SENATE.

MONDAY, *March 2, 1908.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

STATUE OF COUNT DE ROCHAMBEAU.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from the French ambassador expressing his appreciation of the presentation to him of 500 copies of the proceedings attending the unveiling in Washington, D. C., of the statue of Count de Rochambeau, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

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

In the cause of the Trustees of the Cumberland Presbyterian Church of Larkinsville, Ala., *v.* United States;

In the cause of the Trustees of McDaniel's Chapel, Methodist Episcopal Church South, of Shellmound, Tenn., *v.* United States;

In the cause of the County of Phelps, State of Missouri, *v.* United States;

In the cause of Leroy P. Walker, sole heir at law of Eliza D. Walker, and L. P. Walker, her husband, *v.* United States;

In the cause of the Christian Church, near Old Austin, Lonoke County, Ark., *v.* United States; and

In the cause of the Trustees of the Methodist Episcopal Church South, of Unison, Va., *v.* United States.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3941) to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885.

The message also announced that the House had passed the concurrent resolution authorizing the Department of State to invite the governments of other countries, through their ministries, to send representatives to the International Congress on Tuberculosis to be held in Washington, D. C., September 21 to October 12, 1908, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 11560. An act relating to unpaid Hawaiian Postal Savings Bank deposits;

H. R. 14043. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana;

H. R. 17288. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1909;

H. R. 17422. An act to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State; and

H. R. 17703. An act to repeal section 4885 of the Revised Statutes and to substitute another section therefor.

ENROLLED BILLS AND JOINT RESOLUTIONS 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:

H. R. 16051. An act to authorize the Cahaba Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.;

H. R. 16955. An act to extend the time for building a bridge across Red River at Shreveport, La.; and

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

H. J. Res. 102. Joint resolution authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of the statue of the late Maj. Gen. Alexander Macomb, United States Army; and

H. J. Res. 120. Joint resolution authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2 in section 1 of Trinity River.

PETITIONS AND MEMORIALS.

Mr. MCLAURIN presented a joint resolution of the legislature of Mississippi, which was referred to the Committee on Claims and ordered to be printed in the RECORD, as follows:

A joint resolution memorializing Members of Congress to pass a law appropriating cotton-tax fund now in the United States Treasury to pension ex-Confederate soldiers and their widows and orphans.

Whereas there has remained in the United States Treasury for a number of years a sum approximating $60,000,000 illegally collected as a tax on cotton produced and marketed in Southern States during the years 1865, 1866, and 1867 and 1868; and

Whereas after the passage of so many years it becomes impossible to secure the return of this tax in an equalized manner to the greater number of those who paid this illegal tax; and

Whereas recognizing it is the wish and desire of the people of the Southern cotton-growing States who paid this tax and their descendants that this fund now held by the United States Treasury be paid out for the pensioning of old ex-Confederate soldiers, their widows, and orphans, understandingly, by this method would, in a practical way, reach the class of people who bore this injustice: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States is hereby respectfully memorialized and urged to pass a law authorizing and instructing the Treasurer of the United States to pay over this cotton-tax fund to the treasurers of the different Southern cotton-growing States in the proportion as each State contributed and paid this tax that constitutes this fund for the purpose of distributing the same as pensions to the old Confederate soldiers as the legislatures of the different States may deem proper: Be it further

Resolved, That the Members of Congress from Mississippi are earnestly requested to take such steps as will aid in accomplishing this end.

Mr. BRIGGS presented a petition of the New Jersey State Funeral Directors' Association, praying for the enactment of legislation providing for the discontinuance of the custom of burials at sea, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Surgery Publishing Company, of New York City, N. Y., remonstrating against the passage of the bill (S. 1518) to amend section 3893 of the Revised Statutes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Baptist Ministers' Conference, of Trenton, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petition of Dr. Henry N. Dodge, of Morristown, N. J., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachians and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 170, Patrons of Husbandry, of Lawrenceville, N. J., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a memorial of sundry citizens of Axtell, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Lancaster County Woman's Christian Temperance Union, of Lincoln, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

Mr. GALLINGER presented a petition of sundry citizens of Portsmouth, N. H., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry residents on Sixteenth street, in Washington, D. C., praying for the enactment of legislation to change the name of Sixteenth street to Presidents' avenue, which was referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Winchester, N. H., of sundry citizens of Mount Holly, N. J., and Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors, which were referred to the Committee on the District of Columbia.

Mr. TAYLOR presented a memorial of the Druggists' Association of Bedford County, Tenn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 19, Mailers' Union, of Memphis, Tenn., praying for the repeal of the duty

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of the West Virginia State Federation of Labor praying for the adoption of a certain amendment to the so-called "Sherman antitrust law," which was referred to the Committee on the Judiciary.

He also presented petitions of Green Valley Lodge, No. 223, Brotherhood of Locomotive Firemen and Engineers; of Ohio Valley Lodge, No. 13, Brotherhood of Railroad Trainmen; and of Hinton Lodge, No. 256, Brotherhood of Locomotive Firemen and Enginemen, of Hinton, all in the State of West Virginia, praying for the passage of the so-called "employers' liability bill," which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented a memorial of sundry citizens of Alcester, S. Dak., remonstrating against the enactment of legislation to amend section 549 of the postal laws of the United States relating to post-offices and post-roads, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented memorials of sundry citizens of Burns, Utica, Norton, Jennings, Dodge City, Hutchinson, Lawrence, Salina, Abilene, Benedict, Robinson, White City, Lamont, Palco, Hartford, Whitecloud, Anthony, and Elgin, all in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens and organizations of Bazine, Fort Scott, Gardner, Gridley, Larned, Little River, Newton, Nickerson, Nortonville, Phillipsburg, and Williamsburg, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Mercantile Club of Kansas City, Kans., praying for the enactment of legislation to improve the present financial system, and also for the guaranty of national-bank deposits, which was referred to the Committee on Finance.

He also presented a petition of the legislative committee of the State Society of Labor and Industry, of Pittsburg, Kans., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," and also for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the American Association of Masters, Mates, and Pilots, of New London Conn., remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coasting trade, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Rocky Hill, Conn., and the memorial of J. F. Donovan, of New Haven, Conn., remonstrating against the passage of the so-called "Crumpacker census bill" providing for the employment of additional clerks for taking the Thirteenth and subsequent censuses, which were referred to the Committee on the Census.

Mr. BURKETT presented a petition of the postmasters of Valley, Arlington, and Benson, in the State of Nebraska, praying that an appropriation of $2,000,000 be made for clerk hire for third-class post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Axtell, Nebr., remonstrating against the passage of the so-called "parcels post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALDRICH presented a petition of the masters and pilots of steam vessels navigating on Block Island Sound praying that an appropriation be made for a light-house at the Harbor of Refuge at Point Judith, Rhode Island, which was referred to the Committee on Commerce.

Mr. HOPKINS presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation providing for the construction of at least two of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Northwestern Lodge, No. 424, Brotherhood of Railroad Trainmen, of Chicago, Ill., praying for the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of Northwestern Lodge, No. 424, Brotherhood of Railroad Trainmen, of Chicago, Ill., remonstrating against the passage of the so-called "Knox employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of Local Union No. 6, International Photo-Engravers' Union of North America, of Minneapolis, Minn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Osage Indian Council of Pawhuska, Okla., praying for the enactment of legislation providing for the holding of two terms of the Federal courts for the western district of Oklahoma at that city, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the town council of Narragansett, R. I., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a memorial of the Rhode Island Radical Peace Society, of Providence, R. I., remonstrating against any appropriation being made for the construction of new battle ships, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the adoption of an amendment to the Constitution providing for the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TALIAFERRO presented a petition of sundry citizens of Lakeland, Fla., praying for the passage of the so-called "La Follette employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. BROWN. For the senior Senator from Wisconsin [Mr. LA FOLLETTE] I present a petition of sundry citizens of Louisiana relative to the condition of the telegraph companies of the country. The petition is signed by a large number of citizens, and I ask that it be referred to the Committee on Education and Labor and printed in the RECORD, omitting the names.

The VICE-PRESIDENT. Without objection the petition will be referred to the Committee on Education and Labor and printed in the RECORD, omitting the names.

The petition is as follows:

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

We, the undersigned, respectfully petition Congress as follows:

1. To enact legislation placing the telegraph systems of the United States under the provisions of an act whereby in any controversy threatening to interfere with or interrupt the telegraph service the Federal Government shall cause an investigation to be made on request of either party to the controversy. President Roosevelt said on this subject in his message to Congress, "the need for some provision for such investigation was forcibly illustrated during the past summer. A strike of telegraph operators seriously interfered with telegraph communication, causing great damage to business interests and serious inconvenience to the general public," etc.

2. To enact legislation compelling telegraph companies to show plainly and accurately on each telegram delivered by them the time such telegram was filed for transmission at the place from whence it came and the time such telegram was received at the office from which it was delivered. (House of Representatives bills Nos. 15123 and 15267 and Senate bill No. 4395.)

3. To enact legislation designed to prevent mailing of telegrams by telegraph companies which are accepted for telegraphic transmission. Telegrams were mailed in every State in the Union during the recent telegraphers' strike, and the evidence is on file at Washington. (House of Representatives bill 15929.)

4. To cause general investigation of the telegraph companies, especially as to justifiability of their joint increase in telegraphic rates to the public of 20 per cent to 60 per cent, the reduction of 10 per cent in salaries of employees, and the conduction of their business during the telegraphers' strike. (House joint resolution No. 126.)

REPORT OF COMMITTEE.

Mr. BURROWS, from the Committee on Naval Affairs, to whom was referred the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, reported it without amendment and submitted a report thereon.

MONONGAHELA RIVER BRIDGE.

Mr. PILES. From the Committee on Commerce I report back without amendment the bill (H. R. 17220) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906. I call the attention of the Senator from Pennsylvania [Mr. KNOX] to the report.

Mr. KNOX. I ask unanimous consent 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.

Mr. KNOX. I move that the bill (S. 5367) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, be indefinitely postponed.

The motion was agreed to.

TOMB OF JOHN PAUL JONES.

Mr. McENERY. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 5434) to provide for finishing the crypt of the chapel, United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

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

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

COURTS IN ALABAMA.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 17524) to provide for circuit and district courts of the United States at Dothan, Ala., to report it favorably without amendment.

Mr. JOHNSTON. I ask unanimous consent that the bill be now considered. It is purely a local measure.

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.

BILLS INTRODUCED.

Mr. McLAURIN introduced a bill (S. 5829) for the relief of Emily Donnelly, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 5830) granting an increase of pension to Jacob Watson, which was read twice by its title and, with accompanying papers, referred to the Committee on Pensions.

Mr. TAYLOR introduced a bill (S. 5831) for the relief of Marion B. Patterson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. BANKHEAD introduced a bill (S. 5832) for the relief of the late firm of Martin, Weakley & Co., which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

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

A bill (S. 5833) for the purchase of a site and the erection of a public building thereon in the city of Plainfield, N. J.; and

A bill (S. 5834) to provide for the enlargement of the post-office building at Hoboken, N. J.

Mr. TILLMAN (by request) introduced a bill (S. 5835) for the relief of the estate of Robert Kirkley, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 5836) for the relief of Olive P. Tibbitts, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 5837) for the refunding of money illegally collected by the United States Treasury Department as excise taxes from the Fort Pitt Gas Company, Pittsburg, Pa., which was read twice by its title and referred to the Committee on Finance.

Mr. HOPKINS introduced a bill (S. 5838) granting an increase of pension to Mattie J. Stark, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 5839) for the relief of George W. Wickes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. CLAY introduced a bill (S. 5840) to provide for the extension, improvement, and enlargement of the post-office and court-house building at Augusta, Ga., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

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

A bill (S. 5841) for the relief of the estate of George Patten, deceased; and

A bill (S. 5842) for the relief of the heirs of George Winfrey, deceased.

Mr. ANKENY introduced a bill (S. 5843) granting an increase of pension to Edward Cornwell, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMITH introduced a bill (S. 5844) granting an honorable discharge to Henry S. Hunter, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. du PONT introduced a bill (S. 5845) granting a pension to John C. Ripperger, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

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

A bill (S. 5846) granting a pension to Edward D. Satterlee;

A bill (S. 5847) granting an increase of pension to Alfred Opelt; and

A bill (S. 5848) granting an increase of pension to Elisha Biggerstaff.

Mr. NEWLANDS introduced a bill (S. 5849) granting an increase of pension to Jeremiah Regan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 5850) to appropriate money for the payment of certain advances made to the United States by the State of Maryland, which was read twice by its title and referred to the Committee on Claims.

Mr. BEVERIDGE introduced a bill (S. 5851) granting an increase of pension to Andrew J. Moore, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 5852) to provide for town sites in connection with projects under the reclamation act and for the construction of schools and municipal improvements, and for other purposes, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. NEWLANDS introduced a bill (S. 5853) to provide for the extension of Reno road in the District of Columbia, for the assessment of benefits and the award of damages in connection therewith, and to provide a fund for the cost and expenses of condemnation proceedings, and for the payment of all judgments and awards in connection therewith, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. OWEN introduced a bill (S. 5854) to amend section 3643 of the Revised Statutes and penalize false entries of public moneys, which was read wice by its title and referred to the Committee on the Judiciary.

Mr. SIMMONS introduced a bill (S. 5855) providing for an additional circuit judge in the fourth judicial circuit, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. TELLER introduced a joint resolution (S. R. 62) authorizing and directing the Secretary of War to dispose of certain obsolete guns, which was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SUTHERLAND submitted an amendment proposing to increase the salary of one law clerk in office of the Solicitor of Internal Revenue, Department of Justice, from $1,800 to $2,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment relieving from further service July 1, 1908, on account of age, clerk of class 4 employed at the Naval Observatory, Washington, D. C., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. McENERY submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO OMNIBUS PENSION BILL.

Mr. BURROWS submitted an amendment intended to be proposed by him to House bill 15653, known as the "omnibus pension bill," which was referred to the Committee on Pensions and ordered to be printed.

AMENDMENTS TO FINANCIAL BILL.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which were ordered to lie on the table and be printed.

RIGHTS OF WAY THROUGH FOREST RESERVES.

Mr. ANKENY submitted an amendment intended to be proposed by him to the bill (S. 4179) granting rights of way and easements for the construction, use, maintenance, and operation of roads, highways, canals, ditches, reservoirs, telephone and telegraph lines, and lines for the transmission of electric light and power within and through forest reserves on the public lands of the United States, which was referred to the Committee on Public Lands, and ordered to be printed.

OCEAN MAIL SERVICE.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," which was ordered to lie on the table and be printed.

IMPROVEMENT OF COOSA AND ALABAMA RIVERS.

Mr. BANKHEAD. I ask unanimous consent for the consideration of Senate concurrent resolution No. 42.

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

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That for the purpose of ascertaining the practicability and cost of improving navigation on Coosa and Alabama rivers by means of storage reservoirs at, near, or above the sites selected for locks and dams Nos. 12, 14, and 15 by cooperation with the Alabama Power Company, or any other corporation duly organized under the laws of the State of Alabama, in the development of water power for industrial purposes, the Secretary of War is hereby authorized to cause a survey to be made of that portion of Coosa River above and below the sites selected for locks and dams Nos. 12, 14, and 15, and to submit to Congress as early as practicable a report giving the results of said survey, including plans and estimates of the whole cost of the work and the proportion thereof which should be borne by the United States; and that the cost of said survey shall be paid from funds heretofore appropriated for examinations, surveys, and contingencies of rivers and harbors.

Mr. GALLINGER. Mr. President, let us have the regular order.

The VICE-PRESIDENT. Concurrent and other resolutions are in order.

CHOCTAW AND CHICKASAW INDIAN ROLLS.

Mr. TELLER. I submit a resolution which I ask be referred to the Select Committee on the Five Civilized Tribes.

The resolution was read and referred to the Select Committee on the Five Civilized Tribes, as follows:

Resolved, That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, authorized and directed to, immediately upon the passage of this resolution, transmit to the Public Printer either the original or a true and correct copy of the original of each and every roll of the Choctaw and Chickasaw Indians now in the possession and custody of either of said Departments, or of any Bureau, division, or commission thereof or thereunder, prepared by United States officers, agents, or representatives during the years 1830 to 1890, inclusive; and the Public Printer is hereby directed, immediately upon the receipt of said rolls, to print 500 copies of the same, the expenses of printing the said rolls to be paid out of the contingent fund of the Senate, and immediately upon the completion of the printing of said rolls the original copies shall be returned to the Department from which they were received.

SEAL ISLANDS OF ALASKA.

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

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to furnish, for the information and use of the Senate, copies of all the reports made by the chief and special agents of the Department of Commerce and Labor in charge of the Seal Islands of Alaska during the years 1906 and 1907, and including all reports made to him by his assistants upon the condition of the fur-seal herd and the conduct of affairs on said islands.

DISPOSITION OF CHICKASAW FUNDS.

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

The resolution was read, as follows:

Whereas it is alleged that on the 24th day of June, 1905, a grand jury of the United States of America duly selected, summoned, impaneled, sworn, and charged to inquire fully in and for the body of the southern district of the Indian Territory in the name and by the authority of the United States of America did, upon the oaths of the members thereof, find, present, and charge that one D. H. Johnson, one P. S. Mosely, one George Mansfield, one J. F. McMurray, and one Melvin Cornish, and others to the grand jurors unknown, on certain days in the year 1902, within the southern district of the said Indian Territory, did unlawfully and feloniously commit the crime of conspiracy to defraud (an offense against the laws of the United States) by defrauding the Chickasaw Nation out of the sum of $28,876.90, the exact amounts fraudulently obtained from the Chickasaw Nation and the exact times and places where and when the said fraudulent transactions occurred being set out in said indictment; and

Whereas it is alleged that on or about the 15th day of December, 1905, the Attorney-General of the United States did direct one W. B. Johnson, then United States attorney for the southern district of the Indian Territory, to dismiss, by entering a nolle prosequi in said case, the said indictment; and

Whereas it is alleged that the said W. B. Johnson refused to dismiss the said indictment as directed by the Attorney-General of the United States; and

Whereas it is alleged that the Attorney-General of the United States on or about the 15th day of January, 1905, removed the said W. B. Johnson from office, said removal being by telegraphic communication, and said removal being based upon the refusal of the said W. B. Johnson to carry out the directions of the Attorney-General of the United States; and

Whereas it is alleged that the said Attorney-General of the United States did, on or about the 15th day of January, 1905, by telegraphic communication, reinstate the said W. B. Johnson in the office of United States attorney for the southern district of the Indian Territory; and

Whereas it is alleged that the said W. B. Johnson refused and continued to refuse to dismiss the said indictment against the said persons during his term of office; and

Whereas it is alleged that on or about the 13th day of November, 1907, the Attorney-General of the United States did send a telegram to the United States attorney for the southern district of the Indian Territory, one George R. Walker, directing him to "be sure" and dismiss the said indictment against the said persons "before the Territorial courts pass out of existence and the creation of the new State;" and

Whereas it is alleged that on or about the 14th day of November, 1907, the assistant United States attorney for the southern district of the Indian Territory (the United States attorney being absent at the time), one James E. Humphrey, did cause an order to be entered upon the records of the United States court for the southern district of the Indian Territory, sitting at Ardmore, dismissing the said indictment with the notation "by the direction of the Attorney-General of the United States:" Therefore be it

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to transmit to the Senate a true and correct copy of the said indictment, all correspondence of every kind and description that has passed between the Department and the United States attorney or attorneys and his or their assistant attorney or attorneys for the southern district of the Indian Territory, and all correspondence of every kind and description between any officer of the United States Government and any other person or persons pertaining or appertaining to said indictment.

That the Attorney-General of the United States be, and he is hereby, directed to inform the Senate why said indictment was dismissed and whether it is customary for the Attorney-General to interfere with the prosecution of persons against whom an indictment or indictments have been returned in the State or Federal courts of the country, and whether other indictments have been dismissed by direction of the Attorney-General within the past five years, and if so, what indictments, and the cause therefor.

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

Mr. GALLINGER. It has been submitted this morning?

Mr. TILLMAN. Yes, sir.

Mr. GALLINGER. I think I should like to see it in print. I will ask that it go over.

The VICE-PRESIDENT. Objection is made, and the resolution will go over.

PORTSMOUTH, N. H., HARBOR.

Mr. GALLINGER submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Portsmouth Harbor, in the State of New Hampshire, with a view to obtaining slack-water navigation therein by the construction of a dam, and to submit estimates for the same.

RECEIPTS AND DISBURSEMENTS OF PUBLIC MONEY.

Mr. OWEN. I submit a resolution, and ask that it be read and referred to the Committee on Expenditures in the Treasury Department.

The resolution was read and referred to the Committee on Expenditures in the Treasury Department, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following information:

First. A revised statement of Table No. 7, of the Treasurer's annual report, entitled "Receipts and disbursements of each kind of money on all accounts at the subtreasury in New York for the fiscal year 1907," in which statement all the checks or drafts now included in or represented to be amounts of coins or notes shall be entered in a separate column to show the actual receipts and disbursements of each kind of money, as well as the amounts of checks or drafts received and disbursed on all accounts, this statement to be made without delay and transmitted immediately upon completion.

Second. Similarly arranged statements of receipts and disbursements at the Treasury in Washington and at each of the eight subtreasuries outside of New York; that is to say, statements revising and correcting Tables Nos. 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15 of the Treasurer's report for 1907.

Third. All correspondence with and departmental reports to the Secretary of the Treasury or the Treasurer of the United States in 1907, and previously from 1884 to 1907, on the subject of entering amounts of checks or drafts as actual moneys received and disbursed in the tables accompanying the annual report of the Treasurer.

Mr. OWEN. I ask that the correspondence I send to the desk, which is explanatory of the resolution, be printed in the RECORD for the information of the Senate.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent that the matter referred to by him be printed in the RECORD without reading. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

322 MARYLAND AVENUE NE.,
Washington, D. C., November 7, 1907.

Hon. GEORGE B. CORTELYOU,
Secretary of the Treasury, Washington, D. C.

DEAR SIR: At your request I inclose a memorandum of those false entries of several hundred million dollars in the account of the assistant treasurer at New York, falsifications which, for the fiscal year 1906, amounted to about one thousand millions on each side of the account.

The inclosed letter explaining the sophistication you will remember reading at Huntington in my presence, on August 23. The fraud consists in entering checks as gold certificates, silver certificates, United States notes, subsidiary silver, and minor coin, when no coin or note is paid or received.

Treasury officials have been telling me you would not order the discontinuance of even such deliberate, enormous falsifications and their correction in the account for 1907 soon to be published. Since the entries balance, being equally false as debits and credits, they do not indicate abstraction or diversion of public funds. The only evil intent is to deceive the Appropriations Committees of the House and Senate by making the business done at the subtreasury in New York and Treasury in Washington appear greater than it is in proportion to that of other offices.

These false entries are still being made daily at the subtreasury in New York, where you were recently. Their correction will be an act of honesty entirely yours, due to your individual courage. The Department shows no sense of shame at making a false statement of billions.

* * * * * * *

Very respectfully, JAMES C. HALLOCK.

---

24 SEVENTH AVENUE,
Brooklyn, N. Y., August 22, 1907.

Hon. GEORGE B. CORTELYOU,
Secretary of the Treasury, Washington, D. C.

DEAR SIR: In mine of August 19 I showed by forty years of Treasury circulars the Secretary's power to have disbursements made by checks on banks in Washington, New York, etc.

In this I wish to call your attention particularly to a sophistication of Treasury accounts in which several hundred million dollars of imaginary disbursements are entered as real transactions. This padding is connected with the refusal of bank checks in payment of customs duties at New York. Its complete correction can be easily effected by accepting such checks under a simple rule insuring absolute safety, as will be explained.

Misled by the last annual report of the United States Treasurer (p. 53), I wrote you on July 12 that "in 1906 disbursements at New York amounted to $740,205,722 by United States disbursing agents." The Treasurer gives the total expenditures (p. 7) for 1906 as $568,784,799, or $171,420,923 less than these officers are reported as disbursing. How do they come to disburse more than the entire expenditures of the Government?

Upon investigation I find an error of $352,959,158, which reduces their disbursements nearly half of the reported amount, namely, to $387,246,564. This error is a figment of bookkeeping. It appears in Table No. 7 of the Treasurer's report (p. 53) as "Special customs deposit."

What is this so-called deposit? It is supposed to be money which New York banks deposited during the year with the assistant treasurer to pay duties for their customers. Such deposits are made daily in advance and far exceed the amount of duties paid at New York and elsewhere. A bank, for instance, deposits $50,000 in the morning and gives its importing customers during the day "special customs fund transfers" aggregating $20,000, which the collector of customs accepts in payment and deposits with the assistant treasurer who, at the close of business, enters in his account $20,000 as customs receipts and $30,000 as "special customs deposit." This deposit, then, is the unused portion.

What is done with the balance? First, the cashier of the subtreasury mails the bank immediately a check on the assistant treasurer for $30,000. The next day the bank returns this check with $20,000 in money to make a deposit of $50,000 for that day, and so on through the year. In 1906 the total amount of checks returned to the New York banks daily appears to have averaged about $1,161,000. These checks represented so much money constantly on deposit and undrawn because in excess of requirements.

These cashier's checks were really never cashed, but every morning there was an imaginary cashing: an imaginary presentation of the checks for payment, an imaginary payment of them in gold certificates, etc., and an imaginary deposit of these gold certificates, etc. This imaginary payment and deposit of the real $1,161,000 taking place daily swelled the imaginary "special customs deposit" during the year to nearly $353,000,000. The Treasurer reports this deposit as paid in $352,951,630 of gold certificates which are wholly imaginary, $5,873 of imaginary United States notes (fives), $1,501 of imaginary silver certificates (ones and twos), $133 of subsidiary silver (imaginary halves, quarters, and dimes), and $21 of imaginary nickels and coppers. The cashier is the imaginary disbursing officer of these imaginary deposits; what he imagines he receives on deposit in the morning he imagines he disburses in the afternoon.

The real money deposited (say, $1,161,000 at the beginning of the year with real additions or deductions from day to day) should be considered as collateral to secure the balance carried overnight and not as an ever-recurring daily receipt at the opening of business and a disbursement at its close.

The best way to proceed would be for the Secretary of the Treasury to authorize: 1. The collector of customs at New York to deposit customs receipts in depositary banks there.

2. The collector to accept in payment of duties any certified checks on New York banks which any depositary bank there will place as cash to the credit of the United States Treasurer, giving the collector a certificate of deposit for the same.

3. Disbursing officers to deposit in New York banks, specially designated for each officer, any public moneys intrusted to them for disbursement.

4. No further transfers from regular depositaries in New York to the Treasury or subtreasury of any public money that can be disbursed as well or better by checks on banks.

5. Any excess of deposit over the amount of security held by the Government to be transferred to other regular depositaries that furnish the security.

The Secretary of the Treasury who authorizes all this will do more than any Secretary has done or been able to do for two generations (sixty-one years). And should the Secretary now refuse to have checks drawn on depositary banks in Washington, New York, Baltimore, or any other of the nine subtreasury cities, he would merit the condemnation of every business man, every banker, every woman and child that understands what a check is, and how unbusinesslike it is, instead of paying in checks, to run upon the banks for coin or currency, as the Government does.

Very respectfully, JAMES C. HALLOCK.

MEMORANDUM.

In the annual report of the United States Treasurer for 1906, page 53, Table No. 7 purports to give the "receipts and disbursements of each kind of money on all accounts at the subtreasury in New York for the fiscal year 1906." In this table there are nine columns for as many kinds of money, but no column for checks received and paid.

On page 94 of the report, Table No. 46 gives the "transactions between the subtreasury and clearing house in New York during each month," showing "checks sent to clearing house" and "checks received from clearing house," both aggregating hundreds of millions for the year. The amounts appear in Table No. 7, but disguised as receipts and disbursements in various forms of coin or notes.

The item of "special customs deposit" as receipts in Table No. 7 represents checks for $352,959,158 drawn by the cashier of the subtreasury in favor of New York banks and deposited by them the next morning. These checks are falsely entered as "subsidiary silver," $133; "United States notes," $5,873; "gold certificates," $352,951,630; "silver certificates," $1,501, and "minor coin," $21. These same amounts are merged in the disbursements of disbursing officers to whom the cashier's checks are charged, making nearly $353,000,000 of fiction in their alleged disbursements of $740,205,722 in the five kinds of money named above.

The item of "transfers," purporting to be the receipt of $540,609,560 in gold certificates, is largely one of checks. Where the corresponding disbursements appear on the other side of the account is not known.

These false entries appear to a greater or less extent in all the eleven tables from No. 5 to No. 15, pages 51–61 of the report, and summarized in Table No. 15.

The correction of these false entries will require a separate column for "checks" as receipts and disbursements in all of the tables named.

SPECIAL CUSTOMS FUND TRANSFER.

CLEARING HOUSE No. 42.

THE MARKET AND FULTON NATIONAL BANK

OF NEW YORK.

No. C 900 NEW YORK _____ 190___ $_____

THE COLLECTOR OF CUSTOMS AT THE PORT OF NEW YORK WILL CHARGE AND TRANSFER TO THE ACCOUNT OF "DUTIES PAID" _____ *DOLLARS FROM THE AMOUNT DEPOSITED BY* THE MARKET AND FULTON NATIONAL BANK OF NEW YORK *WITH THE ASSISTANT TREASURER OF THE UNITED STATES AT NEW YORK, TO THE ACCOUNT OF "SPECIAL CUSTOMS FUND."*

Countersigned

_____ TELLER. _____ CASHIER.

Report of Treasurer of the United States—Receipts and disbursements of each kind of money on all accounts at the subtreasury in New York for the fiscal year 1906.

Account.	Gold coin.	Standard silver dollars.	Subsidiary silver.	United States notes.	Treasury notes.	National-bank notes.	Gold certificates.	Silver certificates.	Minor coin.	Total.
RECEIPTS.										
Customs	$4,829,385	$204,564	$362	$1,149,932			$197,137,910	$865,612	$28	$204,187,793
Internal-revenue				1			250			251
Miscellaneous	285		1,932	19,883		$786	10,006,160	103,789	85	10,132,900
Disbursing officers	1,200	4,270	348	151,739		153,175	25,118,190	174,075	26	25,603,023
Post-Office Department	16,184	7,500	502	830,094		937,900	14,792,070	1,118,332	49	17,732,631
Transfers	599,800	8,635	503,319	21,060,988	$156,397	6,568,794	540,609,560	33,419,628	301,543	603,228,694
Gold bars			17				20,055,370			20,055,387
Standard silver dollars	1,660			251,940		41,100	3,633,600	329,935		4,258,235
Subsidiary silver	6,500			352,045		78,310	6,305,260	418,485		7,160,600
Minor coin				55,040		13,615	981,450	57,165		1,107,270
Gold certificates	1,000,000									1,000,000
Redemption and exchange	58,915,158	5,435,651	16,587,187	47,299,910	385,507	656,565	98,599,880	147,113,427	2,258,610	377,231,881
Special customs deposit			133	5,873			352,951,630	1,501	21	352,959,158
Issues							19,930,000			19,930,000
Total	65,370,172	5,660,650	17,073,800	71,207,431	541,904	8,448,245	1,290,121,310	183,601,949	2,560,362	1,644,585,823
DISBURSEMENTS.										
Warrants and checks	4		1,571	9,590			29,569,080	22,911	133	29,603,289
Disbursing officers	590,008	6,819	74,543	4,157,288		2,105,000	732,771,300	495,459	5,305	740,205,722
Post-Office Department			13				3,449,690	150	1	3,449,854
Transfers		1,414,100	7,202,918	35,602,000	542,200	6,235,000	191,707,930	80,701,013	491,411	323,896,572
Redemption and exchange:										
Gold coin		5	4,209				59,917,970			59,922,184
Standard silver dollars								5,401,780		5,401,780
Subsidiary silver								16,555,145		16,555,145
United States notes			373,054	32,093,750			1,000	14,772,900	85,381	47,326,085
Treasury notes of 1890		100	1,000					334,858	70	335,028
National-bank notes			519,800						136,765	656,565
Gold certificates	33,804,800	1,217,300	10,134,000				51,718,080		1,747,500	98,621,680
Silver certificates		831,400	108,650				82,970,000	63,356,143	127,981	147,394,174
Minor coin			212					2,255,868	643	2,256,723
Fractional currency										
Clearing-house balances			104	205,838			140,289,000		10	140,494,952
Total	34,394,812	3,469,724	18,420,074	72,068,466	542,200	8,340,000	1,292,394,050	183,946,227	2,595,200	1,616,170,753

Report of Treasurer of the United States—Transactions between the subtreasury and clearing house in New York during each month from January, 1900.

Month.	Checks sent to clearing house.	Checks received from clearing house.	Balances due subtreasury.	Balances due clearing house.
* * * * *	* * *	* * *	* * *	* * *
1905.				
July	$27,483,118.04	$47,223,942.71	$2,689,536.49	$22,425,361.16
August	26,073,192.76	40,694,438.55	1,029,218.17	15,650,463.96
September	26,972,085.09	32,676,093.16	3,423,974.43	9,127,982.50
October	28,235,116.35	40,686,938.83	556,804.30	13,008,716.78
November	23,270,632.20	32,351,829.68	638,113.11	9,719,310.59
December	24,309,278.05	32,187,315.89	1,059,374.77	8,937,412.61
1906.				
January	25,456,394.18	46,710,493.94	325,392.65	21,585,492.41
February	30,608,404.33	31,688,622.75	7,268,975.27	8,349,193.69
March	29,174,220.00	31,214,215.38	3,750,494.87	5,790,490.25
April	23,738,833.42	32,776,428.45	1,453,127.16	10,490,722.19
May	23,291,358.19	29,305,626.23	724,748.49	6,739,016.53
June	24,473,190.24	29,795,611.40	3,348,367.87	8,670,789.03
Total for fiscal year 1906	313,090,822.85	427,317,556.97	26,268,217.53	140,494,951.70

The object of clearing is to economize the use of coin or currency by balancing accounts so as to offset debts with claims, leaving only a difference to be settled in money.

Checks sent to clearing house		$313,090,823
Balances paid to subtreasury		26,268,218
Amount offset by clearing house		286,822,605
Checks received from clearing house		427,317,557
Balances paid by subtreasury		140,494,952
Amount offset by subtreasury		286,822,605
Checks sent to clearing house		313,090,823
Checks received from clearing house		427,317,557
Total		740,408,380
Balances due subtreasury	$26,268,218	
Balances paid by subtreasury	140,494,952	
Total of coins and notes involved		166,763,170
Total amount offset		573,645,210
Half offset by each		286,822,605
Imaginary receipts:		
Special customs deposit		352,959,158
Offsets at clearing house		286,822,605
		639,781,763
Imaginary disbursements:		
By disbursing officers		$352,959,158
Offsets at clearing house		286,822,605
		639,781,763
Total imaginary receipts		639,781,763
Total imaginary disbursements		639,781,763
Total for both sides of account		1,279,563,526

COMPANIES B, C, AND D, TWENTY-FIFTH U. S. INFANTRY.

On motion of Mr. FORAKER, it was

Ordered, That there be printed for the use of the Senate document room 500 copies of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry, etc.

AFFAIRS IN ALASKA.

Mr. NELSON. I present the final report of the grand jury to the Hon. Silas H. Reid, judge of the United States district court for the Territory of Alaska, third division, held at Valdez, Alaska. It relates to a very important matter in that Territory. I move that the report be printed as a document and that it be referred to the Committee on Territories.

The motion was agreed to.

RESIGNATION OF JUDGES.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 4535) to amend section 714 of the Revised Statutes of the United States relating to the resignation of judges of the courts of the United States.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 714 of the Revised Statutes of the United States to read as follows:

SEC. 714. When any judge of any court of the United States resigns his office, after having held a commission or commissions as judge of any such court or courts at least ten years, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation.

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

SAMOAN CLAIMS.

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

To the Senate and House of Representatives:

I transmit a report by the Secretary of State concerning this Government's obligation to pay to the Government of Norway the sum

of $200 under the convention between the United States, Great Britain, and Germany for the settlement of Samoan claims, which was signed at Washington on November 7, 1899.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 2, 1908.*

HOUSE BILLS REFERRED.

H. R. 11560. An act relating to unpaid Hawaiian Postal Savings Bank deposits was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

H. R. 14043. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana, was read twice by its title and referred to the Committee on Public Lands.

H. R. 17288. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1909, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 17422. An act to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State, was read twice by its title and referred to the Committee on Commerce.

H. R. 17703. An act to repeal section 4885 of the Revised Statutes and to substitute another section therefor, was read twice by its title and referred to the Committee on Patents.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had, on the 29th ultimo, approved and signed the following act:

S. 3726. An act to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River, above the city of Augusta, in the State of Georgia.

INTERNATIONAL CONGRESS ON TUBERCULOSIS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate authorizing the Department of State to invite the governments of other countries, through their ministries, to send representatives to the International Congress on Tuberculosis, to be held in Washington September 21 to October 12, 1908, which were, on page 1, to strike out the resolving clause and insert:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

On page 1, insert as a title:

Joint resolution authorizing the invitation of governments of other countries to send representatives to the International Congress on Tuberculosis.

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

The motion was agreed to.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. SMITH. I submit an amendment intended to be proposed by me to the bill (S. 3023) to amend the national banking laws.

The VICE-PRESIDENT. Does the Senator desire to have the proposed amendment read?

Mr. SMITH. I ask that it be read.

The VICE-PRESIDENT. It will be read.

The SECRETARY. On page 4, line 15, strike out all after the words "taxes" down to and including the word "bonds," page 4, line 23.

Mr. SMITH. Mr. President, the purpose of my amendment is to strike out the railroad-bond feature of the so-called "emergency currency bill," because I believe it would be unwise to predicate our currency on a private security, and while I do not care to take much time I desire that the amendment may not be misunderstood. I dislike very much to disagree with the Senate Committee on Finance regarding the wisdom of this section of the proposed bill, and what I have to say about it may be immature and disconnected, but feeling as I do, I can not resist the temptation to express my views regarding it.

Mr. President, I believe that the railroad-bond feature of this bill will operate to check, rather than to stimulate, bond securities, as a whole, giving them a political rather than a commercial status, and that the attempt to supply a new use for railroad bonds by this legislation will be abortive, ultimately resulting in discrimination and diminution of value. The Government has never before attempted to give legislative value to commercial securities, and this attempt is as unwise as it is radical and unnecessary and should find no place in our financial system. A bond-secured currency is bad enough at best. This bill would weaken it in the eyes of our own people and subject it to unenviable criticism abroad.

Bond currency was originally proposed by Lincoln's great Secretary of the Treasury for the purpose of making a bond market for Government securities, in order to meet the extraordinary expenses growing out of the war. I have no criticism to make upon it. That was a Government function and met the expectation of its author. It was indeed emergency legislation, and the statesmen who planned it builded even better than they knew, although the best financial students have always believed it unscientific and undesirable as a permanent basis of circulation.

Mr. President, I do not question the patriotic purpose of the Finance Committee. I give them credit for being prompted by the highest motives. Yet I can not but feel that the experiment is doubtful and the conditions with which it is hedged about will operate to cast discredit upon every bond not coming within the purview of this legislation.

Under this law not more than two or three hundred million dollars of railroad security could possibly be utilized as the basis for currency issue. The act only provides for $500,000,000 of emergency money, and it is well understood that municipal, State, and county bonds will absorb a large proportion of this currency.

Mr. ALDRICH. Mr. President——

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

Mr. SMITH. Certainly.

Mr. ALDRICH. The Senator from Michigan, as I understand his statement, believes that if we issued $500,000,000 currency it would be largely based upon other bonds than railroad bonds?

Mr. SMITH. I am inclined to that opinion.

Mr. ALDRICH. I understood the Senator to state that there are two or three hundred million dollars of bonds that would be available.

Mr. SMITH. No; I did not say that. What I said was this: That of the bonds available under the provisions of this law there would not probably be over two or three hundred million dollars of railroad securities deposited, if municipal and State bonds are to be deposited. According to the Senator's own statement in opening the debate, there might be perhaps $250,000,000 of each.

Mr. ALDRICH. The Senator from Michigan, I suppose, does not doubt the safety of these bonds.

Mr. TELLER. Mr. President——

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

Mr. SMITH. Certainly.

Mr. TELLER. I do not wish to interfere with the discussion going on, but we want to hear it in this part of the Chamber.

Mr. SMITH. In answer to the inquiry of the Senator from Rhode Island, who asks whether I doubt the safety of these bonds, I will say: No, Mr. President, I do not doubt their safety. What I doubt is the expediency of permitting any commercial bond to be the basis of a currency issue. What is to become of the millions of railroad bonds that are thus discriminated against, that are not to be receivable for this purpose? Who will take them? The public? Or will the Government later be asked to do it?

Mr. ALDRICH. There are over six thousand million dollars of railroad bonds.

Mr. SMITH. Yes; I thank the Senator. There are over six thousand million dollars of railroad bonds, most of which will be discriminated against. I have here on my desk a letter from one of the most prominent bankers in New York who says, "For God's sake do not discriminate against our Philippine railroad bonds; it would be a black eye to our issue." Why should we enter that field at all? Why not permit this class of desirable securities to find their own market, on their merits, without artificial aid by the Government? We are not called upon to go into copartnership with these transportation companies. The Government's business is to honestly regulate and justly protect the right of property and not to become banker for special interests.

Mr. President, I contend that to select any class of private securities by law and say that only that class may be used as a basis for emergency currency is to discriminate against every other issue outside that circle. This, sir, is not the function of popular government.

I do believe, however, that municipal, State, and county bonds may be appropriately used in an emergency. These are

generally described, and if legally issued are all included within the act. Every bond of this description will appreciate in value by reason of this legislation, and the people as a whole in the various geographical subdivisions will profit by the privilege, and I am willing they should. That is their Government and this is their Government. We are merely their servants, acting in their interest; and so long as they live up to their contracts and are animated by civic pride no loss can result to the Government.

You say that the railroad bond to be available at the Treasury must have paid interest for five years, and that the railroad company must have paid 4 per cent dividend on its stock for a period of five years. Four per cent dividend on its stock is not necessarily the measure of the value of a bond.

I would rather have a railroad bond upon a railroad modestly bonded and honestly built in a desirable territory, with an indebtedness, perhaps, of not over $25,000 to $30,000 a mile, an underlying security guaranteed by a leasing company for a period of years, than to have the bond of a road that has merely for the period of five years paid dividends upon its stock, perhaps at the expense of its physical condition, and which sudden business depression may impair. The dividend feature of this bill does not strengthen the situation at all.

And let me advise Senators that in my opinion this proposition, most novel in character, now presented for the first time in the history of the Government, will result in putting a responsibility upon this Government which may ultimately oblige us to take over these roads by foreclosure in order to realize upon our security. It is the first serious step toward the Government ownership of railroads, in my judgment. Whoever takes a mortgage or security thereunder must take the risk of ultimately being called upon to foreclose that mortgage. Senators may shake their heads. How little we thought in the St. Louis Exposition and in the Jamestown Exposition that we would ever be obliged to enforce our lien to protect the Government and even then suffer a loss. Whenever we go outside our true sphere we must be prepared to accept all the responsibility that goes with the experiment, and the time may come when you will be obliged to enforce your lien and foreclose your security, even going so far as to assert proprietorship over the physical property which you have made the basis for circulation.

Another thing, most of the great railroad systems of the country are made up of small lines. Those lines are leased, and on a basis providing for payment of the interest on the bonds, betterments, and taxes. They have no stock on the market or on a dividend basis. That class of securities are, in my judgment, generally regarded as good, and yet this bill discriminates against them.

Mr. McCUMBER. Mr. President——

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

Mr. SMITH. Certainly.

Mr. McCUMBER. Will it disturb the Senator to be interrupted by a question?

Mr. SMITH. Not at all.

Mr. McCUMBER. The Senator has several times mentioned the disastrous effect of discriminating against railroad bonds which would not be taken under the bill.

Mr. SMITH. Yes; although that is not my principal objection to its passage. I think the bill fundamentally wrong.

Mr. McCUMBER. And in his statement I believe he admitted that there are about $6,000,000,000 of railroad bonds in the United States, and $2,000,000,000 of railroad bonds that would be proper as security for the issue of this emergency currency. Assuming that it is $6,000,000,000, and every dollar's worth of the issue was based upon railroad securities alone, there would be only 7 per cent, and if half of it would be based upon municipal securities the whole extent left would be only 3½ per cent of the entire amount of railroad bonds in the United States. Now, does the Senator believe that utilizing 3½ per cent of all the railroad bonds in the United States would so discriminate as to seriously affect the other 96½ per cent of the bonds?

Mr. SMITH. What I believe is this, that whenever a bond buyer is sought he will inquire of the seller: "Is this bond recognized by the Government?" "Is this bond good for the emergency currency?" "Has the Government put the stamp of its approval upon this issue?" If not, then I say he will be less liable to take it and would quickly note the difference in value.

Mr. McCUMBER. Assuming, Mr. President, that those bonds which would be taken by the Government would not be upon the market—and they could not be upon the market because they would be held at that time—would the public, as purchasers, pay any less for the other 96½ per cent of bonds in the market because the Government gave a special credit to the 3½ per cent?

Mr. SMITH. I think the trouble to-day with our bond market is not that the bonds are not good, because everyone knows they are good; but the trouble with the bond market is that people will not buy them and they are hypothecated and deposited in the vaults of banks all over the country. The people will not buy them under present conditions, and this bill creates a harbor of refuge until the storm passes, which may be temporary, but which I think if ever adopted will be permanent. I think the step proposed most ill advised, even dangerous to our financial stability, inviting unnecessary controversy, and introducing new and questionable practices into our Treasury operations.

Mr. President, I hope I shall not be misunderstood in what I have said. In the first place, I believe in treating the corporation with perfect fairness. The public man who would arouse class against class or section against section or people against corporations has very little standing in my sight. I am one of those public servants who believe that an artificial person and a natural person should have equal rights before the law, no more and no less, and I shall square my conduct by this wholesome maxim. I am, however, strongly opposed to a bond-secured currency at all, and this measure in some respects, at least, only aggravates the objections, and will make it more difficult to ever bring about a change in policy, desirable though it might be.

What did it mean when one of the most prominent bankers in the city of New York stated to me in a letter yesterday:

For God's sake do not leave the Philippine railroad bonds out of this bill, for it would be a black eye that they never would recover from?

Mr. BEVERIDGE. Mr. President——

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

Mr. SMITH. Certainly.

Mr. BEVERIDGE. I am very much interested in the Senator's lucid remarks, and I should like to know whether he would exclude as a basis of this emergency currency all the railroad bonds that he says would be discriminated against, or, on the other hand, all railroad bonds? Where would he make the discrimination? Would he include all of them?

Mr. SMITH. I thank the Senator from Indiana. No; I would not have any railroad bonds or other quasi-public bonds as a basis for our currency.

Mr. BEVERIDGE. I understand the Senator now.

Mr. SMITH. I believe such a policy to be most ill advised and unwise, and that it would recoil upon the government that adopts it to her disadvantage and discomfiture.

Mr. BEVERIDGE. So that the Senator would exclude all railroad bonds as a basis?

Mr. SMITH. Yes.

Mr. BEVERIDGE. I now understand the Senator.

Mr. SMITH. The bonds of municipalities, States, and counties, being geographical subdivisions of our country controlled by all the people, may properly be included in our emergency legislation under such regulations as seem wise. I would not antagonize that feature at all; present conditions may justify it and no serious harm can come from it, but the other feature is most dangerous. How may you ascertain the value of these railroad bonds? What machinery of the Government is now at work by which you can ascertain their value?

Mr. ALDRICH. Mr. President——

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

Mr. SMITH. Certainly.

Mr. ALDRICH. The twentieth section of the interstate-commerce act as amended by the legislation known as the "railroad-rate law" furnishes ample machinery.

Mr. BEVERIDGE. We can not hear the Senator at all. Nobody can hear him over here.

Mr. ALDRICH. I said that the twentieth section of the interstate-commerce act as amended by the rate law, so called, furnishes ample machinery to ascertain the character and the value of these bonds.

Mr. SMITH. Mr. President——

Mr. ALDRICH. And it is the intention that an amendment shall be offered for the purpose of putting machinery in operation for ascertaining the value of these bonds.

Mr. SMITH. I dislike very much to disagree with the Senator, and yet I am very familiar with that section. I am very familiar with the Senator's letter to the Interstate Commerce Commission. I am entirely familiar with the Interstate Commerce Commission's answer. The Interstate Commerce Commission told the Senator in their answer that there was no machinery of the Government by which to ascertain the value of this property; they told the Senator it would require a force of nearly 200 men to get into shape for this work; and the

answer of Mr. Adams for the Interstate Commerce Commission pointed out that thus far they had only accomplished the classification of accounts of the railroads, not taking into account their physical value at all.

Mr. ALDRICH. That was not the suggestion I made. I am glad the Senator is familiar with the twentieth section of the act, but if he will reread it, he will find that the Commission have ample authority to do everything that I have suggested.

Mr. SMITH. Mr. President, Mr. Adams answered the Senator——

Mr. ALDRICH. I am not talking about Mr. Adams's answer; I am talking about the twentieth section of the interstate-commerce act as amended.

Mr. SMITH. But the Senator asked the Interstate Commerce Commission to give the Senate information upon which they might base an approximate value of this class of securities. I will read the letter of the Senator. I have it before me.

Mr. ALDRICH. I am not talking about the correspondence at all at this moment. I am talking about the provision of the twentieth section of the interstate-commerce act.

Mr. SMITH. But I am talking about this correspondence, because it relates directly to the point which he made and directly to the inquiry of the Senator from Rhode Island. I will read the letter of the Senator from Rhode Island to the Interstate Commerce Commission, as I have it before me.

COMMITTEE ON FINANCE, UNITED STATES SENATE,
January 21, 1908.

GENTLEMEN: In connection with the proposition that the Government should accept railroad bonds as a part of the securities required from national banks for additional circulating notes, I would be glad if you would advise me:

First. What has been done under the twentieth section of the act to regulate commerce, as amended, relative to a prescribed system of railroad accounts?

Second. What principles or rules have been promulgated in the orders of the Commission thus far issued relative to operating accounts, and what principles or rules are under advisement pertaining to capital accounts, to be covered by subsequent orders of the Commission, that will tend to give security and stability to railway securities?

Third. What has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?

Fourth. Would it be possible, in your opinion, after the various provisions of the twentieth section shall have been carried into effect, for the Secretary of the Treasury, from the records in the possession of the Interstate Commerce Commission, to select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of these circulating notes?

Very truly, yours, NELSON W. ALDRICH.

The INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

I am very familiar with the answer to the Senator, and I contend that the answer of Mr. Adams was to the effect that there is no machinery of the Government now in operation for the purpose of ascertaining the values about which the Senator inquired. The Interstate Commerce Commission has a system of classified accounts by which it separates the earnings from the expenditures of the railroad property, and, deducting the expenditures from the earnings, leaves the net balance for dividends and for the payment of interest on bonds. But the Senator from Rhode Island knows that the whole tenor of Mr. Adams's statement is to the effect that the Government does not at the present time have anything by which they can ascertain the value of these securities. Their selection is entirely a matter of discretion with the Secretary of the Treasury.

Mr. ALDRICH. Mr. President——

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

Mr. SMITH. Certainly.

Mr. ALDRICH. I think the Senator from Michigan fails entirely to reach the point which I was suggesting.

Mr. SMITH. The Senator from Rhode Island also fails to reach my point.

Mr. ALDRICH. It is not a question at all whether that machinery is in operation. The question is whether the twentieth section of the interstate-commerce act gives the Interstate Commerce Commission power to make these inquiries——

Mr. SMITH. It does give it power.

Mr. ALDRICH. And when the machinery provided in that section is put in operation, whether then the Secretary would be able to obtain this information.

Mr. SMITH. Certainly. But the public examiners have not been designated and no work has been accomplished by the Commission beyond a system of classified accounts, as you will see by Mr. Adams's letter to the Senate, which says, among other things:

The fact that public examiners must test this account has not been lost to view. A balance sheet, if correctly drawn, taken in connection with the operating accounts and the property accounts of a carrier, should furnish adequate information *for testing the stability and certainty of underlying securities.*

The third question is as follows:

"What has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?"

The board of special examiners is the means proposed by Congress to make effective a prescribed system of railway accounts. In direct response to the question, it should be said that *no board* of examiners *has as yet been formally organized.* Ten special examiners have been appointed, but for the most part they have been engaged in investigations bearing upon the character of the accounts to be prescribed. With the exception of special examinations into claims and into the manner in which the depreciation accounts have been *applied, no formal examinations, such as were contemplated by Congress, have been undertaken.*

It will require the permanent employment *of 260 men* to enable the Commission to exercise administrative supervision over the accounts of steam railways. *The Civil Service Commission has provided,* through special examination, a roster from which perhaps half of this number of men may be secured, and a new examination will be undertaken when necessary. *A programme for the organization of a board of examiners, including a plan for branch offices at certain selected railway centers and a set of instructions prescribing the manner in which these examinations shall be carried on, are sufficiently advanced to warrant the statement that this formal examination may be effectively begun on July 1, 1908, so far as this office is concerned. No further steps can be taken in this direction, however, until it is known what appropriation is to be placed at the disposal of the Commission for this purpose.*

Mr. ALDRICH. The Senator from Michigan agrees with me then, does he?

Mr. SMITH. I agree this far and no further, that the twentieth section, to which the Senator refers, did give the Commission the power, but you have failed to give them the appropriation necessary to employ the force.

Mr. ALDRICH. I was simply saying that we gave them the power. I understood the Senator to deny that.

Mr. SMITH. Oh, I do not deny that. I deny that the Interstate Commerce Commission have any information upon which to base the value of railroad securities now.

Mr. ALDRICH. The matter of dereliction is on the part of Congress, if anywhere, for failing to make proper appropriation.

Mr. SMITH. I understand that the dereliction is with Congress. The selection of bonds now must be a discretionary matter, left entirely to the Secretary of the Treasury, as there is no machinery now by which these values can be ascertained.

Mr. President, I did not intend to occupy the time of the Senate so long. I only wished to record my objection to this provision, which is experimental in its character, and will be dangerous in its effect, possibly leading to a condition where you may be obliged to take the railroads and operate them in order to save the Government from loss.

I do not question the value of these securities. But, Mr. President, I question the wisdom of taking into our financial system quasi public corporation security of any kind. If there are two thousand millions of State, municipal, and county securities available for that purpose, why not exhaust those, thereby confining ourselves to strictly public obligations, in which every citizen is interested, where the indebtedness has been created for a public purpose under direct authority of law?

Mr. HOPKINS. Mr. President——

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

Mr. SMITH. Certainly.

Mr. HOPKINS. If he has followed the debate on this bill, the Senator will recognize the fact that the contention is made by some that the amount of State, county, and municipal bonds is not sufficient to afford by themselves a basis for emergency currency. Therefore, if this bill should become a law, and we were limited to them, their value would be greatly enhanced, and it would be made not only unprofitable for the banks to use the proposed emergency currency, but it would be made almost prohibitive. What does the Senator say upon that point? What is his judgment upon that?

Mr. McCUMBER. If I may be permitted, I will state that a corner might be more easily secured upon a small quantity of stock than upon a great quantity.

Mr. SMITH. Yes; but let me ask the Senator from Illinois if the effect of this bill, with this provision in it, is not to stimulate the railroad bond market, what is it for?

Mr. HOPKINS. The Senator does not answer my question. What is the Senator's judgment, whether these criticisms are correct or not, as to the amount and value of the municipal and State bonds——

Mr. SMITH. As to their amount?

Mr. HOPKINS. Are they sufficient, in the Senator's judgment, or are they not?

Mr. SMITH. If the impression of the Finance Committee is to be accepted as final, there will be very few of these securities presented for this emergency money anyway. The Senator from Illinois knows that the Treasury Department to-day is calling in large sums of money that it has deposited with various banks

of the country. Why? Because the emergency which caused that money to be deposited has passed, and it may safely be withdrawn now. Why was it that the Secretary of the Treasury refused——

Mr. HOPKINS. Will the Senator from Michigan allow me to make a suggestion right there?

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

Mr. SMITH. Certainly.

Mr. HOPKINS. I am in accord with the Senator from Michigan on the proposition he is now discussing, but what I want is the Senator's judgment as to whether the basis is broad enough by using State and municipal bonds for this emergency currency?

Mr. SMITH. Go one step further—broad enough for what? Broad enough to furnish how much money?

Mr. HOPKINS. Five hundred million or a thousand million dollars.

Mr. SMITH. Does the Senator believe we need that now?

Mr. HOPKINS. Not now.

Mr. SMITH. Well, then, if we do not need it, if we are not going to avail ourselves of the maximum provided by the bill, certainly there are enough municipal and other public securities for that purpose. Only last week $50,000,000 of New York City bonds were sold in the city of New York. Municipalities are issuing these bonds all the time. If they are to be given the additional value of convertibility they will increase in value and, I think, prove ample for the purposes intended.

Mr. HOPKINS. Mr. President——

Mr. SMITH. If the Senator will permit me, there is no general market to-day for railroad bonds, and, Mr. President, there was no market for United States bonds in 1863, when Secretary Chase told the country that if they bought Government bonds they would be the basis of a currency issue by national banks. Does the Senator deny that it operated to accomplish just that purpose?

Mr. HOPKINS. Mr. President——

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

Mr. SMITH. Certainly.

Mr. HOPKINS. The Senator from Michigan asks why these bonds are placed in the bill. I think I am disclosing no secrets of the committee in saying that the purpose of the committee was to get bonds sufficient in amount so that no corner could be obtained by people dealing in bonds, and that any bank that desired this additional currency could go into the market and procure the bonds at the normal price. Under this bill the Secretary of the Treasury is not required to take any bonds at all; it is left entirely to his discretion; and none of the troubles the Senator from Michigan has presented here can possibly arise. It is impossible for the Government, under this bill, to become the owner of a railroad for this reason: That the Secretary of the Treasury is required, on page 5 of the bill, to acquire additional security or to make them change the securities.

Mr. SMITH. The Senator is mistaken.

Mr. HOPKINS. Let me read the provision.

Mr. SMITH. Wait a moment.

Mr. HOPKINS. Let me read it to the Senator.

Mr. SMITH. Just one moment. Section 1 of this bill prescribes the conditions upon which new circulation may be taken out; section 2 designates the security for the additional circulating notes and enumerates the class of bonds that will be acceptable, placing the supervisory responsibility with the Secretary of the Treasury.

Mr. HOPKINS. One moment. Let me read the provision in section 2 of the bill:

> The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this act, securities herein enumerated in such proportions as he may from time to time determine, and he may with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit.

Mr. SMITH. Ah!

Mr. HOPKINS. So the Senator can see that under that clause the Secretary is not required even to accept one of those bonds if, in his judgment, it is not safe security for the Government.

Mr. SMITH. Well, it is admitted that the Secretary of the Treasury has discretion to call for additional securities——

Mr. HOPKINS. Change the security.

Mr. SMITH. Under that bill he may blacklist any bond on deposit with him. He may say to the bank that deposited it, "You will have to take this up and substitute something else." He has very wide discretion, as he should have, but, Mr. President, all this is merely detail. My criticism is fundamental, and questions the wisdom or necessity of attempting by legislation to fix a new bond market for railroad securities, so intimately interwoven with Government affairs and so completely at variance with our past history.

Mr. ALDRICH. Mr. President——

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

Mr. SMITH. I do not object to a better bond market or a higher bond market, but I feel sure that it is not the function of government to create it by special legislation.

Mr. ALDRICH. I will wait until the Senator gets through.

Mr. SMITH. I think that the effect of the bill will be to discourage railroad construction instead of stimulate it. A new road, ever so valuable, connecting two or more important cities, modestly bonded and honestly managed, must go on five years' probation before its bonds will be received.

Mr. HOPKINS. Mr. President, will the Senator allow me right there——

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

Mr. SMITH. Certainly.

Mr. HOPKINS. By the terms of the bill, safeguards are thrown around State and municipal bonds precisely as they are thrown around the other class of bonds.

Mr. SMITH. Greater safeguards.

Mr. HOPKINS. I do not think so.

Mr. SMITH. Yes; because the State and municipal bonds must be within the constitutional limitation of the State or the municipality, and whose funded indebtedness does not exceed 10 per cent of the valuation of its taxable property.

Mr. HOPKINS. Does not the Senator think that it is wisdom on the part of the committee and of Congress, if we are to have legislation of this kind, to throw every safeguard around these bonds, so that there can be no possible default?

Mr. SMITH. I am not complaining of the safeguards around this class of securities. I believe the committee has abundantly safeguarded them. I do not believe there is a railroad in the State of Michigan that has for five years paid 4 per cent upon its capital stock, or that can avail itself of this law, and I do not believe the banks of our State hold the class of railroad securities this bill describes. If they avail themselves of this law they will be obliged to go into the open market and buy them, curtailing to just that extent the commercial business ordinarily transacted with merchants, manufacturers, and tradesmen.

Mr. President, I have not one word of criticism and much of praise for the great Senator from Rhode Island, whose attempt to relieve the country by the issue of emergency currency is most praiseworthy. I honor him for it, but I do not believe this provision is salutary. I think it will retard rather than assist his purpose.

The Senator may say with reference to my observation regarding the Philippine Railroad bonds that the interest on those bonds is guaranteed by the Government and that they stand in a different class from other securities which are left outside the effect of this legislation. Possibly that is so, but in the minds of the security holders this recognition would be very helpful.

Is there a Senator on this floor who is willing to say that the bonds that are so favored will not be benefited by it—that their value to the banks for investment will not be increased? I think not. Will not all the bonds that come within this law be sought for because they have the additional value of being available for Government notes of issue? To-day the Treasury Department is calling in its deposits from the various banks of the country. Why were those deposits not called in earlier? Because it was not prudent to do so, and the Secretary of the Treasury has shown splendid judgment in his management of this entire affair; but it is a vastly different thing for the Secretary of the Treasury to say to the banks of the country, "Bring your collateral, and we will let you have so much Government deposits," and for Congress to write into the statute that only such railroad bonds as have been issued by companies that have paid 4 per cent on their stock for five years may have any standing with the Treasury of the country—a virtual condemnation of every single security that does not come within the provisions of your law.

A great French financier and writer, only a little while ago, in the New York Evening Post indicated the French estimate of our bond-circulating money, saying, in very caustic language, that we were engaged as a Government in a bond-selling device at the expense of our monetary stability. I think it is a trifle paradoxical, if the Senator will permit me to say it, for us to sit here in solemn conclave planning employers' liability legislation and the abolishment of the doctrine of fellow-servant and contributory negligence—sitting here in solemn convocation to secure the passage of laws seeking to regulate interstate

commerce and in the same breath seeking to bolster up their securities. I regard it as a trifle paradoxical, to say the least, for us to sit here passing antirailroad legislation just as fast as the roll is called tending to diminish the profits and the earnings of these interstate carriers, and on the other hand attempting to bolster up these securities by this kind of legislation. I fancy that some time in the near future I will see the managers and operators of these railroads, whose securities are the basis of a currency issue, and hear their voices before the Committee on Interstate Commerce asking that the Government security be not injuriously affected or diminished by further hostile legislation.

We have not yet finished railroad regulation. The President, only a few days ago, in a solemn message to Congress told us "That in some form the Federal Government must exercise supervision over the financial operations of our interstate railroads," and, further, that "the Federal Government must assume a certain measure of control over the physical operation of railroads in the handling of interstate traffic." He has told us that it would be our duty to prescribe the class and form of their accounts; that their expenditures may properly be a matter of governmental supervision. Do not Senators believe that the time may come when, with our Treasury filled with bonds of railroad companies, we may be asked to halt in making further legislative attempts to regulate these companies, lest we jeopardize our financial security and alarm currency holders?

Then, again, can not Senators see that a railroad which pays 4 per cent upon its stock may, by political reversal in this country, be placed in the attitude of not being able to pay a dividend on its stock, and if it ever reaches the point where it can not pay a dividend, does not the Senate believe that the officers of these railroads which have been benefited by this legislation will some day come to Congress and ask us to strike off the dividend feature in order that their securities may still rest in the Treasury as a basis for circulation?

I firmly believe that if we embark upon this very questionable arrangement, we are opening the door very wide to the possibility of those very quasi-public corporations taking a hand in politics as their only means of defense.

I do not want to force railroad companies into politics. They are the creatures of the laws, and should neither make the law nor break it.

Is there a Senator upon this floor who does not know that the moment this law is passed every European investor in American railroad securities will ask his broker the question, "Are my bonds included in this legislation?" If they are not covered, those securities will gradually be returned to us, and will our people take them? No. Every Senator here knows why. Our people will not buy them because State legislation and Congressional action jeopardize them as a safe and sound investment.

Can not Senators see that if an adverse party should succeed us in the administration of affairs on the 4th day of next March, or at some future time—a party that does not believe in this legislation for the advantage of special interests—do not Senators believe that the repeal of this bill will be a bad blow to the transportation interests of this country overbalancing by considerable any small advantage now derived?

I am in favor of being perfectly fair with the corporations of this country. This bill is neither fair nor wise in its present form.

Mr. President, I will not trespass longer upon the Senate. I thank you sincerely for your courtesy and your consideration. I have spoken against this bill because I believe it to be harmful, because I believe it to be the first step of a serious character in the direction of Government ownership of railroads, and that possibility, remote as it may be, I would, if I had the power, avoid. I do not believe in the Government usurping the functions of individual enterprise. It is the individual initiative that has lifted our people above the world's throng to the high standard they now enjoy. While our neighbors across the sea, the great Russian Empire, are seeking by revolution and otherwise to rid themselves of government paternalism whereby everything originates with the state and nothing with the individual, while Russia has failed utterly to demonstrate that that is the wise or the just policy toward its own people and is endeavoring to throw it off as a danger to the future of the country, is it not a little singular that we should drift toward the dangers they would now avoid?

Mr. President, I was very reluctant to say anything upon this measure, realizing that one new in the Senate should not lightly set aside its historic traditions, but should be content to permit those of larger experience to guide the affairs of state. No one, sir, has a higher appreciation of the whole-hearted devotion of the Senator from Rhode Island to his country than I. I would not for one moment impugn his motives or attack by innuendo his honorable purpose. But, sir, I come here as the representative of my State, mindful of my own unworthiness. I would not prove myself undeserving of the esteem of my colleagues or the respect of the people I serve. But if my best judgment told me that a measure of importance here pending was not for the best interests of all the people of the country, I should feel myself unworthy to bear the commission which they have given me if I did not record my solemn protest against it.

I protest against this clause in the bill as being unnecessary. I protest against it as being unwise. I protest against it because it introduces into our monetary system a commercial security over which the Government has no control. I protest against it because it is a most unfair discrimination against billions of dollars' worth of securities that do not come within its scope.

Mr. President, I hope it will not pass. We have difficulties enough to overcome as a country, while our party can not afford to enter the next campaign handicapped with a proposition to introduce into our national monetary system the securities of railroad companies.

I thank you, Mr. President and the Senate, for doing me the honor to listen to my remarks, not formally, but informally expressed, fragmentary and disconnected as they are. I simply desire to avoid for our Government what I believe will be a most harmful experiment now being urged for the first time in the financial history of our country.

Mr. ALDRICH obtained the floor.

Mr. GALLINGER. I demand the regular order.

Mr. ALDRICH. I hope the Senator from New Hampshire will give me two or three minutes.

Mr. GALLINGER. I will.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire withdraw his demand for the regular order?

Mr. GALLINGER. I will withdraw it until the Senator from Rhode Island gets through.

Mr. TILLMAN. Mr. President——

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

Mr. ALDRICH. Mr. President, the provisions of the pending bill——

Mr. TILLMAN. Mr. President——

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

Mr. TILLMAN. I will; but I want to have a little understanding. We all know that the Senator from Michigan [Mr. SMITH] has occupied the floor out of order, and that he could have been called down, but no one did, as the Senator wanted to make his speech and we wanted to hear him. He has made a very fine speech, and we are glad to have heard him. But there are other things pending which will go by the board at 2 o'clock unless the Senator who has charge will agree that we may take another hour, or whatever time may be necessary, for morning business.

Mr. ALDRICH. I am perfectly willing that the time for morning business shall be extended. I shall not take more than two or three minutes at this time. If the Senator from South Carolina does not desire me to speak——

Mr. TILLMAN. I want to hear the Senator from Rhode Island. This is a very beautiful exchange of compliments between our friends on the other side, and I should like to hear it. The only reason why I did not interrupt the Senator from Michigan and call for the regular order was that I did not want him to miss the opportunity to make his speech, and I want the Senator from Rhode Island to have a full opportunity to answer, and all I ask is that when 2 o'clock comes my little resolution shall not go by the board.

Mr. ALDRICH. I shall be perfectly willing to lay aside the unfinished business at 2 o'clock for any purpose which the Senator from South Carolina has in mind.

Mr. President, the provision of the pending bill in regard to railroads and railroad bonds has been passed over at my suggestion. It was passed over with a statement on my part that the committee had under consideration various amendments to the provision which they would present in due time. I do not make this statement, however, for the purpose of finding fault with any criticism which any Senator sees fit to make to the bill as it now stands. I do not intend to take the time of the Senate now to go at any considerable extent into the argument upon the question whether railroad bonds should be accepted as security for the notes which we propose to issue. I must say, however, that I was greatly puzzled at the argument of the Senator from Michigan [Mr. SMITH]. Possibly when I come to read it in print, and have time to consider it, its inconsistencies may not be as apparent as they seem to me now. The Senator

from Michigan objects to the use of railroad bonds as security, and his principal argument against such use is that we have excluded certain classes of railroad bonds from acceptance under the provisions of the bill. He would have us accept, as I understand it, all railroad bonds——

Mr. SMITH. No; I would accept none.

Mr. ALDRICH. The Senator would accept none, and he gives as a reason for accepting none that we have unwisely restricted the character of the bonds to be accepted by the bill to a small amount, and that not more than two or three hundred millions can be so received. The Senator insists that we have improperly discriminated against certain bonds, therefore that the use of two or three hundred millions out of a total of six or seven thousand millions will imperil the liberties of the people and that the Government of the United States may be forced to take possession of the railroads.

The bonds accepted must be first-mortgage bonds. They must be the bonds of railroad companies that have paid dividends on all their stock to the extent of 4 per cent per annum for five years. The Senator from Michigan says there are too few of those bonds in existence. The Secretary of the Treasury is not obliged under the provisions of this proposed act to accept any railroad bonds.

Mr. SMITH. I am sure the Senator from Rhode Island misunderstood me. I did not say there were few in existence. What I did say was that compared with the mileage of the railroads of the country this class of securities represented a very small proportion of that mileage.

Mr. ALDRICH. I stated for the committee in the argument which I submitted to the Senate two or three weeks ago the reasons which led the committee to think that the basis of State and municipal bonds was not sufficiently broad for the purpose of securing the currency which we proposed to issue. As the Senator from Illinois [Mr. HOPKINS] has said, that provision of the bill was inserted because of criticisms which were made in the committee and outside of it that we would unduly enhance the value or the price of State and municipal bonds if we did not accept other bonds for security.

Now, first-mortgage railroad bonds are made by the law of every State in the Union which has legislation on the subject acceptable as first-class security for savings-bank investment. They are acceptable as the best possible collateral by every financial institution in the country.

The Senator from Michigan himself says that there can be no question as to the value of the security or the safety of the bonds. But he says we ought not to go outside of State and municipal bonds. That, of course, is a question which every Senator must decide for himself. Whether railroad bonds are or are not accepted will not interfere with the purpose of the bill.

I will suggest to the Senator from Michigan that it was not the main purpose of the committee to inquire into what the effect of this legislation should be either upon banks or upon railroads. We are legislating for the people of the United States, and we are not here to consider primarily the effect this legislation will have upon the railroads of Michigan or the people who own them.

Mr. SMITH. Mr. President——

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

Mr. ALDRICH. Certainly.

Mr. SMITH. If the Senator will permit me, it was not necessary to state the effect of this legislation upon the bond market. It is apparent.

Mr. ALDRICH. What is apparent?

Mr. SMITH. It is very apparent that the purpose is to increase the value of railroad securities.

Mr. ALDRICH. How apparent?

Mr. SMITH. The object of the bill speaks for itself.

Mr. ALDRICH. The railroads of the United States are the only corporations in existence that are under Government control and regulation. Their accounts and everything connected with them are subject to Government regulation. They are quasi-public institutions, and the committee believed that if they were to go outside of State, municipal, and Government bonds they must include first-class railroad bonds. It is not and should not be the controlling purpose of this legislation to improve the value of railroad bonds or of State bonds or municipal bonds. Our first duty is to give the people of this country a safe and sound currency, if we are to have an emergency currency, and to take the best securities for such issues which we can find, whatever they may be. If this legislation shall have the effect of giving a wider market for or a better value to the railroad securities of the United States, and the Government can do it without any loss to itself or any danger of damage to itself, then we should not hesitate to legislate simply because the securities would have a better status than they have now.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Rhode Island yield to the Senator from Michigan?

Mr. ALDRICH. Certainly.

Mr. SMITH. If the Senator will permit me, I should like to ask him a question. Just at this particular time when there is really no necessity for additional circulation, when Government deposits are being withdrawn from the banks because they may safely be withdrawn, when the reserves in the banks of the country are perfectly safe, when our monetary system is not in the least degree jeopardized, does the Senator think the effect will not be merely to stimulate the price of the securities which this bill affects?

Mr. ALDRICH. The Senator evidently does not understand at all the purpose of the bill.

Mr. BEVERIDGE. We here can not hear the Senator from Rhode Island.

Mr. ALDRICH. I say the Senator from Michigan certainly fails to understand the purpose of the committee in reporting this legislation. In opening the debate on this bill I made the statement that it must be apparent to everybody that there is no demand at this moment for emergency circulation. The question of withdrawals of public money by the Treasury from the banks has nothing to do with the question. These withdrawals do not reduce the amount of money in circulation in the United States. None of the conditions to which the Senator from Michigan has alluded are affected by the relative amount of currency outstanding. It is not a question whether or not there is an additional currency issue demanded now, but the point is that when the emergency arrives, whether it shall be tomorrow, or next day, or next week, or next year, or ten years from now—I hope it will be deferred ten years or twenty or thirty—we should be prepared for it; that it is the paramount duty of Congress to furnish the necessary machinery which will be effective when the demand arises.

Mr. McCUMBER. Mr. President——

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

Mr. ALDRICH. Certainly.

Mr. McCUMBER. May I ask the Senator a question? If I understand it correctly, the same character of bonds were under the law of 1907 made available as security for deposits from the Treasury to the banks. I want to know whether making them available for that purpose has to any degree given other bonds a black eye or depreciated their market value because these were given a special value, if they were given any, by reason of being made security for deposits by the Treasury?

Mr. ALDRICH. Certainly not.

Mr. BEVERIDGE. I should like to ask the Senator from Rhode Island a question. I shall be glad to hear the Senator's answer to the point made by the Senator from Michigan. It impressed the whole Senate, I think, and that is this: Here is a railroad bond given as the basis of currency issued. Of course it must be the most secure possible. Therefore the bill provides that it shall not only be the bond of a railroad company which has paid interest on its bonds, but also one which shall have paid dividends of a certain per cent on its stock for four or five years.

The Senator from Michigan very clearly pointed out that on account of mutations in business or a change in politics or many other things the earnings of a road might fall off, and that a situation was entirely conceivable where the Government itself in order to realize upon the security for its emergency circulation would have to foreclose upon the road itself.

I say that I will be very glad to hear the Senator answer that question. Whether this bill increases the securities of railroads is not the question. It is a question of having a perfectly safe and sound currency. But the question has been raised, in my mind, by the Senator from Michigan whether or not a basis for emergency currency of securities which themselves might depreciate by reason of changes in business or politics or anything else is the surest foundation for emergency currency. I do not know the answer. I presume the Senator does.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. ALDRICH. I do.

Mr. TELLER. I should like to suggest to the Senator from Indiana that under this bill——

The PRESIDING OFFICER. It is impossible for the Senator from Colorado to be heard at the desk.

Mr. TELLER. It is only a question of protecting the Government when it issues the bills to the banks. That is all there is of it.

Mr. BEVERIDGE. That merely changes the form of the question.

Mr. TELLER. It is not a question of the protection of the currency issued.

Mr. BEVERIDGE. The credit of the Government is back of the currency, to be sure, but in order to insure the Government the deposit of bonds is provided for as security. That merely changes the form of the question.

Mr. ALDRICH. I think I can answer the Senator's question. In the first place, the Secretary of the Treasury determines the character and amount of any bonds to be received as security for circulation. It is fair to assume that the Secretary of the Treasury will not accept any bonds of a questionable character or when any doubt can be raised of their security. Second, the amount of currency issued is limited to 75 per cent of the market value of the bonds. In the third place, the Secretary of the Treasury can at any time change the securities—every one of them—and require additional securities to be deposited. In the next place, the Government of the United States, which assumes the redemption of these notes, has ample security aside from the bonds. When the Government redeems these notes it sends them to the bank for redemption. The bank either has to go into bankruptcy or redeem them. The Government has next the securities deposited, which the Treasury is required to sell at public auction under the law, in case of default or insolvency. The Government does not foreclose mortgages. It has back of and beyond all this a prior lien upon all the assets of the bank.

Now, does the Senator from Indiana think there is any question about the security of the Government? As the Senator from Wyoming [Mr. WARREN] suggests to me, it has also the liability of every stockholder to double the amount of his stock. Does the Senator from Indiana think there is any question about the security of the Government of the United States under those conditions?

Mr. SMITH. Mr. President.——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Michigan?

Mr. ALDRICH. Certainly.

Mr. SMITH. If it will not interrupt the Senator, I should like to say right here that, very wisely, the bill provides that the Government shall take over the legal title to these bonds; in other words, the Government becomes the mortgagee. Now, if the Government becomes the mortgagee, can not the Senator from Rhode Island imagine such a condition of affairs, for instance, as with the Mercantile National Bank, in New York, where the bank has deposited these bonds with the Government and the indorsement will absolutely fail? Can not the Senator imagine a condition, without being too remote or exaggerated, where the railroad company may default upon its dividends and may not be able to place new securities? What is there to prevent the Government from foreclosing its title to save loss to the people?

Mr. ALDRICH. Because——

Mr. SMITH. One moment further——

Mr. ALDRICH. I will be glad to answer that question very promptly.

Mr. SMITH. Another may hold some of this same bond issue and begin proceedings making the Government a party in spite of itself.

Mr. ALDRICH. All this would be very well if it were not for the fact that it is the duty of the Comptroller of the Currency to sell these bonds at public auction immediately.

Mr. BEVERIDGE. Suppose he did not? Suppose there is another holder——

Mr. ALDRICH. Suppose he did not?

Mr. BEVERIDGE. Pardon me; the point the Senator from Michigan makes can not be disposed of so quickly. Suppose these were in default of interest, and the holders of other bonds of the same issue should bring suit for foreclosure; they would have to make the United States a party to their suit.

Mr. ALDRICH. Before they were sold, you mean?

Mr. BEVERIDGE. Certainly.

Mr. BAILEY. I wish to ask the Senator from Indiana and the Senator from Michigan if they will not join me then in repealing the law, if it be a law. I think it is not now the law; and they ought to join me then in condemning the present practice of the Secretary of the Treasury in receiving these railroad bonds as a deposit for Government money, for reports here will show that he has without any authority of the law been receiving for months and even for years these very railroad bonds, subject to all the criticisms which have been made. I shall expect the Senator from Michigan and the Senator from Indiana at least to join me in disapproving such a practice.

Mr. ALDRICH. Mr. President, I think I will have to resume the floor.

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

Mr. ALDRICH. Let me go on for a few minutes.

Mr. GALLINGER. The Senator was going to take only two or three minutes twenty-five minutes ago.

Mr. BAILEY. The Senator from New Hampshire comes readily to the relief of the Secretary of the Treasury, who has been doing what I say he ought not to do.

Mr. GALLINGER. Mr. President, I have been waiting for something over an hour to do a little morning business. This question of the bond issue is to come up at 2 o'clock in regular order, if we had gone along under the rules of the Senate. I have no objection to waiting a few minutes longer, but I think, as there is other business before the Senate, it is a very practical thing for us to do it.

Mr. ALDRICH. I was about to say, in answer to the suggestion of the Senator from Indiana, that it is conceivable, of course, that the Government of the United States might find itself in the possession of bonds of a road that went into the hands of a receiver, that went into bankruptcy, and there would have to be a foreclosure of the mortgage. I repeat, it is the duty of the Comptroller of the Currency to sell these bonds, and the duty would be equally mandatory whether the road was in the hands of a receiver or not. In any event the Government of the United States, holding a small fraction of these bonds, would not take over the railroad. The property would be sold, I take it, and the proceeds would be paid to the bondholders, and the deficiency in this case, whatever there was, would have to be paid by the banks.

Mr. BEVERIDGE. It would be exactly in the position of any other creditor.

Mr. ALDRICH. But the Government as a creditor would not and could not take the property.

Mr. BEVERIDGE. The receiver under the orders of the court would administer the property for the benefit of the bondholders, of which the Government would be one.

Mr. ALDRICH. And sell it?

Mr. BEVERIDGE. Just as the court says. It might sell it or administer it.

Mr. ALDRICH. The court would administer it or sell it, and not the Government.

Mr. BEVERIDGE. Most undoubtedly the court would administer it for the benefit of all the bondholders, including the Government.

Mr. ALDRICH. I say it is not a conceivable condition where the court would turn that property over to the Government of the United States.

Mr. BEVERIDGE. Such a condition is conceivable, if the Senator wants to go into that, although I am not in this debate. I merely asked this question for clarification. But since the Senator mentioned it, is not a case conceivable where the Government of the United States held the bonds and would have to buy the property to protect its interests, just as the holders of bonds have had to do in numberless instances?

Mr. ALDRICH. It does not have to protect itself at all. It sells the bonds and falls back upon the bank for the deficiency.

Mr. BEVERIDGE. It probably would not sell the bonds after the receivership. It would find a very poor market for the bonds if it did.

Mr. ALDRICH. It must sell them.

Mr. BEVERIDGE. During a receivership it would only sell them if it wanted to sell them at a loss.

Mr. ALDRICH. It is the plain duty of the Government officers to sell these bonds at public auction in case of default, and there can be no delay or hesitancy on their part.

Mr. BAILEY. Will the Senator from Rhode Island tell the Senate if all this might not happen under the present practice of the Treasury Department?

Mr. ALDRICH. Absolutely.

Mr. BAILEY. Except as to bond sales under the law.

Mr. ALDRICH. They are held under a different provision of law. There is no definite authorization or direction requiring the sale of the bonds held as security for deposits, although they can undoubtedly be sold under the general pledge of title.

Mr. BAILEY. If this ought not to be in the bill, then the Secretary of the Treasury ought not to have accepted these railroad bonds as security for Government deposits.

Mr. ALDRICH. The Senator from Texas is entirely right; and it is the plain duty of Congress, if they think that railroad

bonds ought not to be received by the Government as a security for deposits, to say so.

Mr. BAILEY. I will not agree that it is the plain duty of Congress, for I believe the law is plain. The law says they shall secure them by United States bonds and otherwise. The Secretary of the Treasury reads it, that they shall secure them by United States bonds or otherwise. There is a vast difference between "and" and "or," even when a Republican Secretary of the Treasury construes the law.

Mr. ELKINS. Mr. President, I call for the regular order.

CHOCTAW-CHICKASAW CITIZENSHIP COURT.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Secretary read the resolution submitted by Mr. TILLMAN on Friday last, as follows:

Whereas there appears in the CONGRESSIONAL RECORD of February 11, 1908, at page 1934, in relation to the Choctaw-Chickasaw citizenship court, the following statement:

"It is alleged that the members of that court were bribed and received as a consideration for their decisions a part of the fee paid these attorneys. Counsel for claimants are reliably informed that the Secretary of the Interior now has in his possession positive proof of the bribery of certain members of that court, said proof setting forth the amount paid certain members of that court, the time and place the payments were made, and the manner of the payments. This evidence has been in the possession of the Secretary of the Interior for more than three months and yet no investigation, so far as counsel for claimants have been able to ascertain, has been inaugurated and no proceedings have been instituted calculated to bring these guilty persons before the bar of justice, although the time in which they can be criminally prosecuted is rapidly expiring:" Therefore,

Resolved by the Senate, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation there is for such charges, and to transmit to the Senate all correspondence, affidavits, evidence, papers, and information pertaining or appertaining thereto.

Mr. GALLINGER. I offer the following as a substitute for the resolution.

The PRESIDING OFFICER. The substitute will be read by the Secretary.

The Secretary read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation, if any, there is for the charge that members of the Choctaw-Chickasaw court were bribed and received as a consideration for certain decisions rendered by them a part of the fee paid to the attorneys in certain cases.

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from New Hampshire.

Mr. TILLMAN. Mr. President, why does the Senator from New Hampshire object to having the Secretary send all the evidence in the case, the facts, the correspondence, and reports?

Mr. GALLINGER. What I object to, Mr. President, is the long preamble which recites certain things have been alleged. I think if we get the information called for in the substitute resolution, it will disclose whether or not there is a basis for calling for further information. If it appears that there is any basis for these alleged charges, then the Senator can follow it up with a resolution calling for additional information and the papers in the case.

Mr. TILLMAN. I can not conceive that the Secretary of the Interior will do more than reply that he has no such information. If you omit to call on him to furnish the reports in the case, he will not send the necessary evidence or the basis for additional inquiry. I think the Senator from New Hampshire himself will recognize that his substitute is in the nature of how not to do it.

Mr. GALLINGER. It is not so intended, I will say to the Senator, Mr. President.

Mr. TILLMAN. Of course I recognize that the Senator's honesty of purpose is as great as my own, and I hope none of us want to do more than get at the facts. If there are no facts, then the Secretary of the Interior can tell us so, but at the same time if there is any correspondence or any evidence in the Department, he can send that along with the statement that he has no evidence to submit.

Mr. GALLINGER. Then I think the Senator and I can get an agreement in reference to this question.

Mr. TILLMAN. I think so, too.

Mr. GALLINGER. If the Senator will drop out the "whereas" and simply amend the resolution so that it will read: That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation there is for the charges that relate to the matter.

Mr. TILLMAN. And all the balance. Put that in, too.

Mr. OVERMAN. Will the Senator from South Carolina yield to me to submit an amendment?

Mr. TILLMAN. With pleasure.

Mr. OVERMAN. I move to add:

Resolved (second), That the Attorney-General be, and he is hereby, directed to transmit to the Senate the evidence taken by the Choctaw-Chickasaw citizens' court in relation to the proper compensation to be allowed the attorneys for the Indians, now on file in the Department of Justice.

I move the amendment by reason of the fact that I have just received a letter from one of the court, which I ask may be read.

The PRESIDING OFFICER. The letter will be read by the Secretary.

The Secretary read as follows:

115 COURT SQUARE,
Greensboro, N. C., March 1, 1908.

Hon. LEE S. OVERMAN, *Washington, D. C.*

MY DEAR SENATOR: I see in this morning's newspapers that Senator TILLMAN has introduced a resolution in the Senate calling upon the Secretary of the Interior for information and papers relating to certain charges of bribery against the judges of the Choctaw and Chickasaw citizenship court, of which I was a member.

I inclose copy of a telegram which I have sent to the Secretary of the Interior, urging him to do what he can to further a full and speedy investigation of these charges, and I hope this will be done.

I write you to say that the charges are wholly without foundation, and, in justice to myself and the other members of the court, I trust you will insist upon a full investigation.

The articles in the newspapers this morning refer to a statement or speech delivered in the House on February 10 by Representative STEPHENS of Texas, of which I had no knowledge until this morning. This statement is in the CONGRESSIONAL RECORD of Tuesday, February 11, 1908, beginning at page 1918, second column. You will notice that Mr. STEPHENS, under leave to extend his remarks, printed in the RECORD a brief filed by the attorneys of the court claimants against whom our court decided, and on page 1934, about the middle of the second column, will be found the language copied from the brief and embraced in Senator TILLMAN'S resolution. This language reflects very seriously upon my character and integrity, and as the charges are utterly false I insist upon an investigation.

The citizenship court heard evidence for quite a while as to the proper compensation to be allowed the attorneys for the Indians. A copy of this evidence is on file in the Department of Justice, and includes the testimony of many prominent lawyers, among the number Chief Justice Hill, of Arkansas, a native of this State. All of the testimony was to the effect that the attorneys were entitled to receive more than twice as much as the court allowed them. The duty was devolved upon the court by act of Congress to fix their compensation, and the court found they had a written contract, by the terms of which they were entitled to receive 9 per cent of the amount recovered, which would have given them nearly one and one-half million dollars, while the court disregarded the contract and fixed their compensation at one-half that amount.

This evidence was taken by a stenographer and reduced to writing, and will be found on file in the Department of Justice, and in justice to the court Senator TILLMAN'S resolution should be amended so as to call for this evidence.

Very truly, yours, SPENCER B. ADAMS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3023) to amend the national-banking laws.

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

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

Mr. FORAKER. Mr. President, a few days ago my attention was called to what appeared in the CONGRESSIONAL RECORD of February 11, which has just been referred to in the letter that has been read. Inasmuch as it amounted to a specific charge affecting the integrity of the members of that court, one of whom was a citizen of Ohio, and inasmuch as the charge also was that the Secretary of the Interior, Mr. Garfield, had had this testimony in his possession for the past three months without taking any action, I felt it my duty to write to Secretary Garfield calling his attention to the statement and requesting him to inform me whether or not there was any truth in the charge.

Yesterday morning there came to me in the mail an answer from Mr. Garfield. I intended to bring it here, so that I might read it in connection with the offering of this resolution and put it in the RECORD, but, unfortunately, I forgot to bring it. However, as soon as the matter was called to my attention I dispatched a riding page for the letter and I will have it presently and I want to put it in the RECORD as soon as it comes. The Senator from Wyoming [Mr. WARREN] tells me that he has a copy of the letter. It will obviate the necessity of sending after the letter itself if the Senate will allow me to put this copy in the RECORD as a substitute.

I wish to state that in this letter from Secretary Garfield he said that there was no truth in the charges, and that he had so informed the gentlemen who had put the statement in the RECORD.

Mr. TELLER. Mr. President——

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

Mr. FORAKER. In this connection, before being interrupted, if the Senator will allow me, I will read Mr. Garfield's letter.

Mr. TELLER. All right; go ahead.

Mr. FORAKER. It is as follows:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 29, 1908.

DEAR SIR: I beg to acknowledge your letter of February 28, calling my attention to the following statement:

"It is alleged that the members of that court were bribed and received as a consideration for their decisions a part of the fee paid these attorneys. Counsel for claimants are reliably informed that the Secretary of the Interior now has in his possession positive proof of the bribery of certain members of that court, the time and place the payments were made, and the manner of the payments. This evidence has been in the possession of the Secretary of the Interior for more than three months and yet no investigation, so far as counsel for claimants have been able to ascertain, has been inaugurated and no proceedings have been instituted calculated to bring these guilty persons before the bar of justice, although the time in which they can be criminally prosecuted is rapidly expiring."

This statement is an extract from a brief submitted by certain attorneys in connection with an Indian case, and was printed in the RECORD by Mr. STEPHENS of Texas. This statement, I notice, is the subject-matter of a resolution introduced in the Senate by Senator TILLMAN yesterday.

I advised Mr. STEPHENS that the statement was false, and am pleased to give you the same information I gave him. No evidence was filed in this office or with me as alleged in the statement. Several months ago a man came to my office and made statements regarding what he claimed to be the improper conduct of a certain firm of attorneys and members of the former citizenship court, but as he declined to allow his name to be used, would not reduce his statements to writing, and declined to substantiate his statements, I gave the matter no further consideration.

Very truly, yours, JAMES RUDOLPH GARFIELD,
Secretary.

Hon. J. B. FORAKER,
United States Senate.

Now, the Senator from Wyoming asks me to also read this letter. I did not advise the Secretary what I wanted the information for, and he may have drawn an incorrect deduction from the fact that I had written him on the subject.

The Senator from South Carolina introduced his resolution in the language of the statement that is quoted in this letter from the Secretary. I suggest to the Senator from New Hampshire that in the preparation of his substitute he should call for information also upon the specific point that would interest the Secretary of the Interior, whether or not he has had this information, as charged, in his possession for a period of three months, not taking any action whatever to bring the guilty parties, if there are any, to justice. In other words, this is a sort of double-barrel charge, one against the Secretary of the Interior and the other against the members of that court, and I think whatever resolution we pass (and I think it has reached such a stage now that a resolution should be passed) should apply to both charges, and call for information upon both. That is all I care to say about it.

Mr. WARREN. It was late in the afternoon of Friday when this resolution was presented. I could not distinguish well from the reading what was the language of the Senator from South Carolina and what the language of the quotation, but it seemed to me unnecessarily severe. I discovered afterwards that the offensive part was a quotation. Desiring to know upon what foundation the charges rested, I asked the Secretary of the Interior what, if anything, there was in it, so that I might to-day be prepared to make some reply or give some reason for my objection. He stated that he had had an inquiry from the Senator from Ohio [Mr. FORAKER], which he had just answered, and that instead of writing another letter he would send me a copy, so that I could have the information I desired. That accounts for the letter which I handed to the Senator, and which I would not have used had he not expressed a desire to have it.

Mr. FORAKER. Yes; I used that instead of the original.

Mr. TELLER. Mr. President, the preamble of the resolution contains the charge copied from the RECORD. That is simply to give notice to the Secretary when he comes to answer the resolution what the charge was. This is what the resolution proposes to say:

That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation there is for such charges—

Charges such as are contained in the preamble—

and to transmit to the Senate all correspondence, affidavits, evidence, papers, and information pertaining or appertaining thereto.

I want to say to the Senator from New Hampshire that the offense is not having taken part of the money that the lawyers got. The question is whether the court took any money at all. It is quite immaterial whether they got it from the lawyers or whether they got it from the plaintiffs in the controversy or anybody else.

Mr. President, just a word or two about the history of this matter. Some years ago a court was authorized to inquire whether certain people were entitled to go on the rolls in the Cherokee and Chickasaw country. That was determined by the court by putting a very large number of people on the rolls. It was alleged, when that had been done, that there was some improper work done by this court. It was a court which I understand was entitled to render a judgment which was appealable from if the proper authorities charged down there had seen fit so to do.

They came to Congress and inaugurated a system of legislation perhaps unheard of before, and I think it escaped general attention, although I believe one or two Senators objected to it here at the time. But the legislation authorized the appointment of a special court of three individuals, if you call it a court, which I doubt whether it ought to be called. They were authorized to review this decision of a court and to pass upon all the questions that the court had passed on, and if they did not think the court had properly passed upon them, then to reverse the action of the court. When this special commission or citizens' court, as it was called, got through they had reversed the action of the other court and had stricken from the rolls a large number of people whom the court had put on.

Mr. President, in the first place, there are some charges against the first court. I think it was three or four years ago that this decision of the citizens' court was made. There have been charges against that court. I know absolutely nothing about the charges except the public rumor and public reports, and I know nothing about the three men who compose it. I do not even know the names of the men who compose the court. I can see no reason why the resolution ought not to be passed, and we will then get from the Secretary whatever he has on the subject.

If there has been injustice done to people, it is probably too late and it has passed beyond our opportunity to remedy any evils or any errors they have committed; but I think it would be well to let the Secretary give us all the facts, at least; and I think the men who composed that court ought to want the facts as well as anybody else. It is very unfortunate when the public get an idea that our courts are corrupt, whether they be special or regular. I do not suppose that anybody who is the friend of the three judges will object to a fair presentation of the facts. The resolution does not confine the investigation to the question whether they took a part of the attorneys' fees, but whether they took any bribe at all.

Mr. GALLINGER. The language the Senator objects to I took from the original resolution.

Mr. TELLER. No; not from the resolution, from the preamble.

Mr. GALLINGER. From the preamble. I was about to state it—

It is alleged that the members of that court were bribed and received as a consideration for their decisions a part of the fee paid these attorneys.

I took the words found in my substitute from the preamble, and I supposed that was the charge. I want to modify the substitute resolution I offered, and I trust the modified resolution will be accepted by the Senator from South Carolina:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation, if any, there is for the charges which appear in the CONGRESSIONAL RECORD of February 11, 1908, that certain members of the Choctaw-Chickasaw court were bribed in connection with certain decisions rendered by them, and to transmit to the Senate all correspondence, affidavits, evidence, papers, and all other information in his possession pertaining thereto; also to inform the Senate whether he has had in his possession, as alleged, for more than three months certain evidence in connection with the case and has ordered no investigation whatever.

Mr. TELLER. Or at any other time. Do not confine it to three months.

Mr. GALLINGER. Very well, we will have that stricken out. Let it read:

Whether he has had in his possession, as alleged, certain evidence.

That does not confine it to three months. I submit that as a substitute for the original resolution.

Mr. OVERMAN. Will the Senator object to including my amendment as a second resolution

Mr. GALLINGER. Not at all.

Mr. OVERMAN. I do not see why both should not be embodied in one resolution and a copy sent to each Cabinet officer. They would all get the same paper at one time then.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Will the Senator from South Carolina let the substitute resolution, as modified by the Senator from New Hampshire, be stated?

Mr. TILLMAN. Let it be read, please.

The VICE-PRESIDENT. The modified substitute will be stated.

The Secretary read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation, if any, there is for the charge which appears in the CONGRESSIONAL RECORD of February 11, 1908, that certain members of the Choctaw-Chickasaw court were bribed in connection with certain decisions rendered by them, and to transmit to the Senate all correspondence, affidavits, evidence, papers, and all other information in his possession pertaining thereto; also to inform the Senate whether he has had in his possession, as alleged, certain evidence in connection with the case and has ordered no investigation of the matter.

Mr. TILLMAN. Mr. President, I want to say just a word. I occupy the very important position as chairman of the Committee on the Five Civilized Tribes. Some Senators here are disposed to forget that, and my friend from Minnesota [Mr. CLAPP], who is not in his seat, has appeared at times a little anxious to monopolize all Indian matters for his committee. But being chairman of the Committee on the Five Civilized Tribes and supposedly charged with their affairs, in some small degree at least, a good many things come to me in that connection, and I feel the responsibility to those Indians, in a way.

I have been somewhat active in criticising the various schemes for spoliation and manipulation of their affairs which I have watched go through here in the last three or four years, and when this accusation was published in the RECORD by a very "sane and safe" Congressman from Texas [Mr. STEPHENS], a man who is not given to sensationalism or anything of that sort, I felt that the charge ought not to be allowed to rest without some further ventilation at least; so I offered the resolution on Friday which is now under consideration. This morning I offered another resolution relating to Indian affairs, which my friend from New Hampshire [Mr. GALLINGER] objected to being considered, and it has gone over. It deals, on somewhat similar lines, with the rascality, fraud, bribery, and other devilry which the lawyers who are dealing with Indian affairs are apparently constantly on the alert to slip through here and to slip through down there.

That resolution, I will say, related to the charge that the Attorney-General had ordered the district attorney in that Indian Territory court to quash an indictment and removed him because he would not obey, and then, after he was reinstated, at the instigation or through the instrumentality of the Senator from Texas [Mr. BAILEY], ordered the record of the court changed so as to state that the indictment had been withdrawn or quashed before the State government became vitalized, so that the matter would be considered res adjudicata.

Mr. GALLINGER. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. GALLINGER. I am sure the Senator did not mean to imply in any way that when I asked that the resolution should go over under the rule I desired to prevent its consideration.

Mr. TILLMAN. Not at all. The Senator from New Hampshire has always been entirely courteous to me and has always been liberal and fair in endeavoring to get light on any subject we needed light on.

Mr. GALLINGER. It was a long resolution and was read when the Senate was in some confusion. I did not at all understand it, and I thought it might well go over for a day, so that we might see it in print.

Mr. TILLMAN. I had no objection in the world to that, and I would not have said a word about it, except for the fact that the matter has come in this shape. Unfortunately, the Senator from New Hampshire is not satisfied with that, either, so that, without any malice aforethought on his part, he is apparently defending, in a way, or postponing, or acting as a buffer between investigation and these Indian frauds.

Mr. GALLINGER. The Senator, Mr. President, if he will permit me a moment, is quite mistaken in my purpose.

Mr. TILLMAN. I say I absolve the Senator from New Hampshire from any evil purpose whatever. He merely wanted to read the long whereases and preambles to the resolution.

Mr. GALLINGER. That is all. I think it is rather a dangerous business to be legislating with whereases or by whereases.

Mr. TILLMAN. But the resolution is the vitals of the proposition, and the whereases only give an excuse for the resolution.

Mr. GALLINGER. Precisely; but the Senator will pardon me for saying that I have not intended to be, nor have I ever allowed myself to be, a buffer in matters of legislation.

Mr. TILLMAN. A what?

Mr. GALLINGER. A buffer in matters of legislation.

Mr. TILLMAN. A buffer. Oh!

Mr. GALLINGER. That was the Senator's language.

Mr. TILLMAN. If it is offensive to the Senator, I will take back the word "buffer," for I would not offend or wound the Senator from New Hampshire under any consideration.

Mr. GALLINGER. It is not at all offensive, only the word does not apply to me; that is all.

What I want to do in this matter, as I desired to do in the matter of the resolution the Senator offered this morning, is to get the facts, and if there are guilty persons to have them investigated and punished. I will cooperate with the Senator along that line to the extent of my ability.

Mr. TILLMAN. I do not doubt that in the slightest, and therefore I am endeavoring in this way to see whether we need an investigation. That was the reason I offered the resolution calling for the papers in the case. I only threw in the suggestion in regard to this additional evidence in the way of a copy of the indictment which the Attorney-General ordered to be quashed, although the grand jury found a true bill, which was rather a remarkable thing. I suppose the Attorney-General will be able to explain why it was done, but still I do not like this way of interfering in Congress or in Washington with the proceedings of the courts. I have seen several cases come up here in litigation affecting Indians' rights in which Congress took a hand and stepped in and ordered the litigation stopped. I have had occasion to believe that some of those things were done in the interest of swindling and rascality and the robbery of the Indians.

I do not know anything about this special case, but, as I said, being chairman of the Committee on the Five Civilized Tribes, I get these things more by way of accident than malice or design, and I do feel that these civilized Indians, or the "late civilized" Indians, or whatever they may be, citizens or what not, are somewhat under, not my supervision at all, but rather wards of mine in a way.

The two points involved here, Mr. President, are these: Has the Secretary of the Interior neglected his duty in not paying attention to charges that have been made by somebody? He, of course, will give us the information and the character of the information which came to him, whether there is anything in it worth while or not. I, of course, have not any idea that the Secretary of the Interior is a man of that kind, and he will explain, doubtless to our entire satisfaction, why he took no steps, as his letter in a way already explains; but the essential charge here, the one I am peculiarly interested in, is whether or not this court, which was created ostensibly for a very reasonable and fair purpose, namely, to pass upon the question of Indian citizenship, or, rather, upon the citizenship of certain parties, was tampered with or not. We are told that several thousand persons, who have as much right to be called "Indians" as the two distinguished Senators from Kansas and Oklahoma, were denied participation in the rich lands of those tribes down there, and by some hook or crook, either right or wrong, their claims to citizenship or Indian rights were thrown out, and that in order to obtain that result the court was bribed.

As some of these men are under indictment here for another piece of rascality, that lends some color to the necessity for an investigation, and as one of the judges has appealed to the "dear Senator" from North Carolina to get the fullest possible investigation of the charges, I do not see why anybody should object. Therefore I am perfectly willing that the resolution which the Senator from New Hampshire [Mr. GALLINGER] has drawn as a substitute should go to the Secretary of the Interior, and if the answer of the Secretary is not satisfactory perhaps we shall pursue the case further.

Mr. GALLINGER. That is right.

Mr. WARREN. I am entirely in sympathy with the Senator from South Carolina in desiring to protect the business of his committee and the rights of Indians that may be affected in connection with the resolution. It was in no spirit of opposition to his desire that I objected to the consideration of the resolution on Friday night, and I hope the substitute will be adopted. The original was unnecessarily severe in its preamble. Such allegations as those set forth in the preamble serve no good purpose. It is true that the Senator simply quoted from what was said at another place in this building, but I am sorry it was said there, as it would seem that there was no occasion for it.

Mr. TILLMAN. What has become of the amendment of the Senator from North Carolina [Mr. OVERMAN]? I suggest that that amendment had better go over and come up in the morning along with the other resolution introduced by me, calling upon the Department of Justice for certain information. I think the amendment would be more appropriate on that resolution.

Mr. OVERMAN. That is all right.

The VICE-PRESIDENT. The Senator from New Hampshire has accepted the amendment by the Senator from North Carolina. The question now is on the amendment proposed by the Senator from New Hampshire as modified.

The amendment as modified was agreed to.

The resolution as amended was agreed to.

OCEAN MAIL SERVICE.

Mr. GALLINGER. Mr. President, I call attention to the special order. It was agreed by unanimous consent that the so-called "shipping bill" should be taken up after the morning business this morning. I want to say, Mr. President, that the Senator from Nevada [Mr. NEWLANDS] will be prepared to discuss the bill on Thursday next, and the Senator from North Carolina [Mr. SIMMONS] will follow at his early convenience. No one is present to speak on the bill at this time, and I rise to ask unanimous consent that it may be considered after the routine business on Thursday next, which will be the 5th day of the month.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the special order set for to-day, being the bill (S. 28) to amend the act of March 3, 1891, relating to ocean mail service, be changed to come in after the routine morning business on Thursday, March 5, at the same hour. Is there objection? The Chair hears none, and that order is made.

MATERIAL AND EQUIPMENT FOR THE PANAMA CANAL.

Mr. FRYE. I ask unanimous consent that Order of Business 204, being the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal, may be assigned for consideration on Monday next immediately after the conclusion of the routine morning business.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the joint resolution named by him be taken up for consideration immediately after the close of the routine morning business on Monday, March 9. Is there objection? The Chair hears none, and that order is made.

PUBLIC BUILDING AT PERU, IND.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 3160) providing for the erection of a public building in the city of Peru, Ind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, in section 1, page 1, line 6, after the word "used," to strike out "as and;" in line 7, after the word "building," to strike out "as a place for holding United States courts," and in line 10, before the word "thousand," to strike out "seventy-five" and insert "eighty," so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Peru, Ind., a building to be used for a post-office building, and for other purposes of the Federal Government at the said city of Peru, Ind., which said building shall cost, complete, not to exceed the sum of $80,000.

The amendment was agreed to.

The next amendment was, to strike out section 2, as follows:

SEC. 2. That the plans, specifications, and full estimate for said building shall be made and approved according to law before work thereon shall be commenced. Until this is done none of the money so appropriated shall be used.

The amendment was agreed to.

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

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

PUBLIC BUILDING AT LANDER, WYO.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (S. 2938) to provide for the erection of a public building at Lander, Wyo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 11, after the word "dollars," to strike out "which said sum of $100,000 is hereby appropriated for said purpose out of any money in the United States Treasury not otherwise appropriated."

The amendment was agreed to.

Mr. CLARK of Wyoming. Mr. President, this bill was first reported at the last session. Since that time United States courts have been established at the town of Lander. I ask that the bill be amended, in line 7, before the words "United States," by inserting the words "United States courts" and a comma.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 7, before the words "United States," it is proposed to insert the words "United States courts" and a comma, so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected at Lander, Wyo., on a site already owned and possessed by the United States, a suitable building for the use and accommodation of the United States courts, United States land office, post-office, and other Government offices in the city of Lander, etc.

The amendment was agreed to.

Mr. WARREN. Mr. President——

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

Mr. CLARK of Wyoming. Certainly.

Mr. WARREN. Noticing the amendment of my colleague, which I hope will be adopted, I desire to say that in reporting the bill the Committee on Public Buildings and Grounds named the amount which my colleague had used in making up his bill, because at that time there was not a court established at Lander. The court bill has passed since, and I hope the amendment will be agreed to.

Mr. CLARK of Wyoming. I move further to amend the bill by inserting, after the word "hundred," in line 11, the words "and sixty-five."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 11, after the word "hundred," it is proposed to insert "and sixty-five," so as to read:

Not to exceed the sum of $165,000.

Mr. CLAY. Mr. President——

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

Mr. CLARK of Wyoming. Certainly.

Mr. CLAY. With the Senator's permission, the bill as it came from the Committee on Public Buildings and Grounds proposed to appropriate $100,000, did it not?

Mr. CLARK of Wyoming. It did.

Mr. CLAY. And the Senator proposes to amend it by adding $65,000?

Mr. CLARK of Wyoming. I do, for a reason which I was about to state. The estimate of the Secretary of the Treasury, which I have before me, gives the amount of space that will be needed and an estimate of the amount that will be necessary to provide for that space. Since the bill has been reported from the committee, I will state to the Senator, the town has been made a sitting place for the United States circuit and district courts, and in that immediate vicinity a very large percentage of the United States business in that State originates, no other court being within 300 miles of the place.

Mr. CLAY. That state of facts might justify a change in the amount of the appropriation, but I was going to say to the Senator that the Committee on Public Buildings and Grounds I know are very careful about always appropriating enough in such bills, to say the least.

Mr. CLARK of Wyoming. I will say to the Senator that I would not have offered the amendment except after consultation with the chairman of the committee.

Mr. CLAY. I will not raise any objection to it.

The amendment was agreed to.

Mr. CLAY. Since the amendment has been agreed to, I will take occasion to say that I believe we ought not to attempt to amend a bill in the Senate that has been reported by the Committee on Public Buildings and Grounds by adding fifty or sixty thousand dollars. An amendment of that kind ought always to be referred to the Committee on Public Buildings and Grounds, and that committee ought to consider it and send it back to the Senate. I believe it to be a bad practice to offer such amendments on the floor of the Senate, and have them agreed to without their ever having been considered by the Committee on Public Buildings and Grounds.

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

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

PUBLIC BUILDING AT ROCHESTER, N. H.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 906) to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, after the words "sum of," to strike out "one hundred" and insert "eighty;" and in line 3, after the word "dollars," to strike out "which said sum of $100,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Rochester and State of New Hampshire, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $80,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed site and such others as he may think proper to designate to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

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

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

PROBATE FEES IN THE DISTRICT OF COLUMBIA.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 3507) to fix fees and costs in the probate court of the District of Columbia, and to provide for the collection and payment of the same, and for other purposes.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. CULBERSON. Mr. President, I dislike to object to the present consideration of the bill, but I suggest to the Senator in charge of it that it appears to be a bill intended to reform the fee system of the probate court of the District of Columbia. It is a long bill and apparently of very general importance. I think it would be very well to let it go over. I submit that suggestion to the Senator without making formal objection to consideration of the bill.

Mr. GAMBLE. I do not think there will be any objection to that. The bill was considered very fully by the Committee on the District of Columbia and the committee had before it on the hearing Judge Gould, who is the presiding judge of the court, and the register of wills. The fee system, as now provided by law, is very, very unsatisfactory, and it was thought that this modification should be made so that the burden of the expense would be borne more justly and fairly by those coming before the court. As it is now under the fee law the great burden of the cost falls upon the small estates.

Of course if there is any objection to the present consideration of the bill, I am not in a position to insist upon its consideration. I know there is quite a desire among those interested in the bill that it should be promptly considered in order that it may go to the other House.

Mr. CULBERSON. It is a long bill, and I think it is impossible for Senators present to understand it from merely hearing it read. Speaking for myself I have never been able to read it. It manifestly is intended to reform the fee system to a degree in the District. The legal question possibly ought to have gone to the Committee on the Judiciary, although I make no question about it. The Committee on the District of Columbia is as well qualified as any committee of this body to consider the matter.

Mr. GALLINGER. Will the Senator from Texas permit me?

Mr. CULBERSON. Certainly.

Mr. GALLINGER. I will say it is in the line of the simplification, rather than a reform, of the law. The present system is antiquated and burdensome to the office, and in the opinion of the court and the register of wills, as well as the committee, this modification is very desirable.

Mr. CULBERSON. I will ask the Senator whether the general average of fees is reduced or increased?

Mr. GALLINGER. There is a slight increase, but there is an equalization to a much greater extent than the present system provides for. The bill will doubtless go over, and if the Senator from Texas will turn to a letter from the register of wills, which I presume has been printed in the report, he will get exactly the existing status and see, I think, very clearly the necessity for this change.

Mr. CULBERSON. I will endeavor to read it.

Mr. GALLINGER. Let the bill go over.

Mr. CULBERSON. I repeat that I do not desire to be put in the attitude of objecting to the present consideration of the bill, but I shall be glad if it can go over.

Mr. GAMBLE. We have no desire to insist upon the present consideration of the bill, and are perfectly willing that it may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

PUBLIC BUILDING AT ROCK SPRINGS, WYO.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 649) to provide for the purchase of a site and the erection of a public building thereon at Rock Springs, in the State of Wyoming.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments, in section 1, page 1, line 7, after the word "apparatus," to strike out "elevators;" in line 11, after the word "apparatus," to strike out "elevators;" and in line 1, on page 2, to strike out "one hundred" and insert "eighty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Rock Springs and State of Wyoming, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of $85,000.

The amendments were agreed to.

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

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

ENTRY OF ARID AND SEMIARID PUBLIC LANDS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 1543) to authorize entry of arid and semiarid public lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 3, before the word "under," to strike out "may" and insert "shall;" in line 5, after the word "prescribe," to insert "in accordance with the terms of this act;" in line 7, after the word "semiarid," to insert "nonmineral," and in line 8, after the word "lands," to strike out "devoid of potable water," so as to make the section read:

That the Secretary of the Interior shall, under and pursuant to such regulations, terms, and conditions as he may prescribe, in accordance with the terms of this act, permit not more than 320 acres of such arid or semiarid nonmineral, nontimbered, nonirrigable, unappropriated, unreserved, surveyed public lands, as he may designate, to be entered in a compact body by any person qualified to make a homestead entry.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 12, after the word "before," to strike out "the proper officers" and insert "some officer authorized to administer oaths under the homestead laws," and on page 2, line 3, after the word "he," to insert "is a bona fide resident of the State or Territory in which the land proposed to be entered is located and," so as to read:

SEC. 2. That every person applying to enter lands under this act shall make and subscribe before some officer authorized to administer oaths under the homestead laws and file in the proper land office an affidavit that he is the head of a family, or is over 21 years of age; that he is a bona fide resident of the State or Territory in which the land proposed to be entered is located and is a citizen of the United States, etc.

The amendment was agreed to.

The next amendment was on page 2, line 18, after the word "thereof," to strike out "or the timber thereon," so as to read:

That he is not acting as agent for any person, corporation, or syndicate in making such entry nor in collusion with any person, corporation, or syndicate to give them the benefit of the lands entered, or any part thereof; that he does not apply to enter the same for the purpose of speculation.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 15, after the word "heirs," to insert "personal representatives;" in line 16, after the word "by," to insert "his or their oath and by the oath of;" in line 22, after the word "section," to strike out "2287" and insert "2288," and on page 4, line 1, after the word "law," to insert "but notice of the making of such proof shall be made and published in the manner provided by the homestead laws for the publication of notices of final proof," so as to make the section read:

SEC. 4. No certificate, however, shall be given or patent issued for any lands entered under this act until the expiration of five years from the date of such entry, and if at the expiration of such time or at any time within two years thereafter, the person making such entry, or his heirs, personal representatives, or devisees, proves by his or their oath and by the oath of two credible witnesses to the satisfaction of the Commissioner of the General Land Office that he, or they, have actually and in good faith cultivated the lands entered by him as required by this act, and makes affidavit that no part of such land has been alienated except as provided in section 2288 of the Revised Statutes of the United States, he, if at that time is a citizen of the United States, shall

be entitled to a patent as in other cases provided by law, but notice of the making of such proof shall be made and published in the manner provided by the homestead laws for the publication of notices of final proof.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 4, after the words "Sec. 5," to strike out "That all persons making entry under this act shall be required to pay the same fees and commissions as are required under the homestead laws" and insert "That the fees and commissions on all entries under this act shall be uniformly the same as those charged under the homestead law for a maximum entry at the minimum price," and in line 15, after the words "United States," to insert "but no entry will be canceled because of the entryman's failure to reside on the lands covered thereby," so as to make the section read:

SEC. 5. That the fees and commissions on all entries under this act shall be uniformly the same as those charged under the homestead law for a maximum entry at the minimum price, and all entries made under this act shall be subject to contest as provided by law relating to homestead cases for illegal inception, abandonment, or for failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled and the lands and all moneys paid under such entries shall be forfeited to the United States, but no entry will be canceled because of the entryman's failure to reside on the lands covered thereby.

The amendment was agreed to.

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

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

PUBLIC BUILDING AT FRANKLIN, LA.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill (S. 5363) to provide for the purchase of a site and the erection of a public building thereon at Franklin, La.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to insert after line 9 the following:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to erected thereon a suitable building for the use and accommodation of the United States post-office in the city of Franklin, State of Louisiana, the cost of said site and building not to exceed the sum of $50,000.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

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

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

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

Mr. WHYTE. I ask unanimous consent to call up the bill (S. 3405) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896.

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

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

PUBLIC BUILDING AT MISSOULA, MONT.

Mr. DIXON. I ask unanimous consent for consideration at this time of the bill (S. 2244) to provide for the erection of a public building at Missoula, Mont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the words "sum of," to strike out "two hundred" and insert "one hundred and thirty," and after the word "thousand," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on the site purchased pursuant to the act of June 30, 1906, a suitable building, with fireproof vaults therein, for the accommodation of the United States post-office, land office, forestry officials, and other Government offices at the city of Missoula, in the county of Missoula and State of Montana. The plans and specifications and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the building complete the sum of $130,000.

The amendment was agreed to.

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

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

REORGANIZATION OF THE CONSULAR SERVICE.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of a bill, which will be read for information.

The Secretary proceeded to read the bill.

Mr. CULBERSON. I suggest that general bills had better go over.

Mr. LODGE. If the Senator from Texas has any objection to the bill being read and amended, I will let it go over.

Mr. CULBERSON. I have no objection to that.

Mr. LODGE. There are only one or two amendments made. I will say to the Senator it is the unanimous report of the committee, and I do not think there is any objection at all to the bill. It cures some defects in existing law.

Mr. CULBERSON. Let the bill be read for the information of the Senate.

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

Mr. CULBERSON. And I will withhold the objection until that has been done.

The Secretary read the bill.

Mr. CULBERSON. I notice that this is a bill "to amend an act entitled 'An act to provide for the reorganization of the consular service of the United States' approved April 5, 1906," less than two years ago. In view of my experience with legislation since I have been in the Senate I do not hesitate to assume that the fees have been increased in this new bill. If my assumption is correct, I will ask the Senator in general terms what increase there is in the consular fees.

Mr. LODGE. Consular fees are all abolished by the act of 1906 and all consulates were put on a salary basis. All fees were abolished—notarial, etc.

Mr. CULBERSON. What increase is there in salaries by the bill?

Mr. LODGE. The net result of this bill is a decrease of expenditures of about a thousand dollars. There are twenty-eight consulates that are closed and there are seventeen new ones created. The balance has been used to change the classification of certain consuls who are underpaid.

When the bill was framed two years ago the only information the committee or the Department had to go upon was the existing salary plus the fees and the general business of the office. That bill created, as the Senator will remember, five consular inspectors, and since that time all the consulates have been thoroughly inspected and reports made. So the Department is now able to make a proper and, I think, a permanent classification.

Their reports have resulted in the abolition of twenty-eight consulates which I think were totally unnecessary. They are all stated in the report and the reasons given, as well as for the creation of the seventeen new ones. No consul will be dropped out owing to the abolition of the consulates. The eleven consuls will not be dropped out, because there have been enough vacancies which have been held back to provide for all the twenty-eight consuls—that is, assuming they are good men. The net result of those changes, as I have said, is a decrease in expense of a thousand dollars.

The committee went over the bill at several sessions with the greatest possible care and proposed only three amendments, those mentioned—Melbourne, Limoges, and Gibraltar. It appeared, on examination, that they ought to be moved. The report, as I have stated, is a unanimous report. The committee has given a good deal of attention to the matter, and I think it is as thoroughly done as it is possible to do it—that is, I think the salaries are as equitably adjusted for the time being. Of course, business must vary at different points, but I think they are as accurately adjusted as is possible under the circumstances.

Mr. CULBERSON. Mr. President, this bill is so unusual in the reduction of the expenses of the Government that I shall not object to its consideration.

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 Foreign Relations with amendments.

The first amendment of the Committee on Foreign Relations was, under the subhead "Consuls," on page 2, line 22, before the word "Lyon," to insert "Melbourne," so as to make the clause read:

Class 3, $5,000: Amsterdam, Bremen, Dawson, Belfast, Havre, Johannesburg, Kobe, Lourenço Marquez, Melbourne, Lyon.

The amendment was agreed to.

The next amendment was, on page 3, line 12, before the word "Mannheim," to insert "Limoges," so as to make the clause read:

Class 6, $3,500: Alexandria, Apia, Barmen, Barranquilla, Basel, Berne, Bluefields, Bradford, Chemnitz, Chunking, Cologne, Dalny, Durban, Edinburgh, Fiume, Geneva, Georgetown, Guadelajara, Limoges, Mannheim, Montevideo, Nagasaki, Odessa, Palermo, Port Elizabeth, Prague, Quebec, Rangoon, Rheims, Rimouski, Rome, St. Petersburg, Saloniki, Sherbrooke, Vladivostok.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the word "Ghent," to insert "Gibraltar;" and in line 22, before the word "Nantes," to strike out "Melbourne," so as to make the clause read:

Class 7, $3,000: Aix la Chapelle, Aleppo, Barbados, Batavia, Belgrade, Bursiem, Calais, Calgary, Carlsbad, Colombo, Corinto, Dunfermline, Florence, Frontera, Ghent, Gibraltar, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquitos, Iquique, Jerusalem, Karachi, Kehl, La Guaira, Leghorn, Liege, Madras, Malaga, Managua, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio, Punta Arenas, Port au Prince, Riga, Sandakan, Progreso, Seville, St. John (New Brunswick), St. Michaels, St. Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Tabriz, Tampico, Tamsui, Trieste, Trinidad.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the words "Fort Erie," to strike out "Gibraltar," and in line 22, after the words "La Paz," to strike out "Limoges," so as to make the clause read:

Class 9, $2,000: Aguascalientes, Asuncion, Bagdad, Bristol, Campbellton, Cape Gracias, Cape Haitien, Cartagena, Ceiba, Charlottetown, Cornwall, Durango, Ensenada, Fernie, Fort Erie, Gorée-Dakar, Grenobel, Guadeloupe, Hermosillo, Hobart, La Paz, Manzanillo, Maskat, Messina, Moncton, Niagara Falls, Patras, Port Louis, Puerto Cabello, Puerto Plata, Rouen, Saigon, St. Johns (Quebec), St. Pierre, St. Stephen, Salina Cruz, Saltillo, Sierra Leone, Sivas, Stavanger, Suva, Tahita, Tapachula, Turin, Turks Island, Venice.

The amendment was agreed to.

Mr. LODGE. I move to insert as a new section what I send to the desk.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment which will be stated.

The SECRETARY. It is proposed to insert as a new section:

SEC. 2. This act shall take effect on the 1st day of July, 1908.

The amendment was agreed to.

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

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

CUSTOMS LAUNCH FOR LOS ANGELES, CAL.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 520) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to insert after the word "dollars," in line 8, the following proviso:

Provided, That the Secretary of the Treasury may use said boat at any customs port in the United States, as the exigency of the service may require.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase or have constructed for the customs service a suitable launch, of such motive power as may be determined by the Secretary of the Treasury, for use at and in the vicinity of Los Angeles, Cal.; and the cost thereof shall not exceed the sum of $10,000: *Provided*, That the Secretary of the Treasury may use said boat at any customs port in the United States, as the exigency of the service may require.

The amendment was agreed to.

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

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

PERSONAL DAMAGE CASES IN NEW MEXICO.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the joint resolution (S. R. 37) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which disapproves and declares null and void and of no effect an act of the legislative assembly of New Mexico, entitled "An act establishing the law and procedure in certain cases," passed over veto March 11, 1903, which act reads as follows:

Be it enacted by the legislative assembly of the Territory of New Mexico:

SECTION 1. Hereafter there shall be no civil liability under either the common law or any statute of this Territory on the part of any person or corporation for any personal injuries inflicted or death caused by such person or corporation in this Territory, unless the person claiming damages therefor shall within ninety days after such injuries shall have been inflicted make and serve upon the person or corporation against whom the same is claimed, and at least thirty days before commencing suit to recover judgment therefor, an affidavit which shall be made before some officer within this Territory who is authorized to administer oaths, in which the affiant shall state his name and address, the name of the person receiving such injuries, if such person be other than the affiant, the character and extent of such injuries in so far as the same may be known to affiant, the way or manner in which such injuries were caused in so far as the affiant has any knowledge thereof, and the names and addresses of all witnesses to the happening of the facts or any part thereof causing such injuries as may at such time be known to affiant, and unless the person so claiming such damages shall also commence an action to recover the same within one year after such injuries occur, in the district court of this Territory in and for the county in which such injuries occur, or in and for the county of this Territory where the claimant or person against whom such claim is asserted resides, or in event such claim is asserted against a corporation, in the county in this Territory where such corporation has its principal place of business; and said suit after having been commenced shall not be dismissed by plaintiff unless by written consent of the defendant filed in the case, or for good cause shown to the court; it being hereby expressly provided and understood that such right of action is given only on the understanding that the foregoing conditions precedent are made a part of the law under which right to recover can exist for such injuries, except as herein otherwise provided.

SEC. 2. Whenever any person or corporation shall file a petition in the district court of this Territory for the county in which said petitioner lives, or, if a corporation, in the district court for the county in which such corporation has its principal place of business, stating in effect that such petitioner is informed and believes that some party named in said petition claims that he is entitled to damages from said petitioner for personal injuries inflicted in this Territory upon the party named in said petition, or for personal injuries inflicted upon or death caused to some other person for which such party claims to have a cause of action against said petitioner, and stating as near as may be the general character of such injuries, and the manner and the date said party claims they were inflicted, and the place where he claims they were inflicted, as near as petitioner knows or is informed as to such facts, and praying that the said party may be required to appear in said court and file therein a statement of his cause of action in the form of a complaint against said petitioner, summons shall issue out of said court and be served and returnable as other process, commanding and requiring the said party named in said petition to appear in said court and file such statement in the form of a complaint against said petitioner, if he has to make, and upon such complaint being filed by such party as required, the defendant named therein may demur to or answer the same and such further pleading had as the parties may be entitled to, or as may be meet and proper as in other cases of a similar character, and from thenceforward such further proceedings shall be had in such cause as in other cases, and the same shall be determined upon its merits, and final judgment, subject, however, to appeal or writ of error, shall be rendered therein either for the petitioner named in said complaint or for the adverse party, and if the court finds the petitioner guilty of any of the wrongs, injuries, or trespasses complained of against him in said statement such damages shall be assessed against the said petitioner as the law and the facts may require, in the same manner as though said cause had been instituted by the filing of said statement as a complaint.

In event said party complained of in said petition, after being duly served with such summons, shall fail or refuse to appear or file his said statement as required herein, judgment shall be rendered by default against him and in favor of the petitioner as in other cases, and thereupon the court shall try and determine the issues raised by such petition, including the question as to whether or not the petitioner is liable to said party on account of any of the matters or things stated in said petition in any sum of money whatsoever, and, if so, in what amount, and final judgment shall be rendered in accordance with the facts and the law, and such judgment as the court may render shall be final and conclusive upon the question of the liability or nonliability of said petitioner to said party, and of the amount of the liability.

SEC. 3. It shall be unlawful for any person to institute, carry on, or maintain any suit for the recovery of any such damages in any other State or Territory, and upon it being made to appear to the court in which any proceeding has been instituted in this Territory, as herein provided, that any such suit has also been commenced, or is being maintained in any other State or Territory contrary to the intent of this act, it shall be the duty of the court to set down for hearing and try and determine the proceeding so pending in this Territory as expeditiously as possible upon such short notice to the other party thereto or his attorneys as the court may direct; and for the purpose of trying the same said court shall have the power to compel the parties thereto to plead or answer on such short day as it may determine; and in event the same is triable by jury it shall be the duty of the court, upon motion, to change the venue thereof to such county in said district as in the opinion of the court will afford an opportunity for the most speedy hearing; but in event such action is not triable by jury, then the court shall immediately proceed to try and determine the same, giving such reasonable notice as it may determine, to the parties or their attorneys, at any place in the Territory which the court may designate, and witnesses may be compelled by subpœna to attend such place personally, from any part of the Territory, and testify, as at present, at such time and place. The institution of any such suit in any other State or Territory shall be construed by the court as a waiver upon the part of the party so instituting the same of the right of trial by jury in the case pending in the courts of this Territory.

SEC. 4. Whenever it shall be made to appear to the district court of this Territory for the county in which petitioner or plaintiff lives, by any petition filed under section 3 hereof, or by a supplemental petition, or by an original complaint filed for that purpose, that petitioner or plaintiff fears or has good reason to fear that any other person is threatening or contemplating instituting suit in some other State or Territory to recover damages against petitioner or plaintiff for personal injuries inflicted or death caused in this Territory, or that he has already instituted and is then maintaining such a suit, it shall be the duty of the court, upon such bond as the court may require being given, to issue its injunction pendente lite restraining such party from instituting or maintaining such suit in any court sitting in any other State or Territory, and, at the final hearing, if such facts are found by the court to be true, the court shall make such

injunction perpetual; and at the final hearing in all cases instituted under the provisions of section 3 hereof the party complained of in the petition shall be perpetually enjoined from further instituting or maintaining any suit or action to recover damages by reason of any of the matters or things set up in said petition.

SEC. 5. This act shall not apply to cases in which the persons or corporation against whom damages for personal injuries are claimed can not be duly served with process in this Territory.

SEC. 6. Nothing herein contained shall be construed as in any way preventing anyone in this Territory claiming to have a right of action for any such damages from compromising such claim.

SEC. 7. All acts and parts of acts and laws in conflict with this act are hereby repealed, and this act shall be in effect from and after its passage.

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

The preamble was agreed to.

PUBLIC BUILDING AT LEWISTON, IDAHO.

Mr. HEYBURN. I ask for the present consideration of the bill (S. 123) to establish a Government building at Lewiston, county of Nez Perce, State of Idaho.

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 from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on a site already purchased by the Government a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Lewiston and State of Idaho, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $85,000.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to provide for the erection of a public building at Lewiston, county of Nez Perce, State of Idaho."

INLAND WATERWAY FROM MOBILE BAY.

Mr. JOHNSTON. I ask unanimous consent for the consideration of the concurrent resolution reported by the Senator from Arkansas [Mr. CLARKE] on the 24th of February from the Committee on Commerce.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of an inland waterway from Mobile Bay to Perdido Bay, in the State of Alabama, and from said Perdido Bay to Escambia Bay, in the State of Florida, for the purpose of estimating the probable cost of the construction of a canal 300 feet wide by 9 feet deep, or of such width and depth as will be sufficient to permit of the navigation of such vessels as ordinarily navigate said bays, and for other purposes.

LIGHT-HOUSE TENDER FOR TWELFTH LIGHT-HOUSE DISTRICT.

Mr. PERKINS. I ask unanimous consent for the consideration of the bill (S. 5085) authorizing the construction of a light-house tender for the light-house inspector of the twelfth light-house district.

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

The bill was reported from the Committee on Commerce with an amendment, to add the following as an additional section:

SEC. 2. That the Light-House Board is authorized to employ temporarily, at Washington, not exceeding three draftsmen, to be paid at current rates, to prepare plans for the tender provided for herein, and to be paid from the appropriation therefor; such employment to terminate on or before the date on which the plans or alterations therein for this tender are finally completed.

The amendment was agreed to.

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

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

CLAIMS OF INDIAN TRADERS AGAINST MENOMINEE INDIANS.

Mr. BROWN. I ask for the present consideration of the bill (S. 4791) providing for the determination and payment of claims of certain Indian traders and others against the Menominee tribe of Indians in Wisconsin and against individual members of said tribe.

The Secretary read the bill, and there being on objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments, on page 2, line 11, after the word "Indians," to insert "as a tribe;" and in line 20, after the word "Indians," to insert "as a tribe," so as to read:

Said claims shall be presented to said court by verified petitions to be filed within six months from the date of the approval of this act. Said court shall, in rendering judgment, ascertain and determine the amount, if any, due upon each of said claims, and if the court find that there is a liability upon any of said claims, it shall then determine if such liability be that of the said Menominee tribe of Indians as a tribe or that of individual members of said tribe, and it shall render judgment for the amount, if any, found due from said tribe to any of said claimants, and it shall render judgment for the amounts, if any, found due from any of the individual members of said tribe to any of said claimants. Upon the rendition of final judgments, the court shall certify the same to the Secretary of the Interior, who shall thereupon, in case judgments be against the said Menominee tribe of Indians as a tribe, direct the payment of said judgments out of any funds in the Treasury of the United States to the credit of said tribe, etc.

The amendments were agreed to.

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

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

BENJAMIN WARNER.

Mr. KEAN. I ask unanimous consent for the consideration of the bill (S. 1669) granting an honorable discharge to Benjamin Warner.

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 Benjamin Warner hereafter shall be held and considered to have been honorably discharged as a private of Company B, Third New Jersey Cavalry Volunteers, on October 31, 1864, and that an honorable discharge shall be issued to him by the Secretary of War. But no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. CULBERSON. I ask the Senator if it is the purpose of the bill to remove the charge of desertion?

Mr. KEAN. That is the object.

Mr. TILLMAN. In order to get a pension, of course.

Mr. KEAN. I do not know, but I suppose a pension is to come hereafter.

Mr. TILLMAN. Did he deserve to be dishonorably discharged, or did he not?

Mr. KEAN. He says he did not.

Mr. CULBERSON. Is the report very lengthy?

Mr. KEAN. I do not think the report is very lengthy. The report was drawn by the Senator from Louisiana [Mr. FOSTER], and it is a very able document, without doubt. I have not read the report.

Mr. CULBERSON. I ask that it be read?

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

The Secretary read, in part, the report submitted by Mr. FOSTER February 27, 1908, the entire report being as follows:

The Committee on Military Affairs, which has had under consideration the bill (S. 1669) granting an honorable discharge to Benjamin Warner, reports it back to the Senate favorably and recommends that it be passed without amendment.

A similar measure was favorably reported to the Senate in the Fifty-ninth Congress by Senate Report No. 7261 and passed the Senate.

Attention is invited to the soldier's record, as follows:

It is shown by the records that Benjamin Warner was enrolled September 3, 1862, and mustered into service September 17, 1862, as a private in Company I, Thirty-first New Jersey Infantry Volunteers, to serve nine months. He appears to have served faithfully until June 24, 1863, when he was mustered out with his company and honorably discharged the service.

He was again enrolled January 5, 1864, and mustered into service January 29, 1864, as a private in Company B, Third New Jersey Cavalry Volunteers, to serve three years. He is reported present with his company to August 31, 1864, and on the company muster roll, dated October 31, 1864, he is reported absent sick in hospital.

The medical reports afford no information relative to him, nor has any record been found to show that he was discharged or that he left the service by permission of competent authority, and in the absence of such record it must be held that he deserted on or about October 31, 1864. He never reported his whereabouts or the cause of his absence to the military authorities, although his company remained in service until August 1, 1865.

Applying for removal of the charge of desertion, Warner testified July 9, 1887, as follows:

"That he is the identical Benjamin Warner who was a private in Company B, in the Third Regiment of New Jersey Volunteer Cavalry; that he served faithfully until on or about the 18th day of May, 1865, when, without any intention of deserting, he left the regiment under the following circumstances: Was home on sick furlough, and while at home the war closed and the regiment was mustered out, and he never received his discharge."

In his petition to the committee Warner, after reciting his earlier military service, claims that he served with the Third Regiment of New Jersey Cavalry until about the 18th day of October, 1864, when, by reason of illness, he was sent to the general hospital at Harpers Ferry, Va., which fact he believes is the last account of him on the records of the War Department. Also "that no charge of desertion was ever preferred against him by anyone, but the same was inferred

by the War Department because they had no other record of him, and was unknown to him until he applied for a pension on account of disability."

The petitioner further states that—

"After he was sent to hospital at Harpers Ferry he remained there about two weeks, and no improvement in his condition being manifest, he was sent home on a furlough, to remain until he was able to join his regiment again for service; that he reached his home, at Oxford, in the county of Warren, N. J., in the early part of November and was openly at his home all winter, sometimes gaining a little and then losing ground, and all that winter was unable to go out to report to the provost-marshal, but was frequently visited by deputy provost-marshals, who were active in picking up soldiers that were at home without leave; that they always examined his furlough and his condition, and, being satisfied that he was no good to the service, left him undisturbed; that as warm weather approached he began to improve, and was making preparation to get back to his regiment when he heard that Richmond had fallen and the war was ended and was informed that there was no need of his returning to the Army; and as he had not fully recovered, and never did, he remained at home and has remained there ever since."

In an affidavit executed October 11, 1888, John Rowe, 67 years of age, a resident of Phillipsburg, N. J., substantiates what Warner says regarding his furlough and illness at home.

So does Robert M. Bishop, 63 years of age, a resident of Bridgeville, N. J., in an affidavit dated October 29, 1888.

Testifying under date of November 13, 1888, Warner said he was "unable to furnish any evidence of a physician or of any medical treatment or treatment of a physician during the period between September 15, 1864, and August 1, 1865, or thereabouts, because the physician who attended on this deponent, and who was his family physician, is now dead."

In this connection Samuel Kries, 52 years of age, a resident of Franklin Township, Warren County, N. J., in an affidavit executed October 14, 1899, testifies as follows:

"Has lived in the county of Warren, N. J., for the forty years past, and has been acquainted with Benjamin Warner, a member of Company B, Third Regiment New Jersey Cavalry, for all that period, and knows that he was in said company and regiment; that he remembers that said Benjamin Warner came home to his family in the fall of 1864, and that he had a furlough to come home, and was sick all the while that he remained at home, until the war closed, in 1865, and was still unfit for service; that during the period he was at home deponent saw Benjamin Warner every week or every two weeks, and knows that he was visited by an officer, who examined him and his furlough and let him go; that deponent during the time brought medicine to said Benjamin Warner from Doctor Glenn, late of Washington, N. J., now deceased, and knows that Doctor Glenn, by whom said Warner was being treated, stated to deponent that said Warner was unfit for service and unable to return, and that said Warner continued sick after the close of the war for some considerable time, and that among other things he suffered from rheumatism and chronic diarrhea; that when he lay down he had to be assisted to get up."

W. H. H. Warman, M. D., 3343 Seventeenth street NW., Washington, D. C., in an affidavit sworn to March 14, 1906, says he knew Warner since 1862, and has "always regarded him as a true patriot and an honest, honorable man, though uneducated and unacquainted with the customs and ways of the world and military rules and somewhat simple-minded. He was a true and faithful soldier during his service in the Thirty-first New Jersey Regiment. He and I served in the same company and were intimately associated as comrades, performing like duties."

Martin Wyckhoff, of Asbury, Warren County, N. J., adjutant of the regiment and also captain and acting inspector of staff of Gen. Gabriel R. Paul, certifies that he is well acquainted with Warner; that he was a faithful soldier while connected with the Thirty-first Regiment of New Jersey, and was honorably discharged therefrom; that he afterwards reenlisted in the Third New Jersey Cavalry and served some time; that he was at home in the winter of 1864–65 sick, and during that time took no measures to conceal himself, stating he was on furlough. Continuing, Mr. Wyckhoff says:

"While I did not see his furlough, I never doubted he had it, as the military authorities were active in picking up all soldiers that could not show some authority for being absent from the regiment. I further certify that I am and have been since 1862 well and intimately acquainted with said Warner; that he is a simple-minded man and one that could never have concealed himself had he been a deserter. He knew just enough to make a good soldier, but not enough to make a deserter, and I certify that, learning his troubles, I interested myself in his behalf, without fee or hope of reward, to have him set right on the record, deeming it a shame that a man who had been a faithful soldier, honorably discharged, then reenlisting and sent home to recruit, unable to return, should be called a deserter when the only record they have is 'October 18, sick in hospital.'"

Mr. CULBERSON. I do not ask for a further reading of the report.

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

RIGHT OF APPEAL IN HABEAS CORPUS PROCEEDINGS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 4777) restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings.

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 from a final decision by a court of the United States in a proceeding in habeas corpus where the detention complained of is by virtue of process issued out of a State court no appeal to the Supreme Court shall be allowed, unless the United States court by which the final decision was rendered or a justice of the Supreme Court shall be of opinion that there exists probable cause for an appeal, in which event, on allowing the same, the said court or justice shall certify that there is probable cause for such allowance.

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

THE HERMITAGE.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill (S. 4797) for the care and preservation of the Hermitage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,000 for the following purposes: For the repair, improvement, and care of "the Hermitage," the home of President Andrew Jackson, situated in Davidson County, Tenn., to be paid to the Ladies' Hermitage Association of Tennessee; $5,000 of the sum to be immediately available for repairing the buildings and tomb, and improving and beautifying the grounds and premises; the remaining $20,000 to be held by the Ladies' Hermitage Association in trust, and the interest thereon only used for the purpose of keeping in repair and caring for the buildings, tomb, and premises. It also provides that $20,000 shall be invested by the Ladies' Hermitage Association in United States bonds, bonds of the State of Tennessee, or some other good and safe security, to be approved by the Secretary of the Treasury, and to be held by the association as a permanent trust fund, and the interest on the fund to be forever devoted and applied as herein directed, and for no other purpose.

Mr. KEAN. I ask the Senator from Tennessee if there is any precedent for such a bill?

Mr. FRAZIER. I am unable to say just whether there is any precedent or not; but, if there is not, I think we can very readily make one.

These premises embrace the tomb of President Jackson. The State of Tennessee some years ago, in 1889, transferred this building, embracing the Hermitage, the tomb of President Jackson, and twenty-five acres of land to the Ladies' Hermitage Association, who have had the care of these premises since then. It has been supported entirely by voluntary contribution. The President, on his recent visit to Tennessee, visited the Hermitage, and in his annual message on the convening of Congress in December last recommended that an appropriation be made to aid these ladies in the care of the Hermitage and the tomb of President Jackson.

Mr. KEAN. Do I understand that this bill simply makes a contribution to this association, and that the Government of the United States does not acquire the land or anything of that kind?

Mr. FRAZIER. No, sir; the land belongs to this charitable association of ladies.

Mr. KEAN. And this is merely a gift of the Government, and not the purchase of the land?

Mr. FRAZIER. Not at all.

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

STATE CLAIM OF NORTH CAROLINA.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 450) for the relief of the State of North Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the State of North Carolina $42,532 for cotton taken from the authorities of that State immediately after the close of the late civil war.

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

EXECUTIVE SESSION.

Mr. KEAN. 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 3 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 3, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1908.

SECRETARY OF LEGATION.

William Heimké, of Kansas, now secretary of the legation at Bogota, for promotion to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala, vice Joseph W. J. Lee, resigned.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. William T. Rossell, Corps of Engineers, to be colonel from February 28, 1908, vice Willard, retired from active service.

Maj. Lansing H. Beach, Corps of Engineers, to be lieutenant-colonel from February 28, 1908, vice Rossell, promoted.

Capt. James P. Jervey, Corps of Engineers, to be major from February 28, 1908, vice Beach, promoted.

First Lieut. John H. Poole, Corps of Engineers, to be captain from February 28, 1908, vice Jervey, promoted.

Second Lieut. Robert S. Thomas, Corps of Engineers, to be first lieutenant from February 28, 1908, vice Poole, promoted.

Cavalry Arm.

Second Lieut. Howard C. Tatum, Seventh Cavalry, to be first lieutenant from February 25, 1908, vice Jennings, Seventh Cavalry, resigned.

Ordnance Department.

Lieut. Col. Ira MacNutt, Ordnance Department, to be colonel from February 29, 1908, vice Russell, retired from active service.

Maj. Ormond M. Lissak, Ordnance Department, to be lieutenant-colonel from February 29, 1908, vice MacNutt, promoted.

Capt. David M. King, Ordnance Department, to be major from February 29, 1908, vice Lissak, promoted.

Field Artillery.

Lieut. Col. Edward T. Brown, First Field Artillery, to be colonel from February 25, 1908, vice Potts, Fifth Field Artillery, appointed brigadier-general.

Maj. David J. Rumbough, Third Field Artillery, to be lieutenant-colonel from February 25, 1908, vice Brown, First Field Artillery, promoted.

Capt. William Lassiter, Sixth Field Artillery, to be major from February 25, 1908, vice Rumbough, Third Field Artillery, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Frank Rorschach to be a lieutenant in the Navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

P. A. Engineer Henry E. Rhoades, who was confirmed by the Senate on January 23, 1907, for advancement from the grade of assistant engineer, with the rank of lieutenant (junior grade), to the grade of passed assistant engineer, with the rank of lieutenant (junior grade), in accordance with the provisions of an act of Congress approved June 29, 1906, to be a passed assistant engineer, with the rank of lieutenant, on the retired list, from the date of his advancement, in accordance with an opinion of the Attorney-General, dated January 13, 1908.

Asaph Hall, a citizen of Michigan, to be a professor of mathematics in the Navy from the 26th day of February, 1908, to fill a vacancy existing in that grade on that date.

WITHDRAWALS.

Executive nominations withdrawn from the Senate March 2, 1908.

Second Lieut. Harry S. Adams, Twenty-third Infantry, for promotion to the grade of first lieutenant of infantry in the Army of the United States, with rank from November 8, 1907, which was submitted to the Senate February 21, 1908, his nomination for such promotion having been previously submitted to the Senate on January 9, 1908, and confirmed by that body on January 27, 1908.

Grosvenor A. Porter, of Oklahoma, to be United States marshal for the eastern district of Oklahoma.

Benjamin F. Niesz, to be postmaster at Steamboat Springs, in the State of Colorado.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1908.

ASSISTANT APPRAISER OF MERCHANDISE.

Samuel W. George, of Massachusetts, to be assistant appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

POSTMASTERS.

CALIFORNIA.

Charles S. Graham to be postmaster at Pleasanton, Alameda County, Cal.

KANSAS.

Sheridan Crumrine to be postmaster at Longton, Elk County, Kans.

LOUISIANA.

John T. Charnley to be postmaster at Alexandria, Rapides Parish, La.

NORTH CAROLINA.

Roy C. Flanagan to be postmaster at Greenville, Pitt County, N. C.

WASHINGTON.

William M. Clemenson to be postmaster at Clarkston, Asotin County, Wash.

Francis M. Clow to be postmaster at St. John, Whitman County, Wash.

William O. Gregory to be postmaster at Burlington, Skagit County, Wash.

James Lane to be postmaster at Roslyn, Kittitas County, Wash., in place of James Lane.

Tilton S. Phillips to be postmaster at Mabton, Yakima County, Wash.

WYOMING.

Arnold O. Heyer to be postmaster at Shoshoni, Fremont County, Wyo.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 2, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, February 29, was read and approved.

COMPENSATION OF THE PHILIPPINE COMMISSIONERS.

The SPEAKER. The Chair desires to lay before the House a letter from the Comptroller of the Treasury, touching the pay of the Commissioners from the Philippines, if there is no objection. The Chair hears none, and the Clerk will read the communication.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, March 2, 1908.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

SIR: I have received your letter of the 28th instant in reference to the compensation of the Resident Commissioners from the Philippine Islands, elected by the Philippine legislature November 26, 1907. You ask for my opinion upon the following questions:

1. Have they been paid any sums under section 8 of the act of July 1, 1902 (32 Stat., 694) from the Treasury of the United States?

2. When does their compensation begin under the terms of the joint resolution of Congress approved February 24, 1908?

As to the first question I am informed that no payment has been made to these Commissioners by the statement of an account in the office of the Auditor for the State and other Departments.

As to the second question, the act of July 1, 1902 (32 Stat., 694), provides in section 7 for a Philippine legislature consisting of the Philippine Commission and the Philippine assembly, the members of the latter branch to be elected. In said section it is also provided that—

"The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided*, That the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election."

Section 8 of the same act provides:

"That at the same time with the first meeting of the Philippine legislature, and biennially thereafter, there shall be chosen by said legislature, each house voting separately, two Resident Commissioners to the United States, who shall be entitled to an official recognition as such by all Departments upon presentation to the President of a certificate of election by the civil governor of said islands, and each of whom shall be entitled to a salary payable monthly by the United States at the rate of $5,000 per annum, and $2,000 additional to cover all expenses: *Provided*, That no person shall be eligible to such election who is not a qualified elector of said islands, owing allegiance to the United States, and who is not 30 years of age."

The joint resolution of Congress approved February 24, 1908, is as follows:

"That the Sergeant-at-Arms of the House of Representatives is authorized to pay to each of the two Resident Commissioners from the Philippine Islands, out of the appropriation made for the current fiscal year for compensation of the Members of the House of Representatives, the same rate of compensation as is authorized and being paid to the Resident Commissioner from Porto Rico, together with $2,000 each, as authorized by law, in lieu of mileage."

The compensation appropriated and being paid to the Resident Commissioner from Porto Rico is at the rate of $7,500 per annum as fixed by section 4 of the act of February 26, 1907 (34 Stat., 993).

When the compensation of the Commissioners from the Philippine Islands begins under the law is a question of serious doubt. It is to be noticed that the law is similar to that under which the Commissioner from Porto Rico is elected (sec. 39, act of April 12, 1900; 31 Stat., 86). The latter was first elected November 6, 1900; his certificate of election was dated November 16, 1900, and he took the oath of office in Porto Rico on November 17, 1900. The Treasury Department of the United States paid him salary beginning on the date he took the oath. The law provided for his election, but did not fix the time when his term of office began. Subsequently, by section 3 of the act of July 1, 1902 (32 Stat., 732), it was provided that the term of office of the Commissioner should commence on the 4th of March next succeeding the date of his election.

The Philippine act is in the same language as to term of office, amount of salary, etc., as the earlier act relating to Porto Rico.

Although the matter is by no means clear, I am of the opinion that it was intended by the joint resolution of February 24, 1908, to pay the resident Commissioners from the Philippine Islands at the rate of $7,500 from the date of their certificates of election.

When their terms will expire is a question not now to be decided, but no doubt Congress will, as in the case of the Commissioner from Porto

Rico (act of July 1, 1902, 32 Stats., 732), amend the Philippine act to fix the term of the Commissioners, especially in view of the fact that while the present Commissioners were elected in November, 1907, the Philippine legislature is by the law to meet hereafter in February of each year.

I have answered your questions as best I could, not as an official decision, but as an expression of my views for your information. Under section 48 of the Revised Statutes the Speaker's certificate is conclusive on the accounting officers, and therefore all questions as to salary and mileage of Members and Delegates are to be decided by the Speaker.

It is the practice to treat the Speaker's certificate as to a Commissioner's salary as having the same effect as it has in the case of Members and Delegates.

Respectfully, R. J. TRACEWELL, *Comptroller.*

The SPEAKER. Under that letter and under the law, unless the House directs to the contrary, the Chair will sign the certificates which will entitle these Commissioners to the compensation indicated in the letter, which will be at the rate of $7,500 a year from the date of their certificates, which, I believe, was in November.

COMMITTEE ON POST-OFFICE DEPARTMENT EXPENDITURES.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Post-Office Department, or such subcommittee as it may designate, shall have leave to sit during the sessions of the House during the Sixtieth Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. WANGER. Mr. Speaker, I desire to say a few words upon the subject to which this resolution relates, and first to make a brief statement of fact which seems opportune and just to those members of the Committee on Expenditures in the Post-Office Department who have been making an investigation for several days in order that the House may know that the committee has been organized and at work for some time past.

This is important in view of a misstatement in debate during my brief absence from the session on Saturday, when the resolution reported by the Committee on Accounts authorizing a clerk for this session to each of the House committees on expenditures was under consideration, which misstatement was evidently made through misapprehension and was, that only three of these committees on expenditures (naming three which did not include the one of which I have the honor to be chairman) were at work, or purposed, so far as the speaker referred to had heard, to work in discharge of the duties imposed upon them by the rules of the House, and more particularly does this statement of work done by my committee seem appropriate from the fact that that usually accurate and always fair newspaper, the Washington Post, this morning attributes to an honored Member of this House, who is a prominent member of the Committee on Expenditures in the Post-Office Department, this statement relative to that committee:

While the committee had had several meetings already, so far it had done little more than prepare for the work, and that it would probably not get to the investigation until some of the appropriation bills had been disposed of—

I desire to say that this gentleman, whom I have been pleased to regard as my personal friend, has been kept from most of the meetings of the committee by reason of work upon another and more prominent committee, and I do not suppose, if he uttered the remark attributed to him, that he meant to ridicule or reflect upon or even criticise the investigation which is actually being and has for some days been conducted by our committee and such of its members as were able to attend its meetings. That the work of the committee might have been better done had he been present at its investigations may be conceded without thereby acknowledging that it was little more than preparatory.

On the subject of a session clerk for the committee, I wish to say that if the committee were to comply literally with the rule, it would require a great bureau instead of one clerk to do its work. In order to reasonably and properly perform the duties which may justly be expected from this committee by this House—among other things to investigate and report upon the economy and justness of expenditures, retrenchment, abolition of useless offices, and fairness of salaries paid and asked for—it should have a clerk of the ability, capacity, and willingness to serve the committee and the House equal to that, for instance, of Mr. Courts, the clerk of the Committee on Appropriations, and its work should go on the year round, whether the House is in session or in vacation; and I trust that before this House adjourns it will make better provision to increase the effectiveness of the Committee on Expenditures in the Post-Office Department. Unless the position of clerk is made sufficiently certain and remunerative the committee can not secure the kind of clerk it should have and perform its reasonable duties fully or satisfactorily.

Mr. BARTLETT of Georgia. Mr. Speaker, may I ask the gentleman a question?

Mr. WANGER. Certainly.

Mr. BARTLETT of Georgia. The gentleman spoke to me before the House met. Did I understand the gentleman to say that the Washington Post attributes what he read to some Member of the House?

Mr. WANGER. Yes; to a Member of the House who is a member of the Committee on Expenditures in the Post-Office Department.

Mr. BARTLETT of Georgia. I thought the gentleman, from his conversation with me prior to the meeting of the House, had reference to myself.

Mr. WANGER. I had no reference in my remarks touching the Post article to the subject respecting which I had before spoken to the gentleman from Georgia. My only reference to him since I took the floor was in comment upon what he said in the House on Saturday as printed in the RECORD.

Mr. Speaker, the committee has had two or three hearings during the sessions of the House in violation of the rule. We can not properly perform our functions unless we have many more such hearings, and I ask the adoption of the resolution to make them in harmony with the law of the House.

Mr. BARTLETT of Georgia. If the gentleman will yield for a moment, I understood from the gentleman's remarks that he had read something in the Washington Post that he had attributed to me.

Mr. WANGER. Not at all.

Mr. BARTLETT of Georgia. I want to say with reference to my remarks on Saturday last, if the gentleman will permit, that nothing I said could properly be construed as in any manner reflecting on the committee over which the gentleman from Pennsylvania presides. I was ready to vote for a clerk of any committee that would do the work, and I would know, had I heard the gentleman's statement before the committee, that if he had undertaken to do the work the House could rely upon its being done and well done.

The resolution was agreed to.

INVESTIGATION OF PEONAGE.

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the resolution No. 266.

The SPEAKER. The gentleman from Mississippi moves to suspend the rules and pass the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Immigration Commission be requested to make an investigation into the treatment and conditions of work of immigrants on the cotton plantations of the Mississippi Delta, in the States of Mississippi and Arkansas, and upon the turpentine farms, lumber camps, and railway camps in the States of Florida, Mississippi, Louisiana, and other States; and to report them at as early a date as possible.

The SPEAKER. The gentleman can move to suspend the rules and pass the resolution as reported.

Mr. WILLIAMS. That is what I have done——

The SPEAKER. Or the gentleman can move to suspend the rules and pass the resolution with the amendment to the original resolution, which strikes out the word "Southern."

Mr. WILLIAMS. There is no amendment to the original resolution. The resolution was recommitted to the Committee on Rules and reported back with the one word "Southern" stricken out. This is a new resolution.

The SPEAKER. The resolution as reported strikes out the word "Southern."

Mr. WILLIAMS. Then I will change my motion to suspend the rules and pass the resolution as amended.

The SPEAKER. Is a second demanded?

Mr. HARDWICK. Mr. Speaker, I demand a second.

Mr. WILLIAMS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Speaker, there is no necessity for any long explanation in connection with this resolution. Charges have been made of the existence of a condition of peonage among immigrants in certain States of the Union, Mississippi being one of them and Florida being another. Some of these charges have taken a quasi or semi official aspect, and, while not published as official documents, have in some unexplained way obtained access to the newspapers of the country, have been translated into Italian, Swedish, and several other languages, and have done and are doing a great deal of harm to the cause of immigration into these States.

It was therefore thought well by those who had the welfare of these States at heart to have an investigation made by an impartial body which should determine whether or not such a condition of things existed. If such a condition of things does

not exist, it is due to the communities where it was alleged to exist that the truth should be known. If such a condition of things does exist, it is due to everybody that that should be known. For this reason the resolution was introduced. Two resolutions were introduced, one by the gentleman from Florida [Mr. CLARK] and the other by the gentleman from Mississippi [Mr. HUMPHREYS], and the resolution which comes from the Committee on Rules is an amalgamation of and a substitute for those two resolutions.

The other day when the resolution was reported the word "Southern" was inadvertently left in—that language occurring in one of the resolutions as originally introduced—so that it read "in other Southern States." Upon recommittal to the Committee on Rules the word "Southern" was unanimously stricken out, so that it now reads "other States." There was a well-grounded opposition to it in its first form, because it seemed to be singling out the Southern States for investigation.

I will now yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. MANN. Will the gentleman first yield for a question?

Mr. WILLIAMS. Certainly.

Mr. MANN. Will the gentleman explain to the House what interest it was that translated these reports and, as I understand, spread them over Europe?

Mr. WILLIAMS. In answer to the question of the gentleman from Illinois, I will state that I am not sufficiently certain of my own opinion being well grounded to be willing to make a statement of it as a proven fact, but the allegations were used both abroad and by immigration agents in New York, so as to divert immigration from these sections of the country to other sections of the country. I have my own opinion as to what the interests were that were making use of this, but as I am not sure and can not prove it, I do not care to make the statement. I now yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, as a member of the Immigration Commission I desire to say that so far as I know there is no opposition on the part of the Commission to this request from the House. We have already the authority to do this work under the existing law, and I think I ought to say, in justice to the members of the Commission who are not members of this House, that very probably we would do it in any event; but, of course, our Commission would pay especial attention to a request from this body.

While I am on my feet I want to make what is in the nature of a personal statement. In relation to this subject of peonage I possess as profound ignorance as any gentleman in this House. However, in response to an invitation from the governor of Florida, addressed to our Commission, I attended an immigration conference at Tampa, and was very kindly and courteously treated. The newspapers of that section did, however, publish some things about some remarks which I made which were inaccurate. I do not think they were intentionally inaccurate, but they quoted me as expressing an opinion in regard to peonage, something which I said in my remarks I knew absolutely nothing about, and also as expressing an opinion in relation to a lady who was an assistant United States district attorney, a lady whom I know and whom I respect. I expressed no opinion whatever, and if this investigation is asked at the hands of the Immigration Committee I want to say frankly and fairly to both sides of this House that so far as I am concerned as a member I intend that the investigation shall be fair, accurate, and so far as I can make it conclusive, no matter what we may find.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I want to say a few words only in explanation of the resolution which I introduced. It asked that the Immigration Commission be requested to go to the State of Mississippi and to the State of Arkansas and make an investigation to ascertain if there was a condition of peonage existing there. I included the State of Arkansas, because the gentleman who represents the particular district in which the peonage was alleged to exist wanted the investigation made, and for the further reason that although the plantation upon which the peonage is charged to exist is in the State of Arkansas it is operated and managed by citizens of Mississippi, residents of my home town.

In answer to the gentleman from Illinois [Mr. MANN], I want to make an explanation which, I think, will throw some light on his question. I will first give very briefly an outline of the history of the one Italian colony in Arkansas, on the Sunnyside plantation, which has caused so much comment in the newspapers, and which, in fact, has inspired the resolution which I have introduced. This colony was established eighteen years ago by Mr. Austin Corbin, of New York City, and an Italian nobleman, who, I believe, at the time was the mayor of the city of Rome. That colony has prospered as few colonies have ever prospered. A few years ago Mr. Alfred Holt Stone, a scholarly gentleman who has given a great deal of study to such questions and who has had large experience as a cotton planter, and who, in addition to all that, and best of all, is blessed with an abundance of the saving grace of common sense, went over to Sunnyside for the purpose of investigating this colony and made a report of his observations there to the American Economic Society, of which he is a very conspicuous member. That paper attracted a great deal of attention throughout this country, and with your permission I will read a few extracts from it.

Before reading, however, let me explain that Mr. Stone is perhaps the most profound student of the race question in this country to-day. He is invited frequently by the faculties of all the great colleges of the North to address them on this question, and is everywhere recognized as a man of the highest character and a writer and speaker of unusual ability. Having heard much of the success of the Sunnyside colony, he went over to investigate conditions there, the particular thought which inspired him being to make a comparative study of the negro and the Italian as farmers on the same plantation and under identical conditions.

The extract follows:

As the current year's business is not yet closed, I shall eliminate it also. This gives us a six-year period for a comparative exhibit of the two classes of labor, working literally side by side, their land indiscriminately allotted, each on the same tenure, each under the same conditions of soil, climate, and management. I shall confine this exhibit to the salient features of the operations. These are the number of families and hands, cotton acreage and production, and the value per hand. I shall consider only the cash commodities of cotton and seed, and shall reduce the figures to annual averages.

This gives us the following results: Average number of squads—Italians, 52; negroes, 167. Average number of working hands—Italians, 269; negroes, 433. Average number of acres per working hand—Italians, 6.2; negroes, 5.1. Average pounds of lint per hand—Italians, 2,584; negroes, 1,174. Average pounds of lint per acre—Italians, 403; negroes, 233. Average cash product value per hand (cotton and seed)—Italians, $277.36; negroes, $128.47. Average cash product value per acre—Italians, $44.77; negroes, $26.36. Thus the Italian is seen to have produced more lint per hand by 1,410 pounds, or 120.1 per cent, and to have exceeded the negro's yield per acre by 170 pounds, or 72.9 per cent. The difference in money value in favor of the Italian was $148.89 per hand, or 115.8 per cent, and $18.41 per acre, or 69.8 per cent.

Mr. SHACKLEFORD. What is the gentleman reading?

Mr. HUMPHREYS of Mississippi. I am reading from Mr. Stone's paper in the Papers of the American Society of Economics, at the meeting in Baltimore in 1905.

In another place, speaking of a squad of Italians, composed of four working hands, he says:

They had 43 acres, and made 437 pounds of lint per acre, and 3,135 pounds per hand. This squad has been on the place several years, and is reputed to have accumulated more than $15,000 in cash. It goes without saying that they owed no supply account. Their other account, rent, ginning, etc., amounted to $426.66. Their crop brought $2,172.10, leaving a net balance of $1,745.44.

Now, I wish to call your especial attention to this paragraph, remembering that this is on a plantation where we are told peonage is the system under which it is operated:

The first of these two squads illustrates what may develop into a tendency of considerable sociological importance. This is the withdrawing of their women and children from regular field labor as soon as the step is warranted by an improved economic condition. Here and there this is being done, though in no case until the stage in which their labor is necessary has been passed. It is frequently true that although women and children are included in the statement of working hands, they merely assist at intervals, according to the necessities of the crop.

It is alleged that peonage is made possible by an imprisonment for debt statute. Of course we have no such statute, but the following extract shows how utterly without foundation are all such charges, be the law what it may:

We need not multiply accounts for the mere purpose of comparison. The general results possess a meaning sufficiently significant. Of the 110 Italian squads who started to work at the beginning of the current year 44 were new arrivals. Yet of the total number 65 squads, or 59 per cent, had no supply accounts during 1905. That is to say, practically all who were on the place last year were in a condition of independence this year.

* * * * * * *

This situation may be understood when we know that back of it lies the fact that to the sixty-six Italian families in 1904 cash balances above accounts were paid in the sum of $38,764.58, an average of $587.35 per squad.

* * * * * * *

Take another illustration of what these operations have meant for the two races: There are 107 Italian squads at the end of 1905. Of these 104 own 123 head of work stock and other live stock, such as cattle, sheep, and hogs, to the total value of $23,400.

And so the story goes, Mr. Chairman, through the entire article.

Dr. Victor H. Clark, a gentleman who has frequently been employed by the United States Government to make investigations of this character, and who has visited several of the countries of Europe for that purpose, was so much impressed

by the report which Mr. Stone made that he went down to investigate for himself, and he reported that he found conditions there even more favorable than Mr. Stone had represented. But there were two interests, I will say in further answer to the gentleman from Illinois [Mr. MANN], which would be served best by an unfavorable report going out from the Sunnyside property. Those two interests were the Italian Government and the immigration agents located in the large cities of the North.

The interest which the Italian Government had was to prevent any emigration of her agricultural classes from her northern provinces. There is as much difference, as we all know, between the Italian farmer of north Italy and the south Italy fruit vendor as there is between the German and the Scandinavian of the north and the people of southern Europe generally. It was very natural that the Government of Italy should discourage the emigration of these, the best people of the Kingdom, and I have no quarrel with her on that account. I bid her God speed in her undertaking. But I do object to having my native State held up to the other countries of the world as a land of crime and slavery, to be avoided as a thing unclean.

Another interest which would be served by damning Sunnyside, and through it the entire cotton belt, is that represented by labor agents in our large cities. They have always opposed the proper distribution of immigrants throughout the country. That is her business, and, so far as I am personally concerned, They wish to keep them in the city, so that they may supply them first to this contractor and then to another, and thereby retain them as a permanent asset. Every immigrant who goes into the country and settles upon a farm is lost to them forever.

Reports began to emanate suspiciously near the Italian consulate at New Orleans charging all manner of cruelty, charging peonage to exist as a universal condition on this plantation, and the newspapers of the country took them up and sowed them to the winds. They were translated into foreign languages, circulated all over Europe, and I am advised that in the railway stations of a number of countries in Europe placards are posted in which emigrants who are contemplating going to America are warned to stay away from the State of Mississippi if they desire to keep out of slavery. I do not believe, Mr. Speaker, that newspaper misrepresentation—I do not believe that newspaper criticism, or, I may say, newspaper slander—ought either to inspire or justify Congressional action.

But this case stands upon a different footing. True the newspapers have been industrious in circulating the falsehoods to which my colleague has referred. Take these headlines, for instance, which are only types of many others equally lurid and atrocious. The stories of lawlessness which thus thunder in the index have been translated into all the tongues of Europe:

White slavery Dixie's burden—Further exposé of conditions shows many immigrants are held as vassals for alleged debt—Mississippi act an aid—Law permits employer to seize "agricultural servant" in arrears; probe for Sunnyside Farm.

Complaint as to treatment of immigrants causes Austria to put Mississippi on black list—Problem for Uncle Sam—Peonage and burdensome contracts injure plans for development of Southern States.

And then an item like this, which is as false as dicers' oaths:

CAPTURED; WORK UNDER ARMED GUARD.

Men have been captured on the streets of a Mississippi city in open daylight by an armed planter, transported across the river to Arkansas, and put to work there under a guard of men armed with rifles. All of this was legal, according to local law, although it is in direct violation of the laws of the United States.

We of the South have been made the target for similar envenomed shafts for so many years. We have been traduced and misrepresented so persistently for the past few decades that we have almost grown callous. We have learned by sad experience the utter uselessness of attempting to correct these libels and the senselessness of expecting anything approaching a square deal from the great metropolitan dailies, and so we have long since learned to pass all such by with silent contempt. That course would still be followed, even under the aggravating provocation of these recent eruptions, if the sins against us had still been confined to the customary abuses of the privileges of free speech so frequently interpreted by a large part of our press as license to slander; but this is not the case. This ceased to be mere newspaper gossip. These stories are told now upon the alleged authority of an official report made to the Department of Justice by agents specially designated to investigate these conditions; and so they go forth with the added weight of the alleged indorsement of this great Government. No man who loves his State, Mr. Speaker, can sit silently by and permit such charges to go thus officially authenticated without an effort at least to refute them. No more serious charge could be brought against a State than that a system of white slavery exists in it, which is sanctioned by its laws and upheld by its courts. The charge is not the old and threadbare story that a superior race is denying equality to an inferior one, but that a system of peonage is maintained under the forms of law, and that white men are inveigled there by fraud and misrepresentations, and when they come are thrown into slavery and denied the simplest rights which the laws both of God and man guarantee.

We are warned by the overcautious to avoid and even to oppose any investigation. That would certainly be an easy course to pursue. It is along the lines of least resistance and therefore the less liable to friction. As a politician, therefore, I would embrace that suggestion with composure, but as a patriot I must reject it with contempt.

Mr. Speaker, I love the State of Mississippi. Beneath her soil all the generations of my ancestors, so far as I know aught about them, sleep the sleep that knows no waking. She has been generous to me and mine, and when this fitful dream has passed I, too, hope for eternal rest beneath her sacred sod. In my humble opinion there has never been a day in her long and eventful history when she was afraid of the truth; there was never a time when the light of God's sunshine would reveal aught in her domestic economy that would bring a blush to the cheek of her sons. And I shall not at this late day, Mr. Speaker, commissioned as I am in part to represent her here, sit silent in my seat while her good name—the most immediate jewel to the soul—is filched from her. [Applause.]

The United States Government has made an investigation of this matter, and in view of what I have stated just now, that certain interests would best be served by an unfavorable report, it is interesting to note that the agents which the Federal Government employed to make the investigation were two in number—one suggested and recommended by the Italian ambassador and the other himself an immigration agent in the city of New York.

First, the reports are sent out from sources suspiciously near the Italian consulate at New Orleans, and subsequently, at the request of the Italian ambassador, the Attorney-General of the United States undertakes an investigation and employs as the chief investigator a lady whom the Italian ambassador suggests and, in fact, nominates.

This extract from a personal letter written by Mr. Percy, one of the partners in the Sunnyside plantation, one of the most distinguished gentlemen in the South, and wholly incapable of uttering a falsehood, tells its own story better than I can tell it:

Our Government then proceeded to investigate conditions, and if it had aimed to absolutely damn and discredit the South by its investigation it would have pursued precisely the same course it did pursue. It sent out special paid attorneys, aided by a corps of interpreters, detectives, and special agents, with instructions *to discover violations of the law*. Each violation discovered redoubled the zeal and industry of the explorer and vindicated the wisdom of the Government in having the investigation made. The investigation was made with a brass-band accompaniment. The country was raked with a fine tooth comb for malefactors, and the discovery of each one was heralded as a triumph. Not ordinary, but extraordinary, publicity was given to each step of this investigation. Just as an illustration: The attorney investigating Sunnyside, among the thousands of Italians who have been upon it, discovered, in his judgment, one case of peonage.

The proof sustaining it was not submitted to the Federal grand jury according to the ordinary procedure, although there was not a possibility of the party accused leaving the country, but an affidavit was made before a commissioner, so that the entire country might be advised of the fact that in the opinion of the investigator a prima facie case of peonage had been discovered.

No notice was taken, no report was presented as to the condition of the thousands of Italians who had fared well throughout the South, and to whom just treatment had been accorded.

Mr. Speaker, it is not my purpose to criticise harshly or unfavorably the lady who made this investigation. I do not know whether she went beyond the terms of her employment or not. I do know, however, that she at least exceeded the scope of the authority of the Department of Justice. She did not confine herself to an investigation to ascertain whether the law had been violated or not, but she went into a full and complete investigation of the conditions of work and of labor there, a matter which properly belongs to another Department of this Government.

The SPEAKER. The time of the gentleman has expired.

Mr. HARDWICK. I yield five minutes additional to the gentleman.

Mr. HUMPHREYS of Mississippi. Now, Mr. Speaker, the fact that the agent who made the investigation was a lady of high character, was honest, was high-purposed, is of itself by no means conclusive that the investigation was fair or that her report was impartial. It is immaterial whether the investigator be corrupted beforehand to bring in a certain report, or whether an agent is selected whose habits of thought, whose

mental processes are known in advance to be such as will lead inevitably to a given conclusion. It is immaterial so long as the result itself is predestined. Whether Cæsar was killed by the "well beloved" Brutus or by the "envious Casca" made no difference to him; the result was equally disastrous.

Now, this good lady has spent much of her useful life in the investigation and study of the unhappy conditions of the extremely poor in the great cities of this country. Whether as a result of that study she reached her conclusion or whether the study was the result of a preformed conviction on the subject, the fact is that when she undertook this investigation she was thoroughly saturated with those ideas of the proper relations of the rich and the poor, of society to man, of the individual to society, which are the high tenets of socialism. In this mental condition she was regaled with these stories of cruelties and peonage, of oppression of the weak and friendless by the rich and the powerful on this plantation, way down in the black belt of the far away and benighted South, and she started upon her crusade with all the enthusiasm, and I might say with all the lack of wisdom and with all the misdirected zeal that characterized the knights of old in their—I was about to say senseless—but at any rate fruitless though heroic efforts to repossess the holy sepulchre. Such was the mental equipment of this "sociological expert," as my colleague has put it, when she turned her face toward Damascus, and, sad to relate, "there shined round about her no light from heaven as she journeyed and no voice spake to her to convert her."

Mr. Speaker, the men of the South have inherited the lessons of chivalry from their cavalier ancestors. Respect for women is taken into their being with their mother's milk. High-spirited, proud, quick-tempered, too prone to answer affront with a blow, a prince among men, acknowledging no superior, he stands always, hat in hand, before her imperial majesty, Woman. And so Mrs. Quackenbos tells us that she was received with marked courtesy by the owners of Sunnyside when she arrived to begin her investigations. A buggy was tendered her for her use in going about the property, which she declined. Other courtesies were likewise declined. Whatever may have been her fears, these were not attempts to gain her favor and so temper her zeal. How foolish would such an effort have been.

Was ever woman in this humor wooed?
Was ever woman in this humor won?

Her first lieutenant, who went with her as "interpreter," was a Mr. Pettek, a member of the firm of Pettek & Rossi, labor agents, New York City. He was sent on beforehand, as a sort of John the Baptist, but with instructions not to make his employment known; and so for a few days he went about the plantation talking with the tenants in such a way as to excite the suspicion of the company's agents, who began to question him about what he was doing there, and he said he was seeking employment. They believed he was a labor agent, trying to induce their tenants to leave, and they warned him to quit the plantation or he would be prosecuted as a trespasser.

He subsequently stated that he was a labor agent and produced a business card of Pettek & Rossi. He refused to go, and accordingly was arrested and carried before a justice of the peace; and he then for the first time said that he was an agent of the United States Government, sent there on business of the Department of Justice, but he failed to show his credentials. He was fined, and the case was appealed to the circuit court and is now pending. It developed afterwards that, as a matter of fact, he was a representative of the Government. Now, note how this circumstance has been used to harm that colony. Newspaper men who had been most industrious in circulating these slanders were written to by the owners of this plantation and were told that they were being misinformed. "You are doing us a great injustice; come down and make an investigation and see for yourself." They were answered by this statement: "Why, the Federal Government sent a man to make an investigation and you at once set upon him and cast him into prison," and then in more flaming headlines they warned all people not to accept employment at Sunnyside and not to go there to make any investigation, if they did not want to be put in the chain gang.

The SPEAKER. The gentleman's time has expired.

Mr. HARDWICK. I yield five minutes to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. Now, Mr. Speaker, I have a letter which I am going to print in the RECORD. Prof. Bushnell Hart, of Harvard University, hearing of these stories, was sent by the corporation to make an investigation. He went to Sunnyside in January and afterwards wrote a personal letter to President Roosevelt, a classmate and lifelong friend of his, which I will read. I find this letter published in the Vicksburg Herald, together with several others, in an article written by Governor X. O. Pindall, of Arkansas:

LETTER TO LEROY PERCY.

Professor Hart's letter to Mr. Percy, in part, is as follows:

"There must, of course, be more in the Quackenbos and Pettek episodes than I understand, and I have made no attempt to enter into any pending legal questions; but the frankness and straightforwardness of your employees, the visible comfort of the tenants, and the general air of thrift and good business management show that the impressions that have gone abroad through the country with regard to Sunny Side are not justified."

LETTER TO THE PRESIDENT.

Professor Hart's letter to President Roosevelt, in part, is as follows:

JANUARY 10, 1908.

Mr. PRESIDENT: The corporation has given me two months leave of absence in order to go through the cotton belt of the South and to get some personal impression of the actual conditions of the agricultural population, both white and negro. A few days ago, through the good offices of Prof. Franklin L. Riley, of the Mississippi State University, I was introduced to Mr. Percy, of Greenville, one of the owners with Mr. Crittenden of the Sunnyside plantation in Arkansas, a place which has been much in the public eye because of the investigations by Mrs. Quackenbos there, and of the charge of peonage now pending against Mr. Crittenden. Mr. Percy gave us credentials to the plantation and we spent twenty-four interesting hours.

Without entering at all into the question of the charge against Mr. Crittenden, upon which in any case I should not feel justified in expressing an opinion, I think you may be interested to hear at first hand some general conclusions that impressed themselves upon Professor Riley and myself as to the conditions of that plantation, especially with reference to the three issues of the reports of investigators sent by the Federal Government and apparently by the Italian Government, the Pettek case, and the frame of mind down there of the people on peonage.

As to the condition of the people on Sunnyside, both Italian and negroes, they are better housed and better cared for than on any plantation that I have seen or visited. There is no want among them and has been none. I visited the family which is alleged to have been reported as starving, and they had a cow, calves, hogs, provisions, and credit at the store. The water supply is the pump water, common throughout the Delta. The people throughout are well fed, and there is on the place a very intelligent and highly skilled doctor. If any report has been made that the people are badly treated by the owners of the plantation, I feel sure that it is erroneous.

As to the arrest and fining of Mr. Pettek, he may, of course, have had a purpose and an authority which he did not reveal; but I believe that Mr. Wright, the manager, the bookkeeper, Doctor Norton, and Father Galioni, the Italian priest, were all candid in the accounts which they gave and agreed with each other to the effect that Pettek behaved in a suspicious manner and absolutely declined to show any credentials other than a printed card.

As for restraint or violence on the plantation, it is on the face of it very unlikely. The plantation lies for 8 miles along the Mississippi, is easily accessible from the interior, is very near a railroad station, and people can come and go to it freely. I was allowed to examine the accounts of any tenant and did go through carefully and analyzed the account of an Italian and of a negro. Being an old accountant myself, I was interested to see that the books were well and clearly kept. There is, is course, the usual plantation system of advances, interest charges, and the like, but the impression made on my mind was that they were more than usually careful in keeping straight and comprehensive accounts. I saw where one of the Italians had carried over a credit balance of $2,600, which he was leaving with the company on interest, and the fact that more than nineteen-twentieths of the Italian families who were in the plantation's employ in 1907 have contracted again for 1908 is a proof that they are satisfied.

As a result of all this hurrah—and I do not feel justified in dignifying it beyond a hurrah—one charge of peonage was preferred against one of the partners in the Sunnyside business. An affidavit was made before a United States commissioner as though it was feared that he might flee the realm before the grand jury met. The fact was telegraphed everywhere that one of the Sunnyside planters had been *indicted* and sometimes it was said *convicted* of peonage. "A MILLIONAIRE INDICTED" was the usual headline. That, of course, made it more interesting.

When the grand jury met and heard only the Government witnesses testify they made the following report to the court:

We have examined all the witnesses that the Government has presented before us. We have investigated six cases charged with peonage. We have failed to return a single indictment of peonage on the evidence adduced by the Government alone. In our judgment the condition of peonage, or any arrest for the purpose of returning to a condition of servitude, was not shown.

We were mindful of your honor's charge, that if sitting as a petit jury we would convict on the evidence submitted sitting as a grand jury, it would be our duty to indict on such evidence. The evidence adduced was not of such character as would, in our judgment, have sustained in any instance a conviction, and, therefore, could not warrant an indictment.

When court adjourned the Assistant Attorney-General, who had been sent to Vicksburg to look after these peonage charges, in his report to the Attorney-General said:

No permanently established system of peonage of a set of laborers was proven to have been maintained on any plantation, nor was there proven any shocking systematic cruelty, though there were many arrests and some rough treatment.

Bearing in mind that his impression had been formed from the report and examinations of Mrs. Quackenbos, the concluding paragraph of his report is very significant:

More has been accomplished than I expected, knowing of inspired newspaper abuse, and Delta conditions, with regard to Italian peonage, are far milder than I expected to find.

RUSSELL.

This, Mr. Speaker, is the story briefly and imperfectly told of what I believe to be an outrage on the State of Mississippi. Sunnyside was selected because it was the best known of all the southern colonies. As Professor Hart expresses it, "It had been much in the public eye." It was the bright particular star whose glory must be dimmed, if it could not be obliterated entirely from the firmament, in order that the wicked purposes of certain interests might best be served. Other plantations were attacked with like intent but less of zeal, but in my limited time I can not go into them. I may take occasion hereafter to say something about the methods employed by the officials of the Department of Justice in their vain efforts to extort an indictment from the grand jury. The recent term of the Federal court at Vicksburg, with its strange mingling of Italian count and attorneys-general, would make a chapter unique in the history of our jurisprudence. But I am admonished that my time is about to expire.

Let me add just one word, Mr. Speaker, on the subject of foreign immigration.

We want immigration to Mississippi, but provided always it is of the right sort, and to such we will extend that protection which the law and the Constitution guarantee. But we are not immigration mad. Our children are to live after us, and we are not afraid to leave to them in some proper measure the task of developing our natural resources.

There is plenty of work for willing hands, but the world will not come to an end to-morrow. Speaking for my single self, I will say that, while I would welcome the industrious, law-loving citizens of Europe who come among us to help us uphold the law and upbuild the State, I believe no greater calamity could befall us than to take down the bars and lift the flood gates and turn the tide of unrestricted immigration toward the South. Let Italy check her emigration as she sees proper to do. I say, God prosper her in the undertaking. But I do protest with all the earnestness of my nature against the vile slanders upon the State of Mississippi which are being circulated to-day throughout the world to serve the selfish interests which are responsible for them. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I yield to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, for more than a year I have been seeking to get some responsible, honest, and fair-minded body, in whose report of findings of fact the public would have confidence, to make an examination into alleged peonage conditions in the State of Florida. Conscious of the fact that the lurid accounts of "peonage," "slavery," "involuntary servitude," "brutal and inhuman treatment of laborers," and other sensational rot, which for months past have found space in a number of the infamous "yellow journals" of the country, in the columns of slimy publications which smell of the "slums" and which are miscalled "magazines," and also in some most remarkable documents emanating from the Department of Justice of the United States, were absolutely false in all essential particulars, the people of the State of Florida, through their servants at this capital, through the public press of the State, through responsible commercial bodies, through the legislature of the State, as evidenced by resolutions passed by the house of representatives, and in almost every conceivable proper way have been earnestly and constantly demanding that a fair, honest, thorough, and impartial investigation be had to the end that the truth might be laid bare and the world might be correctly informed as to the real conditions in that American Commonwealth as affecting labor.

Now that the Committee on Rules, to whom the resolutions asking this investigation were referred, has reported a resolution as a substitute for the resolution offered by the gentleman from Mississippi [Mr. HUMPHREYS] and for the resolutions offered by myself providing for the investigation which our constituencies desire, I sincerely trust that this House will, by a unanimous vote, adopt the substitute resolution and thus make way for the speedy, impartial, and thorough investigation of these matters which in their practical effect have been of so much injury to the fair name of the great and good State of Florida, which I have the distinguished honor to represent in part upon the floor of this historic Chamber.

As the investigation will now, in all probability, be made, Mr. Speaker, I shall at this time refrain from a discussion of the merits of the various charges that have been given world-wide publicity, and which directly affect the honor of my State and her people, preferring to quietly wait until such time as we can have before us the result of the labors of the honorable gentlemen who will undertake this great work. My people, as noble, as honest, as truthful, as honorable, as brave, and as patriotic a people as ever breathed the liberty-laden air of this Republic, will come through the ordeal of investigation "without the smell of fire upon their garments," and, in spite of the vile batteries of slander which for the past year have been belching their infamous "slum-begotten" fabrications in the direction of the "land of flowers," Florida will, when it is all over, with smiling face and her proud escutcheon unstained, greet her sisters of the Union as proud as the proudest and with her glorious record still as pure as the lilies that adorn her bosom.

While I shall not enter the realm of discussion as to the merits of the accusations, I shall call to the attention of the House and the country a few facts, in the short time allowed me, with reference to the Department of Justice of the United States. While that Department of the Government has never been specially distinguished for the legal knowledge of the alleged lawyers who are generally supposed to be housed therein, I think I may say that usually we have had at the head of the Department something of a lawyer. I fear, Mr. Speaker, that we have "fallen upon evil times" with reference to the "big chief" of the Department of Justice.

Personally, I know very little of the present head of the Department of Justice. Whatever may be his qualifications as a lawyer, he has certainly been extremely unfortunate in the selection of some of his inferiors, and particularly with reference to those to whom he has committed these prosecutions in the State of Florida, and presumably in other States, for alleged peonage practices.

It seems that when the present head of the law department of the Government, and which ought to be the very fountain head of justice, got well into the saddle, he, instead of looking after the law business of the United States Government, began a crusade in certain States to regulate sociological conditions. It seems that in the course of his undertaking this transplanted bud of alleged French nobility became acquainted with a lady bearing the euphonious cognomen of Mrs. "Mary Grace Quackenbos," whose field of labor previous to her acquaintance with the great Baltimore lawyer was in the slums on the "East Side" of "dear old Manhattan Isle." I presume that the learned Mr. Bonaparte, the head of the Department of Justice, the highest law officer of the Government, was of the opinion that this "slum worker" from New York was a very proper and fit person to send into the State of Florida and other benighted regions of our country to regulate conditions, legal and otherwise. At any rate, Mr. Speaker, we find that one Charles W. Russell, who styles himself as "a Southern man and a Democrat," was selected by this great lawyer, and given complete charge of the investigation of alleged peonage conditions in the Southern States.

This "Southern man and a Democrat" quickly called to his aid from the "slums" of the "East Side" of "dear old Manhattan Isle" Mrs. Mary Grace Quackenbos. My God, what a combination! In normal times, Mr. Speaker, it would be an affliction upon any people to send into their midst Charles W. Russell, "a Southern man and a Democrat," and "Mary Grace Quackenbos"—in combination or separately. [Applause.]

I have not the time to fully discuss this pair as I would like to discuss them in this presence, and as I may discuss them after the investigation contemplated shall have been made. Suffice it now to say that of all the ridiculous, farcical proceedings under the forms of law the capers cut by these people in the Federal courts in Florida take the palm. As I have said, I can not at this time discuss either the merits of the case or the conduct of these people as I would like to. The time will not come when I can discuss their conduct, and particularly that of Mr. Russell, in this presence as it ought to be discussed and exposed. This presence forbids my characterizing him as he ought to be characterized, as he deserves to be designated, and as I would designate him if I could do so without offending the proprieties of this presence. The parliamentary rules which govern this great body prohibit my characterizing this man, who styles himself as "a Southern man and a Democrat," as he deserves to be characterized and as I ought to characterize him. "It is a dirty bird that fouls its own nest," and this man says he is "a Southern man and a Democrat."

At this time I shall content myself, so far as he is concerned, with calling attention to a report which he made to his chief on February 14, 1907. This report has never been published, to my knowledge, and it certainly has never come to the knowledge of any of the Florida delegation in Congress until a few days ago, when he filed it with the Committee on Rules. In this report which this man made to his chief he writes himself down as absolutely unworthy to be intrusted with a high place, where the honor, the integrity, or the liberty of the citizen is involved. In this report, which I have not the time to read, he makes statements relative to the people of Florida which I unhesitatingly denounce as absolutely, and I believe willfully, untrue. In-

stead of this alleged report being what it ought to have been—a simple statement of fact and such views as he might have of the law—it is written in "dime-novel" style, of course with Russell figuring conspicuously as the hero of the story, and is entirely unworthy of a place in the files of any Government Department. He goes out of his way to attack me, and places words in my mouth in a manner in which they were not used. So far as the attack of this man upon me is concerned, if I were somewhere else, where the rules would permit, I would not hesitate to denounce his statement in language about the meaning of which there could be no mistake. I will simply say here that his statement with reference to me and my motives, made to his chief in a report which appears to have been zealously guarded for a year, is a base fabrication cut out of the whole cloth.

Again, he intimates in this secret report that while he was in Jacksonville looking after these alleged violations of law, the district attorney was absent, pretending to be sick. I want to say, Mr. Speaker, that the district attorney for that district is the Hon. John M. Cheney, a Republican, appointed by the present occupant of the White House. John M. Cheney is a lawyer of recognized ability in the State of Florida, a man of high character, in whom the people, without regard to party, have confidence. At the time this man speaks of, Mr. Cheney was dangerously ill at his home in Orlando, and for weeks it was daily expected by his friends to see a notice of his death in the newspapers. Mr. Russell, when he penned his vile insinuation relative to Mr. Cheney, either knew this fact or could easily have ascertained it. If he knew the fact and made the insinuation that Cheney was shirking his duty, let honorable men judge of his character. If he did not know the fact, but could have ascertained the truth, and made no inquiry, but thus recklessly reflected upon the character of Mr. Cheney, again I say, let honorable men judge of his (Russell's) character.

While in Jacksonville, Mr. Russell and his assistant, Mrs. Quackenbos, who, I understand, is now and has been for some time past a special assistant attorney-general of the United States, had entire charge of these alleged cases of peonage. They tried at least two alleged peonage cases in the Federal court at Jacksonville. Mr. O'Hara, a gentleman of high standing and character in that city, and I do not hesitate to say in this presence that notwithstanding his indictment for peonage he is a gentleman, the latchet of whose shoes this assistant attorney-general is not worthy to loosen. He tried O'Hara upon two indictments in the Federal court. The first trial took some two or three weeks, and O'Hara was acquitted by a jury of his country. Immediately, or within a few days, O'Hara was put upon trial in the Federal court by Russell and Quackenbos upon a second indictment, and after two or three weeks of another trial, before another and a different jury, another verdict of not guilty was promptly returned. This man Russell, in his secret report to the "big chief," in attempting to explain his failure to convict O'Hara, inveighs against the community, indulges in insinuations against the jurors, and makes the basest of attacks, by inuendo and insinuation, upon the character of all our people in that community. In this manner in that report he makes an attack upon Mr. Charles B. Rogers, who happened to be on the first jury that tried O'Hara, and, I believe, the foreman. Mr. Rogers is at the head of one of the largest business institutions in the State of Florida. His name is known and honored in the financial centers of this country. By his own efforts, from a poor, friendless orphan, his father having given his life to the "lost cause," he has risen to a proud eminence in the commercial world, and his word is as good as the bond of any man anywhere. No man who has the honor of the acquaintance of Charles B. Rogers would believe him guilty of a dishonorable act, such as the violation of his oath as a juror, if ten thousand Russells and Quackenboses should make affidavit thereto. In addition to his attack upon Mr. Rogers, he attacks the newspapers of the State; he attacks particularly the East Coast Railroad of Florida and its owner, Mr. Flagler. In fact, this man in his reckless desire to earn office in a Republican Administration, he being "a southern man and a Democrat," attacks everybody and anybody in this secret report, if such attack may tend to bring a smile of approval to the countenance of our alleged product of transplanted royalty.

I want to say that the court in which the O'Hara cases were tried was presided over by Judge James W. Locke, a northern man. If the jurors had so flagrantly violated their oaths in the acquittal of O'Hara as this man intimates in his secret report, Judge Locke, as an honorable judge, would not only have discharged them from that case, but would have discharged them from the term of court.

Having had the pleasure to be closely associated with Judge Locke for some years, I can truthfully say that I know him well. I want to say in this presence and to all the world that there is no man from Maine to the Philippine Islands, wherever the Stars and Stripes float, who is more beloved, more respected, and more honored by the people among whom he lives and where his judicial labors are performed than is Judge James W. Locke. No man in all this Union wears the ermine with more of honor and of credit than does he. No man need fear injustice in his court. But take this defendant, O'Hara: Mr. O'Hara is not a rich man, yet he was forced to expend thousands of dollars in defending himself from charges which two successive juries, composed of intelligent, honorable men, after long and patient investigations, and under their oaths, declared to be groundless. This man has no redress. These people have used the machinery of the courts to almost ruin him financially, and, although entirely innocent, he is perfectly helpless, and must simply "pocket his losses." Gentlemen must agree with me that it is an awful condition of affairs when the unoffending citizen can be dragged from his labors at the behest of people like Russell and Mrs. Quackenbos, be subjected to the ignominy of indictment and trial, at enormous expense of both time and money, on groundless charges, and upon acquittal find himself helpless in the matter of redress.

But bad as was the treatment of O'Hara, he could vindicate himself before a jury of his peers, and did do so. If an indictment were preferred in a court against all of the people of Florida we would not be asking for this investigation, because a forum would be furnished in which we could seek vindication. But as this can not be done, and as these people have preferred an indictment against us before the "bar of public opinion," we plead "not guilty" and demand a trial before the only tribunal open to us—a body of honorable men charged with the duty and empowered with the authority to seek the truth.

I am appealing to my colleagues, and I know I voice the wish of the entire Florida delegation in both branches of the Congress, to give our people the opportunity to meet, before an impartial and honest body of investigators, the maligners of the fair name of Florida, and there, face to face, let "the truth, the whole truth, and nothing but the truth," be fully developed. [Applause.]

Mr. WILLIAMS. I now yield the remaining two minutes of my time to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, from certain matters which have come within the range of my own observation I am convinced that, originating I know not where, there is an organized effort to prevent immigrants from moving into or staying in certain Southern States, particularly Louisiana and Mississsippi. A prominent contractor who had built hundreds of miles of railroad in Pennsylvania, himself an Italian, a very reputable and responsible man, obtained the contract for building a railroad in Mississippi and Louisiana. He went himself upon the ground and reported that he found it particularly adapted to settlement by his fellow-countrymen, both as to climate and soil conditions. He said he would take them there and was satisfied that they would never come away; that they would find it such a desirable locality in which to build their homes that they would remain there. He took 300 or 400 of them down there and at first they were delighted; but they had not been there ten days before there were emissaries among them spreading all manner of reports as to labor conditions in which they were likely to find themselves involved, and it was not thirty days——

Mr. WILLIAMS. And they threatened them with yellow fever, too.

Mr. OLMSTED. Yellow fever and cholera and all sorts of diseases. Another Pennsylvanian engaged there in the lumber works found that whenever he engaged an Italian there was the same influence at work to get him out of that country. Now, I know nothing of any condition of peonage there among immigrants; I doubt if it will be found to exist; but I do believe that in view of conditions that do exist having a tendency to prevent immigrants from settling in those States, an investigation ought to be had, and I hope that the resolution will pass.

Mr. HARDWICK. Mr. Speaker, I do not care particularly about this resolution in its present form. I objected to it last week principally because it had the word "southern" in it. I am opposed to any investigation that, on its face, in terms, is professedly and admittedly sectional.

I was delighted this morning to hear the gentleman from Mississippi [Mr. WILLIAMS] explain, for himself and the Committee on Rules, that the word "southern" was inadvertently put into the resolution. I am glad to know that it is now withdrawn, and that the proposition is now in its present form. But, Mr. Speaker, this resolution is entirely unnecessary. Under the provisions of the act of February 20, 1907, the Immigration

Commission has now full authority of law to investigate immigration conditions all over this country, and this request from one House to the Commission established by both Houses of Congress is entirely unnecessary. They already have the authority under the provisions of this act of 1907 to make this investigation, and they are already engaged in the work.

Now, Mr. Speaker, it seems to me that when the Immigration Commission is operating under the law passed by both Houses of Congress and approved by the President, it is entirely unnecessary and wholly undignified for this House to request of the Commission something that it can already do under existing law; something that it is directed to do, as I understand it, by the act of February 20, 1907. Therefore, without caring particularly about the result of this motion to suspend the rules and pass the resolution, I do say that it is an entirely undignified proceeding, and that there is no necessity whatever for the passage of the resolution.

Mr. GARRETT. Will the gentleman yield?

Mr. HARDWICK. I will yield to the gentleman from Tennessee.

Mr. GARRETT. I want to suggest to the gentleman—I do not know what it is worth, and I have no particular objection to the resolution as it now stands—but I want to suggest to him and to the House, that notwithstanding the word "Southern" has been stricken out, yet the definition of the industries here leave it so that it is confined entirely to the Southern States.

Mr. HARDWICK. I think so, and I want to say that another reason why I object is because I know, that so far as the State that I represent in part on this floor is concerned, we feel that we need neither certificate of character nor bill of health from this Industrial Commission.

The SPEAKER. The question is on suspending the rules and passing the resolution as amended.

The question was taken, and, on a division (demanded by Mr. HARDWICK), there were—yeas 163, nays 35.

So two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to.

COMMITTEE ON EXPENDITURES IN THE POST-OFFICE DEPARTMENT.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Resolved, That authority be, and hereby is, granted to the Committee on Expenditures in the Post-Office Department to have such printing and binding done as may be deemed necessary in the transaction of its business.

The resolution was agreed to.

AMENDING IMMIGRATION LAW RELATING TO DEPORTATION OF ALIENS.

Mr. BENNET of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13079) to amend section 21 of the immigration law.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 21 of the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, is hereby amended by adding at the end thereof the following:

"*Provided further*, That any alien who is now under sentence because of conviction in this country of a felony, or who may be hereafter convicted of a felony, shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came in the manner provided by section 20 of this act."

SEC. 2. That section 21 of the said act, as so amended, is hereby reenacted.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman for some explanation.

Mr. MANN. I demand a second.

Mr. BENNET of New York. 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 New York [Mr. BENNET] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] to twenty minutes.

Mr. BENNET of New York. Mr. Speaker, this bill provides that an alien now under conviction and sentence because of a felony committed in this country and any alien who is hereafter convicted and sentenced for a felony shall, at the expiration of that sentence, be taken into custody, as provided in other sections as to the machinery, and deported to the country from whence he came. The reason for it is brief.

In my judgment we have room in this country for every desirable immigrant, but when the immigrant accepts our hospitality and abuses it by committing felonies, he ought at the expiration of his term to go back to the country whence he came. My idea is that the bill, if enacted, will not only deport from our country a number of criminals that we can well afford to lose, but it will deter aliens from committing crimes in this country.

Mr. SULZER. Mr. Speaker, will the gentleman yield for a question?

Mr. BENNET of New York. I yield.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from New York if this bill, if it became a law, would deport an alien who had declared his intention to become a citizen, and who subsequently committed a crime?

Mr. BENNET of New York. It would.

Mr. HUGHES of New Jersey. Does the gentleman mean a crime or a felony? Does the gentleman make any distinction between a crime and a felony?

Mr. BENNET of New York. Yes; this only applies to men who commit felonies.

Mr. DRISCOLL. I suppose that applies to all cases where either men or women are convicted of felonies in the courts of the several States.

Mr. BENNET of New York. Yes.

Mr. DRISCOLL. Are the laws uniform in all the States so as to determine what is a felony?

Mr. BENNET of New York. Mr. Speaker, they are not, any more than they are uniform abroad, but we already provide that the man who abroad has been convicted of a felony, although the laws there may differ, shall be barred out, and I see no reason why he should attempt to enter into a distinction between the laws of the various States. They are not very important. Felony is a crime of a high grade and a misdemeanor is a crime of a lower grade.

Mr. DRISCOLL. In other words, this law can not be applied and enforced uniformly all over this country, because of the fact that the laws determining what felonies are are not uniform in the several States.

Mr. BENNET of New York. It can be enforced uniformly, because it will be enforced against any man in any State under the interpretation that that State itself has placed on the word "felony."

Mr. DRISCOLL. For instance, one State may call a certain act a felony, which another State may call only a misdemeanor.

Mr. BENNET of New York. Exactly.

Mr. DRISCOLL. And therefore, of course, the application of this law imposing a punishment under it—because it is a punishment to deport a man—can not be uniform.

Mr. BENNET of New York. The reasons for deportations will, as my colleague says, differ in the different States, truly.

Mr. DRISCOLL. The idea and principle contained in this bill are sound and right. This is the land of promise and opportunity, of freedom and equality before the law. But it is not a land for lawlessness or license. Foreigners should understand they must behave themselves and obey the law. American citizenship is a great privilege and should be more fully appreciated than it is by some. But this bill should be amended in some respects. It should be uniform in its application to all immigrants in whatever State they may be when they are convicted of the crimes for which they are deported. Does not the gentleman think so?

Mr. BENNET of New York. My answer to that is that when a State has enacted that a certain act within its borders is a felony, the Government of the United States ought to respect the act of that State to the extent of deporting a criminal who comes within that law.

Mr. SULZER. Mr. Speaker, just one other question, in line with the question I formerly asked the gentleman. It is this: Does or does not an alien acquire some rights, or a legal status, by reason of his declaration of intention to become a citizen?

Mr. BENNET of New York. He acquires just this much, that on application to the State Department he can receive a passport to go back to any country except his own. He can, in the State of Indiana and, I believe, four other States, vote after six months' residence, and he can, in any State where there is public land, file a homestead entry.

Mr. SULZER. And he can take up mining claims.

Mr. BENNET of New York. Yes.

Mr. CRUMPACKER. Does he not renounce his allegiance to his former foreign sovereign, so that he has no nation?

Mr. SULZER. There is no question about that.

Mr. CRUMPACKER. He renounces his allegiance to his former sovereign, so that he is a man without a country. Where would you send him then?

Mr. BENNET of New York. We would send him back to the country whence he came.

Mr. CRUMPACKER. Then the gentleman would make a penal colony out of a foreign country?

Mr. BURLESON. Who is to pay the cost of the deportation?

Mr. BENNET of New York. The immigrant fund.

Mr. MADDEN. In the declaration which the immigrant makes of his intent to become a citizen does not he swear allegiance to this country?

Mr. BENNET of New York. He does not.

Mr. MADDEN. Well, does not he renounce allegiance to his country?

Mr. BENNET of New York. He renounces allegiance to his own country and gives notice that some time in the future, after he has been here five years, he will take the oath of allegiance to our country.

Mr. MADDEN. To what country does he belong when he makes that declaration?

Mr. BENNET of New York. That question has troubled our State Department and the chancelleries of Europe for some time and it depends largely upon the laws of the different countries.

Mr. MADDEN. In the face of that condition then what would you consider him, an alien?

Mr. BENNET of New York. An alien.

Mr. MADDEN. Just how does he get the rights you describe in the various States?

Mr. BENNET of New York. They are given to him by our laws and State laws.

Mr. GAINES of West Virginia. They are not right; they are privileges.

Mr. BENNET of New York. The gentleman from West Virginia very properly calls my attention to the fact that they are not rights; that they are privileges.

Mr. SULZER. Mr. Speaker, just another question, and it is this: Suppose an alien came to this country, declares his intention to become a citizen, marries an American woman, has a number of children, and after he has been here four years, we will say, or four years and a half, he commits a felony and is sent to prison and at the expiration of his term he is deported. Now, what is to become of his children and what is to become of his wife? Where do they go, and what is to become of them?

Mr. BENNET of New York. What became of them the time he was in jail?

Mr. SULZER. They would stay here, of course.

Mr. BENNET of New York. Then, they would stay here after he got out.

Mr. SULZER. Who is to support them after he is deported?

Mr. BENNET of New York. The same people who are supporting them when he came out of jail; when as a criminal he commits some other criminal act, as 90 per cent of the criminals do who come——

Mr. SULZER. Then, you intend to separate these families forever. In my opinion this bill presents several very serious aspects, to say nothing about its doubtful constitutionality.

Mr. BENNET of New York. I do not; he does. He does it by his act.

Mr. SULZER. No; it is to be done by this law.

Mr. COOPER of Wisconsin. May I ask the gentleman a question? Suppose this felony committed by an alien was a murder and under the statute he was to be hung?

Mr. BENNET of New York. At the expiration of his term, if the warrant could get him, he would be sent back.

Mr. COOPER of Wisconsin. Then your resolution ought to be amended to provide for cases in which the death penalty is to be inflicted.

Mr. BENNET of New York. I have thought that out very thoroughly, and I will say to the gentleman from Wisconsin it does not seem worth while to make the exception, because if some party goes where the warrant could not operate because he would not be there——

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him one more question?

Mr. BENNET of New York. Certainly.

Mr. COOPER of Wisconsin. What provision of law is there to-day for the deportation of a convict coming here from a foreign country who is pardoned in that country upon the condition that he leave it?

Mr. BENNET of New York. Any criminal who comes to this country, if he gets through our barriers in the first instance, can be deported at any time within three years and sent back to the country from whence he comes.

Mr. COOPER of Wisconsin. Will the gentleman permit me to state an instance which came under my observation in the city of Chicago? A number of years ago I went to call on a friend, a former classmate, who was engaged in a criminal trial in the city of Chicago. The defendant, Frank Mulkowski, a swarthy fellow about 40 years of age, was on the witness stand when I entered the court room. He was charged with killing and robbing a woman by the name of Agnes Klietziek, in whose home he boarded. The prosecution had a record from Europe showing that when he was 18 years of age across the water he had killed a man for the purpose of robbery, for which crime he had received a life sentence. After serving twenty years or more he had been pardoned on condition that he leave that country. On leaving prison he came to the United States and after being here only about six months had killed this woman for purpose of robbery. For this murder he was hung. In his case there must have been something exceedingly lax in the administration of our immigration laws.

Mr. BENNET of New York. If I had the time I could explain four different ways in which they might get into this country without reflecting in any degree upon our administration on our shores. But I want to say to the gentleman from Wisconsin [Mr. COOPER] and to the House that this is one of the objects of this bill, so that the criminals abroad will not have, as I find that some of them do have, as I am told by chiefs of police in foreign countries they do have, the idea that this is an asylum of refuge for criminals. It is not and ought not to be, and if you pass this law it will deter the criminal class from coming. As everybody in this House knows, I am in favor of sound, decent, able-bodied, and moral immigrants coming, and one of the best ways to protect them here and in coming is to provide that the criminal and vicious shall be both barred.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. BENNET of New York. Certainly.

Mr. HUGHES of New Jersey. As I heard the reading of this act it provides only for felonies?

Mr. BENNET of New York. Yes.

Mr. HUGHES of New Jersey. The crimes act in my State, as I remember it, makes no practical recognition of felony in terms. It classifies crimes as misdemeanors and high misdemeanors. I want to say that I believe my community would be very much benefited by the passage of this law, and I would not want my community to be barred from taking advantage of the provisions of the act by reason of the fact that it was not concisely and properly stated.

Mr. BENNET of New York. I will say to the gentleman, if his recollection is correct and the bill passes this House, I will be very glad to go with him to the Senate committee and see that we put his criminals in the bill.

Mr. SULZER. Suppose a governor should pardon a man.

Mr. BENNET of New York. Then the law would not act on him.

Mr. SULZER. He would be restored to all his rights, and hence could not be sent back.

Mr. BENNET of New York. Yes.

Mr. SULZER. There is nothing in your bill to that effect, however.

Mr. BENNET of New York. The pardon wipes out the conviction. This law only acts at the expiration of his sentence. Similarly it would not act on a man on whom sentence was suspended.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has occupied fourteen minutes, and he has six minutes remaining.

Mr. BENNET of New York. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I think there is considerable doubt about the desirability of this legislation. Let us take one or two cases, for instance. Many of the States have the parole system. Under the operation of this bill any man who, in the heat of passion or under stress of circumstances, may have committed some crime for which he is sentenced to the penitentiary, comes out on parole, endeavors to be a good citizen, and his sentence has not yet expired. Perhaps he marries; perhaps he does not know this law. I have even seen Members of Congress who did not know all the laws. He may have children; but at the end of his term of service—without trial, without investigation so far as his rights are concerned—he is seized by the officers of the law and taken into a foreign country. Take the particular case and present it to this House and there is not a man here who would vote to deport such a person.

Now, this bill is not designed to prevent criminals coming to this country. It is designed to add punishment after the sentence of the law has been complied with. I have always been taught to believe that when a man has paid the penalty provided by the law for his crime that, so far as the State was concerned, he stood on an even footing. Here is a proposition

to add an additional penalty—not merely take away that which the law takes away from you or me or other citizens, but to add to his penalty. In other words, to make a crime committed by an alien subject to greater penalties than a crime committed by a citizen.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. DRISCOLL. Does not the gentleman think that the courts would be apt to consider the fact that he would be deported after the expiration of his imprisonment in imposing a sentence, and does not the gentleman think really that some courts might make it very short in order to get rid of him? I do not know but it might be as well to make the sentence very short and avoid the expense.

Mr. MANN. It may be, for aught I know, that in the State of New York the judges consider these matters in giving sentences.

Mr. DRISCOLL. They consider all things and all matters.

Mr. MANN. And it so happens in a majority of the States that the judges do not determine the sentence in felony cases. It is left to the jury in most cases, and the jury would have no knowledge in reference to this law——

Mr. OLMSTED. Will the gentleman yield to me?

Mr. MANN (continuing). It would be error to instruct the jury under such a law as this—plainly and clearly error. Now I yield to the gentleman from Pennsylvania.

Mr. OLMSTED. This resolution provides that at the expiration of his sentence he shall be returned. Now, in Pennsylvania we have a custom of allowing a certain commutation for good behavior in prison, so that a man sentenced for four years might get out three months short of that time. Is the gentleman sure, and can anybody be sure, that under this bill as it now reads, he could be deported under these circumstances?

Mr. MANN. I do not know; no one can answer any question with authority on law. So far as the terms of this resolution provides, it would take the opinion of a court, and a man who had been hanged could be taken back from the country from which he came. Whether that would be executed I suppose would depend upon the diligence and desire of the Commissioner of Immigration, because all officers do not obey the letter of the law, in spite of what it says. I have seen no demand for the passage of a law like this and no reason given for it. We have just passed the immigration act. The immigration and naturalization act has just gone into effect. Why, now, should we be endeavoring to add more penalties before the law we have recently enacted has well gone into effect?

I know the horror that men have of having criminals brought to the country. Why, two-thirds—sometimes three-fourths—of the crimes committed in the country are not committed by habitual criminals at all. Nor do I think we ought to take the right to say that we will permit a man to come here, accept his renunciation of allegiance to a foreign potentate, grant to him the homestead privilege and other privileges, that we permit him to marry, permit him to have children in the country, and permit him to be taken away as an additional penalty for a crime he may have committed, at the expense not of himself alone, but at the expense also of those who are dependent on him.

Mr. RUSSELL of Missouri. Will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. RUSSELL of Missouri. I would like to ask if it is not often the case that where a man is convicted of a felony, after he has been confined some time, the governor grants him a pardon? In these cases under this bill would not that man be deported?

Mr. MANN. I suppose that he would be deported, whether pardoned or not; I do not know, and nobody knows. Now I yield to my colleague from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, the gentleman from New York [Mr. BENNET] would have this House believe that this bill applies to criminals whom, as he says, we can well afford to lose. He would also have it understood that felony signifies a crime of high degree, and he would impress us to the effect that this bill intends only the deportation of persons guilty of high crimes. If this were true, I should not object to the passage of this bill. But had the gentleman taken my advice and accepted the amendment which I suggested to him, namely, that the provision of this bill should apply only to such crimes as are made felonies by the United States Statutes, or clearly set out the crimes, causes, and conditions for and under which such alien shall be deported, then the bill should have my unqualified support, for I approve and acquiesce in its underlying principle.

On the face there is nothing alarming about this bill, for the language employed is perfectly simple. Yet, notwithstanding its guileless phraseology, it comes dangerously near being a "wolf in sheep's clothing," because its terms are misleading.

In order that I may not be misunderstood, I want to impress upon you from the very outset that I am unalterably opposed to any crime or offense, and I hold that all malefactors, transgressors, and violators of law, whether rich or poor, high or low, should have such lawful punishment meted out to them as is commensurate with their evil doings. I am proud to be able to point to my record of twelve years on the bench in one of the busiest, most trying, and most cosmopolitan courts in the world in proof of my assertion. Much, however, as I am opposed to disobedience to and disregard of the precepts of society—the law—I am equally opposed to any and all unjust and unfair laws, and to cruel, inhuman, and barbarous penalties. Far be it from me to set myself in opposition to any law conducive to the betterment of conditions or to the preservation of the safety of the people of the United States. Just as far be it from me to be silent when I apprehend that that safety is endangered by ill-advised legislation. The interests of our country and the welfare of our people are as near and dear to my heart as to that of any Member of this House. [Applause.]

Now, I do not question in the least the sincerity and honesty of purpose of the gentleman from New York who introduced and who is now urging the passage of this bill. I firmly believe that he failed to realize the far-reaching effect its passage would have and the awful cruelties and injustice it would work. For fear that you may not have grasped the importance and ultimate effect of this bill I shall read it to you:

A bill to amend section 21 of the immigration law.

Be it enacted, etc., That section 21 of the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, is hereby amended by adding at the end thereof the following:

"*Provided further*, That any alien who is now under sentence because of conviction in this country of a felony, or who may be hereafter convicted of a felony, shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came in the manner provided by section 20 of this act."

SEC. 2. That section 21 of the said act, as so amended, is hereby reenacted.

Now, what is a felony? Bishop and other authorities say that felonies in this country are generally held to be offenses or crimes punishable by death or imprisonment in the penitentiary. The greatest authorities on criminal jurisprudence say that a felony is so generally associated with the idea of capital punishment that it is hard to separate the two. The distinction between felonies and misdemeanors corresponds roughly to that between grave offenses and such as are less heinous in character. In most of the States the distinction between felony and misdemeanor has been abolished by statutory enactment, an example likely to be followed more widely in the near future. To this question I now invite your special attention.

Felony, as will have been noticed, has been universally accepted as, and construed to mean, a grave, infamous, and atrocious crime punishable by death. But at the present time nearly every offense punishable with imprisonment in the State prison or penitentiary is a felony. In nearly all the States imprisonment in the penitentiary has been made the penalty for almost all misdemeanors, thereby transforming them into felonies. No one will deny the fact that many felonies of to-day were looked upon as minor offenses only in former times, in times known to us as days of barbarism, when corporal torture was a favorite punishment. In some of our States the stealing of a lamb, a chicken, a chunk of coal, a loaf of bread, or anything, no matter how insignificant, the selling of liquor, playing cards, or wagering on a horse race are made felonies.

Have you considered the cruelty of the punishment which this bill, if passed, would inflict upon an unfortunate alien who may be guilty of some minor offense for which the statutory penalty would be imprisonment in the penitentiary? Have you considered the case of an alien, perhaps a sober, industrious working man, stricken down by some illness long drawn out? His savings from his hard-earned wages have become exhausted, his credit cut off; misery knocks at his door; there is no way to provide for the dire necessities of his family which thus finds itself on the verge of starvation. Perhaps he makes use of money intrusted to him or, let us call it by the uglier name of stealing, yet honestly intending to replace the money he has taken as soon as he is able to earn it. He is detected, called upon to make restitution, and is unable to do so. He is guilty of embezzlement, perhaps of grand larceny; both felonies in every State. To such a man scant mercy is shown in a court of justice; the very fact that he is an alien is a circumstance that weighs against him. He is convicted, sentenced, sent to prison. The family is fatherless and without a provider. In the midst of all the trials and tribulations to which it is subjected it struggles along bravely, hoping for the day that the husband and

father will return and take from them the burden they now carry when the prison doors shall have opened for him. Eagerly, anxiously, impatiently do they bide this time. At last the day comes when the term of his imprisonment has expired; the day to which he and his loved ones have looked forward for the reunion after months, perhaps years, of separation. Behold, the law steps in and, horribile dictu, tells him that he is a felon, that he must be deported, that the law will tear him away from wife and children, leaving them to the mercies of a rude world. Can you imagine the heartrending scene which then ensues? The state erects a barrier between him and those nearest and dearest to him. What is to become of them? Friendless, the wife and children of a felon—a felon by the force of our unfair and unequal law, shunned by neighbors, unable to obtain work wherewith to earn a living, destitution staring them in the face. Who will provide for them? Who will so shape their affairs for them that the children may have the advantage of an education and grow up to become good citizens?

We cry out against pauperism. We bring to bear all the ingenuity of philanthropy to lessen its evils and to deplete its army. Yet, in the instance I have cited, we make paupers of a family and surrender them without regard or compassion to all the misery that waits upon the condition of such as they. Truly, we make the innocent suffer for the guilty. Our laws provide against the abandonment of the wife by the husband, against the abandonment of the children by their father, against the failure on the part of the man to support those whom he has sworn to support. Yet, if this bill is passed, we bring about the very things which ordinarily we forbid. Think you that laws are just, that laws are righteous and fair which would so severely punish a man by imprisonment and subsequent deportation because he has stolen, perhaps, something of small value, the while we allow to go unpunished men who are guilty of stealing millions of the savings of the people, thereby causing unspeakable suffering and hardship. [Applause.] I do not mean that where an alien commits an illegal act the fact that he is an alien should condone or mitigate such illegal act. I believe that all aliens to whom we extend the advantages of civic liberty should conform with the legal as well as moral obligations which we as citizens owe our country.

In a recent speech before the New York State Bar Association, having for his subject "Centralization by Construction and Interpretation of the Constitution," Judge J. M. Dickinson is quoted as having branded Congress, both the House and Senate, with ignorance and charged them with disregard of the constitutionality of bills brought before their august body for consideration and execution. He is said to have pointed out that it was the tendency on the part of men in both Houses to yield to the popular clamor and vote for bills which on their face were of doubtful constitutionality. I for one shall not go on record as being in favor of an unconstitutional bill, and I trust that none of you gentlemen will. Our Constitution is the foundation of our laws, and it must be upheld in any and all events. If there is a bill which appears to me to be unconstitutional, I feel it my duty to point it out and insist upon it being made constitutional, if possible.

And the mere fact that a bill may be a popular one, tending to appease the temporary clamor of some people, will not in any way influence me in the least if I believe that the same is unfair, unjust, or unconstitutional.

I am quite satisfied that this bill, besides being essentially cruel in its effects, is also clearly unconstitutional. It conflicts with section 9 of Article I of the Constitution, which provides that "no bill of attainder or ex post facto law shall be passed." The bill provides that "any alien who is now under sentence because of conviction of a felony shall at the expiration of his sentence be taken into custody and returned to the country whence he came." Bishop, in his work on Criminal Law, says:

> An ex post facto law may, with reasonable precision, be defined to be one making punishable what was innocent when done, or subjecting the doer to a heavier penalty or burden than was then provided.

The bill is also in contravention of Article VIII, which provides that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted." Surely the deportation and separation forever from those nearest and dearest to him of a person for any minor offense which we constitute or call a felony is so cruel and unusual a punishment as to come clearly within the purview of this article of the Federal Constitution.

The bill is further in contravention of Article XIV, section 1, which provides as follows:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

In so far as this section deals with the rights and privileges of citizens of the United States, it does not of course apply to the case under consideration. But it is to be noted that the section makes a distinction as to citizens of the United States and "persons" within the jurisdiction of the United States. To such "persons" this section of the Constitution guarantees "the equal protection of the laws." Equal with what, or with whom? Evidently the protection of the law is to be vouchsafed equally to citizens and to "persons" not citizens of the United States. Now, sir, this bill, I submit, is clearly in violation of the terms of the section I have just quoted, in that it does discriminate against "persons" not citizens but within the jurisdiction of the United States. It fails to accord to these "persons" the equal protection of the laws, or, more correctly stated, it deprives them of the same. A citizen of the United States, having suffered imprisonment for a given offense, could not be deported; a "person," not a citizen of the United States, having suffered such imprisonment should not be subjected to further punishment without due process of law. This bill, if passed, would cause that to be done, and would thus be in violation of Article V of the amendments to the Constitution, which provides that no "person be subject for the same offense to be twice put in jeopardy of life or limb; * * * nor be deprived of life, liberty, or property without due process of law." I am thus careful, Mr. Speaker, to quote these provisions of the Constitution in order that I may warn the House not to commit itself to a measure which would violate it in more particulars than one, and which, I firmly believe, would not stand the tests of the courts. There is another aspect of this case which it occurs to me to urge upon the consideration of this House, and that is that most of our treaties with foreign powers provide "that the citizens of either country shall in all cases enjoy the same security and protection as the natives of the country in which they reside, on condition that they submit to the laws, decrees, and ordinances there prevailing." I invite attention to the fact that an alien who for some offense may have undergone a term of imprisonment in the United States, may upon termination of such imprisonment have the best intention to submit to the laws, decrees, and ordinances prevailing in the United States, and having by his imprisonment satisfied the law of the land for the offense which he committed, he is entitled, in accordance with the treaty provisions I have quoted, to the same security and protection as the natives of the country. Again, Mr. Speaker, I desire to emphasize the fact that I have no sympathy with violators of law, no matter whence they hail or what may be the nature of their offense, but I must confess that my sense of justice will not permit me to stand by idly and see an injustice perpetrated where justice only should be done.

In this connection permit me to read an excerpt from a speech delivered by the Hon. William H. Taft, Secretary of War, and prospective candidate for President, at the annual dinner of the Brooklyn Bar Association, at the Union League Club in Brooklyn, last Saturday. He said: "Certainly Congress ought to take some steps directly authorizing the Executive to use the forces at his command to protect the treaty rights of such aliens, and ought to vest the courts of the United States with power to punish the person who would violate such alien rights." But he should not have stopped there; he should also have said that the Congress should insist upon the enforcement by the Secretary of State of our treaties with those foreign countries which are violating those treaties by refusing to honor the passports of the United States, as the "Goldfogle resolution," passed in the Fifty-eighth Congress, requested and instructed him to do. [Applause.]

Let us pass for the moment from the contemplation of the unconstitutional features of this bill, and view it from the wholly humanitarian and rational standpoint. A law which contemplates vengeance is void ab initio, because the very reason and purpose of inflicting punishment for the transgression of the law is to instill respect for it and to prevent a repetition of the offense. Its further object and purpose is to reform and uplift the offender morally and to aid him to become a useful member of society. Its object is not to cast him into gloom and misery; nor to exhibit him as an object of scorn, or as a leper in a healthy community, despised by all, and finally compel him to go to his grave with the indelible brand of shame and degradation. On the contrary, sir, the object of all law, especially criminal law, is not only to inflict punishment, not only to protect society against the evil-doer, but its highest and noblest purpose is to restore the transgressor to normal conditions of right-doing and to open up again to him the honorable

paths of an honorable life. [Applause.] Let our love for liberty and humane treatment guide us aright and away from the course of blind and indiscriminate severity. Let our judgment be tempered with mercy. [Applause.] Let us remember that—

The greatest attribute of heaven is mercy;
And 'tis the crown of justice and the glory.

Mr. Speaker, I take it that the people of the United States can, through their Government, suppress crime, so far as crime can be suppressed, and can punish it so far as it ought to be punished without incurring the danger of going beyond the lines of demarcation between the vengeance of the law and revenge. Because of the misdeeds of some aliens who thereby proclaim themselves almost outcasts from society, we should not seek to encompass retribution by the enactment of laws that bear with equal severity upon the totally depraved and those who for a moment only have strayed from the straight and narrow path of right. We should not place ourselves in the same position with a country where brute power is the law of the land. A country that is governed by moral lepers and physical cowards, the soldiery of which is utterly destitute of human feeling and wholly without mercy; where justice and honesty are unknown and bribery reigns; where the natural rights of humanity are totally disregarded. A country that encourages, yes, instigates savage massacres, where mothers and daughters are subjected to criminal outrages of the beastly Cossacks; where innocent babes are torn from the breasts of helpless and defenseless mothers and slaughtered; where children are deprived of their inalienable right to self-improvement and knowledge; where the suppression of education is of great use to the autocracy—ignorance being the best safeguard of loyalty. A country of insecurity, perpetual inconstancy, and inequality, where the most deplorable venality reigns. A country which imprisons men and women in dungeons, there to rot and never to be heard from again, or whence they are deported, banished, and exiled to the horrors of hellish Siberia, because they are pleading for personal rights, liberty, and humanity.

Be it to the indelible and everlasting shame of Russia, where these atrocities are committed and it is that Government which is responsible for the growth and breeding of anarchy.

I have no compassion or charity for the doctrine of anarchism, nor for its followers, nor for criminals, whether they be aliens or citizens of the United States; they should be dealt with sternly and promptly.

But, Mr. Speaker, let us not, while seeking to do justice to society in general, do that which in the last analysis is unjust. Because an alien may have committed a minor offense which for the time being has subjected him to punishment, let us not for that reason only put him in the same class with those other aliens the sole object and purpose of whose being is to do evil, who would overturn the very foundations of society and bring chaos where order now reigns; and against the latter our laws give us ample protection. The act to regulate immigration passed by the last Congress contains, among others, the following provisions:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose.

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than $300 for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid.

SEC. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section 20 of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 19 of this act.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor shall be fined not more than $5,000, or imprisoned for not more than five years, or both.

Let us have laws that are humane, just, and fair. Let us not lay too heavy a hand upon an erring fellow-being who perhaps through want and misery was driven into committing an offense. [Applause.]

In behalf of thousands upon thousands of honest, upright, industrious, liberty-loving, and self-reliant people, who fled from lands of bigotry, oppression, and tyranny, many of whom sacrificed everything to erect on these hospitable shores the altars of religious and political liberty; who, like men everywhere, may err sometimes, may commit an offense which is branded as a felony—in behalf of all these I pray you to lay aside all prejudices which might interpose an obstacle to dealing with them as you would be dealt by, and which would prevent you from being guided by a righteous judgment by the higher and nobler principles of fairness, justice, and humanity. [Long and continued applause.]

Mr. MANN. I yield three minutes to the gentleman from Illinois [Mr. LOWDEN].

Mr. LOWDEN. Mr. Speaker, there is one phase of this resolution to which I desire to call the attention of the House. Under our policy aliens are welcomed to this country. We give them the protection of our laws, and if while they are under our jurisdiction, while they are without the protection of the country they have left, they commit a crime, then we say, after they have committed the crime, that we will deport them back to the country from which they came. Suppose that former country, they having renounced allegiance to that country, did not desire them back, when the only reason in the world for sending them back was for an offense committed on American soil. Would it not embroil us in all sorts of international complications with other countries?

There are certain countries which make it a crime for their citizens to emigrate to a foreign country. We welcome them, however, and under our law they are safe, while within our jurisdiction. But when we deport them, they having given up allegiance to their foreign country, as they have in certain cases, they are men without a country. In other words, we would deliberately deport them to the country of their birth, there to be punished for crimes which were not crimes in the eye of our law. I do not believe that any law which makes a distinction between an alien who has been welcomed here for anything he does while here and our own citizens native born is a safe distinction to make. [Applause.]

Mr. MANN. I yield to the gentleman from New York [Mr. GOLDFOGLE] three minutes.

Mr. GOLDFOGLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GOLDFOGLE. I desire to offer an amendment to the bill, which amendment I send to the Clerk's desk, and ask to have it read. Will it be in order now to offer an amendment to the bill?

The SPEAKER. The gentleman may have anything read that he desires in his own time, but the Chair fancies that the gentleman is possibly aware of the rule that under a motion to suspend the rules no amendment is in order.

Mr. GOLDFOGLE. I will ask to have my amendment read, which I proposed to offer.

The SPEAKER. It will be read in the time of the gentleman, as a part of his remarks.

The Clerk read as follows:

Add to the bill the following:

"Provided always, That such deportation shall not take place until thirty days after the service of the warrant issued by the Secretary of the Department of Commerce and Labor: *And provided always,* That the Secretary of the Department of Commerce and Labor may, if he

deems that the interests of the public will not be injured thereby, allow such convicted alien to remain in the United States, anything hereinbefore contained notwithstanding."

Mr. BENNET of New York. I make the point of order against the gentleman's amendment.

The SPEAKER. The gentleman's amendment is not in order under a motion to suspend the rules. It is read as a part of his remarks.

[Mr. GOLDFOGLE addressed the House. See Appendix.]

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. I now yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I shall not undertake in the two minutes' time I have to discuss the constitutionality of this bill. I think myself any lawyer who examines it carefully will be convinced that there is one provision of it that makes it unconstitutional. But if it was absolutely constitutional, it is as unwise a piece of legislation as has ever been proposed to this House, in my judgment. The proposition is practically this: That the law shall put all proper safeguards around the admission of aliens—and that is right—and then the immigrant having passed these safeguards, and having been given the right to come into this country, and having given up his allegiance to the country from which he came, shall, if he subsequently be convicted of an offense declared to be a felony, and which may be a very immaterial offense, by virtue of that fact, be deported.

Now, it was well brought out by the gentleman from Illinois that we might declare he should be deported to the country from which he came without having it altogether in our power to carry out our declaration. Certainly if an American went to England, renounced his allegiance to this country, was guilty of an offense there, and England undertook to deport him to America, America might very well question the right of England so to do.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. SHERLEY. I will yield for a question.

Mr. GOLDFOGLE. And suppose, too, the country whence he came had in the meantime passed the statute forbidding his return, what then?

Mr. SHERLEY. The gentleman simply further illustrates the fact that this might create a condition in which a man is without a country. We do not proceed in this civilized age upon the assumption that a man who is convicted of a crime and who serves his penalty for having committed that crime is necessarily a person beyond the pale of the law or of civilization. There are hundreds of men who have been guilty of wrongdoing that subsequently became good and desirable citizens and residents of the community. And without any investigation, but simply upon the fact that he has been convicted of what may be a very ordinary offense, this bill requires that he be deported. It is a barbarous proposition and against every instinct of humanity and all fair dealing. [Applause.]

Mr. BENNET of New York. Mr. Speaker, I yield two minutes to my colleague [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, we are all agreed that nothing is more important for the welfare of this country than to get in a proper class of foreigners and keep out an improper class. The law provides that no foreigner shall be received into our citizenship if he has committed a felony in his own country. By what reasoning shall it be said that the man who commits a felony in Italy we will not take in, but the man who commits one in this land after he arrives here we will keep? Where is the distinction? Why is the one an unfit man that must be kept out from the fact that his crime was committed abroad, and the other is a fit man because his crime was committed here?

The objections offered by the gentleman from Illinois and the gentleman from Kentucky about international complications are not well taken. No nation has ever refused to receive back anybody that sought to come to these shores. International complications have arisen where people coming from a foreign land, having come here, have returned to their own country, and then their government said to them——

Mr. SHERLEY. But the gentleman has never had this sort of condition arise, where a man might stay here in America ten years under sentence, and then having been ten years from his own country, allegiance to which he has renounced to come here, is returned there.

Mr. PERKINS. But the man long before he had been here ten years would become a citizen.

Mr. SHERLEY. Not at all. Here is a man who is here for six months, we will say, and he is convicted of a felony, and he is put into a penitentiary and serves a ten-year sentence.

Mr. PERKINS. Let me suggest in reply to that that we are constantly sending back to these countries persons who, though they have landed, by reason of becoming a public charge or for other reasons are returned to their own country, and never has there been any international question or any trouble with any government receiving back on its own shores its own citizens, though they have come here with the desire of staying here and we have sent them back. The apprehension of any international troubles from sending back these men convicted of crime is without foundation. The only question is whether it is not good policy for our protection, for the protection of the others of the same nationality, that those among them who commit crime should be deported.

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET of New York. I yield one more minute to the gentleman.

Mr. PERKINS. There is a large Italian population and most of them are eminently good citizens. A very small proportion are very bad citizens, who commit crimes. Those crimes are almost entirely at the expense of other Italian citizens. The demand comes up from the Italians themselves, from those who wish to become citizens, that those who are of their own nation who have come over with them and who are guilty of felonies should be separated from them and sent back to the land whence they came. Why should any gentleman be strenuous to keep in the midst of communities of well-behaved aliens who come here, as well as those of us who are already citizens, a class of criminals who commit crimes and are convicted of them, and whose further stay is detrimental alike to their own people and to us of whom they will become a part. This bill which my friend from Illinois said was not demanded has had demands, I think, from almost all the persons connected with the charge of this class from our part of the country.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, the gentleman from Illinois [Mr. SABATH] gave reasons why the bill ought not to pass, which reminds me that two years ago a question was raised as to the citizenship of his predecessor. It was claimed, on the one hand, that Mr. Michalek, his predecessor, was an alien, and on the other that he was a citizen. He had come here as an infant. Under this bill if it had been determined that Mr. Michalek had not acquired citizenship by reason of his father having become a citizen, and it was shown that he had voted in the State of Illinois, he would have been subject, first, to a conviction for voting, and then to deportation under this bill. A more preposterous thing it is impossible for me to imagine. A few years ago there was a contest as to who was elected the governor of the State of Nebraska. Governor Boyd had received the most votes. It was urged that he was not a citizen. The State was nominally Republican. He was a Democrat. It was claimed that he had never been naturalized. He supposed he had been naturalized. He had held office for many years, had voted for more than a quarter of a century, and if the question was raised under this bill, if it had been determined that he, coming here as an infant, had not been naturalized by the naturalization of his father, he might have been deported. What more preposterous thing could be brought into this House? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET of New York. Mr. Speaker, the gentleman from Illinois [Mr. MANN], I think, forgets that in a case such as he states there are two conditions; first, a man to come under the operation of this law at all must have committed a felony, and, second, that this law applies only to aliens in the same way that it has applied for fourteen years to other aliens who are being deported under section 20 at the rate of about fifty a month.

Mr. MANN. But these men would have committed felonies if they were not citizens by voting.

Mr. BENNET of New York. Then, if they committed felonies and they were not citizens, they ought to be deported.

Mr. MANN. It would have been unintentional upon their part.

Mr. BENNET of New York. If it was unintentional on their part the court would have suspended its sentence.

Mr. MANN. But there is no authority in this for a suspension of sentence.

Mr. BENNET of New York. Any court has that power. My friend from Kentucky [Mr. SHERLEY] I think was misled by an error of my own, in which I said that a man who declared his intention renounced allegiance. In the haste of debate that was my impression. I have sent for the law, and it is that a man who declares his intention simply says: "It is my bona fide in-

tention to renounce forever"—his intention to renounce at some future time all allegiance, fidelity, and so forth. So that he does not renounce——

Mr. SHERLEY. Why, the gentleman knows that frequently the very fact that he makes application to this country or any other country for admission as a citizen is by the laws of the country from which he comes taken as a renouncement of allegiance.

Mr. BENNET of New York. The gentleman from New York knows of no country in which that is law.

Mr. SHERLEY. If the gentleman will investigate, he will find that is the law of several countries.

Mr. BENNET of New York. I have so investigated. And, furthermore, almost every country in Europe has this law now. If an American citizen goes to England and commits a felony, at the expiration of his term he is sent back to this country. Germany has the same law, only in a more stringent shape.

Mr. SABATH. So has Russia.

Mr. BENNET of New York. And other countries. We hear a good deal about the individual case of hardship. Of course that is so, and it is so every time a man is sent to State prison; it is an individual hardship on his family, but we have not heard a word about our right to protect society, the innocent and guiltless, from the acts and aggressions of these others. I am in favor of liberal immigration and——

Mr. SHERLEY. But does the gentleman consider it necessary in order to protect society to put out of any country every man who is guilty of a felony? Now, that is the proposition.

Mr. BENNET of New York. I will answer it squarely. I say in our country we are entitled for the protection of society to deport every criminal alien who comes here with the implied promise to abide by our laws and obey them, then disobeys them.

Mr. SHERLEY. For the protection of society we have the right to do anything, but is it necessary for the protection of society to deport these people?

Mr. BENNET of New York. I decline to yield further except to say that in my judgment after investigation abroad for five months since the expiration of the last Congress, in the judgment of the Commission, every member of the Immigration Commission has thought that this bill was proper. I have nothing further to say except——

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. BENNET of New York. In a moment. If you pass this bill, you will decrease crime amongst aliens, you will decrease suffering amongst their families, you will deter the criminal alien abroad from coming to our shores.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is upon suspending the rules and passing the bill.

The question was taken, and the Speaker announced that the Chair was in doubt.

The SPEAKER. As many as favor suspending rules will rise and stand until counted. [After counting.] The ayes will be seated and the noes will rise. [After counting.] Upon this vote the ayes are 64 and the noes are 50.

Mr. BENNET of New York. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from New York demands tellers. As many as there are in favor of ordering tellers will rise and stand until counted. [After counting.] Twenty-five gentlemen have risen, not a sufficient number, and tellers are refused. Two-thirds not having voted for the passage of the bill, the same is rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15219. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1476. An act to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch; and

S. 2982. An act to codify, revise, and amend the penal laws of the United States.

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. 2982. An act to codify, revise, and amend the penal laws of the United States—to the Committee on the Revision of the Laws.

S. 1476. An act to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch—to the Committee on the District of Columbia.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask that pension bills on the Private Calendar may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills upon the Private Calendar in order for to-day be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, if the gentleman from New Hampshire will modify his request so as to make it apply only to pension bills, I will not object.

Mr. SULLOWAY. That is what I did say.

The SPEAKER. The Chair probably stated it wrongly. The gentleman from New Hampshire asks unanimous consent that pension bills on the Private Calendar in order for to-day may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and a joint resolution of the following titles:

On February 26, 1908:

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes;"

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation;

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.; and

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

On February 28, 1908:

H. R. 6515. An act for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased.

REPORT CONCERNING SETTLEMENT OF SAMOAN CLAIMS.

The SPEAKER laid before the House a message from the President, which was read and, with the accompanying document, referred to the Committee on Appropriations and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State concerning this Government's obligation to pay to the Government of Norway the sum of $200 under the convention between the United States, Great Britain, and Germany for the settlement of Samoan claims, which was signed at Washington on November 7, 1899.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 2, 1908.*

PENSION BILLS.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

The bill (H. R. 3510) granting an increase of pension to Henry McCall.

Mr. SULLOWAY. Mr. Speaker, I ask that this bill may be passed without prejudice, at the request of the beneficiary, and to remain on the Calendar.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ANDREW GODDARD.

The next pension business was the bill (H. R. 1378) granting a pension to Andrew Goddard.

The bill was read, 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 Andrew Goddard, late of Company H, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the words "Companies M and."

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.

SUSAN M. YEOMAN.

The next pension business was the bill (H. R. 1589) granting an increase of pension to Susan M. Yeoman.

The bill was read, 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 Susan M. Yeoman, widow of Samuel N. Yeoman, late colonel Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "colonel" and insert the word "lieutenant-colonel."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendments were 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.

JAMES JEFFERS.

The next pension business was the bill (H. R. 3012) granting an increase of pension to James Jeffreis.

The bill was read, 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 James Jeffreis, late of Company C, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Jeffreis" and insert in lieu thereof the word "Jeffers."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendments were 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.

The title was amended so as to read: "A bill granting an increase of pension to James Jeffers."

JAMES B. SMITH.

The next pension business was the bill (H. R. 4121) granting an increase of pension to James B. Smith.

The bill was read, 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 James B. Smith, late of Company H, Sixty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and in lieu thereof insert the word "thirty."

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.

FRANCIS H. SWIFT.

The next pension business was the bill (H. R. 4337) granting an increase of pension to Francis H. Swift.

The bill was read, 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 Francis H. Swift, late of Company I, Fortieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "and unassigned, Veteran Reserve Corps."

In same line strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were 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.

ALEXANDER BECKWITH.

The next pension business was the bill (H. R. 4413) granting an increase of pension to Alexander Beckwith.

The bill was read, 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 Alexander Beckwith, late of Company C, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

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.

JOHN O. EVANS.

The next pension business was the bill (H. R. 4974) granting an increase of pension to John O. Evans.

The bill was read, 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 John O. Evans, late of Company H, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were 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.

JULIUS M. DUTTON.

The next pension business was the bill (H. R. 4979) granting an increase of pension to Julius M. Dutton.

The bill was read, 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 Julius M. Dutton, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

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.

KIRK BROWN.

The next pension business was the bill (H. R. 5298) granting a pension to Kirk Brown.

The bill was read, 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 Kirk Brown, late of Company G, Ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

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.

The title was amended so as to read: "A bill granting an increase of pension to Kirk Brown."

JOHN H. ARNOLD.

The next pension business was the bill (H. R. 6407) granting an increase of pension to John H. Arnold.

The bill was read, 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 John

H. Arnold, late of Company E, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

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.

THOMAS CARTEN.

The next pension business was the bill (H. R. 6529) granting a pension to Thomas Carten.

The bill was read, 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 Thomas Carten, late of Company D, Sixty-third Regiment Missouri Enrolled Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Carton."
In line 7 strike out the word "Missouri."
In the same line strike out the words "Volunteer Infantry" and insert in lieu thereof the words "Missouri Militia."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twelve."

The amendments were 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.

The title was amended so as to read: "A bill granting a pension to Thomas Carten, alias Carton."

EDWARD MARDEN.

The next pension business was the bill (H. R. 6654) granting an increase of pension to Edward Marden.

The bill was read, 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 Edward Marden, late of Company E, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

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.

LANGDON SHERRIFF.

The next pension business was the bill (H. R. 7220) granting an increase of pension to Langdon Sheriff.

The bill was read, 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 Langdon Sheriff, late of Company K, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sheriff" and insert in lieu thereof the word "Sherriff."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were 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.

The title was amended so as to read: "A bill granting an increase of pension to Langdon Sherriff."

DE WITT NASH.

The next pension business was the bill (H. R. 7388) granting an increase of pension to De Witt Nash.

The bill was read, 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 De Witt Nash, late of Company D, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

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.

OLIVER JONES.

The next pension business was the bill (H. R. 7440) granting an increase of pension to Oliver Jones.

The bill was read, 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 Oliver Jones, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

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.

WILLIAM SHEPPARD.

The next pension business was the bill (H. R. 7745) granting an increase of pension to William Sheppard.

The bill was read, 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 Sheppard, late of Company K, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Volunteer," insert the words "State Militia."

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.

WILLIAM D. WILLIAMS.

The next pension business was the bill (H. R. 7746) granting an increase of pension to William D. Williams.

The bill was read, 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 D. Williams, late of Company F, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

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.

JAMES B. WILSON.

The next pension business was the bill (H. R. 7938) granting a pension to James B. Wilson.

The bill was read, 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 James B. Wilson, late of Battery E, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."

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.

The title was amended so as to read: "A bill granting an increase of pension to James B. Wilson."

HULDAH L. BARBER.

The next pension business was the bill (H. R. 7939) granting a pension to Mrs. Gershom M. Barber.

The bill was read, 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 Mrs. Gershom M. Barber, widow of Gen. Gershom M. Barber, late captain, Fifth Regiment Ohio Volunteer Sharpshooters, lieutenant-

colonel One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and brigadier-general of volunteers, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mrs. Gershom M." and insert in lieu thereof the words "Huldah L."
In same line strike out the word "General."
In line 7 strike out the word "Regiment" and insert in lieu thereof the words "Independent Company."
In line 8, before the word "lieutenant," insert the word "and."
In line 9 strike out the words "and brigadier-general."
In line 10 strike out the words "of volunteers."
In same line strike out the word "thirty" and insert in lieu thereof the word "fifteen."
In line 11, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were 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.

The title was amended so as to read: "A bill granting an increase of pension to Huldah L. Barber."

GEORGE JENKINS.

The next pension business was the bill (H. R. 8333) granting an increase of pension to George Jenkins.

The bill was read, 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 George Jenkins, late of Company H, Fifth Regiment Illinois Volunteer Cavalry, and Company I, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and Company I, Thirty-third."
In line 8 strike out the words "Regiment Illinois Volunteer Infantry."

The amendments were 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.

JOHN GIBSON.

The next pension business was the bill (H. R. 8628) granting an increase of pension to John Gibson.

The bill was read, 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 John Gibson, late of Company C, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

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.

CHARLES TITTERINGTON.

The next pension business was the bill (H. R. 8743) granting an increase of pension to Charles Titterington.

The bill was read, 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 Charles Titterington, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

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.

JOHN F. LANE.

The next pension business was the bill (H. R. 10158) granting an increase of pension to John F. Lane.

The bill was read, 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 John F. Lane, late of Company I, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

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

ALEXANDER KEEFE.

The next pension business was the bill (H. R. 11041) granting an increase of pension to Alexander Keefe.

The bill was read, 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 Alexander Keefe, late of Company A, Second Regiment United States Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

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.

GEORGE W. ROBB.

The next pension business was the bill (H. R. 11367) granting an increase of pension to George W. Robb.

The bill was read, 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 George W. Robb, late a private in the Ringgold Pennsylvania Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in the" and insert in lieu thereof the words "of Company D."
In same line, before the word "Pennsylvania," insert the word "Battalion."
In line 7, before the word "Cavalry," insert the word "Volunteer."
In same line strike out the word "fifty" and insert in lieu thereof the word "twenty."
In line 8 strike out the words "in lieu of that he is now receiving" and insert in lieu thereof the words ", the same to be paid to him under the rules of the Pension Bureau as to mode and time of payments, without any reduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were 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.

The title was amended so as to read: "A bill granting a pension to George W. Robb."

ALONZO KNOX.

The next pension business was the bill (H. R. 11687) granting an increase of pension to Alonzo Knox.

The bill was read, 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 Alonzo Knox, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

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

PHILIP BOWERS.

The next pension business was the bill (H. R. 11939) granting an increase of pension to Philip Bowers.

The bill was read, 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 Philip Bowers, late of Company M, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

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.

FREDERICK WIFFIN.

The next pension business was the bill (H. R. 12026) granting an increase of pension to Fred Wiffin.

The bill was read, 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 Fred Wiffin, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Fred" and insert in lieu thereof the word "Frederick."

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.

The title was amended so as to read: "A bill granting an increase of pension to Frederick Wiffin."

JOHN WAGNER.

The next pension business was the bill (H. R. 12490) granting an increase of pension to John Wagner.

The bill was read, 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 John Wagner, late of Company F, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

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.

ALBERT NEWTON.

The next pension business was the bill (H. R. 12629) granting an increase of pension to Albert Newton.

The bill was read, 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 Albert Newton, late of Company C, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

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

JOHN O. MATTHEWS.

The next pension business was the bill (H. R. 13140) granting an increase of pension to John O. Matthews.

The bill was read, 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 John O. Matthews, late lieutenant Sixteenth Regiment New York Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "second."

In same line, after the word "lieutenant," insert the words "Company M."

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were 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.

GRANVILLE W. SMITH.

The next pension business was the bill (H. R. 13536) granting a pension to Granville W. Smith.

The bill was read, 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 Granville W. Smith, late of Company H, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any reduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

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.

GEORGE A. OSBORN.

The next pension business was the bill (H. R. 13627) granting an increase of pension to George A. Osborn.

The bill was read, 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 George A. Osborn, late of Company B, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

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.

CHARLES W. HEISLER.

The next pension business was the bill (H. R. 14084) granting an increase of pension to Charles W. Heisler.

The bill was read, 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 Charles W. Heisler, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

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

THOMAS G. ORR.

The next pension business was the bill (H. R. 14531) granting an increase of pension to Thomas G. Orr.

The bill was read, 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 Thomas G. Orr, late of Company C, Fifth Regiment Iowa Volunteer Infantry, reenlisted as veteran and transferred to Company G, Fifth Iowa Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "reenlisted as veteran and transferred to."

In line 8 strike out the words "Company G, Fifth Iowa Cavalry."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were 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.

JOSEPH A. TURNER.

The next pension business was the bill (H. R. 14547) granting an increase of pension to Joseph A. Turner.

The bill was read, 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 Joseph A. Turner, late first lieutenant and regimental quartermaster, Eighteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

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.

GEORGE W. STABLER.

The next pension business was the bill (H. R. 14972) granting an increase of pension to G. W. Stabler.

The bill was read, 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 G. W. Stabler, late of Company D, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G." and insert in lieu thereof the word "George."

In same line, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In same line strike out the letter "D" and insert in lieu thereof the letter "C."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty-six."

The amendments were 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.

The title was amended so as to read: "A bill granting an increase of pension to George W. Stabler."

JOHN W. DON, ALIAS JOHN DUNN.

The next pension business was the bill (H. R. 14981) granting an increase of pension to John W. Don, sr.

The bill was read, 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 John W. Don, sr., late of the United States gunboat Perle, No. 57, and the U. S. gunboat Fort Hindman, No. 13, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "senior" and insert in lieu thereof the words "alias John Dunn."
In the same line strike out the word "gunboat" and insert in lieu thereof the word "ships."
Strike out all of line 7.
In line 8 strike out the words "Fort Hindman, No. 13," and insert in lieu thereof the words "Grampus, Perl, and Collier, United States Navy."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were 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.

The title was amended so as to read: "A bill granting an increase of pension to John W. Don, alias John Dunn."

EDWARD P. HOWE.

The next pension business was the bill (H. R. 15369) granting an increase of pension to Edward P. Howe.

The bill was read, 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 Edward P. Howe, late captain Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "twenty-four."

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.

RICHARD H. JONES.

The next pension business was the bill (H. R. 15893) granting an increase of pension to Richard H. Jones.

The bill was read, 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 Richard H. Jones, late of Company H, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

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.

THOMAS SHEPPARD.

The next pension business was the bill (H. R. 16286) granting an increase of pension to Thomas Sheppard.

The bill was read, 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 Thomas Sheppard, late of Company I, Thirty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

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.

JOSEPH RICKEY.

The next pension business was the bill (H. R. 16415) granting an increase of pension to Joseph Rickey.

The bill was read, 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 Joseph Rickey, late of Company A, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

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.

LOUIS N. BRADY.

The next pension business was the bill (H. R. 16444) granting an increase of pension to Louis N. Brady.

The bill was read, 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 Louis N. Brady, late of Company G, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "and," insert the word "Infantry."

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.

GRAHAM MAFFETT.

The next pension business was the bill (H. R. 4123) granting an increase of pension to Graham Maffett.

The bill was read, 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 Graham Maffett, late of Company H, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

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.

LELA L. ELLIS.

The next pension business was the bill (H. R. 1549) granting a pension to Lela Ellis.

The bill was read, 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 Lela Ellis, widow of Luke Ellis, late of Company ——, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Change claimant's name in title and body of the bill to "Lela L. Ellis."
In line 6, after "Luke," insert "T."
In the same line, after "Company," insert "C."
In line 7 strike out "Volunteer."
In line 8 strike out "twenty" and insert "twelve."

The amendments were 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.

HARRIS ALVIN CONRAD.

The next pension business was the bill (H. R. 4173) granting a pension to Harris Alvin Conrad.

The bill was read, 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 Harris Alvin Conrad, minor heir of Alvin S. Conrad, late of Company L, Sixth Regiment United State Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "heir" and insert "child."
In line 7, after "Infantry," insert "war with Spain."
Add to the end of the bill the words "until he reaches the age of 16 years."

The amendments were 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.

JORGE BENAVIDES ANDERSON.

The next pension business was the bill (H. R. 4327) granting an increase of pension to Jorge Benavides Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pensions laws, the name of Jorge

Benavides Anderson, widow of Tandy K. Anderson, late of Capt. H. B. Lamar's independent company, Texas Mounted Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the initial "H" and insert "M."
In line 8, after "Volunteers," insert "war with Mexico."
In line 9 strike out "thirty" and insert "twelve."

The amendments were 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.

DAVID M'GINNIS.

The next pension business was the bill (H. R. 5138) granting a pension to David McGinnis.

The bill was read, 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 David McGinnis, late of Company ——, Third Regiment of Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of company" and insert "recruit."
In line 8 strike out "twenty-four" and insert "twenty."

The amendments were 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.

JENNIE H. THOMAS.

The next pension business was the bill (H. R. 7169) granting an increase of pension to Jennie H. Thomas.

The bill was read, 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 Jennie H. Thomas, widow of Edward Loyd Thomas, late lieutenant Captain Loyall's company, Georgia Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Loyd" to "L."
In line 7, before "lieutenant," insert "second."
In line 9 strike out "thirty" and insert "twelve."

The amendments were 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.

PETER A. RAINBOLT.

The next pension business was the bill (H. R. 12856) granting an increase of pension to Peter A. Rainbolt.

The bill was read, 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 Peter A. Rainbolt, late of California and Texas Indian wars, 1851, 1854, and 1855, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Boling's Company B, Mounted California Volunteers."
In the same line strike out the words "and Texas."
In line 7 change "wars" to "war."
In lines 7 and 8 strike out "1851, 1854, and 1855."
In line 9 strike out "thirty" and insert "sixteen."

The amendments were 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.

FENEMORE AMES.

The next pension business was the bill (H. R. 15137) granting an increase of pension to Fenemore Ames.

The bill was read, 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 Fenemore Ames, late of the United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late" insert "landsman, United States ship Hartford."
In the same line strike out the words "of the."

The amendments were 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.

MARTHA E. M'DONALD.

The next pension business was the bill (H. R. 15179) granting an increase of pension to Martha E. McDonald.

The bill was read, 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 Martha E. McDonald, widow of William B. McDonald, late of First Regiment Georgia Volunteer Infantry, Mexican war, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "B." to "P."
In line 7, after "late of," insert "Company E."
In the same line strike out "Georgia" and insert "Missouri Mounted."
In the same line change "Volunteer" to "Volunteers."
In the same line strike out "Infantry, Mexican."
In line 8, after "war," insert "with Mexico."
In the same line strike out "twenty-four" and insert "twelve"

The amendments were 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.

MARY A. L. HAWK.

The next pension business was the bill (H. R. 15473) granting an increase of pension to Mary A. L. Hawk.

The bill was read, 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 Mary A. L. Hawk, widow of George F. Hawk, late ensign in the Navy, and pay her a pension at the rate of — dollars per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "in the" and insert "United States."
In line same line, after "rate of," insert "twenty-five."
In line 8, after "month," insert "in lieu of that she is now receiving."

The amendments were 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.

JOHN T. MALONEY, JR.

The next pension business was the bill (H. R. 15546) granting a pension to John T. Maloney, jr.

The bill was read, 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 John T. Maloney, jr., late of Company F, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "and" and all thereafter.

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.

MARY E. LEIGH.

The next pension business was the bill (H. R. 15947) granting an increase of pension to Mary E. Leigh.

The bill was read, 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 Mary E. Leigh, widow of soldier of Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "widow of," insert "Benjamin Leigh, late of Captain Green's company, Georgia Militia, Creek Indian war."
In the same line strike out "soldier of Indian wars."
In line 7 strike out "twenty" and insert "twelve."

The amendments were 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.

JAMES COCHRAN KEY.

The next pension business was the bill (H. R. 16184) granting an increase of pension to James Cochran Key.

The bill was read, 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 James Cochran Key, late of Company ——, —— Regiment Georgia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Garmany's."
In the same line strike out "Regiment."
In line 7 change "Volunteer" to "Volunteers."
In the same line strike out "Infantry" and insert "Florida Indian war."
In line 8 strike out "twenty" and insert "sixteen."

The amendments were 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.

SARAH W. PASSMORE.

The next pension business was the bill (H. R. 16241) granting an increase of pension to Sarah W. Passmore.

The bill was read, 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 Sarah W. Passmore, widow of Brewington Passmore, late of Company ——, First Regiment North Carolina Volunteer Infantry, Mexican war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Company," insert "B."
In line 7 change "Volunteer" to "Volunteers."
In line 8 strike out "Infantry, Mexican."
In the same line, after "war," insert "with Mexico."
In line 9 strike out "twenty" and insert "twelve."

The amendments were 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.

ANNIE RICKS.

The next pension business was the bill (H. R. 16331) granting an increase of pension to Annie Ricks.

The bill was read, 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 Annie Ricks, widow of Edward Ricks, late of Company —, ——— Regiment Texas Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Buckel's."
In line 7, before "Regiment," insert "Johnson's."
In the same line, after "Texas," insert "Rifle."
In the same line change "Volunteer" to "Volunteers" and strike out "Infantry."

The amendments were agree 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.

WILLIAM ABT.

The next pension business was the bill (H. R. 16803) granting a pension to William Abt.

The bill was read, 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 Abt, late of Eighth Company Coast Artillery, and pay him a pension at the rate of $50 per month for disability received in line of duty.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company," insert "United States."
In line 7 strike out "fifty" and insert "forty-six."
Strike out line 8.

The amendments were agree 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.

THOMAS J. PERKINS.

The next pension business was the bill (H. R. 17073) granting an increase of pension to Thomas J. Perkins.

The bill was read, 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 Thomas J. Perkins, late of Company B, Washington Territory Volunteers, Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Hay's."
In the same line, before "Washington," insert "First Regiment."
In line 7, after "Volunteers," insert "Oregon and Washington."

The amendments were agree 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.

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS.

The next pension business was the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war.

The bill was read, 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 Daniel H. Parrott, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James C. Fackenthall, late first lieutenant Company E, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Thompson, late of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Hardy, late of Company K, One hundredth 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 name of William H. Rupp, late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Cart, late of Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Woodward, late sergeant-major Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David N. Anderson, late of Company I, One hundred and fifty-second 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 name of William C. Hall, late of Company A, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Miller, jr., late of Company G, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles T. Haines, late of Company G, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Turner, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip S. Smock, late of Company A, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Crowder, late of Company B, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Kephart, late of Company H, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George T. Batty, helpless and dependent child of Edward Batty, late of Company H, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Nelson Clark, late of Company D, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. H. Hurry, late second lieutenant Companies E and F, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Elder, late of Companies H and A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bazil Hall, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael McNally, late captain Company E, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The name of Thomas R. Luckhardt, late of Company E, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The name of Samuel Read, late of Company E, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension of $36 per month in lieu of that he is now receiving.

The name of Horatio Webster, late of Company E, First Regiment Michigan Volunteer Light Artillery, and pay him a pension of $46 per month in lieu of that he is now receiving.

The name of Mark Harrington, late of Company C, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bolles, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon C. Grim, late of Company D, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Butler Case, first lieutenant Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Theophilus Jones, late of Company F, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Walter H. Farwell, late of Company A, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Patton, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Bireley, late of Company D, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver T. Bundy, late assistant surgeon One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Studley, late of Company C, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane M. Ketcham, late nurse Medical Department United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of Parker A. Emery, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, and One hundred and fourteenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward P. Rice, late of Companies F and K, Third Regiment United States Reserve Corps, Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Joseph Ott, late of Company K, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Adkins, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira Tupper, late of Company E, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alem Snyder, late of Companies E and C, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company C, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Hughes, late of Company E, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Hawley, late of Company E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Crofutt, late of Company H, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus T. Swain, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and One hundred and thirty-ninth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Sine, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram W. Labagh, late of Company K, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William P. Pease, late of Company B, Ninety-ninth 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 name of Benjamin F. Slater, late of Company K, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Martin, late of Company D, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus Bunting, late of Company E, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. McKevitt, late of Company E, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan T. Moore, late of Company K, Twelfth Regiment Ohio Volunteer Infantry, and Company I, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Keefer, late of Company E, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. McNair, late first lieutenant Company B, Twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Firth, late of Company C, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry S. Rider, late of Company L, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company L, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion B. Patterson, widow of Robert F. Patterson, late lieutenant-colonel Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Thomas W. Ritchie, late of Company A, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Johns, late of Company C, Twelfth 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 name of Jane E. Seaman, widow of Harmanus V. V. Seaman, late of Company A, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Francis A. Gere, late of Company A, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Smith, late of Company D, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Oliver M. Allen, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Haley, late captain Company M, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward E. Spencer, late of Company G, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred P. Slater, late of Company B, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Hawley, late of Company I, Fifteenth Regiment, and Company G, Twentieth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Brown, late of Company H, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bankson T. Morgan, late lieutenant-colonel Fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William I. Protzman, late of Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Crippen, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Stark, late of Company H, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Stogden, late of Company I, Eleventh Regiment, and Company I, One Hundred and Ninetieth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Gullett, late of Company I, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward A. Chapman, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theophilus McConnell, late of Company D, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Bowler, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Dallis Johnson, alias Dallas Johnson, late of Company G, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben J. Clarkson, late of Company F, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George C. Heberling, late of Company A, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Francis, late of Company H, Thirty-first Regiment Wisconsin Volunteer Infantry, and Company C, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Edwards, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asa B. Park, late of Company B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Hess, helpless and dependent son of Samuel Hess, late major and lieutenant-colonel Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank E. Wadhams, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Hines, late of Company G, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Watson, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rudolph B. Scott, alias Charles R. Scott, late of U. S. S. North Carolina and Chicopee, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harmon M. Billings, late captain Company E, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Lemon, late of Company D, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. G. Green, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Joy, late of Company A, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Mastilla, late of Company E, Ninth Regiment United States Colored Volunteer Heavy Artillery, and Company K, Third Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph N. Dawson, late of Company E, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram F. Hollister, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Heman R. Lybolt, late of Company F, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elicum Ayres, late of Company K, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Moore, late of Company E, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Oswald Ihme, late of Company G, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matthew J. McRaith, late of Company G, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rudolph Frey, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Homan, late of Company C, Twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Albert E. Oviatt, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonson D. Grinnell, late of Company I, Ninetieth Regiment, and Company E Battalion, Ninetieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Gugumus, late of Company B, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert J. Meserve, late of Company A, Forty-second Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Gray, late of Battery F, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth McCarthy, widow of Cornelius McCarthy, late of Company D, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Selden S. Hall, late of Company F, One hundred and third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth S. Hess, widow of Jacob Hess, late of Company A, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cecilia W. Simon, widow of Alexander W. Simon, late sergeant-major, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Virgil D. Poe, late of Company F, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Graves, late of Company C, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adeline K. Hart, widow of Andrew Hart, late captain of Company K, First Regiment United States Reserve Corps, Missouri Home Guards, and pay her a pension at the rate of $12 per month.

The name of Isaac Holcomb, late of Company C, Third Regiment North Carolina Mounted Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Robert D. Robinson, late of Company D, Thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry L. Patterson, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adelaide E. Randolph, widow of Asa A. F. Randolph, late of Company K, Twelfth Regiment New Jersey Volunteer Infantry, and Seventeenth Company Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Anna J. Randolph, helpless and dependent child of said Asa A. F. Randolph, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of said Adelaide E. Randolph the name of said Anna J. Randolph shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Adelaide E. Randolph.

The name of William McLain, late of Company M, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Charles, late of Company C, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred R. Bradeen, late of Company E, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Massie, late of Company L, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Carroll, late of Company D, Twenty-fifth Regiment, and Company K, One hundred and fiftieth 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 name of Francis Gault, late of Company A, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah B. Goehler, widow of Philip Goehler, late second lieutenant of Company G, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and captain Company C, Third Battalion Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Rufus H. Washburn, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Gardner, late of Company F, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William V. Carr, late of Company A, Fifty-fourth 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 name of William Nelson, late of Company E, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward McGinniss, late of Company B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Wilkin, widow of Jacob W. Wilkin, late captain Companies C and K, One hundred and thirtieth Regiment, and Company K, Seventy-seventh Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Caroline King, widow of Joseph King, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John A. King, helpless and dependent son of said Joseph King, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Caroline King the name of said John A. King shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Caroline King.

The name of Benjamin F. Harris, late of Company D, First Regiment Missouri Volunteer Infantry, and Company F, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Timothy C. Moore, late lieutenant-colonel Thirty-fourth Regiment New Jersey Volunteer Infantry, and captain Company K, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Michael Unbehaun, late of Company I, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah M. Sandford, late of Company F, Twenty-fourth Regiment New York Volunteer Cavalry, and Company F, First Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Timoney, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Knudson, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna Fick, helpless and dependent daughter of Carl Fick, late of Companies F and C, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alwilda Blades, widow of John H. Blades, late of Company D, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate $12 per month.

Mr. SULLOWAY. Mr. Speaker, in the case of Edward McGinniss, in line 3, page 24, strike out 20 and insert 24.

The Clerk read as follows:

Page 24, line 3, strike out 20 and insert 24.

The question was taken, and the amendment was agreed to.

Mr. SULLOWAY. Mr. Speaker, on page 25, line 16, strike out the initial "M." and insert "D."

The Clerk read as follows:

Page 25, line 16, strike out the initial "M." and insert "D."

The question was taken, and 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.

AGNES LANGE SMITH.

The next pension business was the bill (S. 712) granting a pension to Agnes Lange Smith.

The bill was read, 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 Agnes Lange Smith, widow of Lewis Smith, late major, Fourth Regiment United States Artillery, and lieutenant-colonel, Artillery Corps, United States Army, retired, and pay her a pension at the rate of $30 per month.

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

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS.

The next pension business was the bill (S. 4376) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

The bill was read, 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 Walter S. Sylvester, late of Company F, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alvin S. Doughty, late of Company H, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Linehan, widow of John C. Linehan, late musician, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Horace L. Ingalls, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hattie S. Nourse, widow of Frederick A. Nourse, late captain Company A, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel Wagner, late of Company E, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Havens, late of Company K, Eighteenth Regiment New York Volunteer Infantry, and Company A, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria Wells, widow of Moses Wells, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Littleton T. Morgan, late of Company B, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Royal M. Bones, late of Companies C and B, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephine Pagett, widow of Charles W. Pagett, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and landsman, U. S. S. Great Western, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of John C. Roth, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Allen, widow of James Allen, late captain Company L, Fifth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Lockwood, late of Company H, One hundred and nineteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Courtney, late of Company A, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ambros W. Geer, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Baker, late first lieutenant Company G, One hundred and fifteenth 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 name of Matilda Daly, widow of Edward Daly, late of Company E, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah E. Hasler, widow of Samuel J. Hasler, late first lieutenant Company G, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Theodore M. Burge, late of Company E, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Black, late of First Independent Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augusta A. Hawes, widow of Eugene M. Hawes, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and Company D, Eleventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Hiram M. Tarbell, late of Company E, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. S. Tabor, late of Company K, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah S. Luther, widow of William H. Luther, late of Company F, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Frances E. Topliff, widow of Thomas D. Topliff, late acting master's mate, United States Navy, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Sarah Cullen, widow of Philip Cullen, late of Company F, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Patrick Devitt, late of Company G, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Helen Jeffcoat, widow of John Jeffcoat, late first lieutenant of Company B, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of James I. Walker, late of Company K, Twenty-second Regiment Ohio Volunteer Infantry, and Twenty-second Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. Ewing, late of Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William P. Snowden, late of Company C, First Regiment Missouri Mounted Volunteers, war with Mexico, and veterinary surgeon Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Stannah, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. G. Maver, late sergeant-major, Twenty-eight Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel M. Smith, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson Miner, late of Company C, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis F. Clark, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Euretta Betts, widow of Willis W. Betts, late of Company D, Fourth New York Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month.

The name of William C. Piatt, late of Company H, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary H. Yule, widow of Thomas Yule, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Sophia Froelich, widow of Louis Froelich, alias August Zimmermann, late of Company D, First Regiment Louisiana Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The name of Mary McCarty, widow of Owen McCarty, late of Company K, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Daniel H. Dornsife, late of Company K, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeremiah Hazen, late of Company E, Thirty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Kell, late of Company C, First Regiment Mountaineers, California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha A. Spalding, widow of David C. Spalding, late surgeon Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Allison Varney, late of Company G, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah Trollope, late of Company I, Twentieth Regiment, and Company G, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Plummer, widow of William Plummer, late of Company B, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of James M. Grimes Keyton, late of Company M, Fourth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Imogene P. Hunsdon, widow of Charles Hunsdon, late colonel Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Peter B. Hoffman, late of Company I, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ada G. Dickerson, widow of Perley B. Dickerson, late first lieutenant Company H, Thirteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of James M. Procter, late of Company G, Third Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie E. Creary, widow of William E. Creary, late of Company K, Nineteenth Regiment, and Independent Company, Veteran Reserve Corps, and major and paymaster, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Monroe A. White, late of Company D, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Beal, late of Companies I and D, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fenimore P. Cochran, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion B. Mullen, widow of John H. Mullen, late captain Company C, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Criss Becker, late of Company G, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Lester, late of Company G, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Tyler, late of Company F, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Delu Norris, late of Company E, Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin D. Allen, late of Company H, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Miller, late of Company F, Thirty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Parnel B. Moor, late of Company B, Sixth Regiment Maine Volunteer Infantry, and Company E, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amanda M. P. Brock, widow of Alvan D. Brock, late captain Company L, Thirty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Naomi V. Culley, widow of Joseph Culley, late acting second assistant engineer, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Job Musgrave, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Truman L. Walden, late of U. S. S. Great Western and Kickapoo, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Mulock, of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Newell S. Swett, late of Second Company Massachusetts Sharpshooters, attached to Twenty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

On page 12 strike out lines 11, 12, 13, and 14, as follows: "The name of Delu Morris, late of Company E, Twenty-third Regiment Iowa Volunter Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and it was accordingly read the third time and passed.

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS.

The next pension business was the bill (S. 4740) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

The bill was read, 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 P. Damon, late of Company B, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nathan H. Landers, late second lieutenant Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joel Brown, late of Third Battery, Kansas Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis T. Penwell, late of Company B, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Noah Greer, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Marsh, late of Company K, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry, alias Halden, Hanson, late of Company G, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew F. Kenyon, late of Company E, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Kolb, widow of George Kolb, late of Company F, Third Regiment, and Company K, Forty-fourth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Samuel D. Chase, late of Company H, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Showaker, late of Company F, Twenty-seventh Regiment, and Company I, One hundred and ninety-eighth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Edmondson, widow of Sylvester Edmondson, late of Company D, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Susan A. Vantine, widow of Joseph E. Vantine, late of U. S. S. North Carolina, Richmond, and Princeton, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving and $2 per month additional on account of each of the minor children of the said Joseph E. Vantine until they reach the age of 16 years.

The name of William C. Shook, late of Company D, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward C. Ellet, late second lieutenant Company A, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Downin, late hospital steward, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Morrison, late of Company G, Seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Catherine J. V. Racey Young, widow of J. Morris Young, late colonel Fifth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Victoria Ficker, former widow of John Stotzheim, late of Company C, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of William W. Payton, late of Company K, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Martin, widow of Robert B. Martin, late captain Company D, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Sargent, late of Company A, First Battalion Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josephine E. Peabody, widow of Warren A. Peabody, late musician, First Brigade Band, Second Division, Ninth Army Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Charles W. Foss, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hattie T. Atwood, widow of Ambrose L. Atwood, late of Company K, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Elizabeth W. Shaw, widow of James Shaw, late colonel Seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Robert P. Faris, late of Companies G and B, Forty-seventh 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 name of J. Rock Williamson, late of Company G, One hundred and fifth 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 name of Frederick A. Heebner, late of Company F, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The name of Charles Clark, late of Company K, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary C. Mulholland, widow of Charles Bradley Mulholland, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of John H. Vickery, late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza J. Roberts, widow of David F. Roberts, late of U. S. S. North Carolina, Niagara, and Anacostia, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jona H. Roberts, helpless and dependent child of the said David F. Roberts, the additional pension herein granted shall cease and determine.

The name of Josephine E. Wooster, widow of Samuel R. Wooster, late major and surgeon, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Ennis, late of Company A, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Wolgemuth, late of Company H, Seventy-third 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 name of William S. Clark, late of Company K, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucretia Wilson, widow of John W. Wilson, late second lieutenant Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Legare Potter, late first lieutenant Company K, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen J. Hook, late of Company F, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo D. Holland, late of Company M, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Sirrine, late of Company C, Seventieth Regiment New York Volunteer Infantry, and Company D, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse F. Logsdon, late of Company A, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis C. Cleavinger, late of Company C, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Paul Stowell, late of Company G, One hundred and Fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Weston, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Chase, late of Company K, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Allman, late of Company E, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nelson Moore, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph M. Feather, late of Company F, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ambrose P. Phillips, late of Company G, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred W. Wright, late of Company H, and first lieutenant Company B, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isabella Ann Irvin, widow of Charles H. Irvin, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John S. Landon, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lavinia B. Persons, widow of Henry S. Persons, late of Company C, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Charles S. Leonard, alias Abner L. Wilcox, late of Company B, Second Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ida L. Read, widow of Burleigh C. D. Read, late of Company B, One hundred and thirty-second Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $12 per month

in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Burleigh C. D. Read until he reaches the age of 16 years.

The name of John A. Van Pelt, late of Company D, One hundred and twenty-seventh 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 name of Hugh H. McCurry, late of Company F, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Celia A. Smith, widow of Sidney G. Smith, late of Company K, Seventeenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of George M. D. Wells, late of Company K, Fifteenth Regiment, and Company F, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Stiles, late of Company G, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS, CIVIL WAR.

The next pension business was the bill (S. 5110) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors.

The bill was read, 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 Cassie R. Hatch, helpless and dependent child of Albion L. Hatch, late of Company F, Twenty-fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Franklin L. Mead, late of Company E, One hundred and forty-eighth 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 name of James B. Fox, late of Company C, Forty-first Regiment Iowa Volunteer Infantry, and Company M, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Daniels, late of Company H, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah S. Long, widow of Daniel P. Long, late major, Eighth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Waldo W. Gifford, late of Company G, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rose L. Gibbon, widow of Homer E. Gibbon, late of Company F, Eighty-fifth Regiment, and Company E, One hundred and twenty-ninth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Henry Kinyon, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Beddis, widow of Charles Beddis, late of Company D, Fifth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ellis A. Cloud, late of Company G, Fifth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Jasper N. Clark, late of Company I, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Cole, late of Company E, Tenth 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 name of James A. Minish, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Clara M. Foreman, widow of William Foreman, late of Company A, First Battalion Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Philo M. Russell, late of Company G, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. McReynolds, widow of James T. McReynolds, late of Company C, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John C. McReynolds, helpless and dependent child of said James T. McReynolds, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death or remarriage of Mary J. McReynolds, the name of the said John C. McReynolds shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death or remarriage of said Mary J. McReynolds.

The name of Virginia C. Cole, widow of Edwin A. Cole, late of Companies D and F, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Herbert Cole, helpless and dependent child of said Edwin A. Cole, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death or remarriage of Virginia C. Cole the name of the said Herbert Cole shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death or remarriage of said Virginia C. Cole.

The name of Dorothy M. Van Hart, widow of Isaac Van Hart, late of Company B, Thirtieth and Thirty-fifth Regiments New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Henrietta Hayes, widow of William Hayes, late first lieutenant Company C, Thirteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The name of Ellen Jenkins, widow of Jacob Jenkins, late of Company K, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Chauncey Harris, late captain Company C, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Byron D. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Caswell, late musician, band, Second Brigade, Third Division, Twenty-fourth Army Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Walsh, late quartermaster-sergeant, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Collins Van Cleve, late captain Company F, Ninth 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 name of William O. Pickett, late of Company H, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Farnham, widow of Roswell Farnham, late lieutenant-colonel Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Peter B. Groat, late of Company A, Marion County Battalion, Missouri Home Guards, and pay him a pension at the rate of $12 per month.

The name of Duncan M. Vinsonhaler, late first lieutenant Company I, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jennie P. Douglas, widow of Henry C. Douglas, late captain Company K, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anna R. Shattuck, widow of George S. Shattuck, late of Company C, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Lewis Shampine, late of Company K, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Spencer Phillips, late of Company E, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David Schooley, late of Company I, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles W. Salter, late of Company K, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis H. Shiery, late of Company E, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rosa A. Kinkead, widow of James W. Kinkead, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of George Steckenbauer, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nellie B. Young, widow of George W. Young, late of Company H, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of William H. Iliff, late of Company D, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Fisher, late of Company C, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Marpe, widow of Theodore Henry Marpe, late of Company G, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The name of Emeline H. Ewer, widow of James K. Ewer, late of Company C, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Joseph H. Suits, late of Company B, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah F. Wimmer, widow of John P. Wimmer, late of Captain Smith's independent company, Utah Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of the said John P. Wimmer until she reaches the age of 16 years.

The name of Martin Bahrenburg, late of Company C, Fifth Regiment Missouri State Militia Cavalry, and Company E, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Ashens, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lavinia Ogden, widow of Joseph G. Ogden, late of Company A, First Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Louis H. Leland, late of Companies C and D, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Draper, late of Company K, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Saunders, late of Company B, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen H. Pulling, late of Company E, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Donna M. Blatter, widow of John Blatter, late first lieutenant Company D, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Elizabeth P. Collins, former widow of Charles B. Peterson, late of Company A, Twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Edmund J. Pickett, late of Company A, Sixteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hattie L. Collins, widow of William T. Collins, late of Company A, Second Regiment United States Sharpshooters, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Robert Flett, late of Company F, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. Hewitt, late of Company E, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram W. Shepard, late of Company D, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Linn, late assistant surgeon, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Moore, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louise Ladue Duffield, widow of William W. Duffield, late colonel Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Jesse Prickett, late second lieutenant Company E, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Young, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur Ricker, late of Company B, Fifth Regiment Maine Volunteer Infantry, and Company I, Thirtieth Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ruth E. Bannatyne, widow of Robert W. Bannatyne, late captain Company B, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Austin Parks, late of Company F, Thirty-ninth Regiment, and Company F, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louisa S. Wilson, helpless and dependent child of John F. Wilson, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, and Company F, Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of De Forest Safford, late of Company F, Forty-fourth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas S. Ball, late of Company B, Tenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma H. Cotton, widow of John A. Cotton, late first lieutenant and commissary Seventeenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Hugh H. Tarbet, U. S. S. Great Western, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Helen A. Pulsifer, widow of Josiah D. Pulsifer, late major and additional paymaster, United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Henry Dorman, late of Company F, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, on page 14, line 22, I move to strike out "thirty" and insert "forty." I desire to state to the House that this beneficiary is 109 years old. He served two years and a half during the civil war. I think he ought to have an increase of $10.

The Clerk read as follows:

On page 14, line 22, strike out "thirty" and insert "forty."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it being engrossed, it was accordingly read the third time and passed.

JOHN M'NALLY.

The next pension business was the bill (H. R. 10377) granting an increase of pension to John McNally.

The bill was read, 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 John McNally, late of Company F, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill as amended was ordered to be engrossed for a third reading; and it being engrossed, it was accordingly read the third time and passed.

CALESTA CLARK.

The next pension business was the bill (S. 406) granting a pension to Calesta Clark.

The bill was read, 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 Calesta Clark, widow of Joseph Clark, late of Company G, Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

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

ELMER HONNYMAN.

The next pension business was the bill (S. 1746) granting a pension to Elmer Honnyman.

The bill was read, 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 Elmer Honnyman, late of Company A, First Regiment Nevada Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month.

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

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS, REGULAR ARMY AND NAVY.

The next pension business was the bill (S. 5255) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The bill was read, 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 Rachel Beatty, widow of William L. Beatty, late of Company A, Third Regiment United States Dragoons, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Jane Payne, widow of Anderson L. Payne, late of Company K, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Frances V. Dallas, widow of Alexander James Dallas, late major Twenty-third Regiment, and lieutenant-colonel Twenty-second Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William Lind, late of Capt. William Young's company, California Volunteers, California Indian disturbance, and pay him a pension at the rate of $8 per month.

The name of George H. Thorpe, late of Company L, Second Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Augusta C. Stouch, widow of George W. H. Stouch, late captain, Third Regiment United States Infantry, and lieutenant-colonel, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Van Ogle, late first lieutenant Company B, Washington Territory Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Adam S. Bridgefarmer, late of Capt. Hiram Wilber's Company B, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John Burkman, late of Company K, Fifth Regiment Missouri Volunteer Infantry, and Troop L, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hardin E. Runnels, late of Company B, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $10 per month.

The name of Sadonia Pierce, widow of Riley W. Pierce, late of Capt. James Smith's company, Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $8 per month.

The name of Hansford D. Wall, late of Capt. Winston Stephen's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Annie M. Dancy, dependent mother of George L. Dancy, late of Company F, First Regiment Florida Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Mary M. Wells, widow of Giles Wells, late of Company K, Second Regiment Illinois Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Fannie W. Reading, widow of Pearson B. Reading, late paymaster, Fremont's Battalion, California Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Eloise Wilkinson, widow of George Wilkinson, late of Troop E, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Lavinia A. E. Rogers, widow of William W. Rogers, late of Captain Sweat's company, Georgia Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary Varn, widow of George Varn, late of Captain Hutchinson's company, Florida Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Owen J. Revels, late of Captain Whitehead's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Anna Cochran, widow of Charles H. Cochran, late first lieutenant, Seventh Regiment United States Infantry and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of H. Rowan Saufley, late second lieutenant Company F, Second Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Archibald N. Hogans, late of Captain Hart's independent company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Emil Kuhlblank, late landsman United States steamship Palos, United States Navy, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

On page 2 strike out lines 11, 12, 13, and 14.
On page 3 strike out lines 9, 10, 11, 12, and 13.
On page 5 strike out lines 12, 13, 14, 15, 20, 21, 22.
On page 4 in line 11, after "Volunteers," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time and passed.

WILLIAM R. PHILLIPS.

The next pension business was the bill (H. R. 1399) granting a pension to William R. Phillips.

The bill was read, 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 R. Phillips, late of Company —, Seventy-sixth Regiment Coast Artillery, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," strike out "Company."
In line 7 strike out "Regiment" and insert "Company, United States."
Strike out all in the bill after the word "Artillery."

The amendments were 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.

ROY L. JONES.

The next pension business was the bill (H. R. 2932) granting a pension to Roy L. Jones.

The bill was read, 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 Roy L. Jones, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer."
In line 8 strike out "twenty" and insert "twelve."

The amendments were 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.

JOHN HEARN.

The next pension business was the bill (H. R. 9621) granting a pension to John Hearn.

The bill was read, 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 John Hearn, late of Company E, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "twenty" and insert "thirty."

The amendments were 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.

MARTHA A. SIMMS.

The next pension business was the bill (H. R. 10848) granting an increase of pension to Martha A. Simms.

The bill was read, 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 Martha A. Simms, widow of John H. Simms, late private of Captain Edgington's company, Virginia Militia, war of 1812, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "private."
In line 7 change "Edgington's" to "Edington's."
In line 9 strike out "forty" and insert "twenty-four."

The amendments were 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.

GAY W. SCHELL.

The next pension business was the bill (H. R. 13584) granting an increase of pension to Gay Warren Schell.

The bill was read, 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 Gay Warren Schell, widow of Franklin J. Schell, late a lieutenant-commander in the United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," strike out "a."
In line 7 strike out "commander in the."

The amendments were 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.

The title was amended so as to read: "A bill granting an increase of pension to Gay W. Schell."

JOHN LICHTENBERGER.

The next pension business was the bill (H. R. 13887) granting a pension to John Lichtenberger.

The bill was read, 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 John Lichtenberger, late of Company C, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer," and strike out all in the bill after the word "Spain."

The amendments 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.

STERLING A. GALT.

The next pension business was the bill (H. R. 14368) granting a pension to Sterling A. Galt.

The bill was read, 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 Sterling A. Galt, late of Company G, First North Dakota Infantry, and Company F, Thirty-sixth United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after "Infantry," insert "war with Spain."
In the same line strike out "twenty" and insert "fifteen."

The amendments were 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.

REBECCA WILLIAMS.

The next pension business was the bill (H. R. 15531) granting an increase of pension to Rebeckah Williams.

The bill was read, 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 Rebeckah Williams, widow of Augustus H. Williams, late of — company, Georgia Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Amend so as to change claimant's name where it appears in the title and body of the bill to "Rebecca."
In line 7, after "of," insert "Captain Greer's."
In the same line, before "Indian," insert "Creek."
In line 8 strike out "twenty" and insert "twelve."

The amendments were 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.

WYATT ROBERSON.

The next pension business was the bill (H. R. 15810) granting an increase of pension to Wyatt Robinson.

The bill was read, 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 Wyatt Robinson, late of Captain Kelsey's independent company, North Carolina Mounted Infantry, Cherokee war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Robinson," where it appears in the title and body of the bill, to "Roberson."
In line 6, after "Captain," insert "N."
In the same line strike out "independent."
In line 7 strike out "Mounted Infantry" and insert "Volunteers."
In the same line, after "Cherokee," insert "Indian," and in the same line strike out "war" and insert "disturbance."
In line 8 strike out "thirty" and insert "sixteen."

The amendments were 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.

MARGARET E. M'GUIRE.

The next pension business was the bill (H. R. 15904) granting an increase of pension to Margaret E. McGuire.

The bill was read, 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 Margaret E. McGuire, widow of Terance McGuire, late private in First Georgia Volunteers, in Mexican war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Terance" to "Terrance."
In line 7 strike out "private in" and insert "of Captain Dill's company.
In the same line, after "First," insert "Regiment."
In the same line strike out "in Mexican," and after "war," in the same line, insert "with Mexico."

The amendments were 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.

THETUS R. HOBBS.

The next pension business was the bill (H. R. 17483) granting an increase of pension to T. R. Hobbs.

The bill was read, 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 T. R. Hobbs, widow of Calvin Hobbs, late of Company E, First Regiment Mississippi Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "T." where it appears in claimant's name in the title and body of the bill to "Thetus."
In line 7 change "Volunteer" to "Volunteers," and in the same line strike out "Infantry."

The amendments were 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.

CHARLES PHARAZYN.

The next pension business was the bill (H. R. 17763) granting an increase of pension to Charles Phorazyn.

The bill was read, 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 Charles Phorazyn, late of Batteries E and I, Third United States Artillery, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Phorazyn" where it appears in the title and the body of the bill to "Pharazyn."
In line 7, after "Artillery," insert "Florida Indian war."

The amendments were 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. LOUDENSLAGER, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I call up for consideration the bill H. R. 15852, with an amendment.

Mr. MANN. Well, Mr. Speaker, I supposed the gentleman would move to consider the bills in Committee of the Whole House.

The SPEAKER. All bills on the Private Calendar under the rule will be considered in the Committee of the Whole House, unless by unanimous consent.

Mr. MANN. The gentleman can move to go into Committee of the Whole for consideration of the bills.

Mr. MONDELL. Well, Mr. Speaker, I ask unanimous consent that the bills may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bills on the Private Calendar reported from the Committee on the Public Lands be considered in the House as in Committee of the Whole.

Mr. MANN. I object. The gentleman knew I would object.

Mr. MONDELL. I call up the bill now.

Mr. MANN. All bills on the House Calendar under the rules must be considered in the Committee of the Whole House. Now, unanimous consent was not given, and the gentleman can move to go into Committee of the Whole House.

The SPEAKER. Undoubtedly.

Mr. MANN. For the purpose of considering the bills on the Private Calendar reported from his committee.

The SPEAKER. From the Committee on the Public Lands.

Mr. MONDELL. Well, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar reported from the Committee on the Public Lands.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. LOUDENSLAGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar reported from the Committee on the Public Lands. The Clerk will report the first bill.

HOT SPRINGS RESERVATION, ARK.

The first business was the bill H. R. 15852.

A bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes.

Whereas by section 5 of the act of the Congress entitled "An act for the establishment of land titles in Hot Springs, and for other purposes," approved June 16, 1880, the Secretary of the Interior was authorized to designate six lots of the unawarded grounds on the Hot Springs Reservation for the use of the common schools of the corporation of the town of Hot Springs as sites for schoolhouses, to be used, controlled, and managed by the common school officers of the district in which they may be located for such purposes only; and

Whereas the Secretary of the Interior, pursuant to said act, did, by his order dated January 14, 1881, and a subsequent order dated February 19, 1881, designate for the purposes in said act mentioned the following lots situate on said reservation, namely: Lot No. 2, in block No. 72; lot No. 10, in block No. 48; lot No. 8, in block No. 93; lot No. 8, in block No. 146; lot No. 18, in block No. 135, and lot No. 21, in block No. 138; and

Whereas by a subsequent act of the Congress the school officers of said school district were authorized to sell the said lot No. 8, in block No. 93; and

Whereas the best interest of the public schools of the said school district of Hot Springs, in which said lots are situated, will be subserved by vesting the absolute title to said lots in said district: Therefore

Be it enacted, etc., That all the estate, right, title, and interest, and all right of reversion of the United States in and to lot No. 2, in block No. 72; lot No. 10, in block No. 48; lot No. 8, in block No. 146; lot No. 18, in block No. 135; and lot No. 21, in block No. 138, situate on the Hot Springs reservation, in the school district of Hot Springs, in the State of Arkansas, be, and is, granted to and vested in the said school district of Hot Springs, with full power and authority of the officers of said school district to manage, control, sell, pledge, or dispose of the same, or any part thereof, at their discretion, for the use of said school district and the public schools thereof.

SEC. 2. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. MONDELL. Mr. Speaker, I move that the bill be amended by striking out the preamble, and that, when so amended, it be laid aside with a favorable recommendation.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HOMESTEAD TO CHILDREN OF PAUL CLENDENIN.

The next business on the Private Calendar was the bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers.

The bill was read, as follows:

An act (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers.

Be it enacted, etc., That homestead entry No. 24024, made July 15, 1903, at Minot, now Williston, N. Dak., land district, by Clement A. Lounsberry, guardian of the person and estate of Dorothea Clendenin, under section 2307 of the Revised Statutes of the United States, for the northwest quarter of the northeast quarter, northeast quarter of the northwest quarter section 14, and southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter section 11, township 152 north, range 104 west, fifth principal meridian, containing 160 acres, be, and is hereby, confirmed; and upon satisfactory proof of compliance with the requirements of the homestead laws as to cultivation and improvements the Commissioner of the General Land

Office is hereby directed to issue patent for the said described land in favor of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers.

Mr. MONDELL. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

WOODWARD, OKLA.

The next business on the Private Calendar was the bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes.

The bill was read, as follows:

A bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes.

Be it enacted, etc., That lot No. 1, in block No. 48, in the city of Woodward and State of Oklahoma, be, and the same is hereby, granted to said city of Woodward, for the use and benefit of the inhabitants of said city, for park and other public purposes.

The amendment recommended by the committee was read, as follows:

Strike out the word "one" in line 3 and insert in lieu thereof the word "two," and that as thus amended the bill do pass.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman why they did not accept the proposition or the recommendation made by the Secretary of the Interior in regard to this bill.

Mr. MONDELL. What recommendation? My impression is that the Secretary made no other recommendation than that carried out in the bill.

Mr. MANN. Then the gentleman's impression is incorrect. Has the gentleman a copy of the report there?

Mr. MONDELL. I have.

Mr. MANN. He will notice that in next to the last paragraph of the report the Secretary says:

I recommend, if deemed wise to enact the contemplated legislation, that the body of the bill be amended to read:

Then he sets out the way he thinks the bill ought to read, but it does not read that way at all. No such change was made by the committee.

Mr. MONDELL. Well, Mr. Chairman, the committee was under the impression that that charge was not necessary; that there was no question as to the grantee in this case, and could be no question, and therefore the change suggested by the Secretary was not necessary.

Mr. FULTON. If the gentleman will permit me, the form as suggested by the Secretary was simply, if the town was duly incorporated, etc. I think I made the statement there that it was. I know that was not very good evidence; possibly the best evidence that it was incorporated would be that it was incorporated.

Mr. MANN. The gentleman's evidence would be good with me as to that.

Mr. FULTON. From a legal standpoint. It is on that ground that he made the suggestion.

Mr. MANN. I suppose the gentleman is well posted in reference to this bill?

Mr. FULTON. Yes.

Mr. MANN. It seems that the Government has already granted title to land to this city—it is a city?

Mr. FULTON. Yes.

Mr. MANN. How many inhabitants has it?

Mr. FULTON. About 3,000.

Mr. MANN. The Government has already granted to this city 8.82 acres and also 26.74 acres, or 35 acres of ground, a considerable amount of ground, but they are not satisfied with that. They want all that the Government has there. Does not the gentleman think there ought to be a limit to the demand made by a city of 3,000 people upon the amount of land they want to take away from the Government?

Mr. FULTON. Certainly, but if the gentleman will permit me, these other tracts were granted at the time of the incorporation of the town, at the time of the opening of the land for settlement, and were reserved for different public purposes. Now, in this tract, including what we want, there are 6 acres, according to my recollection. It is used now for city purposes. It was originally granted to the county for the county courthouse, and they deeded it back to the Government, and the Government deeded it back to the town, all except this acre and a half additional. It is of no use to anybody as it is now. The Government does not want it, and it spoils the remainder of the tract. That is the reason why we ask for it.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MONDELL. I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

CHANDLER BASSETT.

The next business on the Private Calendar was the bill (H. R. 12803) allowing Chandler Bassett to perfect final proof in his homestead entry.

The bill was read, as follows:

Be it enacted, etc., That homestead entry No. 2810, made by Chandler Bassett, for lots 1 and 2 and the south one-half of the northeast one-quarter of section 5, township 30 north, range 25 east, of the Willamette meridian, in the State of Washington, shall proceed to patent if there is no other objection thereto than the fact that said Chandler Bassett commuted homestead entry No. 4267 for the northwest one-quarter of section 18, township 140 north, range 63 west, Fargo, N. Dak., under section 2 of the act of June 15, 1880.

Mr. MONDELL. Mr. Chairman, my attention has been called to the fact that the name of the party whose title is to be confirmed is "Chandler" in the bill and "Chanler" in the report of the Department. I should like to inquire of the gentleman from Washington if he knows which is the correct spelling.

Mr. JONES of Washington. I think it should be "Chandler," because I took it from the letter of the entryman.

Mr. MANN. The report of the Department shows that the other man made the entry.

Mr. JONES of Washington. I think that is a mistake in the printing of the report, because there is no doubt about this referring to the gentleman named in the bill.

Mr. MONDELL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

GERTRUDE HALVERSON AABY.

The next business on the Private Calendar was the bill (S. 720) to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby.

The bill was read, as follows:

Be it enacted, etc., That the final homestead entry heretofore made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby, for the east half of the northwest quarter of section 27, township 148 north, range 38 west, fifth principal meridian, in the State of Minnesota, be, and the same is hereby, confirmed, and the Commissioner of the General Land Office is hereby authorized and directed to cause patent to issue thereunder.

Mr. MONDELL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

STENE ENGEBERG.

The next business on the Private Calendar was the bill (S. 1666) for the relief of Stene Engeberg.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to cause a patent to issue to Stene Engeberg for lots 1 and 2 and the south half of the northeast quarter of section 2, in township 159 north, of range 87 west, in the State of North Dakota.

Mr. MONDELL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

DOLLIE A. FOUNTAIN.

The next business on the Private Calendar was the bill (S. 1774) to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain land.

The bill was read, as follows:

Be it enacted, etc., That Dollie A. Fountain be, and she is hereby, permitted to purchase the west half of the southeast quarter of section 5 and the west half of the northeast quarter of section 8, in township 128 north of range 78 west of the fifth principal meridian from the Government by paying therefor the Government price of $1.25 per acre, and that upon the payment of said Government price a patent in usual form shall be issued for said land conveying the same in fee simple to the said Dollie A. Fountain, her heirs and assigns, forever, any law of the United States to the contrary notwithstanding.

Mr. MONDELL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

WESTERN POWER COMPANY.

The next business on the Private Calendar was the bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company.

The bill was read, as follows:

Whereas the lands hereinafter described and embraced within certain Indian allotments, and also situate in Susanville land district, have been condemned for public uses and paid for, under the act of March 3, 1901 (31 Stats., pp. 1058 and 1084), by the Western Power Company, a corporation; and

Whereas said company has no other evidence of title to said lands than the decrees of condemnation rendered by the superior court of Plumas County, State of California, in favor of said company against those certain Indian allotments embracing said lands, whereby the fee-simple title to said lands was vested in said company, and in order that the title to said lands may be confirmed to said company: Therefore

Be it enacted, etc., That all the interest of the United States in and to the land in the Susanville land district, in the State of California, known and described as the north half of the northwest quarter of section 22, the southwest quarter of the northwest quarter and the west half of the southwest quarter of section 27, the west half of the northwest quarter of section 34 in township 27 north, range 7 east, Mount Diablo base and meridian, and the southeast quarter of the southeast quarter of section 7, the north half of the southwest quarter of section 8, the southeast quarter of the southwest quarter of section 15, the northwest quarter, the west half of the northeast quarter, and the southeast quarter of the northeast quarter of section 17, the northeast quarter of the northeast quarter of section 18; also a portion of section 21, beginning at the east quarter corner of section 21; thence south 660 feet; thence south 45 degrees west 1,866 feet, to a point 660 feet north from the south section line of the said section; thence north 1,980 feet to the east and west half section line of said section; thence east 1,320 feet to the point of beginning, containing 40 acres; and the east half of the northwest quarter of section 22 in township 27 north, range 8 east, Mount Diablo base and meridian, and the southwest quarter of the northeast quarter of the northeast quarter of section 28 in township 28 north, range 8 east, Mount Diablo base and meridian, aggregating in all 890 acres, is hereby relinquished, released, and confirmed to the Western Power Company, a corporation organized and existing under the laws of the State of California.

With the following committee amendment:

Strike out the preamble.

Mr. MONDELL. I move that the committee amendment be adopted and that the bill as amended be laid aside, to be reported to the House with a favorable recommendation.

Mr. MANN. Was this bill transferred to the Private Calendar?

Mr. MONDELL. This bill is on the Private Calendar.

Mr. MANN. It did not go to the Private Calendar when it was reported?

Mr. MONDELL. It is now on the Private Calendar.

The CHAIRMAN. Does the gentleman from Illinois raise a question as to the Calendar to which this bill was referred?

Mr. MANN. If it is not on the Private Calendar, I do.

The CHAIRMAN. It was so transferred.

Mr. MANN. That was what I asked.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

ANNA JOHNSON.

The next bill on the Private Calendar reported from the Committee on Public Lands was the bill (H. R. 16770) granting land to Anna Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue to Anna Johnson, wife of Ging Sing, alias Jim Johnson, a patent to the following-described land, to wit: The south quarter of section 29 in township 13 south of range 3 east of the New Mexico principal meridian.

With the following committee amendments:

In line 6 strike out the word "south" and insert "southwest."
In line 7 strike out the word "three" and insert "twenty-five."

The amendments were agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. MONDELL. Mr. Chairman, I move that the committee do now rise and report the bills to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DAWSON, Chairman of the Committee of the Whole House, reported that that committee had had under consideration certain bills reported from the Committee on the Public Lands under the special order and ordered him to report the same back, some with and some without amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

The bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes.

The amendment was agreed to.

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

The Clerk read as follows:

The bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon-major, United States Volunteers.

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

The Clerk read as follows:

The bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2 in block 48 for a park and other public purposes.

The amendment was agreed to.

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

The Clerk read as follows:

The bill (H. R. 12803) allowing Chandler Bassett to perfect final proof in his homestead entry.

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

The Clerk read as follows:

The bill (S. 720) to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby.

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

The Clerk read as follows:

The bill (S. 1666) for the relief of Stene Engbert.

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

The Clerk read as follows:

The bill (S. 1774) to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands.

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

The Clerk read as follows:

The bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company.

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.

The Clerk read as follows:

The bill (H. R. 16730) granting land to Anna Johnson.

The amendments were agreed to.

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

CHANGE OF REFERENCE.

By unanimous consent reference of House Document 704 was changed from the Committee on Accounts to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. LANDIS, by unanimous consent, was given leave of absence for one week on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BARCHFELD, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of John Hand (H. R. 22165, Fifty-ninth Congress), no adverse report having been made thereon.

Mr. SOUTHWICK, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Daniel Leary (Fifty-ninth and subsequent Congresses) no adverse report having been made thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18347) making appropriations for the postal service; and pending that motion, I ask unanimous consent that until further order by the House whatever time may be used in general debate may be controlled equally by myself and the gentleman from Tennessee [Mr. MOON].

Mr. MANN. The gentleman will occupy the remainder of the afternoon in general debate?

Mr. OVERSTREET. All of to-day and to-morrow; to-morrow we hope to come to some agreement as to the limit of debate.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the time in general debate may be controlled by himself and the gentleman from Tennessee [Mr. MOON]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks that the first reading of the bill be dispensed with. Is their objection?

There was no objection.

Mr. OVERSTREET. Mr. Chairman, the aggregate amount carried by the bill now before the committee is very large. There are only a reasonable number of items, many of them, however, being in large amounts, making apparently a heavy appropriation in the aggregate. A great proportion of the postal service under existing law fixes the compensation, and appropriations depending only upon the increase and changed conditions which flow from year to year in that large service. We have seen this enormous service increase in recent years until it is doubled practically every ten years. By comparison one year with another, however, it may be shown, and very clearly shown, that a careful scrutiny is had of the entire service by the Department. The estimates by the Department are in the main carefully drawn, and the committee have in the preparation of the bill in recent years, speaking only from my personal experience, given exceedingly great care in the preparation of the various items.

In bringing this measure to-day before the committee, carrying as it does $220,766,192, the committee has not only been actuated by an honest and patient effort at economy, but has striven industriously and intelligently, we believe, with such adequate and ample provision for the various branches of the service that the high standard of efficiency which the country has enjoyed in the postal service will be maintained.

The appropriations for the entire service for the present fiscal year amount in the aggregate to $212,091,193. Therefore the bill to-day recommended to the House carries an increase of appropriation over the current fiscal year in the aggregate of $8,674,999. That proportion is not as great as the estimates recommended by the Department by reason of the fact that the committee make some reductions in the estimates upon its own initiative, and the Department itself, by reason of a number of revised estimates, conceded a less sum than the original estimates carried. It is fair to say that under existing laws estimates are prepared by the Department in the early fall.

In a service increasing as rapidly as the postal service January is a better time to accurately estimate than August or September. Therefore, when the Department officials appeared before the committee at its hearings and were able, by reason of more accurate information than they had in the early fall, to submit revised estimates, the committee was better prepared to pass upon those estimates than the Department was prepared to the early fall, when the first estimates were prepared. Consequently the apparent great reduction by the terms of the committee from the original estimates are explained in large measure by the changed conditions which came before the committee when the committee's bill was under preparation. For example, in the Second Assistant Postmaster-General's bureau the revised estimate for railway mail transportation pay was $3,900,000 less than the first estimate. This grew out of the fact that the operation of the law passed at the last session of Congress and a new ruling of the bureau, known as "Order 412," concerning the method of computing transportation pay, had not gone into effect at the date of the first estimate, but the revised estimate was made at a time when all of those provisions had gone into effect, and therefore the change in the estimate resulted in a saving from the first estimate of $3,900,000. In the First Assistant's bureau the estimates of that officer were based in the early fall upon recommendations of that bureau for certain changes of legislation, and in the event Congress approved of those changes and new laws were passed then additional appropriation would be made, but, basing the estimates of the First Assistant's bureau upon existing law, without taking into account an assumption that new law will be made requiring a revision of the estimates in that bureau, it amounted in the aggregate to approximately $4,000,000. Consequently the heavy estimate of the Department first submitted to Congress in the usual way by preparation in the early fall was necessarily considerably reduced by the committee because of the facts that I have named. Among the recommendations from the Department that were not approved by the committee because they would require changes of legislation—and, in the first place, would have been subject to points of order when the measure was brought before the House, for a variety of reasons—were, briefly, the recommendation of the First Assistant to enlarge the field of free-delivery offices so as to permit them in communities where the gross receipts of the office were $5,000 a year and upward. The second was the recommendation of the extension of the classified act to the grades of employment above the grade of clerk in offices of the first and second classes, a recommendation for an increased vacation period, and a recommendation for an increase of 60 per cent in carriers of the $1,100 grade and of 50 per cent in clerks of the $1,100 grade, a recommendation to repeal the existing law relative to the method of appropriating for clerical services in offices of the third class, and appropriating a lump sum of $2,000,000. There may be some others, but the main reduction from the estimate of the First Assistant's office by the committee was due to the fact that his estimates were based originally upon the assumption of certain changes of law, and the committee believe the appropriation should be made upon existing law. We believe we have in each of the various branches of the service made a sufficient appropriation to maintain at the high standard of efficiency the service as it is now controlled by law.

I wish just in a brief way, but in what I think will give the committee full information, to take up in their order the five divisions of the postal service and note the general character of the changes in the appropriations. Under the Postmaster-General directly the committee recommends a reduction of the force of post-office inspectors, believing, as the committee does, that the large increase in that inspection service by merging with it the so-called rural agents and the rapid decrease of the work of the rural installation department will not require as large a number of post-office inspectors as in recent years. The committee therefore recommends that this force be reduced by twenty-two. In October last there were twenty-seven vacancies in the post-office inspection service, and I think at the time of the hearings there were twenty-one vacancies, something about that number, so that in the reduction recommended it will not necessarily mean the displacement of some employee, but failure to fill some vacancies which have not been filled because of the lack of necessity from the service itself. We recommend two small items of appropriation under the Postmaster-General which are new law, but the reasons are as follows: First, an item of $10,000 to cover the cost of purchase and installation of conveyors and other mechanical devices in the Washington city post-office. These mechanical appliances are for the improvement of the service in this city, and that office, it is found, can be greatly benefited in this service by this small item of expenditure. The second item of $10,000 is an appropriation authorized under the Postmaster-General for the investigation and testing of mechanical and labor-saving devices in the service. Under the general policy of Congress, wisely providing, as I believe, for a very general segregation of items of appropriation, it makes it exceedingly difficult at times for the service to receive in some particular cases appropriation for the investigation of new appliances and devices which an investigation might prove to be of great advantage, and the limited sum of $10,000 does not perhaps seem large, but there are a great many instances where they need no sum at all.

They have, for example, the question of the tying device for the ease and convenience of the post-office clerks and railway mail clerks for tying up bundles of letters that go to one common destination. There is a device of the mail catcher, which the Government has been struggling with for many years to ascertain a cheaper and lighter appliance. There is no fund now from which either one of these devices might be defrayed. The same is true about the stamp-vending machine. The committee hesitated about making a larger appropriation for such purposes in the absence of fuller and more complete knowledge. Under the First Assistant Postmaster-General's bureau, a bureau which carries almost half of the entire amount of the appropriation for the service, we have established in the preparation of the bill a policy governing us with reference to increase of salaries. That policy was that we would not make any provision for the increase of salaries of the employees now in the service. Of course I do not mean that we do not make provision, and adequate provision, to carry out existing law under the automatic scale of the classification act whereby clerks and carriers after a year's service in one grade are promoted automatically to the next grade upon proper efficiency record up to the $1,200 grade. Of course provision is made to carry that method of promotion, but there is no provision made for the increase of salaries other than that provided in the classification act passed last winter. There is one exception, and that is the grade of clerks of the $1,100 grade. Provision

is made for the advancement of 15 per cent of the clerks of that class to the next class at $1,200. The reason for that is, briefly, that the appointment of station superintendents when necessary by reason of the establishment of new stations, occasioned either by the growth of the business or discontinuance of smaller post-offices adjacent to larger offices and creating instead of an office a substation, requires designation, as a rule, from the clerks of the $1,100 class, and in order to provide for the very strong probability a limited provision of increase to the extent of 15 per cent has been provided. It is true that the classification act passed last year creates a grade of $1,200 for carrier service, and there has been some demand for a provision for the increase of the $1,100 grade of carriers to the $1,200 grade of the law. The committee has not felt it proper to make that provision. The reason is that just one session ago we were very liberal in the appropriation for the increase pay of the employees, carriers among others, and under that provision approximately $12,000,000 were distributed for increases of salaries alone. We are making only a 15 per cent increase of the clerks of the $1,100 grade for the reason just stated. We are not providing for an increase of the remaining clerks of the $1,100 grade to the $1,200 grade for the same reason I have suggested. Furthermore, we have suffered in the last few months from a falling off in the postal revenues of the service, a condition which the history of the country shows follows each currency disturbance. How much it will be, no man can foretell. The losses to the postal revenues are sufficient in recent months to challenge the attention to the possibility of a continued falling off in the service at least for a period of half a year yet.

In view of that, the business of the service will not increase to such an extent as to justify an increase of salary to those employees. Furthermore, industrial concerns, private corporations, are not this year increasing salaries as liberally as they did last year, and in keeping with these general conditions, with no fear of an impairment of the efficiency of the service, the committee has thought it unwise to make at this session, immediately following a session of such liberal provisions, a second provision for an increase of salaries. Under the First Assistant of the Department, however, fall the third-class post-offices, where a few years ago we sought to inaugurate a method to cover the clerical cost of the service in those offices. The administration of the third-class offices is one of the most difficult things we have to contend with. The ripening of the third-class office into the second-class office brings with it immediately an enlargement of privileges and employment and salaries, which puts the second-class office upon a far different footing from the third-class office before it so ripened. We, therefore, a few years ago made provision for a schedule of allowances providing not to exceed $200 in offices where the salary of the postmaster was $1,100 or $1,200; an allowance not to exceed $300 to offices of the third class, where the salaries were $1,300, $1,400, and $1,500, and by one amendment later an allowance not to exceed $400 in offices of $1,600 and $1,700, and $500 in offices of $1,800 and $1,900 a year. It has been found, however, that the amount appropriated under this class has not been adequate to the conditions existing in a large per cent of these offices.

The appropriation for the current year for the clerical allowances at third-class offices is $800,000. The committee has recommended $1,125,000, an increase of $325,000 in that method of appropriation. But we have made a change in the schedule so as to provide the distribution of $500,000 of that total to the third-class offices where the salaries are below $1,600 a year, and $625,000 to be distributed to offices where the salaries are above $1,500 a year. It is believed, under a fair computation after inquiry, that that provision of appropriation will enable a very material increase of allowance for clerical cost in the third-class offices. The $625,000 will, under these estimates, provide for the payment of the maximum allowances in 92½ per cent of the third-class offices where the salaries are above $1,500 and allow the maximum allowance in the offices below $1,600 in 58.80 per cent of the cases. So liberal an allowance, therefore, will undoubtedly result in a better and a more sensible distribution of the fund for the benefit of those smaller offices.

In the item carrying the appropriation for rent, light, and fuel at first, second, and third class offices we recommend an increase in the maximum amount for rent which may be allowed from $480 to $500 a year and a maximum allowance for fuel and light, an increase from $80 to $100 a year, and have made provision by the aggregate amount of that item of appropriation sufficient to meet the differences by the increased cost of fuel and light and rental purposes in all the grades of offices of the first, second, and third class.

In the appropriation for the letter-carrier service of free-delivery offices, aside from our not making appropriation sufficient to pemit the increase of salaries of carriers in the $1,100 grade, ample provision has been made to carry out the provisions of the classification act under the automatic scale of promotion and to provide what is found to be a sufficient number of new carriers to meet whatever reasonable demand that may be occasioned by the increase of volume of the general service. The same is true with reference to the additional clerks in offices of the first and second class.

Under the Second Assistant Postmaster-General's items the chief point of interest has always been the railway-mail and post-office car appropriation. We make a very decided reduction in the amount carried by this bill from that which has been carried in former bills, occasioned by the legislation of the last Congress.

There have been four different things or transactions which have occurred in connection with the railway mail transportation pay and railway post-office car pay which have resulted in a decided reduction in the annual charge of expense. Last year Members will recall that we reduced the rate of pay for railway post-office cars; that we provided for a reduction in the rate of the railway mail pay on routes carrying in excess of 5,000 pounds of mail a day. We also provided two years ago, I think it is, for the gradual withdrawing from the mail, preceding immediately the weighing period in the four great territorial sections of the country, of the equipment, of supplies, furniture, and the mail bags not needed for immediate use and their carriage thereafter by freight. The purpose of this latter provision was to enable the Government to ship its equipment and supplies generally by freight at a lower charge than would follow when they are weighed as a part of the mails at the weighing periods in the four different sections. Since Congress adjourned, by order No. 412, of the Postmaster General, a different method in the computation of the weights was authorized, known as the "change of divisors." While the change of divisors, or order 412, has not yet gone into effect in all of the divisions, because under the rule of the Department it is made applicable only as new divisions of weight occur, still making the estimate based upon existing knowledge of the weights and the estimate for the divisions not weighed, the effect of the new divisor transportation in the annual charge upon the Government is a reduction of $4,619,285.85, or 9.65 per cent. The effect of the law of the last Congress relative to the change of rate in the transportation where the weight exceeds 5,000 pounds daily is a saving annually of $1,740,494.63, or a saving of 3.63 per cent.

The effect of the law of last Congress changing the rate of pay of railway post-office cars results in a saving of $935,974.09, or 16.36 per cent. And the effect on the annual charge by reason of the withdrawal of equipment under the same method of computation results in an annual saving of $805,679.13, or 1.77 per cent.

I will print in the RECORD at this point the table which I have read from, showing the effect in the different weighing divisions of the country and the items which make up the saving which I have just announced.

The table is as follows:

Contract section.	Effect of new divisor, transportation.	Estimated rate of per cent except in third division.	Effect of law of 1907, transportation.	Rate of per cent.	Effect of law 1907, R. P. O. pay.	Rate of per cent.	Effect on withdrawal of equipment.	Estimated rate of per cent.
First	$990,945.45	9.65	$547,909.01	5.33	$239,670.49	17.59	$181,758.90	1.77
Second	446,600.78	9.65	70,192.45	1.52	85,196.83	15.73	81,878.69	1.77
Third	1,787,378.10	9.65	759,145.88	4.10	442,755.76	16.70	283,251.50	1.77
Fourth	1,394,561.52	9.65	363,247.29	2.51	168,350.98	14.42	255,790.04	1.77
Total	4,619,285.85	9.65	1,740,494.63	3.63	935,974.09	16.36	805,679.13	1.77

We have, however, made provision, adequate, as we believe, with the appropriation of an amount quite sufficient to take care of this service, both transportation and post-office car pay, for the next fiscal year without detriment to the service.

In the item referring to the charge on freight and expressage on equipments, I say that that is a matter of guesswork almost entirely as to how much money will be required for freight charges when the equipment has once been withdrawn from the division, because there are no data upon which a safe estimate can be made in advance of the withdrawal to determine accurately just what that might be. I am inclined to think if the committee has erred at all in the item for express of freight and equipment, it has made a larger appropriation than might possibly be necessary; but with a view of making proper provision, we have been rather more liberal than not quite liberal enough. In the railway mail pay, or in the appropriation intended for the pay of the salaries of the railway mail service—clerks, chief clerks, assistant superintendents—we accepted the revised estimate of the Second Assistant's office, which resulted in a slight reduction. It is believed that after the Department had made very careful estimates, as the Department did, and its estimates have been scrutinized and analyzed by the committee, no better provision could be recommended than that which the superintendent of the railway mail service and Second Assistant Postmaster-General have recommended.

In the item for electric and cable car appropriation pay we make a new recommendation, to cover what seems to be a limited number of emergency cases. We provide that of the total appropriation made, not exceeding $30,000 may be used without regard to the present existing law governing the rate of pay for a cable-car or an electric-car service where it does not exceed the cost of the service under present conditions, and is, in the judgment of the Department, of advantage to the service. By that means we cover an incident which was called to the attention of the committee where because of the proximity of two communities a very frequent and efficient cable-car service was in progress, that would not accept the rate of pay which the law grants under the schedule of pay for the electric and cable car service, and the Government was compelled to resort to star service. The cost of the service by star service is greater than usual to the electric and cable car service, and the Department wanted to give it to the electric cable car company. Although it is larger than the schedule which the law provides for cable and electric car service, it will undoubtedly be of benefit to the service, and it will be cheaper service, more expeditious for the community, but it will be an increase over the existing rate.

Mr. MANN. Will the gentleman yield for a question?

Mr. OVERSTREET. I will.

Mr. MANN. We require the steam railroads to carry the mails, as I understand, by law. Have we no such authority over the electric roads?

Mr. OVERSTREET. I am inclined to think we have; but a further illustration of the explanation that I was giving would indicate that where there is but one coach carried, as in this instance, and the accommodations for the mail are exceedingly limited, not nearly the accommodations found upon steam railroads, and as in nearly every case a steam road parallels the line and does carry the mail, the Government would be slow, I should say, in compelling that road to carry the mail at a rate fixed by the regulations in the transportation law.

Mr. MANN. That is the reason for the change that the gentleman's bill proposes, and is not that no authority exists? The committee thinks that the present rate of pay is not sufficient in this case.

Mr. OVERSTREET. That is my view of it, although I may say that there has never been any test of the law as to whether Congress had control over electric roads. I am inclined to think it has.

Mr. STAFFORD. If the gentleman will allow me; I hardly think he intends to convey the impression that we have the right or that there is any authority now vested in Congress by any law to compel the railroads to carry the mail.

Mr. OVERSTREET. The exercise of the power of the Government over post-roads has been construed to mean at least what is equivalent to a compulsory law for the carriage of mails. It has never been put to a test, and I can not say whether or not there is any authority; but I think it would be that the Government would probably have the authority to compel the roads to carry the mail.

Mr. STAFFORD. There is no question of the authority of Congress to designate certain roads as post-roads, and in a sense the railroads are post-roads, over which Congress has exclusive control, so far as postal transportation is concerned, if it wishes to exercise it; but there is no law, and I wish to direct the attention of the chairman to that fact, and I did not understand him to make such a broad statement, that gives Congress the authority to compel a railroad to carry the mails to the different points on its line; nor can Congress compel an electric car line without its consent to do a similar service.

Mr. MANN. The question which I addressed to the chairman went to our authority to declare these roads post-roads, and thus be authorized to compel them to carry the mails.

Mr. OVERSTREET. That was my understanding, and my answer was with that understanding.

Mr. NORRIS. Will the gentleman permit another question right on this point?

Mr. OVERSTREET. Yes.

Mr. NORRIS. Does the gentleman desire to convey the impression that an ordinary electric road, chartered under some State law and entirely within a State, would be compelled, if Congress passed a law that said it should be a post-road, to carry the mail without its consent? Does the gentleman mean to say that we could do that?

Mr. OVERSTREET. I stated in answer to the gentleman from Illinois [Mr. MANN] that I was not prepared to say that we had complete authority, but that we never had tested it fully in relation to the electric roads. I am not sufficiently familiar with the precedents in the cases that have been tested to warrant an opinion as to just how far the authority of the Government in compelling all kinds of roads to carry the mail might go. I know that it was held in the early cases that the authority of the Government to determine what shall be post-roads was pretty broad, but I do not know of a single instance where that determination was sought to be exercised on a road lying entirely within the limits of a State. My recollection is that in one of the earliest cases, brought in the Pennsylvania courts, there was a strong leaning toward an affirmative answer to the gentleman's question; and I am inclined to believe—although I say it with a good deal of qualification and without thorough inquiry—that the power of the Government in a proper way to determine what may and shall be post-roads is pretty broad under the Constitution, and that when that power has been exercised and a given road has been declared and determined by the Government to be a post-road I think the Government would have the right to compel the carriage of the mail over it.

Mr. MANN. If the gentleman will pardon me, the power to declare post-roads has nothing to do with the question of interstate commerce, and has no relation to the question whether a road is wholly within a State or whether it crosses State lines. The power to regulate commerce may depend upon interstate commerce, but the power to declare post-roads depends upon that paragraph of the Constitution which gives Congress authority to establish post-offices and post-roads.

Mr. OVERSTREET. Mr. Chairman, in the Third Assistant Postmaster-General's items of appropriation there are a very limited number of changes made, and those only because of the belief that the increased appropriations may probably be needed on account of the public demand. There is, however, one change which the committee has made, to which I wish to call your attention. That is with reference to the indemnity upon registered mail.

We have transferred from the department of the Second Assistant to the department of the Third Assistant the regulation of the disbursement of the indemnity for registered foreign or international mail. This was done both upon the recommendation of the Postmaster-General and of the Second and Third Assistants. We have increased the appropriation to $10,000, the amount recommended by the Department. We have increased considerably the appropriation for the indemnity of registered domestic mail of the first class. The last appropriation was for $5,000. We recommend $25,000. That recommendation is made in order to enable the Department to dispose of a very large number of cases now pending.

The evidence before the committee informed us that there are approximately 9,000 cases of loss of registered domestic first-class mail, the demands aggregating on their face approximately $25,000. Because of the limited amount of the appropriation it has been necessary to postpone the consideration of the cases from year to year, for the reason that if the cases were all determined there was not a sufficient amount appropriated to meet the charge. The rule and practice of the Department, followed universally wherever a loss of registered domestic first-class mail is reported, is at once to set in motion an inquiry to try and locate the trouble, and if found, either to return the article to its owner or to collect from the person who is chargeable with it the amount of the loss. This neces-

sitates holding up all the claims until that entire proceeding has been gone through with. There is no disposition to change that practice or policy. The committee, however, have come to the conclusion that a larger appropriation for this fund will permit a wiser and more equitable administration of it than in the past. In connection with that the committee recommend the creation of an indemnity fund for the loss of registered first-class domestic mail.

That is to say, that hereafter whenever a fund has been collected by reason of registered matter, the owner can not be found, or something comes up which prevents the payment of it, instead of that being covered into the Treasury, as has occurred under recent appropriations, it goes into this fund and forms a segregated fund to be used in the payment of other indemnity, and if that fund should be sufficient from time to time by reason of the payments and application to the fund, it would become administered uniformly under the practice and care and attention and appropriate disbursement when collected.

Mr. MANN. Will the gentleman yield?

Mr. OVERSTREET. Certainly.

Mr. MANN. Under what authority of law do people hold out money from control and deposit from the Treasury and deposit in a separate fund?

Mr. OVERSTREET. Heretofore the item of appropriation for indemnity for the loss of registered articles is an annual item of appropriation, and under the law an unexpended balance at the end of the fiscal year is returned to the Treasury; so it would not be segregated any longer than the limit of the fiscal year.

Mr. MANN. Is the gentleman speaking of a new proposition?

Mr. OVERSTREET. The new proposition will be entirely new. If the House should ratify the recommendation of the committee and create a limited indemnity registry fund, then the amount which might be left or paid in by reason of the collection would remain intact and would not go into the Treasury.

Mr. MANN. Does the gentleman think it desirable to create a fund about which Congress knows nothing, and concerning which the public knows nothing, so that nobody is informed as to the amount of the loss which may come from registered mail, and leave it there wholly in the control of officials, practically in a private way?

Mr. OVERSTREET. It comes under the general method of reports of that Department, and undoubtedly there would be an annual report of it. There must be.

Mr. MANN. The Constitution requires annual reports of officers, and yet I dare say the gentleman has never seen one; I never have. Does this bill carry any appropriation for this item?

Mr. OVERSTREET. Twenty-five thousand dollars.

Mr. MANN. A permanent fund?

Mr. OVERSTREET. Oh, no.

Mr. MANN. I ask the gentleman because this very morning the chairman of the Committee on Appropriations called my attention to a communication he had received from the Comptroller relative to special deposits of funds which seemed to be entirely outside of the rule and the law regulating the appropriation of money out of the Treasury. I am afraid that is where this would go.

Mr. OVERSTREET. I think the gentleman from Illinois perhaps failed to catch the provision which must be carried every year in this item and which necessarily will keep it related to Congress annually, so that it will have a proper report. The appropriation must be made or else there will be no payment of losses from that fund if that fund is exhausted. Therefore, annually, the committee preparing the appropriation bill for postal service must necessarily have information about this particular item, and know whether any additional fund will be necessary for the ensuing fiscal year.

For example, the appropriation this year is $25,000 for paying the indemnity of loss by registered mail of the first class. There is a statute fixing the charge upon the Government for such a loss, and the statute would be wholly inoperative unless there was an appropriation made of the item. We carry annually some appropriation to conform with that statute. The only change recommended in this bill is that hereafter when there is any fund collected upon the loss of registered matter where the party to whom it belongs can not be found, or whereby he has not the settlement of it, and later the collection of it, which had not been made in the first instance, that money would go into a fund, to be supplemented each year with whatever appropriation would be required to meet the requirements of the statute which governs that matter.

Mr. MANN. What is the objection to covering the money into the Treasury like all other money and then appropriating a sufficient amount to meet the demands which may be made upon it by reason of the statute?

Mr. OVERSTREET. Well, the attitude of the gentleman from Illinois, under the exercise of his privilege of making a point of order, indicates that that probably will have to be done. I believe it is a wise provision and I am undertaking to call attention of the House to what the committee thought would be a more effective and uniform administration of that particular law. It is utterly impossible to tell how many losses may occur in a year on account of the registered matter.

The law fixes the amount of indemnity, and we appropriate to meet that situation and to make it easier for the Department to continue to consider these cases which are always before them. The docket is never clear. There is never a time when there is not a case before the Department. We thought it wise to provide a continuing fund, so that they would be able to meet these cases in less time than it now takes, and in order that those who have suffered by the loss with which the Government is charged might be repaid within a reasonable period.

Mr. MANN. I do not wish to take the gentleman's time nor to impose upon it, but the gentleman has not at all to my satisfaction shown any reason why creating this fund in this way would enable claimants to get their money any quicker.

Mr. OVERSTREET. Because it enlarges the fund as rapidly as there is an increment of increase there occasioned by failure to find a person who owns it, and by reason of the collection of the claim after the claim has been paid.

Mr. MANN. But the gentleman's committee every year expects to bring in an appropriation item, and hence must take into consideration the probability as to the amount of the claims, and if the committee is mistaken, then the claimants will have to wait anyhow.

Mr. OVERSTREET. Yes.

Mr. MANN. No one pretends there is any large amount of this money.

Mr. OVERSTREET. I just stated there are 9,000 claims pending now.

Mr. MANN. I mean of the money to be paid into this special deposit.

Mr. OVERSTREET. Not a great amount of it.

Mr. MANN. Not enough except to give an excuse at all times that here is a fund that they can be paid out of, and no one knows how much it is.

Mr. HARDY. I would like to know if it ever has occurred that the amount of the collections from this registration fund, of sums not claimed, has exceeded the amount of expense for loss incurred.

Mr. OVERSTREET. Oh, no; it could not.

Mr. HARDY. In other words, is not there always a deficiency necessary to be made up by appropriation?

Mr. OVERSTREET. Oh, always; because all of the lost registered articles are not found and all of the persons responsible are not detected.

Mr. HARDY. I understand the gentleman's purpose to be by this method simply to make the account continuing, it is to keep it in one successive order.

Mr. OVERSTREET. That was the purpose of it.

Mr. HARDY. And there is no surplus left anyhow.

Mr. OVERSTREET. No surplus left anyhow.

Mr. Chairman, in just a few moments I think I will be able to conclude my statement. In the Fourth Assistant Postmaster-General's office, covering rural delivery and supply department, the committee has endeavored to appropriate, as in the other instances, an amount sufficient to meet the real demands of that department. Unfortunately, the estimates from the Fourth Assistant's office, so far as they related to supplies, were not sufficiently full and accurate to enable the committee to accept them. There has been much complaint in past years of the lack of supplies for post-offices of all classes, and in too many cases I think criticism has been made against Congress when Congress does not deserve the criticism. There was some excuse for the delay in the shipment of supplies last summer and early fall on account of the transfer of the supply depot. It was scattered in various places in this city, and under a provision of law authorized at the last session one supply station or house or home for supplies was provided and the transfer to that agency necessitated some delay. I am happy to say that the information from the Department now is that these supplies are not being delayed, but the demands are being met with unusual accuracy and sufficiency, and the items appropriated by the committee to meet the manufacture and shipment of supplies for the next fiscal year the committee believes are ample. The same is true of the rural delivery service.

There has been some controversy between the committee and the Fourth Assistant's bureau in the appropriations for the rural delivery service in the past. The committee does not appropriate this year the full amount estimated, and I wish to draw attention to that here in order to emphasize the fact that that reduction is not because the committee purposes any less attention to the rural delivery service. We believe we have appropriated amply to cover all the needs of that service for the next fiscal year, although we have reduced the amount from that carried in the estimate. In the fiscal year ending June 30, 1906, there was approximately $1,000,000 unexpended balance in the item for the rural delivery service under the Fourth Assistant. At the end of the fiscal year 1907, June 30, there was an unexpended balance of $1,596,498. The condition of this fund at the time of the hearings before the committee convinced the committee that there will be a very handsome unexpended balance at the end of the present fiscal year; and so far as your committee is concerned, hoping that it may impress the House with the care it takes in preparing a great bill carrying the number of items of detail that this carries, we are led to believe that it is foolhardy upon our part or upon the part of the bureau officer to recommend a heavy appropriation when it is clearly shown that it will not need all of it, and we have reduced that estimate.

But in that reduction I make the prediction now that there will be an unexpended balance in that item at the end of the fiscal year 1909, and I am satisfied that my associates upon the committee believe equally with me that that will occur. So that no one need fear that there is any change of policy with respect to proper administration and appropriation for the rural delivery service. There is one new item carried in the bill, under the Fourth Assistant Postmaster-General, where it is intended as new legislation, which does not apply to the Fourth Assistant's office, to which I wish to call attention in conclusion. Under existing practices when any of our war vessels are away from port there is no provision at all for the sailors, soldiers, and officers to receive their mail in any other way than the common practice of having it addressed to a specific vessel and carried to some certain port. The constant change of location of our war vessels and the large number of men carried upon them has resulted in great inconvenience to the men upon those vessels in the receipt and dispatch of their personal and registered mail. Our committee, therefore, following the recommendation of the Secretary of the Treasury and the Postmaster-General, through whom the recommendation comes to our committee, makes provision of law authorizing the designation by the proper officer of the Navy of mail clerks, who will be under bond and under the regulations of the Post-Office Department and in all respects as in the others, with powers to take the mail addressed to the various men and officers upon these vessels, see to its proper distribution and delivery, and in turn take from them the mail for dispatch and see that it is properly dispatched from the nearest port. This also will safeguard the registered mail which very frequently is addressed to men upon these vessels. It carries no appropriation whatever, and merely grants authority with proper safeguards and limitations and provision for a bonding of these clerks the same as clerks for post-offices, leaving entirely to the Navy Department, if it shall see fit to exercise the authority, to make provision for any compensation which may be proper. With that statement, Mr. Chairman, I think I can add nothing further. I can only say what I said in the outset, that great care has been exercised in the preparation of this bill in all of its variety of service, and we believe in it ample provision has been made to keep the standard of efficiency in full measure up to what it now enjoys in the collection, dispatch, and delivery of mail.

Mr. BARTHOLDT. Mr. Chairman, I would like to ask the gentleman from Indiana a question or two. Is there anything in this bill changing the present law with respect to second-class mail matter?

Mr. OVERSTREET. The rate; nothing at all.

Mr. BARTHOLDT. My next question is, Have you provided for an increase in the pay of letter carriers in accordance with the reclassification law passed by the last Congress?

Mr. OVERSTREET. I explained that fully at an early hour this afternoon. The gentleman perhaps was not present. We have made ample provision under the law known as the "classification act." We have not made provision for increasing the salaries of the $1,100 clerks and carriers.

Mr. BARTHOLDT. That was provided for in the classification act—an increase from $1,100 to $1,200?

Mr. OVERSTREET. No, sir; there is a $1,200 grade of clerks and has been, and we appropriate to carry all these clerks who are in the service and 15 per cent additional for reasons which I stated at the time. There is a grade of $1,200 in the carriers under the classification act; but we have not made an appropriation to promote them, because, I stated, the handsome appropriation for increased salaries made last year we thought ought not to be followed under the present conditions the first session following that enactment by a further increase, and for the further reason we were not making increases of salaries of any employees in the service other than provided for by that law.

Mr. BARTHOLDT. Now, one more question, Mr. Chairman. Have you made any provision to extend the annual leaves of post-office employees to the same extent that employees in other Departments enjoy, namely, from fifteen days to one month?

Mr. OVERSTREET. We have not; and I regret the gentleman from Missouri was not present when I explained that, and I went into that, I think, in much detail. We have made no provision for any increase of the vacation privilege.

Mr. BARTHOLDT. Did the gentleman explain the reasons which actuated the committee in reaching that conclusion?

Mr. OVERSTREET. I did.

Mr. THOMAS of North Carolina. Mr. Chairman, under the former bill there was a graduated system of promotions provided for clerks in the first-class post-offices. Now, I am informed that, while that provision was made, there is no appropriation to carry such provision, and I want to ask the gentleman from Indiana if any provision has been made in this bill to cover the compensation of clerks who should be promoted under that former law?

Mr. OVERSTREET. I could answer that question with the simple word "no," but that, I am satisfied, would not carry the information which the gentleman wants. The point is that the gentleman evidently is referring to what is known as the "classification act," providing for the automatic promotion of clerks and carriers.

Mr. THOMAS of North Carolina. Yes, sir.

Mr. OVERSTREET. That I explained at the same time, as I stated to my friend from Missouri [Mr. BARTHOLDT] earlier in the afternoon, and if the gentleman had been present he would understand I was not seeking to overlook it.

Mr. THOMAS of North Carolina. I did not hear the gentleman's statement. I have a letter from these clerks.

Mr. OVERSTREET. This bill carries enough appropriation to provide for the classification act in the matter of the promotion covered by that law. Now, that law is this: That clerks and carriers in offices of the first and second class shall be appointed in the first instance at the $600 grade. There are six grades, namely, $600, $800, $900, $1,000, $1,100, and $1,200. One thousand dollars is the last grade in offices of the second class, and $1,200 is the limit or last grade in the offices of the first class. Under that bill, when a clerk or carrier has been appointed at the lowest, or $600, grade, thereafter he shall be promoted automatically to the next higher grade after he has served at least one year in the lower grade and has enjoyed an efficiency record which justifies a promotion. The automatic operation of that law stops arbitrarily at the $1,100 grade. There is no law that provides for the arbitrary promotion of either clerk or carrier to the $1,200 grade.

Mr. THOMAS of North Carolina. That is very clear, but I am informed that there are some clerks under that automatic system of classification who are entitled to promotion, but there is not an adequate appropriation to pay them.

Mr. OVERSTREET. That can not be true, I am satisfied.

Mr. THOMAS of North Carolina. Then I was misinformed.

Mr. OVERSTREET. Of course there might have been a mistake in the amount carried.

Mr. MANN. The gentleman rectified that in the urgent deficiency bill.

Mr. OVERSTREET. Of course we have to make these estimates, and wherever there is a deficiency under the law it is provided for. Under the existing law the Department found that by reason of the increased number of clerks they would not have enough money to provide for the automatic promotion of the clerks, and at this session of Congress, in the urgent deficiency appropriation bill, under the guidance of the Appropriation Committee, $750,000 was carried for that item.

Mr. THOMAS of North Carolina. Probably that will carry it.

Mr. OVERSTREET. That may be. Now, so far as this bill is concerned, of course we may make a wrong estimate on it, but on the best estimate that can be made we have counted for the clerks and carriers in all of those grades from $600 to $1,000 to be promoted within the year, provided they have served at least a year in the next lower grade and have an efficiency record up to the standard. Now, it is not always the case that all of the clerks either have a full year's service in the next lower grade or have an efficiency record, but we appropriate

in this bill for what is believed to be absolutely enough to cover that. But we make no provision for the increase of the carriers of the $1,100 grade, notwithstanding there is a grade of carriers at $1,200. There is no law that requires it. It depends entirely upon the item of appropriation. The reason, as I stated, and which I would just as soon repeat for the benefit of the committee, is that, in the first place, we made an appropriation last year for increases of salary for all the postal employees, city and country carriers, post-office clerks and railway mail clerks, that aggregated approximately $12,000,000. Let me say in passing that if that provision for appropriation for increases of salary had not been made there would not have been a deficit at the end of the present fiscal year. In other words, the administration of the service and the method of appropriation for it has been such that if we had withheld the liberal appropriation for the increased salaries of employees last winter we would have had a surplus in the postal receipts over expenditures at the end of the present year, in my judgment. That was a wise provision. But we made no provision, because we did make a very liberal provision last session, and we doubt the propriety of making a provision of appropriation for increases of salaries alone at the next succeeding session. If we had made it for the carrier, then also for the clerk. If we had made it for the clerk, then also for the railway mail clerk and rural letter carrier. But under the condition of a handsome appropriation last winter, the strong probability of a falling off in postal receipts during the next several months as they have in the past few months, the fact that no industrial business concern is increasing salaries of employees this winter as they did last, the committee felt justified in withholding it.

Mr. THOMAS of North Carolina. The statement of the gentleman has been very complete. The case that I have in mind is the case of a clerk who is entitled to a promotion. I have received a letter from the Department in which the Department says that, although entitled to the promotion, there is no appropriation adequate to pay it.

Mr. OVERSTREET. When did the gentleman receive that letter?

Mr. THOMAS of North Carolina. In the last month, I think.

Mr. OVERSTREET. I do not know who your informant is, but I venture the assertion that I could convince him in five minutes he is mistaken, provided that the clerk has served a year and has an efficiency record.

Mr. THOMAS of North Carolina. If that be true, he is entitled to the increase.

Mr. OVERSTREET. He is entitled under the law. We have added to the appropriation for clerks of the first and second class post-offices $750,000 for this year, which we think will be ample. Maybe your letter antedates the signing of the urgent deficiency bill.

Mr. THOMAS of North Carolina. One other question. There are some third-class post-offices which in postal receipts and volume of business almost equal second-class offices, and yet under the maximum allowance for assistants and separation of the mail the amount given these third-class offices is very inadequate. Has that been corrected in this bill?

Mr. OVERSTREET. In the interest of time, I must ask the gentleman to refer to my remarks. I went over it and explained it fully.

Mr. SCOTT. Mr. Chairman, I have listened attentively to the gentleman's statement, and I do not remember that he made any reference to the compensation of the postmasters of fourth-class post-offices.

Mr. OVERSTREET. There is no change at all.

Mr. SCOTT. Does not the chairman think that the fourth-class postmasters, as a rule, are paid smaller compensation than any other postal employees?

Mr. OVERSTREET. Well, I am not prepared to say that; but even giving them the benefit of the doubt, I do not think this is an opportune session to recommend increases of salaries of postal employees and postmasters in view of the action of the last session of Congress. It is true the fourth-class postmasters were not in the category of increases. There was a recommendation from the Department for a change of the basis of the pay of postmasters which would have benefited the fourth-class postmasters. The committee, under the policy that I have announced, decided to make no further increases, and therefore did not recommend it.

Mr. SCOTT. I appreciate the wisdom of the policy, but I know one post-office where the compensation of the postmaster, who gives his entire time to the work, is only $35 a month; and I think probably that this is a matter which could well have the attention of the committee in the future.

Mr. HOLLIDAY. I would like to ask the gentleman a question, if he will yield.

Mr. OVERSTREET. Certainly.

Mr. HOLLIDAY. I wanted to know what has been the estimated deficiency. Has the committee made an estimate as to whether it will be greater or less than that of this fiscal year?

Mr. OVERSTREET. That is very difficult to answer, for this reason: The Department in its estimate estimated that the expenditures would be $230,441,016, and, of course, recommends an appropriation covering that amount.

But by reason of revised estimates, and the fact that the committee did not follow the recommendations for changes of law which would have required additional appropriation, instead of appropriating $230,441,016, appropriated in this bill $221,766,192. Assuming that the estimates of the Department for the expenditures had been $230,000,000, that would assume the deficit which they estimate. They estimate $10,318,004.70. But my judgment is, notwithstanding we have not carried in the bill the full amount of appropriations originally estimated by the Department, that by reason of the falling off of the receipts which we fear will occur on account of the currency disturbances and industrial conditions, I am very much afraid that the deficiency will be very close to $10,000,000.

Mr. BENNET of New York. Will the gentleman allow me to ask him about three questions?

Mr. OVERSTREET. Certainly.

Mr. BENNET of New York. First, did the committee in determining not to increase the appropriation for the $1,200 carrier grade take into consideration the fact that $800 carriers that would have now been receiving $1,000 are now only getting $900, and therefore the country was saving the amount of salary?

Mr. OVERSTREET. We took into account that fact, and in detail the whole scope of the classification law, and thought it unwise to make a provision to increase the salary of any of the employees that would undoubtedly have resulted in an increase of the $1,100 grade. Now, then, your carrier receiving $1,000 goes to $1,100; therefore I do not think that question would make much difference if he would make it apply to the $1,200.

Mr. BENNET of New York. Of course the $1,100 is the grade to which the $1,000 man must go.

Mr. OVERSTREET. Therefore the $800 clerk has not been interfered with.

Mr. BENNET of New York. The person is interfered with.

Mr. OVERSTREET. So that, without the suggestion which I have made, I am inclined to the belief that the RECORD, if left at the point where the gentleman left it, would create the impression that his $800 friend had not been cared for.

Mr. BENNET of New York. Oh, yes; he has.

Mr. OVERSTREET. Certainly, he has.

Mr. BENNET of New York. Certain, he has. I had no intention of leaving that impression.

In the second place—and in this I may not have heard the gentleman; I was occupied part of the time, although here—did the committee consider and lay aside for any particular reason the recommendation of the Department relative to the classification of the clerical force in first-class offices above $1,200?

Mr. OVERSTREET. I did refer to that, but the committee did not think it advisable to enlarge the classification, because it would result in increases; and we established the policy in the committee that we would not make any provision either by change of law or by appropriation which would increase the salaries of employees.

Mr. BENNET of New York. And similarly, has the committee considered the question of a classification of clerks in charge of contract stations?

Mr. OVERSTREET. It has not considered it.

Mr. PARSONS. In the grade above $1,200 no increases are allowed, as I read the bill?

Mr. OVERSTREET. No increases of salary. Increases of clerks are provided to meet the probable increase of the volume of business. There are some changes.

Mr. PARSONS. Outside of the $1,200 grade there is no increase over the appropriation bill of last year?

Mr. OVERSTREET. That is right. There is no change above the $1,200 grade.

Mr. STAFFORD. If my committee colleague will allow me, while there is no change, there are at present several vacancies in several of the grades, which permit of accommodating increased business throughout the country.

Mr. OVERSTREET. That is what I was going to state.

Mr. PARSONS. In New York, for instance, we have opened two new stations during the year. Now, therefore we ought to have an allotment of more superintendents.

Mr. OVERSTREET. What sort of stations are they—lettered or numbered?

Mr. PARSONS. Lettered stations. But I find here no increase that would warrant a superintendent for one of those new stations being advanced in salary or an assistant superintendent being advanced in his salary.

Mr. OVERSTREET. There is no provision for that increase of salary. There is provision, as I have suggested, for an increase of the $1,100 to $1,200, of 15 per cent, to take care of those substations where the salary is ordinarily $1,200. Now, if these New York substations were more than $1,200 there would not be any provision for any salaries higher than that, but there is some provision, where the salary would not be in excess of $1,200, for a superintendent of such a substation.

Mr. BENNET of New York. When you say substation you mean branch office?

Mr. OVERSTREET. Yes; a lettered station is a branch office.

Mr. PARSONS. I notice in the bill a change in the form of the appropriation for labor. What is the effect of that? Does that change the salaries at all?

Mr. OVERSTREET. It does not. Under the classification act, the general law regulating clerks and carriers alone, we provided for an automatic increase by grades. The laborers, watchmen, and mechanics, and those other designated employees, were not provided for in the way of annual promotions in the classification act. Therefore we took out of the general item of appropriation just the laborers, watchmen, etc., at the salaries provided in the current law which they are now receiving, and simply put them in a separate item.

Mr. PARSONS. Then the watchmen, messengers, and laborers provided for in this bill in first and second class post-offices are to get the same salaries that they now receive?

Mr. OVERSTREET. That is right; and I will say that the $400 grade is abolished, and those in the $400 grade are covered into the $500 grade.

Mr. PARSONS. I hope we have no $500 grade in New York.

Mr. OVERSTREET. Not in New York.

Mr. MANN. Will the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. MANN. In reference to the matter of contract stations. The Department calls them numbered stations; the Post-Office Department calls them substations. You have an item of $250,000 for contract stations above $300 salary?

Mr. OVERSTREET. That is an increase of $10,000.

Mr. MANN. Does the Department think that is a sufficient increase?

Mr. OVERSTREET. I will say to the gentleman that that is one of the items that was so confused in the general estimates of the First Assistant that I am unable to answer his question. He wanted to cover these stations under some other head and allow a different method of appropriation. He prepared a bill which covered his various numerous recommendations and made his estimates upon the bill.

Mr. JOHNSON of South Carolina. Instead of making his estimates on the existing law, he made them on some sort of an imaginary bill?

Mr. OVERSTREET. Yes; and we had to separate it and reduce it to make appropriations according to existing law.

Mr. MANN. Now, if the gentleman from Indiana will permit me to make a statement in reference to that—I do not want to take the gentleman's time——

Mr. OVERSTREET. Very well.

Mr. MANN. The salaries of the contract stations as now regulated by the Department are fixed on a basis of the amount of money orders and registered business done at each station. They have the figures, but they have not been able to adjust those salaries according to official regulations, for the reason that we appropriate so much money for salaries less than $300, and another amount for salaries above $300, and there is no way of getting out of the $300 class into the $400 class when the business justifies it. That is the reason they made a proposition to put the two sums together.

I have a number of cases in the city of Chicago where they transact the business required by the Department under the regulation basing it on certain salaries, and are told in advance that when that business reaches that amount they will receive the salary, but they do not get it. I have had a number of resignations in my district on account of it, and in some places where it is impossible to get anyone to take the place.

Mr. OVERSTREET. Mr. Chairman, I will yield to the gentleman from Wisconsin to answer the gentleman from Illinois.

Mr. STAFFORD. In reply to the criticism of the action of the committee in not making larger appropriations for the higher class of stations, I wish to say that we follow the recommendation of the retiring First Assistant Postmaster-General, of several years ago, when he said it would be far better for the service to create additional stations at the salary of $300 and under than to increase those of the higher-priced stations from $400 to $1,000. The committee has followed that recommendation by providing adequately for a larger number of contract places of the $300 grade and under, as it brought the conveniences of the postal service more generally to the people in the cities than if we increased the high-priced stations. The appropriations for these stations of $300 and under have been more than adequate to meet the demands of the service.

Mr. MANN. The gentleman is mistaken about that.

Mr. STAFFORD. The gentleman is not mistaken.

Mr. MANN. Oh, you have money left in the fund, but you can not get it out.

Mr. STAFFORD. The money is there by several thousand dollars and is available at present for new stations. Of course the Department has not granted every request to establish a contract station. They follow the rule that there shall not be any new stations within a half a mile of each other. Every corner drug store wants to have a station, because it attracts trade, but the Department is following the rule, and there is ample appropriation at present for the $300 grade.

Mr. OLCOTT. I want to say that I hold in my hand a letter which I will ask to have read, where one of these substations does a great deal of business and receives a compensation of $4 a week.

Mr. OVERSTREET. That is not the fault of the law or the Appropriation Committee. There is money in the fund unexpended, and the gentleman should present his case to the Department.

Mr. OLCOTT. I would like to have the letter read.

Mr. STAFFORD. I would suggest that it be deferred until we reach this item under the five-minute rule.

Mr. OLCOTT. Very well.

Mr. OVERSTREET. Now, Mr. Chairman, if there is no other inquiry on any item in the bill, I will yield the floor to the gentleman from Tennessee [Mr. MOON], if he cares to occupy any of his time.

Mr. MOON of Tennessee. I yield thirty minutes to the gentleman from South Carolina [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman, the distinguished gentlemen of this House who have indulged in speechmaking at this session of Congress have taken a very wide range and have discussed in an able, intelligent, interesting, and exhaustive manner a great variety of subjects, embracing legislative, judicial, executive, and political. It seems to be the rule in general debate upon a bill for the Member addressing the House to speak about anything and everything except the subject-matter of the pending measure, and I will not at this time make an exception to the rule, but will take advantage of the time allotted to me to address the House upon two subjects, contained in separate bills which I have introduced at this session of Congress. To my mind these are very important matters, and I trust that the Members of this House will give me their attention and these measures that due and careful consideration which they deserve.

The first of these to which I ask your attention is H. R. 16758, which provides: "That no judge of any court of the United States inferior to the Supreme Court shall issue any writ of injunction or prohibition in any case wherein the validity of a law of any State of the United States, or the act of any officer of any such State done, or required to be done, in pursuance of such law, is called in question." In view of the recent acts of Federal judges, fresh in the minds of the people, assuming powers never delegated to them, this question becomes of great interest and importance. Such an assumption of power by the judges of the United States courts can not be too severely criticised and condemned. It is calculated to bring about a clash and conflict between the State and Federal authorities, and a check should be placed upon them and they should be compelled to respect the sovereign rights of the States to enact laws and to enforce them, subject only to interference by injunction of the supreme court of the State or of the Supreme Court of the United States.

Since the expiration of the Fifty-ninth Congress the people of the United States have witnessed many things tending to demonstrate the correctness of Jefferson's solemn declaration that Federal judges are the "sappers and miners" of despotism. We have seen Federal judges attempting to nullify the laws of the States by granting injunctions forbidding and restraining the officers of the States of Virginia, North Carolina, Alabama, and Minnesota, who are charged with the execution of the laws of those States, to execute those laws, unless and until the Supreme Court of the United States has passed upon their validity, thus making State laws enforcible only upon a condition never contemplated by the

framers of the Constitution of the United States. And we have seen this new usurpation of authority followed immediately upon the suggestion of the President, who appointed the particular judges guilty of such usurpation, that the Constitution needed to be remodeled by executive, legislative, and judicial constructions, and not by amendments in the proper and authorized manner, in order to adapt it to the needs of the times. In this way, by the appointment to judgeships of men who are overzealous to please their benefactor, the President is seeking and securing what amounts to a veto upon all State legislation, absolutely destroying the sovereignty of the State by indirection.

While the States are being shorn of all initiative in the matter of legislation for the protection of their citizens against the oppressions and abuses of corporations, through the instrumentality of the former attorneys of those same corporations whom the President has transformed into judges, the initiative of the Federal Government, or, rather, of the President of the United States, has been correspondingly increased by means of commissions of all kinds, exercising legislative, executive, and judicial powers all at once. As the gentleman from Massachusetts [Mr. McCALL] said in a speech at the Jamestown Exposition on Constitution day—

> We are all to be regulated in our business and modes of life by gentlemen sent out from Washington, and the gentlemen sent out from Washington are to be regulated by one man in the White House. Would it be possible to conceive of a more ideal centralized paternalistic government?

The judges are not removable by the President, but these Commissioners are; so that, in effect, we have a new semi-judiciary system, by means of which the President may put in train whatever measures he may like through instruments dependent upon himself for their offices and emoluments; and besides this, a perverted judicial system by means of which he may nullify all measures adopted by the States which do not please him.

Our condition in these respects is worse to-day than it was in 1798, when Jefferson and Madison aroused the nation with the Kentucky and Virginia resolutions. Federalism, or nationalism, as it is now called, had then run wild, indeed, under John Adams; but not so wild as it has run under Theodore Roosevelt. Many useless offices had been created as means of propagating the faith and perpetuating the power of the Federalist party; but the number was insignificant, and the emoluments still more insignificant, when compared with the 36,000 new offices and $36,000,000 in new salaries created by the Fifty-eighth and Fifty-ninth Congresses. The alien and sedition laws had been passed by Congress under the whip and spur of the Administration in violation of the Constitution; but those were as nothing compared with the tariff bills, the subsidy bill, the financial bills, and other measures intended to benefit special interests at the expense of the public, which have passed this House in recent years. Nor were the direct usurpations of undelegated powers committed by Adams to be compared with those which the present President has committed.

I have not the time to go into the details of all these matters; but in respect to the judiciary system, as it was treated by the Sixth Congress under Adams and the Seventh under Jefferson, I wish to speak at length, in order to show that Congress has complete authority to destroy, as well as to create, courts inferior to the Supreme Court, and therefore to abolish judicial offices and to deprive those persons who hold them of their salaries.

After Jefferson had been elected in 1800, and before he had taken his seat in 1801, President Adams conceived the design of perpetuating his "policies"—all enemies of the Constitution have "policies"—by creating new Federal courts and filling them with judges who could be depended on to nullify any law passed by the new Congress or by any State legislature which might conflict with his monarchical policies. In his fourth annual message, November 22, 1800, he said:

> It is in every point of view of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice which the Constitution and laws devolve on the Federal courts as convenient to the people as may consist with their present circumstance, that I can not omit to once more recommend to your serious consideration the judiciary system of the United States.

And having received from a House of Representatives devoted to his service a complacent reply, he added on the 27th of November the following:

> I thank you, gentlemen, for your assurance that the various subjects recommended to your consideration shall receive your deliberate attention.

The President was greatly interested in the "improvement" of the judiciary system. He contended that after courts had once been created and judges appointed those courts could not be abolished or those judges removed by Congress.

In pursuance of this theory, the Sixth Congress, the last Federalist Congress, with its expiring gasp, passed "An act for the more convenient organization of the courts of the United States," which was approved by President Adams, February 13, 1801—less than a month before Jefferson was inaugurated. This act created certain new judicial offices and also established certain new courts, called "circuit courts of the United States." In virtue of appointments made by President Adams in pursuance of this act, William Tilghman, Oliver Wolcott, Richard Bassett, Charles Magill, Samuel Hitchcock, Benjamin Bourne, Egbert Benson, Philip B. Key, William Griffith, Jeremiah Smith, and George K. Taylor became judges of said circuit courts, with salaries of $2,000 a year each. These judges were known as "John Adams's judges," and were extremely objectionable to the Democrats, then called Republicans, of whom Jefferson was the leader. In order to get rid of them, Jefferson, in his first annual message, December 8, 1801, suggested the repeal of the act. His remarks will be found in volume 1 of Richardson's Presidents' Messages, p. 331:

> The judiciary system of the United States—
>
> Said he—
>
> and especially that portion of it recently enacted, will of course present itself to the contemplation of Congress; and, that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several States, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts were brought in to their aid.
>
> *And while on the judiciary organization, it will be worth your consideration whether the protection of the inestimable institution of juries has been extended to all cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider whether that is sufficiently secured in those States where they are named by a marshal depending on Executive will, or designated by the courts, or by officers dependent on them.*

In the first place, then, Jefferson showed that these Federalist courts were unnecessary and expensive. That was of itself a valid objection to them. But in the second place, he raised a far more serious objection by reference to "the inestimable institution of juries" in all cases involving the security of persons and property. He foresaw, even then, that these Federal courts would, in the very nature of things, resort to government by injunction—to the decision of cases without the intervention of a jury. The Pritchards and Joneses of to-day were not hidden from his prophetic vision. Nor were the abuses of the jury system, even when trial by jury was not dispensed with, overlooked by him. He abhorred the idea that a Federal judge should without a jury try any case whatever involving personal or property rights.

The legislature of North Carolina, on the 17th of December, 1801, instructed the Senators and requested the Representatives from that State to urge the repeal of the act of February 13, 1801. And immediately afterwards a bill to that effect was introduced in the Senate. It was entitled "A bill to repeal certain acts of Congress respecting the organization of the courts of the United States, and for other purposes." When it reached the House it was referred to the Committee of the Whole House and was debated at great length. The discussion of its constitutionality was opened by Henderson and Williams, of North Carolina, on the 6th of February, 1802. (See Annals of Congress for that day.) Henderson opened the debate. He deprecated the fact that the legislature of North Carolina had instructed the Senators and requested the Representatives of that State in Congress to vote for the repeal of the act of 1801. He then made several points against the constitutionality of the repealing bill, all of which were taken up by Williams seriatim and fully answered. I regret that I can not conveniently insert this great speech in my remarks on this occasion. Those who wish to examine it will find it reported in the Annals of Congress for February 16, 1802, at pages 530–533. I would also call attention to the remarks of Philip R. Thompson, of Virginia, made in reply to Henderson on the following day (ib., p. 547).

There were great debates in both Houses of Congress on this bill repealing the act of 1801, by which the John Adams circuit courts were established; and it was finally passed; thus proving the right of Congress to deprive judges of all judicial power.

At the next session of Congress, on January 27, 1803, the deposed judges presented petitions in which they said:

> That, by an act of Congress, passed on the 13th day of February, 1801, entitled "An act for the more convenient organization of the courts of the United States," certain judicial offices were created, and courts established, called circuit courts of the United States, the petitioners became vested with the offices so created, and received commissions, authorizing them to hold the same, with the emoluments thereunto appertaining during their good behavior; that, during the last session, an act of Congress passed, by which the above-mentioned law was declared to be repealed, since which no law has been made for assigning to the petitioners the execution of any judicial function, nor has any provision been made for the payment of their stipulated compensations; that, under these circumstances, and finding it expressly declared in the Constitution of the United States that "the judges both of the Supreme and inferior courts shall hold their offices during good

behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office," the petitioners are compelled to represent it as their opinion, that the rights secured to them by the Constitution, as members of the judicial department, have been impaired; that, "with this sincere conviction, and influenced by a sense of public duty, they most respectfully request of Congress to review the existing laws, which respect the offices in question, and to define the duties to be performed by the petitioners, by such provision as shall be consistent with the Constitution and the convenient administration of justice;" that, "the right of the petitioners to their compensations, they sincerely believe to be secured by the Constitution, notwithstanding any modification of the judicial department, which, in the opinion of Congress, public convenience may recommend; this right, however, involving a personal interest, will cheerfully be submitted to judicial examination and decision in such manner as the wisdom and impartiality of Congress may prescribe; that judges should not be deprived of their offices or compensations, without misbehavior, appears, to the petitioners, to be among the first and best established principles of the American Constitution; and, in the various reforms they have undergone, it has been preserved and guarded with increased solicitude; that, on this basis, the Constitution of the United States has laid the foundation of the judicial department, and expressed its meaning in terms equally plain and peremptory;" that, "this being the deliberate and solmen opinion of the petitioners, the duty of their stations requires that they should express it to the legislative body. They regret the necessity which compels them to make the representation; and they confide that it will be attributed to a conviction that they ought not, voluntarily, to surrender rights and authorities intrusted to their protection, not for their personal advantage, but for the benefit of the community."

This matter was debated in Committee of the Whole House on the same day, and the House again decided that Congress had the right to deprive the judges of all judicial powers; and also that it had the right to deprive them of their salaries wherever the office was disestablished. In other words, the House, by a vote of 61 yeas to 37 nays, adopted a resolution declaring:

That the prayer of the petitions of William Tilghman, Oliver Wolcott, Richard Bassett, Charles Magill, Samuel Hitchcock, Benjamin Bourne, Egbert Benson, Philip B. Key, William Griffith, Jeremiah Smith, and George K. Taylor ought not to be granted, and that the petitioners have leave to withdraw their petitions.

(Annals, Seventh Congress, second session, p. 440.)

And on the same day (p. 439) the House by a vote of 57 noes to 35 ayes rejected a resolution declaring—

That provision ought to be made by law for submitting to judicial decision the right of (the same persons, naming them) late judges of the circuit courts appointed under an act entitled:

"An act for the more convenient organization of the courts of the United States, passed on the 13th day of February, 1801, which said act was repealed at the last session of Congress, to their compensations."

Now, in view of this history, I desire to call attention to a publication of the Department of Justice, issued during the present year, and entitled "A list of United States Judges, Attorneys, and Marshals." This document shows that since his accession to office in 1901 President Roosevelt has appointed Federal judges as follows:

Supreme Court of the United States, three associate judges—one-third of the membership of that great tribunal.

Circuit courts of the United States, twelve of the twenty-nine judges, or 41.7 per cent.

District courts of the United States, forty-two of the eighty judges, or 52.5 per cent.

Judging these appointees by the character of Judges Pritchard and Jones, we may assume that some of them, at least, hold the opinions of the appointing authority respecting the necessity of changing the Constitution by judicial construction in order to meet the exigencies of those corporations which contribute most liberally to the corruption fund of the Republican party.

And before his present term expires the President will probably have the opportunity of packing the courts with enough men of the same class to insure the perpetuation of his so-called "policies," by judicial action, unless we act as our predecessors did in 1802, and deprive some of these useless and time-serving judges of some or all of their judicial powers. Disregarding the fact that before March 4, 1909, there is a probability of our having seven Roosevelt judges on the Supreme Court bench, we may by that time have in office for life seventeen of the twenty-nine circuit court judges and forty-seven of the eighty district court judges. If Mr. Roosevelt should be reelected, as many of our Republican friends anticipate, we should probably have on the bench by 1913, as Roosevelt appointees, twenty of the twenty-nine circuit court judges and fifty-nine of the eighty district court judges. If this should happen the hands of Congress and of every State legislature would surely be tied hard and fast by judicial usurpation. Will the people of the Union submit to this? Will we, as the representatives of the people of the States, submit to it? I think not. I know that it ought not to be submitted to. We have the power to abolish these inferior Federal courts. Cujus est instituere ejus est abrogare. Shall we be dominated, abused, insulted, racked, and ruined by our creatures, or shall we put an end to their insolence and their usurpations by following the precedent established in 1802? In principle it is our right to abolish these inferior courts.

As to the question of expediency, it lies wholly within our legislative discretion to continue them under proper restrictions of jurisdiction and powers, or to discontinue them and provide a different system, to be administered by new appointees, whose antecedents prove that they respect the "inestimable institution of juries" and are not disposed to exercise usurped power in order to nullify the laws of the States and the constitutional rights of citizens by means of writs of injunction or prohibition or by punishments inflicted for constructive contempts of court. To this end I favor the complete reorganization of the Federal judiciary, and shall, in all probability, introduce a bill for that purpose, unless the evils of the present system can be remedied by milder means.

The other bill I have reference to is H. R. 16952, which amends the act of 1887 as to removal of causes from the State courts to the United States courts and fixes the sum or value involved in any suit of which the circuit courts of the United States have original cognizance, concurrent with the courts of the several States, at $20,000 instead of $2,000 as now provided by said act.

This, too, is a matter of great importance to the citizens of this country. Under the law as it is at present, if a suit between a citizen of South Carolina and a citizen of another State or a foreign corporation involves the sum or value of $2,000 or more the defendant may remove the same to the circuit court of the United States.

This law appears upon its face to be unfair, unjust, and discriminating in favor of the citizen of another State or a foreign corporation and against the citizen of the State in which the suit was brought, in that it gives to the citizen of another State, and to the foreign corporation, the choice of one of two tribunals in which to try his case, whereas the citizen who sues another citizen of his own State has no choice but to sue in the courts of his own State. These removals cause great complaint and dissatisfaction, especially at this time when foreign corporations are so numerous, doing business as common carriers, express, telephone, and telegraph companies, being incorporated in one State and doing business in a dozen or more States. It works a hardship, especially upon the citizen in moderate circumstances, and often results in a denial of justice to the poor man, the widow, and the orphan, who have not the means to conduct and carry on a lawsuit with a foreign corporation in the United States circuit courts. It may be and often is many miles distant from the home of the plaintiff, owing to the very few courts established in any one State. It is against the policy and principles of our Government and of all civilized nations to place the machinery of the courts of justice beyond the reach of the poorest and humblest citizen who seeks redress for a wrong or remedy for an existing evil. [Applause.]

The act of 1875 fixed the right of the foreign corporation to remove the cause when the amount involved in the suit was $500 or more. This act was amended in 1887 and the amount of $2,000 fixed as the limit. Twenty years have elapsed since this amendment, and it has been twenty years of such progress and prosperity as were never known or experienced by any nation or government in the history of the world. We have advanced in wealth and material prosperity by leaps and bounds unknown to any people of any nation or of any age of the world's history, and a suit now involving $20,000, considering the comparative wealth and prosperity of the country, is no greater and involves relatively no more values than a suit of $2,000 twenty years ago. If it was wise legislation in 1887 to raise the value limit of removals from $500 to $2,000, would it not reflect greater wisdom and more justice and equity to raise the limit of removal in this the year A. D. 1908 to the sum or value of $20,000? In justice, equity, and good conscience I say that it should be done at once. [Applause.]

For further good and sufficient reasons why this bill should become a law I will state what you all know, what has been shown in the experience of every practicing lawyer in this country, that the Federal courts are held by the people of the country in more awe than the State courts; they are not looked upon with favor or regarded with the same degree of confidence as State courts; they are far removed from the people and frequently are presided over by judges appointed by the President from other and distant States from that in which they preside; they are personally unknown to the people, and I regret to say that the knowledge or information the people have gathered concerning some of these judges is not reassuring and not calculated to inspire confidence, respect, or esteem. [Applause.]

The people value more highly than any other the right of trial by jury. That right is often ruthlessly swept aside by a Federal judge in charging a jury upon the facts or in instructing a verdict. For these and many other reasons the people and litigants generally throughout the rural districts are rest-

less and dissatisfied under the present judicial system of the United States and look upon the Federal courts, as now established, as foreign tribunals, whose presiding officers are not in touch or sympathy with the masses of the people and who are altogether ignorant of the character, habits, and customs of the people over whom they wield judicial authority after the manner of a tyrant of the sixteenth century; under this system equity, justice, and mercy are oftentimes most conspicuous by their absence. [Applause on the Democratic side.]

Mr. OVERSTREET. I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18347 (the Post-office appropriation bill) and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2872. An act to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

ADJOURNMENT.

Then, on motion of Mr. OVERSTREET (at 5 o'clock and 6 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of State, transmitting a copy of a letter from the American minister at Lisbon in relation to the delivery of the resolution of the House of Representatives expressing sorrow and sympathy in view of the assassination of the King and Crown Prince of Portugal—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Acting Secretary of State, transmitting a copy of a letter from the ambassador of the French Republic acknowledging the receipt by the Government of the Republic of volumes commemorating the erection of the Rochambeau statue—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, recommending appropriation for work on the new post-office in New York City—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings by the court in the case of Robert B. Howard, heir of estate of James B. Howard, 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 Philip Michael, son of Philip Michael, deceased, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint submitting an estimate of appropriation for repair of mint at San Francisco—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for expenses of taking testimony abroad—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 18120) to establish a naval station at Pearl Harbor, Hawaii, reported the same without amendment, accompanied by a report (No. 1132), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 4760) granting an increase of pension to Wilhemina D. Hebb—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7831) granting a pension to Charles F. Friedeck—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11398) granting a pension to Nora R. Willett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18411) granting bounty and pay to Richard A. Winningham—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 18460) granting an increase of pension to Curtis G. Bagwell—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18477) granting a pension to William Barnett—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18478) granting a pension to Emma C. Theinlin—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17172) for the relief of R. F. Pippin, of Putnam County, Tenn.—Committee on War Claims discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PADGETT: A bill (H. R. 18510) authorizing the Secretary of War to have erected at Hohenwald, Tenn., a monument in honor of Meriwether Lewis—to the Committee on the Library.

By Mr. HAMLIN: A bill (H. R. 18511) to provide for the erection of an extension to the Federal building at Springfield, Mo., and to appropriate money for the same—to the Committee on Public Buildings and Grounds.

By Mr. FASSETT: A bill (H. R. 18512) for the erection of a public building at Hornell, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 18513) to repeal section 5 of an act entitled "An act relating to the sale of gas in the District of Columbia," approved June 6, 1896—to the Committee on the District of Columbia.

By Mr. PUJO: A bill (H. R. 18514) for the erection of a public building at Crowley, La.—to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 18515) to provide for the terms and places of holding the courts of the United States in the eastern district of Oklahoma, and for other purposes—to the Committee on the Judiciary.

By Mr. SMITH of Missouri: A bill (H. R. 18516) relating to conspiracies in cases that now or hereafter may arise within the jurisdiction of the laws of the courts of the United States—to the Committee on the Judiciary.

By Mr. HARRISON: A bill (H. R. 18517) making the 12th day of October in each year a legal holiday—to the Committee on the Judiciary.

By Mr. FLOOD: A bill (H. R. 18518) providing for the erection of a public building in the town of Covington, Va.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18519) to authorize the Secretary of War to furnish two condemned cannon and cannon balls to the Confederate Monument Association at Appomattox, Va.—to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 18520) to amend the internal-revenue laws—to the Committee on Ways and Means.

By Mr. BROUSSARD: A bill (H. R. 18521) to provide for a preliminary survey and examination of Bayou Queue de Tortue, Louisiana—to the Committee on Rivers and Harbors.

By Mr. HAMILTON of Michigan: A bill (H. R. 18522) to protect national banking associations from libel and slander—to the Committee on Banking and Currency.

By Mr. BRADLEY: A bill (H. R. 18523) to create in the War Department a roll to be known as the "Volunteer retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the war of the rebellion, and who are not now on the retired list of the Regular Army or Navy, and for other purposes—to the Committee on Military Affairs.

By Mr. GREENE: A bill (H. R. 18524) to provide for the survey for a ship canal from Fall River Harbor to Weymouth, Fore River, Boston Harbor, Massachusetts—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: A bill (H. R. 18525) relating to the public revenue—to the Committee on Ways and Means.

By Mr. CRUMPACKER: A bill (H. R. 18606) fixing the rate of mileage for Senators, Representatives, and Delegates in Congress—to the Committee on the Judiciary.

By Mr. HARDING: A bill (H. R. 18607) to amend an act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 18526) granting an increase of pension to John Burkett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18527) granting an increase of pension to Jacob Clute—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 18528) granting a pension to Robert L. McCullough—to the Committee on Pensions.

Also, a bill (H. R. 18529) granting an increase of pension to Milton E. McClure—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 18530) granting an increase of pension to Hattie R. Schott—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 18531) for the refunding of money illegally collected by the United States Treasury Department as excise taxes from the Fort Pitt Gas Company, Pittsburg, Pa.—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 18532) granting a pension to Lafayette Jaques—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18533) granting a pension to Adam Bible—to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 18534) for the relief of the heirs of Joseph Piernas, deceased—to the Committee on Private Land Claims.

By Mr. CANNON: A bill (H. R. 18535) granting an increase of Pension to Daniel Hull—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 18536) granting an increase of pension to Isaac C. France—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 18537) granting an increase of pension to Robert Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18538) granting an increase of pension to Allen Conner—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 18539) granting a pension to Martha R. O. Oleson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18540) granting a pension to Martin J. Frey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18541) granting an increase of pension to Jonas P. Davis—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 18542) granting an increase of pension to Johnathan H. Sykes—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 18543) granting an increase of pension to Orra M. Dimcan—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 18544) granting a pension to Daniel Updike—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 18545) granting an increase of pension to Lewis A. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18546) granting an increase of pension to John Anderson—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 18547) granting an increase of pension to I. H. Condon—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 18548) granting an increase of pension to Benjamin V. Carey—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 18549) granting an increase of pension to Simon Stroud—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18550) granting an increase of pension to George W. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18551) granting an increase of pension to Jacob Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18552) granting an increase of pension to Joshua S. Sisson—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 18553) for the relief of Walter Barbee—to the Committee on Claims.

Also, a bill (H. R. 18554) for the relief of Tennessee J. Spiller—to the Committee on Claims.

Also, a bill (H. R. 18555) for the relief of William F. McGee—to the Committee on Claims.

Also, a bill (H. R. 18556) for the relief of Thomas H. Holcomb—to the Committee on Claims.

Also, a bill (H. R. 18557) for the relief of Seletha J. Powers, widow, and the heirs of John Powers, deceased—to the Committee on Claims.

Also, a bill (H. R. 18558) for the relief of Thomas C. Capell—to the Committee on Claims.

Also, a bill (H. R. 18559) for the relief of the heirs of M. O. Coker, deceased—to the Committee on Claims.

By Mr. HACKETT: A bill (H. R. 18560) granting a pension to Shadrach F. Brown—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 18561) for the relief of the widow of Harrison S. Weeks—to the Committee on War Claims.

By Mr. HARDING: A bill (H. R. 18562) granting a pension to Richard Murphy—to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 18563) providing for payment to Putnam County, in the State of Tennessee, for the occupation and incidental destruction of its court-house during the late war between the States—to the Committee on War Claims.

Also, a bill (H. R. 18564) for the relief of the estate of John W. Spradlin, deceased—to the Committee on War Claims.

By Mr. ADDISON D. JAMES: A bill (H. R. 18565) granting an increase of pension to James W. Grubb—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 18566) to provide an American register for the barkentine *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKAID: A bill (H. R. 18567) granting an increase of pension to Joseph Posey—to the Committee on Pensions.

By Mr. KIPP: A bill (H. R. 18568) granting an increase of pension to Morris McClenn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18569) granting an increase of pension to Henry Bentley—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18570) granting an increase of pension to Spencer Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18571) granting an increase of pension to John P. Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18572) granting a pension to William Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18573) to correct the military record of Martin Lunsford—to the Committee on Military Affairs.

By Mr. LANING: A bill (H. R. 18574) granting an increase of pension to Charles C. Early—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18575) granting an increase of pension to Payton Shields—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 18576) for the relief of James W. Andrews—to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 18577) granting an increase of pension to Jason L. Newell—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 18578) for the relief of Carlos Manjarrez—to the Committee on War Claims.

Also, a bill (H. R. 18579) for the relief of Ella Phillips, widow, and the heirs of David Phillips, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18580) for the relief of the heirs of John Pace, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18581) authorizing the appointment of Maj. James H. Spencer to the rank of colonel—to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 18582) for the relief of Joseph Manning—to the Committee on Claims.

By Mr. PARKER of South Dakota: A bill (H. R. 18583) granting an increase of pension to Joseph Shanbarker—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 18584) for the relief of the heirs of the estates of Jacob E. and Martha Keller, deceased—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 18585) granting an increase of pension to Charles W. Harford—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 18586) for the relief of John Armstrong, jr.—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 18587) for the relief of James W. Fitzgerald—to the Committee on War Claims.

Also, a bill (H. R. 18588) for the relief of Robert B. Watson—to the Committee on War Claims.

Also, a bill (H. R. 18589) for the relief of Jacob H. Mays—to the Committee on War Claims.

Also, a bill (H. R. 18590) for the relief of the heirs of Elias E. Blackburn, late marshal of the northern district of Florida—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 18591) for the relief of the administrator and heirs of John G. Campbell, to permit prosecution of Indian depredation claims—to the Committee on Indian Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 18592) granting an increase of pension to Alford A. Fulford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18593) granting an increase of pension to John W. Clem—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18594) granting an increase of pension to John McGuire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18595) granting a pension to Walter M. Corn—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 18596) granting an increase of pension to Frederick Schneider—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 18597) for the relief of P. A. Wingate—to the Committee on War Claims.

By Mr. HULL of Iowa: A bill (H. R. 18598) granting an increase of pension to George Camp—to the Committee on Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 18599) granting an increase of pension to John Byron—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 18600) for the relief of John M. Hill—to the Committee on Claims.

Also, a bill (H. R. 18601) for the relief of Elmore A. McKenna, late captain, United States Volunteer Signal Corps—to the Committee on Military Affairs.

By Mr. LIVINGSTON: A bill (H. R. 18602) granting an increase of pension to Kate S. West—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 18603) granting an increase of pension to Francis N. Thompson—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 18604) granting a pension to Elizabeth Ann Hinman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18605) granting an increase of pension to Thomas Radford—to the Committee on Invalid Pensions.

By Mr. OLCOTT: Joint resolution (H. J. Res. 147) for the relief of the heirs of George B. Simpson—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDRUS: Petition of Local No. 1, International Stereotypers and Electrotypers Union, of New York, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. ANSBERRY: Petitions of Toledo and Cleveland Associations of Credit Men, for H. R. 13266 (bankruptcy act)—to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany bills for relief of Elijah Jennings, Hattie R. Schott, and John P. Swigert—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Petition of International Typographical Union of Macon, Ga., for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of P. A. Wingate—to the Committee on War Claims.

By Mr. BATES: Petition of Bail T. Graham, of Conneautville, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. N. Geist, against the Penrose amendment to the postal laws (known as S. 1518)—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Adam Bible—to the Committee on Invalid Pensions.

Also, petition of Army and Navy Union of Titusville, Pa., for increase and equalization of pay of Army, Navy, and Revenue-Cutter Service—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of L. W. Jaques—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Petition of J. H. Callier and others; Wholesale and Retail Hardware Joint Committee, of Richmond, Va.; W. R. Bragdon and others, of Buford, Ga.; and C. J. Bolton, of Norcross, Ga., for a parcels-post law—to the Committee on the Post-Office and Post Roads.

By Mr. BENNET of New York: Petition of Joseph Revans and others, of New York City, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOOHER: Paper to accompany bill for relief of Nora R. Willett (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BURKE: Petition of Thomas J. Stewart, of Pennsylvania, for appropriation of $1,000,000 for annual militia maneuvers—to the Committee on Militia.

Also, petition of R. W. Johnson, against clause in copyright bill inimical to photographers—to the Committee on Patents.

Also, petitions of J. H. Redpath, John A. Roberts, Mrs. L. M. T. Redpath, C. W. Redpath, and M. Barr, against sale of intoxicants on all property owned by the United States—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Brotherhood of Locomotive Firemen and Enginemen, favoring the La Follette liability bill (S. 5307), etc.—to the Committee on the Judiciary.

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

By Mr. CALDER: Petition of New York Advertising League, favoring the Coudrey bill (H. R. 14387) relative to fraudulent and misleading advertising—to the Committee on the District of Columbia.

Also, papers to accompany bills for relief of Henrietta V. Miller and Samuel S. Conklin—to the Committee on Invalid Pensions.

Also, petition of Lumber Trade Journal of New York, for forest reservations in White Mountains and southern Appalachian Mountains (Currier bill)—to the Committee on Agriculture.

Also, petition of Savannah Pilots' Association, American Association of Masters, Mates, and Pilots, against the Littlefield pilotage bill (H. R. 4771)—to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDERHEAD: Petition of Over Clothing Company, of Salina, Kans., against any extension of present parcels-post laws, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. A. Mather and A. E. Coleman, of Manhattan, Kans., for the Littlefield original-package bill and the Hill bill—to the Committee on the Judiciary.

Also, petition of Southwestern Lumbermen's Association, against giving out names of patrons of post-offices, etc., and against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Southwestern Lumbermen's Association, against change of rates by railways without permission of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Axtell, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CHANEY: Petition of C. A. Manden and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Linton, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Linton, Ind., for H. R. 40, to prohibit sale of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Allen Conner—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of Woman's Christian Temperance Union, of East End, Pittsburg, in favor of the Tirrell bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of sundry citizens of Thirtieth Congressional District, for legislation against liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. DAWSON: Petition of Lumber Dealers' Association, of Connecticut, for forest reservation in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Farmers' Institute of Iowa, for the Culberson bill, empowering Interstate Commerce Commission to regulate speed of all stock trains on interstate railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Farmers' Institute of Iowa County, Iowa, for abolishing the free-seed distribution—to the Committee on Agriculture.

By Mr. DE ARMOND: Petition of voters of Cedar County, Mo., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Milwaukee Clearing House Association, against H. R. 7546, 14641, and kindred bills relative to dealings in futures, unlawfulness of national banks to receive deposits from such dealings, etc.—to the Committee on Banking and Currency.

By Mr. FOSTER of Indiana: Petition of citizens of Chrisney, Ind., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Memorial of the Illinois legislature, for the Hamilton bill, granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of Wholesale and Retail Hardware Joint Committee, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Illinois State Undertakers' Association, against the custom of burial at sea—to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of National German-American Alliance, for restoration of Army canteen—to the Committee on Military Affairs.

Also, petition of Merchants' Association of New York, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of New York Board of Trade and Transportation, against S. 42 and H. R. 6089—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of National Guard Association of New York, for appropriation for national maneuvers of militia—to the Committee on Militia.

Also, petition of Savannah Pilots' Association, against H. R. 4771 (Littlefield bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRANGER: Petition of town council of Narragansett Pier, R. I., for H. R. 6160, to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of William T. Adair, against sale of intoxicants on Government property—to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. A. Way, for Federal registration of automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of Thomas J. Stewart, for $1,000,000 appropriation for militia maneuvers—to the Committee on Militia.

Also, petition of American Association of Masters, Mates, and Pilots, against Littlefield pilotage bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HARRISON: Petition of Local Union No. 1, International Stereotypers and Electrotypers, of New York City, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. HAWLEY: Paper to accompany bill for relief of Daniel R. Cone (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HOLLIDAY: Petition of District of Columbia Society of Sons of American Revolution, for the name of Lafayette avenue for Sixteenth street NW., in the city of Washington—to the Committee on the District of Columbia.

By Mr. HOWELL of Utah: Papers to accompany bill in support of an appropriation for improvement of navigation of Green River, Utah—to the Committee on Rivers and Harbors.

Also, petition of Utah Association of Credit Men, for H. R. 13266, amending national bankruptcy act—to the Committee on the Judiciary.

Also, petition of Cigar Makers' Union of Ogden, Utah, for battle-ship construction in navy yards—to the Committee on Naval Affairs.

By Mr. LAW: Petition of Grand Army of the Republic of Kings County, Department of New York, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. LINDSAY: Petition of International Stereotypers and Electrotypers' Union No. 1, of New York, for removal of duty on white paper and pulp, etc.—to the Committee on Ways and Means.

Also, petition of National Guard Association of New York State, for S. 4316 and H. R. 14783 (improvements of the militia)—to the Committee on Militia.

Also, petitions of Charlotte Hardware Company and Francis N. Johnston, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Manufacturers' Association of New York, for H. R. 31 and 225, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Advertising League, for H. R. 14387, against fraudulent advertising—to the Committee on the District of Columbia.

By Mr. KAHN: Petition of California State Federation of Labor, against naturalization of Asiatics or their admission into the United States—to the Committee on Immigration and Naturalization.

Also, petition of Golden Gate Harbor, No. 4, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., for H. R. 14941—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Gas Workers of San Francisco, No. 9840, favoring battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Commandery of California, Military Order of Loyal Legion of the United States, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Petrero Commercial and Manufacturers' Association of San Francisco, Cal., for improvement of the Presidio Military Reservation at San Francisco, Cal.—to the Committee on Military Affairs.

Also, petition of California State Federation of Labor, in favor of a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Frances S. Comba—to the Committee on Pensions.

By Mr. KELIHER: Petition of general assembly of Commercial Telegraphers' Union, for investigation of telegraph conditions in the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Credit Men's Association, for amendment to bankruptcy law—to the Committee on the Judiciary.

Also, petition of Boston Merchants' Association, against repeal of bankruptcy act—to the Committee on the Judiciary.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of clergymen of New York, against increase of Navy budget—to the Committee on Naval Affairs.

Also, petition of Massachusetts Institute of Technology, Society of Arts, for forest reservations in the White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Society of Wireless Engineers of Boston, for legislation to stop needless interference in receiving of official wireless messages—to the Committee on Naval Affairs.

Also petitions of congregation of Kenesseth Israel, of Boston; S. Goldman, of Boston, and Bay State Lodge, No. 215, O. B. A., against educational test, etc., for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of National Board of Trade of Boston, favoring extension of the credit system of all branches of consular service, for school of diplomacy and advance in salaries of consuls—to the Committee on Foreign Affairs.

Also, petition of Boston Architectural Club, indorsing plan for development of the capital—to the Committee on Public Buildings and Grounds.

By Mr. KÜSTERMANN: Petitions of Polish citizens of Krakow and Green Bay, Wis., against expropriation bill of the Prussian Diet—to the Committee on Foreign Affairs.

By Mr. NEEDHAM: Petition of American Association of Masters, Mates, and Pilots, against the Littlefield bill (H. R. 4771)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of California State Federation of Labor, for a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of California State Federation of Labor, against all Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, petition of California State Federation of Labor, against enlisted musicians competing with civilian musicians—to the Committee on Labor.

Also, petition of California State Federation of Labor, for laws to protect employees in clear line of duty in Government service in the United States as well as to the Filipino employees—to the Committee on the Judiciary.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, favoring H. R. 15657—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of California, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLCOTT: Petition of Board of Trade and citizens of New York, and business men of New York City, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. OVERSTREET: Petition of Woman's Home Missionary Society of Edwin Ray Methodist Episcopal Church, of Indianapolis, Ind., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. PETERS: Petition of Boston Credit Men's Association, favoring the bankruptcy act—to the Committee on the Judiciary.

Also, petition of business men of Boston, against increase of Navy—to the Committee on Naval Affairs.

By Mr. REEDER: Petition of twentieth annual convention of Southwestern Lumbermen's Association, against postmasters furnishing lists of names of patrons of their offices, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Paper to accompany bill for relief of John D. Landis—to the Committee on Invalid Pensions.

Also, petition of A. D. Hershberger and others, for S. 3152 (additional protection to dairy interests)—to the Committee on Agriculture.

By Mr. SULZER: Petition of Dr. J. W. M. Dixon, for the Littlefield original-package and Crumpacker bills—to the Committee on the Judiciary.

Also, petition of O. H. Beck and others, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York Advertising League, for H. R. 14387 (Coudrey bill), against misleading advertising—to the Committee on the District of Columbia.

By Mr. TOWNSEND: Petition of Safford Post, No. 330, and Rowley Post, Grand Army of the Republic, of Clayton, Mich., for Sherwood bill—to the Committee on Invalid Pensions.

By Mr. WEEMS: Petition of J. D. Mills and others, for a national highway commission—to the Committee on Agriculture.

Also, petition of Jefferson County Trades and Labor Assembly and Toronto (Ohio) Trades and Labor Assembly, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

SENATE.

TUESDAY, *March 3, 1908.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

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

In the cause of Louis A. Cornthwaite *v.* United States;

In the cause of Lila J. Baldwin, widow of William S. Baldwin, deceased, *v.* United States;

In the cause of the Trustees of the Methodist Episcopal Church South, of Rectortown, Va., *v.* United States;

In the cause of the New Hope Baptist Church, of Orange County, Va., *v.* United States;

In the cause of J. B. Hubbard, administrator of David L. Hubbard, deceased, *v.* United States;

In the cause of the Trustees of the Trinity Protestant Episcopal Church, of Martinsburg, W. Va., *v.* United States;

In the cause of John Crosby Brown, executor of James Brown, deceased, *v.* United States; and

In the cause of Velma C. Williams, administratrix d. b. n. of Paul Curtis, deceased, *v.* United States.

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

MESSAGE FROM THE HOUSE.

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

S. 392. An act to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major. United States Volunteers;

S. 406. An act granting a pension to Celesta Clark;

S. 712. An act granting a pension to Agnes Lange Smith;

S. 720. An act to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby;

S. 1666. An act for the relief of Stene Engeberg;

S. 1746. An act granting a pension to Elmer Honnyman;

S. 1774. An act to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands; and

S. 4740. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

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

S. 4376. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

S. 5110. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors; and

S. 5255. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

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

H. R. 1378. An act granting a pension to Andrew Goddard;

H. R. 1399. An act granting a pension to William R. Phillips;

H. R. 1549. An act granting a pension to Lela L. Ellis;

H. R. 1589. An act granting an increase of pension to Susan M. Yeoman;

H. R. 2932. An act granting a pension to Roy L. Jones;

H. R. 3012. An act granting an increase of pension to James Jeffers;

H. R. 4121. An act granting an increase of pension to James B. Smith;

H. R. 4123. An act granting an increase of pension to Graham Maffett;

H. R. 4173. An act granting a pension to Harris Alvin Conrad;

H. R. 4327. An act granting an increase of pension to Jorge Benavides Anderson;

H. R. 4337. An act granting an increase of pension to Francis H. Swift;

H. R. 4413. An act granting an increase of pension to Alexander Beckwith;

H. R. 4974. An act granting an increase of pension to John O. Evans;

H. R. 4979. An act granting an increase of pension to Julius M. Dutton;

H. R. 5138. An act granting a pension to David McGinnis;

H. R. 5298. An act granting an increase of pension to Kirk Brown;

H. R. 6407. An act granting an increase of pension to John H. Arnold;

H. R. 6529. An act granting a pension to Thomas Carten, alias Carton;

H. R. 6654. An act granting an increase of pension to Edward Marden;

H. R. 7169. An act granting an increase of pension to Jennie H. Thomas;

H. R. 7220. An act granting an increase of pension to Langdon Sherriff;

H. R. 7388. An act granting an increase of pension to De Witt Nash;

H. R. 7440. An act granting an increase of pension to Oliver Jones;

H. R. 7745. An act granting an increase of pension to William Sheppard;

H. R. 7746. An act granting an increase of pension to William D. Williams;

H. R. 7938. An act granting an increase of pension to James B. Wilson;

H. R. 7939. An act granting an increase of pension to Huldah L. Barber;

H. R. 8333. An act granting an increase of pension to George Jenkins;

H. R. 8628. An act granting an increase of pension to John Gibson;

H. R. 8743. An act granting an increase of pension to Charles Titterington;

H. R. 9621. An act granting a pension to John Hearn;

H. R. 10158. An act granting an increase of pension to John F. Lane;