

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 Galesta Clark;

S. 712. An act granting a pension to Agnes Lange Smith;

S. 720. An act to confirm an entry made by Gertrude Halver-son 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 Gram

Maffett;

H. R. 4173. An act granting a pension to Harris Alvin Con-

rad;

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 Alex-

ander 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 Ed-

ward Marden;

H. R. 7169. An act granting an increase of pension to Jen-

nie H. Thomas;

H. R. 7220. An act granting an increase of pension to Lang-

don 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 Wil-

liam Sheppard;

H. R. 7746. An act granting an increase of pension to Wil-

liam 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;

H. R. 10377. An act granting an increase of pension to John McNally;
 H. R. 10848. An act granting an increase of pension to Martha A. Simms;
 H. R. 11041. An act granting an increase of pension to Alexander Keefe;
 H. R. 11367. An act granting a pension to George W. Robb;
 H. R. 11687. An act granting an increase of pension to Alonzo Knox;
 H. R. 11939. An act granting an increase of pension to Phillip Bowers;
 H. R. 12026. An act granting an increase of pension to Frederick Wiffin;
 H. R. 12490. An act granting an increase of pension to John Wagner;
 H. R. 12629. An act granting an increase of pension to Albert Newton;
 H. R. 12773. An act granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for a park and other public purposes;
 H. R. 12803. An act allowing Chandler Bassett to perfect final proof in his homestead entry;
 H. R. 12856. An act granting an increase of pension to Peter A. Rainbolt;
 H. R. 13140. An act granting an increase of pension to John O. Matthews;
 H. R. 13536. An act granting a pension to Granville W. Smith;
 H. R. 13584. An act granting an increase of pension to Gay W. Schell;
 H. R. 13627. An act granting an increase of pension to George A. Osborn;
 H. R. 13887. An act granting a pension to John Lichtenberger;
 H. R. 14084. An act granting an increase of pension to Charles W. Heisler;
 H. R. 14368. An act granting a pension to Sterling A. Galt;
 H. R. 14531. An act granting an increase of pension to Thomas G. Orr;
 H. R. 14547. An act granting an increase of pension to Joseph A. Turner;
 H. R. 14972. An act granting an increase of pension to George W. Stabler;
 H. R. 14981. An act granting an increase of pension to John W. Don, sr., alias John Dunn;
 H. R. 15137. An act granting an increase of pension to Fenimore Ames;
 H. R. 15179. An act granting an increase of pension to Martha E. McDonald;
 H. R. 15473. An act granting an increase of pension to Mary A. L. Hawk;
 H. R. 15531. An act granting an increase of pension to Rebecca Williams;
 H. R. 15539. An act granting an increase of pension to Edward P. Howe;
 H. R. 15546. An act granting a pension to John T. Maloney, jr.;
 H. R. 15725. An act to relinquish, release, and confirm the title of certain lands in California to the Western Power Company;
 H. R. 15810. An act granting an increase of pension to Wyatt Roberson;
 H. R. 15852. An act 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;
 H. R. 15893. An act granting an increase of pension to Richard H. Jones;
 H. R. 15904. An act granting an increase of pension to Margaret E. McGulre;
 H. R. 15947. An act granting an increase of pension to Mary E. Leigh;
 H. R. 16184. An act granting an increase of pension to James Cochran Key;
 H. R. 16236. An act granting an increase of pension to Thomas Sheppard;
 H. R. 16241. An act granting an increase of pension to Sarah W. Passmore;
 H. R. 16331. An act granting an increase of pension to Annie Ricks;
 H. R. 16415. An act granting an increase of pension to Joseph Rickey;
 H. R. 16444. An act granting an increase of pension to Louis N. Brady;
 H. R. 16770. An act granting land to Anna Johnson;
 H. R. 16803. An act granting a pension to William Abt;
 H. R. 17073. An act granting an increase of pension to Thomas J. Perkins;

H. R. 17483. An act granting an increase of pension to Theobald R. Hobbs;

H. R. 17763. An act granting an increase of pension to Charles Pharaazyn; and

H. R. 17874. An act 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 foregoing pension bills received this day from the House of Representatives were severally read twice by their titles and referred to the Committee on Pensions.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2872) 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, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Pierce Mercantile Company, of Farmington, N. Mex., 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 sundry petitions of the Lancaster County 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 were referred to the Select Committee on Woman Suffrage.

He also presented a memorial of the faculties of universities and colleges and sundry educators of New York City, N. Y., remonstrating against any appropriation being made for the construction of the proposed new battle ships, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the mayor and aldermen of Brunswick, Ga., remonstrating against the enactment of legislation depriving the several States of the right to enact pilotage laws for the government of their respective ports, which was referred to the Committee on Commerce.

He also presented sundry petitions of Robert D. Kinney, of Philadelphia, Pa., praying that an investigation be made and redress granted for the course pursued in the name of the Supreme Court of the United States in the case of Robert D. Kinney v. James T. Mitchell, etc., which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of Local Union No. 6, International Photo-Engravers' Union, 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 Commercial Club of Red Wing, Minn., praying that an appropriation be made for the maintenance of agricultural high schools and branch agricultural experiment stations, which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. KITTREDGE) presented a petition of sundry citizens of Yankton, S. Dak., praying for the passage of the so-called "Sherwood pension bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also (for Mr. KITTREDGE) presented a memorial of sundry citizens of Alcester, S. Dak., remonstrating against the enactment of legislation to amend the Revised Statutes relating to post-offices and post-roads, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a petition of Chapel Corners Grange, No. 872, Patrons of Husbandry, of Poughkeepsie, N. Y., praying for 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 District Lodge, No. 15, International Association of Machinists, of New York City, N. Y., praying for the enactment of legislation providing for the construction of at least one 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 Local Union No. 1, International Stereotypers and Electrotypers' Union, of New York City, N. Y., 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 petitions of Northern Central Lodge, No. 413, Brotherhood of Railroad Trainmen, of Elmira; of Local Lodge, Brotherhood of Railroad Trainmen, of Niagara Falls, and of L. R. Skinner Lodge, No. 276, Brotherhood of Locomotive Firemen and Engineers, of Buffalo, all in the State of New York, praying for the passage of the so-called "La Follette

employers' liability bill," and also for the passage of the so-called "Rodenburg anti-injunction bill," which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented a petition of Phil K. Faulk Regiment, No. 18, Union Veteran Union, Department of South Dakota, praying for the enactment of legislation granting a pension of \$1 a day to all Union veterans of the civil war who served eighteen months, which was referred to the Committee on Pensions.

He also presented petitions of the congregation of the Congregational Church of Watertown, of the Ministerial Association of Watertown, and of the Christian Endeavor Society and sundry citizens of Raymond and Oacoma, all in the State of South Dakota, 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 memorials of sundry citizens of Parkston, Canastota, Yankton, Lemmon, and Oldham, all in the State of South Dakota, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of Local Union No. 1, International Stereotypers and Electrotypers' Union of New York City, N. Y., 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 Trades Assembly of Schenectady, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the New York Branch of the American Federation of Labor, remonstrating against the enactment of any legislation which will interfere with or impair the present efficient pilotage system of the United States, which was referred to the Committee on Commerce.

He also presented a memorial of Chapin Post, No. 2, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., and a memorial of Bidwell-Wilkeson Post, No. 9, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. DICK presented a memorial of the South Side Improvement Association of Columbus, Ohio, remonstrating against the passage of the so-called "Aldrich emergency currency bill," which was referred to the Committee on Finance.

He also presented a petition of the Lakeside Federation of Woman's Clubs of Berlin Heights, Ohio, praying for the enactment of legislation to repeal the duty on works of art, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Troy, Lima, and Dayton, all in the State of Ohio, 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 memorials of sundry citizens of Greenfield and Columbus, in the State of Ohio, remonstrating against the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of Local Lodge No. 286, Brotherhood of Railroad Trainmen, of Wellsville, Ohio, praying for the passage of the so-called "Rodenburg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Conroy, Bethlehem, and Mount Zion, all in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Chillicothe, Canton, Wellsville, and Cleveland, all in the State of Ohio, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Toledo, Zanesville, and Salem, all in the State of Ohio, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of Stoker Post, No. 54, Department of Ohio, Grand Army of the Republic, of Findlay, Ohio, praying for the enactment of legislation to readjust the pay of soldiers during the civil war on a gold basis, which was referred to the Committee on Pensions.

He also presented a memorial of Local Branch No. 20, Glass

Bottle Blowers' Association, of Zanesville, Ohio, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. PILES presented petitions of sundry citizens of Seattle, Port Orchard, and Tacoma, all in the State of Washington, praying for the enactment of legislation providing for the closing on Sunday of the gates of the Alaska-Yukon-Pacific Exposition, which were referred to the Select Committee on Industrial Expositions.

He also presented petitions of sundry citizens of Seattle and Port Orchard, in the State of Washington, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships, which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Local Union No. 261, International Union of United Brewery Engineers, of Seattle, Wash., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. BULKELEY presented a memorial of 41 citizens of Rocky Hill, Conn., remonstrating against the enactment of legislation providing for the appointment of a clerical force through noncompetitive examination for the taking of the Thirteenth Census, which was referred to the Committee on the Census.

He also presented a memorial of 12 citizens of Bridgeport, Conn., remonstrating against the enactment of legislation to provide for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

Mr. WHYTE presented a memorial of sundry citizens of Baltimore, Md., remonstrating against any appropriation being made for the construction of the proposed new battle ships, which was referred to the Committee on Naval Affairs.

Mr. TALIAFERRO presented a memorial of E. L. Ferran & Co., of Eustis, Fla., and the memorial of G. A. Dreka, of De Land, Fla., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of sundry educators of the United States, praying for the enactment of legislation to increase the salary of the Commissioner of Education, which was referred to the Committee on Appropriations.

He also presented a petition of sundry volunteer officers of the civil war, of Collinsville, Ill., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 16, Bricklayers, Stonemasons, and Plasterers' Union, of Aurora, Ill., praying for the enactment of legislation providing for the construction of one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. STEPHENSON presented resolutions adopted by sundry Polish citizens of Green Bay, Wis., and resolutions adopted by sundry Polish-American citizens of Stevens Point, Wis., expressing their disapproval of the Polish expropriation bill enacted by the Prussian Diet, which were referred to the Committee on Foreign Relations.

Mr. DOLLIVER presented petitions of sundry citizens of Toledo, Iowa City, Sutherland, and Ames, all in the State of Iowa, praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented a memorial of the Manufacturers' Bureau of Indianapolis, Ind., remonstrating against the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Cantril, Iowa, praying for the enactment of legislation for the relief of Margaret E. Davis, which was referred to the Committee on Claims.

He also presented a petition of Armory, Company D, Fifty-fourth Infantry, Iowa National Guard, of Washington, Iowa, and a petition of Regimental Band, Fifty-fourth Infantry, Iowa National Guard, of Ottumwa, Iowa, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 174, Journeymen Horseshoers' Union, of Dubuque, Iowa, and a petition of

Julian Lodge No. 322, Brotherhood of Locomotive Firemen of Dubuque, Iowa, praying for the enactment of legislation providing for the construction of the first proposed new battle ship at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the First Presbyterian Church of Chariton, Iowa, and a petition of sundry citizens of Winfield, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Taylor County, Iowa, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Equal Suffrage Association of Des Moines, Iowa, 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. HOPKINS presented a petition of the Trades Assembly of Aurora, Ill., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of Colonel Nodine Post, No. 140, Department of Illinois, Grand Army of the Republic, of Champaign, Ill., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Palmyra, Ill., praying for the passage of the so-called "per diem pension bill," which was referred to the Committee on Pensions.

Mr. SCOTT presented a memorial of Fairmont Union, No. 428, United Brotherhood of Carpenters and Joiners of America, of Fairmont, W. Va., remonstrating against the enactment of legislation excluding nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Tygart Valley Division, No. 284, Brotherhood of Locomotive Engineers, of Grafton, W. Va., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. CURTIS presented a petition of sundry citizens of Gridley, Kans., praying for the enactment of legislation prohibiting the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry volunteer officers of the civil war of Sedgwick County, Kans., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Kansas City, Kans., praying for the enactment of legislation to relieve the present financial stringency, which was referred to the Committee on Finance.

He also presented a memorial of the United Commercial Travelers' Association of Salina, Kans., 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 memorial of sundry citizens of Burlington, Kans., remonstrating against the enactment of a Sunday-rest law in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BROWN presented a petition of the Nebraska 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.

He also presented a petition of Ingram Lodge, No. 303, Brotherhood of Locomotive Engineers, of Chadron, Nebr., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. FOSTER presented a petition of sundry citizens of New Orleans, La., praying for the enactment of legislation placing the telegraph system of the country 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, which was referred to the Committee on Interstate Commerce.

Mr. PERKINS presented a petition of the California State Federation of Labor, praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Military Order of the Loyal Legion of the United States, Commandery of California, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments of the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Oakland, Cal., praying for the adoption of an amendment to section 6 of the interstate-commerce law, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the California State Federation of Labor, praying for the enactment of legislation to prohibit the importation of Asiatics into this country, which was referred to the Committee on Immigration.

He also presented a petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Steam Vessels, of San Francisco, Cal., praying for the enactment of legislation relating to the licensing of officers and crews of steam vessels, which was referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of the District of Columbia Society, Sons of the American Revolution, of Washington, D. C., praying that the name of Sixteenth street NW. in that city be changed to Lafayette avenue, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Brightwood Park Citizens' Association, of the District of Columbia, praying for the enactment of legislation to increase the Metropolitan police force in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of George Mead Hughes, of Mount Holly, N. J., and petitions of sundry citizens of Washington, D. C., 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 memorial of the Hillsdale Citizens' Association, of the District of Columbia, remonstrating against the passage of the so-called "Dolliver bill" providing for the direction and control of public education in the District of Columbia, which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 5705) granting an increase of pension to Genevieve Paul Hosley, which were referred to the Committee on Pensions.

Mr. KEAN presented a petition of Local Union No. 18, International Stereotypers and Electrotypers' Union of Newark, N. J., 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 Department of New Jersey, United Spanish War Veterans, of Rutherford, N. J., praying for the enactment of legislation authorizing the issuance of discarded arms to organized camps of the United Spanish War Veterans, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Montclair, Camden, and Newark, all in the State of New Jersey, praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Moorestown, N. J., praying for the enactment of legislation to establish national highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of District Assembly No. 197, Knights of Labor, of Jersey City, N. J., remonstrating against the enactment of legislation excluding nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of David Gray Archibald, of Newark, N. J., remonstrating against the adoption of certain amendments to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

SUNDAY LEGISLATION.

Mr. KEAN. I present a memorial of the Seventh Day Baptists of the United States, signed by Stephen Babcock, of Yonkers, N. Y., president, and Rev. Abram Herbert Lewis, of Plainfield, N. J., corresponding secretary. I ask that it be read.

There being no objection, the memorial was read, as follows:

MEMORIAL AGAINST SUNDAY LEGISLATION.

To the Honorable Senate and House of Representatives in Congress Assembled:

The Seventh Day Baptists of the United States, for and in behalf of whom this memorial is laid before you, beg leave to call attention to their record as advocates and defenders of constitutional, civil, and religious liberty ever since their organization in Newport, R. I., in 1671 A. D. That record includes colonial governments, the Continental Congress, where they were represented by Hon. Samuel Ward, the services of German Seventh Day Baptists of Ephrata, Pa., and other points of interest. Having such a history and inheritance, we respectfully and confidently ask and petition that you will not enact any of the following bills, now in the hands of the Committees on the District of Columbia, namely:

"S. 1519. A bill to prevent Sunday banking in post-offices in the handling of money orders and registered letters.

"H. R. 4597. A bill to further protect the first day of the week as a day of rest in the District of Columbia.

"H. R. 4929. A bill prohibiting labor on buildings, etc., in the District of Columbia on the Sabbath Day.

"H. R. 13471. A bill prohibiting work in the District of Columbia on the first day of the week, commonly called 'Sunday.'

"S. 3940. A bill requiring certain places of business in the District of Columbia to be closed on Sunday."

We base this memorial on the following grounds:

First, The Constitution of the United States declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." That Sunday legislation is forbidden under this act is shown by the records of Congress from 1808 to 1830. The question came to the front under an act of April 30, 1810, establishing the Postal Department and requiring the opening of post-offices and the transmission of mail on every day in the week. Remonstrances and petitions followed the enactment of this law. Postmaster-General Gideon Granger, January 30, 1811, reported that he had sent the following instructions to postmasters:

"At post-offices where the mail arrives on Sunday the office is to be kept open for the delivery of letters, etc., for one hour after arrival and assorting of the mail; but in case that would interfere with the hours of public worship, then the office is to be kept open for one hour after the usual time of dissolving the meetings for that purpose."

He also reported that an officer had been prosecuted in Pennsylvania for refusing to deliver a letter on Sunday not called for within the time prescribed, and said he doubted whether mail could be legally refused to any citizen at any reasonable hour on any day of the week. (American State Papers, vol. 15, p. 45.)

Reports, discussions, and petitions concerning Sunday mails crowd the annals of Congress from 1811 to 1830. Mr. Rhea, chairman of the Committee on Post-Offices, reported adversely concerning efforts to secure a change in the law requiring Sunday opening on January 3, 1812; June 15, 1812, and January 20, 1815. Postmaster-General Granger made adverse report January 16, 1815, saying:

"The usage of transporting the mails on the Sabbath is coeval with the Constitution of the United States."

January 27, 1815, Mr. Daggett made an adverse report, that was considered by the House in Committee of the Whole February 10, 1815, and after various efforts at amendment was passed, as follows:

Resolved, That at this time it is inexpedient to interfere and pass any laws on the subject-matter of the several petitions praying the prohibition of the transportation and opening of the mail on the Sabbath."

March 3, 1825, an act was passed "To reduce into one the several acts establishing the Post-Office Department," section 11 of which reads as follows:

"And be it further enacted, That every postmaster shall keep an office, in which one or more persons shall attend on every day on which a mail shall arrive, by land or water, as well as on other days, at such hours as the Postmaster-General shall direct, for the purpose of performing the duties thereof; and it shall be the duty of the postmaster, at all reasonable hours, on every day of the week, to deliver, on demand, any letter, paper, or packet, to the person entitled to, or authorized to receive, the same."

This renewed the discussion throughout the country, and Congress was flooded with petitions and counter petitions, which were referred to the Committee on Post-Offices and Post-Roads, of which Richard M. Johnson was chairman. He made an elaborate report to the Senate January 19, 1829, and to the House March 4 and 5, 1830. These reports were exhaustive and able documents. They centered around the question of Congressional legislation on religious subjects, all phases of which were considered with marked ability and candor.

When he presented the report before the Senate Mr. Johnson said:

"Now, some denominations considered one day the most sacred and some looked to another, and these petitions for the repeal of the law of 1825 did, in fact, call upon Congress to settle what was the law of God. The committee had framed their report upon principles of policy and expediency. It was but the first step taken, that they were to legislate upon religious grounds, and it made no sort of difference which was the day asked to be set apart, which day was to be considered sacred, whether it was the first or the seventh, the principle was wrong. It was upon this ground that the committee went in making their report." (Register of Debates in Congress, vol. 5, pp. 42-43.)

Representative passages from Senator Johnson's report are as follows:

"Extensive religious combinations, to effect a political object, are, in the opinion of the committee, always dangerous. This first effort of the kind calls for the establishment of a principle which, in the opinion of the committee, would lay the foundation for dangerous innovations upon the spirit of the Constitution and upon the religious rights of the citizens.

"Congress has never legislated upon the subject. It rests, as it ever has done, in the legal discretion of the Postmaster-General, under the repeated refusals of Congress to discontinue the Sabbath mails.

"While the mail is transported on Saturday, the Jew and the Sabatarian may abstain from any agency in carrying it from conscientious scruples. While it is transported on the first day of the week, any other class may abstain from the same religious scruples. The obligation of the Government is the same to both these classes; and the committee can discern no principle on which the claims of one should be respected more than those of the other, unless it should be admitted that the consciences of the minority are less sacred than those of the majority." (S. Docs., 2d sess., 20th Cong., Doc. 46; also Register of Debates, vol. 5, Appendix, p. 24.)

The adoption of Mr. Johnson's report settled the question of Sunday legislation by Congress for many years. Its revival calls forth this memorial asking that Congress will not reverse its decision made in 1830.

Second, In addition to the fact that after a discussion lasting twenty years, Congress determined to abide by its constitutional restrictions touching Sunday laws, we offer another objection to the bills now before it. Leaving out the historic fact that Sunday laws have always been avowedly religious, we call attention to the religious elements and principles contained in the bills now before you. They create crime by assuming that secular labor and ordinary worldly affairs become criminal at 12 o'clock on Saturday night and cease to be criminal twenty-four hours later; they assume that the specific twenty-four hours known as the "First day" of the week may not be devoted to ordinary affairs, because of the sinfulness and immorality resulting from such use of those specific hours. The fact that religious leaders are the main promoters of Sunday legislation shows that religious convictions are at the basis of Sunday laws and that religious ends are sought through their enforcement. The terms used, although somewhat modified in modern times, denote that the proposed laws spring from religious conceptions. There can be no distinction between "secular" and "sacred," "worldly" and "unworldly," except on religious grounds. There is no reason, either in logic or in the nature of our civil institutions, why the first day of the week should be legislated into a day of idleness any more than the fourth day. Through all history cessation from "worldly pursuits" on either the seventh or the first day of the week has been considered a form of religious duty.

Actions and transactions intrinsically right which promote prosperity, good order, and righteousness can not be changed into crimes at a given moment—by the clock—and purged from criminality "by act of Parliament" twenty-four hours later.

If there be need of protecting employed persons from abuse or overwork, that need will be met in full by some law like the following:

"Be it enacted, That every employed person shall be entitled to one day of rest each week. The claiming of this right shall not prejudice, injure, nor interfere with any engagement, position, employment, or remuneration as between employed persons and those by whom they are employed."

In view of the foregoing and of many similar reasons, your memorialists respectfully urge Congress not to enact any of the Sunday-law bills now before your honorable body.

In behalf of the Seventh Day Baptists of the United States, by the American Sabbath Tract Society, Plainfield, N. J.

STEPHEN BARCOCK, A. M., President,
48 Livingston avenue, Yonkers, N. Y.
ABRAM HERBERT LEWIS, D. D., LL. D.,
Corresponding Secretary,
633 West Seventh street, Plainfield, N. J.

FEBRUARY, 1908.

Some of the facts referred to in the opening of the foregoing memorial are these: Through the Hon. Samuel Ward and others, Seventh-day Baptists took a prominent part in the struggle by which the nation was brought into existence. Being then governor of the colony of Rhode Island, Mr. Ward was the first of the colonial governors who refused to enforce the stamp act of 1765. His published letters—Westerly, R. I., December 31, 1773, and Newport, R. I., May 17, 1774—had much influence in the formation of the Continental Congress that met at Philadelphia, September 5, 1774. Mr. Ward and Stephen Hopkins were the first two delegates to that Congress elected by any colony. They were chosen June 15, 1774. Mr. Ward was a member of subsequent Congresses until his untimely death, March 26, 1776, because of which his name did not appear among the signers of the Declaration of Independence. He was one of the most prominent and efficient men in the Congress. John Hancock called him to be presiding officer of Congress, sitting in "Committee of the Whole" May 26, 1775, in which committee all the important work of Congress was formulated. Mr. Ward occupied that place almost continually during the sessions of 1775 and 1776. In his official capacity, June 15, 1775, he reported the appointment of Col. George Washington, of Virginia, to be Commander in Chief of the Continental forces. His published correspondence with Washington and others are important documents touching the work of the Continental Congress. Mr. Ward's son, Samuel, was a captain in the Twelfth Rhode Island Regiment. George Washington wrote to Governor Ward, from Cambridge, Mass., in August, 1775, speaking highly of his son as a competent officer.

The assembly of Rhode Island led in the movement for a colonial navy. On the 3d of October, 1775, Mr. Ward presented the recommendations of the Rhode Island assembly, and on December 11 of that year Congress acted upon those recommendations, and the first thirteen ships were ordered, these being the nucleus of the Navy of the United States. Mr. Ward's last letter was dated at Philadelphia, March 6, 1776. It was a high type of Christian patriotism, and his relations with Benjamin Franklin are shown in the closing sentence: "Doctor Franklin does me the favor to take charge of this letter." March 15, he was compelled to leave his place while Congress was in session. Virulent smallpox developed, from which he died March 26, 1776. The Continental Congress, the general assembly of Pennsylvania, and the mayor and councilmen of the city of Philadelphia attended the funeral officially and the Members of Congress wore mourning crape for a month in memory of Mr. Ward. The published correspondence of John Adams describes Mr. Ward's funeral and speaks in high terms of his ability and influence.

IN PENNSYLVANIA.

The German Seventh-day Baptists of Pennsylvania were also prominent supporters of the Colonial Government through their representative at Ephrata, Pa. After the battle of Brandywine, September 11, 1777, the public buildings of the Seventh-day Baptists and their private homes were thrown open as hospitals, in which not less than 500 sick and wounded soldiers became the guests of the Seventh Day Baptists during the dreary winter of 1777-78. "Typhus" became epidemic and many soldiers died, together with a number of Seventh-day Baptist women who acted as nurses. These soldiers were buried in the Seventh-day Baptist Cemetery, where a fitting monument stands above their dust.

When the Declaration of Independence was to be sent out, through which the infant Republic asked place among the nations of the world, Peter Miller, a Seventh-day Baptist scholar of Ephrata, translated that Declaration into various foreign languages, and copies of these were prepared in the printing office of the Seventh-day Baptists at Ephrata.

The VICE-PRESIDENT. What reference does the Senator from New Jersey desire to have made of the memorial?

Mr. KEAN. It should be referred to the Committee on the District of Columbia, I think.

Mr. GALLINGER. Mr. President, in connection with the memorial I feel it my duty, as chairman of the Committee on the District of Columbia, to make a very brief statement.

For several years we have had bills before that committee along the lines of the bills that are named in the memorial, and I believe there is one such bill before the committee at the present time. During the last Congress the committee had one or more hearings on the subject, but no conclusion was reached. The bill now before the committee will have consideration in the near future to the extent of a hearing, to which all the parties in interest, of course, will be invited.

I think it is proper I should say that, in respect to Sunday legislation, the District of Columbia is somewhat unique. Only a few days ago I was in a photograph gallery in Washington when a man employed there said to me, "I wish Congress would enact some legislation looking to Sunday as a day of rest." I inquired how it affected him, and he said, "Simply because our photograph gallery is open all day Sunday; we are doing work here precisely as we do on week days; and we are compelled to do it because all the other galleries in the city of Washington are open for that purpose."

Mr. President, I am not going to intrude upon the Senate my views on this subject, but I do think it is of sufficient consequence to have the matter thoroughly heard before the committee and thoroughly discussed in this body; and as chairman of the Committee on the District of Columbia I shall endeavor to see that that shall be done in the near future.

The VICE-PRESIDENT. The memorial will be referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2326) to provide for the purchase of a site for the erection of a custom-house and Federal court building thereon at Wilmington, N. C., reported it with amendments and submitted a report thereon.

ROCK RIVER BRIDGE, ILLINOIS.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17422) 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, to report it favorably without amendment. I call the attention of the Senator from Illinois [Mr. HOPKINS] to the bill.

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

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

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

LAND WARRANTS AND CERTIFICATES.

Mr. BANKHEAD. From the Committee on Public Lands, I report back with amendments the bill (S. 1036) for the relief of locators of military bounty-land warrants and surveyors-general's certificates, and I submit a report thereon.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Alabama.

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

The Secretary read the bill.

Mr. LODGE. It seems to be a rather complicated bill, as I have listened to it, and I should like to have some explanation of it.

Mr. McLAURIN. Mr. President, the bill practically explains itself.

The Secretary of the Interior made a ruling that military bounty-land warrants and surveyors-general's certificates could be used in the purchase of land anywhere in the United States. Afterwards the Land Department reversed that decision and held that they could only be used to purchase land in Missouri. Afterwards that decision was reversed and the Land Department went back to the original decision. Now, I understand that the Land Department has again reversed itself.

During the time the decision of the Land Department was in

vogue a number of persons who held these warrants and certificates used them in purchasing land in other portions of the country than Missouri. They have purchased lands and made improvements upon them. The lands have in some instances, I suppose, been conveyed to vendees and subvendees, so that their titles are very much complicated. The warrants have been canceled, and to validate those sales would be only an act of justice to the men who, relying upon the decision of the Land Department, used their certificates and warrants in the purchase of land.

Mr. LODGE. How much land is involved?

Mr. McLAURIN. I do not know the amount of land that is involved. I do not think there is a large amount of land involved, but I am not prepared to state the amount. I am not prepared to say that there is not a considerable amount involved, but not enough, I think, to raise any objection to the bill. I think the bill is one that is properly guarded.

Mr. BANKHEAD. Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. McLAURIN. With pleasure.

Mr. BANKHEAD. I suggest that there is a letter from the Secretary of the Interior accompanying the bill which explains fully the situation and the necessity for its passage. If the letter is read it will give the information desired.

Mr. TELLER. Mr. President—

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

Mr. McLAURIN. With pleasure.

Mr. TELLER. This is a bill, I understand, reported this morning. I have on various occasions objected to taking up any bills except bridge bills, or something of that kind, when reported. I do not mean to antagonize this bill, but I think it ought to be laid over and the report ought to be printed. There is a long report with it and it is an important measure. It affects the public lands. Therefore I object to its present consideration.

The VICE-PRESIDENT. Objection is made and the bill will go to the Calendar.

Mr. McLAURIN. I ask that in the printing of the bill and report the letter of the Secretary of the Interior be also printed.

The VICE-PRESIDENT. It will be printed with the report.

RELIEF OF MADISON COUNTY, KY.

Mr. OVERMAN. I am directed by the Committee on Claims, to whom was referred the bill (S. 5349) for the relief of Madison County, Ky., to report it favorably without amendment, and I submit a report thereon.

Mr. McCREARY. I ask unanimous consent that the bill just reported by the Senator from North Carolina may be considered by the Senate. A similar bill passed the Senate in the last Congress.

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

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury and the Commissioner of Internal Revenue to audit and adjust the claim of Madison County, Ky., for internal-revenue taxes on dividends on shares of stock or bonds owned by that county in the Louisville and Nashville Railroad to the extent that such taxes were deducted from any dividends due and payable to the county, any statute of limitations to the contrary notwithstanding; and it authorizes the Secretary of the Treasury to pay to Madison County, Ky., the amount of the claim so audited and adjusted.

Mr. LODGE. I should like to hear the report accompanying that bill.

Mr. McCREARY. I, of course, am perfectly willing to have the report read, but I will say to the Senator from Massachusetts that this bill passed the Senate unanimously at the last session, and is reported favorably now.

Mr. LODGE. Does the Senator from Kentucky state that the bill was reported favorably last year?

Mr. McCREARY. Yes; it was reported favorably last year and passed the Senate unanimously at the last session.

Mr. LODGE. Then I make no objection to 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.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 5856) granting pensions to officers and enlisted men of the military and naval service of the United States who served ninety days or more during the war of the rebellion, and for other purposes, which was read twice by its title and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 5857) for the erec-

tion of a public building at Ephraim, Utah, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. NELSON introduced a bill (S. 5858) for the relief of Daniel Wells, which was read twice by its title and referred to the Committee on Military Affairs.

He also (for Mr. KITTREDGE) introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5859) to correct the military record of Patrick Devine, alias Patrick O'Donnell; and

A bill (S. 5860) to grant an honorable discharge to Richard W. McCumsey.

He also (for Mr. KITTREDGE) introduced a bill (S. 5861) granting an increase of pension to Oscar Dunlap, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GUGGENHEIM introduced a bill (S. 5862) to purchase certain lands adjacent to the present site of Fort Logan, Colo., which was read twice by its title and referred to the Committee on Military Affairs.

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

A bill (S. 5863) granting an increase of pension to Harry C. Gallaher (with the accompanying papers);

A bill (S. 5864) granting an increase of pension to Charles R. Crouch;

A bill (S. 5865) granting an increase of pension to W. W. Ferguson;

A bill (S. 5866) granting an increase of pension to Charles Carlisle;

A bill (S. 5867) granting an increase of pension to John G. Gelling;

A bill (S. 5868) granting an increase of pension to William F. Peters;

A bill (S. 5869) granting a pension to Mary A. Grant;

A bill (S. 5870) granting an increase of pension to William H. Stannah;

A bill (S. 5871) granting a pension to George J. Reed;

A bill (S. 5872) granting an increase of pension to Helen E. South;

A bill (S. 5873) granting an increase of pension to Lawrence F. Larkin;

A bill (S. 5874) granting an increase of pension to Samuel H. McCurdy;

A bill (S. 5875) granting an increase of pension to Louis Grossman; and

A bill (S. 5876) granting an increase of pension to George W. Ragland.

Mr. WHYTE introduced a bill (S. 5877) granting an increase of pension to Rachel A. Ardeeser, which was read twice by its title and referred to the Committee on Pensions.

Mr. McLAURIN (for Mr. MONEY) introduced a bill (S. 5878) for the relief of Henry L. Blake and others, which was read twice by its title and referred to the Committee on Claims.

Mr. CLARKE of Arkansas introduced a bill (S. 5879) to provide for the purchase of a site and the erection thereon of a public building at Jonesboro, Ark., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. TAYLOR introduced a bill (S. 5880) for the relief of Marion B. Patterson, which was read twice by its title and referred to the Committee on Claims.

Mr. SMOOT introduced a bill (S. 5881) granting an increase of pension to William J. King, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 5882) granting an increase of pension to Rolando S. Fuller, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BULKELEY introduced a bill (S. 5883) to correct the military record of John A. Oates, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 5884) granting an increase of pension to Joseph M. Swarthout, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5885) for the relief of John S. May, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DIXON introduced a bill (S. 5886) granting an increase of pension to Leonard Goss, which was read twice by its title

and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 5887) to place on the citizenship roll of the Cherokee Nation, Letitia F. Colding, Letitia L. Randolph, and Charles Colding Lawrence, which was read twice by its title and referred to the Committee on Indian Affairs.

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

A bill (S. 5888) limiting the issuance of restraining orders and injunctions and requiring notice before issuance; and

A bill (S. 5889) to limit the power of circuit and district judges of the United States in issuing injunctions and restraining orders against State laws and State officers.

Mr. STEPHENSON (for Mr. LA FOLLETTE) introduced a bill (S. 5890) reserving from entry and sale the mineral rights to coal and other minerals mined for fuel, oil, gas, or asphalt, upon or underlying the public lands of the United States, and providing for the entry of the surface of public lands underlain with or containing coal or other minerals mined for fuel, oil, gas, or asphalt, and providing for the leasing of the mineral rights in such lands, which was read twice by its title and referred to the Committee on Public Lands.

He also (for Mr. LA FOLLETTE) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 5891) providing for the valuation of the segregated coal and asphalt lands in the Choctaw and Chickasaw nations in the State of Oklahoma, and for the sale of the surface and the disposition of the mineral rights therein; and

A bill (S. 5892) providing for the valuation of the segregated coal and asphalt lands and the surplus lands in the Choctaw and Chickasaw nations and of the surplus lands in the Creek Nation, in the State of Oklahoma, and for the sale of the surface and the disposition of the mineral rights therein.

Mr. CURTIS introduced a bill (S. 5893) for the relief of D. W. Boutwell, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5894) to provide for the completion of the enlargement of the Government building at Wichita, Kans., and for other purposes, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

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

A bill (S. 5895) granting an increase of pension to Edward C. McGeachy (with accompanying papers); and

A bill (S. 5896) granting an increase of pension to Antoinette A. Darnall.

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

A bill (S. 5897) granting a pension to Martha J. Kellogg; and

A bill (S. 5898) granting an increase of pension to P. R. Williams.

Mr. BOURNE introduced a joint resolution (S. R. 64) providing for the operation of the dredge in maintaining channel depths in the inner harbor of Coos Bay, Oregon, which was read twice by its title and, with the accompanying paper, referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SIMMONS submitted an amendment providing that hereafter the rate of postage on books and merchandise mailed at distributing post-offices for rural free-delivery routes shall be 5 cents for the first pound and 2 cents for each additional pound or fractional part thereof, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. McENERY submitted an amendment relative to the purchase of all repairs and wagons, automobiles, and harness, and purchase of all feed for horses and cows, other than for hospitals, under the Bureau of Medicine and Surgery, Navy Department, 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.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. WHYTE 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.

POSTAL SAVINGS BANKS.

On motion of Mr. KNOX it was

Ordered, That 5,000 additional copies of the bill (S. 5508), to establish a system of postal savings banks, and for other purposes, be printed for the use of the Senate document room.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. HOPKINS. Mr. President, I desire to give notice that to-morrow morning after the routine morning business I will submit some remarks on Senate bill 3023 and answer some of the objections which have been made to the bill.

BANK LOANS UPON COLLATERAL SECURITY.

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

The resolution was read, as follows:

Whereas many banks in cities where stock exchanges are located loan money of depositors which are trust funds upon worthless stocks and bonds traded in on these stock exchanges on terms that make such loans most dangerous, putting banks making such loans in position of menace to the public: Therefore, be it

Resolved, That the Comptroller of the Currency be directed to send to the Senate at the earliest day possible a detailed statement of all loans made by the national banks in New York City upon collateral security during the six months from June 1, 1907, to December 1, 1907, such statement setting out in full names of borrowers, amounts of loans, lists of stocks and bonds deposited with each loan as collateral security, and also stating whether such loans are time or call loans and whether call loans are made by executive officers of the several banks or by order of the board of directors of the several banks.

Mr. ALDRICH. Let the resolution go over, Mr. President.

The VICE-PRESIDENT. The resolution will go over.

Mr. TILLMAN. In explanation to the Senator from Rhode Island, who is very solicitous that we shall do only the wise thing here, I want to say, with the permission of the Senate, that stock gambling is recognized by a great many people, if not by the Senator from Rhode Island, as one of the most pernicious, dangerous, and devilish of all the present pernicious, dangerous, and devilish things that are being done in New York. In order to get at the facts, Mr. HEPBURN has introduced a bill at the other end, and is rushing it to its death or to its enactment, to put a tax on all these transactions, I believe. Evidently something needs to be done.

I want the facts, that is all. I am perfectly willing to let the matter go over until to-morrow, so that the Senator from Rhode Island can examine it and see what special interests are jeopardized by it.

Mr. ALDRICH. I will suggest to the Senator from South Carolina that from hearing the resolution read and without being able to take in its full scope, perhaps—

Mr. TILLMAN. I am perfectly willing that it shall go over.

Mr. ALDRICH. I suggest to the Senator from South Carolina that he should not confine his investigation to New York.

Mr. TILLMAN. But that is the head center of devilment in stock gambling.

Mr. ALDRICH. But there are stock gamblers outside of New York, and if we are to have the names of all the persons who borrow money from national banks—

Mr. TILLMAN. I am perfectly willing the resolution shall go over. I thought the Senator would object to it because it would take in New York. I am perfectly willing to take in every city in the country.

Mr. ALDRICH. I think the Senator ought to do that, in justice, because if we are going to publish the names of the banking people who loan money on collateral security, I think it ought to take in everybody.

Mr. TILLMAN. All right. If the Senator will agree to that, in the morning we can arrange it to entire satisfaction, so far as I am concerned.

RIVER IMPROVEMENTS IN NORTH CAROLINA.

Mr. SIMMONS 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 surveys and examinations to be made of Neuse River from Pamlico Sound to Kinston, N. C.; of Trent River from its junction with Neuse River to Trenton, N. C.; of Tar River from Pamlico Sound to Washington, N. C.; of Pasquotank River from Albemarle Sound to Elizabeth City, N. C.; of Roanoke River from Albemarle Sound to Weldon, N. C.; of Chowan River from Albemarle Sound to a point opposite Winton, N. C., with a view to improving the navigability of all said rivers and providing channels of 10 feet depth, so as to conform to the depth of said rivers from their mouths in said sounds to the points specified with the depth of the canal authorized by the river and harbor act of 1906, to connect the waters of Pamlico Sound and its connecting sounds with the Atlantic Ocean at Beaufort, N. C.

RIVER IMPROVEMENTS IN DELAWARE.

Mr. du PONT 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 a survey to be made, and to submit a plan and estimate for dredging and otherwise improving the navigation of each of the following-named waters:

The upper waters of the Pocomoke River from the town of Snow Hill, Md., up to or near the town of Gumboro, Del.;

The Nanticoke River from the town of Seaford to the town of Middleford, in Sussex County, Del.;

The Christiana River from the city of Wilmington to the town of Christiana, in Newcastle County, Del.;

The Laurel River in Sussex County, Del., from the town of Laurel to its mouth.

That the expense of such surveys and investigations be paid out of the fund appropriated for such examinations and surveys.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 12773. An act granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes;

H. R. 12803. An act allowing Chandler Bassett to perfect final proof in his homestead entry;

H. R. 15725. An act to relinquish, release, and confirm the title of certain lands in California to the Western Power Company;

H. R. 15852. An act 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; and

H. R. 16770. An act granting land to Anna Johnson.

DISPOSITION OF CHICKASAW FUNDS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. TILLMAN, 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.

Mr. TILLMAN. Mr. President, I desire to amend the resolution. On page 3, in the last "whereas," strike out the words "with the notation" in the second line in the paragraph.

The VICE-PRESIDENT. The Senator from South Carolina modifies his resolution as stated.

Mr. TILLMAN. And strike out the quotation marks on that line and on the last line before "Therefore," and strike out the balance of the resolution and insert the following.

The VICE-PRESIDENT. The modification will be made. The modified resolution will be read.

The SECRETARY. Strike out the resolving clause and insert:

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 report of Special Agent J. S. Mosby, upon which report the said indictment was returned; the minutes of the grand jury and the documentary evidence presented to said grand jury; a true and correct copy of the indictment; all correspondence of every kind and description that has passed between the Department and the United States district attorney or attorneys and his or their assistant attorney or attorneys for the southern district of the Indian Territory; all correspondence of every kind and description between any officer, agent, or employee of the United States Government, and any other person or persons whomsoever pertaining or appertaining to said indictment.

That the Attorney-General be, and he is hereby, directed to inform the Senate why said indictment was dismissed, whether upon insufficiency of law or fact, and particularly whether the facts alleged were in the form of documentary evidence, and the guilt of the defendants thereby established beyond question; and whether it is customary for the Attorney-General to interfere in the prosecution of persons against whom an indictment or indictments have been returned in the State or Federal courts of the country; and if so, by what authority of law; and whether other indictments of a similar nature have been dismissed by direction of the Attorney-General within the past five years; and if so, what indictment or indictments and the cause therefor.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

TECHNOLOGY BRANCH IN THE GEOLOGICAL SURVEY.

The VICE-PRESIDENT. Morning business has closed. The Calendar, under Rule VIII, is in order. The Secretary will state the first business on the Calendar.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as first in order.

Mr. TELLER. Mr. President, I want to object to that joint resolution. I ask that it go to the Calendar under Rule IX.

The VICE-PRESIDENT. The joint resolution will go to the Calendar under Rule IX at the request of the Senator from Colorado.

PAY OF THE ARMY.

The bill (S. 4030) to fix the pay of the Army was announced as next in order.

Mr. TELLER. Mr. President, as I do not see the chairman of the Committee on Military Affairs in the Chamber at present, I will ask that the bill may go over until he is present, keeping its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Colorado.

OCEAN MAIL SERVICE.

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," was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President, retaining its place on the Calendar.

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

ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order.

The VICE-PRESIDENT. There is a memorandum accompanying this bill to the effect that the senior Senator from South Dakota [Mr. KITTREDGE] desires to be present when the bill is considered.

Mr. GALLINGER. Let the bill go over, Mr. President.

Mr. GAMBLE. Mr. President, no request has been made of me to delay the consideration of this bill. It is a matter of great importance to the region of the State affected by it and should be passed. It was favorably reported to the Senate on February 5, and its consideration has heretofore been objected to and action thereon delayed. If, however, it is the desire of my colleague to be heard upon the measure and substantial objections can be urged against its passage, of course I shall not now insist upon the consideration of the bill in his absence. Time is rapidly passing, and this delay endangers the possibility of the bill becoming a law at this session of Congress. The creation of this land district is strongly urged by the Interior Department.

The proposed district embraces an area of about three or four million acres in the northwest part of the State, far removed from the adjoining land offices. Its eastern boundary is about

200 miles from the land office immediately east, and its northern boundary is over 150 miles from the land office in which it is now situated. The present land office is inaccessible to the settlers in this particular section and will be to the prospective settlers. They have to drive nearly a hundred miles to reach the railway, and then it is a distance of 50 miles to reach the land office. Many applications for filings are made through commissioners, and such filings are very frequently duplicated. This leads to delay and to great inconvenience to settlers.

Upward of 350,000 acres were taken in this region during the last fiscal year, and there is a large area of public land in the proposed district still open to prospective settlers. The Chicago, Milwaukee and St. Paul Railway has recently extended its line westward through the northern part of the State, reaching this region. The creation of this land district would make the land office accessible and convenient to settlers. Its establishment is strongly urged, not only by the Interior Department, but also by the people in that region of the State immediately interested therein.

I regret exceedingly an objection should be interposed to the passage or consideration of the bill. I have no disposition to insist upon its consideration if anyone has a valid objection to it, or can give substantial reasons why the measure should not be passed. I, however, do not want its consideration so delayed that its passage may be defeated at this session as a result. Action thereon has already been unduly delayed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill, the title of which has been stated?

Mr. NELSON. I dislike to make any objection, Mr. President, but the junior Senator from South Dakota [Mr. KITTREDGE] having indicated his desire to be present—

Mr. GAMBLE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. NELSON. Certainly.

Mr. GAMBLE. I do not want the Senator from Minnesota to understand that I shall insist upon the consideration of the bill in the absence of my colleague. I simply desired to make the statement I have so that my position may be understood. Of course if there are substantial reasons for delay—

Mr. NELSON. Very well, then, let the bill go over, retaining its place upon the Calendar.

Mr. GAMBLE. Retaining its place on the Calendar. I was anxious the bill should be considered, and hoped no objection would be interposed.

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

MATERIAL AND EQUIPMENT FOR THE PANAMA CANAL.

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 was announced as next in order.

Mr. FRYE. Let that go over, retaining its place.

The VICE-PRESIDENT. The joint resolution will go over at the request of the Senator from Maine, retaining its place.

SPOKANE RIVER BRIDGE IN IDAHO.

The bill (H. R. 15247) to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho, was considered as in Committee of the Whole.

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

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company was announced as next in order.

Mr. OVERMAN. Let that bill go over under Rule IX, Mr. President.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from North Carolina.

Mr. FLINT subsequently said: At the request of the Senator from North Carolina [Mr. OVERMAN] Senate bill 48 went to the Calendar, under Rule IX. I desire to have it restored to its place on the Calendar, and he has withdrawn his objection.

The VICE-PRESIDENT. The Senator from California asks that the bill be restored to its place on the Calendar, under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

PATENT FOR SANTEE RESERVATION LANDS IN NEBRASKA.

The bill (S. 4549) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue

patent in fee simple to the directors of school district No. 36, Knox County, Nebr., for a tract of not exceeding 2½ acres from the lands reserved for the Santee Agency, Nebr., described as the northwest quarter of the southwest quarter of the southeast quarter of the northwest quarter of section 13, township 33 north, range 5 west of the sixth principal meridian, Nebraska, upon compliance with such terms and conditions as the Secretary of the Interior may prescribe; the tract to be used for school purposes under the laws of the State of Nebraska.

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

UNAPPROPRIATED AND UNRESERVED LANDS IN MONTANA.

The bill (S. 3639) to amend the homestead laws as to unappropriated and unreserved lands in the State of Montana was announced as next in order.

Mr. McCREARY. I ask that that bill go over under Rule IX. The VICE-PRESIDENT. The bill will go over under Rule IX at the request of the Senator from Kentucky.

SPECIAL LEAVE PRIVILEGES FOR MILITARY ACADEMY OFFICERS.

The bill (S. 650) to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools was considered as in Committee of the Whole.

Mr. LODGE. I offer a committee amendment to come in at the end of the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated by the Secretary.

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

And such student officers of the Coast Artillery School as may have completed the first year's course and may be detailed to pursue the second year's course.

So as to make the bill read:

Be it enacted, etc., That the provisions of section 1330, Revised Statutes, authorizing leaves of absence to certain officers of the Military Academy, during the period of the suspension of the ordinary academic studies, without deduction from pay and allowances, be, and are hereby, extended to include officers on duty exclusively as instructors at the special service schools or at the Staff College, and to include such student officers for the Staff College or the Signal School as may be detailed from the graduates of the latest class at a special service school and such student officers of the Coast Artillery School as may have completed the first year's course and may be detailed to pursue the second year's course.

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.

PATENTS TO SANTEE INDIANS.

The bill (S. 3202) to authorize patents to Santee Indians was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to cause a patent to issue under the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), and the amendments thereto, to any Santee Indian to whom lands were assigned under the provisions of the treaty of April 29, 1868 (15 Stat. L., p. 637), who has not heretofore obtained a patent to his land under the provisions of that treaty.

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

ARIZONA AND CALIFORNIA RAILWAY COMPANY.

The bill (S. 2948) to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz., was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, on page 1, line 3, after the word "That," to insert "subject to the approval of the Secretary of the Interior;" in line 4, after the word "area," to insert "adjacent to its approved right of way;" in line 7, after the word "granted," to insert "for additional station grounds and terminal facilities;" and on page 2, line 6, after the word "purposes," to insert:

Provided, That such additional lands are granted subject to the right of the United States to cross the same and the works constructed thereon, with canals or water conduits of any kind or with roadways, or transmission lines for telephone, telegraph, or electric power, which may in the future be built by the United States across such lands; and the said company shall build and maintain at its own expense all structures that may be required at crossings, and in accepting this grant shall release the United States from all damages which may result from the construction and use of such crossings, canals, conduits, and lines.

So as to make the bill read:

Be it enacted, etc., That, subject to the approval of the Secretary of the Interior, additional lands not exceeding 40 acres in area adjacent to

its approved right of way in the Colorado River Indian Reservation, in the Territory of Arizona, be, and the same are hereby, granted for additional station grounds and terminal facilities to the Arizona and California Railway Company, a corporation organized under the laws of said Territory, subject to the payment by said company of full compensation therefor in the manner provided in section 3 of the act approved March 2, 1899, entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, Indian allotments, and for other purposes." *Provided*, That such additional lands as are granted subject to the right of the United States to cross the same and the works constructed thereon, with canals or water conduits of any kind or with roadways, or transmission lines for telephone, telegraph, or electric power, which may in the future be built by the United States across such lands; and the said company shall build and maintain at its own expense all structures that may be required at crossings, and in accepting this grant shall release the United States from all damages which may result from the construction and use of such crossings, canals, conduits, and lines.

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.

FISH-CULTURAL STATION IN WISCONSIN.

The bill (S. 5253) to establish a fish-cultural station in the State of Wisconsin was considered as in Committee of the Whole. It proposes to appropriate \$25,000, or so much thereof as may be necessary, for the establishment of a fish-cultural station in the State of Wisconsin, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

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

FEES AND COSTS IN DISTRICT PROBATE COURT.

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, was announced as next in order.

Mr. GALLINGER. Mr. President, the Senator from Texas [Mr. CULBERSON] objected to this bill on yesterday, and as he is not in his seat I ask that the bill go over, retaining its place.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

CALAVERAS BIG TREE NATIONAL FOREST.

The bill (S. 1574) to create the Calaveras Big Tree National Forest, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Forest Reservations and the Protection of Game with amendments on page 2, line 13, after the word "and," to insert "shall;" in line 15, before the word "reproduction," to insert "promote the;" on page 3, line 16, after the word "resources," to insert "within the State of California;" in line 20, after the word "sell," to insert "any trees;" and in the same line, after the word "improvement," to strike out "cutting any," so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as Sequoia washingtoniana, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township 4 north, range 15 east, Mount Diablo meridian, the northeast quarter of section 1; in township 4 north, range 16 east, Mount Diablo meridian, the north half of section 6; in township 5 north, range 15 east, Mount Diablo meridian, the southwest quarter of section 14, south half of section 15, north half of section 22, northwest quarter of section 23, and southeast quarter of section 36, and in township 5 north, range 16 east, Mount Diablo meridian, the west half of section 28, the east half and southwest quarter of section 29, the southeast quarter of section 30, all of sections 31, 32, and the northwest quarter of section 33. And such area or areas, as fast as complete title is acquired, shall be known as the Calaveras Big Tree National Forest and shall be administered, protected, and improved by the Secretary of Agriculture to prolong the existence, growth, and promote the reproduction of said big trees, and to make said national forest accessible and convenient for the public: *Provided*, That the owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forest by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in any or all of three ways: They may be given the right to file with the Secretary of the Interior, within sixty days after any such conveyance, selections for an equal area of surveyed, unreserved, unappropriated, nonmineral public lands which shall, if found subject to such lieu selection, be patented to said owners in lieu of the land conveyed, and if any selection is rejected other selections may be made under conditions applicable to the one rejected; or the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest reserve land an amount of timber and wood, the stumpage value of which is equal to the value of any land conveyed, as determined by the Secretary of Agriculture; or any money subscribed privately or appropriated by the State of California for such purpose may be used by the Secretary of Agriculture to pay wholly or in part for any land acquired under the terms of this section: *And provided*, That the special forest-reserve fund obtained from charges now made for timber, grazing, and for the use of other forest-reserve resources within the State of California is hereby further appropriated and made available, as the Secretary of

Agriculture may direct, to administer, protect, and improve said Calaveras Big Tree National Forest; and the Secretary of Agriculture may sell any trees for improvement except the big trees within said Calaveras National Forest, the proceeds to be deposited in and become part of said forest-reserve special fund.

Mr. GALLINGER. Mr. President, I do not rise to oppose this bill, but to make the suggestion that the Senate has passed a bill creating a forest reserve in the Appalachian and White Mountains. It has gone to the other House, and I think I am not transgressing the rules of the Senate when I say that that bill has been sent to the Committee on the Judiciary of the other body to inquire into its constitutionality. I had never before supposed that the Government of the United States could not constitutionally make a purchase of land for a park, but it seems to be questioned in a certain place. I simply wanted to call the attention of the Senator from California to this fact, which possibly he has looked into, as to whether or not we can constitutionally buy the big trees of California, which I think ought to be taken care of, or whether that proposition will encounter constitutional difficulties in another place.

Mr. PERKINS. Mr. President, this bill makes no appropriation whatever for the purchase of these trees or any land. It simply authorizes the Secretary of Agriculture, under certain conditions, to make exchanges. I think it can be better explained by asking the Secretary to read the letter from the Secretary of Agriculture, on page 1 of the report, which explains the bill.

Mr. GALLINGER. Let that be inserted in the RECORD without reading. I do not object to the bill at all.

Mr. BACON. I should like to ask the Senator, in lieu of taking the time in having the letter read, if I understand him correctly to say that the bill proposes simply to make a certain interchange of land; in other words, that certain public lands shall be exchanged for the land on which these trees stand?

Mr. PERKINS. Mr. President, the Calaveras Big Tree Grove belongs to private individuals. They have asked an exorbitant sum for it in trying to sell it. There is land adjacent to this grove in a Government reservation, and the object of this bill is to authorize the Secretary of Agriculture, in his discretion to make an exchange of timber that is better and more merchantable timber than these big trees the *Sequoia gigantea* and the *Sequoia washingtoniana*. The people of California have formed an improvement association and propose to raise a certain sum of money for this purpose and donate it to the purchase of these trees, thus perpetuating them for all time and give the Government title. I should like to have the Secretary read the letter from Secretary Wilson, which I think fully explains the purpose and the provisions of this bill.

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

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,
Washington, January 28, 1907.

DEAR SIR: In accordance with your request made to the Forest Service, I have the honor to report upon the propriety of S. 8117, for the creation of the Calaveras Big Tree National Forest.

During the last field season the Forester caused a survey and complete examination to be made of the areas in California in which the big trees are located. I inclose maps and a report on the investigation, in which the location of the Calaveras Big Tree Grove, the ownership of the land especially desirable for a national forest to protect and prolong the life of the big trees, the number and size of the big trees and other species found with them, and a liberal estimate of the value of these groves have been set forth with care and detail.

Unless the principal owner of these groves will not accept a reasonable offer, I believe it will be possible in one or all of the ways authorized by S. 8117 to procure the title to the desired area without a direct appropriation from Congress. The Forester has received a definite suggestion from a citizen of California that it might be possible to procure by private subscription money amounting to one-third of the necessary purchase price. If this can be brought about it ought to be possible, either under the lieu selection provision or the stumpage exchange authorization, or both, to make up the remaining two-thirds.

I can not express too strongly my feeling that these great national wonders, famed throughout the world, should become the property of the nation and be protected from intentional or accidental destruction as far as possible. It has taken thousands of years to produce many of these trees, and if they were once destroyed no skill or expense could bring similar wonders of creation into existence within a time represented by the known history of the world.

Very truly yours,

JAMES WILSON, Secretary.

Hon. GEORGE C. PERKINS,
United States Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the committee.

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.

EXTENSION OF KENYON STREET, DISTRICT OF COLUMBIA.

The bill (S. 2995) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes, was considered as in Committee of the Whole. It authorizes the Commissioners of the District of Columbia, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend Kenyon street from Seventeenth street to Mount Pleasant street with a width of 80 feet and to extend Seventeenth street from Kenyon street to Irving street with a width of 90 feet; but the entire amount found to be due and awarded by the jury in the proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of the proceeding, shall be assessed by the jury as benefits, and nothing in subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder, etc.

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

EXTENSION OF OAK STREET NW., DISTRICT OF COLUMBIA.

The bill (S. 31) authorizing the extension of Oak street NW., was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia, with an amendment to strike out all after the enacting clause and insert:

That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Oak street northwest from its present terminus east of Center street to Fourteenth street northwest with a width of 50 feet: *Provided, however,* That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further,* That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

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.

BUSINESS STREETS IN THE DISTRICT OF COLUMBIA.

The bill (S. 4118) in relation to business streets in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment in section 1, on page 2, line 7, after the word "business," to insert "street and there exists adjoining such portion a block or more," so as to make the section read:

That the last proviso of the act of July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District," is amended so as to read as follows: "That the Commissioners of the District of Columbia are authorized and directed to denominate portions of streets in the District of Columbia as business streets and to authorize the use, on such portions of streets, for business purposes by abutting property owners, under such general regulations as said Commissioners may prescribe, of so much of the sidewalk and parking as may not be needed, in the judgment of said Commissioners, by the general public, under the following conditions, namely: First, where in a portion of a street not already denominated a business street a majority of a frontage not less than three blocks in length is occupied and used for business purposes; second, where a portion of a street has already been denominated a business street and there exists adjoining such portion a block or more in continuation thereof a majority of whose frontage is occupied and used for business purposes; and, third, where a portion of a street has already been denominated a business street and there exists at some point not at the end of such business portion of said street a block or more of adjoining and intersecting street a majority of whose frontage is occupied and used for business purposes.

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.

CLAIM OF CONTRACTORS FOR BATTLE SHIP "INDIANA."

The bill (S. 3126) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battle ship *Indiana* was announced as next in order.

Mr. OVERMAN. Let that bill go over, under Rule IX, Mr. President.

The VICE-PRESIDENT. The bill will go over, under Rule IX, at the request of the Senator from North Carolina.

Mr. OVERMAN. At the request of the Senator from Kentucky [Mr. PAYNTER] I ask that the bill go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice.

INVESTIGATION OF RAILROAD SWITCHES.

The joint resolution (S. R. 24) directing the Interstate Commerce Commission to investigate and report on facing point switches and the appliances for the automatic control of such switches was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Interstate Commerce with an amendment, on page 2, after line 3, to strike out:

To carry out and give effect to the provisions of this resolution the Commission shall have power to issue subpoenas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State or Territory of the United States.

So as to make the joint resolution read:

Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, directed to investigate and report on the use of facing point switches, their number, and the necessity for protecting them on railways in the United States, and also as to the appliances for the automatic control of such switches. For this purpose the Commission is authorized to employ persons who are familiar with the subject, and may use such of its own employees as are necessary to make a thorough examination into the matter.

In transmitting its report to the Congress the Commission shall recommend such legislation as to the Commission seems advisable.

The amendment was agreed to.

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

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

DEPUTY CLERK AT BIG STONE GAP, VA.

The bill (H. R. 14282) to authorize the appointment of a deputy clerk at Big Stone Gap, Va., was announced as the next business in order.

Mr. CLARK of Wyoming. I ask that the bill be passed over at the request of the Senator from Virginia [Mr. MARTIN].

The VICE-PRESIDENT. The bill will go over without prejudice.

STATE EXPENSES IN WAR WITH SPAIN.

The bill (H. R. 3923) to fix the limitation applicable in certain cases was considered as in Committee of the Whole. It provides that the limitation of the act approved April 27, 1904, entitled "An act to amend an act approved March 3, 1899, entitled 'An act to amend an act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1899,' etc., and for other purposes," and the limitations of the acts of which it is amendatory, shall be January 1, 1910.

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

CERTAIN LANDS IN FORT HALL, IDAHO, RESERVATION.

The bill (S. 4916) authorizing the Secretary of the Interior to issue patent in fee to the Board of Missions of the Protestant Episcopal Church for certain lands situated in the State of Idaho was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to insert at the end of the bill the following proviso:

Provided, That the said patent shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent in fee to the board of

missions of the Protestant Episcopal Church of the United States for certain lands heretofore set apart and used for church purposes, and more particularly described as follows:

The southeast quarter of section 36, township 4 south of range 34 east of Boise meridian, county of Bingham, State of Idaho, containing 160 acres, more or less, being a part of the lands included within the Fort Hall Indian Reservation: *Provided*, That the said patent shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

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.

S. R. GREEN.

The bill (S. 213) for the relief of S. R. Green was considered as in Committee of the Whole. It proposes to pay to S. R. Green, of Clackamas County, Oreg., \$85, being the amount deposited by him for office fees in connection with the survey of certain mining claims, which survey was duly abandoned.

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

PUBLIC PARK ON GEORGETOWN HEIGHTS, DISTRICT OF COLUMBIA.

The bill (S. 33) to provide a public park on Georgetown Heights, in the District of Columbia, was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to acquire for a park the tract of land known as Montrose, on Georgetown Heights, containing 16 acres, more or less, at an expense not exceeding \$150,000; and for that purpose the sum of \$150,000 is appropriated, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury.

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

CERTAIN LANDS IN WIND RIVER RESERVATION, WYO.

The bill (S. 4801) granting certain lands in the Wind River Reservation, in Wyoming, to the Protestant Episcopal Church was considered as in Committee of the Whole.

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 ELGIN, ILL.

The bill (S. 4196) to provide for the enlargement and improvement of the public building at Elgin, Ill., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause to be constructed upon the site now owned by the United States in Elgin, Ill., and upon part of which is situated the public building, suitable improvements, enlargements, and additions, the cost not to exceed \$50,000, which sum is appropriated.

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

LIGHT-HOUSE DEPOT AT YERBA BUENA ISLAND, CALIFORNIA.

The bill (S. 5341) to authorize the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California, was considered as in Committee of the Whole. It authorizes the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California, at a cost not to exceed \$100,000, which sum is appropriated.

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

WHITE RIVER UTES, ETC.

The bill (S. 5038) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the "Confederated Bands of Ute Indians of Colorado," was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX at the request of the Senator from Massachusetts.

Mr. TELLER subsequently said: Mr. President, what became of Senate bill 5038?

The VICE-PRESIDENT. It was passed to the Calendar under Rule IX at the request of the Senator from Massachusetts.

Mr. TELLER. I desire that the bill may keep its place, if the Senator from Massachusetts does not object.

Mr. LODGE. I have no objection to its keeping its place on the Calendar, but the bill carries an immense sum of money, and I desire to enter my objection to its being passed by unanimous consent.

Mr. TELLER. The Senator from Utah [Mr. SUTHERLAND], who reported the bill, is not in the Chamber, and I should like to have it keep its place on the Calendar.

The VICE-PRESIDENT. It will be passed over without prejudice.

J. M. BLOOM.

The bill (S. 1204) for the relief of J. M. Bloom was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post-Offices and Post-Roads with amendments, on page 1, line 6, after the words "one hundred and," to strike out "eighty-nine dollars and twelve cents" and insert "eighteen dollars and eighteen cents," and on page 2, line 4, after the words "one hundred and," to strike out "eighty-nine dollars and twelve cents" and insert "eighteen dollars and eighteen cents," so as to make the bill read:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with the sum on \$118.18, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of \$123 in postal funds by robbery of said post-office on the 10th day of February, 1897, and \$66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the sum of \$118.18 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

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.

REIMBURSEMENT OF CERTAIN POSTMASTERS.

The bill (S. 1751) to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance, was announced as the next business in order on the Calendar, and was read.

Mr. OVERMAN. Was the clerk employed by authority of the Post-Office Department? Let the bill go over under Rule IX.

The VICE-PRESIDENT. It will go over to the Calendar under Rule IX, at the request of the Senator from North Carolina.

The bill (S. 1752) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance, was announced as the next business in order on the Calendar.

Mr. OVERMAN. I do not see why we should reimburse a postmaster for money expended for clerk hire. What right has a postmaster to employ clerks unless he has authority from the Postmaster-General?

Mr. LODGE. That is all stated in the report.

Mr. OVERMAN. If there is any explanation for it, I should like to hear it.

Mr. LODGE. I suggest that the report be read. I think those bills are all right. Unless the Senator from North Carolina has a particular objection to the bill previously passed over, let the report in that case be read.

Mr. OVERMAN. I have no particular objection to the bill, but I want to know the facts in the case.

Mr. LODGE. I have no interest whatever in the bills, but I suggest that the report in the case of Anna B. Moore be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read the report, submitted by Mr. PENROSE February 21, 1908, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1751) to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Post-Office Department, as will appear by the following letter:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 1, 1908.

MY DEAR SENATOR: In reply to your letter of the 29th ultimo relative to the merits of Senate bill 1751, "to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance," I beg leave to quote from a letter addressed to you by my predecessor under date of January 26, 1907, in answer to yours of January 19, 1907, inclosing a copy of Senate bill 7922 of the same title, introduced in the second session of the Fifty-ninth Congress:

"The post-office at Rhyolite was established in June, 1905, and owing to the rapid increase in the receipts became Presidential on October 1, 1906. The \$1,852 claimed by Mrs. Moore represents the amount paid by her for clerical assistance from September 1, 1905, to June 30, 1906, while the office was of the fourth class.

"Under date of October 20, 1905, the postmaster applied to the Department for an allowance effective October 1, 1905, sufficient to en-

able her to employ one clerk. On January 10, 1906, she renewed her application, suggesting that the allowance be made effective November 1, 1905.

"The only appropriation available for the payment of clerical assistance at the Rhyolite office during the period mentioned was the appropriation for 'unusual business at third and fourth class post-offices.' The appropriation, however, was so far depleted at the time the postmaster at Rhyolite made an application for an allowance that the Department found it impracticable to allow but \$30, effective April 1, 1906, to cover the months of April, May, and June, 1906.

"The conditions obtaining at Rhyolite during the nine months when the postmaster made the payments for which she asks reimbursement were extraordinary and the need for clerical assistance was undoubtedly an urgent one, and notwithstanding that the conditions at fourth-class offices are frequently such that the postmaster is obliged to use a portion of his or her own salary to maintain the service, it is hardly reasonable to expect that the postmaster at Rhyolite, whose compensation was derived from cancellations and could not exceed in amount \$1,000 per annum, should employ assistance costing at the rate of not less than \$4 per day, as was necessary, according to the correspondence on file in the Department, both from the postmaster and from the field representative of the Department whose station is in that section of the country. But it is difficult to determine the precise amount to which the postmaster is justly entitled. Inasmuch as the postmaster at no time during the nine months involved suggested the necessity for employing more than one clerk, and as late as May 25, 1906, mentions the fact that she had employed one since October, 1905, it is believed that the claim should be reduced to the equivalent of \$4 per day from October 1, 1905, to June 30, 1906, which would amount to \$1,092. This would be in addition to the \$30 allowed by the Department for the quarter ended June 30, 1906.

"Therefore I am of the opinion that Mrs. Moore is entitled to relief as contemplated by the bill to the extent of \$1,092."

It will be observed from the concluding paragraph of the above letter that this Department is of the opinion that Mrs. Moore is entitled to relief as contemplated to the extent of \$1,092.

Faithfully, yours,

G. V. L. MEYER.

Hon. BOISE PENROSE,

Chairman Committee on Post-Offices and Post-Roads.

Mr. LODGE. If the Senator from North Carolina has no further objection, I suggest that we return to the bill to which the report relates.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1751) to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance.

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

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1752) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance. It proposes to pay the beneficiary \$442.14 for the purpose stated.

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

JAMES A. RUSSELL.

The bill (S. 3848) for the relief of James A. Russell was considered as in Committee of the Whole. It proposes to pay to James A. Russell, for transporting the mail from New Smyrna to Indian River, Florida, from January 1 to March 31, 1861, the sum of \$100.

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

PENSIONS AND INCREASES OF PENSIONS TO CERTAIN PERSONS.

The bill (H. R. 598) granting an increase of pension to William Poor was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

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 Poor, late of Company C, Forty-eighth 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 Noah E. Thornburgh, late of Company B, Fourth Regiment East 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 Stephen H. Sanborn, late of Company D, Third 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 David Stidd, late of Company D, One hundred and twenty-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 Sarah K. Adams, widow of Benjamin Adams, late of Company C, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Hiram L. Russell, late of Company I, First Regiment Vermont 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 Andrew J. Fillmore, late of Company C, Fifth Regiment Pennsylvania 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 Andrew C. Gibson, late of Company L, Fourteenth Regiment Pennsylvania 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 Richard F. Williams, late of United States ships Grampus, Great Western, and Rattler, 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 Daniel Carter, late of Company M, First 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 George Collins, late of Company C, One hundred and ninety-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 William Lambert, late of Company A, Sixth 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 Thomas J. Spencer, late of Company A, First Regiment Michigan Volunteer Light Artillery, second Lieutenant Company E, First Regiment Middle Tennessee Volunteer Cavalry, and Company K, First Regiment Alabama 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 Frederick J. Meyer, late of Company M, 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 Theodore F. Ray, late of Company F, Seventh Regiment New York 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 Henderson, late of Company G, Fourth 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 William J. Mull, late of Company B, Twelfth 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 Arnold Mattingly, late of Company D, 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 name of Charles W. Pavey, late second Lieutenant Company E, Eightieth 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 Mott V. Eames, late of Company H, One hundred and fifth Regiment Illinois Volunteer Infantry, and One hundred and forty-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 William H. Craver, late of Company A, Sixteenth 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 Lee P. Garrett, late of Captain Jones's company, Ninety-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 James Adams, late of Company B, Thirteenth 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 Lewis L. Bingham, late of Company I, Second Regiment Minnesota 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. Palge, late of Company G, Ninth 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 Leander M. Clark, late of Company A, 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 Cyrus Chapin, 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 David D. Reese, late of Company L, Third 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 Amos B. Batchelder, late of Company D, 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 James Bates, late of Captain Glibbreath's company Alabama Scouts and Guides, and pay him a pension at the rate of \$8 per month.

The name of Patrick Fitzgerald, late of Company A, One hundred and twenty-second 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 Milton M. Orton, late of Company I, Ninth 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 E. Becking, widow of Julius Becking, late of Company D, Eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The name of Henry Julius, late of Company C, Twenty-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 William H. Andrews, late of Company A, Furnell Legion, Maryland 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 Anna E. Lucas, widow of Simeon S. Lucas, late of Company F, First Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$8 per month.

The name of Elkanah A. Richards, late of Company F, Sixth 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 Willet Shottenkirk, late of Company C, One hundred and thirteenth 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 Marcus A. Stephenson, late of Company B, Fifth 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 William C. Greenlee, late of Company B, Thirteenth 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 Sarah Miller, widow of Jacob Miller, late of Company A, Ninth Regiment New York 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 Thomas Casey, late of U. S. S. Mattahasset, 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 Matilda C. Carruth, widow of William W. Carruth, late captain Sixth Independent Battery Massachusetts Volunteer Light Artillery, and captain and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The name of Swen Dahlberg, late of Company D, Third 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 Charles Belville, late of Company M, First 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 David W. Conrath, late of Company D, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 dollars per month in lieu of that he is now receiving.

The name of Peter Leonard, late of Company G, One hundredth 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 Benjamin F. Clark, late of Company D, Fifth Regiment Kansas 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 A. Tomlin, late of Company D, Forty-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 James Daly, late of Company D, First Regiment Missouri State Militia 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 William F. Carter, late of Company K, One hundred and 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 William E. Cox, late of Company B, Thirty-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 Jennings Branham, late first Lieutenant Company H, Eighth Regiment Indiana 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 Mary H. Christian, widow of William H. Christian, late colonel Twenty-sixth Regiment New York 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 Walter C. Knight, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John V. Larrimer, late of Company F, Second 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 Jeremiah Haley, late of Company E, Seventy-ninth 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 Sarah J. Jones, widow of Uriah Jones, late of Company F, Fifty-sixth Regiment Ohio 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 William Jones, helpless and dependent child of said Uriah Jones, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah J. Jones the name of said William Jones 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 death of said Sarah J. Jones.

The name of Thomas B. Aber, late of Company F, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company F, 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 Henry C. Martin, late of Company D, One hundred and fifty-first 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 Maria Green, widow of John W. Green, late of Company I, Fifty-sixth Regiment New York 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 Sophia Conlon, widow of Thomas Conlon, late of Company F, Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month, and \$2 per month additional for each of the two minor children of said soldier until they shall attain the age of 16 years.

The name of Francis O. Vandersluis, late of Company L, Sixth Regiment Michigan 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 Nicodemus D. Henry, late of Company E, Eleventh 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 W. Tannery, late of Company B, Twenty-first Regiment New York 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 Austin Green, late of Company H, Eighty-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 Bridget D. Farrell, widow of John Farrell, late of Company D, Twenty-first Regiment Connecticut 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 Patrick H. Fern, late of Company I, Sixty-first 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 Winslow H. Furrows, late of Company H, Second Regiment Massachusetts 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 Benjamin B. Bringer, late of Company G, Thirty-ninth Regiment Illinois 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. Clark, late of Company K, Ninety-second 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 Theresa M. Randall, widow of Asa B. Randall, late chaplain Fifty-fourth Regiment United States Colored 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 Eliza J. McPherson, widow of Allan McPherson, late of Company E, Seventy-second Regiment 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 William S. Aukerman, late of Company K, Sixteenth 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 James W. Eastman, late of Company D, Forty-ninth 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 William Minick, late of Company A, First Regiment Pennsylvania Volunteer Cavalry, and Company E, Second 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 Charles C. Gage, late of Company I, Thirty-third Regiment New York Volunteer Infantry, and of Company H, One hundredth 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 W. Lewis, late of Company A, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William H. Teeling, late of Company K, Second Regiment Maine Volunteer Infantry, and U. S. S. Vermont and North Carolina, 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 Jose M. Jaramillo, late of Company E, First Regiment New Mexico Volunteer Cavalry, and Company D, Battalion New Mexico 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. Clendenin, widow of Frank Clendenin, late major, One hundred and forty-seventh 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 Elisha H. Colburn, alias William H. Lowry, late of Company A, Third Regiment Delaware 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 D. Lewis, late of Company H, Fifteenth 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 Henry R. Darst, late of Company A, Eighty-sixth Regiment, and Company G, Thirty-fourth Regiment Illinois 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 Joseph W. King, late of Company I, One hundred and eighteenth Regiment Indiana 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 Richard W. Jones, late of Company D, Fifth Regiment Pennsylvania 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 Jane E. Chapel, widow of John L. Chapel, late assistant surgeon, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The name of George H. Williams, late of Company E, Second 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 Clark Kelly, late of Company E, Seventh Regiment West Virginia Volunteer Infantry, and Company E, Seventeenth 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 Charles S. Baker, late of Companies B and E, First Regiment Vermont 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. Leabo, late of Company H, Forty-third 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 Henry A. Lamountain, late of Company B, Second Regiment Massachusetts 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 Julia Burns, widow of James Burns, late of Company A, Sixth Regiment New York 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 Lodema Cooley, widow of Levi Cooley, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The name of William A. Barnes, late of Company K, Sixty-third 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 Andrew Balbach, late of Company H, Third 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 Mary A. Ricketts, widow of Abner C. Ricketts, late of Company H, Eightieth 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 Nellie P. Coyle, widow of George R. Coyle, late of Company A, Fifth Regiment Maine 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 James Brown, late of Company E, Twentieth Regiment Michigan Volunteer Infantry, and Fifty-first 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 Fred B. Bowman, late of Company C, Seventy-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 Gustavus A. Dwelly, late of Company F, Tenth 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 name of Samuel H. Chambers, late of Company G, Fourteenth Regiment Iowa 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 Truman H. Baldwin, late of Company D, Thirty-fifth 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 Stephen Loranger, late of Company E, Twenty-seventh 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 Patrick McGrain, late of Company F, Twenty-fourth 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 Benjamin L. Haynes, late of Company K, Sixty-sixth 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 Isaiah Smith, late of Company D, First Regiment Ohio 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 Charles Helper, late of Company I, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and Second Battalion (unassigned) 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 Michael Sennet, late of Company A, Forty-ninth 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 Rufus Lucore, late unassigned, One hundred and first 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 Benjamin F. Bean, late of Company K, Twenty-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 Charles P. Jeannin, late of Company G, Fifth 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 Albert W. Parker, late of Company G, One hundred and 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 Thomas P. Clark, late of Company G, Fifth 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 Charles M. Curtess, late of Company H, Thirty-eighth Regiment Iowa 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 Zelotus J. Stewart, late of Company F, One hundred and thirty-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 Hiram A. McDonald, late of Company H, and second lieutenant Company D, Twenty-fourth 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 Joseph W. Peirce, late second lieutenant Company K, Forty-fifth Regiment United States Colored 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. Myers, late of Company H, Sixty-first 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 Thomas D. Scott, late of Company D, Forty-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 John A. Bering, late major, Forty-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 Calvin A. Eason, late of Company I, One hundred and eighty-fourth 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 Ely E. Baker, late of Company I, Eighty-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 Michael Doyle, late of United States Marine Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Baldwin Cann, late first lieutenant Company A, Fourth 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 Day Wheller, late of Companies D and B, Eighth Regiment Missouri Volunteer Infantry, and second lieutenant Company G, Third 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 Jane M. Buchanan, helpless and dependent daughter of Royal D. Buchanan, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of George Aschemoor, late of Company B, Thirty-seventh 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 Samuel W. Tobey, late of Company B, 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 Harvey D. McCormick, late of Company A, One hundred and forty-eighth 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 Aaron T. Dooley, late of Company C, Fifty-first 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 Abram G. Spellman, late of Company E, Ninety-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 George W. Fletcher, late of Company E, Third 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 Armand Dufloo, late assistant surgeon, Seventieth 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 Isabel Seaman, widow of Noah Seaman, late of Company B, Enfans Perdu's independent battalion New York Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The name of Samuel N. Dickerman, late of Eleventh Battery, Massachusetts 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 Mary J. Preullt, widow of Valentine Preullt, late captain Company M, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Luthis B. Deiman, alias Lawson R. Lane, late second lieutenant Company K, Twenty-third 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 Adam Emge, late of Company G, Sixty-third 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 Andrew H. Hazlett, late first lieutenant Company G, Fourteenth 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 Charles M. Hobbs, late of Company M, Fifth 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 Eli S. Dunklee, late of Company G, Fortieth 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 Mary E. Cook, widow of Benjamin Cook, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and Company A, Eighteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The name of Jacob Mercer, late of Company C, Ninety-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 George Pratt, late of Company K, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John Redeker, late of Company H, One hundred and 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 Michael Kresge, late of Company G, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and Company C, Third Regiment United States 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 James E. Hoisington, late of Company E, Twelfth 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 Charles B. Love, late of Company G, Nineteenth Regiment Kentucky 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 Morris Hayes, late of Company K, 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 Rosamond Ensley, widow of Allen Ensley, late of Company F, Second Regiment California 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 William S. Kldder, late of Company I, Seventh Regiment California 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 Horace E. Adams, late of Company H, Forty-second 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 H. Mathis, late of Company M, Fifth 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 James T. Thrasher, late of Company G, Fortieth Regiment Iowa 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 John R. Bevilhelmer, late of Company K, Sixty-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 Berry May, late of Company E, Fifth 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 Thomas W. Quine, late of Company E, Twenty-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 George Lytle, late of Company A, One hundred and thirty-fifth Regiment Ohio National Guard 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 A. Walker, late of Company A, Sixth 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 William M. Kenyon, late first lieutenant Company G, 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 name of Theodore Schaeffer, late captain Company F, Twenty-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 John A. Hollander, late of Company I, Twenty-fourth 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 Matthias Dye, 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 Samuel Fetters, late of Company E, One hundred and fifty-fifth 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 James McDowell, late of Company D, Twenty-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 John F. Rupert, late of Company A, One hundred and third 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 Earl Henry Cooper, late of Company H, Fifth Regiment, and Company M, Eleventh Regiment, Missouri State Militia 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 Burton Walters, helpless and dependent son of Borda Walters, late of Company K, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of James W. King, late of Company K, One hundred and thirty-sixth 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 A. Mayes, late of band, First Brigade, First Division, Seventeenth Army Corps, 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. Gutelius, late of Company E, Fifty-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 George W. Isett, late of Company C, Fifty-third 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 Peter Weatherby, late major, Twentieth 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 William R. Hicks, late of Company C, Second Regiment East 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 Harriet B. Nichols, widow of Henry C. Nichols, late captain Company E, Seventy-third Regiment United States Colored 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 Thomas H. Addison, late of Company A, Twenty-third Regiment United States Colored 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 S. Clark, late of Company C, One hundred and thirty-second 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 Catharine E. Koontz, widow of Thomas E. Koontz, late of Company H, Sixth Regiment Maryland 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 S. Barr, late of Company A, Second Regiment, subsequently Fourth Regiment United States 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 C. Vorhes, late of Company A, First Regiment Michigan 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 Robert A. Hodges, late of Company A, Fourth 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 Berry, late of Company H, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Caroline H. G. Dralle, widow of John H. W. Dralle, alias John Dralle, late of Company I, Twentieth Regiment New York 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 Patrick J. O'Brien, late of Company K, Sixty-ninth Regiment New York State Militia Infantry, and pay him a pension at the rate of \$12 per month.

The name of Milton Kinder, late of Company K, Sixtieth 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 George B. Follett, late of Company G, Forty-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 Levi B. Gaylord, late of Company C, Forty-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 Maria Johnson, widow of William J. Johnson, late of Companies L and G, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of John Bear, late of Company D, Fifty-first 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 George W. Horder, late of Company H, and principal musician, Thirty-first 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 George F. Cowing, late of Company K, Twenty-eighth 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 William H. Smyser, late of Company H, Two hundredth 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 Anestatia C. Seiss, widow of John A. Seiss, late of Company B, Seventy-fourth Regiment Ohio Volunteer Infantry, and captain Company G, One hundred and fifty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Stephen Glanden, late of Company I, Sixth Regiment Missouri Volunteer Cavalry, and Company E, First Regiment New Orleans (Louisiana) Volunteer Infantry, and pay him a pension at the rate of \$12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of William Guthrie, late of Company C, Twelfth 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 Wesley M. Niblock, late of Company F, Ninth 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 Julia A. Wilcox, widow of Samuel Wilcox, late of Company M, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of \$8 per month.

The name of Robert B. Thomas, late of U. S. S. Vermont and Fort Morgan, 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 James W. George, late of Company F, Fifteenth 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 Mary Williams, widow of Amos C. Williams, late of Company C, One hundred and eighteenth Regiment New York 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 Charles Williams, helpless and dependent child of said Amos C. Williams, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Williams the name of said Charles Williams 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 death of said Mary Williams.

The name of Henry Cash, late of Company A, Thirteenth 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 Aurelia E. Willard, widow of George S. Willard, late of Company G, Fifth Regiment Vermont 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 Alice L. Willard, helpless and dependent child of said George S. Willard, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Aurelia E. Willard the name of said Alice L. Willard 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 death of said Aurelia E. Willard.

The name of John N. Moeller, late of Company A, Eighth Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Lydia E. Fatterson, widow of John Patterson, late of Company E, Ninety-second 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 Rolan M. Clark, late of Company D, Sixty-ninth 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 Thomas Faucliel, late of Company D, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Daniel J. Duffy, late of Company D, Ninth Regiment Missouri State Militia 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 S. Pratt, late of Company G, Eighty-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 Edward Hadfield, late of Company D, One hundred and twenty-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 William C. Schofield, late of Company F, Fifty-ninth 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 Elizabeth Gritzner, widow of Charles Gritzner, late of Company E, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$8 per month; the same to be paid to her under the rules of the Pension Bureau as to mode and time of payments, without any deductions or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Samuel A. Gettys, late of Company C, Seventy-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 G. McConnell, late first lieutenant Company C, Sixty-second 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 Barney Stone, late of Company E, One hundred and eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Abram H. Brown, late unassigned, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Jacob Glass, late of Company A, Fifty-fourth 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 Corydon S. Hickman, late of U. S. S. Clara Dolson, Ouachita, and Great Western, 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 Henry Stulen, late of Company G, Eleventh Regiment Pennsylvania Volunteer Infantry, and band, Forty-fifth 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 George H. Smith, late of Company I, Twenty-sixth 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 Simeon S. Goodrich, late second principal musician 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 Levi M. Briddell, late of Company I, One hundred and twelfth 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 Phillip Lutz, late of Company L, Twelfth 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 Seneca R. Randall, late of Company I, One hundredth 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 Mitchell, late of Company A, Fourth Regiment Delaware 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 Smith H. Simpson, late captain Company I, First Regiment New Mexico 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 Penord, late of Company G, One hundred and forty-second 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 James W. Madison, late of Company I, Fifty-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 Eri B. Sabin, late of Company B, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and One hundred and forty-sixth 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.

Mr. McCUMBER. I move to strike out lines 11, 12, 13, and 14 on page 37. The reason for the amendment to the amendment is the death of the beneficiary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "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."

PUBLIC BUILDING AT LE MARS, IOWA.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4833) to provide for the erection of a public building at Lemars, Iowa, to report it with amendments. I call the attention of the Senator from Iowa [Mr. ALLISON] to the bill.

Mr. ALLISON. I ask unanimous consent that the bill be considered at this time.

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

The amendments of the Committee on Public Buildings and Grounds were, in line 8, to strike out "Lemars" and insert "Le Mars" and at the end of the bill to insert:

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 be erected thereon a suitable building, including fireproof vaults and heating and ventilating apparatus, for the use and accommodation of the United States post-office at Le Mars, Iowa, the cost of same not to exceed \$75,000. 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 amendments were 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 purchase of a site and the erection of a public building thereon at Le Mars, Iowa."

PUBLIC BUILDING AT OTTUMWA, IOWA.

Mr. SCOTT. From the Committee on Public Buildings and Grounds I report favorably the bill (S. 4832) to provide for the erection of a public building at Ottumwa, Iowa.

Mr. ALLISON. I ask unanimous consent that that bill may now be put on its passage.

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 cause the United States post-office building at Ottumwa, Iowa, to be taken down and a new building to be erected on the site thereof, at a total cost to the Government complete not to exceed \$225,000.

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 FORT DODGE, IOWA.

Mr. SCOTT. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5709) for extending, repairing, and improving the public building at Fort Dodge, Iowa, to report it favorably without amendment.

Mr. ALLISON. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury, upon the site now owned by the Government, at Fort Dodge, Iowa, to suitably extend, repair, and improve the present public building. The building, when completed, shall not exceed in the aggregate the sum of \$130,000.

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

PROPOSED PATENT LEGISLATION.

The bill (S. 3970) to revise and amend the statutes relating to patents was announced as next in order on the Calendar.

Mr. LODGE. I think this bill and the next one, being the bill (S. 3972) to amend section 4885 of the Revised Statutes, should go over. The Senator in charge of them is not here, and they are very elaborate, complicated measures relating to the patent laws.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts, the bills referred to by him will be passed over.

S. R. GREEN.

The bill (S. 212) to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary, was considered as in Committee of the Whole. It proposes to repay to S. R. Green, postmaster at Oregon City, Oreg., \$206.40, to reimburse him for key-deposit funds lost by burglary.

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

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN PERSONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to 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, which were, on page 2, to strike out lines 11 to 14, inclusive; on page 3, to strike out lines 9 to 13, inclusive; on page 4, line 11, after the word "volunteers," to insert "war with Mexico;" on page 5, to strike out lines 10 to 13, inclusive; on page 5, to strike out lines 13 to 20, inclusive.

Mr. McCUMBER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the amendment

of the House to 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, which was, on page 14, line 22, to strike out "thirty" and insert "forty."

Mr. McCUMBER. I move that the Senate concur in the amendment.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to 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, which was, on page 12, to strike out lines 11 to 14, inclusive.

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

The motion was agreed to.

RECLAMATION OF SWAMP AND OVERFLOWED LANDS.

The bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes, was announced as next in order on the Calendar.

Mr. TELLER. That is a pretty important bill. It involves some questions that I think ought to be discussed.

Mr. LODGE. The bill should be passed over.

Mr. FLINT. It seems to me if one would be kind enough to read the report there certainly could not be any objection to such a meritorious measure.

Mr. TELLER. It is a bill dealing with the public lands of the several States. It establishes a new principle. It may be a proper one; I do not mean now to say that it is not; but for that reason I do not believe it can ever be considered under the five-minute rule.

Mr. LODGE. I think it is rather a large bill to be considered by unanimous consent.

Mr. TELLER. I think it will present some constitutional difficulties. At all events, it can not be properly considered under the eighth rule. Therefore I object. Let it go to the Calendar under Rule IX.

Mr. FLINT. I ask the Senator to let the bill retain its place on the Calendar.

Mr. TELLER. No; I do not want to discuss it under the eighth rule. I want it to be where it can be properly discussed.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX at the request of the Senator from Colorado.

PUBLIC BUILDING AT APPLETON, WIS.

Mr. STEPHENSON. I ask the Senate to take up the bill (S. 2317) for the erection of a public building at Appleton, Wis.

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 amendments, on page 1, line 12, before the word "thousand," to strike out "one hundred" and insert "seventy-five," and in the same line, after the word "dollars," 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 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 Appleton and State of Wisconsin, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$75,000.

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.

Mr. LODGE. Let us have the regular order.

The VICE-PRESIDENT. The Senator from Massachusetts demands the regular order.

DAM ACROSS CHOCTAWHATCHEE RIVER, ALABAMA.

The bill (H. R. 6195) to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala., was considered as in Committee of the Whole.

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

REGISTRATION OF TRADE-MARKS.

Mr. LODGE. The next three bills on the Calendar are the bill (S. 3973) to amend the laws of the United States relating to registration of trade-marks; the bill (S. 3971) to amend section 4896 of the Revised Statutes, and the bill (S. 3969) to amend the laws of the United States relating to the registration of trade-marks.

These are very important bills, and they can be passed over. The Senator in charge of them is absent. I ask that they may go over without prejudice.

The VICE-PRESIDENT. The bills will go over without prejudice.

LANDS IN OTOE AND MISSOURIA RESERVATION.

The bill (S. 5212) to authorize the Secretary of the Interior to convey by fee-simple patent certain lands in the Otoe and Missouri Reservation, Okla., to the Society of Friends was considered as in Committee of the Whole.

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

EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. NELSON. Let the bill go over under Rule IX.

Mr. GALLINGER. I trust the Senator will not insist upon that.

Mr. NELSON. I think it is a bill too important to pass by unanimous consent.

Mr. GALLINGER. Let it retain its place.

Mr. NELSON. Very well; that is all right.

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

Mr. GALLINGER. I will suggest if it shall become necessary to move in the near future to take up the bill for consideration I shall make such a motion. I think it is very important legislation, and we ought to consider it.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. NELSON. I wish to say that I am not opposed to the bill. I desire certain amendments made, which I think ought to be made to it. I want to protect newsboys, particularly.

Mr. BEVERIDGE. I wish to state to the Senator from New Hampshire at this time that I trust he will not ask for the consideration of the bill during my absence, if that will be convenient to the Senator.

Mr. GALLINGER. I shall certainly not do so, Mr. President, but I will venture to make the suggestion that I trust the Senator from Indiana will not embarrass it by offering the amendment he did last year, which was so broad that I am sure it will defeat the purpose of those of us who desire this legislation.

Mr. BEVERIDGE. I do not think I can agree with the Senator's view. I do not see that the opportunity to vote on any amendment would embarrass the measure itself. However, that is a question we can discuss when the matter comes up.

The VICE-PRESIDENT. The bill will go over.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. McLAURIN. As I came into the Chamber a few moments ago, I thought I heard something said about the bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company, and I understood that the bill went over under Rule IX.

The VICE-PRESIDENT. It retains its place on the Calendar.

Mr. McLAURIN. Under the order, retaining its place on the Calendar, will it be debated under the five-minute rule?

The VICE-PRESIDENT. Yes; under Rule VIII.

Mr. McLAURIN. If it is not too late to object, I wish to object. I do not think the bill ought to be limited to five minutes debate.

The VICE-PRESIDENT. The bill went to the Calendar under Rule IX. Then at the request of a Senator it was restored to its place on the Calendar under Rule VIII, and if it comes up for consideration under Rule VIII it can only be debated under the five-minute rule.

Mr. McLAURIN. If it is not too late, I object to its being restored to the Calendar under Rule VIII.

The VICE-PRESIDENT. The Chair would state to the Senator that by consent, of course, there can be longer debate than five minutes under Rule VIII, but by the strict terms of the rule debate is limited to five minutes.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. McLAURIN. Certainly.

Mr. LODGE. I was only going to say that the bill was retained on the Calendar under Rule VIII at the request of the Senator from California [Mr. FLINT], who is not now in the Chamber, and of course the Senator can send it to the Calendar under Rule IX, whenever it comes up, by a single objection.

Mr. McLAURIN. With that understanding, I make no further objection to it now.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

PAYMENTS IN LAND ENTRIES.

The bill (H. R. 15660) to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws was announced as next in order.

Mr. CULBERSON. That seems to be a very important bill. I ask that it may go over. I do not insist that it shall go to the Calendar under Rule IX particularly, but—

Mr. CLARK of Wyoming. I will say to the Senator that it is a very important bill, and the explanation of it is very simple and very short.

Mr. CULBERSON. I notice that it gives almost unlimited authority to the Secretary of the Interior for refunding money in certain cases.

Mr. CLARK of Wyoming. No; I will state what is the situation, if the Senator will allow me before formal objection is made.

Up to a short time ago payments made for lands, erroneously or otherwise, until the final adjudication of them in the General Land Office, were retained in the local offices. When it was found that moneys had been erroneously paid, without fraud upon the part of the entrymen, the moneys were then in a position where they could be repaid to the entryman.

The accumulation of these moneys in the hands of the local officers became so great that their bonds would not protect the amount. So a new practice was inaugurated—that of turning the money into the Treasury of the United States. There is no way now by which a man who has paid an excessive amount or an amount through error in the Land Office itself, can recover the money, nor can the Secretary of the Interior refund it, except by special act of Congress. The bill is to cover those cases, and only those cases. There is a very short letter from the Secretary of the Interior covering the matter. It is in the House report, if the Senator will care to have it read.

Mr. CULBERSON. There is no report accompanying the bill. I should like to look into it further. I insist that it shall go over.

Mr. CLARK of Wyoming. I have no objection, if the Senator desires to examine it further.

The VICE-PRESIDENT. The bill will go over without prejudice.

MINING TECHNOLOGY BRANCH.

Mr. DICK. I ask the consent of the Senator for the restoration to its place on the Calendar of the joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey.

The VICE-PRESIDENT. The Senator from Ohio asks that Senate joint resolution No. 35 be restored to its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

Mr. LODGE. Who asked to have the joint resolution go over under Rule IX.

Mr. DICK. The senior Senator from Colorado [Mr. TELLER].

Mr. LODGE. He is in his seat.

MEMORIAL TO JOHN WESLEY POWELL.

The bill (S. 4469) for the erection of a memorial to John Wesley Powell was considered as in Committee of the Whole. It provides that there shall be erected on the brink of the Grand Canyon, in the Grand Canyon Forest Reserve, in Arizona, a memorial to the late John Wesley Powell, in recognition of his distinguished public services as a soldier, explorer, and administrator of Government scientific work; and appropriates for the purpose of procuring and erecting said memorial, with a suitable pedestal if necessary, \$5,000.

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

POST-OFFICE BUILDING IN BEATRICE, NEBR.

The bill (S. 1073) to authorize the extension and enlargement of the post-office building in the city of Beatrice, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 7, before the word "thousand," to strike out "seventy-five" and insert "fifty," 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 the post-office building in the city of Beatrice, Nebr., to be extended and enlarged at a total cost to the United States of not to exceed \$50,000, including all necessary changes in, additions thereto, alterations of, and repairs to the present building, and of the heating and plumbing systems therein, and drainage and approaches thereto, which may be incident to such extension and enlargement of said building.

SEC. 2. That the Secretary of the Treasury is authorized to enter into contracts within the limit of cost hereby fixed.

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.

CLAIM OF FIRE INSURANCE COMPANIES.

The bill (S. 1368) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

Mr. CULBERSON. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Texas.

PUBLIC BUILDINGS IN GEORGIA.

Mr. CLAY. The next in order on the Calendar are the bill (S. 2736) to provide for the erection of a public building in the city of La Grange, Ga., and the bill (S. 2732) to provide for the erection of a public building in the city of Cordele, Ga. Let the bills be passed over for the present, retaining their places on the Calendar.

The VICE-PRESIDENT. The bills will be passed over without prejudice, retaining their places on the Calendar.

AMENDMENT OF NATIONAL BANKING LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. ALDRICH. It was my purpose this morning to request the Senate to fix a time for taking a vote on the bill, but I was asked by the senior Senator from Wisconsin [Mr. LA FOLLETTE] yesterday, he having been ill for two weeks, to defer that request until later in the week. In compliance with his suggestion I do not make the proposition at this time, but give notice that I shall ask the continued consideration of the bill at an early day.

Mr. HEYBURN. Mr. President, I would suggest the absence of a quorum.

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

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

Aldrich	Cullom	Hopkins	Rayner
Allison	Curtis	Johnston	Scott
Ankeny	Dick	Kean	Smith
Bacon	Dillingham	Knox	Smoot
Bankhead	Dixon	Lodge	Stephenson
Beveridge	Dolliver	McCreary	Stone
Bourne	Du Pont	McCumber	Sutherland
Brandegee	Elkins	McLaurin	Taylor
Briggs	Flint	Martin	Teller
Brown	Foster	Nelson	Tillman
Bulkeley	Frazier	Newlands	Warner
Burrows	Fulton	Nixon	Warren
Carter	Gallinger	Owen	Wetmore
Clark, Wyo.	Gamble	Overman	Whyte
Clarke, Ark.	Gore	Paynter	
Clay	Gugrenheim	Perkins	
Culbertson	Heyburn	Piles	

The VICE-PRESIDENT. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. Mr. President, the disgrace of this age, in my opinion, is the inefficiency of our monetary system. The progress of the world during the last century has been phenomenal. It is keeping clearly within demonstrable facts to assert that we have progressed further during the last century than during the previous five hundred years of the world's history. Mechanical inventions and appliances have given us a new industrial and commercial world, while instantaneous communication, rapid transportation, and universal education have given us a new intellectual world. Progress along every line of human activity has forced a corresponding progress along every other line.

There is one important exception to this general progress. It can scarcely be said that our monetary system has shown any material improvement for several centuries. It certainly has not kept pace with advancement along industrial and commercial lines. Never having had a stable foundation—subject to great variations in its production, affected enormously by the balance of trade—there is, of course, some excuse for the failure of the circulating medium of the world to meet either the exigencies of trade or the demands of justice.

But the real wonder is that human ingenuity, with its phenomenal advancement along every other line of science, has never evolved a proper solution of the monetary question—has utterly failed to invent a new and reliable system, or to patch up the old one so as to make it work satisfactory results.

Mr. President, a currency that shrinks in its purchasing

value during every day of the year, and which during the last ten years of these prosperous times has depreciated at least 4 or 5 per cent annually, is not a fit currency for any civilized community.

We have been continually experimenting with the subject until we have demonstrated that many theories were pernicious and dangerous, but have never succeeded in approximating a perfect system. The knowledge gained has been of a negative value only. We have learned by experience what not to do, but have failed to learn what to do to maintain either financial safety or financial integrity.

It has always been preached to us that the great financiers of the country, as they are called, the great captains of industry, were better qualified to determine these intricate questions of finance than those of us who are said to be outside of its golden circle. But, Mr. President, if observation and the history of the last ten years count for anything, it has demonstrated that these great bankers and financiers have wandered further from the line of safety in their intense desire to get rich quickly than the ordinary business men of the country.

The reasons of this are quite apparent. We can no longer regard any one of these great banking institutions as a separate entity, operating entirely for its own exclusive benefit and that of its stockholders and to the exclusion of outside interests. Every year they are becoming more and more connected with industrial promoters and managers of large interests. The stockholders of other industries, the great commercial and transportation lines, are also stockholders of these great banks, and vice versa.

They are becoming so interwoven with other interests that they can no longer be said to be separate entities, but form a component part of one great whole.

They have used the banks to assist them in unloading their promoters' and their irrigated stock. The banks have given credit on these stocks on speculative values as such values have been upheld in the exchanges by the gambling instincts of the public or by the delusion that our abnormal prosperity of the past few years would continue without abatement.

We have had a most novel experience during the last few months, novel in that while heretofore monetary crises have been brought about by the distrust of the public culminating in that panicky sentiment which is always followed by a run on the banks; in the present instance the banks themselves have been panic-stricken while the public have shown most commendable common sense and forbearance.

The banks themselves have done everything in their power to invite discredit in the future, to create the very distrust which they have been in the habit of ardently denouncing. But so far they have failed to stampede the people. They have said to every depositor in the country, present and prospective: "Place your money with us and when times are easy and you do not need it it will be subject to your check, but when credit is bad and you do need it, you can not get it."

The banks, after having given a credit of about \$10,000,000,000 on about \$1,000,000,000 of available circulating medium, have been attempting by hoarding and by keeping their money within their vaults to secure an amount to pay off this entire indebtedness, assuming that one dollar would pay off the ten dollars of their indebtedness and forgetting that the only way that one dollar will ever pay ten dollars' liability is to keep that one dollar moving.

I sometimes become suspicious, Mr. President, of what we call "expert knowledge" upon any given subject under consideration, for the reason that the expert, in his close analysis of all the intricate questions which beset him, is too liable to forget all about the great governing principle which we can all understand and comprehend. So in the consideration of any subject, which by reason of its ramifications becomes exceedingly complex, I like to get hold of these great first principles which we can thoroughly and at all times understand, and to hold onto them. Our newspapers, during the critical period of our financial history of the last few months, made the demand—a demand that they have always made under like conditions—that we expand the volume of our circulating medium; in other words, that we debase the currency temporarily for the purpose of meeting an abnormal condition. They said that if we could increase the volume of our currency three or four hundred million dollars it would enable the great concerns to wipe out the debts which were demanding immediate payment; and when those debts were paid, the money could be again contracted and we could go on again in the old lines of business. Not having such a bill as is proposed here to help us out of that situation, the country was forced to adopt another mode of procedure, and this result was to be brought about by a very simple device: The Secretary of the Treasury,

already having placed Government money to the extent of about \$135,000,000 in the several banks of the United States, deposited about \$60,000,000 more.

Then he proposed to issue \$50,000,000 of 2 per cent interest-bearing bonds. The banks could then take \$50,000,000 of this \$60,000,000, which had already been deposited with them, purchase those bonds, and issue upon them a currency to the amount of \$50,000,000. The Government would then again place back \$40,000,000 out of this \$50,000,000 which it received in the purchase of these bonds, and thus, without the expenditure of one single cent, the banks of the country would suddenly find themselves in the possession of \$100,000,000, which they could loan at exceedingly remunerative rates of interest during those precarious times.

That such a scheme is unjust, everyone will admit; that it may have been the only safe remedy at that time we will concede, and excuse it upon that ground. In fact, I think it was the only remedy to prevent enormous losses to the people of the country, and that the whole country was not overwhelmed by a great financial catastrophe was without doubt due to the timely and energetic action of the Secretary of the Treasury.

These papers are, of course, correct in a sense. There is a money stringency whenever money ceases to move and whenever the day of payment of credit arrives, and the greater the amount of credit the greater the stringency. A man who has property worth \$10,000 under ordinary circumstances, but who, in a period of eight or ten years of exceedingly prosperous times and good prices, has made that property net him 50 per cent more income than before and who has therefore placed an additional value of 50 per cent upon his property, has borrowed \$15,000 upon it, can fully understand when that debt becomes due and conditions return to the normal and he must go back to the old normal income, that there is a stringency in the money market of the country. And he naturally thinks that if he can increase the quantity of money 50 per cent he may be able to liquidate without loss. That is just exactly the condition of the country to-day—an inflated valuation of our properties and too great an issuance of stock or bonds for the income-bearing value under normal conditions.

When we began to return to normal conditions the owners who, to a great extent, were speculators got caught with property on hand. They were unable to sell it to the public, and thereby spread the burden of loss over a larger number and trouble followed.

Mr. President, we are now again brought face to face with the arguments that were made in 1896. The followers of the Nebraska statesman declared that there was not enough money in circulation to do the business of the country. The followers of McKinley declared that there was not enough business in the country to keep the money in circulation. Bryan said: "We want more money, and then there will be work for all." McKinley said: "We want more work, and then there will be enough money for all. Without work the present volume of currency can not circulate." The two great parties went to battle upon that simple issue. The American people, in their good judgment, supported the McKinley principle, the sound-money principle, and that principle is just as sound to-day as it was twelve years ago.

I am opposed to any expansion of the currency of the country at any time of the year or under any conditions whatever, unless it be to save the country against some great catastrophe. There can be no such thing, Mr. President, as an expansion of our currency one month, or two months, or three months, or any other number of months without causing more or less injustice to some of the American people.

A few months ago the country was in an exceedingly prosperous condition. All of our mills were in operation; the manufacturers were receiving orders for goods beyond their capacity to fill them; our merchants were stocking up for a good winter's business, and money could be obtained in any of the banks of the United States at reasonable figures. There was enough money then, Mr. President, in the United States to do all of the business of this country. Then, suddenly following a run upon a single banking institution in the city of New York, every one of the leading banks of the country immediately closed its doors so far as performing the usual functions of a bank is concerned. They refused to pay out money which they had on deposit; they refused to make loans upon the very best security which could possibly be offered them; and we were immediately met with a cry for an increased currency to meet those conditions. The money available for circulation during that time was the greatest that it had ever been during all the previous years of our prosperity.

I want to call attention briefly to the conditions which are shown by the reports from the Treasury Department for the

last few months. On October 1, 1907, just prior to the panic, we had in circulation \$2,812,133,694. That was a per capita circulation of \$33.08. On December 1, when perhaps the panic was at its worst, we had in circulation \$2,869,074,255, or a per capita of \$33.63. On January 1 the amount was increased until it had reached \$3,078,989,298, or \$35.48 per capita. On February 1 it amounted to \$3,094,362,699, or \$35.65 per capita.

It will therefore be seen, Mr. President, that we have been increasing our volume of currency which is available for the business of the country during all this period. From October 1 to February 1, it increased \$282,229,000, or more than one-half of the entire amount that it is proposed to increase the volume of currency under the Aldrich bill.

Mr. President, if that amount of the influx of money from abroad and from the Treasury of the United States was insufficient to relieve the industrial condition of this country, what hope have we in the proposition that adding \$500,000,000 is going to seriously affect our industrial condition? It seems to me that it demonstrates one thing, and that is that the expanding of our currency does not expand the confidence of the public in American securities. As we are led by our argument to conclude that an expansion of currency is not the remedy, then we are led by the logic of that conclusion to infer that we will have to find some other means of getting our money into active circulation. It is but fair to say, however, for the author of this bill, that he does not pretend to claim that it will act as a tonic to our industrial conditions, but that it will meet an exigency in the matter of runs upon banks in a particularly precarious period, which may arise at some time in the future. For that particular purpose we might be inclined to support it. That would be the only basis in the world, it seems to me, upon which it could invite the support of anyone, namely, that it would prevent a worse condition, which might happen without it.

Due to the cause which I have mentioned, the closing of the banks to the ordinary business of the country, money ceased for a time to perform its functions, and the remedy of currency expansion was immediately proposed. In other words, it was proposed to increase the stock of money a sufficient amount to pay off pressing debts without the use of that which is now stagnant. The weakness of the proposition is that it does not propose a means of moving the stagnant currency. It is claimed that men are now being discharged from employment at the rate of a great many thousands a month and that by next spring there will be a quarter of a million laboring men out of employment, and all the money that we could put into the banks would not change those particular conditions.

That the scheme that was devised was unjust every thinking man must necessarily admit. That it was necessary under conditions as they then existed, Mr. President, we may well admit, and we excuse the action of the Secretary of the Treasury for that reason. I believe myself it was absolutely necessary, and I believe that the action of the Treasury Department—although I may have some doubts of its legality—saved this country from a great catastrophe. What we are now interested in is to find some means of avoiding a repetition of that particular result. We can not do it by expanding our currency.

Mr. President, I read a good many years ago that the Chinese Government, ascertaining that the poor people did not have enough money to buy the goods of the country, ascertaining that the goods, in other words, were too high and money too dear, concluded that they would issue some cheaper money. They thereupon issued iron money, instead of their old brass and silver coin. Immediately the prices of all goods rose to an amount equal to the issue. They made a second attempt, and again the prices of goods went up to meet the extra issue. They made a third attempt, and the prices of goods went up to the very skies; and when at last it required two Chinamen to carry enough money to buy soup for one, it was apparent that their particular scheme of relieving the country was not a successful one.

It will not be any better, Mr. President, in this country. We never seem to thoroughly impress ourselves with the lesson that it is the activity and not the bulk of money that pays debts; that a dollar that is stagnant pays nothing; that a dollar in active operation may pay ten dollars in a single day. When the whole American people become impressed with that simple proposition in finance and understand and thoroughly digest it, we will not have the clamor of the great press of the country, every time we have a financial flurry, for a debasement of the currency of the country.

I repeat, Mr. President, that there can be nothing but injustice result by adding to the circulating medium of the country suddenly and only for a few months. Other things being equal, the volume of money and the price of a commodity will always

balance each other. There is as close a relation between the volume of the currency in the United States and the price of the great articles of commerce as there is between the water in two vessels so connected that the fluid may pass unobstructed from one to the other. One will always level itself exactly with the other. Cheaper methods of production and varying demands may, within this general law, advance or lessen the comparative values of specific articles, but will not change the rule as applicable to the commercial commodities of the country taken as a whole. This being true, our volume of currency ought to maintain an approximately fixed relation to something. That something must necessarily be either bulk of material property or population, and as bulk of property acquired and being acquired changes rapidly, varies greatly from year to year, and is out of all proportion to the number of individuals owning it, it follows that the nearest approach to a just, fair, and honest system of currency would be one whose increase in volume would keep exact pace with increase in population. The per capita available volume of currency should remain about stationary. If we compare the increase per capita, for instance, in the volume of the currency for the past ten years with the increase in the price of our commodities within that period, we will find that the one exactly balances the other. It may be that the price of the bare necessities of life have not kept pace with the advance in the volume of the currency per capita, but when we take into consideration all the things which advanced civilization produces for the people, and admitting that each one of us is entitled to his proportionate share according to his means of purchasing it, it will be found that the rule of equilibrium still holds good.

The bill which is now before the Senate, Mr. President, is in response to a strong demand over the entire country for an elastic currency. While I am not generally in favor of any elasticity in our currency, believing that such elasticity is absolutely pernicious, and almost as bad as an elastic conscience, nevertheless I can conceive that, if our monetary conditions are unchanged and if our industrial conditions are unchanged, there will necessarily arise a condition again that will demand that elasticity in order to prevent a great catastrophe to the country. For that single purpose, and that alone, and influenced somewhat, I may admit, by the universal demand of the people of the United States for an elastic currency, I am willing to vote for this bill, with some amendments which I think should be made for the purpose of answering the demand of the public and meeting those conditions if they shall arise.

The only excuse for a measure of this character, which necessarily carries with it an injustice, is that it will prevent a greater injustice. I want to impress upon the Senate the injustice of the expansion of our currency under any conditions. Who lose and who gain by the expansion? No matter whether it is for one month or whether it is for ten months, every payee of a contract based upon present values will necessarily lose by it.

It is safe to say, Mr. President, that every depositor in every savings bank in the country will lose by this expansion. It is also true that every man who pays for an insurance policy will necessarily lose by an expansion of our currency, and, in my humble opinion, the reason that the great insurance companies of the country have been able to maintain an unimpaired credit in the face of what the world understands to be, and what I think are, extravagances, and great extravagances in their conduct, is due to the fact that a twenty-year policy is paid in a 50-cent dollar, so far as its purchasing value is concerned. A dollar which ten years ago represented in the lowest channels of labor eight hours of the energy of one man with the spade or the pick will represent only half as many hours of the same expended energy to-day.

Who else suffers? Every laboring man necessarily suffers. The merchant and the manufacturer can change the price tag upon his goods overnight to meet any sudden expansion of our currency. The laboring man can secure a raise in his wages only after extreme and long-continued effort, and during the time that elapses between the sudden expansion of our currency, and the consequent rise in the price of all goods which he must purchase, and the raise of his wages he necessarily loses enormously.

The next man who loses, Mr. President, is the man who contracts in the present condition of the money market. If I agree to sell 1,000 bushels of wheat which I own, and which constitute my asset, to another for \$1,000, which constitutes his particular asset, and then the Government comes in the very day that that sale is to be consummated and immediately dilutes his dollars so as to make them \$1,500, can anyone deny that that has been a fraud upon me? All of the business conditions of the country are conditions of trade. If one-half of the American people agree during the next month to sell to the

other half \$2,500,000,000 worth of property which, approximately, is the amount of the circulating medium of the United States and which is also approximately the amount that does pass from the one one-half to the other during a single month, that if you dilute that money \$500,000,000 and make \$3,000,000,000 out of \$2,500,000,000, can any man say that has not operated as a fraud upon those who must accept that diluted money for their property?

It seems to me, Mr. President, that it is unjust that we should accept this bill unless upon such conditions that it will not be able to operate for more than from a month to two months during the year, so that our financial system may immediately get back to normal conditions.

Mr. President, what is the real cause of the panic we have had? What is the remedy? Admitting that financial crises are not due to the stringency of money, to what condition are they due? The answer is quite a simple one. They are due to the expansion of the values of all classes of American securities beyond their inherent value. That is the cause that is back of these panics, and back of that, you may say, is the weakness of our human nature—weakness in the matter of its overzealous desire to get rich without the expenditure of time or money. We can not remedy the defects and imperfections of human nature, but we can legislate so as to remedy the conditions upon which those peculiar characteristics may operate, and thereby prevent to a considerable extent the disastrous consequences which otherwise would naturally follow.

It is said that 90 per cent of all our business is done on credit, and it is truthfully said also that a proper confidence is absolutely essential for business credit. If we will consider the reverse of this—which proposition is equally true—that a proper credit is essential to the confidence of the people, we will have taken our first step, and a long step, toward remedying the conditions which we have had to meet during the last few months.

If A has invested in a manufacturing plant \$100,000, and that plant has averaged him a net income over and above the expenses for say fifteen years, of \$7,000, the plant and business will safely carry \$100,000 of bonds, or in lieu of that \$100,000 of stock. Any bank can safely give credit of 75 to 90 per cent of the face value of such stock or bonds. Whenever the bank desires to realize on this stock, if the debtor is unable to pay, there will be found thousands of persons who will be glad to take it at its face. But if the owner of this business during the last ten years of abnormally profitable times has increased the capital stock or the bonded indebtedness to \$300,000, and 75 to 90 per cent credit is secured upon that, it can only be sold at an enormous sacrifice. Speculation, the efforts of promoters supported by the banks, may for a short time hold up speculative values, but sooner or later these values will reduce themselves to a level with earning capacity under ordinary conditions, and some one must lose. This is the present condition throughout the eastern portion of the country.

That is exactly the condition which resulted just previous to the panic in New York. Swollen securities could not be immediately sold. They were held by the banks, and the money had been used to float some great project. The securities which embarrassed the banks were not the good securities that have been selling at a fair price for years, because they have always brought, under normal conditions and even under these conditions, a fair sum; but it was that class of securities of which the public itself was suspicious. The public believed, and honestly believed, that these conditions could not continue indefinitely, and they were looking for this cramped condition when the time of the payment of credit should arrive, and those banks which were overloaded with those swollen stocks were unable to dispose of them, and the result we all know.

During these years of unexcelled prosperity we, as a people, have forgotten the one truth—that all excessive prosperity is abnormal and must come to an end. We have builded hopes upon the theory not only that this prosperity must continue, but that it must increase as well. We have issued stocks and bonds upon our lighting plants, our street railways, and other property two or three times in excess of the first cost, depending upon the prosperity of the public to make the business pay a dividend upon the excessive increase.

Mr. President, the most that can be said against these policies of the Government which have brought about a condition of speculation during the past ten years is that they have made the country too prosperous; that they have made it so prosperous that it has incited men to speculation; they have made it so prosperous that we have had a balance of trade of \$500,000,000 a year in our favor, making \$5,000,000,000 in the last ten years that have come from across the ocean and have been piled up on this side. It has filled the banks to overflowing.

It has raised the value of all classes of property. It has infused the speculative spirit into all of our American citizens, and the result is that shrewd men, taking advantage of these conditions, have been able to amass mighty fortunes and to a certain extent to control many of the industries upon which the people of the United States are dependent.

Mr. President, we all know when things go wrong the first impulse is to place the blame on someone. So, when certain lines of business, some of whose methods had been rebuked by the President, were having trouble in securing credit, they naturally placed upon him the responsibility for their woes, forgetting that every thinking man in the country has for several years past been prophesying just such a condition when the day of payment of the immense credits should arrive and when there would be a halt in our enormously prosperous conditions.

Those who are against his policies declare that his acts and words have so destroyed confidence in American securities as to paralyze that credit so essential to business development and prosperity. There is no foundation whatever for this charge. That confidence has been shaken must be admitted. But the reasons are the well-known inflation of all values and the growing feeling that we are advancing at too rapid a pace for safety. Nor can we lose sight of the influence of lurid and sensational journalism upon which we have been fed for several years, publications which have exaggerated all the bad and minimized all the good in the great business concerns of the country.

There are many reasons outside of any assertions made by the President of the United States why the public are suspicious of the conditions as they exist to-day. One is the overvaluation of all property. The other is the sensational and the lurid articles that we have been fed on through the press of the country and the great magazines for the last six months.

When we place side by side the declarations of the President of the United States in his efforts to protect the business of the country against unlawful acts with his declarations in favor of the high character of our American securities and American business, we can but have a renewed faith in the industrial future of the United States. They who are opposed to that policy declare that it threatens to destroy the remunerative employment of capital. I want to undertake to refute that proposition by a single paragraph in the last message of the President to Congress, and every message has been replete with the same character of utterances. He says:

In fixing the charges of our railroads, I believe that, considering the interests of the public alone, it is better to allow too liberal rather than too scanty earnings, for, otherwise, there is a grave danger that our railway development may not keep pace with the demand for transportation.

Is there anything there that threatens the remunerative employment of the railroads of the country if they should be placed more or less under Government control?

They say that his messages discredits the business of all our great exchanges. Let that same message answer again that proposition. He says:

The great bulk of the business transacted on the exchanges is not only legitimate, but is necessary to the working of our modern industrial system, and extreme care would have to be taken not to interfere with this business in doing away with the "bucket-shop" type of operation.

Does not this answer that charge?

They say he attacks property and wealth. I answer that with another paragraph from the same message of the President. He says:

Under no circumstances would we countenance attacks upon law-abiding property or do aught but condemn those who hold up rich men as being evil men because of their riches.

And further:

Sweeping attacks upon all property, upon all men of means, without regard to whether they do well or ill, would sound the death knell of the Republic.

If the press of the country would give one-half of the attention and space to these great declarations of the Executive in favor of American securities and American finance and American business and industries that they give to the few words of condemnation against some of the evils, there would be little cause to complain of the utterances of the President of the United States.

Mr. President, we can not change human nature. It is doubtful whether the evil which is sought to be corrected by this very bill may not be accentuated by it. If the knowledge that there is \$500,000,000 which can be drawn on at any time to meet any run upon banks will have a tendency to eliminate the timidity and the suspicion of holders of bank certificates or those having deposits in them, will not the same knowledge tend to give a new and effective support to the speculative

spirit which in time may consume the entire \$500,000,000, and at the end of that time we find a demand for at least another \$500,000,000?

I do not think there is any immediate danger of that, because I do not believe it is possible for us to continue times as prosperous as we have had them in the last ten years, and I believe there has been a lesson which will check speculation on the part of the American public. I also believe that before the time arrives to test the efficiency of this measure we will have probably found some means to deal not only with this everlasting overcapitalization, but also improve our general monetary system.

What is the remedy, then, against these panics? Mr. President, the remedy against panics and runs on financial institutions is the riddance of the country of these puffed and swollen securities. Every bond and every certificate of stock ought to represent approximate face value. But the question is asked, "How will we determine the value of property?" The answer is, "Just as any sensible business man would determine the value of any property, and that is on the basis of its net income." By that I mean its net income under ordinary conditions which may be determined by running over a number of years. The remedy therefore is for the Government of the United States, so far as lies within its power under the interstate-commerce clause of the Constitution, to control the stock issues and the bonds of every industry entering into interstate commerce, and when it has succeeded in eliminating all these overgrown bonds and stocks there will be but little left for the gambling instinct of the American public to act upon.

The Government should see to it that all stocks and bonds and all property that go into the exchanges should as near as possible represent face value. I do not believe in putting the commerce of the country into a strait-jacket, but I do believe in sufficient Government control to insure honesty and fair competition, and the securing of those two essentials—honesty and competition—should measure the extreme limit of governmental interference.

We are compelled to conclude that a remedy of business methods is the only real preventive against a recurrence of the conditions through which we have just passed. That we have not applied a remedy before is due to the one weakness of our dual form of government. The States have allowed the great corporations a free hand in overcapitalization and inflation. The Government will not allow a national bank to start on wind, nor to continue on water. The result is that bank stocks of the country are always regarded as good security; they do not go begging for customers. If anyone has a fear that Government control tends to limit profits, let the bank dividends of the country answer that fear. If I am correctly informed, the average dividend of all the banks for last year was about 13 per cent upon the stock of such banks.

Mr. President, before closing my argument on this bill I want to say just one word with respect to the suggestion that was made yesterday. The argument of the Senator from Michigan [Mr. SMITH] to me was the most startling. As I reduce it down to a simple proposition it means this, that there was no objection to the Government of the United States providing for an emergency currency, but that in accepting securities and in determining what securities it would adopt, the Government should not take the very best possible securities. Why? Because by accepting them it would naturally discredit others that are not so good. I can not imagine how we are going to have a currency based upon other than bonds of the United States Government unless we base it upon the most safe and reliable securities in the United States.

For my part, instead of contracting the class of securities I believe we ought to expand it to the greatest possible extent. I would have no objection to basing it upon certificates for wheat, if it could be done, for the wheat has to be consumed; the world consumes all the grain that is raised, and it is pretty good security. The only trouble is that it is transient. It can not be kept. It passes out of existence at the end of the year. I would have no objection to cotton as security. The world has to have the cotton crop that is raised in the world during the year. The stability of the price of cotton, like grain, is pretty good, but I would not issue currency upon them, because you can not hold on to the property itself. It passes out of existence. I would have no objection to taking in any kind of bonds that would be long-running bonds and would have a fixed valuation in the markets of the country.

I can see no reason why we should not take in the Philippine bonds, which have been described by the Senator from Michigan. The interest on those bonds for thirty years, if I remember rightly, is guaranteed by the Government of the United States, and I can not imagine anything that would have a more stable

value than bonds whose interest and income were provided for by the Government.

Now, why should we expand as far as possible the class of securities? Because we want to have those securities in such a condition that any bank can easily get hold of them. We want the class so broad that in times of stringency, when we draw upon the Government for an extra issue, we may have forthcoming immediately that upon which the issue must be based, and we can not afford to so contract and limit the class of securities that they can be controlled by a few banks of the country and the prices sent up to the skies just exactly at a time when we need them the most. Therefore the idea of expansion of the class of securities should be indulged in rather than the idea of contraction.

The Senator from Michigan [Mr. SMITH] says that the acceptance of these bonds for this purpose will have a tendency to give a black eye to or to discredit all other bonds of the same class. It will have a tendency, to a certain extent, to discredit every other kind of security. Any of us would sooner take any kind of security that the Government has placed its stamp upon and says is all right. We would naturally reach for such securities. It will affect all other securities. You and I, if we ever succeed in saving enough money to buy a bond of any kind, would naturally prefer to buy one that the Government has investigated and has said "it is good," without reference to whether it is a railroad bond or whether it is any other kind of a bond.

But I again call the attention of the Senator to the fact that there are six billions of railroad bonds in the United States, and the entire amount accepted could not be over 7 per cent of all the bonds in the country; and many of these railroad bonds may be in other countries. So it could not reach more than 7 per cent, and if half of the issue was based upon municipal bonds, then there would not be over 3½ per cent. I can not believe that accepting as good and putting in the vaults of the Government 3½ per cent of any class of securities is going seriously to affect all of the other 96½ per cent.

Let us admit, as the Senator from Michigan has said, that naturally it will enhance the value of those which the Government will accept. I would sooner accept a note which had been passed upon by a bank than one that I did not know, because I have confidence in the bank. But the fact that I would be compelled under the law to accept only those which a bank had passed upon I would not regard as being detrimental to the interest of other persons who desired to circulate their negotiable paper. It seems to me there is no great reason for fear along that line.

If I follow that a step further I find that about two years ago, if I remember aright, we made provision whereby the Secretary of the Treasury could accept these very bonds, bearing such and such interest and so forth, as a basis for deposits. I do not know whether he accepted any or not, but the fact is that the bill, as I remember in the bill—if I am mistaken I can be corrected—described the character of those securities, and it has not in the slightest degree given a black eye to other securities.

Another complaint is made; and this is a general complaint, I think, of the western banks. I want to say that the banks of my State have written me very little upon this subject. I do not know a single bank in the State which did not continue its business in its accustomed manner during all this time. I am aware that they tried to encourage depositors not to draw too heavily, but they never refused to cash a draft or check drawn upon them, and not a single bank closed its doors during all this time. I think for the most part they are practically satisfied with the present conditions.

But the western banks generally make this complaint, if I am properly informed. They say, "These securities, the municipal bonds and the bonds of railways, are in eastern banks, that eastern banks hold them, and they will not be available if we need them." There is not a single security that you and I would have any confidence in which is not exactly in the same condition. That is absolutely true of municipal bonds. All of the municipal bonds of the Northwest are sent to the East and sold. Nearly all of the railroad bonds are held in the East. We deal more in negotiable instruments in the West, and I do not believe our banks would ask to use those negotiable instruments for the basis of an issue of money. If not, what will they use? It forces them either to say they will have to adopt securities something like those that are mentioned in this bill or else they can not have any security whatever, unless they will go further and say they want a currency based upon assets. That is really what it means. So we are forced in either instance to go to the East for these particular securities.

There is another objection that I have to this bill—

Mr. NELSON. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. NELSON. Will the Senator allow me to make a brief statement in connection with this matter of securities?

Mr. McCUMBER. With pleasure.

Mr. NELSON. I understand it is a fact that out of the one hundred and eighty-five or one hundred and ninety million dollars of outside bonds, not Government bonds, deposited for Government deposits during the recent year, about one hundred and sixty or one hundred and sixty-five millions were actually borrowed; that is, that the institutions which deposited them borrowed them from other institutions, mainly in New York City.

Mr. McCUMBER. Of course they will have to be borrowed anyway in the future. There would be nothing gained by these particular banks under this bill if they have to pay out currency for the bonds and then issue currency upon them.

Now, on the question of the priority of lien, I should like to ask the Senator from Rhode Island why this priority of lien is given to the Government over the depositors. Are we going to secure confidence on the part of the depositors of the country by lessening their security and making it subject to a prior lien? Why does the Government need a priority? The Government has it in its power to say, "I will take this bond or that bond. I will not issue more than 75 per cent upon this or 90 per cent upon the other bond." Then why should it come in and say, in addition to having the absolute control over what security it will accept, the poor man who deposits his money in the bank must be subordinated to the rights of the Government of the United States, which can afford to lose if there is going to be any loss whatever in the transaction?

Mr. BEVERIDGE. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. If the securities are as absolutely safe as the Senator from Rhode Island [Mr. ALDRICH] indicated yesterday, then giving a priority to the Government on those securities could not possibly hurt the depositor, could it?

Mr. McCUMBER. It could not, but the fellow who comes here from another country, and who has been at work and has earned a hundred dollars and put it in the bank will not understand and reason it out quite as fully as the Senator from Indiana. If he has knowledge that somebody else has a prior lien, he at least will understand naturally that that lien is better than his, and that he will be subordinated. So I believe if we are going to inspire confidence and if we do not need this priority, then certainly we should not ask it.

Mr. BEVERIDGE. The question of a prior lien then is a question of insuring confidence—a mental state—in the issue based on those bonds, is it not?

Mr. McCUMBER. No; I hardly think so.

Mr. BEVERIDGE. Wait a minute. If it is not, then there is no point to it.

Mr. McCUMBER. No.

Mr. BEVERIDGE. It brings us back to the point made by the Senator from Michigan yesterday, that it was not so much a matter of discrimination, as I understood him to say, but a question of the entire adequacy of those securities.

The Senator will remember that he pointed out that on account of many business conditions or political conditions there might be a great deal of difference in the value of these securities from year to year, and even though this does not imperil the currency issued upon it, because the credit of the whole Government is back of the currency, nevertheless it goes to the very question the Senator is raising now—the question of the confidence of this fellow from a foreign shore, not only in the bank in which he has his deposit, but in the securities on which the Government thinks it is necessary to have a prior lien in order to secure the currency issued upon it.

Mr. McCUMBER. The first proposition is that all would have confidence in the issue backed by the Government, whether there was one dollar of property to sustain it.

Mr. BEVERIDGE. Oh, Mr. President—

Mr. McCUMBER. We have confidence in that anyway, because the Government will take care of it. I am speaking as the average American citizen will look at it.

Mr. BEVERIDGE. I hope the Senator will not leave that last statement unmodified, because the Senator will see in a minute, if he leaves that statement unmodified, that any currency issued by the Government, regardless of security or whether it has any security, would have the confidence of the people. He at once is in favor of any issue of greenbacks or anything else, Treasury notes, without any security whatever, except the credit of the Government. I do not understand the

Senator to take that position. If that proposition of the Senator is true, then, of course, all of this arrangement for securities for a currency issue is not only unnecessary but absurd, and we come back to the greenbacker's proposition of issuing any amount of money we want to issue simply upon the credit of the Government. So I hope the Senator will not leave that unmodified.

Mr. McCUMBER. I do not think I need to modify my statement in connection with the matter under discussion. I stated that the people of the United States would have confidence in the fact that this money issued for a temporary purpose—this money alone; issued for a temporary purpose, bearing such a rate of interest as to force it back into the hands of the Government, and thereby be destroyed—that the Government would take care of it, and that they would suffer no loss whatever, whether there was any security back of it or not. That is the proposition I desire to make.

Mr. SMITH. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. SMITH. I should like to ask the Senator if he thinks it would affect the purchasing power or the confidence in this emergency currency that we propose to issue if there was written across the face of each note as it left the engraver, "This note is secured by a railroad bond?"

Mr. McCUMBER. I do not, Mr. President. I am free to say I would put no more confidence in it, and I do not think any other American citizen would put more confidence in it than if it said, "This is emergency currency that has got to go back to the Government, and is issued only for the emergency, and the Government is back of it."

Mr. SMITH. Then it would make no difference, if I understand the Senator, if it were to be stated upon that note that it was redeemable by the street railway company of the city of Wichita, Kans.

Mr. McCUMBER. That is not the proposition, of course, but I do not care where it is redeemable, so that finally the Government redeems it. The Government is on a gold basis to-day. The American people understand that it is on a gold basis. They understand that every dollar that will be issued by the Government will be taken care of on a gold basis. That is all the confidence that they need.

Mr. HOPKINS. I desire to say to the Senator that the condition suggested by the Senator from Michigan can not arise for this reason. This currency is issued by the Government of the United States. The United States simply uses the banks as agencies in getting the currency out. The bill holder looks to the Government and not to a railroad out in Kansas or any other place. He takes this security and he knows it will be safe. In dealing with the note holder, it is a matter between the note holder and the Government.

Mr. SMITH. If the Senator from North Dakota will permit me—

Mr. McCUMBER. With pleasure.

Mr. SMITH. I did not intimate that this currency was to be redeemed by any corporation.

Mr. McCUMBER. I understood that the Senator put simply a supposable case.

Mr. SMITH. I wanted to see how far the Senator would go in relieving these circulating notes from actual security value.

Mr. BEVERIDGE. Mr. President—

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

Mr. McCUMBER. In just one moment. The Senator understands well that since the world began we have been educated to believe that gold is the basis of all values. That is almost an inherited belief by the people of the world. They have a confidence in gold that is superior to confidence in governments. They know that the gold is the same everywhere in the world and has like values. They know that nothing that is not based upon gold has an equivalent value anywhere else in the world. So if we go into such a broad subject as the basis of human confidence, we have finally got to get back to that simple proposition. But, subject to that, the people have confidence in any money issued by the Government of the United States, because they know that as long as the Government is on a gold basis that money will be as good as gold and interchangeable for gold. I now yield to the Senator from Indiana.

Mr. BEVERIDGE. I think the Senator made a very hazardous statement, of which I should like to hear from the Senator from Texas, when he said that gold was universally recognized as the sole standard of value. I understood that the Senators on that side of the Chamber but recently had different views on that subject, but I suppose they have changed.

The question I rose to ask the Senator is this: He said, in

answer to my question about confidence, that he was speaking directly as to the issue contemplated by this bill, and that the people would have confidence in an emergency currency which had the backing of the Government and was taxed, and so forth. Why would the people have more confidence in an emergency currency than in ordinary currency?

Mr. McCUMBER. They will not have any more confidence in an emergency currency than in any other.

Mr. BEVERIDGE. Then that takes away the Senator's limitation.

Mr. McCUMBER. They will have confidence in any currency issued by the Government of the United States so long as the Government is upon a gold basis.

Now, Mr. President, there is one other proposition—

Mr. SMITH. If it will not interrupt the Senator—

Mr. McCUMBER. Never at all. I am glad to be interrupted.

Mr. SMITH. The point I was seeking to make is that back of every twenty-dollar gold note there is \$20 in gold, and back of every silver certificate there is the amount which pretends to carry on its face an equivalent.

Mr. McCUMBER. And back of every silver dollar which is back of that is gold again.

Mr. SMITH. Is supposed to be the gold again. Now, then, back of the greenback there is the fiat of the Government.

Mr. HOPKINS. There is \$150,000,000 of gold reserve.

Mr. SMITH. The point I make is this: If the Senator can go so far as to say that he would merely deposit these railroad bonds without any reference to their market value and keep them there as security, then I say that the people who take the notes of the Government must take them upon the faith of the Government, and they are just about as well off without the security mentioned as they are with it.

Mr. McCUMBER. Certainly, Mr. President; the security is for the benefit of the Government.

Mr. BEVERIDGE. The Government is the people.

Mr. McCUMBER. But we differentiate between the people who make the deposits and the Government which backs the deposits. In this case we are taking these securities to protect the Government. The Government in its turn will protect the people. The Senator is indulging in a very violent presumption if he assumes that I have suggested that we should take any railroad stock without reference to its value. On the contrary, I want the very best of the railroad stock and the best of all other stock, and all the stock we can possibly get, so that it can not be cornered by any combination of capitalists.

Mr. BACON. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. BACON. I hope the Senator from North Dakota will pardon me a moment if I ask the Senator from Michigan if he weighed his words when he said the greenback was supported simply by the fiat of the Government. The Senator used the word "fiat."

Mr. SMITH. Well, there is a goodly quantity of gold in reserve also.

Mr. BACON. The difference between a fiat issue and an issue payable upon demand is very great. If the Senator will pardon me a moment, as the Senator well knows, a fiat bill is one in which the Government stamps upon a note the declaration that that is a dollar, but when the Government makes a promise to pay and has \$150,000,000 in the Treasury to make that promise good, it can not be said with any proper construction of the word "fiat" to be a fiat bill. There is no such issue by the Federal Government as a fiat bill.

Mr. SMITH. I meant to designate that character of note which stands merely upon the pledge of the Government to redeem it.

Mr. BEVERIDGE. In what?

Mr. SMITH. In the standard of value that the Government attempts to maintain, and that standard of value with us is gold.

Mr. BEVERIDGE. It might or it might not be. Taking the case of greenbacks, what was the promise to pay there? The United States promised to pay the bearer on demand \$1, whatever the standard of value at that time might be. The Senator says it might be gold, or it might be something else.

In reference to the criticism of the Senator from Georgia of the Senator from Michigan, everybody understands perfectly well the common expression that the fiat of the Government was the term currently used with reference to the issue of greenbacks, but as a matter of fact it comes very nearly down to that because suppose we would issue \$1,000,000,000 of greenbacks and had \$150,000,000 to redeem those greenback

promises to pay on demand. Of course there would not be any money to pay on demand. It would be practically upon the faith in the solidity of the Government that people took them, and the depreciation of those greenbacks would be measured precisely by the faith of the people in the ability of the Government to redeem them.

So the statement of the Senator from Michigan was not so far wrong after all as a practical matter, although it was incorrect from the very technical point of view.

Mr. BACON. Mr. President, I think the Senator from Michigan will be very greatly obliged to the Senator from Indiana for offering his assistance in this slight controversy which we have. Nevertheless, I stand to the proposition, and I think the Senator from Michigan has put himself in much better light than the explanation of the Senator from Indiana would put him in.

Mr. BEVERIDGE. If the Senator from Georgia, after having said that the greenback did not depend for its validity as currency merely upon the faith of the people in the Government to redeem it at its full value, is satisfied with that statement of what a greenback is, or what a promise to pay is, or what a demand note is, then I am satisfied the rest of the Senate is satisfied with the Senator's knowledge upon that subject, because the Senator certainly knows—when he thinks a moment or for half a minute—that if we issue an enormous amount of promises to pay and have only one hundred million or one hundred and fifty millions of gold to redeem them, their value as current money does depend upon the faith of the people in the Government to redeem them, and not in any securities at hand.

Mr. BACON. If the Senator from North Dakota will pardon me just a moment—

Mr. BEVERIDGE. As far as the Senator from Michigan is concerned, he does not need, I take it, the aid of the Senator from Georgia to thank me for any contribution I may make to this debate. The Senator from Georgia is in the habit of making universal contributions to debate, and no person criticises him for doing so.

Mr. BACON. I am satisfied the Senator from Michigan is so thoroughly grateful to the Senator from Indiana that no assistance from me in that regard is needed.

Mr. BEVERIDGE. Nor from anyone else.

Mr. BACON. I simply wish to say that upon calling the attention of the Senator from Michigan to his use of the word "fiat," which I thought was not exactly justified, the Senator made a response which I think set him entirely right. It was to the effect that he had used it in a general way, not intending that it should import what the word literally means, fiat; but the explanation and the apology of the Senator from Indiana puts the Senator from Michigan in an entirely different light, as justifying the use of the word as a correct word from the fact that there are not \$346,000,000 of gold in the Treasury. Therefore the Senator from Indiana deduces the conclusion that it must be fiat.

Now, Mr. President, I state as a proposition, if I correctly understand the use of the word "fiat," that if there was not a dollar of gold in the Treasury, and if the Government of the United States were to issue \$346,000,000 of promises to pay, it would still not be fiat. It would be promises to pay. Everybody knows what "fiat" means. It is a Latin word, which commands a certain thing shall be. Fiat, let it be. It is putting upon a piece of paper an inscription which shall constitute that as money. But whenever there is a promise to pay there is no command that it shall be money. There is simply a promise that upon presentation it will be redeemed, and even if that promise is not redeemed it will not be fiat money, and I do not understand that the Senator from Michigan intended it to be so understood.

Mr. SMITH. With the permission of the Senator from North Dakota, I will say that I used the word as I have qualified it advisedly, but I yield very gracefully to the technical construction of the Senator from Georgia, who is usually correct in his use of words.

Mr. McCUMBER. Mr. President, passing out of the kindergarten discussion of finance, I want to consider another proposition that is in this bill. It provides for an emergency currency. That emergency currency bears 6 per cent. The object of that currency is to be used only under grave and apprehensive conditions. It is assumed that that 6 per cent is sufficient to drive it back in a very short time. I am a little doubtful whether it will in some sections of the country. I can not conceive of its being very dangerous times or very close times when money will not demand more than 6 per cent.

Now, this is money in a certain sense. It is borrowed capital, to be sure—that is, borrowed for the purpose of loaning again to pay off debts. It is borrowed, then, from the Government at one-half of 1 per cent a month. It could be loaned out in my

State the year round at 8 and 9 and 10 per cent. It will be profitable for every bank in the State to hold that money and hold it the year round. If it gets out into that State under present conditions, and almost anywhere in the West, it would not be very quickly driven back and out of the channels of trade. Many bankers that I know are paying all the way from 4 to 6 per cent on certificates of deposits where they are held for one year. They can loan that money profitably above 6 per cent a year. So I fear that this money will not be soon driven out of the channels of trade, unless we place upon it a percentage that is so great that it could not afford to be used except in very extreme emergencies. I would not place the interest myself less than 8 or 10 per cent.

I am aware that in the old countries 5 per cent is sufficient to drive the currency back again whenever it is issued as an emergency, but I am aware, also, that the conditions of the Old World differ very materially from the conditions in this country. When you can not afford to pay 10 per cent during the time of an emergency, I do not believe that the conditions are so bad in any part of the country that we need to issue an emergency currency so as to make the money worth less than that.

The idea of this bill is to issue a currency which will get back and out of the channels of trade where it is disastrous to the value of money as soon as it is possible to drive it back, and I would not vote for it under any conditions if I believed that a dollar of it would stay longer than three months in circulation.

Mr. HOPKINS. I suggest to the Senator that that objection can be remedied by an increase each month. Under the bill it is one-half per cent per month. At the end of three months it can be made three-quarters of a cent, and at the end of six months 1 per cent. That certainly would drive it out of circulation.

Mr. McCUMBER. It would in time. I am certainly in favor of raising it by a gradual scale or in the first instance, so it can not stay out and debase all of the balance of the currency of the country.

Now, Mr. President, there is another method of preventing these raids upon the banks. There is another method of securing confidence. There is another method proposed of keeping every dollar of the currency in circulation. That is by a guaranty of all the deposits in our national banks. Is such a scheme feasible? Is it a hardship upon the banks themselves or upon the individuals? I know there is objection against this policy upon the ground that the Government ought not to guarantee private contracts. But I know many Senators who have objected to that feature have even voted in favor of the Government guaranteeing private contracts of very much less value to all the American people than that of securing bank deposits.

Let us take the Philippine railroad bonds. There is a guaranty of the payment of 4 per cent for thirty years, if I remember rightly. I did not vote for it myself, because I did not think it was right. We recount many instances in which the Government, for the benefit of the public, has guaranteed a private contract, and if it can guarantee it for a very few of the public without danger, I can see no reasonable objection to its guaranteeing that which would benefit every depositor in the country, abolish runs upon the banks, and at the same time cost the banks comparatively nothing.

Mr. NELSON. Will the Senator yield to me?

Mr. McCUMBER. I yield with pleasure.

Mr. NELSON. I desire to call the Senator's attention to the fact that the proposition is not to guarantee absolutely the depositors, but simply to provide a fund out of which those depositors are to be paid.

Mr. McCUMBER. It is the same thing, because in providing for a fund we provide a fund that will be sufficient, or which we believe will be absolutely sufficient to guarantee the deposit. So it does not make any difference whether it is done directly by the Government or whether it is indirectly done by a tax upon the banks.

Now, why can it not be done? What objection is there to it? What cost would it be to the banks themselves? What wonderful benefit it would be to the banks and to the business of the country, every thinking man must comprehend.

In October, 1907, there was \$4,319,035,402 on deposit. Now, suppose that we tax the average yearly deposit of each bank one-thirtieth of 1 per cent. That certainly is a mere bagatelle; and it would produce \$1,439,678 for a fund to guarantee the payment of all the deposits.

The annual loss by reason of runs on banks and from all other causes from 1865 to 1903 was an average of \$851,000 per year. That is only one-fiftieth of 1 per cent of the entire

amount of the deposits. The average deposit during this time was \$1,281,147,136. The amount of loss during those years was one-sixtieth of 1 per cent of the entire bank deposits.

Now, remember, Mr. President, that if we secure these deposits we will eliminate that cause which has forced the banks into bankruptcy, the runs upon the banks, and which is probably responsible for at least four-fifths of all the failures. In other words, probably four-fifths of them would get out in some way if they were allowed to go on without having a raid made upon them. The expense is absolutely nothing when we consider the amount of benefit that will accrue from it.

What would be the effect upon our State banks, Mr. President? It would be disastrous unless every State would also guarantee the banks as well. My own belief is that it would be better for every one of the State banks to nationalize. To be sure, we have a great number of State banks with a capital of \$10,000 and from that up to \$15,000, and they could not nationalize without increasing their capital stock; but in case the State itself did not pass similar legislation for the protection of the depositors, which I believe it would do, they would have to nationalize in order to receive the deposits of the country. So that nothing would be lost in reality by the State banks.

There is another objection, Mr. President, that I have to the present law, and that is the provision in regard to reserve centers. From my study of the banking law I can not see anything that has been gained by adopting the system of great reserve centers.

Mr. FULTON. Mr. President—

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

Mr. McCUMBER. With pleasure.

Mr. FULTON. Before the Senator from North Dakota leaves the subject of the guaranty of deposits I should like to ask him a question which has occurred to my mind. I understand the Senator favors a guaranty and would go further than the Senator from Minnesota (Mr. NELSON) proposed to go, who, as I understand, proposes to create a fund by a tax which he assumes, and is confident, will be a sufficient guaranty.

Mr. McCUMBER. I will say, in answer to that, so that we can understand each other, that it would make no difference to me whether the Government guaranteed it absolutely and then raised the tax to meet the guaranty, or whether it would fix a certain sum which would be assumed to be sufficient, because I believe the result would be absolutely the same.

Mr. FULTON. I am not certain but what that is a correct position, and I am not arguing against it. The question I want to ask the Senator is this: If he has thought, in view of the adoption of some proposition of that character, whether or not any provision should be made for requiring a new bank, which is just starting, to contribute more than the old banks have contributed? For instance, suppose that the law has been in operation for ten years and a fund has accumulated to which the existing banks have contributed and in which they have an interest. Now a new bank starts up. It has contributed nothing to the tax. Should there not be some provision that it shall in some way become responsible at once for its proportion of this guaranty fund of which it gets an equal benefit with those banks which have been contributing to it for years?

Mr. McCUMBER. Oh, Mr. President, undoubtedly a fair estimate could be made of the deposits for a single year, if that were necessary. It is assumed that the amount levied and collected, whether it is one-sixtieth of 1 per cent of the deposits or whether it is one one-hundredth of 1 per cent, would be sufficient for that year and that there would be no greater sum levied in any other year than experience would prove to be necessary for the losses of that year. Then the bank which is organized that year would only pay its proportionate share, which probably would be paid at the end of the year. It may be that it would not furnish its proportionate part for losses that occurred in the very beginning of that time, but it would be but one of the constituents of a composite whole, and, considering it in that light, it would be paying its proportion as it comes into existence.

Mr. SMOOT. Mr. President—

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

Mr. McCUMBER. With pleasure.

Mr. SMOOT. I should like to ask the Senator if he does not think that the comparison he made between the Government guaranteeing the interest on the Philippine railroad bonds for thirty years and the Government guaranteeing the bank deposits was unhappy for the reason that the Government, in guaranteeing the interest on the Philippine railroad bonds, does

so after having passed specifically upon the work done upon the railroads, and knowing positively that the work had been done before they ever issued the bonds, but in the case of bank deposits anybody can go and deposit money in the banks, and the Government has no supervision over it whatever? I think the Senator's comparison in that respect is a very unhappy one.

Mr. McCUMBER. I thank the Senator for his suggestion. I think he did not consider his last statement, that the Government has no supervision over the banks, or he scarcely would have made it. I base my statement upon the proposition that the Government has supervision over the banks. The Government declares, in the first instance, that a bank can not start on wind and that it can not continue on water. It must have the actual money paid in, in the first instance, equivalent to the amount of the stock. It must then loan upon good security. The Government keeps its agents constantly out to see that a bank is doing business in a proper manner. Those agents may not always succeed in keeping the banks in a safe line of conduct, but, on the whole, they have a salutary effect. The Government can say to the bank, "The securities which you are holding for these notes are not good; they are not sufficient. By the next time that the bank examiner comes around we want you to call these loans in or to get some additional security. Your bank does not appear to be in the best condition." The Government can practically force the officials of the bank to keep it solvent at all times. It is under the control of the Government; it is a Government institution, in fact, and is run as much for the business of the people as it is for the interest of the stockholders themselves. The Government regards it as a quasi public corporation, as a part of the great machinery of the Government, and in passing upon its securities is interested in keeping it solvent.

Mr. SMOOT. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. SMOOT. Mr. President, I certainly agree with the Senator from North Dakota that as to the supervision of the bank itself and the organization of it the Government has control. My statement, however, did not apply to that branch of the question. It had reference to the question of depositors. The Government has no supervision over the deposits of a bank. It can not say whether they shall be \$1,000 or \$100,000, or \$10,000,000; but if it is going to guarantee the deposits, it would have to guarantee them whether the bank had \$100,000 or \$10,000,000 of deposits.

Mr. McCUMBER. It would make very little difference to the Government so long as the Government had control over the assets of the bank and the method of doing business by the bank. The Government, if it does its duty, can compel the bank to do business in a safe and conservative manner. If the Government officials do their entire duty, and if they are competent officials, it will compel them to do a safe and conservative business. Inasmuch as the tax, if levied, would be upon the total amount or the average amount of deposits throughout the year, the Government would be protecting itself upon the amount of deposits in every one of the banks.

But, Mr. President, I was stating something about abolishing these reserve centers. I have failed to see any good which has been accomplished by them. We require the country banks to keep in reserve 15 per cent of their deposits, and then we say that they can take about 7 per cent of that, or something like that, and deposit it in a reserve center, and that reserve center can deposit somewhere else. The result is that the money travels gradually to the great centers, and whenever they close down, the bank, which should have had 15 per cent of its currency available, is unable to get it. If the requirement of 15 per cent is too great, then we ought to modify the law and make it a less amount, but we ought to keep in the banks the amount which we consider necessary for protection and then allow them to deposit wherever they see fit.

Money will naturally go to the place which demands it. If the bank should be in my State, it would naturally deposit in the great cities of Minneapolis, St. Paul, Chicago, and New York, and it would keep deposited in those banks only a sufficient sum to answer the demands for the payment of checks and drafts which it might issue. Money will go naturally where it is demanded, and I believe it is far better to let it take its natural course than to attempt to steer it one way or another by reason of any law which we may place upon the statute book. For that reason, Mr. President, I myself believe that it would be better to entirely abolish the system of central reserve agents.

Mr. CARTER. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. CARTER. Mr. President, I arise to inquire as to the Senator's understanding with reference to the amount necessary to meet the requirements upon this proposed guaranty fund. I understood the Senator to say that about \$800,000 per annum on the average would have been adequate to meet the losses in national banks.

Mr. McCUMBER. As I understand, the losses to depositors during the years from 1865 to 1903.

Mr. CARTER. Now, Mr. President, in order to make this proposed guaranty fund at all efficient for the purpose of inspiring confidence and thus preventing runs on banks, it would obviously be necessary to provide an adequate fund, not to pay the ultimate losses, but to promptly pay all the depositors of a failed bank when the receiver is appointed. It is well known that the ascertainment of the loss frequently requires many years of patient liquidation and a realization upon the assets. The fund suggested by the Senator of \$800,000 per annum would be so clearly inadequate that I think it necessary to place in the Record, with the Senator's permission, some of the figures which prove the fallacy of the position.

For instance, in 1897 the aggregate liability of the failed banks, disclosed by proved claims of depositors, amounted to \$25,535,553—twenty-five millions and a half, in round numbers.

Now, Mr. President, an accumulated guaranty fund of less than \$25,500,000 in 1897 would not have been adequate to meet the demands upon the fund. It is true that, after the lapse of some time and a process of liquidation, it was ascertained that the net loss to depositors finally was only \$1,244,145. It is not, however, the \$1,244,145 ultimate loss, but \$25,000,000, the aggregate amount of the deposits, which would constitute the measure of the demand; because I assume it to be a fact which will not be controverted that if the depositor understands that if the bank fails he must wait for his money until all the assets are realized on, he will go to the bank and withdraw his deposit on the first scare just as he does to-day.

Mr. ALDRICH. Will the Senator permit me to interrupt him for one moment?

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

Mr. CARTER. Certainly; but I am speaking in the time of the Senator from North Dakota [Mr. McCUMBER].

Mr. ALDRICH. My impression is—and I think I am absolutely correct—that since the 1st of October banks in the United States have failed with deposits to the extent of \$33,000,000. Eight hundred thousand dollars would certainly be a very inadequate sum with which to pay \$33,000,000.

Mr. NELSON. Will the Senator allow me?

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

Mr. CARTER. Certainly.

Mr. NELSON. Will the Senator from Rhode Island [Mr. ALDRICH] please answer me this question: Supposing the depositors during the recent panic had been protected by such a fund, would they have withdrawn deposits to the amount that they were withdrawn?

Mr. ALDRICH. Mr. President, I think that \$800,000 in a guaranty fund in any part of the United States would have been entirely inadequate for any purpose.

Mr. McCUMBER. If I may correct both Senators upon this proposition, I stated that the annual loss to depositors from 1865 to 1903, inclusive, was about \$850,000, I think.

Mr. ALDRICH. That was after liquidation.

Mr. McCUMBER. That was after liquidation; and it would require only one-sixtieth of 1 per cent of the annual deposits in the United States to have made up that amount. I am not assuming, Mr. President, at all that the Government shall guarantee the immediate payment of all the deposits or that it shall guarantee them any further than the fund which for a given year will be available for that year, but I differ very much from the statement made by the Senator from Montana [Mr. CARTER] when he says that with a guaranty fund of \$800,000 there would be exactly the same run upon the banks. The inclination is to trust the bank; the inclination is to trust it under almost any conditions, unless there are serious reasons that frighten depositors; and then, if they believe that there will be raised a fund sufficient ultimately—not immediately, but sufficient ultimately—to take care of their deposits, they will not be rushing to immediately get their money from the bank. That is my opinion, but it seems to differ from that of the Senator from Montana.

Mr. KNOX. I should like to inquire of the Senator from

North Dakota what degree of confidence does he imagine would be inspired in the owners of over \$4,000,000,000 of deposits by the knowledge that there was \$800,000 put up in any one year for their protection?

Mr. McCUMBER. I can answer that very briefly. No one man has got \$4,000,000,000 of deposits.

Mr. KNOX. The question does not even suggest that.

Mr. McCUMBER. And a panic is not going to strike all of the people all over the United States at one time. In the recent flurry it did nearly do so; but ordinarily it is not going to affect all the banks, and, under the very worst conditions we have had, there was not one-tenth of 1 per cent of the banks that were compelled to go into liquidation.

Mr. KNOX. Is it not true that the proposed law is intended for all the people of the whole country, and that all the people of this country have over \$4,000,000,000 in the national banks, and therefore all the people of the country who are depositors in national banks would be entitled to look to it as their guaranty fund?

Mr. McCUMBER. The Senator, to make his point applicable, must go on further and say that all of the people will naturally assume that all of the \$4,000,000,000 will be a loss, and that all of the people will immediately get after that four billions of deposits, which is an assumption which, it seems to me, is so violent that we can scarcely indulge in it.

Mr. CARTER. Mr. President—

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

Mr. McCUMBER. Certainly.

Mr. CARTER. I then understand the Senator from North Dakota to reply that the guaranty fund he has in contemplation would only be in sufficient proportions to pay the ultimate loss after all the assets of each and every bank had been subjected to the process of liquidation. In that I think he takes issue with the Senator from Minnesota [Mr. NELSON] and with every conception I have ever entertained of the adequacy and satisfactory character of any guaranty fund.

If the Senator will indulge me one moment further—I do not care, in his time, to take issue with his conclusion with reference to the soothing effect of a guaranty fund which promises to return a deficiency at an indefinite time in the future—according to my view, and I have given some little attention to this subject, a guaranty fund would only instill confidence in the minds of the people if it provided an adequate sum to promptly pay every depositor of a failed bank as soon as the balance due him could be ascertained; and thereupon the Government would become subrogated as trustee in the interest of this fund to the rights of the depositor.

Mr. FULTON. Mr. President—

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

Mr. CARTER. Certainly.

Mr. FULTON. Does the Senator from Montana think that the people throughout the country as a rule believe that they could all be paid all of their deposits in one day if they should demand them?

Mr. CARTER. Of course the Senator realizes that the law of average applies to the failure of banks as well as to the condition of human affairs generally.

Mr. FULTON. It is my conviction that the people have confidence in a bank in proportion as they believe it will be ultimately able to pay them their deposits whenever the funds of the bank shall be converted into cash. The depositors know very well that there is no bank that can pay off all of its deposits if they were demanded at once, but if the depositors know that security is behind the bank and that ultimately they will be paid, they will have confidence in that bank. They lose confidence only when they become convinced that a bank is so unsound that, if it were compelled to go into liquidation, they would not be paid in full.

Mr. CARTER. Mr. President, with the permission of the Senator from North Dakota [Mr. McCUMBER], I desire to take this time to explain something of my conception of what the guaranty fund should be.

To begin with, if the fund contained but \$800,000 there would be, as the Senator from Pennsylvania [Mr. KNOX] suggests, such a mighty rush to grab this small sum that the ordinary run on a bank would pale into insignificance compared with the run on the fund.

Again, Mr. President, the establishment of a guaranty fund to be administered by the Government should be surrounded, according to my view, with such safeguards, not only in the way of additional examination—and probably this better examination we should have of the national banks on general princi-

ples—but the criminal statutes with reference to the administration of the affairs of the banks should be strengthened very materially.

Again, it seems to me that no guaranty should be extended under any condition to a bank engaged in fostering and aiding and abetting the wild speculative schemes in which we have noticed the banking fraternity embarking of late years. The main objection to the guaranty fund rests in this, to wit, that the solvent, conservative bankers of the country would be compelled to pay tribute for the purpose of giving stability to those less prudent, conservative, and able.

Mr. NELSON. Mr. President—

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

Mr. CARTER. Certainly.

Mr. NELSON. Whom does the Senator call the conservative and safe bankers of the country—the bankers in the city of New York?

Mr. CARTER. Mr. President, there are well-managed banks in all parts of the country. There are undoubtedly in the city of New York as well-conducted national banks as there are anywhere else in the country. There are, perhaps, national banks there chiefly devoting their capital to the work of a stock exchange. There are many other banks there devoting their attention to mercantile business, to the legitimate sphere of commercial activity to which the banking interests should mainly address themselves. No section of the country is free from the disposition to engage in speculative and wild-cat banking when the laws permit it. I should therefore say that before we could make this guaranty fund equitable, just, and generally applicable, it would be necessary to supplement the amendment by a very substantial addition of drastic criminal statute and by an additional inspection of the banks themselves.

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

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

Mr. CARTER. Certainly.

Mr. ALDRICH. I do not like to take the Senator's time unless he is willing.

Mr. CARTER. It is not my time.

Mr. McCUMBER. I am not being bothered at all.

Mr. ALDRICH. I should like to ask whether the Senator thinks that a fund of \$800,000 would have deterred the depositors of the National Bank of Commerce, of Kansas City, Mo., with deposits of over \$16,000,000, from starting a run upon that bank? Would the fact that there was somewhere a fund of \$800,000 for all the banks of the United States have given confidence or prevented a run on a bank whose deposits were over \$16,000,000, a fact which everybody knew?

Mr. CARTER. Mr. President, I do think that the guaranty fund, being adequate, would check the runs and go far toward preventing these periodical panics to which the country has been subjected for over seventy-five years—indeed, since the foundation of the Government itself.

Mr. FULTON. May I ask the Senator a question?

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

Mr. CARTER. I yield, if the Senator from North Dakota will permit.

Mr. McCUMBER. I yield to both Senators.

Mr. FULTON. I thank the Senator for yielding. The Senator from Montana contends, as I understand him, that before this proposed guaranty fund can be made effective there must be certain statutes enacted for the protection of the depositors and to insure the proper conduct of the banks. The Senator does not think that such a contention argues against the wisdom of establishing a guaranty fund, does he?

Mr. CARTER. Mr. President, in order that the guaranty of deposits when made by the establishment of a fund may not become the basis of an abuse by reckless bankers, who would willfully and deliberately fortify themselves behind the public confidence established by the fund and abuse a trust, I think there ought to be a clearer way than now exists opened through the closed door of the failed bank to the penitentiary.

Mr. FULTON. I think we will all agree to that; but I contend that that does not argue against the wisdom of a guaranty fund properly surrounded and protected, as the Senator suggests.

Mr. CARTER. I think when the fund is properly surrounded and protected that it will be a benediction to the financial world.

I thank the Senator from North Dakota [Mr. McCUMBER] for the time he has allowed me to occupy.

Mr. McCUMBER. Mr. President, I believe there is \$150,000,000 of gold in the reserve fund which stands as security for all the money now outstanding. There is a great deal more money outstanding than there is gold back of it. If a demand were made and granted that all of our other currency should be converted immediately into gold, there would not be gold enough to meet it, and the Treasury would of course go bankrupt. That is practically the argument that is made in this case.

There is no conceivable condition whereby there would be a run upon all of the banks practically at the same time. It is scarcely conceivable. With the right kind of banking laws there would be no such condition. With a guaranty fund there would be practically no such condition.

I stated that the losses annually from 1865 to 1903 were \$850,000. Therefore if there had been levied upon the banks of the country a sufficient amount to have met all of those demands after the winding up of the banks it would have required only about \$850,000. I stated further that one-thirtieth of 1 per cent of the annual deposits, as shown October 1, 1907, would have realized \$1,439,678.

Confidence has always rested upon whether there is a belief that ultimately you will get out; that ultimately there will be no loss. The bank itself first obtains the confidence of its depositors. Under ordinary conditions of the country the character of the banks, its conservative method of doing business, and its known assets are a sufficient guaranty to induce the depositor to put his money there. He places it there for safety and convenience and for no other purpose in the world. He could just as well keep it home. He is willing to put it in the bank for safe-keeping. He relies under ordinary conditions on no guaranty other than the solvency of the bank. If, in addition to that, he knew there was a guaranty by a fund that was levied annually in a sufficient ratio to raise an adequate amount to meet all of the losses during that year, then I submit he would have confidence enough to leave his money there when he otherwise would not leave it, because of the question of ultimately getting his funds back. I admit if he thought that the bank was going to break he would not care to wait until its affairs could be closed up.

So that the fear that \$850,000 is not sufficient to pay all the losses immediately and to meet the demands of all the depositors of the country, it seems to me, is very far-fetched indeed. The question is whether it will give confidence to the average depositor that he not only has the solvency of the bank to rely upon, but in addition he has this fund which will be left year after year to finally take care of all the deposits, and if he believes he will not be in a line of three or four thousand people waiting until his chance arrives to get at the vaults of the bank.

I believe such a provision would be of inestimable value. I believe we can guarantee that just as well as we can guarantee the issue that is made by the banks and for which we have the bonds of the Government itself.

The Senator from Montana says we will need a greater force and that we will have to change our laws. I do not see the necessity of changing a single law relative to bank inspection or bank control. We have laws enough now, we have force enough now, if the inspectors will do their whole duty, to keep every bank solvent.

That is all I desire to say on this question, Mr. President. I have taken considerably more time than I expected.

Mr. NEWLANDS. Mr. President, I shall detain the Senate but a few moments. Believing as I do that the recent crisis was due to a panic of bank depositors who feared that the banks were unsafe. I think our legislation should be directed to the protection of bank depositors rather than in the line of emergency currency.

CAPITAL AND RESERVES.

What does the protection of bank depositors involve? It involves adequate capital and sufficient reserves upon the part of the banks. People deposit money in bank for two purposes. One is safety; the other convenience. They think that the money will be more safely kept in the vaults of the bank than in their own pockets or in strong boxes, and then they consult their convenience, for the banks are made the clearing houses of their transactions. Obviously no person would deposit money in a bank if he knew that the only moneys the bank had were the depositors' moneys, and that they were to be loaned out upon time obligations, when the obligation of the bank is to respond at the call of the depositor.

Security is required, and that security should be in every case an average of at least 20 per cent in actual reserves, that proportion of the depositors' money being kept in the bank respon-

sive to the call of the depositors; and the other security should be an ample and adequate capital of the bank itself. The proportion of the bank's capital to its outstanding loans should be the same as that of its reserves to its deposits. We all know that the loans of the banks in the aggregate are about equal to the deposits. So this would mean a bank reserve equal to 20 per cent of the deposits, and a capital equal to 20 per cent of the loans, or, in other words, that the banks should not be permitted to loan their depositors' money where those loans are more than five times the capital of the bank itself. In this way the depositors would have 40 per cent of protection—an average of 20 per cent in bank reserves, an average of 20 per cent in bank capital; and that constitutes safe banking.

Now, have we these precautionary limitations under the national-bank system? So far as concerns the capital we have no limitations. It is in the power of any national bank upon a limited capital of a million dollars to accept deposits of \$50,000,000 and to loan out that money in the market upon time obligations. There should be a provision in the national banking law absolutely prohibiting a bank from loaning out more than five times the amount of the bank capital itself, and if it receives deposits in excess of five times the amount of the capital of the bank it should be compelled to keep such excess of deposits in its vaults responsive to the demands of the depositors. Of course, if we wish to be liberal, we might make the proportion of capital to loans 1 to 7 or 10, and even this would be an improvement on the existing status.

STATE BANKS.

Under the State banking laws in many States there is no adequate requirement as to either capital or reserves. Take the case of the Knickerbocker Trust Company, the fruitful cause of all this difficulty, a State institution, organized under the laws of the State of New York, with a banking capital of only \$1,000,000 and a reserve of about the same amount, with deposits aggregating \$50,000,000, fifty times the amount of its capital, fifty times probably the amount of its reserve. What security had the depositors there? When it became known that that company was in difficulty, when it became known that there was a run upon it, immediately everyone knew, notwithstanding its beautiful and expensive bank building, that it had an inadequate capital, just as it had an inadequate reserve.

We must, therefore, it seems to me, in order to make the national-bank act meet all the requirements of the case, so far as the security of the depositors is concerned, provide that the bank shall not loan its depositors' money except to an amount from five to ten times the amount of the capital of the bank, as the case may be. I myself believe that safe banking requires that they should not be permitted to loan more than five times the bank's capital; but if you should in liberality of spirit permit them to loan ten times you would give the depositors of the country a security now lacking under the law.

CAPITAL OF NATIONAL BANKS.

It is true that in the aggregate the bank capital of all the national banks is adequate. You take all the national banks and all the State banks, and the capital and surplus amount to about \$3,000,000,000; the amount of commercial loans made by these banks aggregate \$10,000,000,000, and they have deposits to about an equal amount. So in the aggregate the banks of the country have a capital as security for deposits to the extent of one-third of the bank deposits—ample in its requirements.

The difficulty with our system is that one bank may have a very large capital and another bank may have a minimized capital, and the bank with the minimized capital becomes the danger in times of crisis for the bank with large and proportionate capital. It is in the power of any inferior bank, badly secured either in capital or reserves, to involve the entire banking system of the country in a bank panic.

NATIONAL-BANK RESERVES.

So also with reference to the reserves. While our national banks have an average reserve of something less than 20 per cent, we find that the banks in reserve cities can lend 12½ per cent of the 25 per cent reserve required of them to the central reserve cities, and there is no reserve. You can not term that deposit a reserve which is not in the vaults of the bank and actually within its control. To place it in another bank a thousand, fifteen hundred, or three thousand miles away is to turn it into a deposit, and it then loses its character as a reserve and as security to the depositors.

So it is with the reserves in the country banks of 15 per cent, three-fifths of which they can now deposit in the banks of the reserve cities and in the central reserve city banks. They have therefore their actual reserve reduced to 6 per cent, totally inadequate as security to depositors in case of a bank run.

STATE-BANK RESERVES.

As to State banks the condition is still worse. So far as national banks are concerned on an average, they have adequate capital and adequate reserves. So far as the State banks are concerned, while on the average they have perhaps adequate capital, they have not adequate reserves. The national banks have maintained throughout an average reserve of about 18 per cent. The State banks have maintained an average reserve of less than 8 per cent; and if one-half of the banks of the country are national banks and one-half of the banks are State banks, it lies in the power of any State bank inadequately guarded, either as to capital or reserve, to endanger the entire fabric and to involve the entire system of banking, national as well as State.

PERSUASION OR COERCION.

It becomes incumbent upon us as lawmakers, it seems to me, to see that the two banking systems of the country—the State system and the national system—are blended into one harmonious whole, in which the restrictions imposed upon banks and the requirements imposed upon banks as to capital and surplus will be substantially the same. How can this be accomplished? I suggest that it can be accomplished either by persuasion or by coercion. By persuasion by giving the State banks, in case they submit themselves to the supervision, the requirements, and the restrictions of the national banking act, the benefit of that act so far as emergency currency is required, and by that process they might be coaxed into a harmonious system of banking. Or they may be coerced by the national authority, which is supreme in so far as interstate commerce is concerned. All State banks are engaged in interstate commerce. The transaction by which a State railroad ships goods from a consignor in one State to a consignee in another is an interstate-commerce transaction, which subjects that corporation, State corporation though it be, to the control of the United States Government in matters of reports and accounts, in matters of interstate rates, and in matters relating to the public safety. We control such a road as to safety appliances. What difference is there between the transaction of transportation from the consignor in one State to the consignee in another and the transaction of exchange by which the consignee in the latter State ships the money which pays for the goods to the consignor in another State? It seems to me that interstate exchange is just as much a matter of national control under the interstate-commerce clause of the Constitution as is interstate transportation.

Mr. BACON. If the Senator will permit me, he is indicating to us some of the things which are within the power of Congress in the exercise of interstate functions, powers, and authorities, and I should like it very much if the Senator would tell me something that is not within those powers.

Mr. NEWLANDS. It would take me too long to state the things that are beyond the control of Congress.

Mr. BACON. I should suppose from the general trend of the Senator's remarks that he could state it in one word, because, following the same line of reasoning, there must be very few things which would not be within such control. It would not take long to enumerate them.

Mr. NEWLANDS. It would take too long entirely to state—

Mr. BACON. I want to say to the Senator that in the first part of his remarks I was very much in accord with him. I was very much struck with the soundness of his suggestion as to the protection of depositors and the inspiring of confidence in depositors by an adequate reserve and by limiting the authority to loan to a certain percentage, not only of the reserve, but of the capital; and I was greatly disappointed when the Senator destroyed the pleasure which I had in the early part of his remarks by his venturing into the field which he so frequently enters, and which seems absolutely limitless to his comprehension.

Mr. NEWLANDS. I am very sorry I subjected the Senator from Georgia to any disappointment, when, as he stated, complete harmony was so nearly within reach. He invites me to state what matters are not within the control of the National Government. I decline to enter upon that field. It would take me too long to state the things that are not under the control of the National Government. It would not take me very long to state what is within the control of the National Government, and that is interstate commerce and foreign commerce.

Mr. BACON. The Senator will pardon me for a moment.

Mr. NEWLANDS. Will the Senator permit me just one word further? I will state that I have to take the train very shortly. I am making this speech under urgency, for upon my arrival in New York I may be called to the Pacific coast and will not be here during the rest of the debate.

Mr. BACON. I wish simply to state that the Senator mistakes, inadvertently, the question. I did not ask him what were the things not within the power of the General Government, but what were the things under the interstate-commerce clause not within its power.

Mr. NEWLANDS. Oh!

Mr. BACON. I will not ask the Senator to answer it in view of what he has stated. I simply wanted to set myself right on the question.

Mr. NEWLANDS. I must decline to enter into that field, because it would take me a long time to enumerate the things not under the commerce clause.

Mr. ALDRICH. Will the Senator permit me one question? In case a business house in New York sends a check to a firm in Connecticut, does that constitute interstate commerce?

Mr. NEWLANDS. I have not the time to consider that question just now. I have simply contented myself with the statement that interstate exchange between banks is, in my judgment, just as much interstate commerce as interstate transportation is interstate commerce, and if a State railroad corporation accepting goods for shipment from one State to another State is engaged in interstate commerce and is subject to the control of the National Government as to interstate rates and is compelled to make reports to the Interstate Commerce Commission and to put upon its cars safety appliances in the interest of the general public, I must assume that the General Government has a similar power with reference to interstate exchange, and that it can compel the banks to put on the safety appliances that are required for the safe administration of interstate commerce, and I can imagine nothing more necessary than adequate capital and adequate reserves for all the banks in the country.

CHANGE MUST BE GRADUAL.

Mr. President, I have not the time to do more than to outline my views upon this question. But I wish to say further that it will not do to immediately require that banks shall conform to wise requirements as to bank reserves, and the reason is that we have been so lax in the past, exacting from them, State and national, an average of only 10 per cent, that we can not in a moment compel them to make those reserves 20 per cent.

There are only two ways in which such a result could be accomplished. One would be by getting sufficient lawful money from the country or from the world—gold coin from abroad. United States notes at home, the domestic production of gold at home—to suddenly make their reserves, now 10 per cent of their bank deposits, equal to 20 per cent. That would be an almost impossible process to be instantaneously executed. The reserves to-day of all the banks in the country, State and national, constitute about one-third of the total money volume of the country—about \$1,000,000,000. Twenty per cent of the commercial deposits now in the commercial banks (for I leave out of consideration the savings banks), assuming that the total deposits of all the banks of the country aggregate to-day \$10,000,000,000, would mean that they must have in their vaults \$2,000,000,000, and they have in their vaults to-day only \$1,000,000,000 and a little over.

Where would they get the extra billion of dollars? The only remaining money is in the hands of the people, in their pockets, and in the United States Treasury. It would be impossible to secure it from them.

So if these suggested laws are to go into effect, it means that the banks must immediately contract their bank loans, and we all know that would mean universal liquidation and bankruptcy. In order to meet the requirements of a 20 per cent reserve these banks, State and national, which to-day have commercial loans outstanding to the extent of \$10,000,000,000 and reserves of only one billion, would be compelled to call in these loans and reduce them immediately to \$5,000,000,000, in order to reduce their deposits to about the same amount, and no one could measure the injury and the suffering which would be caused by that movement. It must be a gradual process. We must give five or ten years for its accomplishment, and the best method of providing for it would be to fix a day within which the ultimate result would be accomplished, giving the Comptroller of the Currency and the Secretary of the Treasury, by proper rules and regulations or by direct action with reference to the banks individually, authority to gradually bring up the reserve to the maximum required by law.

WORLD'S PRODUCTION OF GOLD INSUFFICIENT.

Either you must do that or you must increase the money volume of the country. There are two ways of doing that. One, of course, would be by absorbing a part of the current production of gold. The world produces four hundred millions of gold annually, and the United States has for years been able to absorb one-fourth of that—\$100,000,000. Eighty millions

of people out of 1,300,000,000 have been able for the past four or five years to absorb one-fourth of the entire production of gold in the world, leaving the three-fourths for over a billion people in the world. It is impossible for us to claim more than we have absorbed in recent years of the current production of gold.

Mr. TELLER. Will the Senator allow me to suggest to him that we ourselves produce one-fourth of it?

Mr. NEWLANDS. That is true.

Mr. TELLER. And we really consume more than one-fourth of the whole.

Mr. NEWLANDS. Yes; we produce one-fourth, and so we did also produce almost all the gold of the world in the years 1849 and 1850, and yet, due to a defective banking system, that gold slipped away from the country, and we had in its place the shiplaster of the State banks of the country. So the gold will slip away unless we hold it. We have been able to hold it because our whole system of banking has been much wiser than that which prevailed before the civil war.

It is impossible, therefore, for us to get more gold from current production than we have been claiming. We may get this \$100,000,000 annually, if the production keeps up, but that will only keep pace with the increase of the business of the country, with the increase in the bank loans necessary to handle the future increase of business in the country, and will not take care of the present deficit of \$1,000,000,000 in our bank reserves—State and national.

There is one way in which we may do it, and that is to retire every form of United States notes except one—the simple form of Treasury note or United States note; as the gold certificates and the silver certificates come into the Treasury in the payment of dues, to substitute for them United States Treasury notes, and then turn the gold and silver backing such notes into the general redemption fund. In that way the gold and silver now in the Treasury represented by warehouse receipts, known as gold and silver certificates, will go into this general redemption fund and be applicable to the redemption of all outstanding United States notes. When that is accomplished, we all know that with the best and safest banks of issue 50 per cent of gold is regarded as a sufficient reserve for such bank issues. The Treasury will then be practically a bank of issue. If we get this large amount of gold and of silver into the redemption fund of the Treasury, it will enable the Treasury in times of emergency, or at other times when the business of the country requires it, to make more note issues based upon this redemption fund, which will be steadily increasing, and these may drift into the banks and increase the reserves.

But even then it is a question as to whether we can enlarge these reserves in the banks, requiring at present \$2,000,000,000, and at the same time keep pace with the business requirements of the country, if we trust to these United States notes alone.

ENLARGED USE OF SILVER.

There is a way of increasing reserves of the banks, and I mention it with some degree of reluctance now, for the silver cause has been so discredited in the East by the unfair, passionate, and prejudiced attacks made upon it that a man is hardly listened to who suggests that silver can be used as money. But I do not propose to urge the question of bimetallism as such or the question of the free and unlimited coinage of silver. I recognize the fact that by the action of Congress and by the judgment of the country the gold standard has been firmly established in this country.

But that does not involve the absolute disuse of silver. Silver is being used in other countries. It is used in gold-standard Germany; it is used in gold-standard England; and Mr. Goschen, the gold-standard chancellor of the exchequer of England, at a time when this very question as to the inadequacy of the reserves of the banks in England came up, when the production of gold was not so great as now, addressed himself to the question, and urged then that the British Government should authorize the issue of notes based upon the coinage of silver, which would be a limited legal tender, I believe, to the extent of £4, or \$20. The argument was that if, as gold came into the bank, they could pay out in the place of gold these silver notes, which were just as good for the pockets of the people, they could withdraw from the pockets of the people the gold that was there and put it in the reserves of the bank, and the reserves being increased, they would have the basis for a future increase of bank loans, upon which the business of the country depended.

This can be done now. In the debate a year ago, in which the Senator from Rhode Island presented his bill, I asked him whether he did not think the United States could with absolute safety and without endangering the gold standard increase the use of subsidiary silver, and he said that, in his judgment, it could.

Recollect that you have \$1,000,000,000 of gold, or lawful money rather, full legal-tender money, in the banks, pretty nearly all of it gold, we will say; and you have \$500,000,000 of gold, if it is a fact that we have fifteen hundred million dollars of gold in this country, which I very much doubt, in the pockets of the people or in the stores, in the tills, and in their strong boxes. If you can coax that money out of the pockets of the people into the reserves of the banks, it will give a solid basis for your existing volume of bank loans, and it will enable you in the future to gain the basis for additional bank loans that may be required by the business of the country. The effect of this enlarged use of silver would be to raise its value and thus tend to restore the much desired parity of exchange between gold and silver using countries.

So it seems to me that a broad and comprehensive solution of this question depends upon considering the relation of silver to the question, its enlarged use as legal-tender money, to the extent of \$20 or \$40, and its substitution in the pockets of the people for the gold and legal-tender money that is there now, and the placing of that legal-tender money, gold or notes, in the reserves of the banks, fortifying their present loans and enabling further loans in the future.

CLEARING-HOUSE ASSOCIATIONS.

Mr. President, I believe in the process of evolution. I believe it is the safest process. Our banking system has been the result of evolution, and during this period the clearing-house association has been evolved. It is not, I believe, referred to in terms in the banking act, not in any way authorized by the banking act, and yet it is the growth of the experience of all the banks of the country, the method by which and under which they are combined in harmonious action for the clearing of their exchanges and for mutual support in times of distress. I believe that the clearing-house associations should be legalized under the national banking act; that provision should be made for their incorporation, and that there should be a clearing-house association not only in every great commercial center of the country, but there should be at least one in every State in the Union.

I am not prepared to state now what the range of the operations of such clearing-house associations should be. Their stocks should be held by the banks that are within the range of their influence and are associated with them. Their business, of course, should be as heretofore—the clearing of exchange. To that might be added the rediscount for banks of notes discounted by banks, and to that might be added the holding of the reserves of banks in country districts whose vaults are not strong enough for their protection. Many country banks of limited capital favor the deposit of their reserves in the big banks of the commercial centers, because they will feel that they are safer there; but in making that change they turn them into deposits, and there they are kept subject to loan, and so they get without their reach and without the call of their depositors.

Such clearing-house associations might be the agencies for the safe keeping of the reserves of such banks, under restrictions of law that would compel them to keep them in actual cash as special deposits and not as deposits upon which loans could be based. I can imagine a variety of useful operations in which such clearing houses could be engaged. The whole system would partake somewhat of our form of Government. We would have the national banking system centralized in Washington, and we would have these great central organizations in each State in the Union in touch with the States and in touch with the National Government.

NATIONAL BANKING COMMISSION.

The presidents of these clearing-house associations could meet annually at the capital of the nation. They could be authorized to select from their number, from the different sections of the country, five men who, acting with the Secretary of the Treasury and the Comptroller of the Currency, could be constituted into a banking commission. These men could remain here throughout the year under adequate salary, in close touch with the Treasury Department, in close touch with the entire banking system of the country, and bringing the Treasury Department itself into close connection with every section and every State of the Union.

I could imagine no system that would produce more harmony of action, and that would result in a greater protection to the business interests of the country, to the interests of the depositors, to the interests of the business men of the country, than such a system.

The advantage of such a system would be that we would have a banking commission practically selected by the banks of the country. They would undoubtedly select their best men, their safest men, their soundest men, and we would then have a system under which the Secretary of the Treasury—

oftentimes not a banker, oftentimes not familiar with financial affairs—would be in actual contact with the best judgment of the country upon such questions.

Now, Mr. President, as to the character of emergency currency, I believe with my associates on this side of the Chamber that all money should be issued by the Government. It is the creation of the sovereign, and if we will only pursue this system of gradually drawing into the redemption fund the gold and silver now backing the gold and silver certificates of the country, we can easily devise an emergency system of currency which under the direction of this banking commission, in direct contact with every section of the country, would anticipate danger and make remedial action almost unnecessary.

NO NARCOTICS.

I fear, Mr. President, that if we pass an act now which relates only to emergency circulation, it will have the effect spoken of by Secretary Gage in the recent hearing before the Banking and Currency Committee of the House. His fear was, as he expressed it, that it would be a narcotic—that it would put the country to sleep until another crisis should arise. I agree with the Secretary in that contention. The intellect of the entire country is now aflame upon this question. The intellect of the country was never working better upon any question than it is now upon this question.

Let debate proceed. Let consideration of this question by the press and by the periodicals of the country proceed. Let the Finance Committee, with all the light which has been cast upon the subject by these debates and this discussion, retire to its committee room and bring to us a broad and comprehensive measure that will not put the country to sleep, but will convince the world that the country is awake, and that it has reached the true and logical and scientific solution of this great question.

Mr. KEAN. I ask the Senator from Rhode Island if he wants to go on any further to-night?

Mr. ALDRICH. I think not.

Mr. KEAN. I rose to move an executive session.

Mr. NEWLANDS. Will the Senator from New Jersey withhold the motion for a moment?

Mr. KEAN. Certainly.

OCEAN MAIL SERVICE.

Mr. NEWLANDS. Mr. President, I wish to offer an amendment to the ocean mail service subsidy bill introduced by the Senator from New Hampshire [Mr. GALLINGER]. It is to strike out all after the enacting clause and insert the following:

That the Secretary of the Navy, the Postmaster-General, and the Secretary of Commerce and Labor shall hereafter constitute a Commission to be known as the "Foreign Commerce Commission," and that they are hereby authorized to provide for the construction, either in the private shipyards of the country or in the shipyards of the Navy, or both, twenty-seven vessels not exceeding 6,500 tons capacity each and costing in the aggregate not exceeding \$27,000,000; that such vessels shall be so constructed as to be useful to the Navy as auxiliary vessels, such as transports, colliers, dispatch boats, cruisers, and scouts, and also useful in times of peace in opening up new routes of commerce between United States ports and the ports of South America, New Zealand, Australia, and the Philippines; that such Commission make to Congress such recommendations as to it seem advisable regarding the manning of such vessels in whole or in part by the Naval Reserve and the leasing of them so manned in times of peace to shipping companies for the purpose of promoting foreign trade and commerce, and for the incorporation of such shipping companies under national law, and for reports on their operations.

I wish to say in explanation of my proposed substitute that I am in entire sympathy with the purpose, namely, to promote the ocean mail service and to promote our commerce with foreign countries, and that this amendment, intended as a substitute for it, involves the same expenditure that the bill does during a period of ten years, about \$27,000,000, the only difference between the bills being that the measure of the Senator from New Hampshire provides for the expenditure in ten annual installments of about \$30,000,000 in aiding twenty-seven ships to transport the mails and to carry goods from United States ports to certain ports in South America, Australasia, China, Japan, and the Philippines, while this substitute provides that the United States Government shall cause the ships to be constructed as a part of the auxiliary navy, absolutely required now in order to make our Navy efficient and without which our fighting ships would be derelict in the ocean. It provides for the construction of such ships as a part of the auxiliary navy, with the power to a foreign commerce commission, to be composed of the Secretary of the Navy, the Secretary of Commerce and Labor, and the Postmaster-General, to let out those ships in times of peace to shipping companies, which can conduct this ocean mail service and the service in the interest of interstate and foreign commerce.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

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 two minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, March 4, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 3, 1908.

CONSULS-GENERAL.

Alfred L. M. Gottschalk, of New York, now consul-general of class 3 at Mexico, to be consul-general at large of the United States, vice Charles M. Dickinson, resigned.

Frank D. Hill, of Minnesota, now consul-general of class 4 at St. Petersburg, to be consul-general of the United States of class 4 at Barcelona, Spain, vice Benjamin H. Ridgely, nominated for promotion to be consul-general of class 3 at Mexico.

James W. Ragsdale, of California, now consul-general of class 4 at Tientsin, to be consul-general of the United States of class 4 at St. Petersburg, Russia, vice Frank D. Hill, nominated to be consul-general of class 4 at Barcelona.

Benjamin H. Ridgely, of Kentucky, now consul-general of class 4 at Barcelona, for promotion to be consul-general of the United States of class 3 at Mexico, Mexico, vice Alfred L. M. Gottschalk, nominated to be consul-general at large.

Edward T. Williams, of Ohio, now Chinese secretary to the legation to China, for promotion to be consul-general of the United States of class 4 at Tientsin, China, vice James W. Ragsdale, nominated to be consul-general of class 4 at St. Petersburg.

CONSUL.

Pierre Paul Demers, of New Hampshire, now consul of class 6 at Barranquilla, for promotion to be consul of the United States of class 5 at Bahia, Brazil, vice Albert R. Morawetz, promoted, to be consul-general at large.

UNITED STATES MARSHAL.

Samuel Grant Victor, of Oklahoma, to be United States marshal for the eastern district of Oklahoma, vice Grosvenor A. Porter, whose nomination has been withdrawn.

MISSISSIPPI RIVER COMMISSION.

Col. William H. Bixby, Corps of Engineers, United States Army, as member of the Mississippi River Commission, provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes, near its mouth, to its headwaters," vice Col. Clinton B. Sears, Corps of Engineers, United States Army, to be retired.

POSTMASTERS.

ALABAMA.

Johnnie McGowan to be postmaster at Union Springs, Bullock County, Ala., in place of Archibald C. Walter, removed. Robert L. Wilson to be postmaster at Stevenson, Jackson County, Ala. Office became Presidential October 1, 1907.

ALASKA.

Jesse D. Jefferson to be postmaster at Valdez, Alaska, in place of Frank M. Boyle, removed. Augustus E. Kindell to be postmaster at Skagway, Alaska, in place of William B. Sampson, deceased. John T. Spickett to be postmaster at Juneau, Alaska, in place of Ernest J. Brooks. Incumbent's commission expired November 17, 1907.

CALIFORNIA.

Charles A. Bills to be postmaster at Dunsmuir, Siskiyou County, Cal., in place of George W. Humphreys, resigned. George Brown to be postmaster at Corona, Riverside County, Cal., in place of George Brown. Incumbent's commission expired February 20, 1908.

Mary A. Warren to be postmaster at Point Loma, San Diego County, Cal. Office became Presidential January 1, 1908.

CONNECTICUT.

Harry W. Crane to be postmaster at Wethersfield, Hartford County, Conn., in place of Harry W. Crane. Incumbent's commission expired January 26, 1908.

Joseph R. Sperry to be postmaster at Warehouse Point, Hartford County, Conn. Office became Presidential January 1, 1908.

KANSAS.

Joseph H. Smith to be postmaster at Downs, Osborne County, Kans., in place of Joseph H. Smith. Incumbent's commission expires March 12, 1908.

ILLINOIS.

Hugh P. Faught to be postmaster at Tower Hill, Shelby County, Ill. Office became Presidential January 1, 1908.

Lizzie P. McKnight to be postmaster at Alexis, Warren County, Ill., in place of William A. McKnight. Incumbent's commission expired January 27, 1908.

IOWA.

A. G. Roberts to be postmaster at Bonaparte, Van Buren County, Iowa, in place of Alice M. Davis. Incumbent's commission expired November 17, 1907.

MAINE.

Eldridge H. Bryant to be postmaster at Machias, Washington County, Me., in place of Eldridge H. Bryant. Incumbent's commission expires March 4, 1908.

MASSACHUSETTS.

Clarke P. Harding to be postmaster at Medway, Norfolk County, Mass., in place of Clarke P. Harding. Incumbent's commission expires March 16, 1908.

Lyman D. Thurston to be postmaster at Leicester, Worcester County, Mass., in place of Lyman D. Thurston. Incumbent's commission expired March 2, 1908.

MICHIGAN.

E. C. Corbett to be postmaster at Reading, Hillsdale County, Mich., in place of Zebedee G. Culver. Incumbent's commission expired March 2, 1908.

W. E. Wilson to be postmaster at Grand Ledge, Eaton County, Mich., in place of John W. Fitzgerald, deceased.

MINNESOTA.

S. B. Scott to be postmaster at Zumbrota, Goodhue County, Minn., in place of Barker C. Grover. Incumbent's commission expired January 11, 1908.

MISSOURI.

Albert J. Caywood to be postmaster at Laclede, Linn County, Mo. Office became Presidential January 1, 1908.

Percy P. Hummel to be postmaster at Laddonia, Audrain County, Mo. Office became Presidential January 1, 1908.

Rachael A. Smith to be postmaster at Deepwater, Henry County, Mo. Office became Presidential January 1, 1908.

MONTANA.

Lorn D. Bates to be postmaster at Columbia Falls, Flathead County, Mont. Office became Presidential January 1, 1908.

Louis V. Bogy to be postmaster at Chinook, Chouteau County, Mont., in place of Louis V. Bogy. Incumbent's commission expired January 29, 1908.

William R. Crockett to be postmaster at Red Lodge, Carbon County, Mont., in place of Walter Alderson. Incumbent's commission expired February 15, 1908.

NEBRASKA.

James S. Francis to be postmaster at Merna, Custer County, Nebr. Office became Presidential January 1, 1908.

NEVADA.

Jesse Christensen to be postmaster at Beatty, Nye County, Nev. Office became Presidential January 1, 1908.

NEW JERSEY.

William Mall to be postmaster at Egg Harbor City, Atlantic County, N. J., in place of George F. Breder, removed.

NEW YORK.

Fred F. Hawley to be postmaster at Lake George, Warren County, N. Y., in place of Fred F. Hawley. Incumbent's commission expires March 16, 1908.

NORTH DAKOTA.

John W. Doles to be postmaster at Stanley, Ward County, N. Dak. Office became Presidential January 1, 1908. (Postmaster resigned.)

OHIO.

William W. Dowdell to be postmaster at Quaker City, Guernsey County, Ohio, in place of John M. Gallagher, resigned.

OKLAHOMA.

Charles H. Nash to be postmaster at Clinton, Custer County, Okla., in place of Frank H. McCormick, resigned.

PENNSYLVANIA.

Gilbert B. Brindle to be postmaster at Belleville, Mifflin County, Pa. Office became Presidential January 1, 1908.

William H. Longwell to be postmaster at Oil City, Venango County, Pa., in place of William H. Longwell. Incumbent's commission expired February 29, 1908.

Nathaniel B. Miller to be postmaster at Clarendon (late North Clarendon), Warren County, Pa., in place of Nathaniel B. Miller, to change name of office.

Dallas J. Smith to be postmaster at Parsons, Luzerne County, Pa. Office became Presidential October 1, 1907.

PORTO RICO.

Manuel S. Pacheco to be postmaster at Fajardo, Humacao, P. R. Office became Presidential April 1, 1907.

SOUTH CAROLINA.

George A. Reed to be postmaster at Beaufort, Beaufort County, S. C., in place of Elizabeth L. Bampfied. Incumbent's commission expired February 1, 1908.

SOUTH DAKOTA.

Fred N. Dunham to be postmaster at Wessington Springs, Jerauld County, S. Dak., in place of William F. Bancroft, resigned.

A. P. Johnson to be postmaster at Alcester, Union County, S. Dak. Office became Presidential January 1, 1908.

TENNESSEE.

Edwin C. Alexander to be postmaster at Elizabethton, Carter County, Tenn., in place of Edwin C. Alexander. Incumbent's commission expires April 27, 1908.

Leander W. Dutro to be postmaster at Memphis, Shelby County, Tenn., in place of Leander W. Dutro. Incumbent's commission expired February 9, 1908.

TEXAS.

Robert H. Armstrong to be postmaster at Kaufman, Kaufman County, Tex., in place of Robert H. Armstrong. Incumbent's commission expired May 19, 1906.

William N. Merritt to be postmaster at Nocona, Montague County, Tex., in place of William N. Merritt. Incumbent's commission expired January 27, 1908.

Denny E. Walshe to be postmaster at Grand Saline, Van Zandt County, Tex., in place of Denny E. Walshe. Incumbent's commission expired February 19, 1907.

UTAH.

J. A. Harrison to be postmaster at Helper, Carbon County, Utah. Office became Presidential January 1, 1908.

Dennis Wood to be postmaster at Nephi, Juab County, Utah, in place of Edwin R. Booth. Incumbent's commission expired January 29, 1908.

VERMONT.

Alton B. Ashley to be postmaster at Milton, Chittenden County, Vt. Office became Presidential October 1, 1907.

WASHINGTON.

Edwin R. Bissell to be postmaster at Auburn, King County, Wash., in place of Olaf N. Erickson, resigned.

Hugh Eldridge to be postmaster at Bellingham, Whatcom County, Wash., in place of Hugh Eldridge. Incumbent's commission expired February 12, 1908.

Henry A. Rathvon to be postmaster at Marysville, Snohomish County, Wash., in place of Henry A. Rathvon. Incumbent's commission expires March 12, 1908.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 3, 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 yesterday was read and approved.

DISTRIBUTION OF ROOMS IN CAPITOL AND HOUSE OFFICE BUILDING.

Mr. MANN. Mr. Speaker, I call up the privileged resolution, No. 269, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the following assignment of rooms be, and the same is hereby, made, to wit:

For the use of the police in the House Office Building, the room north of and adjoining room permanently No. 185.

To the Committee on the District of Columbia, rooms in the House Office Building, permanent Nos. 375, 377, and 377a.

To the Committee on Reform in the Civil Service, the room in the Capitol formerly occupied by the Committee on Rivers and Harbors.

To the Committee on Military Affairs, the room heretofore occupied by the Committee on the District of Columbia and the room in the Capitol formerly occupied by the Committee on Public Buildings and Grounds, said rooms to be properly connected.

To the Committee on Ways and Means, the room heretofore occupied by the Committee on Military Affairs.

To the Committee on Printing, the rooms in the Capitol formerly occupied by the Committee on the Territories and the Committee on Reform in the Civil Service, said rooms to be properly connected.

To the Committee on Indian Affairs, as additional room, the space heretofore occupied by the Committee on Printing.

To the Journal index clerk, the room in the Capitol formerly occupied by the Committee on the Merchant Marine and Fisheries.

Resolved further, That the small room at the end of the corridor heretofore occupied by the Committee on the District of Columbia be abolished and the space restored as part of the corridor.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.
On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

DONATING NEW FLAG TO OKLAHOMA.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution No. 148.

Whereas the first flag bearing forty-six stars, emblematical of forty-six sovereign States, to-day floats over the National Capitol; and Whereas the State of Oklahoma is for the first time the proud recipient of equal recognition with the sister States of the Union; and Whereas the flag has a peculiar value to the State of Oklahoma and her million and a half citizens residing within her borders; and Whereas the intrinsic value of the new flag is of minor consequence to the Government of the United States and to the sister States: Therefore

Resolved, etc., That the new flag bearing forty-six stars, now floating over the National Capitol, be, and the same is hereby, donated to the Commonwealth of Oklahoma, to be kept and remain in the archives of the Oklahoma Historical Society of Oklahoma.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair would suggest to the gentleman from Oklahoma that his resolving clause is slightly informal.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to have that amended in keeping with the usual form.

The SPEAKER. Without objection, the resolving clause will be amended and the Clerk will report the amendment.

The Clerk read as follows:

Amend the resolving clause so as to read:

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

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution.

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

The SPEAKER. Without objection, a title will be added to the resolution.

There was no objection.

EXTENDING TIME OF PAYMENTS ON HOMESTEAD ENTRIES, OKLAHOMA.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3409) to extend the time of payments on certain homestead entries in Oklahoma, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the time within which all payments required by the acts entitled "An act to open to settlement 505,000 acres of land in Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June 5, 1906, and the act entitled "An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.," approved June 28, 1906, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made.

With the following amendments:

Page 2, line 2, after the word "made," insert the following:

"Provided, That as a condition precedent to said extension in each case the settler shall pay to the Secretary of the Interior, to be held in trust by him for the benefit of the Indian entitled thereto, 4 per cent on the amount of such deferred payments, where such settler had no preference right, and 5 per cent on the amount of the deferred payment where such settler was given a preference right: And provided further, That all persons, or their legal assignees, whose applications to purchase any of the pasture land mentioned in the act of June 28, 1906 (and whose applications were rejected because such persons were sublessees), shall have the right to purchase under the provisions of this act the land so originally applied for by them."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

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

PRINTING AND BINDING FOR COMMITTEE ON EXPENDITURES IN NAVY DEPARTMENT.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Navy Department is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

TUCUMCARI LAND DISTRICT.

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

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16860) to establish a United States land district to be known as the Tucumcari land district.

Be it enacted, etc., That all that portion of the Territory of New Mexico bounded and described as follows: Commencing at the intersection of the fourth standard parallel north with the boundary line of the Territory of New Mexico and the State of Texas; thence west along said fourth standard parallel north to its intersection with the third guide meridian east of New Mexico; thence south along said third guide meridian east to its intersection with the first standard parallel north; thence east along said first standard parallel north to its intersection with the boundary line of the Territory of New Mexico and the State of Texas; thence north along said boundary line to the place of beginning, be, and is hereby, constituted a new and separate land district, to be called the Tucumcari land district, the land office of which shall be located in the town of Tucumcari, county of Quay, in the Territory of New Mexico.

Sec. 2. That the President, by and with the advice and consent of the Senate shall appoint a register and a receiver of public moneys for said district, and said officers shall reside in the place where said land office is located, and shall have the same powers and shall discharge similar duties and receive the same fees and emoluments as officers discharging like duties in the other land offices of the Territory of New Mexico.

The SPEAKER. Is there objection?

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Alabama explain this bill. In the confusion here I did not hear it read.

Mr. CRAIG. Mr. Speaker, this bill is introduced for the purpose of creating a separate land district in the Territory of New Mexico. It comprises largely for the most part the county of Quay in that Territory. That county has been in what is known as the "Clayton land district" for the time previous to this. In the last year there were some 100,000 people who went into this part of New Mexico to enter land. In the Clayton land district alone the Secretary of the Interior reports that during the fiscal year ended June 30, 1906, there were 3,526 entries of all classes covering 459,597 acres, made in the Clayton land office. There were 11,014 entries, covering 1,559,019 acres, during the fiscal year ended June 30, 1907, and 4,406 entries, covering 595,847 acres, during the first six months of the current fiscal year, thus showing that there were more entries in the Clayton land district last year than in any other district in this country. The Secretary of the Interior informs the Committee on Public Lands that there is a congested condition of affairs in the Clayton office owing to this influx of people, and that it is absolutely necessary that some relief be granted. Now, the relief should be granted where it will do the most good, farthest away from the Clayton office, where these entries are being made. The people of Quay County in order to get to the Clayton office must either ride 100 or 150 miles over the country on horseback or in wagons or go to Dalhart, Tex., and take the train and then come back into New Mexico and get to Clayton in that way.

Mr. STEPHENS of Texas. Does this bill abolish either the Clayton land office or the Roswell land office?

Mr. CRAIG. As I understand it it does not abolish either.

Mr. STEPHENS of Texas. It creates a new land office.

Mr. CRAIG. It creates a new land office to assist the Clayton land office.

Mr. STEPHENS of Texas. That would be about midway between Roswell and Clayton.

Mr. CRAIG. It is south of Clayton about 100 miles.

Mr. STEPHENS of Texas. I believe the distance is something like about 150 or 200 miles from Clayton to Roswell, and—

Mr. CRAIG. I do not know the exact distance.

Mr. STEPHENS of Texas. I am very familiar with that portion of the Territory, Mr. Speaker, and I think the bill is a very just one. Roswell is situated on the Santa Fe Railroad, and the people from this Tucumcari portion of the country have to go to either Clayton or Roswell. Clayton is on the Fort Worth and Denver Railroad. This land office will be on the Rock Island Railroad and will be of a great advantage to the people of the Tucumcari country, and I hope it will be located at Tucumcari, the point suggested by this bill.

Mr. CRAIG. And I will state further if this land district is located at Tucumcari it will be at a point where two railroads traversing this particular piece of country come through, and will enable the people to reach the land office by railroad, whereas now they can not.

Mr. GOULDEN. I should like to ask whether there was any special reason for this large number of entries of which the gentleman has spoken.

Mr. CRAIG. I could not tell exactly the reason except for the very productive land they have in New Mexico.

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

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

The title was amended so as to read:

A bill to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district.

On motion of Mr. CRAIG, a motion to reconsider the last vote was laid on the table.

PRINTING AND BINDING FOR COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

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

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the War Department be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixtieth Congress; also that the committee be authorized to sit during the sessions of the House.

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

The question was taken, and the resolution was agreed to.

BRIDGE AT PARKDALE, ASHLEY COUNTY, ARK.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 17511) to construct bridge at Parkdale, Ashley County, Ark.

Be it enacted, etc., That the county of Ashley, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto across the Bayou Bartholomew at Parkdale, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS TIDE WATERS AT EDGECOMB, ME.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16073) to authorize the town of Edgcomb, Lincoln County, Me., to maintain a free bridge across tide waters.

The bill was read at length.

The amendment recommended by the committee was read.

Mr. McCALL. Mr. Speaker, reserving the right to object, I would ask the gentleman from Maine if he will not let this bill go over until to-morrow. I had a communication in regard to it to-day which I should like to look into, and I will see him again.

Mr. LITTLEFIELD. I have no objection.

AGRICULTURAL LANDS WITHIN FOREST RESERVATIONS.

Mr. SMITH of California. Mr. Speaker, I ask for the present consideration of the following bill:

The Clerk read as follows:

A bill (H. R. 11778) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

Be it enacted, etc., That an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906, be amended by striking out of section 1 the following words: "except the following counties in the State of California: Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego."

Mr. MANN. I reserve the right to object.

Mr. WILLIAMS. That looks a right important matter to consider by unanimous consent. I reserve the right to object.

Mr. SMITH of California. Mr. Speaker, I will state to the gentleman from Mississippi that the Fifty-ninth Congress passed a law allowing homesteads to be taken in forest reservations when the Secretary of Agriculture shall indicate that the lands may safely and properly be used for farming purposes without interfering with forest operations. The counties mentioned in this bill constitute my Congressional district and that of Mr. McLACHLAN, of Los Angeles, and we had them exempted for the reason that that is the arid southwest; the water on the ranges is scarce, and we feared that agricultural entries might be made upon springs and small brooks and interfere with range operations. The Agricultural Department says that under the sys-

tem adopted such matters will be cared for. They also tell us that there are many small valleys that can properly be farmed and still left in the forest. The supervisor from that district told me a day or two ago that he knew where forty or fifty farms could be located properly; and we therefore wish to have that law put into effect in our Congressional districts.

Mr. WILLIAMS. Mr. Speaker, if the present Secretary of Agriculture were to live forever, and be Secretary of Agriculture forever, I have such absolute confidence in him and his desire to take care of the general interests that I would be willing to trust his discretion. But it is a very large discretion to be lodged in an executive officer. He will not be Secretary of Agriculture always. There may be a man there who would allow the taking up of these very fountain heads of water courses, and the balance of it. I think, in fact, that the law which exists in regard to the other counties, permitting the discretion upon the part of the Secretary in regard to them, is a mistake; and I feel compelled to object to this matter being considered by unanimous consent.

Mr. SMITH of California. Will the gentleman withhold his objection until I can make a further explanation?

Mr. WILLIAMS. I will withhold it for the present.

Mr. SMITH of California. You understand that the law now being amended is applicable to all the rest of the forest reserves in the United States. Only those in existence were excepted from its operation.

Mr. WILLIAMS. I have just said that, and I think the mistake is in the discretion existing now in other parts of the country. It ought not to exist anywhere.

Mr. SMITH of California. It is discovered, for instance, that it is the desire of the Department to extend one of the forest reserves, in order to take in a certain mountain, a watershed lying adjacent to what they now have. But in taking in that mountain they cross, and seemingly necessarily include, a fertile valley of many thousand acres that is in no sense forest and never will be and that ought to be devoted to agriculture.

Mr. WILLIAMS. They can leave that out when they define the borders of the forest reserve.

Mr. SMITH of California. In order to run the line across to this mountain they cross that valley.

Mr. WILLIAMS. They can leave that out and leave it subject to homestead location.

Mr. SMITH of California. I have exhausted my remedy in trying to get them to do that, but they insist on taking in the valley. I have a letter from Mr. Pinchot within a few days, stating that if this bill passes he will immediately adjust the matter of settlement in this valley so that it may proceed.

Mr. WILLIAMS. I think I must object.

Mr. MANN. Has the gentleman a letter from the Department of Agriculture approving this bill?

The SPEAKER. The gentleman from Mississippi objects.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill, to nonconcur in the Senate amendments thereto, and ask for a conference thereon with the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Indian appropriation bill with the Senate amendments, to disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, reserving the right to object, I hope the gentleman will let this be printed so that we may be able to see it. The Indian bill has usually been the vehicle of legislation.

Mr. SHERMAN. The bill, with the amendments, is in print.

Mr. MANN. The amendments ought to be numbered. Nobody has been able to see the bill. I endeavored to get it two or three times.

Mr. SHERMAN. Of course there are many amendments. I think there are 102 amendments.

Mr. MANN. Let it go over until to-morrow.

Mr. SHERMAN. Many of the amendments are of minor consequence, but a few of them are of great importance. If the gentleman from Illinois prefers, and the House is willing, of course I am entirely willing to let the matter go over.

Mr. MANN. I see on looking at the bill that the amendments are numbered.

The SPEAKER. The bill is already printed and the amendments numbered, but the bill can go over by unanimous consent until to-morrow morning, or until such other time as may suit the gentlemen.

Mr. SHERMAN. I do not think it is of any great importance whether we go to conference to-day or to-morrow, and if the gentleman from Illinois prefers, I will withdraw the request and renew it to-morrow.

Mr. MANN. We may want a vote on some of these amendments.

Mr. SHERMAN. I will withdraw the request for the present.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill; and pending that motion I ask unanimous consent that general debate upon the bill close at 3 o'clock on Thursday next, the gentleman from Tennessee [Mr. Moon] and myself controlling the time.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, and pending that motion he asks unanimous consent that general debate on the bill may close on Thursday at 3 o'clock, the time to be equally divided between the majority and the minority, and to be under the control of the gentleman from Indiana [Mr. Overstreet] and the gentleman from Tennessee [Mr. Moon]. Is there objection?

Mr. WILLIAMS. Is this request concurred in by the gentleman from Tennessee?

Mr. OVERSTREET. Undoubtedly, by the gentleman from Tennessee, the ranking member of the minority of the committee, Mr. Moon.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The motion of Mr. Overstreet was then 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 now in Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

Mr. OVERSTREET. Mr. Chairman, I now yield to the gentleman from Tennessee [Mr. Moon].

Mr. MOON of Tennessee. Mr. Chairman, the numerous provisions of this bill have been very carefully considered by the committee, and in its essential features there is but little disagreement. The large amount which it carries—over \$220,000,000—seems necessary for the proper administration of the Post-Office Department and the postal service. It is the largest bill ever presented for the consideration of the House. The uncertainty of the volume of business for the next fiscal year necessarily makes uncertain the amount of the appropriation needed to carry on the service. The bill is liberal, yet a deficit is, of course, expected if there should be a diminution of postal revenues. That this Department of the public service is in an unsatisfactory condition will fully appear from the report of the Postal Commission. That no remedy for this condition can be applied in this appropriation bill is due to the rule of the House preventing new legislation in appropriation bills. It is hoped that by separate enactment before another appropriation bill is made the business methods of the Department may be so changed that a more satisfactory system may be evolved in accordance with the recommendations of the Commission, a large saving effected to the people, and greater facilities obtained and benefits derived from the service.

There are provisions in this bill that are new law, that perhaps ought to be stricken out. There are other provisions which ought to be amended. Among the questions that I ask the attention of the House to is an amendment which I will propose at the proper time. I will ask the Clerk to read from the bill beginning at line 4 and ending with line 14, both inclusive, on page 27 of the bill.

The Clerk read as follows:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferrage, rural delivery service, \$35,373,000: *Provided*, That not to exceed \$12,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: *Provided further*, That in the discretion of the Postmaster-General the pay of any carrier on a water route who furnishes his own power boat and is employed during the summer months may be fixed at an amount not exceeding \$900 in any one calendar year.

Mr. MOON of Tennessee. After that section, Mr. Chairman, I shall offer an amendment, which I send to the Clerk's desk and ask permission to have read.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Provided further, That a sum not to exceed \$500,000 of this appropriation may be expended by the Postmaster-General, in cooperation with the Secretary of Agriculture, in improving the conditions of rural delivery routes to be selected by them, for the purpose of ascertaining the possible increase in the territory which could be served by one carrier, and the possible increase of the number of delivery days each year, the amount required for proper maintenance in excess of local expenditure for rural delivery routes, and the relative saving to the Government in the maintenance of rural delivery routes by reason of

such improvements: *Provided further*, That the State or county or counties which may be selected for improvement of rural delivery routes therein under this provision shall furnish an equal amount of money for the improvement of the rural routes so selected.

Mr. MOON of Tennessee. Mr. Chairman, this amendment is possibly subject to the point of order that it is new law, and on the objection of a single Member of the House may be precluded from consideration under the rule. No such rule obtains in the Senate. That body may, therefore, act on this question in the public interest and force the House to its final consideration when the disagreeing votes of the two Houses are to be adjusted in conference. But the opportunity will be given to the House to act, if it will, as the amendment will be presented. That this amendment should become the law is essential in the public interest. It need not be concealed that the amendment, if not considered here, will be introduced and acted on in the Senate. Nor is it necessary to conceal the fact that it is intended as an experiment to ascertain the facts on which shall rest the beginning of a system of good roads throughout the United States. That it is to the supreme benefit of the people to have a complete system of good roads by Federal aid, if the same can be constitutionally obtained, is so clear that it is idle to discuss it. That such a system is needed for the expeditious transportation of overland rural mail must be clear when the almost intolerable condition of rural-route roads in the greater part of the country is known of all men, for expedition can not be had without such improvement. That the United States and the States or counties getting the benefit of the roads should jointly contribute to their improvement seems only to be just. That the United States and the States or counties are capable of gradually making the necessary road improvement I think will not be denied. That the increased wealth of the people in general, by reason of this needed internal improvement, will more than compensate for the expenditure is at least an incidental inducement to the expenditure, although, logically, it may seem not a justification for it when separated from postal necessities. Then, what is in the way of a modest beginning of this essential public work, which will be worth more to the masses of our people in direct and immediate benefits than the rivers and harbors and the Panama Canal combined? [Applause on the Democratic side.] So magnificent will be the result to our people living in the rural sections that it seems criminal to delay the beginning when the States and counties join, as they will join, in the improvement and share with the United States the benefits. Can it be said that Congress is without power? Shall it be said that it is an unwarranted interference in the affairs of the States? If either proposition could be maintained, then we should desist. If they can not be, why not begin the great work? The second proposition falls if the first can be overcome, because it is involved in it.

The United States is a Government of limited and delegated powers. Just such power as is conferred on Congress by the Constitution it may exercise, and such other power as may be fairly implied from the express power granted and necessary to carry it out. It is sovereign within the sphere of its constitutional jurisdiction; it is powerless outside of it. The State rights consist of the rights and powers that belong to a complete sovereign, save only those conferred on the United States in the Constitution. No State of this Union is therefore a complete sovereign, because it has yielded a part of its sovereign power to another political entity—the United States; and the United States is not a complete sovereignty, because there are sovereign rights that belong to the States—rights reserved and not yielded to the United States. The State is only a partial sovereign. The United States is only a partial sovereign. Their sovereign powers are distinct and separate. It takes both to make a complete sovereignty. In this is the strength of the dual system of government. In which government—State or Federal—rests the power to establish post-roads? The United States Constitution, which is the supreme law of the land, in section 8, subsection 7, Article I, gives to Congress the right to establish post-offices and post-roads. This delegation of power makes Congress supreme on this question. The grant of the power carried with it the right to exercise such other powers as are necessary to enforce the same. It follows that the United States could, by purchase or condemnation proceedings, obtain the right of easement or use in any land in any State for post-road purposes (which is a governmental purpose) not already in use by the State for State governmental purposes, just as the State can condemn United States lands for State governmental purposes not in actual use for United States governmental purposes. These questions have long since been settled by State and Federal judicial decisions. The power exists, therefore, in Congress to establish these roads for postal serv-

ice by express terms of the Constitution. Who shall object to cooperation by the State or the county with the United States in a work in which is joint and mutual benefit? The machinery for the perfection of this work may be Federal or State, as may seem best. These are not new propositions. This is the time for action. There has been enough discussion. If gentlemen complain of the form of the amendment, offer a better suggestion, and let it pass. Let us know now who is for and who is against this system of internal improvement.

It may be that the parcels-post proposition will present itself for consideration under the bill. A parcels-post system confined to rural-delivery routes at a rate compensatory to the Government might prove beneficial, but, in my judgment, this is questionable until the rural routes are so improved as to make the delivery of parcels speedy and satisfactory. The people are demanding improved conditions in all branches of the public service, and where these are practicable, or can be made so, it is the duty of the Representatives to respond to the public demand.

Unfortunately, a great portion of our public men regard the development of Federal power as destructive of the rights of States. This is true if such development be questionable under the Constitution; but if the Constitution confers a power on Congress, the development and exercise of that power to its full limit by the Federal Government neither destroys nor impairs any right of the States, for such right is not reserved, and, being delegated to the United States, does not belong to the State. The more speedy the full and complete development of all Federal power and authority under the Constitution comes, the more accurate will be the lines of demarcation on all questions of jurisdiction between State and Federal governments, and the more readily will the governments, State and Federal, adjust themselves to their constitutional orbits, from which neither may come to encroach upon the other. These governments are not intended to be inimical, but wholly interdependent and cooperative, each maintaining and exercising separately, however, its powers as determined by the Constitution. [Applause.]

When we improve our great waterways, concerning which there is but little difference of opinion, it is for the benefit of the people of the entire Union, but the people of the States where the harbors are, or through which the rivers flow get the most direct benefits. What right has the United States Government to claim jurisdiction over all the navigable waters in the States and remove the obstructions to the transportation of commerce placed therein by nature? The Constitution confers the power. It is a Federal and not a State right exercised in the interest of commerce. The right to establish post-roads in the State is also a Federal constitutional right. Why should it not be exercised in the interest of the expeditious delivery of mail to the people, and incidentally to the benefit of overland commerce? This power is now dormant. No legislative action has imparted vitality to it. It is one of those Federal powers not yet fully exercised. In my judgment, its exercise will be beneficial to the States and to the United States; and surely the exercise by the United States of one of its powers can not be held to impair State rights.

The United States has exclusive jurisdiction, as I said, over the navigable waters in the States—waters navigable in fact, and not merely declared so by statute. It does not own the river bed over which the stream flows; this is the property of the State. It does not own the river banks; these belong to the landowners adjacent. It has no riparian rights. It does not even own the water in the stream, for it may be used by private individuals, unless its use should reduce the quantity of the water or the flow of the stream so as to impair navigation. The United States simply has the right to the use of the stream to maintain navigation. Its jurisdiction for securing and maintaining navigation is complete. It is an express power exercised in pursuance to the Constitution to secure the consummation of a particular purpose, and that purpose is navigation free to all the people of all the States. The power to carry the mails to all the people over any portion of any State in the Union belongs to the United States Government, and it may open up post-roads for this purpose, but in so doing no part of the soil of the State would belong to the United States, but merely an easement or right of way on a chosen road to carry the mails. It would have no special jurisdiction over the roads; the State would reserve its civil and criminal jurisdiction. The United States would have no more right on the road than a citizen would have except for the improvement thereof in cooperation with State or county authorities and for carrying mail. The right to protect its mails it now has everywhere. The apprehensions of many on this question are ill-founded. Let us give to our country

this initial step to the ultimate consummation of a perfected system of internal improvements which, in connection with our rivers and harbors and ship canal, will so develop and enhance our resources that this Republic shall become more wealthy and more powerful than all the nations of Europe combined. [Applause.]

Mr. Chairman, no one has more devotion to the doctrine of local self-government nor a firmer belief in maintaining unimpaired every right of a sovereign State than myself. These rights, so vital to the people of a State, so necessary to the maintenance of justice and liberty, must not be encroached upon; but there are other rights equally as sacred and essential; these are the constitutional rights of the Republic. Let no man or party despoil the Republic of its power or question the exercise of its constitutional authority. The tendency to the concentration of power in the National Government, the disposition to widen Federal authority by mere construction, often arises from a naturally selfish disposition to extend their jurisdiction by the administrators of government. The unjust prejudice against United States authority in some quarters, the unjust prejudice against and ignorance of State rights in others, are, from whatever causes, potent agencies for discontent among the masses. Perhaps these are conditions that can by patience and wisdom be removed; but under all these are other and more perilous causes, arising from other sources and from other reasons, undermining republican institutions, that challenge our attention.

Mr. Chairman, if there be one time more than another when we should be candid, it is on a day like this, when the House is in solemn session for general debate in the Committee of the Whole House on the state of the Union. We fear not for the present safety of our institutions, but every patriot must feel alarmed at the tendency of the times and the uncertainty, discontent, and unrest of the people. We are accustomed to think and say that the people will bring all things right at last. This is untrue. The masses, under improper and unscrupulous leadership, are too often led into the wrong. They thus are sometimes blinded until "they know not what they do," and almost crucify themselves. The people are willing to do right if they know the right. They have not the time to devote to the study of public questions. They elect men to public office, and particularly to Congress, to study State and national problems and direct aright the affairs of the Government. It is not expected that all shall think alike and act alike. It is from the fierce conflict of ideas that the truth must come, justice be sustained, and liberty preserved. But upon one question there can be tolerated no difference of opinion: No American shall lose faith in the Republic and the final liberty, through its example, of all mankind.

In discussing the state of the Union shall we hesitate to recite the causes that operate to its disadvantage? The unreasonable diversity of party doctrine under the same Constitution; the false and provincial education of the people; the superficial view taken by the masses of the true theory of our institutions, and too often the ignorance of public men on the question; the adoption of temporary expedients in legislation in an emergency in place of following sound principles; a general disregard of constitutional limitations; party partisanship; sectional and racial prejudice; unchecked corporate greed and power; discrimination in taxation, State and Federal; local laws that restrict the liberty of the citizen; excusing public plunder; government by commission; the abrogation of the rights of the people's representatives to bureaus and departments; Executive usurpation; judicial legislation; State and Federal espionage on citizens; the multiplication of State, county, municipal, and national debts for labor to pay; the granting of valuable franchises, without compensation, to corporations; the exemption of corporate interests and wealth from taxation; the unequal distribution of wealth; wealth accumulated by the operation of tariff laws and protection for a few while labor has been without its just reward; specific monopolies; national banks exercising the functions of government; patience with anarchy; trusts in restraint of trade; the expenditure of our national substance in the subjugation of a foreign people; speculation in office; sinecures for favorites; extravagance in administration, and the establishment of colonies in violation of the spirit of American liberty are causes that conspire to destroy the confidence of the people and ruin the Republic, for such untoward conditions encourage dishonesty in the enactment and enforcement of public laws. [Applause on the Democratic side.] Who has created these unholy conditions, and how were they created? Ask the party in power. False policies evolved from false theories of government, the dominion of wealth and power, the contempt of the rights of the individual citizen, inequality in law

and oppression in its enforcement—these afford an unerring answer. Think not that these things can continue. You can not live always in safety over the crater of the volcano.

The spirit of liberty, wounded, may depart. We must call back this Government to law, to order, to equality, and to justice; equality of rights and equality of opportunity for men in all conditions of life. We must open the ways of progress that this people may move forward to the peaceful possession of that inheritance secured by the blood of the Revolutionary fathers, under the blessing of God, for us and for ours.

May I ask, sir, again what has been the cause of these untoward conditions; who has brought them on; what shall be the end?

Mr. Chairman, we never find it pleasant to present the merits of our own party, nor the demerits of the other. We should be ever ready and willing to admit, when we charge the commission of wrong against the rights of our country and countrymen on the Republican party, that often just charges may be made against the Democratic party not to its credit. But who has been in power for the last decade—unrestricted power—in every branch of the Federal Government? That party which holds the scepter of power at this moment—the Republican party; and, sir, I believe that no greater fortune can come to the country, nor to the Republican party itself, than that it should meet defeat at the hands of the people at the coming election. The country would be relieved of the misfortunes now attending, and the Republican party, in vacation, could re-republicanize its doctrines and be reintroduced to the people. Has the Republican party of the United States been true to the interests of the people? I concede here and everywhere else the patriotism of the rank and file of the party and the interest and good purpose, generally, of the majority of the representatives of the party; but I shall ever insist that its doctrines are false and its policies not in pursuance of the best interests and welfare of our country. [Loud applause on the Democratic side.]

Gentlemen, these are the conditions. Can the Republican party remedy them? Some they may; some they can not.

Why yield the power of this House? Why yield the power of Congress to mere administrative officers? Why not hold it within your own hands, delegated representatives of the people? Why do you surrender the only citadel of the people? Do you know that your Government, in form republican, in fact is but a limited monarchy? It is the greatest Government and the greatest Constitution the world ever saw. Yet of the 160,000 or more of Federal officials, Members of Congress alone are elected directly at the ballot box by the people. Why, then, give away your power as representatives of the people to the mere menials of government? You can not do so and stand for the people. You are responsible for these conditions and the results. You established the protective tariff. You are responsible for the conditions that flow from that tariff and the trusts that it shelters. The people are demanding revision in tariff laws; yet the pitiful spectacle is presented that you are helpless to give the country one iota of relief, although in supreme power. For when once you have discarded the theory of protection for protection's sake; when once you have reduced the tariff to a revenue basis, or when you have formulated and presented for consideration in this House a reform tariff bill in which so much of protection is removed as supports monopoly and trusts, that minute the Republican party repudiates its false doctrines and falls a victim to the vengeance of the monopolies and the trusts that it created. [Loud applause on the Democratic side.]

Can you expect this great party to commit political suicide? Ah, well it is that you say you are not prepared to reform the tariff until after the Presidential election in the fall. If you would now present a reform measure to the country from the Committee on Ways and Means there is not a village or hamlet within the confines of this Republic that would not go Democratic in the next election. [Applause.] You can not do it. You have not the ability. I do not mean that you have not the intelligence, but you are so confronted by conditions you created and have been so long mercilessly dominated by the power of wealth, you have been so long the instrument of the enemies of the common people that you dare not act in their behalf. [Applause.]

Mr. Chairman, I regard the Republican party as one of the greatest parties that ever rose to power in this or any other Government, and the skill of its leaders equals that of any political organization that has ever existed in our country. But for more than forty years, Republicans, you have presented to the people false principles and false theories; you have plundered their Treasury whenever you saw fit; you have overturned the rights of States; you have stood with your feet on the necks of the common citizens; you have appealed to none

for power save wealth and monopoly, and yet you have successfully run the gamut. You have deceived the people of the United States, not once or twice, but all the time. [Applause on the Democratic side.] If I had to characterize you by one sentence, I would say that the political organization known as the Republican party is a superb opportunist, if not the most sublime and stupendous faker in all the history of the world. [Applause and laughter on the Democratic side.]

Mr. Chairman, another question that presents another view of the versatility of our distinguished friends is the question of finance. According to the doctrines that our fathers taught, for many years the people of all parties stood for the policy of bimetallicism. We believed it was right; we believe it yet; but in an hour of emergency the Republican party, although pledged through every day of its existence to the doctrine, changed its front at the behest of its masters and said the theory of bimetallicism was wrong; that there must be a gold dollar behind every dollar of money issued by the United States to protect this country in all hours from panic and distress in business. Vainly did we fight; the glittering gold you offered appealed too strongly to the unpatriotic. You carried the country upon the representation, sirs, that behind every dollar issued by the National Government was or would be placed a gold dollar. What a splendid standard that was—a gold standard! Deeply should we regret that such views should take hold of the majority of our countrymen, but, like every other Democrat, I cheerfully submit to the will of the majority.

We are ready, in accordance with the will of the people of the United States, to make, if we can, a true gold standard. Can it be done? About one billion seven hundred and fifty millions of money of all kinds has been issued by the United States. Of that perhaps one-third is gold. The reserve required in your Treasury is only \$150,000,000. Assume that you can control the circulation of the gold—which you can not do—and hold it for redemption of the Treasury notes, the greenbacks, and the silver. You have not a gold dollar behind the silver and paper money, but 33 cents in gold, for only one-third of all our money is gold. Your theory of redemption is practically impossible. You have given us, then, not the 50-cent dollar that you said in the campaign the Democratic party would give, but, as a matter of fact, you have given to the United States a 33-cent dollar. What is that dollar worth? It is worth its face, as a silver dollar would have been worth its face, as any paper dollar is worth its face; not because of the intrinsic value of the metal in the dollar as a commodity, but because of the fact that the function of money has been imparted to it and the people of the United States have guaranteed its payment. You did not stop the panic by the alleged gold standard, as you deceived the people into believing could be done. You have not given the gold standard in its perfection, as you promised. You have beheld in an hour of peace and alleged prosperity one of the greatest panics of the world. The very thing you said you could prevent by the gold standard has come under your gold standard. The very thing you said would be prevented by the Republican party and the enforcement of its policies has come to plague you again. Ah, gentlemen, you have never given the true cause of these troubles to the people of the United States. I tell you that the trouble lies with the power that is behind the throne and against the interests of the people. Do not attempt to deceive us with elastic currency bills and asset currency—miserable frauds and subterfuges.

Have you enough money? If you have, then what caused the panic? Is the Government controlling the finances of the country? Is it exercising the functions of a sovereignty when it delegates the power to issue money on any terms to private institutions? So long as you put it in the power of corporations to control, contract, and expand the currency at will, by manipulations, doubling the purchasing power of the dollar or reducing this power at will, you may expect panics, for it is one of the modern business methods by which the money powers or trusts obtain ultimately unlawful and almost boundless accretions in the absorption of commodities and lands at low prices and by extortion in interest rates.

When money is again under control of Government and relegated to its proper functions as a medium of exchange between values, and interest fixed at a low and reasonable rate so as to encourage industrial and commercial pursuits, panics will seldom occur. When money can not profit hoarded, it must come into business channels to obtain accretions, just as labor is forced to the ditch to obtain its living. But it was not my purpose to discuss, but to only incidentally refer to the money question.

Mr. Chairman, I have not sought to unjustly indict the Republican party or unfairly animadvert on its administration. The world knows well the story of its treason to popular gov-

ernment. It is of little consequence to our country, in effect, whether it be the Republican party or the Democratic party or some other party that has contributed most to these conditions. They must be remedied, sir, or the day and hour will come when they can not be remedied peaceably in the interest of the masses of the people.

Mr. Chairman, it is the verdict of history that of all the nations that have lived and flourished and passed away not one has exemplified for the benefit of posterity more than one great thought typical of the essence of its existence. The years and the deeds of a nation are as one moment and one act. They tell but one story and point but one moral, and each nation is so represented in the great historical galleries of time as to leave but one impression to succeeding generations. Look upon that great gallery and tell me what is typical of the mighty Assyrian Empire. Wipe away from her fading portrait the dust of ages, and you behold not a great martial people; you see not her hundreds of thousands of horsemen in clanking armor moving over the fields of carnage; but a lone shepherd playing his lute upon her lofty hills as he looks down on his flocks and herds in the beautiful valleys below. Her pastoral life was her chief glory. Chaldea! What of thy greatness? A lone astronomer is reading the story of the stars by the light of their struggling beams. This is thy contribution to the science of the ages. You behold yonder a great invading force—5,000,000 barbarians. They come. They cross the Hellespont. They go. They flee in broken ranks, in shattered columns, and wild retreat. From that hour Grecian valor has inspired the heroes of all time, and though her civilization perish, glory will ever rekindle at the urn of her Spartan heroes.

But we pass to another scene profound in interest. A great sea opens. A multitude passes over in safety; a pursuing army follows; the waves of the mighty deep clasp in eternal embrace again. The power of Egypt has perished, but a race is restored to the rights of men again, whose influence and whose magnificent achievements have filled the world for centuries since that eventful day.

But let us turn away from this gallery of the ancients. What shall be the contribution of modern nations to this galaxy when He who holds their destiny in the hollow of His hand shall decree that they shall be no more? Neither prophet nor seer may yet tell their fate, nor the impress they shall make upon mankind; but as for us, my countrymen, let us so live in obedience to just laws that truth shall ever triumph and freedom be ours to the end, and when at last we shall be called to answer in the great beyond, heaven forbid that the limner of history shall represent us to posterity by the eagle of the Republic rending with his talons the Declaration of Independence, while his beak is buried in the hearts of the liberties of a defenseless people; but rather by that more glorious and inspiring scene—the Goddess of Liberty still standing proudly erect, waving with one hand o'er her devoted head the banner of the Republic and pressing with the other to her sacred bosom the Constitution of the Union. [Prolonged applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BUTLER having taken the chair as Speaker pro tempore,

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

- S. 450. An act for the relief of the State of North Carolina;
- S. 4797. An act for the care and preservation of The Hermitage;
- S. 1669. An act granting an honorable discharge to Benjamin Warner;
- S. 4791. An act 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;
- S. 5085. An act authorizing the construction of a light-house tender for the light-house inspector of the twelfth light-house district;
- S. 123. An act to provide for the erection of a public building at Lewiston, county of Nez Perce, State of Idaho;
- S. R. 37. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico;
- S. 520. An act for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.;
- S. 4112. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906;
- S. 2244. An act to provide for the erection of a public building at Missoula, Mont.;

S. 3405. An act to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896;

S. 5363. An act to provide for the purchase of a site and the erection of a public building thereon at Franklin, La.;

S. 1543. An act to authorize the entry of arid and semiarid public lands;

S. 649. An act to provide for the purchase of a site and the erection of a public building thereon at Rock Springs, in the State of Wyoming;

S. 906. An act to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire;

S. 2938. An act to provide for the erection of a public building at Lander, Wyo.;

S. 3160. An act providing for the erection of a public building in the city of Peru, Ind.;

S. 5434. An act 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.

S. 4535. An act 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 message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 36.

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.

Senate concurrent resolution 42.

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.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to Senate concurrent resolution of the following title:

S. C. Res. 5. Authorizing the invitation of governments of other countries to send representatives to the International Congress on Tuberculosis.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4777. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings.

H. R. 17524. An act to provide for circuit and district courts of the United States at Dothan, Ala.;

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. 17220. An act 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.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. Mr. Chairman, I yield sixty minutes to the gentleman from Ohio [Mr. GOEBEL].

Mr. GOEBEL. Mr. Chairman, on December 3 last, Mr. HUMPHREY of Washington introduced in the House a bill 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."

That bill was referred to the Committee on the Post-Office and Post-Roads, and by the chairman of that committee referred to a subcommittee of which I have the honor to be the chairman. This subcommittee after a careful hearing, by a majority vote, decided to recommend to the general committee with certain amendments a favorable consideration of the bill. The general committee as yet has taken no action on this report and recommendation. Taking the bill as amended by the subcommittee it will be identical with the bill introduced by Sena-

tor GALLINGER, amended and recommended for passage by the Committee on Commerce. As we are now discussing postal affairs, I shall avail myself of the opportunity afforded me by the distinguished chairman of the Committee on the Post-Office and Post-Roads to discuss the bill to which I have made reference, in the hope that I may give some information and more light to the membership of this House to the end that at a later day you may approach the consideration of this bill with such information, and to enable you to come to a just conclusion. The bill when amended will read as follows:

That the Postmaster-General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act.

This bill, if passed, amends section 5 of 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," in the following particulars:

First. It will raise the compensation to ships of the second class from \$2 per mile to \$4 per mile.

Second. It will require ships of the second class to make a distance of not less than 4,000 miles, outward voyage.

Third. It will establish a direct mail service from the United States to South America, to the Philippines, to Japan, to China, and to Australasia.

It makes no other changes or modifications of the original act of March 3, 1891. That act will stand in every other particular and be in force, and the amendment as proposed is governed in all respects by the provisions of the original act, so far as the same may be applicable. As the original act will have to be considered in connection with the proposed amendment, I shall quote the act in full:

An act to provide for ocean mail service between the United States and foreign ports and to promote commerce.

Be it enacted, etc., That the Postmaster-General is hereby authorized and empowered to enter into contracts for a term not less than five nor more than ten years in duration, with American citizens, for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican Gulf, and Pacific ports. Said contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster-General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named.

Sec. 2. That before making any contract for carrying ocean mails in accordance with this act the Postmaster-General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, Charleston, Norfolk, Savannah, Galveston, and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland. Such notice shall describe the route, the time when such contract will be made, the duration of same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter 8 of title 46 of the Revised Statutes for the letting of inland mail contracts so far as the same shall be applicable to the ocean mail service.

Sec. 3. That the vessels employed in the mail service under the provisions of this act shall be American-built steamships, owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers. They shall be divided into four classes. The first class shall be iron or steel screw steamships, capable of maintaining a speed of 20 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 8,000 tons. No vessel except of said first class shall be accepted for said mail service under the provisions of this act between the United States and Great Britain. The second class shall be iron or steel steamships, capable of maintaining a speed of 16 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 5,000 tons. The third class shall be iron or steel steamships, capable of maintaining a speed of 14 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 2,500 tons. The fourth class shall be iron or steel or wooden steamships, capable of maintaining a speed of 12 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 1,500 tons. It shall be stipulated in the contract or contracts to be entered into for the said mail service that the said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary business done by steamships.

Sec. 4. That all steamships of the first, second, and third classes employed as above and hereafter built shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be of the highest rating known to maritime commerce. And all vessels of said three classes heretofore built and so employed shall, before they are accepted for

the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report, in writing to the Secretary of the Navy, who shall transmit said report to the Postmaster-General; and no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster-General as provided for in this act.

Sec. 5. That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of \$4 a mile, and for the second-class ships \$2 a mile, by the shortest practicable route, for each outward voyage; for the third-class ships shall not exceed \$1 a mile and for the fourth-class ships two-thirds of a dollar a mile for the actual number of miles required by the Post-Office Department to be traveled on each outward-bound voyage: *Provided*, That in the case of failure from any cause to perform the regular voyages stipulated for in said contracts or any of them, a pro rata deduction should be made from compensation on account of such omitted voyage or voyages; and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster-General: *Provided further*, That no steamship so employed and so paid for carrying the United States mails shall receive any other bounty or subsidy from the Treasury of the United States.

Sec. 6. That upon each of said vessels the United States shall be entitled to have transported, free of charge, a mail messenger, whose duty it shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and mails.

Sec. 7. That officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from contractor or contractors as may be agreed upon by the parties: *Provided*, That they shall only be required to perform such duties as appertain to the merchant service.

Sec. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under 21 years for each 1,000 tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

Sec. 9. That such steamers may be taken and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking; and if there shall be a disagreement as to the fair actual value of the same at the time of the taking between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisal in case the two shall fail to agree.

In substance the original act divides ocean mail steamships into four classes. The first class shall be iron or steel screw steamships, capable of maintaining a speed of 20 knots an hour at sea in ordinary weather, and to have a tonnage of not less than 8,000 tons. The second class shall be iron or steel steamships maintaining a speed of 16 knots an hour at sea in ordinary weather, and to have a tonnage of not less than 5,000 tons. The third class shall be of the same kind and to maintain a speed of 14 knots an hour at sea in ordinary weather, and to have a tonnage of not less than 2,500 tons. The fourth class shall be iron, steel, or wooden vessels, of a speed of 12 knots an hour at sea in ordinary weather and a tonnage of not less than 1,500 tons. The original act also provides that steamships of the first, second, and third classes are to be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, according to plans and specifications provided by and under the supervision of the Secretary of the Navy. The compensation, respectively, is \$4, \$2, and \$1.66 $\frac{2}{3}$ per mile outward voyage, and there is to be no other or further compensation. It permits such vessels to carry passengers and to compete for steamship business.

The amendment here proposed will in no way affect steamships of the first class, since they require a speed of 20 knots an hour, and are under the original act confined between the United States and Great Britain, a distance of less than 4,000 miles. And as it can in no way affect ships of the third and fourth class, we may also dismiss them without further comments.

I may say, before discussing the merits of this proposition, that the amendment meets with the approval of the Postmaster-General. The subject-matter has also been considered by the President of the United States, and in his message to Congress at the opening of the present session he said:

The time has come, in my judgment, to set to work seriously to make our ocean mail service correspond more closely with our recent commercial and political development. A beginning was made by the ocean mail act of March 3, 1891, but even at that time the act was known to be inadequate in various particulars. Since that time events have moved rapidly in our history. We have acquired Hawaii, the Philippines, and lesser islands of the Pacific. We are steadily prosecuting the great work of uniting at the Isthmus the waters of the Atlantic and the Pacific. To a greater extent than seemed probable even a dozen years ago we may look to an American future on the sea worthy of the traditions of our past. As the first step in that direction, and the step most feasible at the present time, I recommend the extension of the ocean mail act of 1891. That act has stood for some years free from successful criticism of its principle and purpose. It was based on theories of the obligations of a great maritime nation, undisputed in our own land and followed by other nations since the beginning of steam navigation. Briefly those theories are, that it is the duty of a first-class power, so far as practicable, to carry its ocean mail under its own flag; that the fast ocean steamships and their crews required for such mail service are valuable auxiliaries to the steam sea power

of the nation. Furthermore, the construction of such steamships insures the maintenance in an efficient condition of the shipyards in which our battle ships must be built.

The expenditure of public money for the performance of such necessary functions of government is certainly warranted; nor is it necessary to dwell upon the incidental benefits to our foreign commerce, to the shipbuilding industry, and to the shipowning and navigation which will accompany the discharge of these urgent public duties, though they, too, should have weight.

We now pay, under the act of 1891, \$4 a statute mile outward to 20-knot American mail steamships built according to naval plans available as cruisers and manned by Americans. Steamships of that speed are confined exclusively to trans-Atlantic trade with New York. To steamships of 16 knots or over, only \$2 a mile can be paid, and it is steamships of this speed and type which are needed to meet the requirements of mail service to South America, Asia (including the Philippines), and Australia. I strongly recommend, therefore, a simple amendment to the ocean mail act of 1891, which shall authorize the Postmaster-General, in his discretion, to enter into contracts for the transportation of mails to the Republics of South America, to Asia, to the Philippines, and Australia at a rate not to exceed \$4 a mile for steamships of 16 knots speed or upward, subject to the restrictions and obligations of the act of 1891.

Mr. Chairman, it is sought in this way to extend the ocean mail act of 1891. The original act has been in force for seventeen years. Since that time this nation has made wonderful progress. We have acquired Hawaii, Porto Rico, the Philippines, and other islands of the Pacific. The conditions existing in 1891 for the enactment of the law apply with equal force to-day and with much stronger reasons for an extension of the act. It is essential that we have adequate foreign mail service to meet present conditions, and as we have become a world power, just pride compels us to carry the ocean mail by American ships and under the American flag whenever possible.

In this respect our country is in a most unfortunate condition at this time, depending wholly upon the reluctant, irregular and inefficient service of foreign steamships to carry our mails directly to the principal countries of South America. Our people have the right to demand from us the quickest and most regular dispatch of their foreign mails, and it is a sad commentary that in order to do this we must make use of the fast steamship lines which are subverted in some form by some government, and thereby contribute our portion to a foreign subvention. The British Government to-day, in addition to an admiralty subvention of \$750,000 annually, pays to the Cunard line \$340,000 for the transportation of the mails. I may say that nearly all maritime nations of Europe and Japan have for their own interests made liberal subventions to maintain great ocean-mail lines direct from their own ports to different ports of the world. Let me read to you what the Postmaster-General said last month in a communication addressed to Senator Frye, chairman of the Committee on Commerce; which committee had at the time under consideration the identical bill:

Because of the irregular sailing and the general unsatisfactory service of foreign steamships this Department was compelled on May 6, 1907, to instruct the postmaster at New York to dispatch the mails for Rio de Janeiro by way of Europe in all cases except once a month, when communication could be made at New York with the only two steamers of the foreign fleet having a nominal speed of 14 knots an hour plying between this country and South America. This arrangement compels the use of European ports, as well as European steamers, in the conveyance of the United States mails to some of the most important countries of South America, and brings us face to face with the humiliating conditions of which the Postmaster-General warned Congress in his report for 1905, a condition, as he said, which "might seriously embarrass the Government in the exchange of important official and diplomatic correspondence."

Since last March the fifteen American steamships which had been engaged in trade across the Pacific Ocean have been reduced to eight. Not one new steamship is building for that trade, or indeed for any other branch of our foreign commerce. The complete disappearance of the American merchant flag from the Pacific Ocean is imminent unless resolute measures are promptly taken to prevent it. In the meantime, the governments of Great Britain and her autonomous colonies in Australasia are considering a proposition, by liberal grants from imperial and colonial exchequers combined, to establish by British ships on the Pacific Ocean, in connection with the Canadian Pacific Railway, the fastest mail service practicable between England and Australasia. The Japanese Government at the same time, through new and generous mail contracts, is enabling its steamship companies to construct swift new ships which will supplement the navy of Japan in the Pacific with a formidable fleet of auxiliary cruisers.

Mr. Chairman, this is indeed a warning, and the time has come when Congress should take some action. The proposition involves only an ocean mail service. Action on the part of Congress in matters of this kind is not new in the history of our Government.

The act of March 3, 1845 (which was the first act), provided for the transmission of mails between the United States and foreign countries in American ships. It had also for its purpose the encouraging of Americans to build and run steamships. The Postmaster-General was empowered to make contracts with steamship companies for either a fixed subsidy or the postage rates, as follows:

For points not less than 2,000 miles distant, 24 cents per half ounce; 48 cents per ounce, and 15 cents for every half ounce.

For the postal service to Mexico and the West Indies, 10 cents per half ounce, 20 cents per ounce, and 5 cents for every additional half

ounce. United States inland postage was added to the above sum. Unfortunately, however, it did not induce Americans to establish mail steamship lines, and more liberal terms were offered.

The act of March 3, 1847, authorized the Secretary of the Navy to accept the offer made by E. K. Collins & Co. to carry the mails from New York to Liverpool and also the offer made by Mr. Sloo to provide five steamships for carrying mails between New York, New Orleans, and Chagres. The latter service was to cost the Government not more than \$290,000. Provision was also made for carrying the mails across the Isthmus of Panama and up the coast of California and Oregon. All of these subsidized ships were subject to purchase or control by the United States Government whenever necessary.

On February 2, 1847, the Post-Office Department concluded a contract for five years under the law of March 3, 1845, with the Ocean Steam Navigation Company for the conveyance of the mails between New York and Bremen and Havre. The contract provided payment on the basis of \$100,000 for six round trips a year to Bremen and \$75,000 for six trips a year to Havre, which gives mileage rates of \$2.23 and \$2 respectively, and it was also provided that when the service should be doubled the pay was to be doubled. There was also a stipulation that the steamers engaged should be at least 1,400 tons and faster than the Cunard steamers. The service to Bremen began January 21, 1847, but up to 1851 the vessels had no regular schedule of sailing and payments were made for each voyage separately. Sailings were irregular and so slow that few mails were sent by them. In 1851 the full service, to wit, twelve trips to Bremen and twelve trips to Havre were begun. The Thirty-second Congress extended the contract until 1857. The Post-Office Department also contracted for bimonthly mail service between Charleston and Habana for a payment of \$45,000 per annum. In approving this contract Congress added \$5,000 for making Savannah a port of call. This service began in 1848 and continued for ten years.

In 1848 the Secretary of the Navy made three mail contracts, all of which were to run for ten years. The first was concluded by a bimonthly service between New York and Chagres, via Habana and New Orleans, to be carried by five new steamers of 1,500 tons each. The subsidy was fixed at \$290,000 a year for traversing a distance of about 158,000 miles, or at the rate of \$1.83½ a mile. The second provided for mail service to be conducted by three new steamers between Astoria and Panama, calling at San Francisco, Monterey, and San Diego. The subsidy was at first \$199,000. Later the route was modified, the sailing made bimonthly, and the subsidy increased to \$384,250 for sailing about 201,600 miles, or at the rate of \$1.90 per mile. The third contract was for a bimonthly service during eight months of the year and a monthly service during the four winter months between New York and Liverpool. It was agreed that five new first-class steamers of at least 2,000 tons burden be constructed. In consideration of this service \$385,000 was to be paid for traversing about 124,000 miles, being a mileage rate of \$3.11 per mile.

The service between New York and Chagres was begun in 1848 and continued with regularity until the expiration of the contract. The service between Astoria and Panama was not at first satisfactory, partly because of the failure of the company to provide sufficient and suitable vessels and partly because of the impossibility of securing crews on the California coast during the gold excitement.

Through delays in building the necessary ships, the contract known as the "Collins contract" did not go into effect until June 1, 1850. The original terms of this contract granted a subsidy of \$19,250 per voyage for twenty voyages a year. At this time the Cunard Line was receiving \$145,000 per annum for a weekly service, forty-four trips per year, over the same route, or about \$15,000 per voyage. The ships of the Collins Line were in every way superior to the Cunard vessels, and it was the boast of the Americans that they would beat the English in steam navigation as they had already beaten them in fast sailing. But the English had the advantage of twelve years' experience, a larger subsidy for a more frequent service, and all the prestige which accrues to a long-established line. The establishment of the Collins Line was nevertheless productive of some substantial benefits to our country, and as the subsidy was responsible for the starting of the line, it may be credited with bringing about these benefits.

Before 1850 Mr. Cunard had virtually a monopoly of the fast freight business and charged all the traffic would bear. In a very short time after the Collins line started freights fell from £7 10s. per ton to £4 per ton, and commerce and passenger traffic were increasing rapidly. The Collins people, however, being hampered by the severe conditions of the mail contract, made it almost impossible for them to secure any large part of this growing freight business without great outlay for slower cargo

boats, for the quick sailing and with short stays in ports made it impossible for the mail steamers to secure or carry much cargo. It is needless for me to say that the formation of a rival American line was bitterly resented by Mr. Cunard, and he induced Parliament to raise his subsidy of £145,000 and payment for extra service which he put on to New York from Liverpool direct, in the hope of killing off American competition before it actually began. It also appears that in 1851, a year and a half after the Collins line started, Mr. Cunard obtained \$834,000 a year as a subsidy for forty-four trips, or about \$19,000 per voyage.

In 1852 our Government increased the subsidy to the Collins line by allowing \$33,000 per voyage for twenty-six trips a year, or at a rate of more than \$5 per mile. And it was then a life and death struggle between the American and the English line, each of them backed by its respective government, and it was evident that both could not survive. While the American boats gave a superior speed and equipment, which greatly increased the passenger traffic, the English boats, however, did most of the freighting, which is the profitable side of most transportation business. It was then maintained by Mr. Collins that his company could not compete with the Cunard people unless the subsidy was again increased. In a statement before a committee of Congress he declared that to save a day or a day and a half in the run between New York and Liverpool cost the company nearly a million of dollars annually. It will be seen that to hold a speed record was rather a costly form of enjoyment.

Again, the economical conditions at the time rendered it impossible that the American line should compete with the English successfully in steam navigation. The final result was that the Collins Line was compelled to suspend operations. It might be said, however, that the actual failure was due to a disaster wholly beyond human foresight or control in the loss of the *Arctic* and of the *Pacific*, two of their best vessels.

In 1856 Congress reduced the subsidy to the original sum of \$385,000 a year for twenty trips. Two years after, all contracts for carrying foreign mails were abrogated.

The approximate cost of this subsidy experiment was as follows:

Bremen Line, 1847-1852	\$2,000,000
Havre Line, 1852-1853	750,000
Collins Line, 1850-1858	4,500,000
New York to Aspinwall, 1848-1858	2,900,000
Astoria and San Francisco to Panama, 1848-1858	3,750,000
Charleston to Habana, 1848-1858	500,000

Making a total of..... 14,400,000

From 1858 to 1866 this Government gave no subsidy for ocean mail service. American vessels carrying mails received the sea postage plus the United States inland postage for carrying United States mails. Foreign vessels received the sea postage only.

In 1864 a bill was introduced authorizing the payment by the United States of \$150,000 per annum for a monthly steamship service between Rio de Janeiro and a United States port north of the Potomac River, on condition that Brazil pay \$100,000 for the service. This bill became a law in August, 1869, and subsequently a contract was made with the United States and Brazil Mail Steamship Company for a monthly service between New York and Rio de Janeiro. The line continued for ten years, costing the two Governments \$2,500,000, of which the United States paid \$1,500,000. Afterwards the subsidy was withdrawn and the company suspended operations.

On February 16, 1865, Congress enacted a law authorizing a subsidy of \$500,000 a year for a monthly service to Japan and China, via Hawaii, and a contract was entered into with the Pacific Mail Steamship Company for the service to the Orient. In the session of 1866 and 1867 Congress released the company from the obligation of stopping at Hawaii on the way to China and Japan, and during the same session voted a subsidy of \$75,000 for a distinct service to Hawaii, which was to be taken over by the California, Oregon, and Mexico line.

In 1872 the Pacific Mail Company offered to run another monthly service to China and Japan for an additional \$500,000 a year. With some difficulty a bill authorizing such a contract was passed by Congress on June 1, 1872, but in 1874, for good and sufficient reasons not necessary here to relate, the new contract was abrogated by the Government. In 1873 the service to the Sandwich Islands was given up by the California, Oregon and Mexico Company. It had lasted six years and had cost the Government \$425,000. The first contract with the Pacific Mail Company for the Japan and China service expired in 1877. It had received from the Government during the ten years of its contract \$4,583,333.33. On July 27, 1868, the President approved an act giving to the Commercial Navigation Company, of New York, the monopoly for fifteen years of carrying all Eu-

ropean mails weekly or semiweekly to Queenstown, Southampton, and Bremen. The vessels, seven in number, were to be built of iron in the United States. The company was to receive the inland and sea postage until they should amount to \$400,000, after which it was to receive sea postage only until up to a limit of \$600,000. But the Postmaster-General refused to make the contract, on the ground that it was against all reason to reduce the mails from four a week to two.

Congress took no further action until the enactment of the law in 1891, which is now in force.

Having to some extent presented the primary reason for the extension of the present law, it is believed that the stipulation of \$2 per statute mile is wholly inadequate to maintain an American postal service over the longer and more costly routes to the chief ports of South America and the Orient, and this has been fully demonstrated by the inability of the Post-Office Department to establish under the present law and under the second class an American line of American ships to these ports. There is obvious reason for this failure. In the first place, it costs more to construct an American ship. Then, again, the restrictions which the law of 1891 provides, and of which I do not complain, have added very materially to the maintenance of American ships manned with American officers and with American crews. It has been ascertained that the profits of an American ship with a tonnage of approximately 3,500 tons, as compared with a German ship of the same tonnage on the same route, made a difference of \$15,315 per annum in favor of the German ship, and also that the profits of an American ship with a tonnage of 2,500 tons, as compared with a British ship of the same tonnage on the same route, made a difference of \$18,289.68 per annum in favor of the British ship. It will be readily seen that unless we increase this subsidy we can not expect to obtain American ships in this service.

But aside from the fact that we pay more for material and higher wages in the construction of our ships and to our sailors, we are up against the subsidies of foreign governments, which are far in excess of our subsidies. This takes out of consideration the element of intelligence, skill, industry, and thrift which the American people possess and makes the want of governmental action the cause of this failure.

Now, it may be asked what will be the cost of this service. My answer is that it would depend largely upon the bids which the Postmaster-General may receive. He may decline to pay \$4 per mile if by competition he can get a cheaper service. However, making an estimate for the maximum amount which could be paid and at the rate of \$4.60 per nautical mile for a fortnightly service to Rio de Janeiro, Buenos Ayres, and Manila, over two routes across the Pacific, one via Hawaii, one direct, and a service once in three weeks from the Pacific coast to Australasia, equal to twenty-six voyages in a year, as contemplated by this amendment, would be as follows:

	Nautical miles.	Amount.
Atlantic or Gulf coast to Rio de Janeiro	5,000	\$598,000
Atlantic or Gulf coast to Buenos Ayres	6,000	717,000
Pacific coast via Hawaii to Japan, China, and the Philippines	7,800	932,880
Pacific coast direct to Japan, China, and the Philippines	6,500	777,400
Pacific coast via Hawaii to Australasia	7,300	604,440
Total		3,630,320

From this expenditure must be subtracted the present expenditure for carrying our ocean mail in foreign ships to South America and in noncontract ships on the Pacific Ocean, amounting to \$188,511.67, so far as ascertained.

If this bill should pass this session of Congress, then, during the fiscal year of 1900, about \$1,031,000 can be made available for immediate extension of the mail service between the Pacific coast, Hawaii, Samoa, Australasia, and between the Pacific coast, Hawaii, China, Japan, and the Philippine Islands. For these purposes the Australia line would require, in round figures, \$600,000, and the line to the Philippines \$431,000. When in full operation, which is not possible before January 1, 1910, owing to the time required for the construction of new ships for this purpose, there will have been constructed at least twenty new, large, and costly ocean mail steamships, at a cost upward of \$32,000,000, and there will be in operation on the routes proposed by this legislation at least twenty-seven ships, and under the act of 1891, including the amendment, forty-nine ships.

Mr. Chairman, it is a remarkable fact that notwithstanding our faulty ocean mail service the Government of the United States has made out of it a large profit, and I was agreeably

surprised to learn that for the fiscal year ending June 30, 1907, the net profits over the cost of carrying the mails at sea amounted to \$3,637,226.81, exclusive of the receipts from Canada and Mexico.

Mr. SHERLEY. Mr. Chairman, will the gentleman tell the committee how that balance is arrived at, and what, if any, of the cost of transporting the mails to the ships is figured in?

Mr. GOEBEL. It is not figured in at all.

Mr. SHERLEY. In other words, the gentleman has a balance there that is simply arrived at by taking the postage paid for carriage both on land and sea, and then subtracted the expense of the sea carriage only.

Mr. GOEBEL. That is the gentleman's conclusion.

Mr. SHERLEY. Is not that the fact?

Mr. GOEBEL. It is not the fact.

Mr. SHERLEY. What is the fact? Let the committee have the fact.

Mr. GOEBEL. I will at the proper time give the gentleman the facts.

And it would appear that there is a fixed increasing result, as is shown from the following figures:

Year.	Receipts.	Cost.	Surplus.
1907.....	\$8,579,043.48	\$2,941,816.67	\$3,637,226.81
1906.....	6,008,807.53	2,965,624.21	3,043,183.32
1905.....	4,711,215.03	2,670,798.43	2,040,416.60
1904.....	5,005,389.18	2,516,053.05	2,579,336.12
1903.....	4,901,974.54	2,383,588.80	2,608,385.74
1902.....	3,737,318.57	2,245,625.55	1,491,693.02
1901.....	3,005,323.61	2,002,537.16	942,786.45
1900.....	3,467,139.26	2,014,537.95	1,452,601.30

Mr. SHERLEY. Will the gentleman permit another interruption? Can the gentleman tell the committee how much more it would have been if the trans-Atlantic mails had been carried at competitive contract price instead of the subsidy price contained under the act of 1891?

Mr. GOEBEL. I can not, because I have not gone into that subject-matter.

It would also appear that the weight of letters and postal cards sent out of the United States by sea increased from 974,000 pounds in 1900 to 1,815,000 pounds in 1906, or 86 per cent. The weight of other mail articles, newspapers, books, samples, etc., increased from 7,351,000 pounds in 1900 to 12,306,000 pounds in 1907, or 67 per cent. Comparing these figures with Great Britain it would appear that the weight of letters and postal cards sent out of the United Kingdom increased from 1,618,000 pounds in 1900 to 3,166,000 in 1906, or over 95 per cent. The weight of other mail articles increased from 15,745,000 pounds in 1900 to 25,324,000 in 1906, or 61 per cent. Ocean transportation of foreign mails in England differs from that of the United States in that nearly half of the volume of British foreign mails is sent only across the 23 miles of sea which hardly keep Dover on a clear day out of sight of Calais, while American mails for Europe cross 3,000 miles of salt water.

As the ocean mail service of the United States is a branch of the Post-Office Department, and it having during the last fiscal year turned into the Treasury a profit of \$3,637,226, it would seem from a governmental standpoint to be wise that this amount be used for improving and extending that service; and it also appears that this profit would be sufficient to carry out the extension contemplated by this bill, with a strong probability that when in full operation there would be a large profit. But in no event will the Government be called upon to contribute any additional sums.

Mr. SHERLEY. Will the gentleman permit another inquiry?

Mr. GOEBEL. Yes.

Mr. SHERLEY. Assuming the gentleman's premises to be true, that we should expend the profits we get from ocean carrying mails, ought not we to accurately find out what that profit is, and charge up to the carrying of the mail all the expenses?

Mr. GOEBEL. There is no doubt about that.

Mr. SHERLEY. The gentleman's figures, from his own statement, do not include as an expense or debit item anything other than the cost of the mail transportation on the ocean, and do not take into consideration the cost of maintaining the postal service and the transportation of the mails from the mailing point to the ocean.

Mr. GOEBEL. I wish I had time to answer the gentleman's question fully and as to how these figures are arrived at; but I have not time now. However, before we come to consider this bill, or when we do, I shall gladly give to the gentleman the figures, and tell him how we arrive at the profits.

Mr. SHERLEY. I do not of course mean to embarrass the gentleman, and I will not interrupt again.

Mr. GOEBEL. Mr. Chairman, if this be true, then in the general acceptance of the term this would not be a "subsidy," since the money earned furnished the means to defray the expenditure incurred by the service.

I come now to the consideration of what is known as the "naval feature" in the original act. This was strongly urged by the President of the United States and by the several Departments of the Government as one of the reasons for the enactment of this bill. I was somewhat concerned as to the additional expense which might accrue to the shipowner in order to comply with this feature. Upon a careful investigation, however, I find that the additional expense in that regard is but a trifle and would not materially enter into the bidding for a contract to carry the mails. In other words, it would not as a distinct element be taken into consideration by the contractor in making a bid for carrying the mails.

Since, therefore, there would be no additional cost to the Government and compliance with the naval feature of the bill by the shipowner could only be of additional benefit to the Government, and that, too, irrespective as to what view we may take, were it a separate proposition and it were sought to increase our naval forces. As to increasing our Navy I have decided views, not in accord with the views of the Administration, but that is entirely immaterial to this discussion. While the President urges as one of the reasons the benefits which might accrue from the "naval feature" of the original act, I do not urge this measure upon that ground or make it the sole reason, but rather that a compliance can do no possible harm and may be of much benefit.

Now, Mr. Chairman, I have endeavored to present in a humble way my reasons for the extension of our ocean mail service, and have endeavored to give the facts upon which I pin my faith. I have endeavored to treat the proposition from a governmental standpoint, having in view the duty and obligations which the Post-Office Department of this great Government owes to itself, bearing particularly upon its functions and for which it was created. And you will agree with me that one of its functions, at least, is to secure to our citizens the quickest and most regular dispatch of foreign mails, and you will also agree with me that in the performance of this plain duty our Government ought not to be compelled to resort to foreign agencies, and thereby put ourselves under the protection of foreign flags. I have also endeavored to show that this proposition does not involve a "subsidy" in the ordinary sense of that term, from which there may be some political reproach.

I think I know the sentiment of this House on the general proposition of subsidies. To some degree I share it. If I have failed, however, to convince you, my colleagues, that this is not a "subsidy" then I shall attribute it to inability on my part to make myself fully understood, and not to the weakness of the cause for which I plead. And what I shall say bearing on the ship industry of this country and our foreign commerce, I beg of you not to consider it in connection with a "subsidy" proposition.

I have said that if you pass this bill, upward of \$32,000,000 will be expended in the construction of new ships. Think of it! American money, paid to American laborers. Do you object? Is the extension of the ocean mail service to be defeated forsooth because it will rehabilitate and revive the shipbuilding industry of our country? Are you willing to deprive the American people of additional benefits that will flow as a "result," by defeating a measure offered for a better mail service and which otherwise would come by passing this bill? Why, sir, there was a time when American ships carried 91 per cent of our sea-borne commerce to the world. To-day the position of the United States as an ocean carrying power is insignificant in comparison with other leading nations, and it is sad to relate that very few American steamships are seen in the world's seaports outside the Caribbean and the Gulf of Mexico. Last year we carried but 10.6 per cent of the combined exports and imports in American ships. Our vessels registered for foreign trade only 871,146 gross tons. Do you know that one foreign shipping corporation operating a fleet equaled in tonnage the entire amount of tonnage registered under the American flag? Are you willing that this shall continue? By passing this measure you will put on the routes proposed twenty new ships, which will make a total of forty-nine ships of the second class sailing to South America and across the Pacific Ocean. They will be American ships, built by Americans, manned by Americans, carrying America's foreign mails and freight, and over these vessels will float the American flag symbolical of the hope and pride and strength of the American people. [Applause.]

Mr. GRIGGS. Mr. Chairman, I am going to deliver a few remarks in connection with the postal service. When I first came to this body, eleven years ago, I was, fortunately for myself, placed on the Committee on the Post-Office and Post-Roads,

one of the greatest committees, in my opinion, in the House of Representatives. I became associated there from the very beginning with seventeen of the very best men on both sides of this House. There are only three members now on that committee who were members of it when I was assigned to membership thereon. There are only three others in the House who were members of the committee when I became a member. It has changed very much in personnel. It has not changed, however, in ability, strength, force, and character. I had the pleasure of serving under two chairmen of that committee during ten years, one a jewel in the rough, a man who sometimes, it was thought, expressed his opinions a little too frankly and a little too boldly, but a man who was recognized by every Member of the House at that time as one of the strongest and most courageous men in any legislative body in the world. A gentleman once said of him here that "the bark was rough, but the heart was sound." We all regretted the change when he, having retired from Congress, was succeeded by the gentleman from Indiana [Mr. OVERSTREET]. The truth is, we all thought we knew more about the postal service than he could possibly ever learn. [Laughter.]

But it soon came to us older members of the committee that we had lost nothing by the change and that the gentleman who now presides in such a distinguished and able manner over this great committee is the equal of perhaps any man who ever served on it. My friends and myself on that committee have had many contests over many questions. I freely and candidly admit that oftener I was mistaken and the gentlemen with whom I had the contests were right. There were a great many questions on which they guessed better than I did. [Laughter.] I confess that I am leaving the committee with great regret. Of course everybody knows I was forced to go on that great committee which was literally kicked upstairs the other day. [Laughter.] The Fifty-fourth Congress appropriated \$40,000 for experiments with free rural delivery. The Fifty-fifth Congress proposed \$50,000 a year for rural free delivery. I am not now going to trench on the preserves of any gentlemen. Many men believe themselves the fathers of the rural free-delivery service. I am not a candidate for the fatherhood of any service. It is true, as stated in a speech by my colleague [Mr. HARDWICK] some years ago, that Mr. Watson of Georgia obtained the first appropriation for this service. This happened one afternoon when, like almost every day this session, our friends on the other side of the aisle were merrily killing time with perfect harmony of tune and unity of action. Several of us were making claims as to the value of our services to our country. The gentleman from Georgia, my colleague [Mr. HARDWICK], offered some remarks about myself, which I hope I may quote with becoming modesty:

"We have all, Mr. Chairman, arrived at the point where we fully recognize and universally concede the great benefits that have come to the people of this country from rural free delivery. Consequently, Mr. Chairman, a number of gentlemen have sprung up who are not quite so frank as was my colleague from Georgia [Mr. GRIGGS], who addressed the committee before me this afternoon and who claimed more than he did, namely, that he is the stepfather of this great system."

I reiterate that claim to-day and I make it in the presence of gentlemen who have served with me upon that committee and who know the facts about it. This popular child may have many stepfathers; I have no objection to that. I am perfectly willing to serve equally with all of them as partners in building this most beneficent service to its present high standard. Fifty thousand dollars a year was being appropriated to establish rural delivery for about 20,000,000 people. I offered a bill at that session of Congress to appropriate \$1,000,000, and I tried in my humble way to press it before the committee. If I had known as much about legislation here then as I know now I would not have pressed it before the committee. I would have offered it here on the floor, where all can see and know what happens. At any rate, while I was urging the bill before the committee a good friend, not now a Member, said, "My friend from Georgia will know what a failure rural free delivery is after a few years' service here." I replied to that in my feeble way, because I was then nothing but a new Member, that the Post-Office Department would be a failure with an appropriation of only \$50,000 a year; that this great Republic would be a failure on an appropriation so insignificant and so inadequate.

It was soon found out that some of us on that committee were going to press that million-dollar bill in this House as an amendment to the appropriation bill. Not very long after that it was suggested to me that the Post-Office Department could not spend quite that amount, and we agreed, I think it was, on \$250,000. The Department probably could spend no more than that amount the first year of any great increase in an entirely new direction.

I have not looked up the figures, but my recollection is that the House appropriated \$250,000 that year for this service. The next year we forced the appropriation up near the million-dollar mark. From that day until this there has not been an opponent of rural free delivery on the Post-Office Committee or in the House of Representatives, and when I referred to the declaration of my friend from Georgia, who said that I had stated in a jesting way on this floor that I was simply the stepfather of the service, I meant this, that I was proud of the fact that I have been one of seventeen men who have stood behind and built up that great service. Indeed, I may say seven men, because the work, as everybody knows, is done largely by the subcommittee. I seek to detract nothing from the laurels of anybody. I simply know that I took up my work on that committee with all of the ability and all of the force and all of the energy that I had. After establishing rural delivery the deficit increased for several years and a great many people got afraid of it. The deficit in the Post-Office Department went up from \$4,000,000 to \$17,000,000 a year, and it was freely charged in many quarters that it was due to the rural free-delivery service, but with that same service increasing in appropriations every year, until this year the appropriation for rural delivery is about \$35,000,000, the deficit has gone down from \$17,000,000 to \$6,000,000.

Somebody has done good service. Whether without rural delivery the deficit would have so decreased that the Post-Office Department would now be paying its way, I do not know and I do not care, but nobody can tell, because it would be impossible for anybody to decide with any sort of accuracy where a profit comes from to the Post-Office Department. Our great cities have said and the Members here have often insisted that the post-office in New York, for illustration, pays its expenses and pays a large profit into the Treasury. I see my friend from Brooklyn who, I doubt not, believes that the Brooklyn post-office pays a great surplus into the Treasury of the United States. It does pay more money into the Treasury than it takes out of it. It does all of that. But what of the great expense in carrying the New York mails to and from the smaller offices all over the land? After deducting the cost of carrying mails to and from New York from all the small towns and cities so far away, New York might still pay a surplus, but who can count the cost of carrying a letter sent from the city of New York to the city of El Paso, Tex., and that must be taken into consideration.

We can not therefore say that any one service, any one city, any one of the Departments contributes more than it takes from the Treasury.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. GRIGGS. Certainly.

Mr. FITZGERALD. It is a fact that all the estimates of the importance of offices are based upon receipts?

Mr. GRIGGS. Oh, yes; it is.

Mr. FITZGERALD. And that is the only method by which any accurate test can be had of the importance of the office?

Mr. GRIGGS. I say that is the only method by which you ascertain anything about it accurately—I mean with any sort of accuracy—but that does not make it accurate. You can not determine it exactly, because a large part of the railway mail pay, which is over \$45,000,000 this year, for carrying the mail from and to the city of New York, from two to five thousand miles, probably costs five times the return carrying it in some sections of the country.

Mr. FITZGERALD. Would it not be possible to have some computation made of the percentage of mail carried out of the city compared with the mail carried within the city?

Mr. GRIGGS. Oh, yes; I think my friend could compute almost anything himself on the subject, and I will leave him to make this computation, as I am a little pressed for time.

Mr. FITZGERALD. I suggest would it not be possible to determine how much mail was carried each way?

Mr. COOPER of Wisconsin. Will the gentleman allow me an interruption at this point?

Mr. GRIGGS. Certainly.

Mr. COOPER of Wisconsin. I have just been in conversation with the chairman of the Post-Office Committee, who told me something which I did not expect to hear about the deficit which the gentleman has been discussing. The chairman of the Post-Office Committee informs me that the Post-Office Department this year would have been self-supporting had it not been for the increases of the salaries in the Post-Office Department which Congress voted a year ago, increasing the whole list in the Post-Office Department, officials and employees, by an amount that would meet the deficit this year.

Mr. GRIGGS. I am very glad to hear that, because it gives proof in support of the statement made by me a few moments ago. Of this increase of salaries \$6,000,000 in round numbers went to rural carriers, and nobody begrudges that.

Mr. Chairman, I have never been one of those people who believe that the Post-Office Department should be required to pay its own way. I take no pride in the fact that the post-office in my little town pays more than its expenses. I have never worried over what the Post-Office Department costs when compared with efficient service. I never was in favor of throwing other people's money away, and I do not believe that this committee has ever thrown away a dollar of money, and it will not now do so in the making of greater efficiency in the postal service. I have heard a great many people say that the Post-Office Department should be required to pay its own way.

Who has ever suggested that the Navy Department should pay its own way? Who has ever suggested that the War Department, or any other great Department of this Government, should pay its own way? To suggest that the War Department or the Navy Department should do it would mean that they would have to loot and rob as they did ages ago. [Applause.] Why should this great Department—the Department nearest the people, the one that enters all the homes of the country, which carries education and enlightenment into all our homes, the Department that carries its missives from one home to another, sometimes bearing sorrows and oftener joys—why should it be required to pay its own way? Why it is absolute folly even to discuss it. [Applause.]

While I am very much delighted to know that the Department has decreased the deficit from \$17,000,000 to \$6,000,000, equal to about the increase last year in rural carriers' salaries, I am simply delighted because it shows honesty and good business ability, both on the part of the Department and the gentlemen who form this committee.

A few years ago the Department made an effort to get at the cost of rural delivery, not the cost on particular routes, but the average cost per route. It had to be an estimate to some extent, but it is almost exact. They found that they collected an average of \$120 per annum from the sale of stamps, and the returns from mails estimated to be delivered on each route was \$260, a total cost of \$380. To make it clear, the Government collected \$120 from the outgoing mail and \$260 from the incoming mail. The cost now outside of any expenses in the way of clerks in post-offices, is \$900 per route in the country, leaving an apparent deficit on every rural route of the difference between \$900 and \$380—\$520.

I come now to a question which I wish I had time to discuss at much greater length than I am going to this afternoon, the question of increasing the revenue from these routes and at the same time increasing their efficiency. I refer to the establishment of a parcels post limited to rural routes. I have introduced a bill on that subject, which I will read:

"A bill (H. R. 15458) providing for a parcels post for rural routes.

"Be it enacted, etc., That beginning July 1, 1908, there shall be a parcels post limited to 12 pounds on every rural route in the United States. Said parcels post shall be confined exclusively to the rural route upon which the parcel originates and its rural route connections, and shall not extend beyond said route upon which it originates and routes with which said route connects directly without the intervention of railway mail service, star route, messenger, or any other form of mail service.

"SEC. 2. That the rate of postage on such packages shall be 5 cents for packages weighing not more than 3 pounds, 7 cents for packages weighing not more than 5 pounds, 10 cents for packages weighing more than 5 and not more than 8 pounds, and 15 cents for all packages weighing more than 8 and not more than 12 pounds."

This bill speaks for itself and ought to become the law in some shape immediately. [Loud applause.]

Now, gentlemen, you may say what you please, and our friends on the other side of this aisle may dally over it as long as they please. The people of the country have had a taste of good mail service and they propose to have the best. To the people of the small towns, to the country merchants, and to the farmers this will be a boon unspeakable. It is theirs, and of right they ought to have it. [Applause.] And I may as well tell you they are going to have it. [Applause.]

And when they get it I may say that I made the first speech in Congress for it. I shall add to that, however, that I was only one of many who could and did give it to them. [Applause.] The people are determined on this question. A day or two since, a newspaper man asked my position on this question, and after I gave it to him, I inquired, "How many opinions have you got on it?" He was polling the House, and he said, "Out of two hundred and fifty-six I have only fifty." I know that many Members refuse to be polled on all questions. I often refuse, myself, but if you gentlemen are afraid to

express your opinions on this question you may just as well know now, as to find out in defeat later, that the people are going to have it if they have to send some one here in your places to get it for them. [Applause.]

Mr. SMITH of California. Will you allow an interruption?

Mr. GRIGGS. Why, certainly.

Mr. SMITH of California. How long do you think the people of this country would be satisfied with the limited parcels post that you have indicated? Or is that intended to be its ultimate object? I am not asking this for a catch question, but is it intended to be an entering wedge, that we may gradually extend into a universal parcels post?

Mr. GRIGGS. I will say to the gentleman that he can not ask me any catch questions, in the first place.

Mr. SMITH of California. I do not intend to.

Mr. GRIGGS. And he would not intend to, in the second place.

Mr. SMITH of California. That is what I said.

Mr. GRIGGS. I do not know. In my opinion it is not intended as an entering wedge.

Mr. SMITH of California. You say it is not?

Mr. GRIGGS. Not in my opinion; no. It is a convenience that the farmers and merchants of this country want; they need it, and it will increase the efficiency of rural delivery and decrease the net expense of rural delivery. [Applause.] I do not know what an entering wedge is, so far as that is concerned, because good legislation ought to be enacted whether or not it is an entering wedge into other legislation that some people do not want.

Mr. SMITH of California. I have had a good many farmers and villagers talk to me about the parcels post, and in favor of it, but I never in my life had one of them suggest a parcels post limited to the rural routes. I never had one of them intimate that he wanted a parcels post for the purpose of more convenient trading at home, but the idea has been that they may send off to Chicago and New York and other large centers for the things they do not find at the local stores.

Mr. HARDY. If this should prove an entering wedge, is there any reason on earth why the Government should not receive the profits of the parcels post up to 11 pounds instead of the express companies as they now exist?

Mr. GRIGGS. I will say to the gentleman on that question what I said a moment ago, that it does not matter to me whether good and proper legislation is an entering wedge to what some people may consider bad legislation in the future or not. I will let my friend make that statement if he desires to do so. I want to say this, however, simply as information which I happened to get the other day, the source of which I can not now disclose, but will if it is necessary, that at least one express company going out of Chicago has lately carried a package with the expressage prepaid on it by a large mail-order house to a town in Kansas, about 600 miles away, for 16 cents, the statement being made on the bill "we have paid the express charges because we can get a cheaper rate than you can." And certainly with a parcels post from Chicago to that town in Kansas, the cost of carrying that bundle by mail would have been as much as that.

Mr. HARDY. Another question. Is it not a fact that the express companies to-day, instead of lowering their rates per pound as a bundle increases in weight, actually raise the rate after it gets beyond 4 pounds now?

Mr. GRIGGS. I do not know about that. I am only telling what I know to-day. [Laughter.] I believe the parcels post to be one of the biggest and most pressing questions before this House, and I have tried not to talk any politics along with it. In fact, I have only had occasion to mention during this talk the dallying of my friends on the other side of that aisle about it. They will probably do with this as they did with rural free delivery. After Judge Moon and my good friend Mr. SPERRY, Judge FINLEY, General BINGHAM, Joe Sibley, and Tom Hedge—both of blessed memory—and several others of us had made rural delivery a pronounced success without an opponent anywhere in this broad land, the Republican convention met in Philadelphia and promised rural delivery to the people. [Applause on the Democratic side.]

And after we on this side establish the parcels post on rural routes I have not the slightest doubt that when you are making the next Republican platform you will promise to give the people of the United States a rural-delivery parcels post.

There are several of these bills introduced in the House. I have no personal pride in my bill. I would about as soon have the bill of the gentleman from Tennessee [Mr. SIMS] as to have mine. I do not think the Post-Office Department bill is the best one on the subject. It has too many words and says too little. This is a great fault with several of them. I do not like the

bill of the gentleman from Connecticut [Mr. HENRY], who has introduced three bills. He is too loose in his language. For instance, he provides at one point in the bill to limit the size of the parcels to that of an ordinary suit case. [Laughter.] Why, gentlemen, there isn't a postmaster in all the section of the gentleman from Tennessee [Mr. SIMS] that would know what that meant. [Laughter.]

Mr. SIMS. Was the gentleman from Georgia ever in my section of the country?

Mr. GRIGGS. I went to school in Nashville three years, graduated there, and passed through the gentleman's country several times going there. It is a beautiful country.

Mr. SIMS. The gentleman went very much out of his way.

Mr. GRIGGS. Why, in that part of the country they would call it "satchel." [Laughter.]

Mr. SIMS. If the gentleman will allow me one question. Is it not a fact that the bill I had the honor to introduce is the only one that provides for an increase in the rural carriers' salary, provided the parcels post is established?

Mr. GRIGGS. Yes.

Mr. SIMS. Does not the gentleman like that feature of it?

Mr. GRIGGS. Yes; I like all of the gentleman's bill.

Mr. SIMS. I thank the gentleman from Georgia, for his opinion has very great weight. And now he can say anything he pleases about me. [Laughter.]

Mr. GRIGGS. I was about to say that if my friend from Tennessee would take the extremely verbose first section out of his bill and insert mine, which the gentleman himself admits is very clear and concise, I will accept his bill and offer it as an amendment to the post-office appropriation bill just as soon as we get to it.

Mr. SIMS. Mr. Chairman, in view of the long service of the gentleman from Georgia, I would take any suggestion that would benefit my bill in the least. I want results and not words.

Mr. GRIGGS. That is right; I believe that. I have listened to many words and seen a great many good results from my friend from Tennessee on the floor of the House. [Laughter.]

Mr. Chairman, I have not all the time at my command to-day to discuss these matters as I would like to discuss them, but before I conclude, let me say that the greatest pride of my whole life is and shall always be the part I have played in the establishment of quick and prompt communication between the people of the towns and the country. Both are necessary to our civilization and our progress. Neither could long exist without the other. Happy is the man who never forgets either of the statements just made. The farmer is often the "forgotten man." Under the benign influence of the telephone and rural mail delivery the friction long existent between the town and the country is rapidly passing away. Add to these the blessing of the parcels post and the drift of our boys and girls to the towns will immediately change to the country, the great, broad, blessed country, where God always seems nearer and where communion with nature is easiest. [Loud applause.]

Mr. Chairman, I promised not to speak over thirty minutes, and I ask— [Cries of "Go on!" "Go on!" from all sides.] Gentlemen, I have really concluded the greater part of that which I desired to say, and ask permission only to add to my remarks—

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIGGS. I desire to include as part of my remarks a letter from the Postmaster-General to me:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 8, 1908.

MY DEAR CONGRESSMAN: It affords me great pleasure, in compliance with your request, to write you concerning the proposed extension of the parcel post.

It does not appear to be generally known that a comprehensive system of parcel post is at this moment in satisfactory operation in most foreign countries. The limit of weight fixed in a number of them is shown:

Great Britain, 11 pounds; Germany, 110 pounds; France, 22 pounds; Italy, 11 pounds; Chile, 11 pounds; New Zealand, 11 pounds; Austria, 110 pounds; Belgium, 132 pounds; The Netherlands, 11 pounds; Cuba, 11 pounds.

The parcel-post rate in all of these countries is lower, in many instances materially lower, than the rate (12 cents a pound) which has been recommended for the general parcel post in the United States.

The present rate on the general parcel post is 16 cents a pound for people in our own country, the limit of weight being 4 pounds, while the rate from the United States to twenty-nine foreign countries is 12 cents a pound, and the limit of

weight to 24 of these countries is 11 pounds. In order to have the rate consistent and more equitable the Department has recommended that on packages for delivery in this country it shall be the same as on those sent abroad, namely, 12 cents a pound, a reduction of 4 cents, and the weight limit 11 pounds, an increase of 7 pounds; also:

	Cents.
For 1 ounce.....	1
Over 1 ounce and not exceeding 3 ounces.....	2
Over 3 ounces and not exceeding 4 ounces.....	3
Over 4 and not exceeding 5 ounces.....	4
Over 5 and not exceeding 6 ounces.....	5
Over 6 and not exceeding 8 ounces.....	6
Over 8 and not exceeding 12 ounces.....	9
Over 12 and not exceeding 16 ounces.....	12

In my annual report I recommended, in addition to the foregoing, a local parcels post on rural routes, at the rate of 5 cents for the first pound and 2 cents for each additional pound or fractional part of an additional pound up to 11 pounds; and—

	Cents.
For 2 ounces or less.....	1
Over 2 and up to 4 ounces.....	2
Over 4 and up to 8 ounces.....	3
Over 8 and up to 12 ounces.....	4
Over 12 ounces and up to 1 pound.....	5

The object of this recommendation is to enable the local merchants to hold and increase their trade on the rural routes, to give to the farmers and patrons of these routes the accommodations which the machinery of the rural service, utilized to a greater extent than at present, will permit.

It is possible to offer these low rates for special local rural parcels post for the reason that, there being no railroad transportation, its operation would involve no additional expense. The necessary machinery is already in existence. There are over 38,000 rural routes in operation, supplying about fifteen millions of people, and even at the rates proposed it would require only three packages of the maximum weight to be taken out each trip over these routes in order to wipe out the deficit of the postal service. The increased cancellations would automatically raise the salaries of postmasters of the fourth class and the establishment of this special service would finally be instrumental in making the rural routes self-sustaining. The rural service will, in all probability, cost the Government this year \$34,000,000, an increase of \$10,000,000 over last year, and yet the benefits derived therefrom can not be measured in dollars and cents. A local parcels post on rural routes would aid in bringing about the improvement of the roads throughout the country, thus adding to the valuation of the farms, with increased accommodations afforded by the service and better roads. That it would be of material advantage to the retail merchant in competition with the mail-order houses is seen at once when it is pointed out that the latter, at the proposed general parcels-post rate of 12 cents a pound would be obliged to pay \$1.32 for sending an 11-pound package to a rural route patron, a difference in favor of the local storekeeper of about 10 cents a pound, or \$1.07 on an 11-pound package.

Objections have been raised in various quarters to the measures which the Department is advocating, and wherever these are not obviously the outcome of selfish motives they have been answered. Although no sound argument has yet been advanced in opposition, the contentions which have been made are not without interest. I mention the more important of them, at the same time giving the replies which they have elicited.

It has been stated that the Department is not equipped to deliver 11-pound parcels received in the general mails. The present regulations provide that where a package is of undue size or weight a formal notice shall be sent to the addressee to call for it. This practice would continue were the weight limit increased to 11 pounds in the case of offices having free delivery. Nor would it work a hardship, for under the present weight limit of 4 pounds the average weight of parcels sent through the mails is but one-third of a pound. Increasing the weight limit would not have nearly as great an effect on the average weight of parcels mailed as seems to be commonly supposed. Where parcels were addressed to persons living on rural routes they would, of course, be delivered by the rural carriers, who would not thereby be inconvenienced, to the boxes of the patrons.

It has been claimed that the special local rate recommended for packages handled on rural routes would eventually be made applicable to the entire postal service. The impossibility of this becomes apparent when attention is directed to the cost of railroad transportation, which has no part in the former service. About \$45,000,000 were paid last year for mail transportation and \$6,000,000 for postal cars.

Others have said that large mail-order houses would, under the proposed law, utilize the special parcel post on rural routes through agents to the great disadvantage of the country merchant. The Department recommends a provision which will prevent any such use of the routes; this is indicated by the clauses which have been underlined on page 2 of the inclosed draft of a bill. Even in the absence of a specific prohibition of this nature it should be remembered that any systematic attempt upon the part of a mail-order house to thus distribute its wares would necessitate the employment of many thousands of local representatives. The catalogues of these concerns show pretty plainly that they attribute their success in large measure to their remarkably low-selling expense, and that the absence of any sort of agents is the principal feature of their argument in accounting for the supposedly low prices of their goods.

The cry of "class legislation" has also been raised. There is, of course, no discrimination involved, for all who can be reached by rural carriers will be accommodated. It would be as logical to decry the laws which permit the delivery of mail to patrons living on rural routes, while persons differently situated are obliged to make a trip to a near-by post-office to obtain their letters.

Demands for a reasonable extension of the parcel post are being received from all sections of the country. Many commercial bodies formerly opposed to any action of this kind are now heartily in favor of it.

Believe me, faithfully yours,

G. V. L. MEYER.

Hon. JAMES M. GRIGGS,

Richmond Hotel, Washington.

I disagree with the Department in the rates proposed. I think they are too high. I include also a letter from Mr. George De Brosse, president of the rural carriers of Georgia, showing how the carriers and the people feel about the parcels post:

EDITOR UNION NEWS:

As you kindly invited me some time since to use your columns, I will now attempt to write.

I want to say in the beginning that the farmer and the rural letter carrier should be, in my humble opinion, very close to each other, and I assure you that we carriers are at all times willing to go to the extent of our authority to accommodate our greatest friends, the men who guide the plow.

The farmers want and need a parcels delivery at a low rate of postage to apply only over rural routes, and we rural carriers, seeing the need of this cheap parcels delivery and realizing the great convenience it would be to the man who plows, hoes, rakes, and mows, and during the busy season works from dawn to dark and has no time to go to town shopping, but nevertheless needs little articles from time to time. Knowing it will make our burden heavier, we are anxious for him to have this convenience. Why? Simply because we want the farmer to have as good service as possible, though it does work us harder. We want the rural free-delivery service to come as near giving the rural citizens the conveniences of the city as is possible.

We rural carriers are proud of the service and want to make it the very best possible. We want the farmer to have his daily paper and market reports with his noon meal and to be able to dispatch letters to his relatives and friends promptly. We want him to be able to have small parcels delivered at his door at a nominal cost.

Therefore we, at our last national convention, indorsed the proposed plan of Postmaster-General Meyer for a parcels delivery for rural routes, and we want it to speedily become effective.

Now, then, we want good roads over which to haul these parcels, and we want our friends and patrons, the farmers, to help us secure better roads. Good roads are more beneficial to the farmers than anyone else, because his crops are marketed over the country highways. It is not necessary to assert that good roads enhance the value of property which is situated on them. This is a well-established fact. All roads traveled by rural free-delivery carriers should by all means be made public roads, and the carriers of Georgia are anxious that some action be taken to effect this. And if the farmers appreciate the rural free-delivery service like they think they do, I think we will have their cooperation in obtaining this. As much as we love our patrons, we are forced to acknowledge that some farmers are awfully careless about what kind of roads their carrier has to travel. I know some who make the public highway a dumping ground for grubs, roots, brickbats, old bones, plows, fence rails, etc., and would not cut a fallen tree out of the carrier's way so he could pass unless they

paid for it. When I find a man like this, I know he does not appreciate the splendid mail service he is getting. However, this is the exception and not the rule. Now, brother farmer, we want to give you the best service possible and want your help and cooperation.

With best wishes for the Union News and the Farmers' Union of Georgia.

Yours, truly,

GEORGE DE BROSSÉ,

President Rural Letter Carriers' Association of Georgia.

Mr. OVERSTREET. Mr. Chairman, I now yield thirty minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I call attention to the fact that the gentleman from Georgia [Mr. GRIGGS] and the gentleman from Connecticut [Mr. SPERRY] are engaged in settling the parentage of the rural free delivery. [Laughter.] Mr. Chairman, every session when a Member of Congress comes into this Chamber, he finds in his desk the most beautiful volume issued by this Government. Sometimes it is bound in brown, sometimes in red, and sometimes in green. This year it is bound flexibly in black; it is made up of Jefferson's Manual, the rules of the House, the Constitution, and a digest of the practice and rules of the House. It seems to be the same every year, viewed casually and superficially, but as a matter of fact, it is not the same every year. Scrutiny will show that it changes, and the book that I hold in my hand to-day is not an exact copy of the book that we found here a year ago.

Here is one addition that I wish to call attention to. On page 718 in the Digest of the Practice and Rules of the House it reads as follows:

Instance wherein, on a motion to suspend the rules, the House ordered the Clerk to incorporate in the engrossment of a general appropriation bill already passed a provision embodying legislation.

That is a rock, Mr. Chairman. The long path of possible legislation in Washington is a narrow one; it is dark and tortuous; it has a rocky bottom and jagged sides. It is a far cry from the wide portals of the little wicker basket where a bill is introduced to the moving finger which approves at the other end of the avenue. And, believing as I do, that I was indirectly instrumental in adding one jagged rock to that narrow pathway to tear the bleeding feet of some weary wayfarer in another Congress, I regret it. [Applause.] Because the little rule of practice which I read will be in the future a rock to some weary foot, and it is significant of another thing which I am going to use as my text, something out of the post-office appropriation bill and apropos to this hour.

For the purpose of weighing the mails the country is divided into four sections, and a weighing takes place once in each section every four years. Last year the mail was weighed in the third section. By reason of the use of a new divisor in the Department, a change Congress refused to make and the Department made itself, the pay in that section is \$1,787,378.10 less this year than it would have been had the old divisor been used—a 9.65 per cent decrease. In the same section the decrease in pay by reason of the change by Congress last year in rates for weights above 5,000 pounds is \$759,145.88, or 4.10 per cent.

Over all sections, when the changes shall have been made, the use of the new divisor will make a decrease of \$4,619,285.85 per annum, the law changing the rates makes a change of \$1,740,494.63 per annum, the law reducing railway post-office pay makes a change of \$935,974.09, and the effect of the withdrawal of equipment will make a change of \$805,679.13. Altogether, then, the pay for the carriage of the mails will have been reduced, when all sections have been weighed, to the extent of \$8,101,433.70 per annum.

Over 50 per cent of this decrease is due to the use of the new divisor, and the Department should be congratulated upon its use.

I maintain that the practice of taking the average daily weight by weighing the mails for seven days and then dividing by six was in gross error, not mitigated in the least because it obtained for thirty-four years.

I have shown that the general per cent of decrease by its use is 9.65. But that does not tell the story precisely. On the larger routes, which get the bulk of mail and the heavy pay, the rate of decrease, by reason of the corrected divisor, is much greater.

Take, for example, route No. 13095, being the Lake Shore and Michigan Southern Railroad from Buffalo to Chicago. The use of the corrected divisor in that instance makes a difference of 12.19 per cent—that is, we are paying on that one route \$280,904.93 per annum less than we would have paid had not the corrected divisor been adopted. If the old divisor had been used we would have paid this one route in the next four years \$1,123,000 more than we will pay it.

The question has been asked if the reductions have impaired in any way the efficiency of the service. The representative of the Department has answered that the Department does not believe the reductions have impaired the service.

I desire to ask leave to print in connection with what I have just said two tables, one showing the amount of decrease in pay incident to the divisor and change of law in all four sections, and the second a table showing the effect of the same agencies upon a single route.

I also desire to print the opinion of the Attorney-General on the divisor at the conclusion of my remarks.

Now, Mr. Chairman, there are other considerations brought out in the story of the divisor which are much more serious to me than any expenditure of money, and they relate to the processes of legislation.

Let me by way of preface relate the legislative history of the divisor in the Fifty-ninth Congress. On December 11, 1906, I put before the House the fact that for thirty-four years the Department had been weighing mails for seven days, in respect to over 90 per cent of the weight of mails, and to get an average daily weight had been dividing by six, omitting Sunday in the divisor, including Sunday weights in the dividend, and so securing an enlarged and erroneous quotient.

A short time thereafter the then Second Assistant Postmaster-General, W. S. Shallenberger, put before the House Committee on Post-Offices and Post-Roads a defense of the practice, concluding a long document in these words:

In view of this condition of the service, the intention of the law as disclosed by the history of the subject and the practice and construction placed upon it by the executive officers who were charged with its execution, of the contemporaneous declaration that in this respect the law adopted the practice which existed before its passage, and of the long-continued and unbroken maintenance of this construction upon the highest legal authority, I have to submit that the average daily weight as ascertained by the existing practice of the Department is the correct one contemplated by the statute.

This being the position of the officer in charge of the matter, the majority of the committee in the regular appropriation bill reported a paragraph containing three items in regard to railway mail pay. The paragraph was as follows:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mails on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following reductions from the present rates per mile per annum for the transportation of mails on such routes: On routes carrying their whole length an average weight of mails per day of more than 5,000 pounds and less than 48,000 pounds, 5 per cent; 48,000 pounds and less than 80,000 pounds, 10 per cent; and \$19 additional for every additional 2,000 pounds: *Provided*, That hereafter the average weight per day be ascertained, in every case, by the actual weighing of the mails for such a number of successive days, not less than one hundred and five, at such times and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct: *Provided further*, That hereafter, at the time of the weighing of the mails at the periods required by law, empty mail bags shall not be weighed nor taken as any part of the total weight of the mails in estimating the pay for transportation of said mails.

These were all changes of law and subject to points of order. In the divisor proviso the word "working" had been omitted, as the Department based the practice of a lesser divisor on its existence.

On February 18, 1907, it was moved to suspend the rules and pass the following resolution:

Resolved, That immediately upon the final passage of the bill (H. R. 25483) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, it shall be in order in the House to offer the following, under the conditions prescribed in Rule XXVIII, covering suspension of the rules:

Ordered, That in the engrossment of the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, the Clerk be directed to insert after the paragraph of appropriation "for inland transportation by railroad route, \$44,660,000," the following:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds; and on routes carrying their whole length an average weight of mail per day of more than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds up to 48,000 pounds, and for each additional 2,000 pounds in excess of 48,000 pounds at the rate of \$19.24 upon all roads other than land-grant roads, and upon all land-grant roads the rate shall be \$17.10 for each 2,000 pounds carried in excess of said 48,000 pounds.

"That after July 1, 1907, additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding \$25 per mile per annum for cars 40 feet in length and \$27.50 per mile per annum for 45-foot cars, and \$32.50 per mile for 50-foot cars, and \$40 per mile per annum for cars 55 feet or more in length."

This resolution contained two of the four propositions reported out of committee, one of them changed to some extent. It was offered individually. It provided that after the bill had finally passed, a clerk could then add to the bill two provisions of great moment. The resolution was adopted by the House.

Later the House, in the Committee of the Whole, began the reading of the bill under the five-minute rule, and on February 20 I offered the following amendment to the item of railway mail pay.

Provided, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such mails have been weighed.

I did not believe this was a change of law or was subject to a point of order. The Chairman of the Committee of the Whole sustained the point of order made against it. I appealed from the decision of the Chair. There were 72 votes for sustaining the Chair and 14 against.

Immediately after the paragraph containing the three provisions in the bill as reported by the committee went out on points of order.

Later on the same day the Committee on Rules submitted a privileged report restoring, in an amendment to the bill, a large number of items relating to the pay of employees, items which had gone out of the bill on points of order. No item relating to railway mail pay was submitted by the Committee on Rules.

Later in the same day the bill was reported by the Committee of the Whole to the House and was ordered to be engrossed for a third reading, and being engrossed, in the language of the Record, it was read the third time and passed. Then a motion was made to suspend the rules and pass the following order:

Ordered, That in the engrossment of the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, the Clerk be directed to insert after the paragraph of appropriation "for inland transportation by railroad route, \$44,660,000," the following:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds; and on routes carrying their whole length an average weight of mail per day of more than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds up to 48,000 pounds, and for each additional 2,000 pounds in excess of 48,000 pounds at the rate of \$19.24 upon all roads other than land-grant roads, and upon all land-grant roads the rate shall be \$17.10 for each 2,000 pounds carried in excess of said 48,000 pounds.

"That after July 1, 1907, additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding \$25 per mile per annum for cars 40 feet in length and \$27.50 per mile per annum for 45-foot cars, and \$32.50 per mile for 50-foot cars, and \$40 per mile per annum for cars 55 feet or more in length."

It is presumed that the Clerk, after the final passage of the bill, added the items. They appeared in the bill when it went to the Senate. There a divisor amendment offered by Senator LA FOLLETTE was inserted without debate. When the bill reached the House an attempt was made to adopt the Senate bill and retain the divisor, but the rules were suspended and a conference asked. The usual procedure is to ask unanimous consent. The divisor provision went out in conference.

On March 2, 1907, the Postmaster-General, Mr. Cortelyou, issued the following order:

That when the weight of mail is taken on railroad routes, the whole number of days the mails are weighed shall be used as a divisor for obtaining the average weight per day.

On June 7, 1907, the Postmaster-General, Mr. Meyer, issued the following order:

That when the weight of mail is taken on railroad routes, the whole number of days included in the weighing period shall be used as a divisor for obtaining the average weight per day.

The Attorney-General was asked to give his opinion on this order, and on September 27, 1907, he did so, affirming the order of June 7, 1907. And the divisor was applied.

Keeping in mind the legislative procedure in this instance, Mr. Chairman, I desire to call the attention of the House to this circumstance: The House itself voted the procedure. In every legislative step taken not a majority, but two-thirds made up of Members of both sides of the Chamber, decided to keep in the bill, against points of order and outside the possibility of amendment or debate, two propositions which were debatable reductions and at the same time to pillory one reduction, that of the divisor, which was virtually self-evident. To do this the House had to depart from ordinary order and to adopt extraordinary order, in fact no order at all, for the insertion of matter into a bill after its final passage is not a legislative procedure.

This was not done by the Committee on Rules. It was not done as an indorsement of any committee's research and reported judgment.

Every day on both the Republican and Democratic sides of this Chamber in legislation the word is bruited about: "Vote with the committee. The committee knows. It has investigated." This is the first thing, by the way, the new Member, with a confusion of subjects pressing upon him, hears in this Chamber. In this case, the majority report of the committee was for four provisions in the reduction of mail pay, three of them incorporated in a single paragraph. But the House did not vote with the committee.

There was no partisan exigency upon the House. The vote was not partisan.

The four propositions were in the bill, placed there in committee. In ordinary procedure they would have gone out on points of order. They would have fallen together and they could have come up in a separate bill for the consideration of the House and not subject to a point of order.

Was the House as a whole opposed to the corrected divisor? I do not believe so. The House was offered the same old legislative half loaf. It was not offered and it could not have had the selection of either half. It was offered the one-half, and it was told to take that or nothing. It took the half loaf because it had to take it.

Why? Was it because of the system of legislative procedure here? Under that system is the vitality of initiative in the individual in his representative capacity growing, or is it diminishing year by year?

The individual has his share of the responsibility in a majority vote, and I am not speaking in a partisan way, but he has little or no voice in determining the question upon which he shall vote, except in purely partisan matters. For there is more latitude to the individual, more right of initiative in the politi-

cal caucuses of both sides of this Chamber than there is in the House in matters of moment in ordinary legislation.

The very rules by nature force a process of narrowing control. It is not confined to the side of the partisan majority, for I have seen, since my service began in this House, the minority leader remove, by refusing to reappoint, members of his party from a committee because they had opinions differing from that of a majority of the minority on the committee.

Any committee of the House which handles appropriations is supposed to be powerful. These committees have been called "little legislatures." Such a committee investigates and, with the power of initiative, which with the right of prior recognition is nine points in legislation as possession is in law, brings to the whole House a measure which has the protection of all the powerful machinery of the House in privilege, in recognition, and in securing favorable attendance. But the committee can, with narrowing control, lose its own power to its chairman, and the House, weakening in its power of resistance to the temptation of the half loaf, will upon occasion follow a chairman individually rather than the committee.

I believe that this system of legislative procedure can not last; that it has in it the error which will correct it, and that there will come in the train of the correction not disorder, but order.

That it should come is, to my mind, of much more importance than any single item of expenditure. How it will come I do not know, but I believe that its first manifestation will be a public demand for simplification of the rules, for the election of the Committee on Rules by the House, and for a larger membership of the committee, and eventually a demand that the doors of all committee rooms be opened, that all proceedings in committee and all votes in committee be recorded and be made accessible to the membership of the House and to the public. [Applause.]

Amount of decrease in pay incident to the divisor and change of law in all four sections.

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 of 1907, railway post-office pay.	Rate of per cent.	Effect on withdrawal of equipment.	Estimated rate of per cent.
First.....	\$690,945.45	9.65	\$547,900.01	5.33	\$239,670.49	17.59	\$181,758.00	1.77
Second.....	446,600.78	9.65	70,192.45	1.52	85,196.85	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	255,700.04	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

Buffalo, N. Y., to Chicago, Ill.—Lake Shore and Michigan Southern Railway Company. (Route No. 13095.)

	Average daily weight.	Rate per mile, transportation.	Length of route.	Rate per annum, transportation.	Rate per cent decrease.	Rate per annum, R. P. O.	Rate per cent decrease.
Rate under old law and based on use of old divisor.....	Pounds. * 401,495	\$1,408.38	522.40	\$2,302,037.71	-----	\$273,939.25	-----
Rate under new law and based on use of new divisor.....	* 344,139	3,455.69	522.40	1,895,252.45	-----	224,545.64	-----
Decrease consequent upon use of new divisor and effect of law of March 2, 1907.....	-----	-----	-----	497,685.26	21.61	49,393.61	16.03
Rate under law of March 2, 1907, on average daily weight obtained by use of old divisor.....	* 401,495	3,993.41	522.40	2,083,157.88	-----	224,545.64	-----
Decrease consequent upon law of March 2, 1907, on average daily weight obtained by use of old divisor.....	-----	-----	-----	216,780.33	9.41	49,393.61	18.03
Decrease consequent upon use of new divisor alone.....	-----	-----	-----	280,004.93	12.19	-----	-----

* 90 days.

* 105 days.

ORDER OF THE POSTMASTER-GENERAL.

Order No. 412. OFFICE OF THE POSTMASTER-GENERAL, Washington, D. C., June 7, 1907.

Ordered, that order 165, dated March 2, 1907, be, and the same is hereby, amended to read as follows: "That when the weight of mail is taken on railroad routes, the whole number of days included in the weighing period shall be used as a divisor for obtaining the average weight per day."

G. V. L. MEYER, Postmaster-General.

OPINION OF THE ATTORNEY-GENERAL IN THE MATTER OF COMPENSATION OF RAILROAD COMPANIES FOR CARRYING THE MAILS, ETC.

DEPARTMENT OF JUSTICE, Washington, September 27, 1907.

The POSTMASTER-GENERAL.

SIR: I have the honor to acknowledge your request for an opinion as to the legality of order No. 412 of your Department, issued June 7, 1907, and of order No. 165, for which it was a substitute. I learn from you that these orders are as follows:

Order No. 165, dated March 2, 1907:

"That when the weight of mail is taken on railroad routes, the

whole number of days the mails are weighed shall be used as a divisor for obtaining the average weight per day."

Order No. 412, dated June 7, 1907:

"When the weight of mail is taken on railroad routes, the whole number of days included in the weighing period shall be used as a divisor for obtaining the average weight per day."

The statutes which appear to bear directly on the subject are the following:

Section 4002 of the Revised Statutes (from the act of March 3, 1873, 17 Stat., 558):

"Sec. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates herein-after mentioned.

"First. That the mails shall be conveyed with due frequency and speed and that sufficient and suitable room, fixtures, and furniture in a car or apartment properly lighted and warmed shall be provided for route agents to accompany and distribute the mails.

"Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, \$50; 500 pounds, \$75; 1,000 pounds, \$100; 1,500 pounds, \$125; 2,000 pounds, \$150; 3,500 pounds, \$175; 5,000 pounds, \$200; and \$25 additional for every additional 2,000 pounds, the average weight to be ascertained in every case

by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

Post-office appropriation act of March 3, 1875 (18 Stat., 341), following an appropriation for inland mail transportation by railroad:

"* * * And out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay the expenses of taking the weights of mails on railroad routes, as provided by the act entitled 'An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874,' approved March 3, 1873; and he is hereby directed to have the mails weighed as often as now provided by law by the employees of the Post-Office Department and have the weights stated and verified to him by said employees under such instructions as he may consider just to the Post-Office Department and the railroad companies."

Post-office appropriation act of March 3, 1905 (33 Stat., 1088), following an appropriation for inland mail transportation by railroad:

"Provided, That hereafter before making the readjustment of pay for transportation of mails on railroad routes the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, at such times after June 30, 1905, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

The acts of July 12, 1876 (19 Stat., 79), June 17, 1878 (20 Stat., 142), and March 2, 1907 (35 Stat., 1205-1212), make certain changes in the rates of compensation, but none in the method of ascertaining the average daily weight of mail transported.

Were this question *res integra*, I should not consider it one of much difficulty. United States Revised Statutes 4002 fixes a rate of yearly pay per mile of track used to transport the mails, determined by the "average weight of mails per day" carried the entire length of the route. I see no escape from the conclusion that this means the average weight per day during a year; so that if on a particular route there were thus carried on one day 365,000 pounds and on the remaining 364 days nothing at all, the "average weight of mails per day" on which the annual compensation should be calculated, would be 1,000 pounds. If, therefore, it had been deemed practicable or advisable to weigh all the mails transported by rail every day of the year there could have been, to my mind, no doubt as to how the "average weight per day" would be determined, whether the mails were so carried on 365 days or on 313 or on 156 or on 12 or, as above suggested, on 1 day, their aggregate weight would have been added up and divided in all cases alike, by 365.

It is, however, often impracticable without unreasonable labor to ascertain a strictly accurate average, and in such cases a conventional average is frequently established by law, agreement, or custom which is nearly enough right for all practical purposes and can be ascertained with vastly less trouble. A familiar example of this practice is the calculation of interest on a current bank balance. For this to be absolutely correct the balances due on every day of the year would have to be determined, added up, and divided by the whole number of days, i. e., 365, which, in the case of, say, a savings bank with many thousands of small accounts might involve an expense altogether disproportionate to the amount of the interest. It is therefore customary to ascertain the balances on a comparatively small number of days, often twelve, throughout the year, average these, and assume the result to be the average annual balance for the purpose of calculating interest.

It seems to have been, or to have been thought, unreasonably burdensome to require the mails to be weighed every day of the year, and the Congress, by the acts of March 3, 1873, and March 3, 1905, above noted, prescribed conventional methods of ascertaining the average weight. The methods are thus stated:

Act of March 3, 1873:

"* * * the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

Act of March 3, 1905:

"* * * the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, at such times after June 30, 1905, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

It will be noted that these two acts say nothing about "divisors," and indeed do not profess to deal with the method of computation at all. How, from the statement of weights, he should obtain the result sought—that is to say, the daily average for a year on which the compensation was to be based—was a matter left to the discretion of the Postmaster-General. The Congress said to him only: "You need not cause the mails to be weighed every day of the year to ascertain the average weight per day during the year. You may, if you so choose" (for, it is to be observed, the law is permissive merely; the Postmaster-General, if he has money enough, may order the mails to be weighed for three hundred and sixty-five days). "You may, if you choose, weigh the mails only thirty" (now ninety "days of each year, and only once in four years; but if you do this, the days selected must be *working days* and must be *successive*."

It is important to determine the meaning of the words lastly above italicized. It is said that "working days" has been consistently interpreted by the practice of your Department to mean "week days." I do not think this statement can be sustained, for I am informed by you that prior to the act of 1905 the practice had been to weigh the mails on thirty-five consecutive days, thus including five Sundays. Now, I think, the law is on one point, at all events, perfectly clear: The mails are to be weighed on "working days" and on "working days" only; the use of the word "successive," instead of "consecutive," or some term of similar import, harmonizes exactly with this literal and, to my mind, unavoidable interpretation of the remaining words used. If, therefore, "working days" are to be read "week days," the practice of your Department, in thus weighing the mails on five Sundays, has been altogether illegal. If, however, the meaning of "working days" be "days on which mails are carried," the practice, to this extent, has been legal and in accord with what I believe to be the true intent of the law. As the practice of any of the great Executive Departments must always be assumed, so far as such assumption be possible, to rest upon a consistent and tenable view of the law, it is, I think, fair to say that the practice of the Post-Office

Department, as contradistinguished from the language sometimes used by prominent officials in the course of the prolonged discussion of questions connected with this subject-matter, sustains the view that the words "working days" mean "days on which the carrier does work for the Post-Office," and not "week days;" and this I regard as clearly the true interpretation of the law.

It would seem, however, that an error has crept into the practice of your Department, as hereinafter stated, in the method of dealing with the information furnished through weighing the mails for at least thirty, now ninety, working days. As above noted, the obvious purpose of this provision is to relieve the Postmaster-General from the necessity of weighing the mails for every working day of the year; nor does it require that the number of working days on which the mails are weighed shall be the same in the case of every carrier, although in none may they be less than thirty, now ninety, or other than "successive." Moreover, it in no wise changes the purpose of the inquiry, which, as above explained, has always been to ascertain a fair average per day during a year; not, of course, a fair average per day during seven or thirty or thirty-five or ninety or one hundred and five days, or any other fraction of a year. Having obtained from the results of the weighing such information as it can furnish as to the fair average weight for a "working day," it is left to the Postmaster-General to so deal with this information as to determine from it by appropriate calculations what would be a fair daily average for the ends of the law, i. e., as a basis for an annual compensation. It is obvious that from the mere weighing (which is all the law prescribes), standing alone, nothing would be determined as to the average. The Postmaster-General must therefore do something not mentioned in the statute to ascertain this, and although this matter is left to your discretion, and you are, of course, in no wise bound by any views expressed in this opinion regarding it, I think it may conduce to clearness if I here indicate what form of calculation appears to me best adapted to attain the ends of the law. We may suppose three railroads, of which one serves the mails seven, one six, and one three days in each week, and that the aggregate results of the weighing, divided by the number of days on which, in each case, the mails have been weighed, shows in each a daily average per working day of 1,000 pounds. In determining for each the fair average per day during a year, no change is needed in the figures for the first; those for the second should be reduced by one-seventh, and those for the third by four-sevenths; so that the first would be 1,000 pounds, the second 857.14 pounds, the third 428.57 pounds.

I have said that I should consider the question involved in your request one of no great difficulty were it a new one. Such, however, is not the case.

Prior to the issuance of order No. 165 on March 2, 1907, the uniform practice of the Post-Office Department, except for a short period in 1884, as hereinafter stated, in determining the average daily weight of mail transported on railroad routes, appears to have been to have such mail weighed for a period covering not less than thirty successive working days (which term had been alleged to mean thirty successive week days, and therefore made such weighing period cover at least five weeks, or thirty-five days), and in every case, whether the mail was carried and weighed three, six, or seven days of the week, to divide the total weight thus ascertained by the number of working or week days in such period—that is to say, thirty. Thus in the case of a route on which the mail was carried three days of the week the weight was taken on such days for five weeks and the aggregate of the fifteen weighings divided by thirty to obtain the daily average. The same process was followed for thirty or thirty-five weighings, respectively, in the cases of routes on which the mail was carried six and seven days of the week. The average obtained was described as a "working" or "week" day average and not considered a daily average; but with regard to Sunday carrying roads it was evidently neither.

This practice, it appears, grew out of an effort to compensate the Sunday carrying roads for facilitating the transmission of the mails. It was thought that if the weight of mails carried on Sundays had been omitted in the case of such roads they would not only have received no compensation for carrying the same, but would have suffered an actual loss by reason of their diligence, because by delaying the same until Monday it was said that they could have had such mail weighed in on that day.

In a letter from the Second Assistant Postmaster-General to C. Jay French, superintendent railway mail service, fifth division, dated March 24, 1876, there are the following instructions:

"The mails are to be weighed for the given number of successive working days (thirty in the weighing to which these instructions particularly relate), and in case mails are carried on any route also on Sundays, returns of the weights of such Sunday mails are to be furnished in the same manner as the others, to be included in consolidating the returns for the period, the object being, as you are aware, to obtain a fair average of the service for the working year. On the other hand, if mails are conveyed less frequently than every working day, the period of the weighing is not to embrace more than the given number of working days, counting both those on which the mails are conveyed and those on which they are not, the object being the same as in the other case."

On September 18, 1884, Postmaster-General W. Q. Gresham issued order No. 44, as follows:

"That hereafter when the weight of mails is taken on railroad routes performing service seven days per week the whole number of days the mails are weighed, whether thirty or thirty-five, shall be used as a divisor for obtaining the average weight per day."

Postmaster-General Gresham retired in October, 1884. Postmaster-General Frank Hatton, who succeeded him, submitted the question to the Attorney-General, his letter and the reply thereto being as follows:

OCTOBER 22, 1884.

SIR: The act of March 3, 1873 (17 Stat., p. 558), regulating the pay for carrying the mails on railroad routes, provides * * * "That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, \$50; 500 pounds, \$75; 1,000 pounds, \$100; 1,500 pounds, \$125; 2,000 pounds, \$150; 3,500 pounds, \$175, etc. * * * ; the average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty, * * *"

Upon a large number of the railroad routes mails are carried on six days each week—that is, no mails are carried on Sunday. On others they are carried on every day in the year.

It has been the practice since 1875, in arriving at the average weight of mails per day on these two classes of service, to treat the "successive working days" as being composed of the six working or secular days in the week, which is explained by the following illustrations:

Two routes, No. 1 and No. 2, over each of which 313 tons of mail are carried annually:

On route No. 1 mails are carried twice daily, except Sunday, six days per week, and are weighed for thirty successive working days—covering usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum	-----miles	1,252
Weight per mile of road per annum	-----tons	313
Pay per ton per mile of road per annum	-----cents	37.92
Pay per mile run	-----do	11.9
Rate of pay allowed per mile per annum	-----	\$150

On route No. 2 mails are carried twice daily, seven days per week, and are weighed for thirty successive working days and for the intervening Sundays, the weight on the Sundays being treated as if carried on Mondays, the weighing, as before, covering usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum	-----miles	1,460
Weight per mile of road per annum	-----tons	313
Pay per ton per mile of road per annum	-----cents	47.92
Pay per mile run	-----do	10.2
Rate of pay allowed per mile per annum	-----	\$150

I have thought it necessary to give the foregoing illustrations in order that the practice of this Department under the law cited may readily appear, and I will thank you to advise me whether that practice is in compliance with or in violation of the statute. If not in conformity with the law, will you please indicate the correct method by which the average weight per day should be obtained and the compensation adjusted thereon.

Very respectfully,

FRANK HATTON,
Postmaster-General.

HON. B. H. BREWSTER,
Attorney-General, Department of Justice.

DEPARTMENT OF JUSTICE, October 31, 1884.

SIR: I have considered your communication of the 22d instant, requesting to know whether the construction placed by the Post-Office Department on section 4002, subordinate section 2, prescribing the mode in which the average of the weight of mails transported on railroad routes shall be ascertained is correct, and am of opinion that that construction is correct, and that a departure from it would defeat the intention of the law and cause no little embarrassment.

I have the honor to be, your obedient servant.

S. F. PHILLIPS,
Acting Attorney-General.

The POSTMASTER-GENERAL.

The above letter from the Acting Attorney-General is taken from Opinions of Attorney-General, Volume VIII, page 71. While it is there stated that it was signed by S. F. Phillips, the original, received at the Post-Office Department, is signed by William A. Maury.

Postmaster-General Gresham's order was revoked January 16, 1885. This order had evidently in view the same purpose as order No. 165.

We have here, then, a case where the practical interpretation placed upon the act of Congress of March 3, 1873, in regard to obtaining the daily average weight of mail upon railroad routes by the Post-Office Department has been, except for a few months, unbroken for thirty-five years, although its correctness was authoritatively challenged. It also appears that while Congress, in 1876 and 1878 and again in 1907, provided for a reduction in the maximum rates established by the act of March 3, 1873, it made no change in the provision as to obtaining the average weight. It further appears that in 1905 Congress reenacted that provision in exactly the same language, except that "ninety" was substituted for "thirty."

Moreover, it should be noted that the post-office appropriation bill (H. R. 25483) reported to the House on February 6, 1907, provided:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mails on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following reductions from the present rates per mile per annum for the transportation of mails on such routes; On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds, 5 per cent; 48,000 pounds and less than 80,000 pounds, 10 per cent, and \$19 additional for every additional 2,000 pounds: *Provided*, That hereafter the average weight per day be ascertained in every case by the actual weighing of the mails for such a number of successive days, not less than 105, at such times and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct: *Provided further*, That hereafter, at the time of the weighing of the mails at the periods required by law, empty mail bags shall not be weighed nor taken as any part of the total weight of the mails in estimating the pay for transportation of said mails."

The accompanying report from the Committee on the Post-Office and Post-Roads and two minority reports discussed the question very fully and showed clearly the intention on the part of the committee, that, in the words of its report—

"In computing the average weight of mail carried per day, the whole number of days such mail may be weighed shall be used as the divisor."

On February 20, 1907, while the House in Committee of the Whole was considering the post-office bill, the following amendment was offered by Mr. MURDOCK to follow the provision "For inland transportation by railroad routes, \$44,000,000:"

"*Provided*, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such mails have been weighed."

A point of order was made against this amendment on the ground that it changed existing law. The Chair sustained the point, observing (41 Cong. Rec., 3471):

"The CHAIRMAN. The existing law has received a construction by the officers charged with the duty of administering it, and that construction the Chair feels bound to follow. The proposed amendment changes existing law as construed by the proper officer, by changing the divisor. This is in the guise of a limitation; but it has been held over and over again here that a limitation is negative in its nature and may not

include positive enactment establishing rules for executive officers. It has been held further that while limitation may provide that a part of an appropriation shall not be used except in a certain way, yet the restriction of executive discretion may not go to the extent of an imposition of new duties. And the limitation on the discretion exercised under the law by a bureau of the Government is a change of existing law. The decisions on the question of limitation, the attempt to draw a well-defined distinction between changes of existing law and a proper limitation, are among the most difficult questions that the Chair is ever called upon to decide."

Upon appeal from the decision of the Chair its ruling was sustained. (Id., 3472.)

Later on the same day the provision of the bill above quoted directing the Postmaster-General to readjust the compensation to be paid from and after July 1, 1907, for the transportation of the mails on railroad routes, which included the proviso "That hereafter the average weight per day be ascertained, in every case, by the actual weighing of the mails for such a number of successive days," etc. (the word "working" being omitted), also went out upon a point of order (41 Cong. Rec., 3473). Subsequently, on the same day, the rules were suspended, and this provision, without the proviso as to obtaining the average, was inserted and became the law. (Id., 3494.)

The principles of law bearing upon the solution of the matter under consideration in this aspect are settled by decisions of the Supreme Court of the United States.

It has been held that where the meaning of a statute is doubtful or ambiguous the practical construction placed upon it by the Department of the Government charged with its administration, if contemporaneous, uniform, and long continued, although not deemed controlling on the courts, is to be treated with respect and will ordinarily be followed. (*Brown v. United States*, 113 U. S., 538; *United States v. Philbrick*, 120 U. S., 52; *Robertson v. Downing*, 127 U. S., 607; *United States v. Alabama R. R. Co.*, 142 U. S., 615.)

In the last-mentioned case, which involved the question of compensation to railroads for carrying the mails, the court said:

"It is a settled doctrine of this court that, in case of ambiguity, the judicial department will lean in favor of a construction given to a statute by the Department charged with the execution of such statute, and, if such construction be acted upon for a number of years, will look with disfavor upon any sudden change whereby parties who have contracted with the Government upon the faith of such construction may be prejudiced."

But the true scope of this principle is illustrated by a considerable number of cases in which the court has refused to adopt the departmental construction of a statute. In these cases the court has said that such departmental construction is without weight where the statute is clear and explicit and free from ambiguity or doubt. (*Swift Co. v. United States*, 105 U. S., 691, 695; *United States v. Graham*, 110 U. S., 219, 221; *United States v. Tanner*, 147 U. S., 661, 663; *United States v. Alger*, 152 U. S., 384, 397; *Studebaker v. Perry*, 184 U. S., 258, 268-269.)

In *Swift Co. v. United States*, the court says:

"There is no serious question raised as to the proper construction of the internal-revenue acts upon the point, it being virtually admitted that the contention on the part of the appellant upon the provisions of the statutes is correct."

"It is met, however, in the opinion of the Court of Claims, and in argument on behalf of the Government here, that the contrary construction, to pay these commissions in stamps at their face value, has been acted upon by the Commissioner of Internal Revenue from the beginning, has been acquiesced in by purchasers and dealers, and has never been changed by Congress; and as an official practice has thus acquired the force of law, or if not, then, at least, it was a course of dealing, well known to the appellant, and acquiesced in, by which it accepted stamps at their face value in payment of its commissions, which it is not at liberty now to open, question, and reverse."

"The right construction of the internal-revenue acts upon the point of the allowance of commissions to dealers in proprietary articles, purchasing stamps made from their own dies, and for their own use, is too clear to bring the case within the first alternative. The rule which gives determining weight to contemporaneous construction, put upon a statute, by those charged with its execution, applies only in cases of ambiguity and doubt. (*Edward's Lessee v. Darby*, 12 Wheat., 206; *Smythe v. Fiske*, 23 Wall., 374; *United States v. Moore*, 95 U. S., 760; *United States v. Pugh*, 99 Id., 265.)"

In *United States v. Alger*, the court says:

"If the meaning of that act were doubtful, its practical construction by the Navy Department would be entitled to great weight. But as the meaning of the statute as applied to these cases appears to this court to be perfectly clear, no practice inconsistent with that meaning can have any effect. (*Swift Co. v. United States*, 105 U. S., 691, 695; *United States v. Graham*, 110 U. S., 619; *United States v. Tanner*, 147 U. S., 661.)"

In so far as this question is affected by the practice of the Post-Office Department standing alone, I think it comes fully within the principle laid down in the two cases lastly above cited. The law says the average weight shall be ascertained "by the actual weighing of the mails for * * * successive working days." The practice has been to weigh on Sundays, and yet when the average is to be ascertained Sundays are excluded from the divisor. This practice is not only clearly erroneous, but logically indefensible. If Sundays are not "working days," the law does not permit the mails to be weighed on Sundays; if they are "working days," their exclusion from the divisor renders the result of the computation false on its face. It may be conceded that the question whether "working day" is to be interpreted "week day" in this provision of the statute is not free from doubt, and if the practice of the Post-Office Department were consistent with one construction and inconsistent with the other, there might be room to apply the doctrine of *Brown's* and *Philbrick's* cases; but as it is consistent with neither, and can be defended, if at all, only by reading the words in one sense for one purpose and in another sense for another purpose, there is no room for the application of any such doctrine.

The practice seems to have constituted, in fact, a sort of administrative legislation, intended to encourage the carrying of the mails on Sundays, and the most serious difficulty connected with the subject is to determine whether there has not been a legislative sanction of the practice by the Congress in its failure to change the method of computation when it reenacted the statute in 1905, for there can be no question that the practice of the Department in this respect was, or might have been, well known to the Congress, by reason of very full statements concerning it in public documents.

In *Dollar Savings Bank v. United States*, 19 Wall., 227, the court refused to hold that the Congress, by the reenactment of a statute, had adopted the construction placed upon it by the Department of the Gov-

ernment charged with its administration. The statute under consideration in that case (act of Congress of July 13, 1866, 14 Stat., 138) provided:

"That there shall be levied and collected a tax of 5 per cent on all dividends in scrip or money thereafter declared due, wherever and whenever the same shall be payable, to stockholders, policy holders, or depositors, or parties whatsoever, including nonresidents, whether citizens or aliens, as part of the earnings, income, or gains of any bank, trust company, savings institution, and of any fire, marine, life, inland insurance company, either stock or mutual, under whatever name or style known or called, in the United States or Territories, whether specially incorporated or existing under general laws, and on all undistributed sums, or sums made or added during the year to their surplus or contingent funds; and said banks, trust companies, savings institutions, and insurance companies shall pay the said tax, and are hereby authorized to deduct and withhold from all payments made on account of any dividends or sums of money that may be due and payable as aforesaid the said tax of 5 per cent: * * * *Provided*, That the tax upon the dividends of life insurance companies shall not be deemed due until such dividends are payable; nor shall the portion of premiums returned by mutual life insurance companies to their policy holders, nor the annual or semiannual interest allowed or paid to the depositors in savings banks or savings institutions, be considered as dividends."

It was contended that savings institutions were relieved from taxation by the proviso to this section; but the court held otherwise, and in reply to the argument based upon the practical construction placed upon the act, said (pp. 236-237):

"Our attention has been called to the fact that in 1867 and again in 1870 the Commissioners of Internal Revenue construed the proviso as exempting savings institutions from the tax upon all sums added to their surplus or contingent funds, and that the act of Congress of July 14, 1870, which reduced internal taxation, employed substantially the same language respecting savings banks as that contained in the act of 1866. In view of this, the plaintiffs in error argue that Congress required the Commissioner to prescribe what returns savings banks should make; that this made it his duty to put a construction on the law; that he did so, and held that such institutions were not required to return undistributed earnings carried to a surplus fund, and that after this practical construction had been made and acted upon more than three years Congress reenacted the tax, reduced in amount, in the same words. Hence, it is inferred, the construction given by the Commissioner was adopted. It is, doubtless, a rule that when a judicial construction has been given to a statute the reenactment of the statute is generally held to be in effect a legislative adoption of that construction. This, however, can only be when the statute is capable of the construction given to it, and when that construction has become a settled rule of conduct. The rule, we think, is inapplicable to this case. In the first place, the decisions of the Internal Revenue Commissioner can hardly be denominated judicial constructions. That officer was not required by the law to prescribe what returns savings banks were required to make. That was prescribed by the act of Congress itself, and he had no power to dispense with the requisition. There is therefore no presumption that his decisions were brought to the knowledge of Congress when the act of 1870 was passed. And again, the construction he gave is an impossible one, for, as we have seen, it makes the proviso plainly repugnant to the body of the section."

"We are constrained, then, to hold that the act of Congress does impose upon the plaintiffs in error the tax, to recover which the present suit was brought."

This opinion would probably be decisive of the present question were it not for some more recent decisions of the court. In *New York, New Haven and Hartford Railroad Company v. Interstate Commerce Commission* (200 U. S., 361, 399) it was contended that the prohibition of the act to regulate commerce and its amendments against undue preferences and discriminations ought not to be interpreted as applying against a carrier who was a dealer in commodities "because of an administrative construction long since given to the act by the Interstate Commerce Commission, the body primarily charged with its enforcement, and which has become a rule of property affecting vast interests which should not be judicially departed from, especially as such construction, it is asserted, has been impliedly sanctioned by Congress by frequently amending the act without changing it in this particular." The court said on this point (p. 401):

"A construction made by the body charged with the enforcement of a statute, which construction has long obtained in practical execution, and has been impliedly sanctioned by the reenactment of the statute without alteration in the particulars construed, when not plainly erroneous, must be treated as read into the statute. Especially do we think this rule applicable to the case in hand, because of the nature and extent of the authority conferred on the Commission from the beginning concerning the prohibitions of the act as to rebates, favoritism, and discrimination of all kinds, and particularly in view of the repeated declarations of the court that an exertion of power by the Commission concerning such matters was entitled to great weight and was not lightly to be interfered with."

These remarks were, strictly speaking, obiter dicta, for the court said immediately afterwards:

"The concessions thus made, however, are wholly irrelevant to the case before us."

In the case of *United States v. Falk & Bro.* (204 U. S., 143), however, the court seems to have come very near qualifying the decision in *Dollar Savings Bank v. United States*, above cited. In that case the Government contended that the practical construction given by the Executive Department to a proviso in the tariff act of 1890 should control the interpretation of a similar proviso in the tariff act of 1897, and the court sustained that view, saying (p. 152):

"This, then, is our view: The Attorney-General having construed the proviso of section 50 of the act of 1890 as not restricted to the matter which immediately preceded it, but as of general application, and this construction having been followed by the executive officers charged with the administration of the law, Congress adopted the construction by the enactment of section 33 of the act of 1897, and intended to make no other change than to require as the basis of duty the weight of the merchandise at the time of entry instead of its weight at the time of its withdrawal from warehouse."

This aspect of the question has caused me some measure of doubt, but, upon careful consideration, I do not think it falls within the principle of the case last cited. The construction supposed to have been placed upon the statute in the practice of the Post-Office Department is not only "plainly erroneous," like the case suggested as an exception by the court in 200 United States, but is "an impossible one," as was that rejected by the court in 19 Wall. There is nothing to show that the construction by the Attorney-General sustained in the *Falk* case

seemed to the court either "plainly erroneous," or "impossible." It must be furthermore remembered that in reenacting the statute in 1905, as in enacting it in 1873, the Congress only fixed a minimum to the number of days on which the Postmaster-General must have the mails weighed; he remained, as he had been previously, entirely at liberty to increase their number in his discretion, and he might therefore, as above noted, have made the weighing period extend through the entire year, or have supplemented the weighing by computations, which would render practically nugatory the construction supposed to be involved in the practice. In other words, in 1905 the Congress may have felt justified in awaiting an administrative remedy for a faulty administrative practice and have only thought seriously of a legislative remedy two years later. The opinion purporting to have been given by Solicitor-General Phillips on October 31, 1884, is not only, as above stated, irregular in form, but so meager and inadequate in its statement and discussion of the questions involved that I can not recognize it as binding upon me in the premises. As to the decision of the Chairman of the Committee of the Whole, sustained upon appeal, to the effect that the proposed amendment requiring a divisor "not less than the whole number of days such mails have been weighed," made a change in existing law, I am not aware of any precedent holding such a decision to be binding upon this Department. The decision may be held, moreover, to have been correct without regard to the "construction" alleged by the Chairman to have been placed upon the law by "the proper officer."

It follows from what I have said that I consider the form or method in which the information obtained from weighing the mails in accordance with the act of March 3, 1905, shall be utilized a matter in your discretion, provided your action shall be directed to the ascertainment of what, according to your best judgment, would be an average weight as nearly true as may be practicable per day during a year of the mails carried as the statute lastly aforesaid directs, to be used as a basis for a yearly compensation to the carrier; of course the adequacy of such compensation is for the Congress, not for the Postmaster-General. Each of the two orders first above mentioned constituted therefore, in strictness, a legal exercise of a discretion vested by law in the Postmaster-General. If, however, no further calculation is to be made beyond the addition of ascertained weights and division by the divisor selected, it seems obvious that Order No. 165 may lead to arbitrary and inequitable results. Order No. 412, upon the same assumption, will give, as the average weight per day during a year, the said average weight per day during somewhat more than one-fourth of a year; and there is no reason to suppose its results will be unjust or have any greater inaccuracy than is authorized and contemplated by the act of 1905.

Yours, respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

Mr. OVERSTREET. Mr. Chairman, the gentleman from Tennessee [Mr. MOON] is not in his seat at present, but I understand that he desires to yield one hour to the gentleman from Missouri [Mr. LLOYD].

The CHAIRMAN. The gentleman from Missouri will be recognized for one hour.

Mr. LLOYD. Mr. Chairman, the pending bill carries an appropriation of over \$220,000,000. It is the largest appropriation that was ever made through the Post-Office Committee in the history of the Republic. It is larger by \$8,000,000 than the appropriation of last year. It is nearly \$10,000,000 less, however, than the estimates that were made by the Post-Office Department. This bill carries provisions for a number of new offices. It provides salaries for 185 additional assistant postmasters and 2,300 new clerks in first and second class post-offices. It carries an appropriation for 1,500 additional letter carriers, 565 new railway mail clerks, and 1,500 rural carriers. There are other new offices provided in this bill that can not well be enumerated. The total number of additional offices beyond that which is carried in the current law will reach about 7,500.

I do not mention this to criticize the bill. My judgment is that these additional officers are necessary to meet the exigencies of the growing service. There is no Department in this Government that shows such advance in its business as does the Postal Department. It is a constantly growing service. It is a very difficult thing for the Post-Office Committee to ascertain just how much should be expended from time to time, and how much addition should be made to the various objects of expenditure. The committee have been exceedingly cautious to make no expenditures that need not be made. That is shown by the fact that they have appropriated so much less than the amount that is estimated for by the Department itself.

There is one branch of the service in which a decrease is proposed, and that is in the inspection branch. The bill carries the pay for twenty-two less than the number of inspectors that are now in the service—that are provided for in the current law. The inspection service is one of the most important branches of the Government.

It is a service which means much to the American people in determining and enforcing the regulations of the Department. There is no class of officials, however, who are vested with power more dangerous than are the inspectors of the Postal Department. These individuals are permitted from time to time to open the letters of others and see what is in them, and, it may be, to retain them in such way that the individual to whom the letter is mailed shall never have the opportunity of receiving it.

There have been some general investigations in the recent past. You will remember that some four or five years ago

there was an investigation of the First Assistant Postmaster-General's bureau. It is a surprising thing, if your attention has never been called to it, that the man who conducted that investigation within a very short time after the investigation was himself outside the postal service. The man who was then chief inspector, in charge of that inspection work, was changed from the inspection service and was given employment of a different kind. It is also true that those who assisted most in that inspection, other than the chief inspector, have recently found themselves in positions less important than those which they held at that time.

There was another investigation with which you are more or less familiar, and especially with which Missourians are conversant. I have reference to the investigation of what is known as the "Lewis publications" in St. Louis. That investigation was conducted by the then Third Assistant Postmaster-General, Mr. Madden. But Mr. Madden is now out of the postal service, and it is intimated, and may be true, that the post-office inspectors who were responsible for that investigation and conducted it, will soon find themselves occupying places less important than those which they occupy to-day. What does this signify? Is it true that this inspection department is to find itself shorn of power when it undertakes to discharge fearlessly the duty devolving upon it? Is it true that the powers that be to-day are concerned in having an inspection force that will not inspect, investigators who will not investigate? Have these changes been accidental, or are they the result of a determination somewhere to humiliate those who were responsible for the punishment of wrongdoing and have exposed those who have betrayed official trusts?

What does it all mean? Is there any lesson to be gathered from it?

I wish to call attention also to another feature of postal matters, namely, postmasters' salaries. Postmasters are divided into four classes, as perhaps you know, first, second, third, and fourth. A fourth-class postmaster is in the lowest class. He receives no fixed salary. His compensation is made up from commissions on the receipts of the office. When these receipts amount to \$1,900 the office becomes third class. If the receipts of the office are \$1,900, then there will be a third-class postmaster appointed by the President who will receive a salary of \$1,000. In addition to that he may receive clerk hire to the extent of \$200, rent of building not to exceed \$480, and for fuel and light a sum not to exceed \$80, but if it should happen that the receipts of the office were only \$1,875, then all that the postmaster can receive is less than \$1,000, and he must rent his own room, furnish his light and fuel, and employ his own clerk. You can see that this is manifestly wrong. Either the third-class postmaster is receiving too great a compensation or the fourth-class postmaster is not receiving enough. [Applause.]

This can easily be remedied. I make this suggestion for your consideration, that up to the sum of \$300 all the receipts shall be turned over to the fourth-class postmaster. Between the \$300 and \$1,900 that the postmaster shall receive 60 per cent of the receipts. You will notice then that if the receipts were \$1,900 the postmaster would receive the first \$300 and 60 per cent of the next \$1,600, which would be \$960, making his compensation \$1,260 instead of \$1,000 under the existing law.

Mr. CLARK of Missouri. Now would you have that applied to third-class postmasters, too?

Mr. LLOYD. A third-class postmaster receives a salary of at least \$1,000. He may receive clerk hire to the extent of \$200; he does receive rent of building, and an allowance for fuel and light, but the proposition I am suggesting would place the \$1,260 in the hands of the fourth-class postmaster; but, out of that \$1,260 it would be necessary for him to rent a building and furnish his own fuel, light, and clerical assistance.

Now, there is another manifest error in compensation of postmasters, and that is between the third and second classes. If the receipts of an office are \$8,000, it becomes a second-class office. Between \$1,900 and \$8,000 in receipts constitute third-class offices. The compensation varies according to the amount of receipts. Now, if the postal receipts are \$8,000, then the least sum that would be paid to a postmaster would be a salary of \$2,000, which goes to him absolutely. In addition to that, clerk hire, an assistant superintendent, and other employees, whose full compensation amounts to at least \$1,300, making the least expense \$3,300. If it did not quite reach the \$8,000, the postmaster would receive a salary of \$1,900, and under existing law could only receive \$500 for clerk hire. The greatest possible amount that he could receive if the receipts of the office were \$7,999 would be \$2,400 for himself and all of his clerks. The result of it is that the third-class postmaster must necessarily pay out of his salary a large amount to meet the expenses of clerk hire. There ought to be a graduation. One

of two things is true: Either the second-class postmaster is receiving too much compensation or the third-class postmaster does not receive enough. This may be remedied by providing some such system as this: Where the salary of the postmaster is \$1,000, that his clerk hire may be \$200.

Postmasters' salary:		
\$1,100, clerk hire	-----	\$300
\$1,200, clerk hire	-----	400
\$1,300, clerk hire	-----	500
\$1,400, clerk hire	-----	600
\$1,500, clerk hire	-----	700
\$1,600, clerk hire	-----	800
\$1,700, clerk hire	-----	900
\$1,800, clerk hire	-----	1,000

Where his salary is \$1,900, clerk hire may be \$1,100, making in the aggregate \$3,000. The difference between that which he would receive and that which the second-class postmaster would secure being \$300. Such a graduation from the fourth-class postmaster through the grades in third class to the second-class postmaster would give all of them reasonable compensation.

Another question that ought to be of interest, because it affects all of our localities, unless it be a city district, is the question of mail delivery. At the present time, as you are aware, mails are delivered in the cities. They are also delivered in the rural districts. In the towns of considerable size there is no city mail delivery unless there is a population of 10,000 people or postal receipts of \$10,000.

I think this can be remedied. I do not understand why we should give rural service to the farmer, deliver the mail to the residents of the cities, and not give it to the larger towns. If it be right that we provide carriers in the country as well as in the city, it is certain that with equal propriety and with equal justice there should be carriers in the larger towns of less than 10,000 inhabitants and less than \$10,000 postal receipts. To meet this contingency I have introduced a bill which I think in part will remedy it; a bill to this effect: Providing that in all offices of first, second and third classes there may be deliveries by carrier, and that in the fourth-class offices the rural carrier may be permitted to deliver to the residents of a town at a box the same as he would to an individual in the country. In other words, in a town of the fourth class, where a citizen of the town is willing to receive his mail at a box, he can do so, just the same as he could if he were to live outside of the corporate limits of the town on a rural route. This would carry the mail to all the people of the country.

If you have not looked into the cost of it, you might be alarmed because of its probable excess. We expend now \$26,000,000 for the letter-carrier service in the cities; \$35,000,000 for the rural-carrier service in the country, a total of \$61,000,000. For \$6,000,000 you can provide service that will reach all the third-class post-offices, and provide through the rural-carrier service for the small towns as well. Why not add this additional sum and provide by law for carrying the mail to all the people of the country rather than to a portion of them?

Mr. RUSSELL of Missouri. Is it not true where greater facilities are furnished, that it also brings compensation in increased receipts?

Mr. LLOYD. It is always true. You have heard in the speech of the gentleman from Kansas [Mr. MURDOCK], who has just preceded me, and also from the chairman of the committee [Mr. OVERSTREET] on yesterday, a statement in reference to the reductions that have resulted by reason of the change of law made at the last session with reference to railway mail pay.

It is not my purpose at this time to discuss the question of railway mail pay, but I do want to call attention to one feature of it. The gentleman from Kansas gave an interesting recital with reference to the question of weighing the mail, and I wish to address myself to one phase of it. Under the existing law, and the law which has been on the statute books for a number of years, it is undertaken to ascertain the average daily weight of mail, and that becomes the basis of compensation for carrying the mail by railway. The law has not been changed since 1873 as to the method of weighing. The law to-day is just what it was twelve months ago; but there is a remarkable difference in the amount that the railway companies are receiving for carrying the mail. The law, understand me, has not changed. Congress refused to change it. But in March last, one of the last acts of Mr. Cortelyou before he went out of office as Postmaster-General, was to make an order which had the effect of law, that the divisor should be changed. That order, made in March, was changed in June by the present Postmaster-General. So that there has been three different constructions of the law within one year, and yet during that time no law has been changed by Congress. [Applause.]

I am leading up to what I regard as an exceedingly serious question. If the present ruling of the Postmaster-General is

correct, if order 412 is a correct interpretation of the law, then this Government, the people of this Republic, have been defrauded of seventy millions of dollars since 1880. I repeat, if the ruling of the Postmaster-General is correct, then this Government has paid into the hands of the railroad companies seventy millions of dollars that belong to the people. Now, why do I say that? All agree that the change in divisor cuts down the railway mail pay 9.65 per cent. For the purpose of computation call it 10 per cent. The railway mail pay in 1880 was, in round numbers, \$10,000,000. In 1907 the railway mail pay was \$44,660,000. Adding these together makes \$54,660,000. Divide that by two and you have the average amount, and it is pretty nearly correct, \$27,330,000, the amount that has been paid annually to the railway companies for carrying the mail. Now, following the latest interpretation of the law, 10 per cent of the \$27,000,000 belongs to the people, and in every year during that time there has been paid to the railroad companies \$2,700,000 which belongs to the people—the Government itself.

Another remarkable thing in that connection. The Postmaster-General having found out, apparently, that the law was not properly interpreted, that the railroad companies had been receiving 10 per cent too much, this last order was made in June; but it was only made to apply to one of the four weighing sections of the United States.

Three of these weighing sections are not now under the provisions of that order. The Postmaster-General has placed himself in the anomalous position of admitting that the divisor was wrong, and is paying out of the Treasury in the current year over \$3,000,000 in violation of the law as he construes it himself. Is it not a serious proposition? There is no way around it. If the Postmaster-General's order is right, then this money belongs to the people.

Mr. JOHNSON of South Carolina. Will the gentleman allow me to ask him a question right there?

Mr. LLOYD. Yes.

Mr. JOHNSON of South Carolina. Would it not be very easy for them to find out what the correct divisor would be and the correct amount by dividing by 105 instead of by 90 without waiting until another weighing period?

Mr. LLOYD. Yes.

Mr. JOHNSON of South Carolina. They know whether the mail was weighed ninety days or one hundred and five consecutive days?

Mr. LLOYD. Yes; and they can make the correct computation. They can easily obtain the amount that ought to be paid and the fact that they do not do it is a positive admission that some of the money they are paying to the railroad companies ought not to be paid, and they are not trying to remedy it.

Mr. FLOYD. If I understand you, this fixing of 7 as the divisor instead of 6 applies to only one of the weighing divisions?

Mr. LLOYD. Yes; to only one of the weighing divisions.

Mr. FLOYD. On what theory do they make it apply to one and not to all?

Mr. LLOYD. On this theory, I suppose that the section to which they made it apply was the one which was weighed last year, after the new order, and it became the basis of weight for the current year; and they propose that in the other sections it shall be made to apply as the weighings are made.

Mr. HARDY. They are only weighed once every four years?

Mr. LLOYD. Once every four years.

Mr. CLARK of Missouri. When they weigh in one section every four years, do they enter into a four-year contract with the railroad at that time?

Mr. LLOYD. That is by operation of the law. It is not necessarily a specific written contract, but it becomes a contract under the law.

Mr. HARDY. As I understand it, the contract does not include the divisor feature, but that is simply a custom?

Mr. LLOYD. Oh, certainly. The divisor proposition has been brought about by the Department. The law is the same, as I said at the outset. The law has not been changed.

Now, I want to call your attention to another situation in this connection. This admission on the part of the Post-Office Department that there has been a wrong done during these thirty-five years has not been corrected by any attempt at legal proceedings, so far as I have knowledge. Why is it that they have not instituted suits against the railroad companies to recover the money which they paid to them that ought not to have been paid? Not a single suit has been started, and none suggested, so far as I know, anywhere within the United States. I call the attention of the chairman of the Committee on Expenditures in the Post-Office Department to the extraordinary condition that finds itself there, and beg him to investigate that Department and ascertain whether there is anything wrong in it.

[Applause on the Democratic side.] I refer to the gentleman from Pennsylvania [Mr. WANGER], who is chairman of that committee.

Mr. WANGER. Mr. Chairman, may I ask the gentleman a question?

Mr. LLOYD. Yes.

Mr. WANGER. Do you take the position that there could be a recovery by the United States against the railroads?

Mr. LLOYD. I am not taking any position about it. I simply said that there had been no attempt to recover.

Mr. WANGER. Do you assert that there is a legal right of recovery?

Mr. LLOYD. I simply suggest to the chairman of the Committee on Expenditures in the Post-Office Department that it would be well to inquire into the facts with reference to that particular matter.

Mr. WANGER. I wish to assure the gentleman that both will be inquired into and very carefully considered.

Mr. LLOYD. I believe it.

Mr. WANGER. And I would be very glad to have any suggestions from the gentleman or from any other Member of the House.

Mr. LLOYD. I have the utmost confidence in the gentleman from Pennsylvania and believe he will do what he says he will do. Now, it is my purpose to call attention to some other conditions affecting the postal service.

In recent years there has been much said about second-class mail matter and the compensation for carrying it. The recent Third Assistant Postmaster-General, Mr. Madden, shortly before he went out of office, made this statement:

This statute in no equivocal terms prohibits the admission of publications to the second class which are primarily designed for advertising purposes, or for free circulation, or for circulation at nominal rates. The possibilities of construction in that clause are very great.

Without intending to cause alarm to publishers, I may say that a strict and honest construction and enforcement of that prohibition would force out of the second class from 60 to 70 per cent of all our newspapers and from 70 to 80 per cent of all our magazines.

I venture the assertion that under no reasonable construction of what constitutes an actual subscriber would it be found, if we should make an investigation to-day, that more than one-half, perhaps not one-third, of all the copies of all the publications now carried free under this provision are lawfully entitled to the privilege.

Think of the statement! If the law with reference to second-class matter were enforced, 60 per cent of the newspapers would be excluded from the pound rate, and from 70 to 80 per cent of the magazines would be excluded from that rate.

The present Third Assistant Postmaster-General realizing the force of this strong statement undertakes to overcome its effect, and makes this statement:

No utterances of a postal official ever gave more genuine and widespread alarm to innocent and unsuspecting publishers than the words just quoted.

Why not? Of course it would alarm them. Would it not alarm you if you believed the law was to be enforced, and by enforcing it that 60 or 70 per cent of the local newspapers in the district which you have the honor to represent would be excluded from the second-class mail? It is a serious proposition. This officer, faithful as you know he was, made the statement that an honest enforcement of the law would exclude these from the mail.

But the present officer goes further. He says:

There is to be no wholesale onslaught on 70 to 80 per cent of our publishers, and yet there is to be a fairly honest and rigid enforcement of the law.

What is it to be? Not an honest one, but a *fairly* honest one. Not a rigid enforcement, but a *fairly* rigid enforcement. Now, can any of you tell me how far they are going to enforce the law? They are not going to be honest, but will be *fairly* honest; they are not going to enforce the law rigidly, but will enforce it *fairly* rigidly. Now, this same officer further said:

The great majority of newspapers and periodical publishers are high-minded gentlemen, who would not knowingly transgress the law.

How many of that 60 per cent, that 70 per cent, are honest? The Assistant Postmaster-General says a great majority. How many of them are dishonest? I imagine that if there is any Member here representing a country constituency who will go back and intimate that any of the publishers in his district are dishonest he will have trouble on his hands. [Laughter.]

Now, what is the danger? Where does the trouble come in on second-class mail? They claim that it is under this provision of the law.

Mr. CLARK of Missouri. I would like to ask the gentleman, before he leaves that point, if that *fairly* honest enforcement he is talking about would not open up all sorts of opportunity for playing favor in the business?

Mr. LLOYD. It might. I would not say it would. There

is one thing that should be done, and that is to honestly enforce the law without reference to the word "fairly." If the law is wrong, Congress can change it.

In this connection I want to say that I am exceedingly weary of having this Government run by executive order. [Applause.] You go down to the Post-Office Department and you will find piled up, sometimes several inches high, orders that have recently been issued which have the effect of law. The truth about it is that the post-office rules and regulations compose nearly the whole of post-office law. Now, I do not want to say that the post-office officials are the only people to blame in this connection, or that they are censurable at all. The law should be so plain that it does not need executive construction, and Congress should make the laws and not make it incumbent upon the head of a Department to do so.

Mr. ALEXANDER of Missouri. I would like to inquire if the committee is doing anything to remedy this trouble, to make the law more certain, to make it more plain, so plain as not to be susceptible of this loose construction, or has the Post-Office Department suggested any amendment to the law which would remedy this difficulty?

Mr. LLOYD. The Post-Office Department has made some suggestions, and consideration has been given it by the committee, but not as much as it should, in my judgment.

Mr. SHEPPARD. Let me ask the gentleman if the Penrose bill in the Senate has not that very intention?

Mr. LLOYD. It has the effect, as I understand it, of leaving to the Postmaster-General the sole determination as to whether the publication is entitled to the second-class mail or not.

Mr. SHEPPARD. That is exactly what I wanted to bring out.

Mr. LLOYD. If that is the purpose of the Penrose amendment, it ought to be defeated. [Applause.] We have too much bureaucracy now, we need more law and less Department rule. [Applause.]

Mr. RUSSELL of Missouri. And more obedience to the law that we have.

Mr. LLOYD. Now, the present Third Assistant Postmaster-General is a most excellent gentleman in my judgment. I do not wish to reflect upon his honesty, integrity, or ability. I have been impressed with him as I have been with but few of the Post-Office officials, but many of the Third Assistant Postmaster-Generals when they get into office undertake the first thing to make some rule with reference to the second-class mail matter. I am not in sympathy with the fight which is made on the second-class mail.

I want to call the attention of the committee to some things that have happened recently under the present Third Assistant Postmaster-General. It has been a rule of the Department from time immemorial—perhaps I ought not to state it in that way, but for a number of years—that 100 per cent of the list of subscribers could be sent out in sample copies. This matter was brought to the attention of the court. The supreme court of the District of Columbia passed upon this question and decided that that was a reasonable regulation of the Department; that to say that more than 100 per cent of a publication could be carried as sample copies, and carried free, would in effect be to say that the newspaper was more concerned in free circulation than it was in actual paid subscriptions. Within the last two months a new order has been made, made at the Post-Office Department, that only 10 per cent of the actual list of subscribers can be used in sample copies, changing this rule which has lasted for all these years from 100 per cent to 10 per cent.

Now, the objection to that, in my judgment, is not so much in the order itself as in the spirit manifested—the spirit of autocracy, one-man rule that asserts itself. It may be that the average newspaper of the country—it is true that the average newspaper does not carry 10 per cent of sample copies. In fact, an investigation has shown that little less than 4 per cent of the publications of the country sent through the mails are sample copies, showing another fact that all this talk that you have heard for all these years about the abuse of the mails with reference to the sample-copy privilege is not so great an abuse as many believe. One would suppose, to hear what is said about sample copies, that nearly all of the mail was sample-copy mail, and yet a careful investigation has shown that less than 4 per cent of it is of that class.

Mr. WANGER. I would like to ask the gentleman a question right there.

Mr. LLOYD. Yes.

Mr. WANGER. Is it not quite a severe reflection upon Congress that the number of sample copies which may be sent out

is not defined by law, so that there is no chance for any executive officer to exercise any control except to enforce the law.

Mr. LLOYD. I said a moment ago, as the gentleman will remember, that I thought Congress ought to assume some of this responsibility.

Mr. CLARK of Missouri. If the gentleman will permit, I will say that we fought that thing out here twice on what was known as the "Loud bill." I helped kill the first Loud bill, and when the second one came I told him that if he would put four amendments to it I would help him to pass it, and we all agreed that the law should be 100 per cent. Nevertheless the bill was defeated. So Congress twice has refused absolutely to fix any limit about it. The chairman of the committee was here at that time, the gentleman from Indiana [Mr. OVERSTREET].

I would like to ask my friend one question about this sample-copy business and whether he ever investigated this feature of it, and that is whether or not the bulk of sample copies sent out are not confined to a small number, comparatively, of advertising magazines, and that the country press proper sends out comparatively few sample copies?

Mr. LLOYD. I think that is true. I said a moment ago, as far as I was concerned I did not seriously object to the 10 per cent proposition.

Mr. CLARK of Missouri. I think the 10 per cent proposition is right.

Mr. LLOYD. I think if I had an opportunity to vote upon that as a proposition in the House, I would vote for the 10 per cent. I am not reflecting upon the rule so much as the power that is asserted behind the rule. Here for years 100 per cent of the list of subscribers has been recognized as the proper amount, and all at once there is a reduction from 100 per cent to 10.

Mr. WANGER. Mr. Chairman, will the gentleman allow me another question?

Mr. LLOYD. Yes, sir.

Mr. WANGER. Ought not the sample-copy privilege to be much more liberal to newly established publications than to the older ones? Is it not a fact that in starting a newspaper sample copies are one of the means of attracting notice to such a publication?

Mr. LLOYD. Yes, sir.

Mr. WANGER. But in the case of the older publication sample copies are largely distributed at the instance of advertisers and as a medium of securing cheaper advertising?

Mr. LLOYD. In answer to that I wish to call attention to the fact that the rule that has recently been promulgated in the Department provides what may be a good system in that regard. It provides for a cumulative 10 per cent. That is, if a newspaper this week did not send out any sample copies, or did not send out any for six months, it could send out all of it in the last six months. It might send all of the sample copies in a single day, as I understand the rule, and is entitled to 10 per cent accumulation during that period.

Mr. WANGER. But it relates to the old established publication just the same as to any other.

Mr. LLOYD. Yes, sir; there is no difference. The point the gentleman raises is not changed in the rule, excepting that this cumulative privilege would be of more benefit to a paper just starting, because in the first six months or first three months or first month they could, if they chose, use 100 per cent in sending out sample copies.

Mr. OVERSTREET. I think in the gentleman's criticism of the power behind the rule to which he made reference it is a further explanation to say that the courts have decided that that power rests legally with the Department in determining the number of sample copies. That was one of the test cases, so that the Third Assistant has not violated any law in establishing that rule.

Mr. LLOYD. My understanding of the decision of the court I called attention to a while ago was that the court held that 100 per cent was a reasonable amount.

Mr. OVERSTREET. But in so holding the court has held the right to fix under the rule a certain number of sample copies—

Mr. LLOYD. The court has repeatedly held that in matters that did not conflict with the law the Department has a right to make a regulation, and that regulation has the effect of law, and not only that, but there is very little chance of appeal from it.

Mr. WANGER. Did not the court in the opinion state that the Department had been very liberal in the 100 per cent?

Mr. LLOYD. Yes, sir.

Mr. WANGER. Intimating that it was larger than what might be properly fixed?

Mr. CLARK of Missouri. If it is true the court held that 100 per cent was not an unfair or an unreasonable number of sample copies, then how did it get in the head of the Department here to cut that down to 10 per cent?

Mr. LLOYD. Simply because they felt they had the power to do it, I take it, and they thought it best for the country that it should be done.

Mr. WANGER. If my other friend from Missouri will permit, the court suggested that it was no error as against the publisher to limit it to 100 per cent, was very liberal toward him, suggesting, however, that the Department would have been entirely within its authority if it had fixed a less percentage, as I remember the decision.

Mr. LLOYD. My recollection is no such suggestion was made, but such an inference might be drawn.

Mr. CLARK of Missouri. I would like to ask my friend from Missouri one question. Has this Committee on Post-Offices and Post-Roads turned its attention to this recent order of the Post-Office Department declaring that a fellow who has not paid his subscription is not a bona fide subscriber?

Mr. LLOYD. No, sir; the Post-Office Committee has not taken that in charge at all. I intended to call attention to that. That is an order recently made. The effect of that order is to provide that no newspaper shall do a credit business. Now, the order has a good effect, looking at it from the standpoint of business, and I believe it would be fortunate for this country if all subscriptions were paid in advance.

I believe it would be well for the country if all business was done on a cash basis as nearly as possible, but I doubt whether it is wise to assume authority in a Department to pass a law which says to the newspaper man you can not credit your subscriber, which is the effect of the rule, unless you pay 1 cent on every copy of the paper that you send to a subscriber after one year has elapsed from the date to which he has paid his subscription.

Now the effect of it, as I said a minute ago, from a business standpoint, as I see it, is good; but there are numbers of newspapers that do a credit business. Are you going to shut them out from the pound rate because of it? It may be that everybody would do better on a cash system; but are you going to say to the newspaper man that you must do a cash business, and a cash business only, or suffer at the hands of the Government? Is that the effect of the course that should be pursued?

I want to say in this connection, because, at the instance of a number of persons who are not satisfied with this rule, I have introduced a bill which would abrogate the rule, that I shall not press that bill unless it appears that injury has resulted to the newspapers of the country by reason of the rule, notwithstanding I do not like the power it assumes in trying to govern the newspaper business.

Mr. OVERSTREET. Will the gentleman permit another interruption?

Mr. LLOYD. Yes, sir.

Mr. OVERSTREET. Is the gentleman at all familiar with the spirit in which that rule has been received by newspaper men generally?

Mr. LLOYD. I have received, as the chairman has, a publication issued at the instance of the Third Assistant Postmaster-General, calling attention to the fact that the rule is very popular, and he has given excerpts of various papers calling attention to the fact that they indorse it, and calls attention to the fact that some of the newspaper associations of the country have also indorsed it; but he has not given, so far as I know, a copy of a single letter of an individual that was not satisfied with the rule.

Mr. SMITH of California. Do I understand you to say that the editors and publishers generally of the country are not well pleased with the ruling?

Mr. LLOYD. No, sir; I said that this publication was to the effect that they were satisfied.

Mr. SMITH of California. I want to tell you personally, as the owner and publisher of a country newspaper, that it is the best thing that has ever been done for the newspapers of this country, because it undertakes to put our business on a nearer cash basis.

Mr. LLOYD. But will the gentleman claim that it is right for the Post-Office Department to assume to pass a law which dictates to the newspaper fraternity what they shall do when there are newspaper editors who do not wish to put themselves on a strictly cash basis?

Mr. SMITH of California. I will say that I am in accord with the chairman, that it seems to me that the Postmaster-

General may properly protect the Government against the practice of unlimited deadheading in newspaper business. That is the purpose of it.

Mr. LLOYD. That ought to be done, but a purely cash basis is not necessary to that end. Nearly all newspaper men are honorable and law-abiding.

Mr. SMITH of California. I assume that he undertakes to do it from that standpoint and not for their special benefit.

Mr. LLOYD. I have consulted with the Third Assistant Postmaster-General on this point since I introduced that bill, and he assures me that it is not the intention to affect the ordinary newspaper of the country; that any newspaper which shows a disposition to keep up a legitimate list of subscribers will not be interfered with. If that is carried out, I have nothing to say against the rule, except that I think Congress ought to pass the laws and not the Department.

Mr. WILLIAMS. Under what general law does the Postmaster-General presume to have authority to make this regulation. I understand the Postmaster-General has authority to exclude obscene matter and various things from the mails; but under what general authority of law has he the right to say that a man engaged in any business, a newspaper business, shall not be entitled to the benefit of the postal system of the United States unless he engages in it upon a system approved of by the Postmaster-General?

Mr. LLOYD. By this provision of law. The law provides that "all publications of the second class which are designed primarily for advertising purposes or for free circulation or circulation at nominal rates shall be excluded from second-class rates." Now, his interpretation of free circulation and of legitimate lists of subscribers is that the subscriber is not legitimate unless that subscriber has paid for the paper. I think that is his assumption.

Mr. WILLIAMS. That is the point. The same principle would apply to the man doing a general supply business in my town, which is nearly all done on a year's credit. He would not be engaged in legitimate business.

Mr. LLOYD. I take it to be on the same principle.

Mr. OVERSTREET. I will say to the gentleman from Mississippi it is not a question whether it is legitimate or an illegitimate business; it is a question of rates. There is no effort to exclude any newspapers. The effort is to determine whether or not they are entitled to a certain rate or another rate. The gentleman from Missouri explained that.

Mr. WILLIAMS. As I understand it, the Post-Office Department, in construing the law which gives a certain rate, calls it legitimate for that purpose—

Mr. OVERSTREET. Because he pays a penny a pound weight when sent to parties who are legitimate subscribers.

Mr. WILLIAMS. Very well. Now, in construing that law, which grants this right to a legitimate newspaper business, the Postmaster-General arbitrarily rules that the sort of newspaper which credits subscribers is not legitimate.

Mr. WANGER. Is not the Postmaster-General bound to determine what is a legitimate subscriber and what is not by reason of the duty that is imposed upon him by the law?

Mr. WILLIAMS. Yes; and in determining that he determines that a newspaper editor who chooses to credit his subscriber is guilty of doing an illegitimate business and excludes him from the mails. Now, it seems to me that is one of the many recent illustrations of executive usurpation.

Mr. WANGER. Suppose that the Postmaster-General makes an error in construing that law. Is not there ample remedy in the courts?

Mr. WILLIAMS. No, sir; there is not. There is no remedy in the courts against a ruling of that Department. In executing fraud orders, for example, there is no appeal. The Post-Office Department may act as arbitrarily as it pleases, and when it is through with a case there is not a court in the United States to which an appeal can be taken. The gentleman from Indiana [Mr. CRUMPACKER] attempted to secure the enactment of a law that would give the right of appeal, and I understand it passed this House, but never was made a law.

Mr. WANGER. In that particular case the discretion was lodged in the Postmaster-General to make that particular kind of fraud order, but here these people are granted a certain mailing privilege, a certain special rate, under conditions which are defined and which the court can ascertain just as well as the Postmaster-General.

Mr. WILLIAMS. If the gentleman will excuse me a moment longer, likewise in a fraud-order case; there was a general law saying that they could exclude from the mails obscene matter, frauds, and various other things, lotteries, etc. The discretion to determine what was a lottery, what was obscene, what was

a fraud was of course lodged in the Postmaster-General, and the courts have ruled that that discretion was not reviewable in the courts.

Mr. STAFFORD. I beg to challenge that statement of the gentleman from Mississippi so far as that section is concerned, because the Supreme Court has laid down the ruling positively that autocratic power is not lodged in the Post-Office Department, but that it is subject to review by the courts, and it has been reviewed by the courts, and the action of the Post-Office Department has been superseded.

Mr. WILLIAMS. In a fraud-order case?

Mr. STAFFORD. In a fraud-order case. The Supreme Court has held that there must be facts adduced before the Department could justify it.

Mr. WILLIAMS. I have not seen that decision, but I do know we had before this House the Crumpacker bill for the purpose of giving the right of appeal, and that the bill passed this House, but did not become a law, and in the course of his argument in that case the gentleman from Indiana asserted the necessity of the law and stated that there was no appeal from these executive orders. Now, if there has been a decision to the contrary since then, I should like to see it.

Mr. STAFFORD. I do not like to break in at this time, but I can cite the gentleman to the decision at any time.

Mr. LLOYD. Here is a case in 104 United States, page 19, in which the court says:

When Congress has committed to the head of a Department certain duties requiring the exercise of judgment and discretion, his action thereon, whether it involves question of law or fact, will not be reviewed by the court unless he has exceeded his authority or this court should be of the opinion that his action was clearly wrong.

Mr. WILLIAMS. Is that the case of the Chinaman?

Mr. LLOYD. I am not sure about that.

Mr. WILLIAMS. In the case of a Chinaman who had been a resident of the United States and had gone back to China and had come back here, the Immigration Department, or Bureau, or whatever it is, ruled that he was not entitled to come back, deported him, and substantially banished him. That comes only through the courts, and the courts rule that they can not interfere with that, although it was offered to show that the man was a resident of the United States, had gone away, and was merely coming back. That authority I will later produce.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MOON of Tennessee. Mr. Chairman, I will yield to the gentleman ten minutes more.

Mr. LLOYD. I will read:

Where the decision of questions of fact is submitted to the judgment and discretion of the head of a Department, his judgment thereon is conclusive.

Now, a little further on in this pamphlet is what the Third Assistant Postmaster-General says himself:

If, as is clear from the decisions cited and numerous others of like effect, the determination whether a publication has a legitimate list of subscribers, whether it has a free circulation and nominal rates, rests within the sound discretion of the Postmaster-General, it follows by necessity that he is authorized to establish general rules by which he and his subordinates will be guided in reaching such determination.

Mr. YOUNG. I would like to ask the gentleman a question right there.

Mr. LLOYD. Very well.

Mr. YOUNG. Is it not a fact that under the law as it now exists the facts upon which this bureau officer acts may be submitted to him in a private report of an inspector, or in a private letter which the party accused has no opportunity to see, and which the public is not allowed to see?

Mr. LLOYD. That is so, and it is a very reprehensible practice.

Mr. WILLIAMS. If the House wants to be pleasantly and profitably enlightened on this subject, if Members will get the book recently written by Franklin Pierce and published, entitled "Federal Usurpation," and turn to the chapter entitled "Administrative usurpation," they will find a full list of cases of this sort and the rulings of the courts upon them. And they will also see that the statement I made is correct, and that the addendum made to it by my friend is also correct.

Mr. LLOYD. Now, Mr. Chairman, I stated a moment ago, before we got into this colloquy, that I was not in sympathy with the fight that has been made against second-class mail, in so far as it reaches the legitimate press of the country. There is hardly an instance where there is an attempt to regulate what they call abuses that it does not affect in some way the legitimate publications of the country. I wish to call attention also to the fact that the Third Assistant Postmaster-General himself concurs in that view of the situation. He says:

For myself I have little sympathy with the allegation that the transportation of second-class mail matter comprises 67 per cent of the total weight of mail transportation while producing but 4 per cent of the

postal revenues, and that it is therefore necessary to slaughter. This statement of relative cost may be true, viewed from a narrow standpoint and excluding from consideration the first-class matter which second-class matter originates.

Now, I have about concluded all I am disposed to say at this time with reference to these questions. This Department is one of the greatest Departments of the Government; it has a variety of duties to perform. It is that branch of the public service which reaches the people of every locality. It has been an unfortunate fact that the head of that Department and the various assistants of it have from time to time been changed so frequently. It will be noticed that to-day the Postmaster-General and three of the assistants have been placed in their positions within twelve months. Now, the Commission appointed by this Congress at the last session to investigate the Department and to make recommendations with reference to its improvement have suggested that there ought to be a director of posts. That director of posts is to occupy something of a permanent position; he is to have under him assistant directors who are not subject to the whims and dictations of the Executive Officer of the country.

Some such system ought to be adopted because it is absurd to think of a man being placed at the head of one of these great Departments, undertaking to administer it, when he himself is not familiar with the duties of the position assigned him. Take, for example, the Second Assistant Postmaster-General, with whom you are all acquainted, who is one of the best men that has sat in this House in recent times, an honest, conscientious, faithful public servant, and he has accomplished more in obtaining information in the short time that he has been there than any man connected with the postal service, so far as I have any knowledge. But can he perform the duties of that great position as he ought to perform them with the knowledge that he now has? You need in this service men who well understand the business, who know all the intricacies of it, and who are prepared to tell the public what is necessary in the way of legislation. Can you have much respect for the opinion of a Postmaster-General who has had no experience in the Post-Office Department nor any legislative experience.

Placed at the head of a department, he is expected to give information as to the legislation necessary to improve that great department. My judgment is that we ought to have a system such as has been suggested, have a director of posts who is not dependent on the President of the United States, but who will be expected to acquaint himself with all the departments and fully advise himself as to the duties that devolve upon the various officers in the different bureaus of this branch of service. When this is done and the assistants under him are prepared to perform the duties assigned to them in their respective bureaus, Congress then will be in a position to legislate, and with some degree of certainty as to whether the legislation is what it ought to be or not. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Chairman, I merely wish to have read at the Clerk's desk and printed in the RECORD an answer to some of the criticisms that have been made of the Navy of the United States, which answer I received to-day from a constituent.

The CHAIRMAN. Without objection, the Clerk will read. The Clerk read, as follows:

A REPLY TO THE CRITICISM OF OUR NAVY.

Come, all ye men-o'-war-men, and listen to my lay;
'Tis of a New York artist who comes from cold Norway.
He wrote about our Navy, the ships both great and small
Did not escape the censure of Henry Reuterdahl.

In reference to construction of all our ships afloat;
He pictures their destruction in the article he wrote.
He's not in fear of our defeat, the chances are so small
That he took passage in our fleet, bold Henry Reuterdahl.

He never thought that Congress would take his case in hand;
To contradict his statements two admirals took the stand.
To leave him on an island, where deadly serpents crawl,
Would be the proper medicine for Mr. Reuterdahl.

Despite all Reuterdahl has said, our minds are now at ease,
For we've as fine a Navy as floats upon the seas;
We're proud of all commanders, our gunners' aim is true;
We glory in our country and the Red, White, and Blue.

TRUOPER.

FEBRUARY 26, 1908.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MANN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to bills of the following titles:

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. 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; and

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.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3923. An act to fix the limitation applicable in certain cases:

H. R. 15247. An act to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho; and

H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. I yield thirty minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Chairman, the enlargement of the delivery of packages of merchandise by mail, usually called "the parcels post," was recently brought prominently before the people of this country by the public utterances of the honorable Postmaster-General. In addition to a number of interviews given out to the press, magazine articles contributed by him, and public speeches delivered, he brought this subject forward officially in his annual report. In the latter he said:

I recommend the establishment of a special parcels-post system on rural-delivery routes for packages originating on a rural route or at the distributing post-office for delivery by rural carriers to patrons thereof at a rate of 5 cents for the first pound and 2 cents for each additional pound or fractional part of an additional pound up to 11 pounds; for 2 ounces or less, 1 cent; over 2 ounces and up to 4 ounces, 2 cents; over 4 and up to 8 ounces, 3 cents; over 8 and up to 12 ounces, 4 cents; over 12 ounces and up to 1 pound, 5 cents.

The President gave a qualified indorsement of this plan in his annual message, saying:

I further commend to the Congress the consideration of the Postmaster-General's recommendation for an extension of the parcels post, especially on the rural routes. There are now 38,215 rural routes, serving nearly 15,000,000 people who do not have the advantages of the inhabitants of cities in obtaining their supplies. These recommendations have been drawn up to benefit the farmer and the country storekeeper; otherwise, I should not favor them, for I believe it is a good policy for our Government to do everything possible to aid the small town and the country district. It is desirable that the country merchant should not be crushed out.

Statements from such sources have naturally attracted wide attention, and a discussion of the subject has been going on over the country with unusual vigor, with the result that petitions for and remonstrances against this new governmental activity have been pouring in on Members of the Congress at both ends of the Capitol.

OUR POSTAL SERVICE.

The mail service of all countries is primarily for the dissemination of information. One of the standards of a nation's enlightenment is the perfection of its system for intercommunication among its people, and as a rule the relation of the cost to the income of the service is a matter of secondary consideration. Largely educational, having much to do with the sacred ties of friendship, and being an indispensable handmaid of business activities, nations have regarded the item of cost as one of the natural burdens of government to be borne by their respective systems of taxation, the postal receipts being but an incidental part of that system. Personal communications in the form of letters, more public utterances found in periodicals, and more enduring forms of intelligence found in books, maps, etc., have been carried far and wide in the most expeditious manner and at the minimum of cost—never, I believe, in the history of this country at an expense equal to the cost of the service. Yet no one complains at the annual postal deficit. It is charged off to our educational system, the value of which is never measured by dollars and cents.

THE MOVEMENT OF MERCHANDISE.

The carrying of parcels of merchandise, however, is a very different thing. It bears scarcely no relation whatever to the governmental function above referred to. One is essentially educational; the others purely commercial.

While this country has long carried some merchandise in the mails, it has not encouraged that department of the service. Prior to 1863 the weight of the package was limited to 3 pounds, and since then it has been but 1 pound more, the rate being 1 cent for each ounce or fraction thereof—16 cents the pound.

THE NEW PLAN.

The Postmaster-General's plan now is to enlarge the weight of the package received and reduce the rate, thus openly bidding for this line of business. It is true he limits the scope of these operations to the minimum, confining the origin and destination of each package to the rural routes out of a common terminus.

One is strongly inclined to regard this as merely an entering wedge. I am perfectly sure that it will not satisfy the people, but, on the contrary, will operate to increase the demand for this form of governmental service generally throughout the country. It has not been asked for by either the merchant on the routes, nor by the patrons served by them. It would accommodate but a small per cent of the people, and those whose rights to such a service are no more urgent than that of many others. The people in and about the thousands of small villages strung along the railroads will demand and should receive as good facilities for trading at the larger towns and cities as those along the rural routes; and in the West the people living in the remote valleys, off the main lines of communication, and served only by star-route mails, are more in need of mail privileges in their trading than either of the former groups, because their isolation makes it more difficult to visit the larger centers of trade. These, as well as those in and about small villages, usually have but one or two local stores at which to trade, stocks from which to select are small, and the belief at least prevails that prices are high. Rural routes usually radiate from the larger centers and swinging around in belt-line fashion are at no point far from a city of considerable size. Hence the patrons served are the best able of either of these three groups of people to reach a satisfactory trading place.

I am equally certain that the merchants at the beginning of the rural routes do not want their customers to form a habit of trading by mail. They want them to come to the store in person to do their buying. Their advertisements teem with special offers to purchasers in person. Cranberries to-day, some garden tool to-morrow, with laces or gingham, are offered at frequent intervals below cost price in order to bring the farmer or his good wife into the store, the expectation being that once there they will see and buy many other things, some of which, at least, might have been done without had they not been pressed on their attention by the merchant.

From a social and mental standpoint, too, it is not profitable, but absolutely injurious, to the country to induce farmers and their families to remain too close to the farm. There is no class of people in the country who work as many hours a day as these, and none who normally enjoy as little of the cheer and benefit of association with others as our rural folk. They recreate too little already; they are predisposed to tarry at home and toil incessantly—a thing especially true of the patient, industrious wives of our farmers—and to take away their chief incentive to take a holiday—the occasional trip to town for necessary purchases—is a matter of much actual seriousness.

THE QUESTION TO BE MET.

The demand for the larger postal service comes chiefly from the rural districts, but it is not sought that they may trade more easily at their home town or city, but because they hear of advantages to be had at a more remote metropolis. "Distance lends enchantment" to the view of those properly in search of bargains, and whether the honorable Postmaster-General so meant it or not, the real question to be met is whether it is wise for the Government to embark on a wider field of the carrying trade of the country.

MARKETING PRODUCE.

It may be observed at this point that the carrying by mail of occasional purchases is by no means all that this new venture means. The demand is already made in this country, and it has been acceded to in some foreign countries, that the rates be made low enough to permit of the ready marketing of farm produce as well as the output of factories. I have frequently heard farmers' clubs and institutes discuss the advantages of a parcels post that would enable them to send their eggs to market, milk to the creamery, and their vegetables and fruits to the people of the cities generally.

Some European countries now perform these services by mail, and the traveler may see great quantities of hams, bacon, and fresh meats, and the products of poultry and dairy farms as well as of the truck garden at the post-office ready to go to the larger markets. I have read of a case even where a small child was sent home to its parents by mail at the end of its visit.

A writer in the Outlook of date December 14, 1907, presents a fanciful picture of what would come to pass if our Govern-

ment were to enter upon this enlarged service. The article is in the form of an imaginary report of the First Assistant Postmaster-General in 1912 on our postal service, and begins with this paragraph:

The United States rural mail service now covers all the traffic within a rural route and provides for a regular interchange of persons, produce, and ordinary mail matter, morning and afternoon, between different routes and the outside world. The new service furnishes organized transport facilities for the education of the children and for the occupation and recreation of the whole population outside their homes.

Then follows the details, all exhibiting a socialistic scheme of the most advanced type. The children are carried to school, the adults to and from their employment or on journeys of pleasure, farm produce is carried to market and merchandise brought back—all at prices which no individual would think of duplicating if insured all of the business.

An enthusiastic member of the British Parliament, writing on this subject in the *Arena* a few years ago, said:

One can sympathize with the firm rejection of live creatures, such as the snakes, leeches, and insects exchanged by the ardent naturalist. But why is the dog, the friend of man, refused; or grimalkin, best ornament of the fireside, or sturdy chanticleer, while an exception is made in favor of bees?

In the same article the writer describes the result of the system in Germany in these glowing terms:

I shall never forget my inspection of the parcels-post building at Berlin. Such grim bustle, such ordered haste, such sudden surges of uniformed toilers, such mountains of baskets, boxes, parcels, melting down into yawning vans; * * * cocks crowded in their crates, huge mastiffs bayed, canaries from the Harz, shrilly piped; the huge yard of dispatch could have furnished a fair or supplied a settlement; and everything was sent off at the right time without a hitch, while Herr Karl Kirchhoff, the organizer and director of all, stood like an admiral on his bridge to see that all went well.

One of our consuls-general at a German port, writing in the *Catholic World* for June, 1905, describes the service rendered by the postal department in that country as follows:

The parcels post brings fish from the North Sea, the colonial products from the seaport towns, the dairy products from Switzerland, the wines from the Rhine Valley, the fruits of Italy, and the vegetables of the whole south into the heart of Germany.

Another one, speaking of a different branch of the service, says:

An enterprising manufacturer can send his traveler abroad and take small orders for his products, guaranteeing speedy delivery and low transportation charges, when his country has a parcels-post connection with foreign countries. A large exporting business can thus be developed from small beginnings.

I consider it entirely safe to say that if we enter upon this new field the extent and scope of the work above suggested will be speedily reached. We should take careful note at the outset of what the undertaking means, for once entered upon, even in the modest way suggested by the Postmaster-General, it will be found more and more difficult to stop.

IN FOREIGN COUNTRIES.

The sentiment in favor of this new governmental service has been built up in this country chiefly by holding up to view more or less highly painted pictures of what is being done along a similar line in the countries of Europe. Any fair comparison of the postal service in those countries and in ours must take into consideration density of population, expanse of country or length of transportation routes, and the ownership of the means of transportation. The density of population and the relative size of the United States and of the principal countries of Europe having a cheap parcels post are shown by the following table:

Country.	Area.	Ratio of size.	Population.	Population per square mile.
	<i>Sq. miles.</i>			
United States.....	3,602,990	100	81,154,009	23.35
Great Britain.....	121,391	3.36	41,975,827	345.79
Germany.....	208,890	5.79	60,641,278	290.34
France.....	207,054	5.74	38,961,945	189.87
Belgium.....	11,373	.31	7,074,970	622.03
Italy.....	110,550	3.06	32,475,253	293.76
Switzerland.....	15,976	.44	3,315,443	207.73

These figures are extremely interesting and important in connection with this subject. We constantly lose sight of the immensity of this country and its "magnificent distances," as compared with the nations of Europe; but in considering a question of transportation, distances and density of population stand in the foreground. Let it be observed, for instance, that while our country is over 300 times as large as Belgium, the latter has a population of 622 people to the square mile, while we have but a fraction over 23. Yet we will hear it argued that "Belgium carries 132-pound parcels by mail; why can not we?" or, "If Switzerland can carry 110-pound parcels, why not the United States?" entirely ignoring

or forgetting the fact that our country is 250 times as large as Switzerland and has about one-tenth the population in a given area. Postal authorities have estimated that the average distance traveled by a piece of mail, including letters, papers, and parcels, is 40 miles in Great Britain, 42 miles in Germany, and 540 miles in the United States. Of course it is still less in the smaller countries of Europe. The admission of paper mail to this calculation greatly reduces the average, since newspapers circulate chiefly in the vicinity of the city of their publication. Parcels of merchandise or produce would certainly move much farther on an average, because they would chiefly flow to and from the great cities. If one is going to trade by mail, and the cost of delivery is the same, why not go to "headquarters," which, in the popular mind, means one of the larger cities in the country?

The maximum parcel carried by the principal nations is as follows:

	Pounds.
United States.....	4
Great Britain.....	11
Germany.....	110
France.....	22
Belgium.....	132
Switzerland.....	110
Italy.....	11
Austria.....	110

RAILROAD OWNERSHIP.

Another factor of equal importance is the nature of ownership of the means of transportation. In this country all routes are privately owned and operated. The railroads—the chief means of transporting the mails—have been constructed for the most part by private capital, without the aid of the Government, and the Government, like individuals, must pay a rate for its service which will yield a fair return to the owners. The roads in the foreign countries used in this comparison are largely owned by the governments, in which case it matters little whether merchandise and produce move by mail or by freight. In some of the countries, as in France, the government guarantees the interest on the capital invested in the roads, and in return has its mails carried free or at a nominal rate.

The English writer above referred to says of the mail-carrying situation in Germany:

The German post has no occasion to enforce heavy rates. It can impose its own terms on the railway companies. By law these have to carry free all parcels under 11 pounds in weight. Thus the mistake which has crippled the activity of the British parcels post has been avoided.

Of course there can be no just comparison between a service carried on under such conditions and ours, for the basic conditions are so fundamentally dissimilar.

The matter of railroad ownership lies at the very foundation of this question. If this Government owned the roads and operated them, it would matter little what went forward as mail and what under another designation. But that is not the case now and it is to be hoped never will be. From this standpoint, as well as from those hereinbefore mentioned, it is manifestly unfair to argue that because other countries do so and so in their mail service, therefore we should do the same.

It is significant that no country giving a large service of the kind under consideration undertakes to say that its receipts equal the cost of the service. I have not been able to find any report showing the cost of the parcels department. It is stated by some pretty high authority that the general belief among these nations is that they are rendering it at a loss. It is hard to reconcile that condition of the business with any idea of fairness. We may properly carry on the educational feature of the mail service, in part, out of the general revenue of the Government; but who will say that we may fairly carry the individual's produce to market or his merchandise home for him at public expense in whole or in part? Why should all the people be taxed to pay a postal deficit created by moving freight for the people at less than the cost of service? Is there any reason why this branch of pure business should be conducted at public expense which would not justify the performance by the Government of any other department of business?

THE POLITICAL PHASE.

And this brings into view the political phase of the case. Should this Government engage in purely business activities of any kind?

Of late years there has been a growing tendency to say, when dissatisfaction arises over some existing condition of things, "Let the Government do it." Neither political party is free from this charge, but both have sought to curry favor in this way until, undoubtedly, many seeds of Socialism have taken root. Thoughtful men in neither party favor that end, and probably a large majority believe that it would prove fatal to our institutions. Yet, not a few well-meaning citizens urge us to take "just this step" in that direction, and to gain a tempo-

rary advantage we are coming to suggest such things quite too often. Carrying produce to market is no part of the functions of this Government as planned by the fathers, any more than the planting or harvesting of the crop would be. There is not a single argument in favor of the parcels post that does not tend to prove by the same amount that the Government should set up a shoe factory or open a bakery for all. Each and all would be outside the realm of government as planned by the architects of the nation and foreign to that interesting and beneficial spirit of individualism which has brought us such marked results as a people.

Rest assured that if we begin by carrying the dairyman's milk to the creamery, we will end by milking the cows and manufacturing the butter. There will be no stopping place between these stations. And why, indeed, should one be sought? If that supposedly all-powerful thing vaguely referred to as "the Government" is to carry one business burden for us, why not load them all on? Father Government is not supposed to know either weight or weariness.

INTERNATIONAL PARCELS POST.

But in order to induce a beginning in this new departure it is pointed out that we already carry larger parcels and at lower rates to foreign points than between two domestic offices. This is true in a sense. But 4 pounds can be sent from one post-office in the United States to another, and the rate is 16 cents per pound, while as high as 11 pounds may be mailed at a domestic office if the destination of the parcel be a point in certain foreign countries.

By international postal conventions we have the following service:

Between United States and—	Greatest weight.		Postage.	
			For first pound or fraction.	For additional pound or fraction.
	Pounds.	Ounces.	Cents.	Cents.
Australia.....	4	6	12	12
Bahamas.....	11		12	12
Barbados.....	11		12	12
Belgium.....	4	6	12	12
Bermuda.....	11		12	12
Bolivia.....	11		20	20
British Guiana.....	11		12	12
Chile.....	11		20	20
Colombia.....	11		12	12
Costa Rica.....	11		12	12
Danish West Indies (St. Croix, St. John, and St. Thomas).....	11		12	12
Denmark.....	4	6	12	12
Ecuador.....	11		20	20
Germany.....	4	6	12	12
Great Britain, including Ireland.....	4	6	12	12
Guatemala.....	11		12	12
Honduras (British).....	11		12	12
Honduras (Republic of).....	11		12	12
Hongkong.....	4	6	12	12
Jamaica, including the Turks and Caicos Islands.....	11		12	12
Japan, including Formosa, Karafuto (Japanese Sagahen), and Korea.....	4	6	12	12
Leeward Islands (Antigua with Barbuda and Redonda, St. Kitts, Nevis with Anguilla, Dominica, Montserrat, and the Virgin Islands).....	11		12	12
Mexico.....	11		12	12
Newfoundland.....	11		12	12
New Zealand, including Fanning Island.....	11		12	12
Nicaragua.....	11		12	12
Norway.....	4	6	12	12
Peru.....	11		20	20
Salvador.....	11		12	12
Sweden.....	4	6	12	12
Trinidad, including Tobago.....	11		12	12
Venezuela.....	11		12	12
Windward Islands (Grenada, St. Vincent, the Grenadines, and St. Lucia).....	11		12	12

These figures, while proving the contention just stated, largely refute it. Literally we may send larger packages out of this country than from point to point at home. But what does it signify that we may send 11-pound parcels to Barbados or the Windward Islands? Who wants to traffic with these unimportant countries? I venture to say that not one man in a thousand who advocates the parcels post ever had occasion to send a parcel of any weight to one of these countries. Most assuredly the farmers, mechanics, etc., are not benefited by this privilege.

It will be observed that the countries with which we have greatest commercial intercourse exchange only the 4-pound 6-ounce parcel with us, namely, Great Britain, Germany, Nor-

way, etc. We have no parcels-post convention with France allowing more than our domestic 4-pound parcel.

The rate of postage charged on this international business should be noted. A single ounce, or any weight up to 1 pound, is 12 cents; our domestic rate is but 1 cent for each ounce. Similarly, any fraction over a pound takes the rate of the full pound in international business. Thus 1 ounce would cost from 12 to 20 cents international, against 1 cent domestic; or 1 pound and 1 ounce international would cost 24 to 40 cents, against 17 cents domestic. So we have not discriminated so badly against local business after all.

OUR DOMESTIC SERVICE.

How far does our present service, limited to a 4-pound parcel, meet the real needs of the people? Are we not meeting the practical requirements of the people? Practically every article of wearing apparel of women and children that would be intrusted to the mails may now be sent, and a pretty good suit of clothes for a man will be carried. A very wide range of presents may be exchanged by post—one of the primary purposes of this service—as witness the volume of business done at the holiday season. Local merchants without competition find in our mail privileges a very salutary restraint on their prices, for their customers may send away for a large part of their daily needs if local conditions justify it. In stress of weather or of work the post will bring a temporary supply of groceries, but leaves intact the meritorious incentive for the farmer and his wife to drive into town occasionally. But the postal rates and privileges do not and should not permit buyers to send their trade to remote cities to the destruction of local businesses. The rights of the country merchant are as much a proper thing for our consideration as are the desires of the buyers. Every store that is built adds value to the surrounding farms, and the larger the town or city the greater the value of the adjacent holdings and the greater the opportunities of all kinds of craftsmen. If it were proper for the Government to embark in the carrying trade, it would not be wise for it to throw its weight into the balance against the country towns, for these rallying points are of inestimable value socially, politically, and financially to the whole country. They give equilibrium and homogeneity of the very first importance to our institutions. It will be a sad day for the country if it shall ever resolve itself into the two extremes—the great city and the uninterrupted rural district. The country town is the bond that binds all avocations together and makes the nation truly democratic in thought and custom. [Applause.]

Statement showing the number of "parcels" dispatched to, and received from, the several countries during the fiscal year ended June 30, 1907.

Country.	Number of parcels.	
	Dispatched.	Received.
<i>Maximum weight 4 pounds 6 ounces.</i>		
Germany.....	48,202	74,889
Norway.....	6,796	5,698
Australia.....	9,113	2,030
Belgium.....	2,248	754
Great Britain.....	80,219	47,735
Sweden.....	10,379	3,532
Denmark.....	*2,454	*3,767
Total.....	168,411	138,405
<i>Maximum weight 11 pounds.</i>		
Jamaica.....	10,242	1,654
Bahamas.....	3,148	340
British Honduras.....	2,561	195
Barbados.....	2,483	675
Leeward Islands.....	1,613	327
Mexico.....	56,012	9,919
Colombia.....	11,023	332
Salvador.....	2,403	66
Costa Rica.....	8,804	294
Danish West Indies.....	1,708	110
British Guiana.....	1,871	263
Windward Islands.....	671	116
Newfoundland.....	3,773	1,076
Republic of Honduras.....	3,216	72
Trinidad.....	2,212	400
Chile.....	4,399	200
Guatemala.....	3,208	35
Nicaragua.....	2,856	16
New Zealand.....	6,052	1,277
Japan.....	22,462	24,026
Venezuela.....	3,034	53
Bolivia.....	1,474	*21
China.....	3,506	1,194
Peru.....	*1,706	*118
Bermuda.....	*629	*320
Ecuador.....	*464	
Total.....	162,138	43,189

* Since September, 1905.
 † Since October, 1906.
 ‡ Since January, 1907.

§ Since February, 1907.
 ¶ Since March, 1907.

Mr. OVERSTREET. I move that the committee do now rise. The motion was agreed to. The committee accordingly rose; and the Speaker having resumed the chair, Mr. 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.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 450. An act for the relief of the State of North Carolina—to the Committee on War Claims.

S. 1669. An act granting an honorable discharge to Benjamin Warner—to the Committee on Military Affairs.

S. 4791. An act 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—to the Committee on Indian Affairs.

S. 5085. An act authorizing the construction of a light-house tender for the light-house inspector of the twelfth light-house district—to the Committee on Interstate and Foreign Commerce.

S. 123. An act to provide for the erection of a public building at Lewiston, county of Nez Perce, State of Idaho—to the Committee on Public Buildings and Grounds.

S. 520. An act for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.—to the Committee on Interstate and Foreign Commerce.

S. 4112. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906—to the Committee on Foreign Affairs.

S. 2244. An act to provide for the erection of a public building at Missoula, Mont.—to the Committee on Public Buildings and Grounds.

S. 3405. An act to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896—to the Committee on the District of Columbia.

S. 5363. An act to provide for the purchase of a site and the erection of a public building thereon at Franklin, La.—to the Committee on Public Buildings and Grounds.

S. 1543. An act to authorize the entry of arid and semiarid public lands—to the Committee on the Public Lands.

S. 649. An act to provide for the purchase of a site and the erection of a public building thereon at Rock Springs, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

S. 906. An act to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire—to the Committee on Public Buildings and Grounds.

S. 2938. An act to provide for the erection of a public building at Lander, Wyo.—to the Committee on Public Buildings and Grounds.

S. 3160. An act providing for the erection of a public building in the city of Peru, Ind.—to the Committee on Public Buildings and Grounds.

S. 5434. An act 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 the Committee on Naval Affairs.

S. 4535. An act 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—to the Committee on the Judiciary.

Senate concurrent resolution 36.

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—to the Committee on Rivers and Harbors.

S. J. Res. 37. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17220. An act to amend an act entitled "An act to au-

thorize 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;

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;

H. R. 4777. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings; and

H. R. 17524. An act to provide for circuit and district courts of the United States at Dothan, Ala.

The Speaker announced his signature to enrolled bills and joint resolution of the following titles:

S. 3941. An act to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885;

S. 1774. An act to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands;

S. 4740. An act granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

S. 1746. An act granting a pension to Elmer Honnyman;

S. 712. An act granting a pension to Agnes Lange Smith;

S. 1666. An act for the relief of Stene Engeberg;

S. 720. An act to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby;

S. 406. An act granting a pension to Calesta Clark;

S. 4064. An act to provide for a term of the United States circuit and district courts at Lander, Wyo.;

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; and

S. R. 63. Joint resolution authorizing the invitation of governments of other countries to send representatives to the International Congress on Tuberculosis.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

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

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. 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 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.

ALIEN CRIMINALS.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to print in the RECORD one or two newspaper articles with reference to the activities of alien criminals in Chicago and New York on yesterday.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I will have to object. The gentleman has the right to do that under his power of revision.

Mr. BENNET of New York. But I have not made any speech.

Mr. WILLIAMS. I have been objecting to unanimous consents after 5 o'clock. The gentleman can do that to-morrow.

ADJOURNMENT.

Then, on motion of Mr. OVERSTREET (at 5 o'clock and 7 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 president of the Board of Commissioners of the District of Columbia, transmitting a report of the opera-

tions of the excise board for the license year ended October 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the chief justice of the Court of Claims, requesting that the findings filed by the court in the case of J. C. Stewart, administrator of estate of J. M. Curry (Congressional, No. 12286), be returned to the Court of Claims—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 12684) to provide for the temporary warranting and for the retirement of pay clerks in the Navy, reported the same with amendments, accompanied by a report (No. 1133), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4920) to provide a temporary home in the District of Columbia for ex-Union volunteer soldiers, sailors, and marines, reported the same without amendment, accompanied by a report (No. 1142), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns, reported the same without amendment, accompanied by a report (No. 1144), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the bill of the Senate (S. 4351) for the relief of the Alaska Pacific Railway and Terminal Company, reported the same without amendment, accompanied by a report (No. 1145), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5043) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation, reported the same with amendments, accompanied by a report (No. 1146), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7037) for the relief of Benjamin F. King, reported the same without amendment, accompanied by a report (No. 1134), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8959) for the relief of the board of education of the Harpers Ferry school district, of Jefferson County, W. Va., reported the same with amendment, accompanied by a report (No. 1135), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13476) for the relief of the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 1136), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16722) for the relief of the heirs of Erdman Bodenschatz, deceased, reported the same without amendment, accompanied by a report (No. 1137), which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the Senate (S. 1559) for the relief of the Citizens' Bank of Louisiana, reported the same without amendment, accompanied by a report (No. 1138), which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 12292) for the relief of A. E. Couch, reported the same without amendment, accompanied by a report (No. 1139), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 16471) for the relief of George H. Penrose, reported the same with amendments, accompanied by a report (No. 1140), which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry, reported the same without amendment, accompanied by a report (No. 1141), which said bill and report were referred to the Private Calendar.

Mr. MORSE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11605), reported in lieu thereof a resolution (H. Res. 276) referring to the Court of Claims the papers in the case of the legal heirs of William Doyle and Hudson Cooper, accompanied by a report (No. 1143), which said resolution and report were referred to the Private Calendar.

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. 4568) granting a pension to Mary A. Hodge—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15428) granting a pension to Francis Murphy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18094) granting an increase of pension to Jeremiah Sullivan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18101) granting an increase of pension to Clara C. Dillingham—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18540) granting a pension to Martin J. Frey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

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. STEVENS of Minnesota: A bill (H. R. 13608) to repeal sundry paragraphs of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States"—to the Committee on Ways and Means.

By Mr. FULTON: A bill (H. R. 18609) to authorize the Secretary of the Interior to sell certain lands belonging to the Cheyenne School Reserve and the Cheyenne and Arapahoe Agency Reserve, in Oklahoma, and to give settlers on adjacent lands preference rights to purchase said lands—to the Committee on Indian Affairs.

By Mr. GILLETT: A bill (H. R. 18610) for the erection of a public building at Athol, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 18611) to increase the appropriation made for a public building at Eugene, Oreg., by adding thereto \$30,000—to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: A bill (H. R. 18612) authorizing the purchase of a site for a public building at Rochester, N. H.—to the Committee on Public Buildings and Grounds.

By Mr. WASHBURN: A bill (H. R. 18613) to provide for the erection of a public building at Webster, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 18614) to limit the issue and use of stocks, bonds, and certain obligations of corporations engaged as common carriers in interstate commerce, and so forth—to the Committee on the Judiciary.

By Mr. OLLIE M. JAMES: A bill (H. R. 18615) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Cumberland River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18616) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Washington: A bill (H. R. 18617) providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash.—to the Committee on Indian Affairs.

By Mr. HULL of Iowa: A bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry—to the Committee on Military Affairs.

By Mr. SMITH of Missouri: A bill (H. R. 18619) to amend section 7 of an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. HUGHES of West Virginia: A bill (H. R. 18620) to reimburse depositors in the Freedman's Savings and Trust Company—to the Committee on Banking and Currency.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 18621) increasing the limit of cost for a public building at Greenville, Miss.—to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 18622) authorizing the Secretary of War to remove certain obstacles of navigation from the main shipping channel, Key West, Fla.—to the Committee on Rivers and Harbors.

By Mr. STAFFORD: A bill (H. R. 18623) to authorize the erection of a Government post-office building at Waukesha, Wis., and making an additional appropriation for a site therefor—to the Committee on Public Buildings and Grounds.

By Mr. MORSE, from the Committee on War Claims: Resolution (H. Res. 276) referring to the Court of Claims the bill H. R. 11605—to the Private Calendar.

By Mr. JENKINS: Resolution (H. Res. 277) to increase the pay of H. C. McRae—to the Committee on Accounts.

By Mr. PERKINS: Resolution (H. Res. 278) in reference to the seating of the House—to the Committee on Rules.

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. ACHESON: A bill (H. R. 18624) granting an increase of pension to Sarah Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18625) granting an increase of pension to William J. Ware—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 18626) granting an increase of pension to James E. Chadwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18627) to remove the charge of desertion from the military record of Isidro Talamante—to the Committee on Military Affairs.

Also, a bill (H. R. 18628) confirming title to the Canoncito de Nuanez grant—to the Committee on Private Land Claims.

By Mr. ANDRUS: A bill (H. R. 18629) granting a pension to Mary E. Latimer—to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 18630) granting an increase of pension to Jesse T. Reese—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 18631) authorizing the Secretary of the Interior to issue patents in fee to the diocese of Duluth of the Protestant Episcopal Church in the United States of America for certain lands in Minnesota set apart for the use of said church for missionary purposes among the Chippewa Indians—to the Committee on the Public Lands.

By Mr. BENNET of New York: A bill (H. R. 18632) for the relief of Alexander Jeannisson—to the Committee on Military Affairs.

Also, a bill (H. R. 18633) granting an honorable discharge to Maurice Spillane—to the Committee on Military Affairs.

Also, a bill (H. R. 18634) granting a pension to Mary Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18635) granting an increase of pension to Richard Schwabin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18636) to authorize the enrollment of Sergt. Jacob A. Weil as a member of the Sixth New York State Militia—to the Committee on Military Affairs.

Also, a bill (H. R. 18637) to authorize the appointment of Sergt. John Mahnkin Hall as a second lieutenant on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 18638) for the relief of the children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario—to the Committee on Claims.

By Mr. BONYNGE: A bill (H. R. 18639) for the relief of George W. Wickes—to the Committee on the Public Lands.

By Mr. BRICK: A bill (H. R. 18640) granting an increase of pension to James A. Meek—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 18641) for the relief of Calvin Nelson—to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 18642) for the relief of J. W. Plaster, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 18643) for the relief of the estate of Thomas Ellicott, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18644) for the relief of the estate of Alice J. Fletcher, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18645) for the relief of the estate of William Benton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18646) for the relief of the legal representatives of the estate of John Heater—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 18647) granting an increase of pension to William A. Harper—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18648) granting an increase of pension to Lewis Rinehart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18649) granting an increase of pension to John W. Leathers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18650) granting an increase of pension to Peter Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18651) granting an increase of pension to John H. Clark—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 18652) granting a pension to Herman Schroeder—to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 18653) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them in the military or naval service of the United States—to the Committee on Pensions.

Also, a bill (H. R. 18654) to remove the charge of desertion from the service record of John C. Herrin—to the Committee on Military Affairs.

By Mr. GARNER: A bill (H. R. 18655) to remove the charge of desertion from the military record of Nathaniel Wayt and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 18656) for the relief of Edward L. Witt, administrator of Preston Witt, deceased—to the Committee on Claims.

By Mr. GOULDEN: A bill (H. R. 18657) granting an extension of Letters Patent No. 482951 to William D. Stratton and John H. Drake—to the Committee on Patents.

By Mr. GRAHAM: A bill (H. R. 18658) for the relief of Thomas B. Tweedle—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 18659) granting a pension to James C. Neil—to the Committee on Pensions.

By Mr. HAWLEY (by request): A bill (H. R. 18660) authorizing the appointment of Col. A. H. Bainbridge, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 18661) authorizing the appointment of Maj. J. Ulio, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 18662) authorizing the appointment of Col. W. D. Wolverton, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 18663) granting a pension to Clara Willis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18664) granting an increase of pension to John W. Porter—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 18665) granting a pension to Charles J. Burget—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18666) granting a pension to Jane Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18667) for the relief of the estate of J. Milton Best, deceased—to the Committee on War Claims.

By Mr. JONES of Washington: A bill (H. R. 18668) granting an increase of pension to William Terwillagar—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18669) restoring to the pension roll the name of Henry Blankenship—to the Committee on Pensions.

Also, a bill (H. R. 18670) granting an increase of pension to Peter Jagers—to the Committee on Invalid Pensions.

By Mr. LEAKE: A bill (H. R. 18671) granting a pension to Viola Weichert—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 18672) for the relief of the estate of Daniel B. Ladd, deceased—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 18673) granting an increase of pension to Lyman B. Smith—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 18674) granting a pension to Bridget Clancy—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 18675) granting a pension to Abram P. Eaton—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 18676) granting an increase of pension to William S. Frost—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 18677) for the relief of F. Weston Hyde—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 18678) granting an increase of pension to Thomas Smith—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 18679) granting an increase of pension to Morris Joseph James—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 18680) for the relief of the estate of Simon Brown, deceased—to the Committee on War Claims.

By Mr. PRATT: A bill (H. R. 18681) granting an increase of pension to Mary E. Meldrum—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 18682) for the relief of Sarah J. Browning—to the Committee on the Public Lands.

By Mr. SLEMP: A bill (H. R. 18683) granting a pension to Edward W. Hall—to the Committee on Pensions.

By Mr. SNAPP: A bill (H. R. 18684) granting an increase of pension to Christian Kaiser—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 18685) granting an increase of pension to William J. Meadows—to the Committee on Pensions.

Also, a bill (H. R. 18686) granting an increase of pension to Andrew A. Boyett—to the Committee on Pensions.

Also, a bill (H. R. 18687) for the relief of the city of Key West, Fla.—to the Committee on Claims.

By Mr. WEEKS: A bill (H. R. 18688) granting an increase of pension to Jacob A. Dyer—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of Sarah Bush—to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Benjamin F. Cleaves and 807 other citizens of Biddeford, Me., for a public building for a post-office—to the Committee on Public Buildings and Grounds.

Also, petition of Robert McArthur and 34 other citizens of Biddeford, Me., for appropriation to improve Saco River—to the Committee on Rivers and Harbors.

By Mr. ASHBROOK: Petition of Toledo Association of Credit Men, for any improvements in bankruptcy law—to the Committee on the Judiciary.

Also, memorial of Ohio legislature, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of J. F. Miller and others, for creation of a national highway commission—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Adaline Scott, as guardian of David H. Scott—to the Committee on Invalid Pensions.

Also, petition of Musicians' Protective Association of Newark, Ohio, against enlisted musicians competing with civilian musicians—to the Committee on Labor.

Also, paper to accompany bill for relief of Elijah Jennings—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of S. M. Willock, of Pittsburg, Pa., in favor of the Appalachian Forest Reserve bill—to the Committee on Agriculture.

Also, petition of Union Steel Casting Company and the McConway & Torley Company, both of Pittsburg, Pa., opposing the passage of H. R. 15651—to the Committee on Labor.

Also, petition of Branch No. 94 of the Glass Bottle Blowers' Association, of Pittsburg, Pa., against passage of S. 2926—to the Committee on Labor.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of James W. Eldridge, of Hartford, Conn., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of the Philadelphia Maritime Exchange, for H. R. 17044, bill to provide for lading and unloading of vessels at night—to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: Petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. CALDWELL: Petition of California Harbor, No. 15, for legislation making it compulsory for all masters and mates of sail vessels of 300 gross tons and over to be licensed—to the Committee on the Merchant Marine and Fisheries.

By Mr. CHANEY: Paper to accompany bill for relief of W. A. Harper—to the Committee on Invalid Pensions.

Also, petition of New Orleans Progressive Union, against joint resolution, Calendar No. 204, Report No. 182—to the Committee on the Merchant Marine and Fisheries.

By Mr. COOK of Pennsylvania: Petition of Allied Agricultural Organizations of Pennsylvania, for the Davis bill (H. R. 534) for agricultural instruction in high schools—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Massachusetts State Federation of Women's Clubs, forestry department, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

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

Also, petition of James Wilson and others, for the McCumber Federal inspection bill, also against option gambling—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of the memorial and executive committee of the Grand Army of the Republic of Kings County, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of New York State Bankers' Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

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 citizens of Brooklyn, N. Y., against ratification of any arbitration treaty between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Metropolitan Association of Retail Druggists, for increase of pay of superintendents of post-office contract stations (S. 4700, Rayner bill; H. R. 14639, Bennet bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of Local Union No. 1, International Stereotypers and Electrotypers, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Bricklayers, Masons, and Plasterers' Union of La Salle, Ill., for battle-ship building in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Illinois Farmers' Institute, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cairo (Ill.) Commercial Club, for river and harbor improvement—to the Committee on Rivers and Harbors.

Also, petition of Chicago Live Stock Exchange, for H. R. 13841—to the Committee on Agriculture.

Also, petition of National Funeral Directors' Association and Illinois State Undertakers' Association, against practice of burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULTON: Petition of citizens of El Reno, Okla., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARNER: Paper to accompany bill for relief of estate of Preston Witt—to the Committee on Claims.

By Mr. GARRETT: Paper to accompany bill for relief of R. F. Tisdale, heir of E. H. Tisdale—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Lewis Nixon, for registration of the *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

Also, letter of H. O. Nickerson, superintendent of New England Navigation Company, of New York City, on shipping laws (H. R. 16987)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of S. Stein & Co., favoring the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Licensed Tugmen's Protective Association, for H. R. 16987 in full—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: Petitions of Union Steel Casting Company, of Pittsburg, Pa., against passage of H. R. 15651, and Glass Bottle Blowers' Association, of Pittsburg, Pa., against S. 2926—to the Committee on Labor.

Also, petition of Chamber of Commerce of Pittsburg, Pa., against the Crumpacker bill (H. R. 7597) relative to Thirteenth Census employees—to the Committee on the Census.

Also, petition of Philadelphia Maritime Exchange, favoring H. R. 17044, for lading and unloading vessels at night—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HENRY of Texas: Petition of W. A. Lucas and others, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of District Assembly No. 197, Knights of Labor, of Jersey City, against amendment of section 3893, Revised Statutes, relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of Iowa: Petition of citizens of Buena Vista County, Iowa, for H. R. 40, against liquor selling in District of Columbia—to the Committee on the District of Columbia.

By Mr. HUFF: Petition of Allied Agricultural Organization of Pennsylvania, in support of the Davis bill (H. R. 534), teaching agriculture in high schools—to the Committee on Agriculture.

Also, petition of J. C. Kuhn Post, No. 539, Grand Army of the Republic, Hooker, Pa., against restoration of the canteen in the United States Army—to the Committee on Military Affairs.

By Mr. HULL of Iowa: Petition of Mrs. J. Galen Tilden and others, the Book and Basket Club, and the P. E. O. Society, all of Ames, Iowa, for the Beveridge bill relative to child labor—to the Committee on Labor.

By Mr. HAYES: Petition of Sacramento Valley Development Association, of California, for appropriation of \$400,000 for improvement of internal waterways—to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce, San Francisco, Cal., against H. R. 14655—to the Committee on the Merchant Marine and Fisheries.

Also, petition of S. W. Wilkinson and others, citizens of California, against extension of rights of naturalization and for exclusion of all Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of San Francisco, Cal., for appropriation to improve buildings and sanitary condition of the Presidio Military Reservation—to the Committee on Military Affairs.

Also, petition of fruit growers' convention of California, for continuance of nutrition investigation by Department of Agriculture—to the Committee on Agriculture.

Also, petition of Loyal Legion of California, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Asiatic Exclusion League of North America, for immediate passage of an Asiatic-exclusion law—to the Committee on Foreign Affairs.

By Mr. OLLIE M. JAMES: Paper to accompany bill for relief of Robert L. Moore—to the Committee on War Claims.

By Mr. LEE: Paper to accompany bill for relief of James W. Andrews—to the Committee on Military Affairs.

By Mr. LINDBERGH: Petition of commercial clubs of Spooner and Bandette, Minn., relating to the exclusion and extension of townships 156, 157 from the operation of the act of June 21, 1906—to the Committee on Indian Affairs.

Also, petition of business men of Brooten and Belgrade, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of business men of Monticello, Wright County, Minn., against H. R. 13477, relative to postmasters furnishing lists of patrons of offices—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Paper to accompany bill for relief of William S. Frost—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Sacramento Federated Trades' Council, for battle-ship building at Government navy-yards—to the Committee on Naval Affairs.

By Mr. NORRIS: Petition of Woman's Suffrage Association of Table Rock, Nebr., for sixteenth amendment to the Federal Constitution—to the Committee on the Judiciary.

Also, petition of Omaha Association of Credit Men, for amendments to bankruptcy law—to the Committee on the Judiciary.

Also, petition of Commercial Club of Omaha, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of C. O. Carlson Axtel, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nebraska Woman's Christian Temperance Union, for sixteenth amendment to the Federal Constitution (suffrage for women)—to the Committee on the Judiciary.

Also, petition of E. E. Bruce & Co., against S. 42 and H. R. 6089, relative to pure food, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON: Paper to accompany bill for relief of estates of Richard N. Kittles and William S. Chaplain—to the Committee on War Claims.

By Mr. PRATT: Petition of New Jersey Chapter of American Institute of Architects, for an open competition for designs for proposed post-office building in Jersey City—to the Committee on Public Buildings and Grounds.

By Mr. ROTHERMEL: Petition of citizens of Pennsylvania for H. R. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. SMITH of California: Petition of citizen voters of California, for the Littlefield-Carmack bill or a similar one relative to shipment of intoxicants into prohibition States—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of J. E. Barnes and 30 other members of John Hunter Post, Grand Army of the Republic, of Montrose, Mich., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. SNAPP: Petition of citizens of Illinois, for building battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: Petition of Credit Men's Association of Minneapolis, for amendments to present bankruptcy law—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Allied Agricultural Organization of Pennsylvania, in favor of the bill (H. R. 534) providing for instruction in the high schools of distinctive studies in agriculture, mechanic arts, and home economics—to the Committee on Agriculture.

By Mr. WASHBURN: Petition of J. Elmer Hall, for repeal of section 3 of act of February 6, 1907, relative to pension attorneys—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Franciszek Weglinski, president of Polish Union of America, against expropriation act of the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of Pioneer Grange, No. 1, Patrons of Husbandry, of Cranbury, N. J., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pioneer Grange, No. 1, Patrons of Husbandry, of Cranbury, N. J., and Grand View Grange, No. 124, Patrons of Husbandry, of Flemington, N. J., for national highway commission—to the Committee on Agriculture.

Also, petition of New Jersey Chapter of the American Institute of Architects, for competitive plans for the erection of a new post-office building in Jersey City, under operation of the Tawney Act, and providing that architectural practitioners from New Jersey participate—to the Committee on Public Buildings and Grounds.