
Deposits United States disbursing officers	2,848,176.20	8,987,085.03
Bonds borrowed	.....	42,026,320.00
Notes rediscounted	11,846,960.72	7,584,436.68
Bills payable	15,920,902.16	29,818,664.73
Reserved for taxes	.....	3,138,031.41
Other liabilities	2,805,138.26	6,671,354.92
Total	3,353,797,075.97	7,784,228,113.04

Resources and liabilities of State banks, loan and trust companies, savings and private banks, 1896.

Classification.	3,708 State banks.	260 loan and trust companies.	988 savings banks.	824 private banks.	Total, 5,780 banks.
RESOURCES.					
Loans on real estate	$42,610,348	$70,612,944	$800,193,199	$11,963,527	$925,380,018
Loans on collateral security other than real estate	105,386,820	249,874,349	50,525,863	12,374,512	418,161,544
Other loans and discounts	549,158,728	141,513,656	204,053,701	34,332,329	929,058,414
Overdrafts	5,349,902	157,388	415,006	993,011	6,915,307
United States bonds	726,888	37,400,637	148,525,375	2,386,416	189,039,316
State, county, and municipal bonds	1,384,186	5,243,292	453,491,563	1,056,820	461,175,861
Railroad bonds and stocks	66,279	12,464,537	134,559,472	953,621	148,043,909
Bank stocks	343,481	707,119	44,016,805	806,189	45,873,594
Other stocks and bonds	94,713,727	145,348,966	124,608,472	2,023,544	366,694,709
Due from other banks and bankers	116,711,865	79,356,399	87,319,545	12,474,379	295,862,188

Resources and liabilities of State banks, loan and trust companies, savings and private banks, 1896—Continued.

Classification.	3,708 State banks.	260 loan and trust companies.	988 savings banks.	824 private banks.	Total, 5,780 banks.
RESOURCES—continued.					
Real estate, furniture, and fixtures	$50,898,479	$33,163,488	$46,666,584	$6,397,314	$137,125,865
Current expenses and taxes paid	3,853,724	380,954	655,222	643,252	5,533,152
Cash and cash items	26,502,386	2,156,987	1,114,827	507,689	30,281,889
Cash on hand	101,038,641	26,800,871	35,201,528	6,157,561	169,198,601
Other resources	8,442,054	50,100,566	11,960,001	1,277,967	71,780,588
Total	1,107,187,508	855,282,153	2,143,307,163	94,348,131	4,200,124,955
LIABILITIES.					
Capital stock	240,133,835	111,146,973	27,240,505	22,310,086	400,831,399
Surplus fund	70,719,890	62,444,553	148,312,419	5,068,297	286,545,159
Other undivided profits	25,054,582	21,869,059	26,402,574	2,731,328	76,057,543
Dividends unpaid	683,966	414,186			1,098,152
Individual deposits	695,659,914	586,468,156	28,310,191	59,116,378	1,369,554,639
Savings deposits			1,907,156,277		1,907,156,277
Debenture bonds		1,762,598			1,762,598
Due to other banks and bankers	57,762,233	6,149,336	1,098,893	2,409,192	67,419,654
All other liabilities	17,173,088	65,027,292	4,786,304	2,712,850	89,699,534
Total	1,107,187,508	855,282,153	2,143,307,163	94,348,131	4,200,124,955

Resources and liabilities of State banks, loan and trust companies, savings and private banks, 1906.

Classification.	8,862 State banks.	742 loan and trust companies.	1,319 savings banks.	929 private banks.	Total, 11,852 banks.
RESOURCES.					
Loans on real estate	$150,759,337	$166,524,402	$1,323,729,850	$13,430,972	$1,654,444,561
Loans on other collateral security	80,287,952	895,884,351	58,946,703	8,303,090	1,043,422,096
Other loans and discounts	2,009,756,478	547,059,086	293,274,919	72,715,318	2,922,805,801
Overdrafts	32,155,877	939,994	977,543	2,086,329	36,159,743
United States bonds	5,603,389	1,678,160	12,178,254	540,804	20,000,607
State, county, and municipal bonds	10,036,457	17,305,806	140,393,235	1,120,184	168,855,682
Railroad bonds and stocks	2,375,440	46,592,846	346,561,193	625,909	396,155,388
Bank stocks	514,496	10,126,733	25,860,373	170,076	36,671,678
Other stocks, bonds, and securities	394,437,012	684,581,875	1,084,782,527	4,674,732	2,168,476,146
Due from other banks and bankers	513,029,009	289,102,143	156,764,518	24,723,406	983,619,076
Real estate, furniture, and fixtures	108,461,141	86,219,390	52,410,539	6,738,248	253,829,318
Checks and other cash items	89,914,963	9,913,537	102,911	694,234	100,625,675
Cash on hand	231,863,412	70,183,686	26,129,931	6,761,156	334,938,185
Other resources	47,855,354	133,118,525	60,911,699	1,461,312	243,346,890
Total	3,677,050,317	2,959,230,534	3,583,024,195	144,045,800	10,363,350,846
LIABILITIES.					
Capital stock	421,845,705	268,384,337	28,896,367	20,036,992	739,163,401
Surplus fund	170,920,117	348,236,524	206,422,799	6,361,155	731,940,595
Other undivided profits	80,194,691	47,137,096	31,911,510	2,495,632	161,738,929
Dividends unpaid	499,360	440,582		43,838	983,780
Individual deposits	2,741,464,129	2,008,937,790	3,299,544,601	109,947,509	8,159,894,029
Due to other banks and bankers	190,045,500	153,290,831	8,540,751	1,869,285	353,746,367
Other liabilities	72,080,815	132,803,374	7,708,167	3,291,389	215,883,745
Total	3,677,050,317	2,959,230,534	3,583,024,195	144,045,800	10,363,350,846

NATIONAL BANKS.

Net deposit liabilities and reserve held thereon July 14, 1896, and June 18, 1906.

	July 14, 1896 (3,689 banks).	June 18, 1906 (6,053 banks).
Net deposits	[a] $1,906,287,780	[b] $4,819,174,251
Cash reserve in bank	$344,213,738	$651,233,603
Per cent cash reserve held	18.06	13.51
Per cent available reserve with reserve agents and 5 per cent redemption fund	11.24	11.39
Per cent cash reserve due from reserve agents and in redemption fund	29.30	26.23

[a] Page 590, Comptroller's report, 1896.
[b] Page 204, Comptroller's report, 1906.

STATE BANKS.

Individual deposits, amount, and per cent of cash on hand and balance due from banks.

	June 30, 1896 (3,708 banks).	June 30, 1906 (8,862 banks[a]).
Individual deposits	$695,659,914	$2,741,464,129
Cash on hand	$101,038,641	$231,863,412
Per cent cash reserve held	14.52	8.45
Due from banks	$116,711,865	$513,029,009
Deduct amount due to banks	$57,762,233	$190,045,500
Net amount due from banks	$58,949,632	$322,983,509
Per cent balance due from banks	8.47	11.78
Per cent cash reserve and balance due from banks	22.99	20.23

[a] Includes banks of island possessions.

LOAN AND TRUST COMPANIES.

Individual deposits, amount, and per cent of cash on hand and balance due from banks.

	June 30, 1896 (260 companies).	June 30, 1906 (742 companies).
Individual deposits	$586,468,156	$2,008,937,790
Cash on hand	$26,800,871	$70,183,686
Per cent cash reserve held	4.56	3.49
Due from banks	$79,356,399	$289,102,143
Deduct amount due to banks	$6,149,336	$153,290,831
Net amount due from banks	$73,207,063	$135,811,312
Per cent balance due from banks	12.48	6.76
Per cent cash reserve held and balance due from banks	17.04	10.25

SAVINGS BANKS.

Individual deposits in savings banks, amount and per cent of cash on hand and balance due from banks.

	June 30, 1896 (988 banks).	June 30, 1906 (1,319 banks).
Individual deposits	$1,935,466,468	$3,299,544,601
Cash on hand	$35,201,528	$26,129,931
Per cent cash reserve held	1.81	.79
Due from banks	$87,319,545	$156,764,518
Deduct amount due to banks	$1,098,893	$8,540,751
Net amount due from banks	$86,220,652	$148,223,767
Per cent balance due from banks	4.45	4.49
Per cent cash reserve held and balance due from banks	6.26	5.28

PRIVATE BANKS.

Individual deposits of private banks, amount and per cent of cash on hand, and balance due from banks.

	June 30, 1896 (824 banks).	June 30, 1906 (929 banks).
Individual deposits	$59,116,378	$109,947,509
Cash on hand	$6,157,561	$6,761,156
Per cent cash reserve held	10.41	6.15
Due from banks	$12,474,379	$24,723,406
Deduct amount due to banks	$2,409,192	$1,869,285
Net amount due from banks	$10,065,187	$22,854,121
Per cent balance due from banks	17.02	20.78
Per cent cash reserve held and balance due from banks	27.43	26.92

STATE BANKS, LOAN AND TRUST COMPANIES, SAVINGS AND PRIVATE BANKS.

Individual deposits, amount and per cent of cash on hand and balance due from banks June 30, 1896 and 1906.

	June 30, 1896 (5,780 banks).	June 30, 1906 (11,852 banks).
Individual deposits	$3,276,710,916	$8,159,894,029
Cash on hand	$169,198,601	$334,938,185
Per cent cash reserve held	5.16	4.10
Due from banks	$295,862,188	$983,619,076
Deduct amount due to banks	$67,419,654	$353,746,367
Net amount due from banks	$228,442,534	$629,872,709
Per cent balance due from banks	6.98	7.71
Per cent cash reserve held and balance due from banks	12.14	11.81

COMMERCIAL AND OTHER BANKS.

Net deposit liabilities and reserve held thereon of commercial banks, savings banks, and all reporting banks, on or about June 30, 1896 and 1906.

	1896.	1906.
Commercial banks:		
Net deposits	$3,247,532,228	$9,679,523,679
Cash reserve on hand	$478,210,811	$960,041,857
Per cent cash reserve held	14.73	9.92
Per capita deposits in commercial banks	$45.49	$114.33
Savings banks:		
Deposits in savings banks	$1,935,466,468	[a]$3,299,544,601
Cash reserve on hand	$35,201,528	$26,129,931
Per cent cash reserve held	1.81	0.79
Per capita deposits	$27.11	$38.97
All banks:		
Deposits	$5,182,998,706	$12,979,068,280
Cash reserve held	$513,412,339	$986,171,788
Per cent cash reserve held	9.90	7.60
Per capita deposits	$72.60	$153.30

[a] Exclusive of savings deposits in State banks of Illinois having savings department.

Money in the United States and distribution per capita.

	June 30, 1896.		June 30, 1906.	
	Amount.	Per capita.	Amount.	Per capita.
Total stock of money in the United States	$1,799,900,000	$25.21	$3,069,900,000	$36.26
DISTRIBUTION OF MONEY IN THE UNITED STATES.				
Money in Treasury as assets	293,500,000	4.11	325,400,000	3.84
Money in reporting banks (national, State, etc)	531,800,000	7.45	[a]1,016,400,000	12.01
Money in circulation outside of banks and the Treasury	974,600,000	13.65	1,728,100,000	20.41
Total	1,799,900,000	25.21	3,069,900,000	36.26

[a] Includes $5,661,868 in banks of island possessions.

Reserve money held by all reporting banks.

	June 30, 1896.	June 30, 1906.
Cash in reporting banks in United States	$531,856,513	$1,016,448,222
Deduct nonreserve money in banks (national-bank notes and fractional currency)	[a]18,444,173	[a]39,592,396
Total reserve money in banks	513,412,340	976,855,826

[a] Nonreserve money so far as known; banks other than national reported $72,000,000 in 1896 and $81,000,000 in 1906 as cash "not classified."

The following classification of the currency held by the banks in 1896 and 1906 is presented for the purpose of comparison:

Currency.	1896 (9,469 banks).	1906 (17,877 banks).	Increase.
Gold coin	$149,260,431	$156,699,578	$7,439,147
Gold certificates	51,720,400	329,982,467	278,262,067
Silver dollars	13,717,838	22,888,827	9,170,989
Silver, fractional	5,619,454	11,357,041	5,737,587
Silver certificates	29,495,375	101,277,029	71,781,654
Legal-tender notes	189,078,207	260,433,306	71,355,099
National-bank notes	17,444,746	37,599,418	20,154,672
Fractional paper currency, nickels, and cents	999,427	1,992,978	993,551
Unclassified specie	2,413,485	7,027,629	4,614,144
Unclassified cash	72,107,150	81,528,081	9,420,931
Total	531,856,513	1,010,786,354	478,929,841
Currency in banks of island possessions		5,661,868	5,661,868
Total in banks of country	531,856,513	1,016,448,222	484,591,709

Lawful money in circulation outside of banks.

	June 30, 1896.		June 30, 1906.	
	Amount.	Per capita.	Amount.	Per capita.
Money in banks and in circulation	$1,506,400,000	$21.10	$2,744,500,000	$32.42
Deduct national-bank notes in circulation June 30	225,556,520	3.16	561,112,360	6.63
Total amount of lawful money in circulation	1,280,843,480	17.94	[a]2,183,387,640	25.79
Deduct lawful money in banks	513,412,340	7.19	976,855,826	11.54
Lawful money in circulation outside of banks, in the hands of the people	767,431,140	10.75	1,206,531,814	14.25

[a] Includes fractional paper currency, nickels, and cents not permitted to be counted as reserve for national banks.

Statement indicating amount required to bring present cash reserve held by national banks and by all commercial banks in 1906 to ratio of cash reserve held in 1896.

	6,053 national banks.	Per cent of deposits.	16,586 commercial banks. [a]	Per cent of deposits.
Deposits (net deposits national banks) 1906	$4,819,174,251	.....	$9,679,523,679	.....
Amount cash reserve required by national banks to equal per cent held in 1896	870,342,869	18.06	.....	.....
Amount cash reserve required by all commercial banks to equal cash reserve held in 1896	.....	.....	1,425,793,837	14.73
Actual amount and per cent of cash reserve held, 1906	651,233,603	13.51	960,041,857	9.92
Additional amount required to increase cash reserves to ratios held in 1896	219,109,266	.....	465,751,980	.....

[a] National banks included; savings banks excluded.

Comparative statement showing cash reserve held by commercial banks of the United States and by banks of foreign countries on or about June 30, 1906.

Country.	Number of banks.	Deposits.		Cash reserve in bank.	
				Amount.	Per cent.
United States:					
National banks	6,053	.....	$4,819,174,251	$651,233,603	13.51
Other commercial banks	10,533	.....	4,860,349,428	308,808,254	6.35
Canada	34	Deposits [a]	468,700,000		
		Circulation	60,100,000		
			528,800,000	[b]48,735,000	9.21
Scotland (Bank of Scotland and joint stock banks)	11	Deposits	[c]505,310,000		
		Circulation	37,715,000		
			643,025,000	[d]120,550,000	22.20

[a] Amount due to banks not included. [b] Specie and Dominion notes [c] Deposits and current accounts. [d] Cash, money at call and short notice.

Comparative statement showing cash reserve held by commercial banks of the United States and by banks of foreign countries on or about June 30, 1906—Continued.

Country.	Number of banks.	Deposits.		Cash reserve in bank.	
				Amount.	Per cent.
Ireland (Bank of Ireland and joint stock banks)	9	Deposits	a $269,795,000		
		Circulation	30,530,000		
			300,325,000	b $19,880,000	16.61
England and Wales (Bank of England and joint stock banks)	58	Deposits	a 3,418,940,000		
		Circulation	148,965,000		
			3,567,905,000	b 1,025,690,000	28.74
United Kingdom c	92	Deposits	a 4,336,505,000		
		Circulation	217,955,000		
			4,554,460,000	b 1,231,220,000	27.03
Germany (Imperial Bank and other banks of issue)		Deposits	168,000,000		
		Circulation	449,500,000		
			617,500,000	d 227,200,000	36.79
France (Bank of France)		Deposits	a 189,100,000		
		Circulation	908,800,000		
			1,097,900,000	803,400,000	73.17
Austria-Hungary (Bank of Austria-Hungary)		Deposits	31,100,000		
		Circulation	376,500,000		
			407,600,000	299,200,000	73.40
Japan (Imperial and other banks), December, 1905	2,243	Deposits	717,653,000		
		Circulation	160,300,000		
			877,953,000	111,158,000	12.66

a Deposits and current accounts.
b Cash, money at call and short notice.
c Joint stock, colonial and foreign banks with London offices not included.
d Specie.

My thought was that our reserves must have fallen, and yet, with an increase in our gold supply of $873,397,245, from 1896 to 1906, it would seem at first blush as though this could not be, nor could it be if this vast amount of gold had gone into the banks where it belonged. But it did not go into the banks as it should, except in part. The banks got $433,000,000, and the people pocketed a little more than half of it, or $439,000,000.

Can any Member of this House tell me of what earthly use the $1,206,531,814 of reserve money, now in the pockets and tills of the people, is to the commerce of the United States, except as a medium of exchange which credit could perform as well?

It would take $465,751,980 to raise the reserves in the banks of the United States up to the ratios we held in 1896. The total reserves held by all the banks in the United States in 1906 were $960,041,857, or $250,000,000 less than the amount of the reserve money the people were using in trade. For all commercial purposes, except as a medium of exchange, it might just as well be in the bowels of the earth as in the pockets and tills of the people.

In fifteen years our population has increased 15,000,000, and the per capita pocket and till money of our people has gone up from $13.65 to $20.41, due undoubtedly to greater prosperity, higher wages, and better living. Of this $20.41 in circulation outside of the Treasury and the banks $15 is reserve money.

But can anyone explain to this House why a man should carry a check book, or demand credit, in his side coat pocket, and a gold certificate in his vest pocket? Why not the same kind of a credit in both pockets, except in this that one is a bank-book credit and the other a bank-note credit; the one a credit subject to order, the other a current credit?

Until we come to realize that it is the right of the mass of the people to have the same cheap or economic tool of trade as those who use check books, we shall fail utterly in our attempt to measure swords in the commercial world with the most advanced countries upon equal terms. Certainly every obvious advantage should be seized at once.

Let us settle once for all what a banker really is and what is his duty.

He is a merchant in credit and it is his duty to furnish to his customers the kind of credit they may ask for. If they want a book credit subject to check, the banker should give it to them. If they want current credit that passes by delivery, the banker should give it to them and keep it good by redemption in gold coin, which is insured by ample reserves.

The farmer, bringing to town his potatoes, corn, hogs, cattle, wheat, cotton, and other products, sells them to the local buyer, and getting his pay seeks the banker to sell his credit in the form of a deposit, upon which the banker pays him anywhere from 1 per cent to 3 per cent or possibly 5 per cent, just according to how large the deposit is and how long it is to remain with the banker.

The banker in return sells this credit, for which he is paying one rate of interest, to some other farmer or local dealer for a higher rate of interest. In other words, the banker is buying and selling credit, precisely as the local grain and stock dealer buys and sells produce, shipping it to other cities or commodity centers. So, too, the banker will send away all his access of credits to the market where he can sell them at the best price. As a result, we have a cotton market at New Orleans, a meat and grain market at Chicago, and a credit market at New York.

The loans made by the bankers, or credits sold by them, are approximately equal to the credits bought by them or the deposits made with them. To illustrate; September 4, 1906, the loans of the national banks amounted to $4,298,983,316.11, and the individual deposits were $4,199,938,310.35.

To compel the great mass of our people to carry about with them the actual gold coin in the form of certificates instead of a bank credit is as unjust to the people and as absurd as to pass a law to compel all farmers to bring their products to market in wagons with gold tires. Who would pay for the tires? Who pays the cost of a gold instead of a credit currency? Do you think the bankers pay it? Who is carrying the load imposed by a system that puts $1,200,000,000 of gold or reserve money into the pockets of the people instead of a current credit convertible into gold?

Do you think the bankers are paying the cost? Are they paying it any more than the stock, grain, and cotton buyers would pay for the gold tires were so onerous a burden imposed upon the productive industries of the country? What would the effect be upon the interest rates paid by the people, if one thousand millions or a billion of the reserves now locked up in the pockets of the people were in the banks where they would sustain loans of more than five thousand millions of dollars with a reserve of 20 per cent, or if the present average reserve of our country be taken, which is only 7.60 per cent, nearly three times five thousand millions, or fifteen thousand millions—three thousand millions more than all the loans in all the banks in the United States—which are now $12,000,000,000.

But our reserves are too low, and should be largely increased, and this is the very heart of this whole question.

Our people are using the reserves of the country as a medium of exchange when current credits should do this work, rising and falling in quantity precisely as the demand comes and goes, reflecting as perfectly the variation in cash transactions as our checks and drafts reflect the transactions in bank credits. Increased wages and increased cost of living have made a greater and greater demand for cash; and while the people have been

absorbing our reserves, the business of the country has gone on increasing, and the bankers have sold credits to such an extent, or, what is the same thing, have made loans to such an extent, that the reserves have gradually become smaller relatively since 1896, until now they are only 9.92 per cent against 14.73 per cent in 1896 in all the commercial banks—national, state, trust companies, and private banks—while including the savings banks they are only 7.6 per cent to-day against 9.90 per cent in 1896.

If one-third of the reserves hidden in the pockets of the people or the gold they have taken from the channels of trade since 1896 was in the banks, the ratio of our reserves would be as high as in 1896, and if two-thirds of the reserves lodged in the pockets of the people were in the commercial banks of the country, our reserves would be 20 per cent of our deposits.

Thus it is clear that the reserves in the country are more than ample for any apparent demand for credit, however great that may seem to be, if only they were in the bank vaults instead of in the pockets of the people.

Thus it happens that the condition of our national finances is such that the people are constantly absorbing more and more of our reserves as the times become more prosperous. Indeed, our financial and currency policy is such that our prosperity must inevitably lead to the destruction of that very prosperity—an anomaly, but the direct and natural fruit of our ignorance and wasteful folly.

Nor shall we escape the evil consequences of this condition, which will come to us in various ways, until we recognize two or three great economic truths and construct a financial and currency system upon them.

The first is that the place for our reserves is in our bank vaults, and not in the pockets and tills of the people.

The second is that there is not the slightest difference between bank-book credits and bank-note credits.

The third is that the required reserves should be ample; the bank-note credits passing with perfect facility into the bank-note credits, and both currently convertible into the reserves.

When we recognize and adopt these principles, incorporating them into a system, our rates of interest will become practically uniform throughout the country and throughout the year, and not England, but the United States will be the financial center and the world's commercial bills of exchange will bear the signet of the eagle and not of the lion and the unicorn.

The SPEAKER. The question is on the motion of the gentleman from New Jersey to concur in the Senate amendment.

The question was taken; and the House proceeded to divide.

Mr. WILLIAMS. Mr. Speaker, to save the time of the House, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 72, answered "present" 2, not voting 143, as follows:

YEAS—160.

Allen, Me.	Dunwell	Kline	Powers
Allen, N. J.	Ellis	Knapp	Prince
Andrus	Englebright	Knopf	Reeder
Barchfeld	Esch	Knowland	Reyburn
Bates	Fassett	Lacey	Reynolds
Bede	Fitzgerald	Lafean	Riordan
Bennet, N. Y.	Fordney	Landis, Chas. B.	Rodenberg
Birdsall	Foss	Landis, Frederick	Ruppert
Bonynge	Foster, Ind.	Littauer	Scott
Brick	Foster, Vt.	Littlefield	Shartel
Brooks, Colo.	Fowler	Longworth	Sherman
Burke, S. Dak.	French	Lorimer	Sibley
Burleigh	Gaines, W. Va.	Loud	Smith, Ill.
Burton, Del.	Gardner, Mass.	Loudenslager	Smith, Iowa
Burton, Ohio	Gardner, Mich.	Lovering	Smith, Mich
Calder	Gardner, N. J.	Lowden	Smith, Pa.
Calderhead	Gilhams	McCreary, Pa.	Smyser
Campbell, Kans.	Graff	McKinley, Ill.	Snapp
Capron	Graham	McKinney	Southard
Cassel	Granger	McMorran	Steenerson
Chaney	Greene	McNary	Stevens, Minn.
Chapman	Gronna	Mahon	Sullivan
Cocks	Grosvenor	Mann	Sulloway
Cole	Hamilton	Marshall	Tawney
Conner	Haskins	Martin	Taylor, Ohio
Cooper, Pa.	Hayes	Meyer	Townsend
Cousins	Henry, Conn.	Miller	Volstead
Cromer	Hepburn	Mondell	Vreeland
Crumpacker	Higgins	Moore, Pa.	Wadsworth
Currier	Hill, Conn.	Mouser	Waldo
Cushman	Howell, N. J.	Mudd	Wanger
Dalzell	Hubbard	Needham	Washburn
Darragh	Hull	Norris	Watson
Davidson	Humphrey, Wash.	Olcott	Weeks
Dawson	Jones, Wash.	Olmsted	Weems
Deemer	Kahn	Padgett	Wharton
Denby	Kelliher	Parker	Wiley, N. J.
Dixon, Mont.	Kennedy, Nebr.	Parsons	Wilson
Draper	Kennedy, Ohio	Payne	Wood
Driscoll	Kinkaid	Perkins	Woodyard

NAYS—72.

Adamson	Beall, Tex.	Brantley	Burleson
Aiken	Bell, Ga.	Brumm	Burnett
Bartlett	Bowers	Brundidge	Candler
Clark, Mo.	Heflin	Moon, Tenn.	Sims
Clayton	Hill, Miss.	Murdock	Slayden
Cooper, Wis.	Hinshaw	Nelson	Small
Dawes	Houston	Otjen	Smith, Ky.
De Armond	Howard	Overstreet, Ga.	Smith, Md.
Dixon, Ind.	Humphreys, Miss.	Rainey	Smith, Tex.
Finley	Hunt	Randell, Tex.	Stephens, Tex.
Flood	James	Richardson, Ala.	Sulzer
Gaines, Tenn.	Lamar	Robinson, Ark.	Talbott
Garrett	Lee	Rucker	Thomas, N. C.
Gill	Legare	Russell	Trimble
Gillespie	Lever	Ryan	Watkins
Glass	Lewis	Shackleford	Webb
Gregg	Lloyd	Sheppard	Williams
Hay	Macon	Sherley	Zenor

ANSWERED "PRESENT"—2.

Keifer	Wallace

NOT VOTING—143.

Acheson	Dresser	Klepper	Reid
Alexander	Dwight	Lamb	Rhinock
Ames	Edwards	Law	Rhodes
Babcock	Ellerbe	Lawrence	Richardson, Ky.
Bankhead	Field	Le Fevre	Rives
Bannon	Fletcher	Lilley, Pa.	Roberts
Bartholdt	Floyd	Lilley, Conn.	Robertson, La.
Beidler	Fulkerson	Lindsay	Samuel
Bennett, Ky.	Fuller	Livingston	Saunders
Bingham	Garber	McCall	Schneebeli
Bishop	Garner	McCarthy	Scroggy
Blackburn	Gilbert	McCleary, Minn.	Slemp
Boutell	Gillett	McDermott	Smith, Cal.
Bowersock	Goebel	McGavin	Southall
Bowie	Goldfogle	McKinlay, Cal.	Southwick
Bradley	Goulden	McLachlan	Sparkman
Broocks, Tex.	Griggs	McLain	Sperry
Broussard	Gudger	Madden	Spight
Brown	Hale	Maynard	Stafford
Brownlow	Hardwick	Michalek	Stanley
Buckman	Haugen	Minor	Sterling
Burgess	Hearst	Moon, Pa.	Taylor, Ala.
Burke, Pa.	Hedge	Moore, Tex.	Thomas, Ohio
Butler, Pa.	Henry, Tex.	Morrell	Tirrell
Butler, Tenn.	Hermann	Murphy	Towne
Byrd	Hogg	Nevin	Tyndall
Campbell, Ohio	Holliday	Overstreet, Ind.	Underwood
Clark, Fla.	Hopkins	Page	Van Duzer
Cockran	Howell, Utah	Palmer	Van Winkle
Coudry	Huff	Patterson, N. C.	Wachter
Dale	Hughes	Patterson, S. C.	Webber
Davey, La.	Jenkins	Pearre	Weisse
Davis, Minn.	Johnson	Pollard	Welborn
Davis, W. Va.	Jones, Va.	Pou	Wiley, Ala.
Dickson, Ill.	Kitchin, Claude	Pujo	Young
Dovener	Kitchin, Wm. W.	Ransdell, La.	

So the motion to concur in the Senate amendments was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. PEARRE with Mr. UNDERWOOD.

Mr. HALE with Mr. WALLACE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. DICKSON of Illinois with Mr. DAVEY of Louisiana.

Mr. BABCOCK with Mr. MAYNARD.

Mr. DAVIS of Minnesota with Mr. LAMB.

Mr. HALE with Mr. PAGE.

Mr. ROBERTS with Mr. PATTERSON of South Carolina.

Mr. SMITH of California with Mr. PATTERSON of North Carolina.

Mr. SPERRY with Mr. SOUTHALL.

The result of the vote was announced as above recorded.

On motion of Mr. FOWLER, a motion to reconsider the last vote was laid on the table.

Mr. WILLIAMS. Mr. Speaker, a moment ago I objected to the request of the gentleman from New Jersey to extend his remarks in the RECORD. Upon cooler reflection I desire to withdraw the objection.

The SPEAKER. The gentleman from Mississippi withdraws his objection to the gentleman from New Jersey printing his remarks.

Mr. WILLIAMS. Extending his remarks in the RECORD.

The SPEAKER. The Chair hears no objection to the request of the gentleman.

IMMIGRATION STATION AT CHARLESTON.

Mr. LEGARE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25719) to provide for the establishment of an immigration station at Charleston, in the State of South Carolina, and the erection in said city, on a site to be selected for said station, of a public building.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Department of Commerce and Labor be, and he is hereby, authorized and directed to establish an immigration station at the city of Charleston, in the State of South Carolina, and to cause to be erected, on a site to be selected, a public building to temporarily accommodate and care for immigrants arriving at said city.

SEC. 2. That the sum of $70,000 is hereby appropriated for the erec-

tion of said building, which sum shall be paid from the permanent appropriation for expenses of regulating immigration, said sum to include heating and ventilating apparatus, elevators, and approaches.

The committee amendments were read, as follows:

After section 1 insert the following:

"*Provided*, That the land and dock room necessary for said station and building to be transferred to the Government of the United States free of any cost to the United States."

Page 2, line 1, after the word "the," strike out the words "permanent appropriation for expenses of regulating immigration" and insert in lieu thereof the words "immigrant fund."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

[Mr. BENNET of New York addressed the committee. See Appendix.]

The amendments were agreed to.

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

On motion of Mr. LEGARE, a motion to reconsider the last vote was laid on the table.

IMMIGRATION STATION AT NEW ORLEANS, LA.

Mr. MEYER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish an immigration station at the city of New Orleans, in the State of Louisiana, and to cause to be erected on a site to be selected a public building to temporarily accommodate and care for immigrants arriving at said city: *Provided*, That the land and dock room necessary for said station and building be transferred to the Government of the United States free of any cost to the United States.

SEC. 2. That the sum of $70,000 is hereby appropriated for the erection of said building, which sum shall be paid from the permanent appropriation for expenses of regulating immigration, said sum to include heating and ventilating apparatus, elevators, and approaches.

The committee amendments were read, as follows:

Page 1, line 3, strike out "Secretary of the Treasury" and insert "Secretary of Commerce and Labor." Page 2, line 3, after the word "the," strike out "permanent appropriation of expenses of regulating immigration" and insert "immigrant fund."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET of New York. Mr. Speaker, the authorization of these new immigration stations, which for the first time place some southern ports on an equality with northern and western ones, calls attention especially at this time to the tide of immigration now setting so strongly toward us. There are many reasons for it. Prosperity among us, admiration for our form of Government, the fertility of our lands, and the happy experiences of friends and relatives bring to us thousands. With these voluntary immigrants we are, perhaps, entitled to exercise a high degree of care and scrutiny. But there is another class to whom, if true to our traditions, we owe a duty of maintaining a land of liberty and of refuge. This class is the refugee fleeing from persecution and dangers in his native land; to him we must temper scrutiny with mercy.

The present conditions in Russia are sending us thousands of unwilling immigrants, who leave their homes with as much reluctance as any of us possibly could ours. Not only must we receive these unfortunates, but if within our proper power we must also do what we can to remove the cause of their dire distress. Heretofore we have been advised that we were without power, but it is now suggested that this view is inaccurate. Distinguished lawyers and public citizens have united in a request to the Congress in the following form:

We, the undersigned, believe that the time has come when civilized nations may, and of right ought to, protest against the atrocities practiced by the Russian Government in its prolonged warfare against its own people.

The subject is one which interests all nations as a matter of common humanity. On more than one occasion governments have taken action for the amelioration or termination of abhorrent conditions existing in foreign countries. Many instances might be cited, but we content ourselves, as sufficient for our present purposes, in citing the case of the Bulgarian atrocities in 1877, when Russia, taking advantage of the general horror excited by the inhumanities of the Turkish forces within the dominions of the Sultan, intervened, in the name of humanity, to rescue the inhabitants of Bulgaria from their deplorable condition. Fifty years before various European powers, of whom Russia was one, intervened by force to redeem the Greek inhabitants of the Sultan's dominions from barbarities and oppression. In seeking now some means of inducing the Russian Government to ameliorate the condition of its subjects we are asking nothing for which the Russian Government has not itself in times past afforded a sufficient precedent.

This petition and protest rest solely and entirely upon the instances wherein the Russian Government has been and is disregardful of the obligations of a government toward its subjects as recognized by all civilized nations, and wherein it is guilty within its borders of flagrant violation of the terms of agreement of the Geneva treaty of 1864 and 1868 between the nations, and also of the second convention of the peace conference at The Hague in 1902, which forbid such acts of cruelty toward foreign enemies in time of war.

Knowledge of the facts involved has come from many and most varied sources—among others, reports both official and unofficial. A body of testimony has thus been accumulated, which produces upon the mind the irresistible conviction of the sad truth of these direful conditions. The principal facts may be grouped under the following heads:

(*a*) Thousands of men and women are dragged from their homes solely at the discretion or pleasure of local military or police authorities and "administratively" exiled without trial or examination and consigned to inevitable starvation and placed in the midst of remote settlements of semisavages (Ostiaks and Yakuts), close to and within the polar circle, where the most loathsome diseases are chronically epidemic. (See reports St. Petersburg "Society for Helping Political Prisoners and Exiles," 1906.)

(*b*) Hospitals are deliberately fired upon by the regular troops without rebuke. (See governmental and Douma committee reports on Kishenev, Homel, Bialostok, and Seidliz Pogroms.)

(*c*) The Red Cross is not respected, and the wounded are frequently slaughtered or thrown into the sea or buried alive with the dead. (See above reports on Pogroms; also the reports on the uprisings at Moscow, December, 1905, and at Sebastopol and Kronstadt, and also Klimkof report on the Baltic provinces. See Arts. II, III, V, XI, Geneva convention, 1864; also minutes second convention at The Hague, 1902, Art. XXIII, Secs. B and C.)

(*d*) Women, children, and aged and decrepit men—patently noncombatants—are maimed and killed by sword slashings, torn by bayonets, and trampled under hoofs of horses. (See report on pogroms; also report of Klimkof on Moscow, 1905; also official reports on events in Koursk, October, 1905. See minutes of the above convention, Art. XXV.)

(*e*) Girls and young women inhabitants of districts under military "protection" are repeatedly given over to violation by officers as well as ordinary soldiers. (See reports on pogroms by Governmental Commissioners Turau, Kouzminsky, Savich, and Douma committee of investigation; report of Pietoukhof on Seidliz; also report on the trial of Kishenev; investigation of society of Caucasian lawyers on Armenian massacres, Tiflis; and preliminary reports of official commission on the same subject, presided over by Veidenbaum.)

(*f*) Hundreds of homes are burned without warrant or reason at the mere whim and will of commanding officers. (See preliminary examination report of the Veidenbaum commission; the Captain Pietoukhof report on Seidliz. See also Albert Edwards in Collier's Weekly—affidavit certifying statements—and Kellogg Durland interview with General Alikanoff in the New York Evening Post, October 6, 1906—affidavit certifying statement; also minutes of the second convention at The Hague, Arts. XXV and XXVIII.)

(*g*) Tortures are applied to prisoners within fortresses and prisons to elicit information. (See Klimkof report and official complaints to ministers of justice; reports of Vladimeroff—Sunday World, January 27, 1907—affidavit certifying statements.)

(*h*) Field courts-martial endeavor to confuse ordinary civil offenses with revolutionary acts, leading to the almost daily execution of offenders who in civilized lands would receive the most trivial sentences. (See official proclamation through minister of war, 26th of August, 1906, and constantly appearing newspaper dispatches, for example, "Three persons hanged in public gardens in Odessa for stealing $3.50, etc."—Associated Press dispatch, January, 1907.)

(*i*) Villages are pillaged and looted by soldiers upon and during military occupancy, and by police and gendarmes during and immediately following disturbances—i. e., pogroms or massacres—and without any serious attempts on the part of the Government officials to bring to justice those who have violated their sacred duty of protecting the lives, persons, and property of the individuals, thus indicating governmental complicity or connivance. (See governmental and Douma reports, the Captain Pietoukhof report on Seidliz, and minutes of the second convention at The Hague, Art. XLVII.—Pillage is absolutely prohibited.)

(*j*) Massacres are planned and effected by the police and military authorities for the purpose of terrorizing the population in given localities to support specific political aims. ("Pogroms.") (See above reports on "pogroms.")

In view of the present appalling situation in Russia, above indicated; in view of the certainty that the ruthless methods now employed can at best lead to a purely artificial and temporary tranquillity; in view of the fact that the present policy of the Russian Government is a menace to the peace of the world, and in view of the undoubted influence of foreign public opinion upon the action of governments, even the most autocratic, we hereby request the Congress of the United States solemnly to protest against the perverted use of governmental functions, of which the Russian people are the victims.

The petition is signed, among others, by Justice Samuel Greenbaum, New York City; R. Fulton Cutting, New York City; Edwin R. L. Gould, New York City; Samuel L. Clemens, New York City; Jacob H. Schiff, New York City; A. S. Frissell, New York City; Dr. Lyman Abbott, New York City; Bishop Henry C. Potter, New York City; George Kennan, New York City; Charles Stewart Smith, New York City; William Jay Schieffelin, New York City; Julia Ward Howe, Boston, Mass.; Rev. Charles Gordon Ames, Boston, Mass.; E. H. Clement, Boston, Mass.; Louis D. Brandeis, Boston, Mass.; Joseph Lee, Boston, Mass.; Bishop Whittaker, Philadelphia, Pa.; F. Innes Forbes, Philadelphia, Pa.; Julian Kennedy, Pittsburg, Pa.; D. Chris Lange, M. D., Pittsburg, Pa.; H. D. W. English, Pittsburg, Pa.; Judge Cohen, Pittsburg, Pa.; F. H. Babcock, Pittsburg, Pa.; Bishop Regis Canevin, Pittsburg, Pa.; Chancellor Holland, Pittsburg, Pa.; Prof. John A. Brashear, Pittsburg, Pa.; Rev. S. Edward Young, Pittsburg, Pa.; Rev. J. Leonard Levy, Pittsburg, Pa.; A. Leo Weil, Pittsburg, Pa.; Clarence Burleigh, Pittsburg, Pa.; Hon. William S. Woods, Pittsburg, Pa.

It is of course too late at this Congress to take any action

whatever, but in the Sixtieth Congress the views set out in the petition and protest will be vigorously pressed.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MEYER, a motion to reconsider the last vote was laid on the table.

IMMIGRANT STATION AT GALVESTON, TEX.

Mr. GREGG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8327) to provide for the establishment of an immigrant station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station, of a public building.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish an immigration station at the city of Galveston, in the State of Texas, and to cause to be erected, on a site to be selected, a public building to temporarily accommodate and care for immigrants arriving at said city: *Provided*, That the land and dock room necessary for said station and building be transferred to the Government of the United States free of any cost to the United States.

SEC. 2. That the sum of $70,000 is hereby appropriated for the erection of said building, which sum shall be paid from the permanent appropriation for expenses of regulating immigration, said sum to include heating and ventilating apparatus, elevators, and approaches.

The amendments recommended by the committee were read, as follows:

In section 1, line 3, strike out the words "Secretary of the Treasury" and insert in lieu thereof the words "Secretary of Commerce and Labor."

In section 2, page 2, lines 3 and 4, strike out the words "permanent appropriation for expenses of regulating immigration" and insert in lieu thereof the words "immigrant fund."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

Mr. BENNET of New York. Mr. Speaker, the passage of this and the two other bills for new immigrant stations is perhaps a proper occasion to call attention to the changes in the immigration law which, for the most part, go into effect on July 1, 1907. It is believed that the new law will greatly assist in the administration of the immigration law and also exclude certain classes of undesirable immigrants not now excluded.

The changes in the new immigration bill were made for the following reasons, and expected in each instance to accomplish the following purposes:

Section 1: The increase in the tax from $2 to $4 is expected to secure a fund of about a million dollars a year, which, paid into the United States Treasury, will recompense indirectly the country for the expenditure which it might make on individual immigrants before they become self-supporting. It is believed that this fund will be ample for that purpose, and if it does not go directly to the States spending the money, it at least goes into a fund of the country.

The change in the exemptions from "citizens of Canada," etc., to "aliens who have lived for a year in the Dominion of Canada," etc., was made for the reason that with increased head tax it was feared that some nation other than those specifically mentioned in the bill would raise the question of our right to extend a privilege to one nation which was not extended to all, and that such objecting nation might raise international questions based upon the most-favored-nation clause which is in most treaties. The words "or contract-labor laws" were inserted so as to make certain that the immigration fund could be used for the enforcement of the contract-labor laws, which are not, strictly speaking, entirely immigration laws.

The exemption of "aliens in transit through the United States" was inserted so as not to discriminate against steamship companies bringing aliens to ports in our country which aliens were destined for other countries.

The exemption of Guam, Porto Rico, and Hawaii from the head tax was made because of the effort which is being made to attract immigrants to those places, and the desire not to put any hindrance in the way of such efforts.

The labor condition maintained at the end of section 1 speaks for itself, and, while possibly useful in relation to the existing Japanese situation, will be useful at any time when industrial conditions become less prosperous; and immigrants who have gone to Canada, the Canal Zone, Guam, Cuba, Porto Rico, or Hawaii commence to feel any possible industrial depression, which would probably strike those places first, and attempt to come to the United States in large numbers, thus complicating what might by that time have become a serious economic problem among ourselves.

In section 2 the addition of imbeciles and feeble-minded persons to the excluded class needs no explanation, and the word "tuberculosis" is added because there is a controversy as to whether tubercular diseases are dangerous contagious diseases. The words "persons not comprehended within any of the foregoing excluded classes," etc., are intended to cover persons of low vitality or poor physique, or who should not, for some apparent physical reason, be admitted.

The words "or admit having committed" make a sensible and obvious change.

The words "persons who admit their belief in the practice of polygamy" bar out practicing polygamists, or those who intend practicing polygamy, without affecting some who accept literally the teachings of certain portions of the Old Testament.

The provisions in relation to women and girls speak for themselves, and merely strengthen the existing statutes.

The provision in regard to contract laborers puts back into the law language which was omitted, probably inadvertently, from the act of 1903, and makes it possible once more to enforce the contract-labor law vigorously. For the last four years there has always been a doubt as to whether contract laborers belong specifically to the excluded classes.

The provision in relation to excluding persons whose ticket or passage has been paid for by any corporation, association, society, municipality, or foreign government is aimed to prevent the bringing in of undesirable immigrants through the efforts of foreign governments, foreign cities, or benevolent or charitable societies.

The provision in relation to children under 16 years of age is aimed chiefly at the bringing in of Greek boys, who are sold into practical slavery in this country, and the provision as made is liberal, so as not to prevent the coming of all children.

The provision permitting those whose tickets or passage have been paid for by any corporation, association, etc., to go in immediate and continuous transit through the United States to foreign contiguous territory is inserted so as not to discriminate against steamships coming to our ports but bringing such passengers destined for foreign countries.

Section 3 is greatly broadened, so as to make certain the suppression of the immoral practices alluded to in the section. It is said by those connected with the enforcement of the law that the section as amended will permit of very successful efforts in this direction.

The changes in section 4 simplify and strengthen the contract-labor law.

The changes in sections 5, 7, and 8 are simply verbal, and speak for themselves.

In section 9 the addition of the words "idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with" makes this section, which is the punishment section corresponding with section 2, the excluding section, which heretofore the section did not exactly do. The other changes in the section are purely verbal.

In section 10 the addition of "tuberculosis" to the classes in which final exclusion can be had while extremely important is so simple as to require no explanation.

Section 11 enacts into law what is now the practice—that is, rejecting an accompanying alien in case of the exclusion of an alien rejected for sickness, mental or physical disability.

In section 12 the addition of the words "the name and address of the nearest relative in the country from which the alien came" is to enable the Department to send the alien back to some friend when such alien is rejected because of a mental infirmity.

The final clause of section 12 is new and provides the means for ascertaining how many aliens leave the country each year. This law gives an opportunity, which we have never had before, of finding out what the net increase of population is each year through the incoming aliens.

The changes in section 13 put on the manifest the information which is required for the examinations in sections 2, 3, and 10.

The proviso in section 15 needs no explanation.

The changes in sections 16 and 17 are simply verbal.

The changes in section 18 add railways other than those which have entered into contractual relations with the Department of Commerce and Labor to those liable for the illegal bringing in of aliens, and provide that the liability of those railways and of officers of vessels shall be for negligent failure. These changes strengthen and simplify the law, which was heretofore somewhat vague.

In section 19 the words "or shall make any charge for the return of any such alien, or shall take any security from him for the payment of any such charge," are aimed at preventing steamship companies from bringing aliens to this country, knowing such aliens to be inadmissible, but protecting themselves by taking security on the other side, so that the return passage is paid, the steamship companies thus actually profiting by

bringing to this country people who they know will be sent back. The changes in this section also permit the suspension of the deportation of any alien whose testimony is required in any prosecution for a violation of the immigration law.

In the interest of humanity the section has been amended so as to permit an alien suffering from tuberculosis, or from a loathsome or dangerous contagious disease, to be sent to a hospital, if the express permission of the Secretary of Commerce and Labor is obtained. The proviso at the end of the section also permits the detention of an insane alien whose health and safety will be imperiled by immediate deportation.

The changes in section 20 extend the time within which an alien who becomes a public charge, whether from causes existing prior to landing, may be deported, from two to three years, and puts one-half of the entire cost of removal to the port of deportation upon the contractor, procurer, or other person inducing the alien to enter the United States, and if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the immigration fund and at the expense of the steamship company from there on.

Section 21 permits the deportation of any alien, subject to deportation, at any time within three years, and in the proviso at the end of the section is added the humane provision for the employment of a person at the expense of the immigration fund, to accompany an insane or sick alien back to the place from which he or she came.

In section 22 the addition of the words "and also surgeons in accordance with the provision of section 17" enables us to send surgeons to countries where an inspection by them of aliens prior to sailing will be permitted. This will save thousands of aliens, suffering from diseases which would bar them from entry, from taking the voyage, and will save many more thousands from the danger of infection or contagion from such immigrants during the voyage. The system is now, with the consent of the Italian Government, in use in various ports in Italy, and is giving great satisfaction.

In section 24 the appropriation of the lump sum of $50,000 for the enforcement of the contract-labor law was, in the judgment of the conferees, the only way which could be devised of enforcing the contract-labor law. It is presumed that the Secretary of Commerce and Labor will, from this fund, employ detectives who will be absolutely unknown to everyone connected with the immigration service, and who will be able, by traveling to and fro on the ships, to obtain evidence as to contract laborers.

In section 25 the words "which shall be rendered solely upon the evidence adduced before the board of special inquiry" enact into law a recent regulation of the Department, which supersedes the former bad practice of receiving additional evidence on appeal. As the law now is, if new evidence is discovered after the taking of the appeal the case is sent back to the original board of inquiry, which thus acts both upon the old and the new evidence.

Section 26 permits for the first time the giving of a legal bond in the case of any alien liable to be excluded because likely to become a public charge or because of physical disability from tuberculosis or loathsome, contagious disease, and otherwise admissible. There are thousands of cases in which it is practically impossible to separate families by deporting one or more members of the family who are liable to become public charges. Under this bond section the Government can now secure itself. The section provides for the giving of a bond which can be enforced. The whole record will go up before the Secretary, who can, either on that or on outside evidence, exercise his discretion.

In section 28 the changes enlarge the saving clause of the law.

In section 32 the word "foreign" was stricken out, so as to permit the Bureau to make arrangements with the American railway lines running into the United States similar to existing contracts with Canadian lines on the northern border.

In section 33 the definition of the term "United States" is changed so as to exclude the Isthmian Canal Zone. If this change had not been made, the importation of laborers into the Zone would have been seriously interfered with.

Section 34 prohibits the sale of liquors in the Capitol. It has, of course, no place in the immigration act. It is not repealed, but is simply left out of the act, and the new section 34 permits the appointment of a commissioner of immigration at New Orleans.

Section 36 was the repealing clause of the old law. The new section 36 prohibits aliens from entering the United States except at the seaports thereof or at such place or places as the Secretary of Commerce and Labor may from time to time designate. Curiously enough, although there was under the old law provision for deporting aliens who were found to be in the United States illegally, there was no provision preventing aliens from coming in wherever they saw fit, whether there was an inspection at the point or not. The proviso is to facilitate the passage of residents of Canada and Mexico across our northern and southern boundaries, respectively.

Section 37 had a curious history. It was drafted by the late Senator Hoar to cover the case of the wife and *two* children of a Syrian living in Worcester, Mass., and so strictly was this idea followed that it provided for the admission of "said wife and *either* of said children." It also provided that the act should be applicable only when the contagious disorder was contracted on shipboard, and, curiously enough, after further providing that said wife or children should be held until it should be determined whether the disorder was easily curable, failed to provide whether they should be admitted or deported after such fact was ascertained. The section was a curious example of the evil which generally results from passing a general statute to cover a particular case. The principle, however, was good, and the law now recognizes that a family may consist of either more or less, as well as two children, and strikes out the provision that the disease was contracted on shipboard, which is, of course, immaterial, and provides what the kindly Senator from Massachusetts evidently intended to provide—that is, that if the disease is found to be easily curable the persons can be landed.

Section 39 provides for the appointment of a commission of nine persons, three to be appointed by the President, three Senators to be appointed by the President of the Senate, and three Representatives to be appointed by the Speaker of the House. The Members of Congress are to serve without compensation and the members appointed by the President are to receive a compensation to be fixed by him. The commission has very wide powers, is not limited in its expenditures, and is required to report to Congress. The intention is to have this commission report authoritatively on existing facts bearing on immigration. Until now legislation on this subject has been embarrassed by the absence of the information which such a commission can obtain. The concluding portion of the section also empowers the President to call an international conference or to send special commissioners to any foreign country for the purpose of regulating by international agreement the immigration problems.

Section 40 provides for the creation of a division of information in the Bureau of Immigration and Naturalization. One of the evils of the present system is that there is not a proper distribution of immigration, and it is hoped that this division will assist in an equitable distribution.

Section 41 exempts accredited officials of foreign governments and their suites, families, and guests from the provisions of the act.

Section 42 is the air-space provision, which increases the amount of air space on each vessel by about 20 per cent. After this section takes effect on January 1, 1909, the requirements of the United States laws as to a proper air space for immigrants will be more liberal than those of any other country. Practically this is also a restrictive measure, as of course fewer can be brought on each ship, and, the number of ships being somewhat limited, fewer immigrants will come. The changes in this section are as follows:

Minimum cubic feet, 7 feet between decks.

	Cubic feet.
Present law:	
Main deck, or first deck below	100
Second deck below	120
Proposed amendment:	
Main deck, or first deck below	126
Second deck below	140

Less than 7 feet between decks.

Second deck below	120
Proposed amendment, second deck below (about)	180

Sections 43 and 44 are purely formal sections repealing all other immigration laws and laws conflicting with this new law and providing when the various parts of the law shall take effect.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GREGG, a motion to reconsider the last vote was laid on the table.

PUBLIC BUILDING, ATHENS, OHIO.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to discharge the Committee on Public Buildings and Grounds from the further consideration of the bill H. R. 23221, and to pass the same.

The SPEAKER. The gentleman from Ohio asks unanimous

consent to discharge the Committee on Public Buildings and Grounds from the further consideration of the bill mentioned, and to consider the same at this time. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23221) for the erection of a public building at the city of Athens, in the State of Ohio.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire for the United States, in the city of Athens, in the State of Ohio, in such manner as to him shall seem best, a suitable site, and cause to be erected thereon, according to plans and specifications to be approved by him, a substantial building, with good modern improvements and conveniences, for the post-office and other Government uses, at a total cost of not more than $100,000, said building to be distant at least 40 feet in every direction from any other structure.

The SPEAKER. Is there objection?

Mr. HEFLIN. I object.

Mr. PAYNE. I trust the gentleman will not object after three recognitions have been given on that side.

Mr. HEFLIN. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. The following is a statement which I will print as a part of my remarks:

CERTIFICATE.

This is to certify that at a meeting of the Athens Commercial Club held on the 28th day of November, 1906, a committee consisting of Frank S. Roach, L. H. Clark, and C. L. Jones was appointed to secure a census of the city of Athens, Ohio; that said committee appointed J. A. Palmer and L. H. Clark as enumerators, and that the report of said enumerators in the taking of said census, showing the name and street of each person living in the territory canvassed, are on file with the Athens Commercial Club and open to public inspection.

ATHENS COMMERCIAL CLUB,
By H. G. STALDU, *President*.
M. B. LAWRENCE, *Secretary*.

MAYOR'S CERTIFICATE.

I, Gilbert E. Day, mayor of the city of Athens, Ohio, hereby certify that I am well acquainted with the inhabitants of the city; that the canvass taken under the direction of the Athens Commercial Club was made by J. A. Palmer, a retired merchant, and L. H. Clark, an attorney, and that, in my opinion, the number of inhabitants shown by said census is correct.

GILBERT E. DAY, *Mayor*.
ATHENS, OHIO, *December 26, 1906*.

Report of committee on taking the census of Athens and contiguous territory:

Precinct No. 1		1,325
Precinct No. 2		1,225
Precinct No. 3		1,176
Precinct No. 4		966
Precinct No. 5		1,110
Total in corporation		5,802
Contiguous territory:		
Richland	214	
Mechanicsburg	138	
Stringtown	21	
Asylum employees	152	
Barths Mill	30	
Children's Home	62	
Herrolds Mill	60	
Patients at asylum	1,294	
		1,931
Grand total		7,733

I hereby certify that the above amounts are a true census of the different places.

FRANK S. ROACH,
Chairman of Census Committee of Athens Commercial Club.

ELECTION STATISTICS.

Ohio election statistics for 1905 show the total number of votes cast in the city of Athens to be as follows:

Ward 1	316
Ward 2	326
Ward 3	257
Ward 4	411
Total	1,310

NOTE.—Ward 4 has since been divided into Wards 4 and 5.

SUMMARY.

Official census for corporation, 1900	3,066
Special census for corporation, 1905	5,151
Special census for corporation, 1906	5,802
Special census for corporation (and suburbs), 1906	7,733

Post-office statistics.—Four city carriers, nine rural carriers; receipts for year ending December 31, 1906, $17,801.81.

In addition there is located in the little city of Athens the internal-revenue collector's office, the jurisdiction of which covers a very wide scope of Ohio, including Columbus and much of the contiguous country. So that in estimating the necessity for a public building it is easily seen that the location is a very favorable one; three railroads, running east and west and north and south, come to Athens; ten passenger trains pass Athens a day going east and west and six a day going north and south. Furthermore, Athens is located in the very heart of the great coal development of Ohio, a business which is rapidly growing in that immediate locality.

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

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table. [Applause.]

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to present a conference report on the bill H. R. 24815, the agricultural appropriation bill.

The SPEAKER. The gentleman from New York calls up the conference report on the agricultural appropriation bill.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent that the report be omitted and the statement be read.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

STATEMENT.

The House recedes from amendments Nos. 1, 2, 3, 7, 8, 9, 10, 12, 15, 16, 18, 19, 20, 21 with amendment, 22, 23, 24, 26, 28, 29, 30 with amendment, 31, 32, 33, 34 with an amendment, 36, 38, 39, 40, 41, 43 with an amendment, 46, 47, 48 with an amendment, 49, 51, 53, 54, 55, 58, 59, 60, 61, 65, 66, 70 with an amendment, 73, 81, 82, 83, 84, 85, 86, 87, and 89.

The Senate recedes from amendments Nos. 4, 13, 50, 52, 56, 57, 62, 63, 64, 67, 68, 69, 71, 74, 75, 76, 77, 78, and 79.

Amendment No. 1 appropriates $12,000 for the salary of the Secretary of Agriculture, in accordance with the law recently passed.

Amendment No. 2 increases the salary of the Assistant Secretary from $4,500 to $5,000.

Amendment No. 3 increases the salary of the solicitor to $3,500.

Amendments Nos. 10, 15, 26, and 36 increase the salaries of the Chiefs of the Bureaus of Animal Industry, Plant Industry, Chemistry, and Forestry to $5,000.

Amendment No. 73 restores the salary of the Director of Office of Public Roads to $2,750, the amount originally recommended by the House committee.

Amendment No. 16 increases the salary of the chief clerk of the Bureau of Plant Industry to $2,250.

Amendment No. 53 increases salary of the cashier of the division of disbursements and accounts to $2,000.

Amendment No. 12 increases the amount for experiments in animal feeding and breeding from $25,000 to $50,000. This was the amount originally proposed by the House bill.

Amendment No. 20 increases the appropriation for grain investigations from $15,000 to $40,000. The increase was conceded by your conferees to meet the demands for foreign commerce.

Amendment No. 31, granting an increase of $1,000,000 to the Forest Service, was agreed to by your conferees because of a Senate amendment which requires all receipts from the forest reserves to be turned into the Treasury, and not to be again available by the Forest Service except by direct appropriation.

Amendment No. 34 requires the Secretary of Agriculture to submit detailed reports of receipts and estimates for the Forest Service and estimate of expenditures intended for this service each year, and that all receipts from the Forest Service after July 1, 1907, shall be covered into the Treasury, thus putting an end to the use of those receipts as a "revolving" fund. This amendment further provides that hereafter no forest reserves shall be created nor any additions made within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming except by act of Congress.

Amendment No. 41 strikes out that provision of the House bill which provides "that no part of this sum shall be used for the payment of compensation or expenses to any officer or other person employed by any State, county, or municipal government," and substitutes the following: "That any sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government shall be reported to Congress in detail."

The Senate amendment was agreed to by your conferees in the belief that it would be perhaps wiser to allow the Department to follow its own plan for at least the first year of the enforcement of the pure-food law.

Amendment No. 48 restores to the bill the salaries for the Bureau of Biological Survey exactly as it is carried in the current bill.

Amendment No. 70, as amended by the conferees, instead of restoring the item for nutrition investigations, appropriates $5,000 to bring to Washington the apparatus belonging to the Government which has been used in these investigations.

Amendment No. 89 provides that hereafter on or before the 1st day of January of each year the Secretary of Agriculture

shall submit to Congress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year and detailed reports of all expenditures under any appropriation for each service during the preceding fiscal year.

All other amendments are for correction of totals, slight changes in verbiage, correction of punctuation, restoration of two or three paragraphs stricken out in the House on points of order, but which in no way change the original intent and purpose of the bill.

On careful examination of the bill by the conferees it was found that no authority was given the Forest Service to employ help in the District of Columbia, the words authorizing such employment having been inadvertently stricken from the House bill under a point of order. The conferees therefore recommend the insertion, after the word "forests," in line 6, page 40 of the bill, of the words "in the District of Columbia or elsewhere."

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

Mr. WADSWORTH. Mr. Speaker, I move the adoption of the conference report.

The question was taken; and the motion was agreed to.

SATISFACTION OF CLAIMS.

Mr. MILLER. Mr. Speaker, I desire to call up conference report on the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department.

The SPEAKER. The gentleman from Kansas [Mr. MILLER] calls up a conference report, which the Clerk will report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment striking out paragraphs 32, 33, and 34, and also its amendment to the title of the bill.

That the House recede from its disagreement to the following Senate amendments and agree to the same, namely:

To pay John H. Lohman the balance due him on account of bounty accruing by the destruction of the enemy's vessels at the battle of Santiago, July third, eighteen hundred and ninety-eight, he being there and then an acting gunner, whereas he was allowed and paid bounty as chief gunner's mate only, fifty-nine dollars and twenty cents.

To reimburse Capt. E. J. Dorn, United States Navy, retired, in the amount expended by him as disbursing officer at the naval station, Tutuila, in June, nineteen hundred and one, and checked against his account because the vouchers representing such expenditures have been lost, four hundred and eighty-three dollars and nine cents.

J. M. MILLER,
G. E. WALDO,
JACK BEALL,
Managers on the part of the House.

C. W. FULTON,
JOHN KEAN,
A. J. MCLAURIN,
Managers on the part of the Senate.

Mr. MILLER. Mr. Speaker, I would like to make a statement in reference to this bill. I desire to call attention of the House to the fact that this House has passed 144 bills coming from the Committee on Claims, and notwithstanding it is more than twice the number of bills ever passed by any Congress in the history of the country, the amount of the appropriations necessary to pay these claims is much less than any former appropriation. And at this time I desire to thank the Speaker of the House and the Members of this body for the splendid treatment they have accorded to small and deserving claimants, or creditors, of the country, and especially for the treatment accorded to the Committee on Claims. [Applause.]

Mr. Speaker, I move the adoption of the report.

The question was taken; and the motion was agreed to.

JICARILLA RESERVATION.

Mr. MARSHALL. Mr. Speaker, I desire to call up conference report on the bill H. R. 23650, entitled "An act to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes."

Mr. HEFLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEFLIN. I introduced, on the 26th of January, a joint resolution that called for a reprint of the Special Report on the Disease of the Horse, and the Committee on Printing——

The SPEAKER. That is not a parliamentary inquiry.

Mr. HEFLIN. And the Committee on Printing, Mr. Speaker, reported the bill.

The SPEAKER. That is not a parliamentary inquiry.

Mr. HEFLIN. I have not finished, Mr. Speaker, and I desire to finish my inquiry.

The SPEAKER. It is not a parliamentary inquiry.

Mr. HEFLIN. I have not finished yet, Mr. Speaker, and I desire to inquire now, in order that I may serve notice on others, that I may object, whether it may be in order to call up later this resolution, which is No. 229. Three-fourths of the House requested the committee to report it favorably.

The SPEAKER. The Clerk will report the conference report on the bill H. R. 23650, presented by the gentleman from North Dakota [Mr. MARSHALL].

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 23650, 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 amendment to section three.

That the House recede from its disagreement to the amendments of the Senate to sections one and two and agree to the same.

THOMAS F. MARSHALL,
CHAS. H. BURKE,
WM. T. ZENOR,
Managers on the part of the House.

MOSES E. CLAPP,
CHARLES CURTIS,
H. M. TELLER,
Conferees on the part of the Senate.

The statement is as follows:

The conferees on the points of difference between the two Houses on H. R. 23650 beg leave to report:

That the Senate recedes from its amendment to section 3, and thus leaves the bill in that particular as it passed the House.

The House recedes from the Senate amendment to section 1, which strikes out a surplusage of language and is fully covered by the proviso inserted by the Senate which previously formed section 2 of the bill as it passed the House, and section 2 is stricken out by the Senate because of the proviso mentioned, leaving the bill in this particular precisely as it passed the House.

THOMAS F. MARSHALL,
CHAS. H. BURKE,
WM. T. ZENOR,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. MARSHALL, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

BRIDGE ACROSS RED RIVER, AT SHREVEPORT, LA.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25885) to extend the time for building a bridge across Red River, at Shreveport, La.

The SPEAKER. The gentleman from Louisiana [Mr. WATKINS] asks unanimous consent for the present consideration of a bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 25885) to extend the time for building a bridge across Red River, at Shreveport, La.

The SPEAKER. Is there objection?

There was 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. WATKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approvel, the following bill:

H. R. 25483. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes.

DAM ACROSS COOSA RIVER, ALABAMA.

Mr. BURNETT. Mr. Speaker, I desire to call up from the Speaker's table and put upon its passage the bill S. 8526, with the amendment that has been agreed to.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table, with the amendment, a bill which has been heretofore read.

Mr. MANN. I ask that the amendment be read.

The Clerk read as follows:

Page 4, strike out all after line 3, down to and including line 14, page 5, and insert:

"SEC. 3. That this act shall be null and void unless the dams herein authorized be commenced within three years and completed within seven years from the time of the passage of this act."

"SEC. 4. The authority herein conferred, shall, except as herein specifically provided, be subject in all respects to the provisions of the act 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906.

"SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

METLAKAHTLA INDIANS.

Mr. ESCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 8299.

The bill was read. as follows:

A bill (S. 8299) to confer civic rights on the Metlakahtla Indians of Alaska.

Be it enacted, etc., That all Indians of the Tsimpsean or Haida tribe of the full or mixed blood who emigrated from British Columbia and settled at Metlakahtla on Annette Island, in southeastern Alaska, in the year 1887 and subsequent years, as well as all descendants of such Indians, and all other Indians who have since become and remained bona fide residents of said Metlakahtla, Alaska, shall, if otherwise qualified, be entitled to receive and obtain licenses as masters, pilots, and engineers, as the case may be, of any and all steamboats and other craft, and also licenses as operators of motor boats and other craft, subject to the provisions of the act of Congress approved May 16, 1906, entitled "An act to amend section 4426 of the Revised Statutes of the United States, regulation of motor boats," with the same force and effect as if they had been citizens of the United States; any such Indian may be the owner of any such motor boat or other craft, subject to the provisions of the said act of May 16, 1906, although such Indian be not a citizen of the United States, without depriving said motor boat or other craft of the benefits and privileges of a vessel of the United States.

SEC. 2. That a certificate under the hand of any officer of the customs in Alaska, to the effect that the applicant for one of the different licenses mentioned in the foregoing section comes within one of the provisions of said first section of this act, shall together with the affidavit of the applicant to that effect, be sufficient evidence of the fact that said applicant is entitled to the privileges conferred upon said Indians by the first section of this act.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. SULZER. Reserving the right to object, I would like to ask the introducer of this bill if this is approved by Father Duncan?

Mr. ESCH. It is approved by the Secretary and the Commissioner.

Mr. SHERMAN. It is in the interest of Mr. Duncan's Indians.

Mr. SULZER. That is what I wanted to know.

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

On motion of Mr. ESCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALLOTMENT OF LAND IN SEVERALTY TO INDIANS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill:

The Clerk read as follows:

A bill (H. R. 25741) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 8, 1901.

Be it enacted, etc., That the provisions of the proviso of section 3 of the act of February 28, 1901, being an act to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," authorizing the leasing for grazing and mining purposes of Indian reservation lands occupied by Indians who have bought and paid for the same, are hereby made applicable to lands embraced within any Indian reservation established by act of Congress or Executive order.

The amendment recommended by the committee was read, as follows:

In line 4 strike out the words "nineteen hundred and one" and insert "eighteen hundred and ninety-one."

Mr. SULZER. Reserving the right to object, I would like to ask the gentleman from New York if this applies to lands of the Indians in the State of New York?

Mr. SHERMAN. It does not.

Mr. SULZER. Then I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended 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. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION OF INSPECTORS OF CUSTOMS.

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the desk.

The Clerk read as follows:

A bill (H. R. 12222) authorizing the Secretary of the Treasury to fix the compensation of inspectors of customs.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to limit and fix the compensation of inspectors of customs as he may think advisable, not to exceed in any case the rate of $5 per diem, and in all cases where the maximum compensation is paid no allowance shall be made for meals or other expenses incurred by inspectors when required to work at unusual hours.

Mr. PAYNE. Mr. Speaker, I object to the consideration of that bill.

The SPEAKER. The gentleman from New York objects to the consideration of the bill.

LEONARD MARTIN COX.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 25883.

The Clerk read as follows:

A bill (H. R. 25883) to reinstate Leonard Martin Cox in the Corps of Civil Engineers of the Navy.

Be it enacted, etc., That the President be, and he is hereby, authorized to restore, by and with the advice and consent of the Senate, Leonard Martin Cox, formerly a civil engineer in the United States Navy, to the Corps of Civil Engineers of the Navy, to take rank next after Civil Engineer Fred Thompson: *Provided*, That said Leonard Martin Cox shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *And provided further*, That the said Leonard Martin Cox shall be carried as an additional to the number of the grade to which he may be appointed under this act, or at any time thereafter: *And provided further*, That the said Leonard Martin Cox shall not by the passage of this act be entitled to back pay of any kind.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. SHERLEY. I hope the gentleman will reserve his objection for just a moment.

Mr. MANN. It is late. I will talk with the gentleman later.

Mr. SHERLEY. I am doing this at the instance of the Secretary of the Navy. It is nothing that I desire.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Objection is heard.

TRENT RIVER, NORTH CAROLINA.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 253, relating to securing a channel of 6 feet depth over Foys Flats in the Trent River, North Carolina, about 4 miles above Newbern.

Mr. SULLIVAN. Mr. Speaker, I object, and I shall continue to object during the rest of the evening.

The SPEAKER. The gentleman from Massachusetts objects.

JOHN ALLEN.

The SPEAKER laid before the House the bill (H. R. 13122) to correct the military record of John Allen, with Senate amendments thereto.

Mr. DEEMER. I move to concur in the Senate amendments.

The motion was agreed to.

PHOENIX, ARIZ.

The SPEAKER also laid before the House the bill (H. R. 25039) to enable the city of Phoenix, in Maricopa County, Arizona Territory, to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company

and to extend and improve said plant, with Senate amendments thereto.

Mr. SMITH of Arizona. I move to concur in the Senate amendments.

The motion was agreed to.

INTOXICATING LIQUORS TO MINORS.

The SPEAKER also laid before the House the bill (H. R. 23556) prohibiting the purchase, procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons, with a Senate amendment thereto.

Mr. WATSON. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

RETURN OF BILLS TO THE SENATE.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 5623) entitled "An act granting an increase of pension to Nicholas M. Hawkins."

The concurrent resolution was agreed to.

Also the following:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 7822) entitled "An act granting an increase of pension to William N. Brunson."

The concurrent resolution was agreed to.

VALLEY FORGE PARK COMMISSION.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25812) to authorize the Secretary of War to deliver certain brass fieldpieces, with their carriages and equipments, to the Valley Forge Park Commission.

The SPEAKER. The gentleman from Massachusetts [Mr. SULLIVAN] has given notice of his intention to object.

Mr. NEEDHAM. The gentleman from Massachusetts is considering the question of withdrawing his objection.

Mr. SULLIVAN. I am not going to object, Mr. Speaker. A parliamentary inquiry, however, if the Chair will indulge me. Will it be in order to call up, under suspension of the rules, the bill which has been objected to? If so, I should like to draw conclusions with the gentleman from New York on the merits of the proposition.

The SPEAKER. Well, the Chair does not, to-night at least, think it is feasible to recognize the gentleman.

Mr. WALLACE rose.

The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. WALLACE. To ask unanimous consent for the present consideration of the bill H. R. 25557, which has been reported by the committee.

The SPEAKER. The Chair will first recognize the gentleman from Pennsylvania [Mr. WANGER], who first addressed the Chair. The Clerk will report the bill which the gentleman from Pennsylvania asks unanimous consent to consider.

The Clerk read as follows:

A bill (H. R. 25812) to authorize the Secretary of War to deliver certain brass fieldpieces, with their carriages and equipments, to the Valley Forge Park Commission.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to deliver to the Valley Forge Park Commission, for the ornamentation of the grounds of Valley Forge Park, of the Commonwealth of Pennsylvania, twenty-five brass fieldpieces, with their carriages and equipments, now in the possession of the United States, the same to become the property of the Commonwealth of Pennsylvania for the purpose aforesaid: *Provided*, That no expense shall be incurred by the United States for the delivery of said articles.

With the following amendments:

Line 4, after the words "authorized to," insert "loan and."
Line 6, after "Pennsylvania," strike out "25" and insert "10."
Line 7, strike out "with their carriages and equipments."
Lines 8 and 9, strike out "become the property of the Commonwealth of Pennsylvania for the purpose aforesaid" and insert "be subject at all times to the order of the Secretary of War."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

By unanimous consent, the title was amended to read: "A bill to authorize the Secretary of War to loan and deliver certain brass fieldpieces to the Valley Forge Park Commission of the State of Pennsylvania."

RELINQUISHMENT OF CERTAIN LAND IN PENSACOLA, FLA., TO THE CATHOLIC CHURCH.

Mr. LAMAR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 360) to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., and his successors, in trust for the Catholic congregation of Pensacola, Fla.

The Clerk read the bill, as follows:

Be it enacted, etc., That all the interest of the United States in and to the land in the city of Pensacola, in the State of Florida, known and described on the plat of said city of Pensacola as lots 1 and 2, between the squares and the lot on the east side of the Square of Ferdinand the Seventh, known as the Catholic Church lot, is hereby relinquished and released to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., trustee for the Catholic congregation of Pensacola, Fla., and his successors.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. LAMAR, a motion to reconsider the last vote was laid on the table.

ANDREW B. BAIRD AND JAMES S. BAIRD.

By unanimous consent reference of the bill (H. R. 25487) for the relief of Andrew B. Baird and James S. Baird and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as "Baird's Ranch," in the Territory of New Mexico, was changed from the Committee on War Claims to the Committee on Public Lands.

COPYRIGHT BILL.

Mr. BARCHFELD, by unanimous consent, was given leave to file the views of the minority of the Committee on Patents on the bill H. R. 25133—the copyright bill.

LEAVE OF ABSENCE.

Mr. LIVINGSTON, by unanimous consent, was given leave of absence for the evening, on account of sickness.

IMPROVEMENT OF RIVERS AND HARBORS.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 25872, creating a commission to consider and recommend legislation for the improvement of rivers and harbors of the United States, and for other purposes.

Mr. DALZELL and Mr. RAINEY both objected.

WILLIAM N. BRUNSON.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 8622, which is a corollary of the resolution recently passed to correct a mistake in a bill which had already passed both Houses.

Mr. CLAYTON. What is it?

Mr. DAWSON. It is a bill granting an increase of pension to William N. Brunson.

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 to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Brunson, late of Company G, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. DAWSON, a motion to reconsider the last vote was laid on the table.

PRESIDENTIAL APPROVALS.

A message from the President of the United States was communicated to the House by Mr. LATTA, one of his secretaries, who also announced that the President did, on the following dates, approve and sign bills of the House of the following titles:

On March 2, 1907:

H. R. 8984. An act to amend the laws governing labor or improvements upon mining claims in Alaska;

H. R. 9326. An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;

H. R. 10305. An act to provide for the repayment of certain customs dues;

H. R. 11040. An act to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys;

H. R. 11044. An act authorizing and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys acting as special disbursing agents amounts paid by them out of their private funds;

H. R. 15320. An act to remove the charge of desertion standing against Peter Parsch;

H. R. 19524. An act to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906;

H. R. 21091. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;

H. R. 21857. An act to correct the military record of Jacob Rockwell;

H. R. 22210. An act to correct the military record of Homer Quick;

H. R. 24390. An act to correct the military record of Charles H. Kellen;

H. R. 24605. An act granting the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va.;

H. R. 24816. An act to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906;

H. R. 24833. An act for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company;

H. R. 25630. An act to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906;

H. R. 25738. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River;

H. J. Res. 236. A joint resolution authorizing the Secretary of the Navy to furnish metal for a bell;

H. R. 3268. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

H. R. 8699. An act for the relief of James A. Carroll;

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

H. R. 11401. An act granting an increase of pension to William Kling;

H. R. 13418. An act for the relief of W. S. Hammaker;

H. R. 15859. An act ceding certain lands to Colorado State Agricultural College;

H. R. 16659. An act to correct the military record of Tobe Holt;

H. R. 19751. An act to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery roadway at Natchez, Miss.;

H. R. 22588. An act for the relief of homestead entrymen who have paid more than the lawful purchase money;

H. R. 23556. An act prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to or for the use of minors by unlicensed persons;

H. R. 25437. An act to grant American registry to the German bark *Mariechen;*

H. R. 25474. An act 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;"

H. R. 25692. An act to provide for an additional district judge for the northern district of California;

H. R. 25739. An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across Cumberland River;

H. R. 25801. An act granting an honorable discharge to Seth Davis;

H. R. 25849. An act permitting the building of a dam across the Savannah River at Cherokee shoals;

H. R. 25811. An act to authorize the Monroe, Farmerville and Northwestern Railway Company to construct a bridge over the Ouachita River and one over the D'Arbonne River, in Louisiana;

H. R. 25832. An act to authorize Herman L. Hartenstein to construct a dam across the St. Joseph River near the village of Mottville, St. Joseph County, Mich.; and

H. R. 25885. An act to extend the time for building a bridge across Red River at Shreveport, La.

On March 4, 1907:

H. R. 24815. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908;

H. R. 13605. An act to satisfy certain claims against the Government arising under the Navy Department;

H. R. 25889. An act to provide for sittings of the United States circuit and district courts of the southern district of Ohio, at the city of Dayton in said district;

H. R. 13566. An act to amend the national-banking act, and for other purposes;

H. R. 16235. An act authorizing the Secretary of War to deliver condemned brass fieldpieces to the city of Petoskey, Mich.;

H. R. 19275. An act for the relief of T. E. Boyt;

H. R. 23221. An act for the erection of a public building at the city of Athens, in the State of Ohio;

H. J. Res. 253. A joint resolution relating to securing a channel of 6 feet depth over Foys flats in the Trent River, North Carolina, about 4 miles above Newbern;

H. R. 24640. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes;

H. R. 25745. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes;

H. R. 25851. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes;

H. J. Res. 211. A joint resolution authorizing the transfer of the files, books, and pamphlets of the Industrial Commission;

H. J. Res. 219. A joint resolution providing for an increase in the number of copies to be printed of the annual report of the Comptroller of the Currency;

H. J. Res. 229. A joint resolution to provide for the printing of 250,000 copies of the special report on the diseases of horses;

H. J. Res. 255. A joint resolution providing for the printing of 5,000 copies of House Document No. 651, Fifty-ninth Congress, second session;

H. J. Res. 256. A joint resolution authorizing the Attorney-General to print 850 copies of the session laws;

H. J. Res. 257. A joint resolution authorizing the Secretary of the Treasury to print 1,000 additional copies of the annual report of the Director of the Mint;

H. R. 3208. An act granting a pension to Isabel T. Borthwick;

H. R. 8727. An act for the relief of James W. Kenney and the Union Brewing Company;

H. R. 12623. An act granting a pension to Minnie C. O'Connor;

H. R. 13304. An act to provide a suitable memorial to the memory of Christopher Columbus;

H. R. 20490. An act for the relief of Frank J. Ladner;

H. R. 22182. An act to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs;

H. R. 23650. An act to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes;

H. R. 23988. An act to authorize a patent to be issued to Martin Sanders, widow of Levi B. Sanders, for certain lands therein described;

H. R. 24655. An act to authorize the legislature of Oklahoma to dispose of a certain section of school land;

H. R. 25039. An act to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant;

H. R. 25672. An act to amend an act entitled "An act to authorize the Ox Bow Power Company of South Dakota to construct a dam across the Missouri River;"

H. R. 25719. An act to provide for the establishment of an immigration station at Charleston, in the State of South Carolina, and the erection in said city, on a site to be selected for said station, of a public building;

H. R. 25812. An act to authorize the Secretary of War to loan and deliver certain brass fieldpieces to the Valley Forge Park Commission of the State of Pennsylvania; and

H. R. 25883. An act to reinstate Leonard Martin Cox in the Corps of Civil Engineers of the Navy.

RETIREMENT OF ARMY OFFICERS.

Mr. HULL. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from further consideration of Senate joint resolution 91, adjusting the status of certain officers of the Army as to their period of service required by the act of Congress aproved June 30, 1882, to entitle an Army officer to retirement on his own application, and that the bill may be now considered.

The Clerk read the bill, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period of service entitling an Army officer to retirement on his own application, as required by act of Congress approved June 30, 1882, shall include all

service rendered by such officers as cadets at the United States Naval Academy, Annapolis, Md., or subsequent to graduation therefrom, or to service as commissioned officers of the Navy, or to both.

Mr. MANN. I object.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 11 o'clock a. m.

The motion was agreed to; and accordingly (at 1 o'clock and 25 minutes a. m.) the House was in recess until 11 o'clock a. 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 assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Martin H. Johns and sundry others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action filed by the court in the cases of John A. Beaver, administrator, and others against The United States, dismissed for want of prosecution—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action filed by the court in the cases of heirs of Isaac Burnett and others against The United States, dismissed for want of jurisdiction—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin F. Fox against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of William J. Pointevent and sundry other cases against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles H. Adams against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report in relation to the inquiry of the House as to the investigation of the *Larchmont* disaster—to the Committee on the Merchant Marine and Fisheries.

A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a report of the operations of the excise board for the license year ended October 31, 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Navy, transmitting, in response to the inquiry of the House, a statement relative to the work on the battle ship *Louisiana*—to the Committee on Naval Affairs, 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. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the bill of the House (H. R. 25853) authorizing the purchase of the historical art window, by Maria Herndl, of George Washington, and so forth, reported the same without amendment, accompanied by a report (No. 8158); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 25872) creating a commission to consider and recommend legislation for the improvement of rivers and harbors of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 8159); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 25812) to authorize the Secretary of War to deliver certain brass field pieces, with their carriages and equipments, to the Valley Forge Park Commission, reported the same with amendment, accompanied by a report (No. 8160); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 8328) to permit the laying of two water pipes from Bayonne, N. J., to Staten Island, New York, reported the same with amendment, accompanied by a report (No. 8163); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 21401) authorizing the Secretary of the Interior to purchase the McIntosh Reservation, in Carroll County, Ga., and erect a monument thereon, reported the same with amendment, accompanied by a report (No. 8164); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25885) to extend the time for building a bridge across Red River at Shreveport, La., reported the same with amendment, accompanied by a report (No. 8161); which said bill and report 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 Senate (S. 6447) to authorize the appointment of Acting Asst. Surg. George R. Plummer, United States Navy, as an assistant surgeon in the United States Navy, reported the same without amendment, accompanied by a report (No. 8156); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8568) granting an increase of pension to Rosanna A. May, reported the same without amendment, accompanied by a report (No. 8157); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 8585) for the relief of Charles W. Spalding, reported the same without amendment, accompanied by a report (No. 8162); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 25883) to reinstate Leonard Martin Cox in the Corps of Civil Engineers of the Navy, reported the same without amendment, accompanied by a report (No. 8165); 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. BURLESON and Mr. LOVERING: A bill (H. R. 25884) directing the fixing of a standard of cotton classification—to the Committee on Agriculture.

By Mr. WATKINS: A bill (H. R. 25885) to extend the time for building a bridge across Red River at Shreveport, La.—to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNE: A joint resolution (H. J. Res. 254) granting permission to Rear-Admiral B. H. McCalla to accept a medal from the King of Great Britain and the Order of the Red Eagle from the Emperor of Germany—to the Committee on Foreign Affairs.

By Mr. CHARLES B. LANDIS: A joint resolution (H. J. Res. 255) providing for the printing of 5,000 copies of House Document No. 651, Fifty-ninth Congress, second session—to the Committee on Printing.

Also, a joint resolution (H. J. Res. 256) authorizing the Attorney-General to print 850 copies of the Session Laws—to the Committee on Printing.

Also, a joint resolution (H. J. Res. 257) authorizing the Secretary of the Treasury to print 1,000 additional copies of the Annual Report of the Director of the Mint—to the Committee on Printing.

By the SPEAKER: Memorial from the legislature of Washington, praying for legislative encouragement for the Alaska-Yukon-Pacific Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. ESCH: Memorial of the legislature of Wisconsin, relating to revision of the tariff—to the Committee on Ways and Means.

By Mr. JENKINS: Memorial of the legislature of Wisconsin,

relating to the revision of the tariff—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Memorial of the legislature of North Dakota, relating to the proposed survey and drainage of the valley of the Red River of the North—to the Committee on Agriculture.

By Mr. DAVIDSON: Memorial of the legislature of Wisconsin in favor of early revision of certain schedules of the existing tariff—to the Committee on Ways and Means.

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. SHERLEY: A bill (H. R. 25883) to reinstate Leonard Martin Cox in the Corps of Civil Engineers of the Navy—to the Committee on Naval Affairs.

By Mr. BIRDSALL: A bill (H. R. 25886) granting extension of letters patent—to the Committee on Patents.

By Mr. FULKERSON: A bill (H. R. 25887) granting an increase of pension to Edwin Painter—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 in the States and the District of Columbia, against the Littlefield bill—to the Committee on the Judiciary.

By Mr. BATES: Petition of citizens and organizations of Pennsylvania, for the Murphy eight-hour law—to the Committee on Labor.

Also, petitions of Lew Wallace Court, No. 63, Tribe of Ben Hur, of Meadville, Pa.; Legion No. 482, Order of the National Protective Legion, of Union City, Pa., and Springs Legion No. 854, Order of the National Protective Legion, of Cambridge Springs, Pa., against amendments Nos. 12, 17, and 18 to the bill H. R. 608, relative to classification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Ohio: Petition of the Cleveland Association of Credit Men, for 1-cent letter postage and reclassification of second-class postal rates—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of the Peace Association of Friends, of Philadelphia, for an international peace congress to supplement the permanent court of arbitration—to the Committee on Foreign Affairs.

By Mr. CAPRON: Petition of Providence (R. I.) Legion, No. 1704, Order of the National Protective Legion, against the passage of the bill to amend and codify the statutes relating to the classification of second-class matter and the rates of postage thereon—to the Committee on the Post-Office and Post-Roads.

Also, petition of the International Mule Spinners' Association, of Lonsdale, R. I., in favor of the passage of the convict-labor bill—to the Committee on Labor.

By Mr. DAVIDSON: Petition of Typographical Union No. 211, of Oshkosh, Wis., for bill H. R. 9853 (the copyright bill)—to the Committee on Patents.

Also, petition of Manitowoc (Wis.) Lodge, No. 194, Independent Order of Odd Fellows, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of the Castle-Pierce Printing Company, Oshkosh, Wis., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of the Iowa Pharmaceutical Association, favoring the Mann patent bill—to the Committee on Patents.

By Mr. DUNWELL: Petition of the Peace Association of Friends, of Philadelphia, for an international congress supplemental to the peace arbitration court at The Hague—to the Committee on Foreign Affairs.

By Mr. FOSTER of Indiana: Petitions of Paradise Court, No. 220, and Eureka Court, No. 159, Tribe of Ben Hur, of Eureka, Ind., against amendment of the classification of second-class mail matter and postage thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. GOLDFOGLE: Petition of the International Association of the Master House Painters and Decorators of the United States and Canada, for enforcement of the Sherman antitrust law relative to organized labor—to the Committee on the Judiciary.

Also, petition of the Peace Association of Friends, of Philadelphia, for an international congress supplemental to the court of arbitration—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of the Moyer, Haywood, and Pettibone Protest Conference, of Germantown, Pa., against the injustice of the legal procedure against Moyer, Haywood, and Pettibone—to the Committee on the Judiciary.

By Mr. GRONNA: Petition of the International Association of Master House Painters and Decorators of the United States and Canada, for district attorneys of the United States to investigate irregularities of organizations of labor as well as of capital—to the Committee on Labor.

By Mr. HAYES: Petition of the United States grand jury of San Francisco, Cal., for a change of law so as to require shipping articles to be signed in the presence of a shipping commissioner—to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: Paper to accompany bill for relief of Mrs. Benjamin Findley—to the Committee on Pensions.

By Mr. HEPBURN: Petition of Rev. R. M. Kierman and Mrs. M. M. Kennedy, against sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Friendship Court, Tribe of Ben Hur, of Clarinda, Iowa, against House Document No. 608, to amend the statutes relating to classification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petition of Legion No. 1601 and Legion No. 24, against the passage of a bill to amend and codify the statutes relative to classification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LEE: Paper to accompany bill for relief of heirs of Benjamin Heath—to the Committee on War Claims.

By Mr. McNARY: Petition of the Appalachian Mountain Club, for an appropriation to enable the Department of the Interior to protect forests from destruction by fire—to the Committee on Agriculture.

By Mr. MACON: Resolution of the Farmers' Cooperative and Educational Union, for bill H. R. 23208, relative to dealing in futures—to the Committee on Agriculture.

Also, petitions of the Farmers' Educational and Cooperative unions of Poinsett County, Ark.; Wheatley, Ark., and Craighead County, Ark., and Local Union No. 1338, for bill H. R. 20554, relative to speculation in futures in farm products—to the Committee on Agriculture.

By Mr. MARSHALL: Petition of Mr. Stade, for legislation giving to each State the right to ditch into, alter, or destroy part or whole of any meandering lake or navigable river—to the Committee on Rivers and Harbors.

By Mr. OVERSTREET of Indiana: Petition of the International Association of Master House Painters and Decorators of the United States and Canada, for district attorneys to investigate improper activities of labor organizations in restraint of business—to the Committee on Labor.

Also, petition of the German-American Veterans' Association, of Indianapolis, against the deprivation of the old soldiers of the luxury of the army canteen and indorsing the actions of Congressmen OVERSTREET and FREDERICK LANDIS relative to the same—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of the Farmers' Club, of Silver Springs, Md., for extension of Thirteenth, Fourteenth, and Sixteenth streets, Washington City—to the Committee on the District of Columbia.

By Mr. REYBURN: Petition of Max Schermer Lodge, No. 3, I. O. B. Sh., against section 2 of the immigration law and against the proposed addition to section 25—to the Committee on Immigration and Naturalization.

By Mr. RIORDAN: Petition of the International Association of Master House Painters and Decorators of the United States and Canada, for enforcement of the Sherman antitrust law relative to labor organizations—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Peace Association of Friends, of Philadelphia, Pa., for an international peace congress to supplement the permanent court at The Hague—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Arkansas: Petition of the Woman's Christian Temperance Union of Fordyce, Ark., et al., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. SAMUEL: Petition of the Protest Conference of Philadelphia, against the persecution of Moyer, Haywood, and Pettibone—to the Committee on the Judiciary.

Also, petition of the International Association of Master House Builders, Painters, and Decorators, for enforcement of the Sherman antitrust law relative to labor organizations as well as capitalist organizations—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Legion No. 714 and Legion No. 414, against passage of a bill to amend and codify the statutes relating to classification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: Paper to accompany bill for relief of heirs of Hartwell D. Stovall—to the Committee on War Claims.

By Mr. SMITH of Texas: Petition of citizens of Menard and Kimble counties, Tex., for legislation to prevent speculation in futures in farm products—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of F. Ex. O. E. U., No. 4084, of Pilot Point, Tex., for a law to prevent gambling in futures—to the Committee on the Judiciary.

By Mr. SULZER: Petition of the Peace Association of Friends, of Philadelphia, for an international congress supplemental to the peace court of arbitration at The Hague—to the Committee on Foreign Affairs.

By Mr. WEISSE: Petition of the Jefferson Club, of Milwaukee, indorsing the substitute bill in form of an amendment, by Senator LA FOLLETTE, relative to the hours of railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of the German-American Central Verein, of Trenton, N. J., against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

SENATE.

SUNDAY, *March 3, 1907.*

[*Continuation of legislative day of Saturday, March 2, 1907.*]

At the expiration of the recess (11 a. m. Sunday, March 3) the Senate reassembled.

Mr. JOSEPH W. BAILEY, a Senator from the State of Texas, appeared in his seat to-day.

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. 360. An act to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., and his successors, in trust for the Catholic congregation of Pensacola, Fla.;

S. 7812. An act to amend section 591 of the Revised Statutes of the United States, relative to the assignment of district judges to perform the duties of a disabled judge;

S. 8299. An act to confer civic rights on the Metlakahtla Indians of Alaska;

S. 8498. An act 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;" and

S. 8622. An act granting an increase of pension to William N. Bronson.

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

S. 6147. An act authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes;

S. 7247. An act to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building;

S. 8327. An act to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station, of a public building; and

S. 8526. An act permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river.

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

H. R. 13122. An act to correct the military record of John Allen;

H. R. 13566. An act to amend sections 6 and 12 of the currency act approved March 14, 1900;

H. R. 16659. An act to correct the military record of Tobe Holt;

H. R. 23556. An act prohibiting the purchase, procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons;

H. R. 25039. An act to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant; and

H. R. 25692. An act to provide for an additional district judge for the northern and southern districts of California.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LITTAUER, Mr. TAWNEY, and Mr. BRUNDIDGE managers at the conference on the part of the House.

The message also announced that the House insists upon its disagreement to the amendment of the Senate to the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes.

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 Senate to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23650) to quiet title to lands on the Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return the bill (S. 5623) granting an increase of pension to Nicholas M. Hawkins.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return the bill (S. 7822) granting an increase of pension to William N. Bronson.

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

H. R. 25719. An act to provide for the establishment of an immigration station at Charleston, in the State of South Carolina, and the erection in said city, on a site to be selected for said station, of a public building;

H. R. 23221. An act for the erection of a public building at the city of Athens, in the State of Ohio;

H. R. 25741. An act to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 8, 1901;

H. R. 25812. An act to authorize the Secretary of War to deliver certain brass fieldpieces, with their carriages and equipments, to the Valley Forge Park Commission;

H. R. 25885. An act to extend the time for building a bridge across Red River at Shreveport, La.; and

H. R. 25889. An act to provide for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district.

ENROLLED BILLS SIGNED.

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

H. R. 13122. An act to correct the military record of John Allen;

H. R. 23556. An act prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to or for the use of minors by unlicensed persons;

H. R. 23650. An act to quiet title to lands on Jicarilla Reservation and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes;

H. R. 25039. An act to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant; and

H. R. 25692. An act to provide for an additional district judge for the northern district of California.

MARTHA SANDERS.

Mr. BERRY. I report back from the Committee on Public Lands without amendment the bill (H. R. 23988) to authorize patent to be issued to Martha Sanders, widow of Levi B. Sanders, for certain lands therein described, and I submit a report thereon. I am on a conference committee and compelled to go back, and I ask that the bill be put upon its passage.