

## HOUSE OF REPRESENTATIVES.

MONDAY, February 17, 1908.

The House met at 12 o'clock noon.

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

The Journal of the proceedings of Saturday was read and approved.

## ARMY APPROPRIATION BILL.

Mr. HULL, chairman of the Committee on Military Affairs, by direction of that committee, reported the bill (H. R. 17288) making appropriations for the support of the Army for the fiscal year ending June 30, 1909, which was read a first and second time, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. HAY reserved all points of order on the bill.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendment the bill (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, in which the concurrence of the House of Representatives was requested.

## 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. 12420. An act to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont;

H. R. 9218. An act to amend an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

H. R. 14040. An act to authorize the County of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties;

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River;

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.;

H. R. 6231. An act to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district;

H. R. 2756. An act for the relief of L. K. Scott;

H. R. 12393. An act to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation; and

H. R. 16050. An act to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

## THE THIRTEENTH CENSUS.

Mr. CRUMPACKER, chairman of the Committee on the Census, by direction of that committee, reported the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial census, which was read a first and second time, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

## ASSISTANT CLERK TO COMMITTEE ON THE PUBLIC LANDS.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to present a privileged resolution.

The Clerk read as follows:

## House resolution 201.

*Resolved*, That there shall be paid out of the contingent fund of the House for the services of an assistant clerk to the Committee on the Public Lands compensation at the rate of \$1,400 per annum, payable in equal monthly installments until otherwise provided for by law: *Provided*, That the pay of such clerk shall commence from the time of entry upon the discharge of the duties, which shall be ascertained by the certificate of the chairman of said committee.

With the following committee amendment:

In line 4 strike out the word "four" and insert the word "two."

Mr. WILLIAMS. Mr. Speaker, will the gentleman from West Virginia explain to the House why this new clerk is found to be necessary?

Mr. HUGHES of West Virginia. I will explain. The gentleman from Wyoming [Mr. MONDELL], chairman of the Committee on the Public Lands, appeared before the Committee on Accounts and stated that there were so many bills before his committee that it was impossible for him to consider them with the force that the committee has at present, and that it was necessary to give him an additional clerk or to allow the work

to suffer for want of attention. He further stated that up to this time he had employed an assistant clerk who was doing this work and was paying him out of his own pocket.

Mr. WILLIAMS. Is this a unanimous report from the Committee on Accounts?

Mr. HUGHES of West Virginia. It is.

Mr. WILLIAMS. I do not make any objection to the passage of the resolution, Mr. Speaker, but I want to call attention to the fact that we are providing a great many new clerks at this session. In this case it seems to be warranted.

The amendment was agreed to.

The resolution as amended was agreed to.

## ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. HUGHES of West Virginia. Mr. Speaker, I offer the following privileged report.

The Clerk read as follows:

In lieu of resolution No. 156.

*Resolved*, That there shall be paid out of the contingent fund of the House, for the services of an assistant clerk to the Committee on Enrolled Bills, compensation at the rate of \$6 per day during the present session, the pay of said clerk to commence from the date on which he entered upon the discharge of his duties, which shall be ascertained and evidenced by the chairman of said committee."

Mr. WILLIAMS. Mr. Speaker, I would like to have the gentleman from West Virginia explain the necessity for this, also. Is this a clerk that the Committee on Enrolled Bills has usually had?

Mr. HUGHES of West Virginia. It is customary at this time of the session to give them this clerk. This is the usual resolution. One clerk can not prepare the bills, and for that reason the urgent deficiency appropriation bill the other day was not examined at the time it should have been, because the Enrolling Committee did not have the force required.

Mr. WILLIAMS. Then this is not any addition to the usual expense?

Mr. HUGHES of West Virginia. This is the usual expenditure for a session clerk.

The resolution was agreed to.

## JANITOR FOR OFFICE OF JOURNAL CLERK.

Mr. HUGHES of West Virginia. Mr. Speaker, I offer the following privileged report.

The Clerk read as follows:

In lieu of House resolutions Nos. 199 and 230.

*Resolved*, That there shall be paid out of the contingent fund of the House compensation at the rate of \$720 per annum for the services of a janitor in the office of the Journal clerk, and an additional room assigned to the members of the press, under the direction of the Clerk of the House, until otherwise provided by law."

Mr. WILLIAMS. Will the gentleman explain the necessity for this?

Mr. HUGHES of West Virginia. This janitor is needed on account of the Journal clerk's room being moved upstairs. At present they have no janitor. There was also a resolution introduced for another janitor for the press gallery, and instead of allowing one for each of these rooms we allowed one to take care of both rooms, as they are located near each other.

Mr. WILLIAMS. Is this, then, a decrease?

Mr. HUGHES of West Virginia. No; this is an additional janitor.

Mr. WILLIAMS. I understand it is an increase of one janitor.

Mr. HUGHES of West Virginia. Yes.

Mr. WILLIAMS. What is the necessity of additional labor this session over last?

Mr. MANN. If the gentleman from West Virginia will allow me, Mr. Speaker, I will say to the gentleman that in the rearrangement of rooms the Journal clerk was moved to the floor above and an additional room was set apart for the press, where they have a lot of typewriting machines, so as to expedite the work of the reporters of the press. I introduced a resolution to assign a janitor and messenger to the Journal clerk's office and another resolution, at the request of the reporters of the press gallery, to assign a janitor and messenger to the rooms set apart for their typewriting machines. Of course I accept with equanimity the recommendation for a single janitor, though I think I can assure the gentleman, my own committee room being on the same floor there and seeing the necessity of it, that in the end he will find that they will need, each of them, a janitor and a messenger.

Mr. HUGHES of West Virginia. Mr. Speaker, it has been complained that the Committee on Accounts should have allowed a janitor to each of those rooms who should also act as messengers. The committee thought one janitor sufficient, but so far as I am concerned I think perhaps two would have better served the purpose. The janitor we provide will also perform messenger duty. That is the custom and the requirement.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CONTINUING ACT MARKING GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

Mr. WILEY. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 138, to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 138.

*Resolved, etc.*, That the act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March 9, 1906, be, and the same is hereby, continued in full force and effect for two years from this date: *Provided*, That the provisions of this act shall not be construed to apply to the Confederate Mound in Oakwood Cemetery at Chicago: *And provided further*, That the compensation of the commissioner shall be fixed by the Secretary of War.

With the following amendment:

Line 10, strike out "this" and insert "said."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. 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 House joint resolution as amended.

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

On motion of Mr. WILEY, a motion to reconsider the last vote was laid on the table.

DAM ACROSS WHITE RIVER, KNOX COUNTY, IND.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16956) to authorize the Hydro-Electric Company to construct a dam across White River near the village of Decker, in Knox County, Ind., which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That the Hydro-Electric Company, a corporation organized under the laws of the State of Indiana, its successors and assigns be, and they are hereby, authorized to construct, maintain, and operate a dam across the White River on the boundary line between the counties of Knox and Gibson, at some point within 2 miles of the northeast corner of the township of White River, in said county of Gibson, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendments:

Line 6, page 1, strike out "On the boundary line between the counties of Knox and Gibson."

Line 8, strike out "Within 2 miles of the northeast corner of the township of White River, in said county of Gibson," and insert: "Near the village of Decker, Knox County."

The SPEAKER. Is there objection?

Mr. CHANEY. I would like to ask if the Secretary of War has given his recommendation for this dam?

Mr. LANDIS. I would say that he has.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendment.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

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

BONDING TUSCON, ARIZ.

The Speaker laid before the House the bill (H. R. 14638) to enable the city of Tuscon, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SMITH of Arizona. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes. The Clerk will resume the reading of the bill under the five-minute rule.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent to go back to page 109, line 14, in order to move to strike out the word "eight," and insert the word "two." The eight special agents which are indicated in the bill should be simply two.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 109, line 14, strike out the word "eight" and insert the word "two."

The question was taken, and the amendment was agreed to.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent simply to correct a total.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to correct a total. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 116, line 24, strike out "twenty thousand three" and insert "twenty-one thousand two."

The question was taken, and the amendment was agreed to.

Mr. BINGHAM. One more additional amendment, which is simply a correction.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 118, in line 11, strike out "six thousand eight hundred and twenty" and insert "two thousand two hundred and seventy."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office First Assistant Postmaster-General: For First Assistant Postmaster-General, \$6,000; chief clerk, \$2,500; superintendent division of salaries and allowances, \$4,000; assistant superintendent division of salaries and allowances, \$2,250; chief, division of correspondence, \$2,000; nine clerks of class 4; seven clerks of class 3 (including one transferred from office of Postmaster-General); eleven clerks of class 2; eight clerks of class 1; five clerks, at \$1,000 each; ten clerks, at \$900 each; one messenger; four assistant messengers; one laborer; two pages, at \$360 each; in all, \$88,250.

Mr. MACON. Mr. Chairman, I make the point of order against the words "six thousand dollars," on page 132, line 24, as being an increase of salary.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "six thousand dollars," on page 132, as being a change of existing law. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, in line 24, page 132, I move to strike out the word "six" and insert the word "five."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 24, page 132, strike out the word "six" and insert the word "five," so as to read "\$5,000."

Mr. BINGHAM. That is the current law.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office Second Assistant Postmaster-General: For Second Assistant Postmaster-General, \$5,000; chief clerk, \$2,500; superintendent division of railway adjustments, \$2,500; assistant superintendent division of railway adjustment and law clerk, \$2,250; superintendent division of foreign mails, \$3,000; chief clerk division of foreign mails, \$2,000; chief division of inspection, \$2,000; chief division of contracts, \$2,000; chief division of equipment, \$2,000; twelve clerks of class 4; forty-one clerks of class 3; thirty-five clerks of class 2; twenty-eight clerks of class 1; eighteen clerks, at \$1,000 each; six clerks, at \$900 each; messenger in charge of mails, \$900; seven assistant messengers; in all, \$222,390.

Mr. MACON. Mr. Chairman, I make the point of order against the words "five thousand dollars," in lines 2 and 3, page 134, as being an increase of salary.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "five thousand dollars," in lines 2 and 3, page 134, as being an increase of salary. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, page 134, line 2, after the words "Assistant Postmaster-General," strike out the words "five thousand dollars" and insert the words "four thousand five hundred dollars."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 2, page 134, after the word "General," insert the words "four thousand five hundred dollars."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Division of railway mail service: General superintendent, \$4,000; assistant general superintendent, \$3,500; chief clerk, office of general superintendent, \$2,000; two clerks of class 4; five clerks of class 3; six clerks of class 2; five clerks of class 1; three clerks, at \$1,000 each; two clerks, at \$900 each; in all, \$40,400.

Mr. BINGHAM. Mr. Chairman, I desire to offer an amendment, which is simply a correction in the print.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 135, in line 2, strike out "four" and insert "three."

The question was taken, and the amendment was agreed to.

Mr. SULZER. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to print in the RECORD in connection with my remarks a speech recently delivered in New York City by the Hon. William J. Bryan on currency reform. It is an excellent speech on a topic of much moment, and, in my judgment, it should be printed in the CONGRESSIONAL RECORD for the benefit of the Members of Congress and the people of the country. It sheds much light on a most engrossing subject, in which all the people take a deep and abiding interest.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The speech is as follows:

#### CURRENCY REFORM.

[Speech of William Jennings Bryan at Economic Club dinner, Hotel Astor, New York, February 5, 1908. Victor Morawetz, Andrew Carnegie, and Hon. Lyman J. Gage, former Secretary of the Treasury, preceded Mr. Bryan.]

Mr. STETSON. I think that Mr. Gage underestimated his power as a pulpit orator, yet I do not think he can hold a rushlight in that capacity to the next gentleman, whom I regard as the greatest pulpit orator of our day, Mr. Bryan. [Great and continuous applause.]

Mr. BRYAN. Mr. Chairman and gentlemen, I have had a number of delusions shattered here to-night. I had understood that for the last forty-seven years our financial affairs had been in the hands of men who possessed all the qualities that Mr. Gage has suggested a commission should possess. And now to learn from excellent American and Scottish authority that we not only have the worst system in the world, but worse than he, with his fruitful imagination, could imagine, what shall I say to my people when I go back home? How shall I explain that three conspicuous financiers, who have given this subject great thought, and who know all the intricacies of finance, should be agreed upon but one proposition, and that is that they do not know what ought to be done. [Applause and laughter.]

I am assured by one of them that that is not a fair statement. I will withdraw any statement that is considered unfair, although it seems to me that after I have traveled 1,500 miles to drink in wisdom from authoritative sources, it is a breach of promise at least [laughter] not to give me some information. And yet, as each one approached the important part of the subject, he concluded that we ought to have a commission to consider the matter. Is it not strange that the commission is always resorted to by those who do not care to elaborate before an election a plan that might not be popular at the election? [Great applause.] Is it not strange that all of our great financial programmes are brought out just after the election, when the people can not sit in judgment upon the subject? [Applause.]

The time allotted to me is not sufficient to answer all of the financial fallacies that have been advanced to-night. I, the champion of sound money [great laughter], have not time to defend the honest dollar from the attacks that have been made upon it. [Laughter.] And as I listened to those from whom I expected some clear, specific remedy, I was reminded of the words of the Great Apostle, and I do not know but I might paraphrase those words and say: "That sound finance which ye ignorantly worship, that come I to declare unto you." [Great laughter and applause.]

When I defend anything that we have in finance, you will not accuse me of defending anything with which I have had any connection. These greenbacks that have been described in uncomplimentary language were not issued by me or by my party. [Laughter.] But it seems to me that it is straining a point to denounce the Government for issuing three hundred and forty-six millions of promises to pay, bearing no interest, when he (Ex-Secretary Gage) does not denounce the issue of seven hundred millions of banks' promises to pay, that bear no interest. If a bank's promise to pay, bearing no interest, is fit to serve as money, why should not a government's promise to pay, bearing no interest, be fit to serve as money?

I understood that the subject to-night is the currency question as it presents itself at this time, and therefore it is not necessary to discuss our whole financial system. I do not want to enter into the discussion of a subject as large as our financial system. But I remind you, that if we follow the suggestion that nothing but gold be considered good for reserve, then we will either have to stop making deposits in the banks or increase our gold, so that we can keep in the banks a reserve large enough to protect the banks in the doing of their business. [Applause.] We have not the gold in this country, and we can not get it without drawing gold from countries that need it. If we draw the gold from other countries and discard the use of money that serves to-day in the place of gold, then the effect must be to diminish prices in foreign countries and lessen their ability to trade with us.

To-day we hold in our reserves not only gold, but silver and silver certificates and greenbacks. And the silver and silver certificates and greenbacks amount to nine hundred and forty-six millions—six hundred millions of silver and three hundred and forty-six millions of greenbacks. We have about twelve hundred millions of gold in the country; that is the best estimate that I have been able to get. Now, if we are going to discard, as has been suggested, the use of silver and greenbacks, we must go somewhere and get nine hundred and forty-six millions of dollars of gold, and it will not be an easy matter. How can we get it? I will tell you one way to get it—make the farmer sell his foreign export for less, and lay upon him the burden of getting the money to substitute for silver and the greenback. That may please some, but I am not surprised that it is not advanced seriously pending a campaign, for it would not please the producing masses of the country. [Applause.]

It is not my business to explain this panic. I have not felt as much of it as some of you have. In fact, my connection with it has not been embarrassing. [Laughter.] And, politically, my connection with it has been anything but embarrassing, for it has at least robbed the country of the argument that my party was the only party under whose administration a panic could come. [Great laughter and applause.]

If I were a financier and my word was good on finance, I would say that, instead of locating the blame on too large an issue of paper money, it ought to be located on the issue of stocks and bonds that do not represent value or even honesty in business. [Great applause.] The gentleman, ex-Secretary Gage, did me the honor to quote something that I said last night. I am glad that he quoted it; I was afraid it would not get into the papers. The fact that he quoted it shows that it appeared in print, and I am gratified. And, my friends, I do not overstate it. In fact, knowing that I was where language was carefully examined, I was especially cautious as to the use of language, and I shall not put this Government, which bought silver at 60 cents and coined it into a dollar, in the same category or company with those who floated the billions of dollars of stocks and bonds that represented nothing but the expectation that those who issued them would, unmolested, reach their hands into the pockets of the people and draw from them dividends to which they were not entitled. The Government did buy silver at 60 cents and coin it into a dollar, and no man who took the dollar ever lost one cent. That can not be said of the men who took the securities and suffered a shrinkage of one-half. So much for the cause of the panic.

But, my friends, the study of causes does not help us unless it suggests remedies, and it seems to me it is time to suggest remedies. I have heard that elastic currency was necessary. I am led to the conclusion to-night that we have overestimated the need for elasticity, for if we can postpone for a year the getting of that elasticity merely because the campaign is on, the need is not as urgent as I have been led to think. [Great applause and laughter.] I have been losing sleep at night [cries of "You don't look like it!"] wondering how long it would be before we could respond to the urgent need for elastic currency. I had been anxious that as little time should intervene as possible and have been much disturbed by the failure of our advisers to agree upon some plan which would at once relieve the stringency. We have two bills in Congress, one known as the "Aldrich bill" and one known as the "Fowler bill." The Aldrich bill attempts to provide an emergency currency by the issue of bank notes upon certain specific securities deposited with the Government. The Fowler bill contemplates an entire change in our bank currency. It is even more radical than that proposed by the Aldrich bill. At present the bank notes rest on Government bonds, and I do not think it is so absurd, as Mr. Gage seems to, that the Government should make its bonds the basis of notes, if we are to have bank notes, nor that the Government should guarantee the notes that rest upon its own bonds. And the stringency is not now as great as it would have been if there had been doubt as to the ability of the banks to redeem their notes. The best feature of the bank note is the Government guaranty. When men take it, they do not ask whether the bank is a good one; they take it because the Government is back of it. Here is the difficulty about the emergency currency proposed. It must either be a bank currency or a Government currency, and those who want a bank currency seem to be so determined that it shall be a bank currency that they are not willing that the distress shall be relieved by a Government currency. In other words, the principle involved is to them more than the need to be supplied. Certainly the emergency is not great if it can be postponed or defeated merely because you have to accept a Government note instead of a bank note. The first thing to be considered is whether this should be a Government note or a bank note. If I were discussing the Aldrich bill, there are several features which I would criticize—one of them the use of the railroad bond as a security.

If I were discussing the Fowler bill there are a number of features of that bill that I would criticize. The Aldrich bill proposes a bank note resting on various kinds of bonds, and the Fowler bill proposes a bank note resting upon no bonds, but upon the assets of the banks. I prefer that the emergency currency shall be a United States note, and not a bank note at all. I am not afraid to trust the United States; I am not afraid to have its notes issued. And I remind those who are fond of bank notes that when gold and silver went to a premium the banker did not take the trouble to go out and find gold and silver. The greenback was good enough for him; he redeemed bank notes with it. Concede the point that this note shall be a Government note and it will be easy then to agree upon the security upon which it shall be loaned. And, my friends, I would not appreciate your courtesy as I do if I did not speak to you frankly. I do not live in New York; I am some distance from New York; but we in the West have had experience. How many banks have suspended in New York? How many in Brooklyn? Our experience teaches us that it is better to trust the Government than to trust the financiers in the control of money. If any of you think that proposition unsound, present the opposite proposition and give the voters a chance to express themselves. This is a Government of 80,000,000 people and not a Government of 6,000 bank presidents. No financial system can be expected to be permanent in this country that does not have back of it the hearty approval of the public. We are told that this must be left to a commission made up of men who will put their patriotism above their party. Financiers are not the only patriotic men. You can find men in every hamlet who put their patriotism above their party. A few people can not settle these things for the rest of the people. If you appoint your commission the bill when it comes in has to be passed upon by all the people, through their representatives in Congress. Now, if you concede the point that the Government shall issue the money, then it becomes a matter of detail. The Government can meet the need simply and quickly, and I believe provision should be made for the issue by the Government of the United States notes like our greenbacks in form and in redemption, and that these United States notes should be loaned by the Government upon sufficient security and at a rate of interest which will compel the retirement of the notes when the emergency is

over. I am not sure but we could combine the suggestions made in different bills. One suggests that bonds be deposited—State, county, and municipal bonds—and we have between two and three billions of them. They would make a good basis. All the Government needs is security, if it is going to loan the money, and these would make good security.

I do not think that railway or industrial bonds ought to be used for such security. Mr. M. E. Ingalls suggests that the country be divided into clearing-house districts, enough so that there will be a representation of the needs of different communities. He suggests that these clearing houses might borrow from the Government on collateral other than bonds. I will go further than that. If we create a district and authorize the clearing house of the district to bind all the banks of the district, the Government could loan money to it without any specific security, for it has back of it all the assets of all the banks. And if the loan was limited to a certain per cent—say, for instance, to 20 or 25 per cent of the total capital and surplus of the banks—there could be no loss to the Government. But there is no difficulty about details. If we need emergency currency, if elasticity is desired, it is possible to provide it without any change in our monetary system. Without any innovations at all, it is possible to provide all the elasticity for which anybody can show a need. And are we asking too much when we insist that this shall be in the control of the Government and not in the hands of individuals?

What we need, I think, even more than an increase in our currency is confidence. Think of it! [Applause.] I am now the evangel of confidence. I am now the "advance agent" of confidence. If we can bring money from hiding and hoarding and get it into the banks, the banks will have more money to loan than we can possibly furnish them by any emergency currency. What we need to-day is to restore confidence in the depositors. John Wanamaker was quoted as saying—I can not rely entirely on what the newspapers say—but he was quoted as saying that a billion dollars was hidden under carpets. The Government only loaned the banks about \$250,000,000, and if Mr. Wanamaker is right, we have four times as much in hiding. The Postmaster-General, in recommending a postal savings bank, says that we are sending out many millions every year to be deposited in Government banks in Europe, by people who are not willing to trust our banks. The people of this country are being driven to the postal savings bank because they need a place to deposit their money where they can get it when they want it. Some of you have thought me very anxious to enlarge the work of the Government. I have never insisted that the Government should undertake any business that could be done satisfactorily by the individual. I believe in individualism. I want the individual to have the largest possible sphere of action.

And only where it is impossible for the individual to act, or unsafe for the community that he should act, have I suggested that the Government should act. I have believed for years that if the banks did not allow the banking to be made safe they would drive the country to the postal savings bank. I would rather have the banking done by the bankers than by the Government. [Applause.] I am in favor of the postal savings bank, but a postal savings bank is only an alternative to be selected if we can not get the security that the people demand.

And to-day the greatest need we have is legislation that will make people feel that when they deposit money in the banks they can go and get it whenever they want it. The stringency that has spread over this country in a night has taught the people the necessity for this protection.

They tell us that the timidity which people have manifested is not justified. That is generally true. I am not prepared to speak for this community, but I am sure that in the West there is no reasonable excuse for this timidity. [Laughter.] Our crops have been bountiful; our prices have been good; our people have money; they fill the banks with their money, and there was so much that they sent a large part of it down here to New York to be invested, and they have been waiting—waiting—waiting for its return. [Laughter.] Our banks are good, and yet, my friends, when a bank suspends payment on checks you need not be surprised if the ultratimid become alarmed and want to get their money out. [Laughter.] If I was a banker I would not be proud of a system that had to run rivalry with a carpet as a safety deposit vault and have the carpet preferred in times of stress. [Laughter.] A man does not hide money under a carpet if he can find any safer place. [Laughter.] I repeat that what we need to-day is to make the bank safe. You may laugh down here in New York, but in Oklahoma—you call it a wild western State—the first thing they did was to pass a law to guarantee bank deposits. How did they do it? They authorized a banking board to collect an assessment on the 17th of this month of 1 per cent on the deposits of the banks. I think it is higher than necessary. One-half of 1 per cent would have been enough, even one-fourth of 1 per cent would have been sufficient, but they said 1 per cent, and they empowered the board to assess at any time and to any extent necessary to keep that reserve intact. And thus they put behind every bank the assets of all the banks. In anticipation of the operation of that law the bankers of Kansas petitioned their governor to call a special session of the legislature to pass a law like it so as to keep the money from being drawn out of Kansas banks and deposited in Oklahoma. [Great laughter.]

And the legislature is now in session. It will enact such a law. It has been introduced in Illinois. It has been introduced in Ohio, and I had the honor to receive an invitation from the Republican legislature of Ohio to come and address that legislature on a guaranty bank. Possibly I was invited because some fourteen years ago I tried to secure the enactment of such a law by Congress. We had a failure in our town and many poor people suffered the loss of their savings, and the hardships visited upon our community caused such a cry of distress that some one came to me—I wish I could remember his name—and suggested a guaranty fund, and I introduced in Congress a bill that provided for the collection of a small tax each year until a guaranty fund was provided. The bill provided that when a bank failed the Comptroller should, from this fund, pay every depositor immediately, so that there would be no interruption of business to the community and no loss to the depositor, and then proceed to collect the assets of the bank and reimburse the fund as far as the assets would go.

Now, that was some thirteen or fourteen years ago. What was the objection raised? That if all the banks were good, the big banks would not have any advantage over the little ones, and so it was necessary—necessary that the depositors should all be unsecured that the big banks might have an advantage over the little banks. Where is the patriotism that we have been hearing about in our financiers? Do they insist upon a system that requires that the depositor shall have

his interests jeopardized and that the community shall suffer that the big banks may have an advantage over the little banks?

I went out to Nebraska and got that bill introduced there. I thought surely if we can not have it in the United States we can have it in Nebraska. [Laughter.] But when the bill came up there was a lobby of national bankers to oppose it. "Why," they said, "if State banks are safe, people will not deposit in national banks." [Laughter.] What is the objection now? Mr. Forgan, the head of one of the largest banks in Chicago, stated as his objection that it would make all banks secure. [Laughter.] What an objection! He said that, under such a system, you could just stop in any bank and deposit your money! That would be awful! [Applause.] I ask you this question my friends, Must we leave the depositor helpless? Must we leave the community helpless rather than have all banks secure? What is more important than the security of the depositor? Why not look at this question once from the standpoint of 80,000,000 of people who have lost hundreds of millions of dollars in this particular crisis that they never can get back? Is that not sufficient reason for a different plan, or shall we sit back and say: "No; it would not do to make all banks secure, for then the big banks would not have any advantage over the little banks." The big banks will still have an advantage over the little banks. It does not need to rest upon the insecurity of all. The fact that it has a large capital and surplus enables it to loan more to one individual than the small banks can. A bank can only loan one-tenth of its capital and surplus to one person, and a bank that has ten times the capital and surplus of another can accommodate the man who wants to borrow large sums. Isn't that an advantage? And then there is another advantage. It has an advantage resting upon vanity. People like to do business with the big banks; they like to go in and have the president of the biggest bank bow to them and smile. [Laughter.] Isn't that some advantage? Wouldn't that remain, even when all banks were safe?

What is the other objection? They say that if all the banks are secure and the depositor can not lose the banks will be recklessly managed. I am glad that that argument is made now, when we have seen the extreme care that is exercised under present conditions. [Laughter and applause.] My good friend here, Chairman Stetson, suggested that a difference as large as an ocean separated him from some of the speakers, and I thought I could notice a slight inclination of the head in my direction. [Laughter.] I wonder if there can be a large gulf between us on this subject. The managers become careless! Why, my friends, the officers of the bank are selected by the directors, and the directors are chosen by the stockholders, and the stockholders would lose all of their capital, all their surplus, and then they would have to respond to the 100 per cent liability deposit before any other bank could lose anything. Wouldn't that be enough to make the officers careful? If that isn't enough, suppose we try the criminal law and see if that will make them careful. What has been the difficulty with our banks? Our financiers will tell you that the banks that have failed have failed in almost every instance because the officers of the banks have violated their trust and used the money of other people to advance their own private interests! Isn't that true, Mr. Gage?

Mr. GAGE. Yes, sir.

Mr. BRYAN. Isn't that true, Mr. Baker?

Mr. BAKER (president First National Bank of New York). Yes, sir.

Mr. BRYAN. Why hasn't it been remedied? Because the managers of the bad banks don't want to be restrained and the good bank isn't anxious to have the other ones restrained, because the good bank can point to the recklessness of the others and draw away deposits.

I am not supposed to know anything about banking, and yet these distinguished men, who have shed luster on the banking business, admit that I have put my finger upon the sore place in the banking system. Now, when we make all the banks responsible for each bank, then they will be interested in effective regulation. We will find them favoring legislation that will protect the public from a misappropriation of funds. We have been asking for this regulation all the time. I introduced a bill in Congress to increase the penalty for embezzlement where the amount was large. I supposed that I would have unanimous support. I supposed the stockholders would be glad to hold over their officers the danger of a longer penal term if they were dishonest and took money, but I could not get that through. [Laughter.]

I welcome the prospect of guaranteed banks, because I think it will enable us to get some regulation that we need. For instance, I think it might help us to pass a law to make more than directory the rule that a bank shall not loan more than one-tenth of its capital and surplus to one person. A man testified in the case of a Chicago banker last summer that that law was merely directory; that if an examiner found that a bank was loaning more than 10 per cent to one man, the Department would send him a formal letter calling his attention to it, and then if he did not correct it by the next examination he might expect to be forcibly reminded by another courteous letter. Is that good banking? Is that safe and sound finance? If one-tenth of the capital and the surplus is all that ought to be loaned under our present system, if it is the judgment of those who make the law that the loan shall not exceed that, then I insist that we ought to make a criminal law to compel the officers to do that which they were directed to do by the authorities. [Applause.] Wouldn't that be a good law, Mr. Gage?

Mr. GAGE. Yes, sir.

Mr. BRYAN. Would not that be a good law, Mr. Baker?

Mr. BAKER. Yes, sir.

Mr. BRYAN. My friends, if I keep on I will be in standing after a while. [Laughter and applause.] Now, I think there is another thing that we ought to have. I think more of the reserve ought to be kept in the bank and less loaned. Isn't that right?

VOICES. Right again. [Laughter and applause.]

Mr. BRYAN. If more of the reserve is kept in the bank the bank can be allowed to keep a part of it in bonds, upon which emergency notes can be borrowed from the Government. It was the deposit of western and southern reserves in New York that caused the stringency to spread throughout the country. Now, I want to remind you that for forty-seven years our laws have been made by financiers, and yet we reach the condition which confronts us to-day and eminent bankers admit here in your presence that I, a farmer from Nebraska, can suggest changes that your financiers did not think of, or at least did not put into the law. [Laughter.]

Why?

A VOICE. You ought to be right part of the time. [Laughter.]

Mr. BRYAN. Thanks; it is a concession that I appreciate, and I wish I could return the compliment by saying that our financiers have been right even part of the time. [Great applause and laughter.]



Mr. MURPHY. It is to go back to lines 1 to 4 on page 140 for just a question.

The CHAIRMAN. The gentleman from Wisconsin [Mr. MURPHY] asks unanimous consent to return to the paragraph at the top of page 140 for the purpose of asking a question of the chairman of the committee. Is there objection?

There was no objection.

Mr. MURPHY. I wish to ask the chairman of the committee relative to the situation as to the Postal Guide. It is not furnished to Members, and it is a great inconvenience. If Members desire to obtain a copy of it, they have to pay \$3 apiece for it.

Mr. MANN. Does the gentleman mean a Member of the House?

Mr. MURPHY. Yes, sir.

Mr. MANN. The gentleman is mistaken.

Mr. MURPHY. The gentleman is not mistaken. That is the situation. It is a matter that is not furnished by the Post-Office Department to Members.

Mr. MANN. The gentleman receives one copy of the Official Postal Guide every year as long as he is a Member of the House. He already has his this year, and if he will ask his clerk for it he will discover it.

Mr. MURPHY. What I desire to call attention to is this: In order to secure a copy of this Official Postal Guide, which is needed and that there is a great call for in many of our districts, the only way we can do it, aside from a single copy—if that can be secured—is by paying \$3 for it, not to the Government, but to a private company in the city of New York that prints it. It strikes me some provision should be made by which copies of this Guide may be furnished to Members if necessary in the discharge of their duties to their constituents.

Mr. KEIFER. Allow me to suggest that it should be printed and furnished to Members at cost.

Mr. MURPHY. There would be some relief if printed at cost.

The Clerk read as follows:

Office of the Attorney-General: For compensation of the Attorney-General, \$12,000; Solicitor-General, \$7,500; assistant to the Attorney-General, \$7,000; five Assistant Attorneys-General, at \$5,000 each; Assistant Attorney-General of the Post-Office Department, \$4,500; solicitor of internal revenue, \$4,500; solicitor for the Department of State, \$4,500; two assistant attorneys, at \$3,000 each; two assistant attorneys, at \$2,750 each; four assistant attorneys, at \$2,500 each; one assistant attorney, \$2,400; two assistant attorneys, at \$2,000 each; assistant attorney, in charge of dockets, \$2,500; law clerk and examiner of titles, \$2,700; chief clerk and ex officio superintendent of the buildings, \$2,500; superintendent of buildings, \$500; private secretary to the Attorney-General, \$2,500; clerk to the Attorney-General, \$1,600; stenographer to the Solicitor-General, \$1,600; two law clerks, at \$2,000 each; one law clerk of class 4; one law clerk in office of the solicitor of internal revenue, \$1,800; attorney in charge of pardons, \$2,750; disbursing clerk, \$2,750; appointment clerk, \$2,000; librarian, \$1,600; five clerks of class 4; eleven clerks of class 3; four clerks of class 2; seven clerks of class 1; telegraph operator and stenographer, \$1,200; one clerk, \$1,000; eleven clerks, at \$900 each; chief messenger, \$1,000; two messengers; six assistant messengers; four laborers; three watchmen; engineer, \$1,200; assistant engineer, \$900; three firemen; two conductors of the elevator, at \$720 each; nine charwomen. Division of accounts: Chief of division of accounts, \$2,500; chief bookkeeper and record clerk, \$2,000; three clerks of class 4; five clerks of class 3; seven clerks of class 2; seven clerks of class 1; two clerks, at \$900 each; one packer, \$900; in all, \$234,660.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 143 strike out all beginning with the word "two," in line 8, down to and including the word "charwomen," in line 12, and insert in lieu thereof the following: "Three messengers; six assistant messengers; five laborers; three watchmen; engineer, \$1,200; two assistant engineers, at \$900 each; four firemen; two conductors of the elevator, at \$720 each; twelve charwomen;" and in lines 18 and 19 strike out "thirty-four thousand six hundred and sixty" and insert in lieu thereof "thirty-eight thousand five hundred."

Mr. BINGHAM. The purpose of this amendment is simply to make consistent in this bill the action of the House a few days ago in the urgent deficiency bill, which is now law.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

From the appropriation for pay of special assistant attorneys United States courts: One attorney, at \$5,000; one attorney, \$3,250; two attorneys, at \$3,000 each; one attorney, at \$2,500; one assistant examiner of titles, \$2,000; in all, \$18,750.

From the appropriation for prosecution of crimes: One superintendent of prisons and prisoners, \$3,000; one chief examiner, \$2,750; three examiners, at \$2,500 each; four examiners, at \$2,250 each; two examiners, at \$2,000 each; three examiners, at \$1,800 each; one clerk, at \$900; in all, \$32,550.

Mr. MANN. I move to strike out the last word. There are a number of these items similar to the one just read. I wish the gentleman would explain to us just what this means.

Mr. GILLETT. Mr. Chairman, there has been appropriated in past years in the sundry civil bill sums for these various classes. And under this lump-sum appropriation the Attorney-General has employed counsel in the several instances to defend suits. Now, that has gone on so long that it was thought

by the committee better (which is in pursuance of the principle which the gentleman knows the committee follows in all cases) that, instead of being paid out of a lump sum, they should be paid by specific appropriation, so that Congress would know what is being paid and have some control. We have made the transfer in all of these cases at exactly the salaries they are now receiving and for the duties that they are now performing, which the Attorney-General thinks is not at all too much; in fact, he thinks it inadequate for the services rendered under this special paragraph.

Mr. BUTLER. What was the amount of the lump sum heretofore appropriated?

Mr. GILLETT. In this particular case the lump sum was \$60,000.

Mr. MANN. Will the gentleman yield further?

Mr. TAWNEY. Before the gentleman from Illinois says anything further, I want to say, in answer to the gentleman from Pennsylvania, that, as I now recall the testimony, the aggregate appropriation—the lump sum—from which all these men were paid is \$126,000, heretofore carried in the sundry civil appropriation bill. This provision will transfer them from the sundry civil bill to the legislative, where they belong, where their salaries will be appropriated for specifically, instead of leaving their salaries to be fixed in the discretion of the head of the Department. So that we will drop out of the sundry civil bill an amount equivalent to the aggregate salaries heretofore paid from the lump sum carried in the sundry civil bill.

Mr. BUTLER. May I ask the gentleman from Minnesota, Why were not these carried in the sundry civil bill?

Mr. TAWNEY. Simply because the service when it was originally established was supposed to be temporary. It was not supposed that these people would be retained permanently in this service; consequently a lump-sum appropriation was made. Now the business of the Department has so increased that this service is absolutely necessary, and necessary permanently. So that it is for the purpose of putting all of these employees of the Department of Justice in the legislative bill, where they will be provided for specifically and where Congress will know what salaries are being paid; otherwise they will continue to be paid from lump-sum appropriations.

Mr. MANN. Let me ask a further question. Are all these items carried annually the same in this specific line like the one for the enforcement of the antitrust law?

Mr. GILLETT. That is a sum which has gone on from year to year. There are about \$140,000 left of it.

Mr. TAWNEY. We carried \$200,000 additional in the sundry civil bill of last year.

Mr. GILLETT. It has been reappropriated for several years.

Mr. MANN. We have not yet reached the item. I see an item in here for the Spanish Claims Commission.

Mr. GILLETT. For the attorneys defending the cases.

Mr. MANN. Five thousand dollars. Has the gentleman any information as to how long that Commission is going to continue?

Mr. GILLETT. They have been telling us in the past they were nearly through, but the Attorney-General says he is afraid it will take some time still.

The Clerk read as follows:

All persons employed on June 30, 1908, under the appropriations "Defending suits in claims against the United States," "Prosecution of crimes," "Punishing violations of the intercourse acts and frauds," and "Care of rented buildings, Department of Justice," may be, in the discretion of the Attorney-General, transferred to the places provided for them under the appropriation "Salaries, Department of Justice, 1909," without reference to the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and without reference to the rules and regulations promulgated thereunder.

Mr. MANN. I reserve the point of order on the paragraph just read. I would like to ask the gentleman whether, if it is desired to have these persons provided for under the civil-service law, if it is not perfectly possible for the Attorney-General to make an application that the President shall issue an order transferring all these people inside of the civil-service act without putting the responsibility on Congress for that action?

Mr. GILLETT. Mr. Chairman, it certainly is possible for the President to accomplish the same end by extending such an order. The Attorney-General impressed upon us that this class of clerks had been employed in his office for a long time doing this very thing and that it was important that they should be covered in, and we followed what has generally been the practice of the House. We find about twelve persons, so far as we could ascertain, would be affected by this paragraph.

The gentleman is quite right; it can be done by an Executive order as well as by a vote of Congress, and if the gentleman

insists upon this point of order, I recognize that it must be sustained.

Mr. MANN. Is it true that the Attorney-General has been employing people under a lump-sum appropriation regardless of the civil-service rule?

Mr. GILLETT. I understand that most of them have gone in under the civil service, but that there are about twelve who have not.

Mr. MANN. As to the twelve, have they been employed by the Attorney-General under a lump-sum appropriation, contrary to the provisions of the Executive order covering all these classes of people into the classified service?

Mr. GILLETT. These have been employed for a number of years, and when they were employed I understand they were exempt from any Executive order which made them subject to the civil-service law.

Mr. MANN. I presume some of them have been very recently employed?

Mr. GILLETT. I think not.

Mr. MANN. I can not agree with the gentleman that the Attorney-General himself wanted this action taken. The Attorney-General is the president of the National Civil Service Reform League, and has constantly and consistently upheld the merit system and objected to any violations, in spirit or in fact, of the law. I do not believe that he wants us to cover these people into the classified service or desires to have the President do it himself. I am sure he would insist that all places of this sort should be filled under the civil-service law.

Mr. TAWNEY. Does the gentleman from Illinois doubt the statement of the gentleman from Massachusetts?

Mr. BINGHAM. I will ask the Clerk to read a telegram which I received from the Attorney-General this morning.

Mr. MANN. Oh, perhaps somebody's name was signed to it.

Mr. BINGHAM. I am merely giving you consistency in the statement.

Mr. GILLETT. I ask the Clerk to read the telegram.

The CHAIRMAN. If there be no objection, the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,  
February 13, 1908.

Hon. H. H. BINGHAM, House:

The provision authorizing proposed transfers without reference to civil-service law is made necessary by reason of the fact, as stated in my former telegram, that twelve of the persons now employed were appointed without civil-service examination. The twelve were appointed under the appropriation act authorizing the execution of certain laws and the expenditure of public funds, but not creating specific positions. The positions being made specific by this act, the right of the present holders to retain them may be questioned without this provision.

CHARLES J. BONAPARTE,  
Attorney-General.

Mr. MANN. So, Mr. Chairman, we are met with this proposition, that if Congress appropriates specifically for a place it is filled under the civil-service law; but if we appropriate a lump sum, the head of the Department proceeds to make appointments absolutely contrary to the spirit of the law and, in my judgment, contrary to the letter of the law, and then asks us to assume the responsibility of putting these people under the civil service. I do not believe that the Attorney-General desires us, in cold and sober judgment, to take any such action, and I would not be used that way even if he did desire it.

Mr. GILLETT. Mr. Chairman, the trouble with the gentleman's statement is that he does not fairly state the facts. The Attorney-General did not appoint these men himself. They were appointed by his predecessors, and the Attorney-General explicitly said to us when before us:

I have since my incumbency directed that all temporary and lump-sum employees shall be secured from the eligible list of the Civil Service Commission.

Mr. MANN. In making that statement he only bears out the reputation that he has heretofore established.

Mr. CRUMPACKER. These clerks or functionaries have been in the public service for some years, and I have no doubt have demonstrated by actual service their fitness for the work in which they are engaged.

Mr. GILLETT. That is what he says.

Mr. CRUMPACKER. And it does not occur to me that the proposed legislation would in any respect reflect upon or be inconsistent with the merit system of appointments. The only object of the merit system is to secure efficient clerks and appointees in the various Departments, and where the efficiency of an applicant has already been demonstrated and is a matter of public record the merit system is promoted by retaining or employing such applicant in the public service.

Mr. GILLETT. I should differ from the gentleman on one point, and that is on the general proposition that while the

merit system is intended to secure efficiency in office, yet that as to one particular place it might not do it, and yet it might be unwise for us to depart from the general principle, because the principle is of general application, and if you once begin to make exceptions you are going into uncertainties. But I agree with the gentleman in this case, for instance, where these men were employed years ago, and were not required to be appointed under the civil-service rules, and have proved their efficiency, and the head of the Department so recommends, I think it is better to follow that recommendation.

Mr. CRUMPACKER. The gentleman's criticism relates to the original appointment of these men. There may have been a violation of the merit principle in their selection, but that occurred a number of years ago. They are all now in the service, and this legislation is occasioned simply by the change in the character of the appropriations; that is all. If the appropriation was carried this year as in former years this legislation would not be required, and if this legislation is not enacted all of these men who are valuable servants, who have demonstrated their efficiency by actual service, would have to be separated from the public service.

Mr. MANN. I entirely disagree with the gentleman in the statement that these men were appointed by permission of law in the first place. The Executive order covering certain cases of people into the classified service, to be appointed from the eligible list under the civil service office, covered these identical people, and they were appointed, no matter whether by the Attorney-General or not, they were appointed contrary to law in the first instance, and this is merely an effort to have Congress take the responsibility and put them into the classified service. Only the Executive has the right to cover them into the classified service by a mere order.

Mr. CRUMPACKER. I doubt if they were appointed contrary to law. Where offices are created by statute we put them in the classified service, of course, but the appointment must be under the civil-service law. But if a lump sum be given to the head of a Department, authorizing him to employ servants and clerks to carry on a certain work, without defining the tenure of offices or fixing their salaries, it has been held by the Comptroller of the Treasury that they do not come within the scope of the civil-service law. I have looked it up recently.

Mr. MANN. The gentleman knows that a very large share of the officials of the Government employees are paid for out of a lump sum appropriated, notably in the Department of Agriculture and some other Departments.

Mr. TAWNEY. Not here in the city of Washington?

Mr. MANN. Here in the city of Washington, and wherever they are in the classified service by Executive order.

Mr. BUTLER. I would like to ask the gentleman from Massachusetts a question.

Mr. GILLETT. Very well.

Mr. BUTLER. I would like to know what will be the result if this paragraph is adopted; will it be a transfer to the eligible list of the men who have not taken the examination prescribed?

Mr. GILLETT. It will not put them on the eligible list; it will put them into the service. They are men who have been in the service for many years, and this simply retains them there.

Mr. BUTLER. This paragraph makes an exception of individuals employed in Washington.

Mr. GILLETT. This paragraph does what it has been the custom of Congress to do when persons went into the civil service and were not required to take an examination, and have been there many years—they have almost invariably been blanketed under the civil service.

Mr. BUTLER. That was done by Executive order?

Mr. GILLETT. Yes; by Executive order, but the point I am not certain about is whether when these men went in they ought to have taken an examination. I do not believe they ought. I believe they went into the Attorney-General's Office before the Executive order covered these lump-sum appropriations.

Mr. MANN. The Executive order covered all this class of service before the lump-sum appropriations were made.

The CHAIRMAN. The Chair understands that the point of order was reserved.

Mr. MANN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The pending paragraph, the Chair understands, gives to the Attorney-General powers which he does not now possess, and it is clearly a change of existing law. The Chair sustains the point of order.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary: For compensation of the Secretary of Commerce and Labor, \$12,000; Assistant Secretary, \$6,000; private secretary to the Secretary, \$2,500; confidential clerk to the Secretary, \$1,600; private secretary to Assistant Secretary, \$1,800; chief clerk and superintendent, \$3,000; disbursing clerk, \$2,750; chief

of appointment division, \$2,250; two chiefs of division, at \$2,000 each; ten clerks of class 4 (including one census clerk); ten clerks of class 3; twelve clerks of class 2; ten clerks of class 1; ten clerks, at \$1,000 each; five clerks, at \$900 each; two telegraph operators, at \$1,200 each; five messengers; nine assistant messengers; seven messenger boys, at \$450 each; one engineer, \$1,000; one skilled laborer, \$840; two conductors of elevators, at \$720 each; two firemen, at \$660 each; nine laborers; one packer, \$840; one driver and foreman of stables, \$840; six hostlers, at \$660 each; one cabinetmaker, \$1,000; one carpenter, \$900; captain of the watch, \$1,200; six watchmen; fifteen charwomen; in all, \$156,840.

Mr. MACON. Mr. Chairman, I make the point of order against the words "six thousand" in line 20, page 146, being a change of existing law, being an increase of salary.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, I offer an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 146, line 20, insert after "Secretary" the words "five thousand dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For compensation at not more than \$10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, \$35,000; and the results of such investigations shall be reported to Congress.

Mr. HARRISON. Mr. Chairman, I offer the following amendment, which I send to the desk, and ask to have read.

The Clerk read as follows:

Amend by inserting on page 147, line 24, after the word "abroad:" "And for the employment of experts to prepare reports on technical subjects, when required by the Secretary of Commerce and Labor."

Mr. BINGHAM. Mr. Chairman; I make the point of order to that.

Mr. HARRISON. I hope the gentleman will withhold his point of order.

Mr. BINGHAM. I reserve the point of order.

Mr. HARRISON. I want to ask the gentleman in charge of the bill in the first place whether this appropriation is not smaller than the appropriation of last year?

Mr. BINGHAM. It was \$50,000 last year and it is \$35,000 this year.

Mr. HARRISON. Will the committee explain why this was cut down?

Mr. BINGHAM. Because in the judgment of the committee that was all that was needed for the work that could be done.

Mr. HARRISON. Will the gentleman tell us in what way the money was expended last year? Was it all expended or was there a balance left over?

Mr. GILLETT. There was a large balance left over. The year before last, if I remember right, it was \$29,000 and this year it will be \$31,000. I may have that reversed. Consequently, we have appropriated more than they have needed in either one of the last two years.

Mr. HARRISON. Was the money paid for salaries or traveling expenses.

Mr. GILLETT. Both.

Mr. HARRISON. How many special agents were employed by the Department?

Mr. GILLETT. Six, is my recollection.

Mr. HARRISON. I desire to call the attention of the committee to a state of affairs which unfortunately seems to be inherent in the kind of government we have now—that is, government by bureau and government by commission. The duties performed by these special agents abroad, I believe, are well performed, but we are asked now for an appropriation to cover a field which is practically being also covered by two or three other Departments of the Government. The Department of State sends out special consuls-general—consuls-general at large. I believe there are five of them, and their duties are practically the same as the duties of these special agents of this Department. They also are charged with the duty of investigating consulates, but in a general way they also cover this same field. The Treasury Department asks for an appropriation to cover special agents of the Treasury engaged in inspecting exporters abroad. In the diplomatic and consular appropriation bill we are asked to make appropriation for commercial attachés as well, which is a system that England is just abandoning in favor of this system of special agents of the Department. In other words, we have a quadruplication of work which could be performed, I venture to say, by any one set of these men, whereas there are now three sets of men drawing salaries and there are likely to be four sets of men drawing salaries for the same purpose.

Mr. TAWNEY. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. TAWNEY. Then the logic of the gentleman's position is this, that it all ought to be stricken out.

Mr. HARRISON. If it were subject to a point of order, I might make the point of order.

Mr. TAWNEY. I think possibly if the gentleman would move to strike it out, it might go out.

Mr. HARRISON. I would like to say to the gentleman that of all these employees these seem to be the most beneficial.

Mr. BURLESON. I hope the gentleman will not move to strike it out. That is an item to cover a special line of investigation. The consular agents have no means of investigation along these lines.

Mr. HARRISON. Well, I will say to the gentleman I entirely agree with what he says. I think these are the most useful officials engaged in this species of work. When they appoint a man the Department of Commerce and Labor consults the large business interests as to which special investigation is desired, and after consultation with those business interests they send abroad the men specially trained in that particular business, and therefore I believe the best results are arrived at under this appropriation rather than under the other appropriations.

Mr. MANN. Will the gentleman yield?

Mr. HARRISON. With pleasure.

Mr. MANN. These places were created before the places were created under the Department, and when that proposition came before the House it was understood with the State Department that the appropriation to give them the consuls-general—I forget the exact terms.

Mr. HARRISON. Consuls-general at large.

Mr. MANN. Would not in any way at all duplicate the work done by these special agents and would not affect this work in the slightest degree. It was on that plea that Congress made the appropriation for the Department of State.

Mr. HARRISON. Well, I will say to the gentleman that I think the work might all be performed by one set of officials.

Mr. MANN. Well, I may say to the gentleman that when the matter came before the House it was very much inclined to take the position that the gentleman takes, and yet, after a full presentation of the subject in the House at the time, the House thought, and I think rightly, that the consuls-general at large were performing work that these men could not perform and that they were desirable.

Mr. HARRISON. Well, I will inform the gentleman that there are several bills before the House now for the purpose of investigating this whole subject, and it will possibly be taken up in due time, and I do not wish to take the time of the committee any longer on that point. I offer an amendment here, and I would like to discuss the amendment if I have any time remaining.

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. HARRISON. My amendment proposes to extend the scope of this appropriation so as to allow the Department of Commerce and Labor, in cases where it seems to the Secretary of that Department wise, to secure reports upon technical subjects abroad, if necessary, by foreigners, rather than paying a man's traveling expenses to go abroad at \$10 a day and his incidental expenses. Now, last year, when denatured alcohol was put on the free list, there were a great many inquiries of the Department of Commerce and Labor as to the manufacture and preparation of this article. The subject was comparatively little known in the United States and was very well understood in Germany. An expert in Germany wrote to the Department and offered, for the sum of \$100, to make a technical report on this subject, which would have been published by the Department and sent to manufacturers throughout the United States if they had had any appropriation with which to pay the \$100; but there was no such appropriation. Now, suppose a question were to arise as to the silk or any textile industry of Italy or Spain, a report might readily be made by some one on the spot instead of sending a man abroad for the purpose or instead of sending to the consul on the spot and asking him to make a technical report on a subject about which he knows next to nothing and as to which he might go to an encyclopedia and take out what he can find there and write that back as the best knowledge he can get on the subject. Instead of that I would ask to allow the Department under this amendment to disburse this sum of money as it wishes and pay for special reports made by experts abroad instead of sending these special agents everywhere there may be a call for such a report. My amendment provides that the Department shall be allowed to spend this money for the purposes here described in the bill and also for the employment of experts to prepare reports on technical subjects when required by the

Secretary of Commerce and Labor, and I would ask for a vote on that amendment.

Mr. GILLETT. Mr. Chairman, personally, I have no antagonism to the proposition made by the gentleman from New York. In fact the only objection I see to it is the one which I think the House feels in all these propositions, of allowing a Department to pay money to men who have some special subject they wish to write up. Of course, we all must recognize that there is a danger in that. We see it now in some of the Departments, and it seems to me it would be still more dangerous to allow them to hire somebody abroad, whom they do not know anything about, and pay them money for writing articles. At the same time, personally, I have no opposition to it if the gentleman desires it. And I want to say further as to his general proposition, that I think it is one of the vices of our Government that we are duplicating the collection of statistics, though I should hardly ascribe it to the Bureau—I should be quite as apt to ascribe it to the mode of government in this House—that one committee has jurisdiction over one set of officials and another committee to another set of officials, and we are getting statistics from one office and from another office, and they are overlapping each other. In my opinion, the whole subject of getting statistical information for this House needs a thorough and radical revision. I think the gentleman has struck a danger which we are now getting into in our dealings both in foreign and domestic statistics. I am only afraid the amendment might exaggerate that danger, but, personally, I do not oppose it.

Mr. MANN. I do not know whether it will have any effect or not, but I certainly hope the amendment will not be adopted. I would have no objection to the amendment in the form of an original proposition, because I do not think that we yet have any way of obtaining too much information in regard to the possibilities of our foreign trade. There is pending before the Committee on Commerce a bill introduced by the gentleman from Alabama [Mr. RICHARDSON], and quite earnestly advocated by a large number of southern Members of this House, to appoint additional agents to go abroad and study specially the possibilities of the cotton-print trade. Now, the proposition is here not only to reduce the amount in the sum total, but to reduce it still further by taking away the pay that may be given to agents studying abroad and turn it over to somebody else.

Mr. HARRISON. Will the gentleman yield? I understood the gentleman in charge of the bill to say the balance was unexpended last year.

Mr. MANN. That is very true, Mr. Chairman, and very probably there will always be a balance unexpended. The original appropriation was \$25,000. It was supposed to carry at least three or four special agents. I think there are four abroad now. There was one in South America, one in China, one somewhere in Europe, and for a long while there was one in Canada. They have been acquiring information and sending it back to us, which is communicated to the manufacturing interests all over the country, and which I am told by those manufacturing interests are of great value to them. It is not a very large amount of money. We do not know enough yet, certainly, about the possibilities of selling cotton prints abroad. We ought to have a very large share of the Chinese and the oriental trade for the cotton manufacturing industries of the South. We ought to have a large share of the trade of South America in a good many directions. We are extending our trade in Canada very rapidly. Now, if the manufacturers themselves did not desire this information, I certainly would not be in favor of it. But they do desire it.

Mr. HARRISON. Does the gentleman yield?

Mr. MANN. In just a second. Now, while it is true that the entire amount of money appropriated last year was not expended, it is also true that this form of investigation grows up quite gradually. You can not pick these men up all at once and know where to place them. There ought to be a possibility of extending this service. There is a great demand for extending the service, and all the money that is appropriated in here, and much more, ought to be used for that purpose. The Committee on Appropriations not only have reduced the amount, but in another way they have endeavored to kill this item. They provide that these agents shall receive not more than \$10 a day. They might not obtain the character of men who ought to be sent abroad on this service at the rate of \$10 a day, which is less than \$4,000 a year.

Mr. BURLESON. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. BURLESON. I want to assure the gentleman that he is mistaken in his statement. The suggestion to limit the expenses to \$10 did not come from the Committee on Appropriations. It

was made by the Secretary of Commerce and Labor. I want to state to the gentleman that I am very friendly to this item.

Mr. MANN. I know the gentleman has made a very strong fight for this, and I have been for it, and glad to follow him.

Mr. BURLESON. The item in the bill is entirely satisfactory to the friends of the item.

Mr. MANN. That is the reason for my being against the amendment. I do not wish to take out of the fund used for this purpose and divert it to some other purpose, nor do I wish to give the Secretary of Commerce and Labor the right to divert it because a pressure is brought to bear by consuls or the consular agents or the political agents in Congress who wish the money for special favorites. [Applause.]

Mr. HARRISON. I agree with all the gentleman says about the necessity of obtaining all the information we can get about these trade questions; and I submit it as a suggestion of economy that if we knew that there was a man on the ground skillful and competent to give us a report for a small sum of money upon certain given conditions, it would be more economical to employ him than for us to send one of our four special agents provided for by Congress half across the world and pay his traveling expenses.

Mr. MANN. But we do not send our special agents halfway across the world to get information at any one place at all.

Mr. HARRISON. We have only four. We will divide the world into four parts, if the gentleman wishes.

Mr. MANN. They go to a place and study the whole thing. They get all the information they can, say on the cotton question. What good would it do to get part of the information in relation to a portion of the East when it should be made to apply to the whole? Why should we get special information about Canton, when we want to cover the whole subject? Now if you will not seek to divert the fund specially set apart for that special purpose, I would not object; but I do not want to see this fund taken away from this Department, to send able men abroad to study the needs of the people there, and aid our manufacturers at home in obtaining trade abroad.

Mr. LOVERING. Mr. Chairman, it seems to me that this is hardly the place for an amendment of this measure. I wish to bear testimony to the value of the service of these special agents who are sent abroad. The reports which they have returned have more than justified the appointments of the men and the appropriations made to maintain that service. I hope that it may be kept intact as it now stands in the bill; and for that reason I shall oppose the amendment offered by the gentleman from New York.

Mr. HEFLIN. Mr. Chairman, in reply to the suggestion of the gentleman from New York [Mr. HARRISON] that this work can be accomplished by writing for or purchasing the desired information abroad regarding our cotton trade and the manufacture of cotton goods, I wish to say that this work can not be done intelligently and successfully other than the way it is now being done. These expert agents representing the United States Government can obtain information regarding the cotton trade with other countries that the private citizen can not obtain. It is a business proposition, and a wise one, for us to do anything in our power to increase our export trade with foreign countries. Especially should we give our attention to our cotton trade, for it is cotton that gives us the balance of trade and brings us gold from foreign countries when all other products fail. Let us follow the example of England, France, and Germany. These countries have expert agents in all the countries of the East, looking after their cotton-goods trade.

Let us take no backward step in this matter. We ought to have a dozen agents instead of the four mentioned by the gentleman from Illinois [Mr. MANN]. I trust that this provision will remain in the bill as reported by the committee.

Mr. TAWNEY. Mr. Chairman, I want to say just a word in defense of the action of the committee in reducing the amount appropriated for this service. It appears in the hearings that the Department of Commerce and Labor during the fiscal year ending June 30 last expended of this \$50,000 for this service less than \$30,000, and that during the current year they will expend less than \$25,000. The Department does not contemplate increasing the force of inspectors, and it is not claimed that more men will be needed. We have provided for this service to the full extent which the Department finally estimated was necessary for the service. I do not favor the amendment of the gentleman from New York. It provides for an expenditure of money only to pile up more statistics in regard to our foreign trade and foreign trade relations. There is a great deal of duplication in the matter of securing statistical information in all of the Departments and in all the different branches of the public service. We have a statistical bureau, and nearly every

Department has an independent statistical organization; and in this particular Department there are now two distinct statistical bureaus, either one of which, if the information is necessary or valuable, could obtain the information sought to be obtained by the pending amendment.

The committee has not discriminated in the least against this service. We have given all and more than they are now expending. In view of the statements made to the committee that they were expending only about \$28,000 this year for this service, and that they did not deem it necessary to increase the service, I do not think this House can justify its action in appropriating more money for a given service than the Department having control of that service deems necessary for the same.

Mr. HARRISON. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. HARRISON. I ask, now by way of obstruction, but simply to obtain information, what are the two bureaus which can obtain and furnish the information that I seek to get by this amendment that I have offered?

Mr. TAWNEY. We have three bureaus. We have the Bureau of Statistics, supposed to cover generally all statistics, including trade statistics. We have also in the Bureau of Manufactures a bureau to which our consular reports are sent, where they are compiled and published, instead of having them published by the Department of State, as heretofore. They contain all the information that our consuls and all the information that these special agents gather in their investigations abroad.

In addition to that we have the Census Bureau, that is doing a large amount of general statistical work independent of the statistical work incident to the census.

Mr. HARRISON. Will the gentleman not admit that something besides statistics are required? All kinds of trade secrets have to be ascertained—processes and formulas.

Mr. TAWNEY. That is exactly what is being done by these six special agents. Their reports are sent here to the Department of Commerce and Labor, and the Bureau of Manufactures is engaged in classifying, compiling, and arranging that information, and then publishing the same for the benefit of our exporters.

Mr. HARRISON. I gave the committee an instance where there was no means of obtaining information in this line last year where it was considered desirable by the Department. I think these instances arise quite frequently, and I do not see that the gentleman has pointed out how we are to obtain the information that we desire. By enumerating the different bureaus of statistics he has not pointed out where to cover this ground.

Mr. TAWNEY. By these special agents.

Mr. HARRISON. There are only four of them.

Mr. TAWNEY. There are six of them.

Mr. HARRISON. Six of them to cover the whole world.

Mr. TAWNEY. They are investigating these questions, and, in addition to that, the reports coming to the State Department from our consular service regarding trade relations and trade conditions.

Mr. HARRISON. I do not wish to obstruct matters. I want to broaden the scope; that is all.

Mr. TAWNEY. I think the scope of it is ample now.

Mr. STEVENS of Minnesota. Did the committee receive a communication from the Secretary of Commerce and Labor relative to an investigation of the export wheat and flour trade?

Mr. TAWNEY. The Secretary of Commerce and Labor stated that he expected to have that subject investigated during the next fiscal year.

Now, I may say, Mr. Chairman, that there is one criticism I have always made against this service, or against the administration of this appropriation. It was not the intention of Congress when this provision was first inserted in an appropriation bill creating this service that it should be specialized. The purpose of this service was to obtain information concerning trade conditions abroad in relation to our exports in general and not to particularize. For example, at the beginning of the last Congress every Member of the House was flooded with petitions for an appropriation of \$30,000 for a special investigation into the conditions of our foreign trade in machine tools. Now, the Committee on Appropriations did not favor specializing any more than we had done. Congress did not provide for specializing this particular service, but notwithstanding that, under this general appropriation, under this general language, the manufacturers of machine tools in the United States have secured a special representative for the purpose of making that investigation, and the expenses are paid out of this appropriation. They also took up and specialized the cotton industry and cotton-seed oil and its products. And so to-day only two of these men are investigating general subjects connected with our foreign trade. The other four special agents are not engaged in any investigation concerning trade

conditions generally, but trade conditions in particular or some special branch of our foreign trade.

Mr. KEIFER. Mr. Chairman, I do not rise for the purpose of participating particularly in the discussion of the proposed amendment. I feel the importance of the investigations abroad into all classes of industry. While it may be that in some sense we are duplicating the work, it is very important.

The principal reason I took the floor is, if possible, to sound the alarm against recent legislation in England, which is forcing some of our manufacturers in this country to go to England to manufacture their goods. A statute that was passed some time ago by the Parliament of England for the first time in the history of England requires that patentees under the laws of England shall use their patents by manufacturing under them in England, and power is given under that act to cancel patents taken out in England by people from this country, perhaps any country, unless it is shown that they manufacture their goods exclusively within the United Kingdom, or mainly so. This is a new thing in the history of patent legislation. In all the times past we have had reciprocity in the matter of patents. The Englishmen come here and take out their patents and we protect them. We protect them as faithfully as we protect our own people who are patentees under our statutes, and prior to the 1st day of January, 1908, the English Government protected our people in their patents, although they did not go to England or the United Kingdom for this purpose of manufacturing exclusively or mainly under the patents. And we still protect England's people who take out patents here. They patent some new and useful invention or process, some mechanism, or some machinery, or parts of machinery, in this country, and this country protects them as fully as it does our own people, and we are excluded from its use in our manufactures; but if a citizen of the United States procures a patent under the patent law of England we are obliged to go there to manufacture under that patent, or under the present patent law of England the patent may be annulled.

I would put in the RECORD, if I had the names at hand, the individuals, corporations, or firms who, it is reported, have been obliged to move their establishments from this country to England in order to save their patents from becoming public property. By permission of the committee, I will add a copy of a sufficient part of the law of England on this subject to show its purpose and character. I am sorry I can not now give the names of the corporations or individuals that have already made preparation to move out of the United States into England for the purpose of preserving their patents. The law operates against other countries as well as the United States.

The following is the provision of the new British patent law under which patentees under the English laws are liable to have their patents revoked on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside of the United Kingdom:

27. (1) At any time not less than four years after the date of a patent, and not less than one year after the passing of this act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside of the United Kingdom.

(2) The comptroller shall consider the application, and if after inquiry he is satisfied that the allegations contained therein are correct, then, subject to the provision of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either (a) forthwith, or (b) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, can we have the amendment again read?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania to reserve a point of order on the amendment.

Mr. BINGHAM. I insist on the point of order, Mr. Chairman.

The CHAIRMAN. The attention of the Chair has not been called to any existing law which would justify this amendment in the general appropriation bill, and therefore the Chair feels compelled to sustain the point of order.

Mr. HITCHCOCK. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

In line 2, page 148, after the word "Congress," add: "including information as to the prices at which American-made goods are sold abroad to merchants and at retail."

Mr. BINGHAM. I reserve a point of order on that, Mr. Chairman.

Mr. HITCHCOCK. Mr. Chairman, the paragraph we have before us is very largely in the interest of American manufacturers. To a very great extent these manufacturers are in the enjoyment of a high protective tariff to enable them to compete, as it has been supposed, with foreign manufacturers in the American fields. It is an open secret, a notorious fact, one I think not even denied, that a great many of these manufacturers are selling their goods in European and other markets to consumers abroad at prices much below the prices that they name in the American market and that American consumers are compelled to pay.

Now, the object of this amendment is to require our agents in making reports on our foreign trade to include information for the American people on this important point, as to the prices of American-made goods in foreign lands.

I am perfectly willing and the American people are perfectly willing to have these agents of the United States investigate trade conditions abroad for the purpose of developing such facts as may be helpful in spreading American trade, but it certainly seems to me that we should couple with them instructions to our agents to ascertain authoritatively and officially whether the charge is true that these American manufacturers, protected by law, favored by the Government of the United States, are actually engaged in selling their products at prices to foreigners in foreign markets far below those that they charge to Americans in the American market, and I hope the gentleman will not insist on his point of order. This additional information will cost nothing, and it certainly will be of value. If the charge is true, it ought to become known. If it is false, it will do no harm to ascertain that fact.

Mr. GILLETT. Mr. Chairman, just one word. This provision is not made for the purpose of ascertaining any such facts as the gentleman speaks of. We have appropriated enough to obtain the information which this is intended to provide, to extend American trade, and it does not appropriate for these men to acquire the information the gentleman speaks of. It would require an entirely different class of service and possibly a different set of men; at any rate a much larger number of men, which is not within the province and purpose of this section; and, regardless of the point of order, I should hope that the gentleman's proposition would not be adopted.

Mr. BINGHAM. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, \$3,500; assistant chief of division, \$2,500; three clerks of class 4; three clerks of class 3; five clerks of class 2; seven clerks of class 1; four clerks, at \$1,000 each; two clerks, at \$900 each; one messenger; one assistant messenger; in all, \$39,460.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 156, line 15, strike out the words "thirty-nine thousand four" and insert "thirty-eight thousand nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Bureau of Standards: For director, \$5,000; physicist, \$4,000; chemist, \$4,000; associate chemist, \$2,500; three associate physicists, at \$2,500 each; one associate physicist, \$2,200; two associate physicists, at \$2,000 each; six assistant physicists, at \$1,800 each; seven assistant physicists, at \$1,600 each; one assistant chemist, \$1,800; one assistant chemist, \$1,600; assistant chemist, \$1,400; eight assistant physicists, at \$1,400 each; eight laboratory assistants, at \$1,200 each; seven laboratory assistants, at \$1,000 each; six laboratory assistants, at \$900 each; four aids, at \$720 each; two aids, at \$600 each; three laboratory apprentices, at \$540 each; four laboratory apprentices, at \$480 each; storekeeper, \$1,000; librarian, \$1,400; secretary, \$2,000; one clerk of class 3; one clerk of class 2; one clerk of class 1; two clerks, at \$1,000 each; two clerks, at \$900 each; two clerks, at \$720 each; one messenger boy, \$480; three messenger boys, at \$360 each; one elevator boy, \$360; chief mechanic, \$1,600; mechanic, \$1,400; two mechanics, at \$1,200 each; two mechanics, at \$1,000 each; mechanic, \$900; two watchmen; skilled woodworker, \$840; three skilled laborers, at \$720 each; draftsman, \$1,200; two assistant messengers; engineer, \$1,800; one assistant engineer, \$1,200; two assistant engineers, at \$1,000 each; assistant engineer, \$900; three firemen; electrician, \$900; four laborers; janitor, \$660; janitor, \$600; and two female laborers, at \$360 each; in all \$139,940.

Mr. BINGHAM. I offer the following amendment.

The Clerk read as follows:

On page 158, line 24, strike out the words "thirty-nine thousand nine" and insert "forty-one thousand five."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Books for libraries of circuit courts of appeals: For the purchase of law books and rebinding law books for the nine libraries of the United States circuits courts of appeals, to be expended under the direction of the Attorney-General upon the requisition of the court (all books purchased hereunder to be plainly marked "The property of the United States"), \$9,500.

Mr. SMITH of California. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 164, line 15, before the word "nine" insert "twenty," so as to read "\$29,500."

Mr. SMITH of California. Mr. Chairman, the purpose of the addition is to provide a sum with which to replace the law library belonging to the court of appeals in San Francisco, which was entirely destroyed by the fire there two years ago. If this matter has been brought to the attention of the committee and it has passed judgment on it, I do not care to consume the time of the House in arguing it, but the judges have sent to me a copy of a letter which is addressed to Mr. JENKINS, chairman of the Committee on the Judiciary. I suppose they thought likely that such a subject would be brought to the attention of the House through that committee.

Mr. TAWNEY. Can the gentleman explain to the committee why the judges did not bring this to the attention of the Department of Justice and the Department of Justice submit an estimate for what was deemed necessary to replace this library; if it is necessary?

Mr. SMITH of California. I am entirely in ignorance as to why they did not take that course.

Mr. TAWNEY. The Department of Justice sent no estimate for it, and it is through the Department that these estimates properly come.

Mr. SMITH of California. I think that is correct; but it is quite probable that the judges did not know the legislative procedure, although Judge Morrow, who was formerly a Member of this House, is a member of that court, and if it had been brought to his attention he probably would have remembered how these things are done. The facts are that this entire library of the court was destroyed in the fire there two years ago, and out of the small assignment of funds made in this general appropriation it has not been able to replace it. They say in this letter that this court has jurisdiction over the cases arising in all of that western territory, including Alaska, Montana, Idaho, and Washington, and include a great variety of questions, and, of course, they need not specify that they need a workable library. They enumerate some thirty or forty States of the Union from which they have no set of State reports. I am now reading from the letter:

The text-book library consists of about 157 volumes. Many of them are out of date. Of the annual appropriation of \$1,000 for the library of the court but a small margin is left after the purchase of the current books.

Therefore they have no fund with which to give them the former library which they had, and which every court, of course, needs.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SMITH of California. Yes.

Mr. FITZGERALD. Does the gentleman say they enumerate thirty or forty States from which they have no State reports?

Mr. SMITH of California. They enumerate forty-two States from which they have no reports at all.

Mr. FITZGERALD. Does the gentleman know any circuit court of appeals with a library of reports of all the States of the Union—

Mr. SMITH of California. Possibly not all, but I presume they have a number of the State reports.

Mr. FITZGERALD. I doubt if any circuit court of appeals has State reports of every State.

Mr. SMITH of California. Let me read another paragraph indicating what they have.

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of California. Certainly.

Mr. MANN. I understand the gentleman to say that the library was destroyed at the time of the earthquake.

Mr. SMITH of California. Yes, sir.

Mr. MANN. How did it happen that these old books were saved?

Mr. SMITH of California. I can not tell you that.

Mr. MANN. Did they in their zeal take the trouble to pick out the old text-books and save them and let the new text-books burn?

Mr. SMITH of California. Well, I hope the gentleman from

Illinois will not "josh" about a subject as important as this. This is an item very well worth taking care of, and this is no time to say they did a foolish thing in that great day of catastrophe. They did not go and pick out purposely the old books and save them. How it happened I do not know, but I will read you this letter.

To the Hon. J. J. JENKINS,

*Chairman of the Judiciary Committee, Washington, D. C.*

Sir: We, the undersigned, who are the judges of the United States circuit court of appeals for the ninth circuit, hereby respectfully make this application to you for your considerate assistance to secure an appropriation from the Sixtieth Congress of the United States in the sum of \$20,000, to be used for the purchase of a library for the court.

The jurisdiction of this court, as you know, is very extensive, embracing appeals from Alaska, Montana, Idaho, Washington, Oregon, Nevada, California, Arizona, Hawaii, and the United States court for China. A great variety of questions is presented to the court for decision. A well-selected law library is of the utmost importance and necessity to the court for the proper performance of its work. The library of the court, however, has always been most meager and insufficient. Prior to April, 1906, the want of books, while a matter of considerable inconvenience to the court, was partially overcome by borrowing the most necessary ones from the public and private law libraries in San Francisco. The San Francisco Law Library was an unusually well-supplied institution, with a total of 44,000 volumes. Since the conflagration of April, 1906, however, and the destruction of practically all the law libraries in San Francisco, both public and private, the court has been greatly inconvenienced and delayed in the performance of its work by the want of books.

The National Reporter system, published by the West Publishing Company, at St. Paul, is the only complete set of books in the library. Besides this system, the court has incomplete sets of reports and statutes of eleven States and Territories. It has no reports or statutes of any of the following States and Territories: Alabama, Arkansas, Colorado, Connecticut, Dakota, Delaware, Florida, Georgia, Indiana, Indian Territory, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey (Law), New Mexico, New York supreme court, superior courts, and lower courts, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

The text-book library consists of about 157 volumes, many of which are out of date.

Of the annual appropriation of \$1,000 for the library of the court but a small margin is left after the purchase of the current books.

Believing that the court, in justice to itself and to the people of the large section of the United States over which it exercises appellate jurisdiction, should have for its convenient use a good working law library, we earnestly ask your assistance to secure from this Congress the above appropriation of \$20,000 for the purchase of such a library.

A copy of this letter has been sent to each of the Congressmen from California, with the request that they cooperate with you in the accomplishment of the desired purpose.

Very respectfully,

(Signed)

WM. B. GILBERT,  
ERSKINE M. ROSS,  
WM. W. MORROW,  
JOHN J. DE HAVEN,  
WM. C. VAN FLEET.

SAN FRANCISCO, CAL., November 30, 1907.

Mr. DRISCOLL. From whom is that letter?

Mr. FITZGERALD. The gentleman reads from—

Mr. SMITH of California. Let me answer this question. It is signed by Judges William B. Gilbert, Erskine M. Ross, William W. Morrow, John J. De Haven, and William C. Van Fleet.

Mr. FITZGERALD. The gentleman has read that these judges have signed this letter, in which they say that they have incomplete reports from eleven States, and they have no reports at all from forty-two States. Now, where are those other States located? They are not in the American Union.

Mr. SMITH of California. I have not figured that up, I am sure.

Mr. FITZGERALD. If the judges were no more accurate than that, I suggest we wait until—

Mr. NEEDHAM. That includes the Territories, and you have hurriedly counted up these States.

Mr. FITZGERALD. We can not reconcile this difference.

Mr. SMITH of California. I ran over this very hurriedly, but the statement of these judges is certainly entitled to full credit by this body—that they have no library and that they are at present supplied with but very few books.

This matter, of course, should have been brought to the attention of the committee when it was framing this bill, but it was overlooked by myself and probably by the other members of the delegation.

Mr. PARKER of New Jersey. May I ask if the gentleman has communicated with the chairman of the Committee on the Judiciary [Mr. JENKINS] and talked over what he wants?

Mr. SMITH of California. I have not. The judges sent up this communication and asked us to present the matter as we could.

Mr. DRISCOLL. Do they state how much is necessary?

Mr. SMITH of California. Yes; \$20,000. The bill carries \$9,000, and my motion is to increase it to \$29,000.

Mr. DRISCOLL. I do not suppose they expect to buy the re-

ports of all these other States. They never have had the reports of all the States?

Mr. SMITH of California. I do not know what they had before.

Mr. DRISCOLL. They do not expect to get the reports of those States that they did not have before the fire?

Mr. SMITH of California. I presume they would like to have a fund with which they could provide themselves with the reports that they need. If there is an opportunity for the committee at this session to consider this before final action is taken, I would desire that to be done, but if you desire to act upon it now, I submit the matter with this information.

Mr. GILLETT. Mr. Chairman, it appeals to us, of course, to do anything we can for the relief of San Francisco and the sufferers from the fire. But I do not think it is fair for the gentleman to come in before the committee of the House and submit this proposition, which was never brought to the attention of the Committee on Appropriations at all, whose merits we can not go into as minutely as we ought to do. We can not tell how much we ought to appropriate. Obviously, from this letter, they are attempting now, under the guise of supplying what they had before, to get a very much better library than they had before. And it hardly seems to me right to appeal to our sympathy for that purpose.

Mr. SMITH of California. If you will allow me a moment—

Mr. GILLETT. Certainly.

Mr. SMITH of California. After consultation with the chairman of the committee, if it is agreeable to this committee of the House, I will withdraw this amendment and undertake to submit the matter to the Committee on Appropriations through the general deficiency bill.

The CHAIRMAN. Without objection, the amendment is withdrawn. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by the demotion or removal of such person from the public service.

Mr. LANGLEY. Mr. Chairman—

Mr. KEIFER. Mr. Chairman—

Mr. GOULDEN. Mr. Chairman, I raise a point of order on section 3. I desire to object to that section, first, because it is of an affirmative character and contains new legislation; secondly, the recommendations therein are not as they would have us believe when they undertake to place a limitation upon anything of that character. This distinctly is of an affirmative character, and I beg to call attention to the section adopted at the last session of Congress, in the same bill, and to say that this is not, as claimed in the report, a reenactment.

Mr. LANGLEY. Pending the decision of the Chair on the point of order, I desire to offer an amendment.

Mr. GOULDEN. I can not yield for that purpose at this time.

Mr. LANGLEY. I thought the gentleman had yielded the floor.

Mr. KEIFER. Mr. Chairman, I desire to know what question is before the committee.

Mr. GOULDEN. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from New York [Mr. GOULDEN] has made a point of order to the paragraph.

Mr. KEIFER. To section 3?

The CHAIRMAN. Section 3.

Mr. KEIFER. The whole section?

The CHAIRMAN. The whole section, on the ground that it is a change of existing law, and he is now addressing the committee on the point of order.

Mr. GOULDEN. Mr. Chairman, not only does it change existing law, but it is in conflict with the civil-service law, and, as the committee claims for it, it is not a limitation. It can not be a limitation, as it is of an affirmative character and not negative. I beg to call attention of the chairman to section 3 of the prevailing law that was adopted during the Fifty-ninth Congress. This section, I beg the Chair to note, is a radical change in the matter. The Chair will find that they have added, in section 3, line 22, "either by the demotion or removal of such persons from the public service," and, in line 3 of the prevailing law, "otherwise than temporarily." It is therefore, in my opinion, a direction and new legislation as well. When they undertake to say also "shall not be available," it is an affirmative recommendation—a direction in fact, and not in the shape of a limitation, which should simply be of a negative character. And therefore I submit to the chairman that it is in violation of Rule XIII provided with regard to new legislation as well as for the limitation.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that an amendment which he desires to offer may be read for information. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Page 166, in line 23, insert the following:

"Provided, That this section shall not apply to employees who served in the Army or Navy of the United States during the war of the rebellion, or who as members of State militia organizations aided in suppressing the rebellion, nor to the widows of such persons."

Mr. GOULDEN. I will insist upon my point of order.

Mr. GILLETT. Mr. Chairman, upon the point of order which the gentleman makes, the only ground upon which I can see the point of order can be sustained would be upon the ground that this limits the powers of the heads of Departments, because by it the heads of the Departments are instructed by law to cause this provision to be enforced. Now, I would suggest to the gentleman that, in his view upon the subject, he had better not insist upon his point of order, because the law now instructs the Departments to enforce this provision. The clause which we have put in—

Mr. KEIFER. I would like to ask the gentleman what law he refers to?

Mr. GILLETT. The current law of the last appropriation bill.

Mr. KEIFER. But that only makes provision for one year; that is not permanent legislation.

Mr. GILLETT. But the gentleman argues on this law.

Mr. KEIFER. This bill deals with the appropriation for 1909.

Mr. GILLETT. The gentleman bases his argument upon that ground. The current law compels the heads of the Departments to cause this provision to be enforced, and would compel them to eject from the Departments the clerks who come under this provision. We have limited that by providing that they can enforce the provision either by removal, which they would have to do under the present law, or demoting them. Instead of narrowing the scope of the Department, really we enlarge it, and it is really for the benefit of the employees that this provision should be in, because this allows them to be kept at a lower salary, whereas under the present law they are to be entirely removed from the Department; so that I think the gentleman, with his views on the subject, had better not make the point of order.

Mr. KEIFER. Does the gentleman from Massachusetts think that this proposed section will have any effect at all upon the future; that section 3 of the old law would now apply if this is stricken out and the point of order is sustained, and the section 3 of last year's appropriation would apply to the coming fiscal year?

Mr. GILLETT. No; it simply applies to this year. It is our purpose to apply it to the coming fiscal year.

Mr. KEIFER. If I understood the statement of the distinguished gentleman from Massachusetts, he concedes that this section 3 of the bill is new legislation and changes existing law?

Mr. GILLETT. I do not say that.

Mr. KEIFER. But he did concede that there was new legislation in the section. Now, under the circumstances, as the section would apply only to the appropriations to be made in this bill, then this is new legislation, and he might as well admit it as deny it, because the fact is perfectly clear that it is new legislation. There never has been any legislation such as is proposed in this section, and legislation on the same subject in the appropriation act for this fiscal year (1908) is not permanent law.

Now, Mr. Chairman, when this matter was before the committee, and I am not complaining that I did not have plenty of time to investigate it, because I did; but I was told that the provision was the same in this bill as in the bill applicable to the fiscal year 1908, and I now find on examination here that that was an error. The provision in the law applicable to this fiscal year excepts from the operation of the law persons who are temporarily disabled, and this requires the heads of the Departments to dismiss or by demotion—I do not like that word—get rid of those who are temporarily disabled. It is another method—not intentional—of attempting to do what was more directly proposed in a former Congress: To provide by law for the dismissal of the old soldiers in the Departments, and they were then willing to vote down the provision to retain them provided they performed their work as well as others. Here we have a measure for carrying out the same purpose, but in different language. Now, if you will allow me I will point out the difference. Section 3 of the act applying to this fiscal year reads:

The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensa-

tion of any persons incapacitated otherwise than temporarily for performing such service, and the heads of the Departments shall cause this provision to be enforced.

Section 3 of the present bill follows that language up to a place where the committee desired to make a departure to create this wholly new measure. Let me read it:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any person incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by the demotion or removal of such person from the public service.

Here is omitted the word "temporarily," and in the section of this bill it is made imperative on the heads of the Departments to enforce the provision, and it provides how they shall do it. Before, it might be done in various ways, but this section 3 of the bill requires it to be done either by demotion or removal. And, more than that, we have a civil service that requires examination in order to show capacity for admission into the different Departments of clerks and others; but here it is proposed to leave it to some bureau chief to report to the head of the Department that somebody is incapacitated and then cut his head off. I should like to have a civil-service examination of the old soldiers before they are to be mustered out upon the say so of somebody who may have but very little judgment on the subject of what constitutes capacity. [Applause.]

Mr. TAWNEY. Mr. Chairman, although this clause has been carried substantially as now proposed in the legislative, executive, and judicial appropriation bill for ten years, this is the first time that it has ever provoked any discussion or criticism, either on this floor or in the press of this city. It has heretofore been carried in language far more drastic than the language now proposed. Heretofore it was the duty of the head of the Department to dismiss the clerk incapacitated for the performance of his duty. If this provision is agreed to, they can either dismiss or demote, as they see fit. Heads of Departments have come before the Committee on Appropriations at each session of Congress, and when asked if they had any person in their Department who was incapacitated for the discharge of the duties assigned to them or for which they had been employed, they answered that they had. When asked why they did not enforce this provision, they said it was impossible to dismiss people of that kind from the service, although it would be for the betterment of the service.

By this provision we propose to liberalize the existing law, and, instead of making it the duty of the head of the Department to remove, make it his duty in such case to reduce or remove. We have therefore liberalized the existing law by giving to the heads of Departments the alternative, in case of an incapacitated person, of demoting rather than dismissing.

This provision originated some ten years ago, when a certain Assistant Secretary of the Treasury adopted what was known then as an "honorary list," which was, in fact, a civil pension list, by demoting those who had reached the top of the service and become physically incapacitated for the discharge of the duties for which they were employed, thereby establishing a civil pension roll. But the power of demotion was taken away from the Departments, leaving only the power of dismissal in the event that the employee was incapable of discharging the duties for which he had been employed.

Mr. Chairman, this provision does not relate to the subject of superannuation. It does not require either the dismissal or the demotion of an employee because of age. The language is that he must be incapacitated for the discharge of the duties for which he has been employed. There is not a single word in this paragraph upon which any Member of this House can justly claim that it does relate in the least to the question of age. A man may be 100 years of age and yet if he is capable of discharging the duties for which he has been employed he can neither be demoted nor dismissed from the service under this paragraph. But the subject of superannuation is a convenient subject in this House for men to try and popularize themselves in the large cities, where a great many Federal officeholders live and vote. It is also a convenient medium for the newspapers of this city to try to increase their circulation. The moment there is anything in the legislative bill that even hints at the question of superannuation it is availed of immediately as a basis for criticizing the Committee on Appropriations. The press of this city, knowing there are 30,000 Government employees here, all anxious to read something about themselves, or something in their defense, and are therefore eager to buy the evening or morning papers pending the determination of such a question, take advantage of anything that looks like superannuation to increase their circulation in the city of Washington. It is this, rather than the provision in this bill, that has prompted all of the criticism we have heard on this floor and that we have recently seen in the local press re-

garding this provision, for there is nothing in the provision regarding age or superannuation.

Now, Mr. Chairman, the point of order against this proposition does not lie. It is a limitation on the appropriations, and the last part of the sentence—

And the heads of Departments shall cause this provision to be enforced—

Which is the language in current law, is the language which this paragraph has carried in all previous bills for a number of years, supplemented by the language which is now proposed—

Either by the demotion or the removal of such persons from the public service—

Which is a part of that limitation. The entire section reads:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any person incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by the demotion or removal of such person from the public service.

The first part of that is clearly a limitation on the appropriation carried in this bill for the public service. The last part is an essential part of that limitation, namely, conferring upon the heads of Departments the power to enforce the limitation. The one is a limitation and the other is an essential part of the limitation, because, without the power given to somebody to enforce it, the limitation would be a nullity, would be of no force, and of no effect whatever. I maintain, therefore, Mr. Chairman, that the section as a whole is a limitation upon the appropriation made for the public service, and that without the language "the heads of Departments shall enforce this provision either by demotion or by dismissal" leaves the limitation without any effective way for its enforcement. Therefore, it being an essential part of the limitation, it is as much in order as the language which says that no part of this appropriation shall be paid to persons who are incapacitated, and so forth. Without that language how can that limitation be enforced? Who is to determine whether or not the employees are incapacitated who we say shall not receive any part of this appropriation because of incapacity?

Mr. HEPBURN. Will the gentleman yield for a question?

Mr. TAWNEY. I will yield to the gentleman from Iowa.

Mr. HEPBURN. Is it not true that the first portion of this section is addressed to the auditing officers of the Government and the balance of it to the heads of Departments?

The appropriation herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed.

That is addressed to the auditing officers. Have they not the power, under that, to refuse compensation without regard to the action of the heads of Departments?

Mr. TAWNEY. If they know that the person is incapacitated for the discharge of his duties, or for the duties for which he is employed, the auditing officer could refuse to pass the account for the payment of the service of that person. But this power is not limited alone to the auditing department.

Mr. HEPBURN. Do you not impose upon him the duty of inquiring whether he can make these payments or not, because if it is paid to a person who is incapacitated—

Mr. TAWNEY. No; I think not. In the absence of testimony the presumption would be that he was capable and had sufficient capacity for the discharge of his duties. I do not think the presumption would be that he was incapacitated, but the presumption would be in favor of the clerk.

Mr. HEPBURN. He has the advantage of the presumption that the Civil Service Commission can do no wrong. [Laughter.]

Mr. TAWNEY. I think the presumption would be in favor of the clerk. No matter to what extent he might be incapacitated for the performance of his duty, unless the Auditor had knowledge of his incapacity, I think he would not be justified in refusing the payment. While the Auditor has the power, where he has the knowledge, it is also proposed by this section to continue to impose upon the heads of Departments the duty of either demoting or dismissing, and thereby enforcing this limitation. Heretofore it has been the duty of heads of Departments to dismiss; there was no alternative; and under this provision some of the employees, within the last six months or during the fiscal year, have been removed from office because they were totally incapacitated for the discharge of their duties.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. COOPER of Wisconsin. I notice that in line 19 you say "shall not be available for the compensation of any person incapacitated." Must that incapacity be permanent or temporary?

Mr. TAWNEY. If the gentleman will read further the words "incapacitated for performing the service for which such person has been employed," he will see that the provision answers his question.

Mr. COOPER of Wisconsin. A man might be incapacitated for a month or two by breaking his arm, and he might be permanently incapacitated by senile dementia. Is this a permanent or temporary incapacity?

Mr. TAWNEY. It is permanent.

Mr. COOPER of Wisconsin. It does not say so.

Mr. TAWNEY. Not in express language; but he must be incapacitated for the discharge of the duties for which he has been employed.

Mr. COOPER of Wisconsin. For how long?

Mr. TAWNEY. Permanently incapacitated.

Mr. COOPER. I think the provision applies to a temporary incapacity as well.

Mr. TAWNEY. Oh, no; it does not.

Mr. POLLARD. I should like to ask the gentleman whether he has any information he can give this House which will enlighten us as to the number of employees that will be affected by this section if it should be literally enforced?

Mr. TAWNEY. I can not, but there are very few; under our system of life tenure of office it is a fact that there are quite a number of old men who now occupy positions at the head of our public service and who have reached that position because of long service and of having been promoted from one grade to another until they have gotten to the top, but who now, by reason of age or other physical disability, are totally incapacitated for the discharge of the duties in these higher grades. Nevertheless, the heads of the Departments do not demote them or can not demote them, and if they could they could be retained in the public service and these positions at the top—clerkships that command a salary of from \$1,800 to \$2,000 a year—could be filled by younger men and men who are capable of discharging the duties of the office, thereby not only greatly improving the efficiency of the public service but also reducing the demand for more clerks in the higher grades. One of the reasons that Congress is asked every session to increase the number of \$1,800 and \$2,000 clerks is because there are so many in the public service who have become incapacitated, either by age or other physical disability, and who can not be removed or demoted. The duty of removing has heretofore been placed upon the heads of the Department, but as a matter of mercy these old men have been retained in these higher places and have not been dismissed. It is now proposed not to separate them from the service, but when they are totally incapacitated for the discharge of the duties of the position to demote them to positions where, notwithstanding their incapacity for the performance of the duties devolving upon a high position, they may be able to perform duties that are less onerous and in that way be retained in the public service. I submit, Mr. Chairman, that in view of the fact that the first part of this is a clear limitation, and that without this language the limitation would be ineffective, it therefore becomes and is a part of the limitation.

Mr. KEIFER. Mr. Chairman, I would greatly prefer that this question of order should be decided on the reading of the third section of the bill than upon various statements and assumptions and allegations as to what is in that section. The inquiry of the distinguished gentleman from Iowa [Mr. HEPBURN] took away the necessity of my commenting particularly upon one point, but I am not satisfied with the voluminous answer made by the chairman of the Committee on Appropriations, where he said the bill meant in its reading that the officer, to wit, whose duty it was by the bill, to wit, the auditing officer, was to pay without knowing whether the party was incapacitated for performing the service, but simply on the presumption of capacity. Now, there is nothing of the kind in the section, and there is nothing which justifies that view by reason of any connection with any other matter in it. Moreover, then comes the inquiry from the distinguished gentleman from Wisconsin [Mr. COOPER] as to whether or not this demotion or dismissal could not come in case of a temporary incapacity, and the distinguished chairman says no, that it must be permanent only, whereas in the last bill and the last law, and the one applicable to this fiscal year, the word "temporarily" appears as an exception to the operation of that section; and when the committee came to draw this section of the bill under consideration it used different language in order to get away from the temporary clause, and to make it ferocious and drastic, they struck out the clause relating to the exception in favor of those only temporarily incapacitated. Then the distinguished chairman says we do not mean what we say in the bill at all.

Mr. TAWNEY. Will the gentleman permit an interruption?  
Mr. KEIFER. Yes.

Mr. TAWNEY. Is the gentleman aware of the fact that at the last two sessions of Congress he voted for this provision without the words "otherwise than temporarily" in that provision? The House has always passed it in that way, and the Senate has put in those words.

Mr. KEIFER. Oh, Mr. Chairman, let me make half of my speech and he may make the other. It is the custom here of people to make most of another man's speech, and I would like to get half the time. I am aware of the fact that the Appropriation Committee at the first session of the Fifty-ninth Congress reported an open, frank, thoroughly avowed provision in an appropriation bill requiring the heads of Departments to dismiss all old soldiers, practically, that there were in the service, if they showed any signs of decay by age, and I did not vote for that. That provision went out on a point of order, and it would have gone out by a very large vote of the House. I might go further and say what took place before that provision of the bill reached that point, but I will not; it may not be proper. Now, let us get back, Mr. Chairman, if I can have the attention of the Chair for a minute, to the real question, and that is whether, as the gentleman from Minnesota [Mr. TAWNEY] alleges, this is a limitation to put this language in here. I might put my statement against his and say it was not a limitation, but I prefer, Mr. Chairman, that the Chair should read the section himself, and I want to call the attention of the Chair to this, that there is no limitation on the expenditure of the money at all. It is only a provision requiring it to be paid out to persons who are adjudged to be incapacitated in the opinion of those over them, and it is not a provision that it shall not all be paid out.

When the language used operates to prevent the use of the money at all, that is the time that a limitation comes in within the rule; when there is something provided in a bill that prohibits the expenditure at all, save on certain conditions being complied with, then the rule might admit the provision. This does not so limit it. It is equivalent to saying to the accounting officers of the Treasury, You shall pay this money all out to persons who are, in the opinion of somebody—heads of Departments, if you please—capacitated, and there is not a cent of money to be saved, only it is not to go to the superannuated old soldier, as some young fellow in a Department may decide. [Laughter and applause.] Now, is there any limitation? It is only limited to paying the strong-bodied people and not those who have acquired a capacity to do work by long experience and in general in a satisfactory way, but yet have grown old and feeble and frail. It is not the worst thing that could happen to a great Government like this that we should pay some old, broken-down man who has to toil painfully, on account of age and infirmities, to discharge his duties. There is not a manufacturing establishment in my country, there is hardly a railroad in this country, that does not have people on the retired list; you may call them pensioners, if you please. I remember a very interesting incident that happened here in this city in the Administration of Gen. Ulysses S. Grant. He had for his Secretary that great old man, Zachary Chandler, and he, too, took one of those spasmodic spells of reform and sent word around in his Department to find out who were incapacitated, and he found some and issued his order to dismiss them. One old maiden lady, frail and feeble from age, and who performed her work, doubtless through pain and tribulation, took her little discharge one afternoon up to the White House and worked her way into General Grant's presence and showed it to him. She told him her name was Meade, that she was the sister of Maj. Gen. George G. Meade, that she had labored in her place all the time through the period she had been there as hard as she could and as well as she could, and while she was somewhat frailer now, she was still trying to do her duty. General Grant heard her and said, "Wait." He took up a small card and wrote on it: "Mr. Secretary Chandler, let Miss Meade stay as long as we stay," and signed it "Grant." She took it back and handed it to the Secretary, and he thought that he would not be behind General Grant; that he would go him one better, and he ordered Miss Meade to take her desk or table and retain it, and then issued an order that he would dismiss the first head of a department who made a complaint about her work to him. [Laughter and applause.] There was some humanity, some sentiment, in that. We are now scared all along the line that we are liable to get somebody on the roll who is not quite as strong physically as he ought to be.

But there is no limitation here, Mr. Chairman. The money is to be expended, and the only limitation is that it is to go to

people who are strong bodied, whether strong-minded or not I do not know. [Applause.]

Mr. MANN. Mr. Chairman, of course the question to which we must address ourselves now is the point of order. It is very apparent, I think, that the first part of this section is not subject to the point of order, that it is a mere limitation, and very likely that part of the section which provides that "the heads of Departments shall cause this provision to be enforced" is not subject to the point of order, because it can not be a change of law, for it is the duty of heads of Departments to enforce the law. But the paragraph goes on to say, and I call the attention of the gentleman from Minnesota particularly to this, "to be enforced either by the demotion or removal of such person from the public service." Grant that the first part of the section is a limitation purely and that it is the duty of heads of Departments to enforce that as an enforcement of the law, this latter part does affect the discretion of the heads of Departments as to the manner of the enforcement. It might easily be, Mr. Chairman, that a person employed in one office would be wholly incapacitated from performing the duties of that office and might well be capacitated to performing the duties of a higher office and might well be promoted instead of demoted so far as capacity is concerned, or a person might be incapacitated from performing the duties of one office and be transferred to another at the same salary, but this provision would restrict the discretion of the heads of Departments in that respect, and hence it seems to me it must be considered new legislation.

The CHAIRMAN. The Chair is ready to rule. The gentleman from New York makes the point of order against section 3, on page 166. That section provides:

Sec. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by the demotion or removal of such person from the public service.

The House, of course, has a right to withhold an appropriation in whole or in part. It also has a right to specify in what way an appropriation shall be expended, by what is called a limitation. But a limitation may not be such as when fairly construed is an affirmative change of existing law. It seems clear to the Chair that this paragraph limits the discretion of heads of the Departments in that it requires them to do certain things which they would otherwise not be required under the law to do. The Chair, therefore, sustains the point of order.

Mr. GILLET. Mr. Chairman, I offer an amendment as a substitute for the paragraph which has just been stricken out; that is, beginning at line 17 down to the words "heads of Departments."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 166, after line 16, insert:

"Sec. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any person incapacitated for performing the service for which such person is employed."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CHANEY. Mr. Chairman, I offer an amendment to be inserted at the conclusion of the amendment just adopted.

The CHAIRMAN. The gentleman from Indiana [Mr. CHANEY] offers an amendment which the Clerk will report.

The Clerk read as follows:

After line 23, page 166, add the following:

"Provided, That in the case of clerks incapacitated for the performance of their respective duties, and who are discharged from the civil service on this account, they shall be retired from the civil service at 50 per cent of their respective salaries at the time of their retirement: And provided further, That the heads of the respective Departments of the Government shall withhold from the annual salaries of all clerks in said Departments one-half of 1 per cent of their respective salaries to constitute a fund from which to pay such retired salaries."

Mr. GILLET. Mr. Chairman, as to that, I make the point of order that it changes existing law.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLET] makes the point of order that the amendment changes existing law. Does the gentleman from Indiana [Mr. CHANEY] desire to be heard on the point of order?

Mr. CHANEY. No; I am willing that the Chair shall rule upon it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LANGLEY. Mr. Chairman, I desire that my amendment be read again. I offer it now as an amendment to the amendment which has just been adopted by the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 166, line 23, insert at the conclusion of the section:

"Provided, That this section shall not apply to employees who served in the Army or Navy of the United States during the war of the rebellion or who, as members of the State militia organizations, aided in suppressing the rebellion; nor to the widows of such persons."

Mr. LIVINGSTON. I would suggest to the gentleman that he had better cover the Confederates.

Mr. TAWNEY. Mr. Chairman, I reserve a point of order.

Mr. LIVINGSTON. The gentleman had better cover the Confederates who are now serving in United States Departments as employees. Is the gentleman willing to amend by doing that? I propose to amend it with this language—

Mr. LANGLEY. I am willing. I think the old Confederates and their widows should also be protected in this respect. I drew the amendment hurriedly here on the floor, and followed the phraseology of existing law along similar lines.

Mr. LIVINGSTON. Those who served in the war in the Confederate army and who are now employed in the Departments of the Government.

Mr. BURLESON. I think we ought to include the soldiers of the Mexican war and the war of 1812.

Mr. MANN. How about the Revolutionary war?

Mr. MACON. And the Indian wars, too?

Mr. TAWNEY. Mr. Chairman, I make the point of order that this amendment comes too late. This section has been agreed to and has been passed. This amendment ought to have been offered before that amendment was adopted.

Mr. GOULDEN. The gentleman had offered his amendment while the other was pending.

The CHAIRMAN. The gentleman's amendment was simply read for the information of the committee.

Mr. LANGLEY. I addressed the Chair in time, but he did not hear me.

Mr. TAWNEY. I understand this is the parliamentary status: The amendment to the bill offered by the gentleman from Massachusetts [Mr. GILLETT] has been adopted, and the gentleman from Indiana [Mr. CHANEY] had offered another new section.

The CHAIRMAN. The gentleman from Massachusetts offered an amendment as a new section, and that was agreed to by the committee. That action having been taken, the Chair must hold that it is now too late to amend.

Mr. LANGLEY. Then, Mr. Chairman, I offer the amendment as an additional section.

The CHAIRMAN. The gentleman from Kentucky offers an amendment as a new section, which the Clerk will report.

The Clerk read as follows:

Insert as a new section the following:

"Provided, That the previous section shall not apply to employees who served in the Army or Navy of the United States during the war of the rebellion, or who as members of State militia organizations aided in suppressing the rebellion, nor to the widows of such persons."

Mr. FINLEY. I make the point of order on that, that it changes existing law.

Mr. TAWNEY. I would suggest also that it is simply an amendment to the section that has already been adopted.

The CHAIRMAN. The gentleman now offers it as a separate section.

Mr. TAWNEY. It is an amendment, in fact. It modifies the former section.

The CHAIRMAN. It seems to the Chair that the contention of the gentleman from Minnesota is correct, and he therefore sustains the point of order.

Mr. LANGLEY. Then I ask unanimous consent of the committee that it may be considered at this time. These old soldiers and their widows ought to be retained whether they are able to work much or not.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the amendment which he has offered may be considered at this time.

Mr. FINLEY. I object.

The Clerk read as follows:

SEC. 5. No person now or hereafter employed in the classified service of any Executive Department shall be transferred from one Executive Department to, or be otherwise employed in, another Executive Department until such person shall have served continuously not less than three years in the Department from which he seeks transfer or in some other Department as an employee in the classified service.

Mr. GOULDEN. Mr. Chairman, I make the point of order against section 5, that it is new legislation.

The CHAIRMAN. Does the gentleman in charge of the bill desire to be heard on the point of order?

Mr. TAWNEY. Mr. Chairman, this paragraph with the exception of a few words is permanent law—that is, the law at the present time prohibits the transfer of an employee from one Department to another Department until that employee

has served at least three years in the Department from which the transfer is desired.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to state that this is permanent law.

Mr. TAWNEY. It is permanent law, adopted by the last Congress. Now, the language of this paragraph, which is new and which changes the law—I do not claim it is not subject to the point of order, but submit this to the gentleman in the hope he may possibly withdraw his point of order—

Mr. GOULDEN. I shall be glad to if the gentleman shows me a good reason why.

Mr. TAWNEY (continuing). Are the words "or to be otherwise employed in another Executive Department."

Now, the reason for that change is this: The employees in the several Executive Departments here have found a convenient way of evading the law we have heretofore passed. They know they must remain in the Department to which they have been appointed three years before they can secure a transfer. At the present time, instead of waiting three years, they go and take a civil-service examination. In the meantime they look around to find out where there is an opportunity for a higher salary, and are certified from the eligible list to the Department requiring the services of someone at a higher compensation than they are receiving in the Department to which they were originally appointed. Then they resign, and take an original appointment in the other Department. It was this condition of affairs that induced the committee to recommend to this House an increase in the salary of some employees in the Internal Revenue Department, in order that that Department could retain their employees in a certain division, when not a single person in that division had been in the employ of the Department for more than seven months.

Mr. GOULDEN. I wish to ask the gentleman from Minnesota if he does not consider it entirely right and proper for employees of the Government to take civil-service examinations in order to better their condition, and take new places if they can obtain them? Why would the gentleman dampen the ambition of these people?

Mr. TAWNEY. Why, Mr. Chairman, this condition exists to-day. We have here in the city of Washington Executive Departments competing with one another for the services of the best men; and in some of the Departments in particular, where a large part of the service is paid out of lump-sum appropriations and the compensation is fixed by the head of the Department, they can increase their salaries and make a special bid for the employees of other Departments to come out of the service they are in and go into this particular service where a larger compensation is paid.

Mr. CRUMPACKER. Mr. Chairman, I would like to ask the gentleman a question or two on this provision. Does it not permit temporary detail of clerks from one Department to another?

Mr. TAWNEY. No; they can detail within the Department, but they can not detail from one Department to another Department.

Mr. CRUMPACKER. Now, there is this objection I have to this provision. I think wherever there is a drastic provision respecting the administrative service of the Government made that might perhaps operate to its embarrassment and detriment, methods will be found to get around it. If the law had limited the period of employment to one year it would have been all right. Clerks may demonstrate within less than two years peculiar aptitude for a particular kind of service and for the service generally. I think that the three-year period is too long before authorizing a transfer of these clerks to a position where their aptitude and capability would seem to peculiarly fit them.

One year is long enough to prevent the abuse that the gentleman from Minnesota complains of, it seems to me, and in attempting to cure one abuse the Congress, I believe, has created a much greater one.

Mr. TAWNEY. The one-year limitation would be evaded just as readily as the three-year limitation.

Mr. CRUMPACKER. Then what is the use of having any?

Mr. TAWNEY. I have called attention to the fact that in the Internal Revenue Bureau there is to-day in one division not a single employee who has been there more than seven months, and some of those who are now there have been offered positions in another Department at an increased salary, and have taken civil-service examinations and are eligible to appointment in that other Department; and the reason they have done so is simply because in that other Department the salaries are not fixed by Congress, but are fixed by the head of the bureau at a rate that will enable them to secure the best men. We ought certainly to try either to get all the public

service on a strictly classified basis, so that there would be no inducement for one Department to compete with another, or else we ought to make it impossible, within a reasonable limit of time, for a transfer to be made from one Department or employment in another Department. The language is clearly subject to the point of order, and I do not intend to discuss that.

Mr. GOULDEN. The gentleman has not given sufficient reasons why I should withdraw my point of order. I want to say that there is nothing I would not like to do for my distinguished friend from Minnesota, because we saw the light of day within 2 miles of each other, and therefore I look upon him as my particular, personal, special friend; but I can not withdraw the point of order, and therefore insist upon it.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to concede that the paragraph is subject to the point of order. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Sec. 6. In the discretion of the Secretary of the Interior, persons employed June 30, 1908, as additional members of the Board of Pension Appeals may be transferred and appointed to places in the classified service of the Department of the Interior without reference to the "Act to regulate and improve the civil service of the United States," approved January 16, 1883.

Mr. LANGLEY. Mr. Chairman, I make the point of order on that section.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that this is contrary to existing law. Does the gentleman in charge of the bill desire to be heard on the point of order? If not, the Chair sustains the point of order.

The Clerk resumed and completed the reading of the bill.

Mr. MANN. Mr. Chairman, I ask to recur to page 34, under the order heretofore adopted, for the purpose of offering an amendment.

The CHAIRMAN. Consent having been previously given, the committee will now return to page 34. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, after line 9, insert:  
"Files, House of Representatives: To move the files of the House of Representatives from the Library of Congress to the House Office Building and construct the necessary equipment therefor, \$6,250."

The amendment was agreed to.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. LAWRENCE, 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. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, and had directed him to report the same back to the House with certain amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BINGHAM. I move the previous question on the bill and amendments to the final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the vote will be taken and the amendment engrossed.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. HITCHCOCK. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HITCHCOCK. I rise to move that the bill be recommitted, with instructions to report certain amendments.

The SPEAKER. Will the gentleman send his motion to the desk?

Mr. HITCHCOCK. The amendment, Mr. Speaker, which I have sent up is to be added to line 2, page 148, after the word "Congress."

The SPEAKER. The gentleman from Nebraska moves to recommit the bill to the Committee on Appropriations with instructions to report the bill with the following amendment, which the Clerk will report.

The Clerk read as follows:

Including information showing the prices at which American-made goods are sold abroad to merchants and at retail.

Mr. TAWNEY. Mr. Speaker, I make a point of order against the motion of the gentleman from Nebraska. It is new legislation. It would not be in order on the bill if offered in Committee of the Whole. In fact, this identical amendment was

ruled upon in Committee of the Whole and held not to be in order for the reason that it was not germane and that it was new legislation.

The SPEAKER. The Chair will hear the gentleman from Nebraska.

Mr. HITCHCOCK. Mr. Speaker, concerning the first objection, that this amendment is not germane, there can hardly be an argument in support of such a position. This is a paragraph which provides for the employment of certain agents of the United States Government at a stipulated compensation per day, such agents to investigate trade conditions abroad. Now, my amendment simply specifies one of the trade conditions abroad which these agents are required to investigate, namely, the prices at which American-made goods are sold abroad.

As to the second point, that this is new legislation, I think the objection is without force. Here we have, Mr. Speaker, a condition in which the Government is seeking to foster American manufactures and American foreign trade. It seeks to foster American manufactures by providing a high protective tariff to protect those manufacturers in the sale of their goods in the United States. In doing so it practically levies a tax upon the whole American people, and the charge has been openly made and never denied that these manufacturers so protected by law in the American market against foreign competition go into the foreign markets and sell to the foreigners in those foreign markets these American-made goods at a much lower price than they sell in the American market.

Now, Mr. Speaker, I am not finding fault with the provision in this bill which proposes by the use of money from the United States Treasury to spread American trade abroad. I am not finding fault with the object in view of extending, as far as possible, the foreign trade in American-made goods, but I do think it is very important, when the United States is spending this money for the promotion of that trade, to require its agents who are investigating foreign trade conditions in giving information to Congress, as provided in the paragraph, to let Congress know officially and authoritatively whether or not the prices at which American-made goods are sold abroad are lower than they are sold for in the United States.

Mr. LIVINGSTON. Will the gentleman from Nebraska allow me to suggest that he had better broaden his instructions? We have authorized six agents at \$25,000; and if the gentleman's amendment be adopted, it would take twenty-six agents. He had better broaden his instruction and authorize the committee to ascertain the number that would be necessary to do that work which he has indicated.

Mr. HITCHCOCK. I think I have gone as far in this amendment as I can go within the rules. I believe my amendment is strictly within the rules. It is certainly germane; it relates to the foreign trade conditions specified in the paragraph; it relates to the sale of American-made goods abroad; and this information should be had not only by the people of the United States for political reasons, but it should be had by Members of this Congress when they are legislating to encourage manufactures at home and to spread the sale of American-made goods abroad.

Mr. WILLIAMS. Mr. Speaker, this clause to which the amendment is sought reads "for compensation and actual traveling expenses of special agents to investigate trade conditions abroad." Now, then, in regard to the point that this is new legislation. The whole idea of the amendment is that these special agents authorized under this clause to "investigate trade conditions abroad" shall, as a part of their "investigation of trade conditions abroad," inquire whether "the trade conditions abroad" are such that American-produced goods are being sold lower abroad than at home. Now, Mr. Speaker, a part is never greater than the whole, nor can you change existing legislation by specifying a thing already contained generically in existing legislation.

As to the question whether it is germane or not, it seems to me that requires no argument, and the point as to whether it is new legislation or not is the point to be considered. I suggest that so long as it only suggests a particular direction within the line of inquiry already provided for by existing legislation the amendment itself can not be new legislation.

Mr. UNDERWOOD. Mr. Speaker, I just desire to say one word in reference to the point of order as to whether this is new legislation. I think it is clearly within the power of this House, not of members of the Committee of the Whole House on the state of the Union, but within the power of this House, to put new legislation on an appropriation bill. The House continually authorizes new legislation to be put on an appropriation bill by a rule that is brought into the House and passed and authorized by the House of Representatives; in other words, it changes Rule XXI to that extent by order of the

House. I say that this motion to refer with instructions amounts to the same thing as bringing in a rule and authorizing the new legislation to be put on the bill, and therefore I contend that this House has a right to instruct a committee, not that the committee can bring it in itself, but the House of Representatives may instruct a committee to bring in a bill with new legislation on it just like the Committee on Rules often authorizes new legislation to be put on an appropriation bill.

Mr. MANN. Mr. Speaker, I ask that the amendment be again reported.

The SPEAKER. Without objection the Clerk will again report the amendment.

The Clerk again reported the amendment.

Mr. MANN. Mr. Speaker, as to the last proposition of the gentleman from Alabama [Mr. UNDERWOOD], I take it that it has been repeatedly ruled that you can not by a recommitment obtain the insertion in a bill of an item which is subject to a point of order in the Committee of the Whole. You can not accomplish, in other words, indirectly what you can not accomplish directly, and if this amendment were subject to a point of order in the committee, then it is subject to a point of order on the motion to recommit. It seems to me that the amendment is subject to a point of order both because it is not germane and because it is new legislation. The purpose of the paragraph is manifestly entirely apart from the question of obtaining retail prices of these American goods sold abroad. The purpose of the paragraph is to investigate the conditions of trade with a view of increasing the sale of goods abroad, and the information particularly given to merchants at home. We put in the paragraph originally for the special purpose of accommodating our distinguished friend from the South in regard to the cotton trade.

Mr. HITCHCOCK. Will the gentleman permit an interruption? The paragraph states what the purpose is—"and the results of such investigation shall be reported"—not to merchants, but "to Congress."

Mr. MANN. Well, the gentleman will discover, if he goes through the law, that these reports are required to be made and published, and that they are distributed to the merchants and the manufacturers in the shape of special bulletins issued by the Department of Commerce and Labor under another law, which does not confine itself to the appropriation bill. It is true that the item in the appropriation bill requires that these investigations shall be reported to Congress. They are also reported to the manufacturers and merchants. Now, the purpose of the amendment is to accomplish an entirely different matter. There is no relation between the two propositions so far as the actual work is concerned, and it would require an entirely different character of person in the agent to accomplish the one result from what it would to accomplish the other result. In other words, if it should be held that this amendment be in order and the amendment should go into the law, it will entirely destroy the object of the first part of this section and absolutely kill the investigation that is now going on, and that of itself, it seems to me, is a test of the germaneness of the proposition. That it is new legislation it seems to me clearly the case. These agents now are subject to the discretion of themselves and the Department of Commerce and Labor, which gives them directions, and this proposition directs them and interferes with that discretion which the Department now has, and hence is of itself a change of law because interfering with the discretion now possessed.

The SPEAKER. The gentleman from Nebraska moves to recommit the bill to the Committee on Appropriations with an instruction to report the same back to the House amending that portion of the bill to be found on pages 147 and 148, which reads as follows:

For compensation at not more than \$10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, \$35,000; and the results of such investigations shall be reported to Congress—

By adding at the end after the word "Congress" the following:

including information showing the prices at which American-made goods are sold abroad to merchants and at retail.

The Chair has verified his impression that the item as reported in the bill and agreed to by the House dwells in the bill alone, or in other words, it is not authorized by existing law, and if a point of order had been made upon it in Committee of the Whole, or if it had been considered in the House, and the present occupant of the Chair had been called upon to rule upon that point of order, he would have sustained it. The authorities are many and uniform touching the effort to amend upon a motion of this kind.

On page 360 of the Manual, under the title of "change of existing law" the Chair reads as follows:

A paragraph which changes existing law being allowed by general consent to remain, it may be perfected by any germane amendment. But this does not permit an amendment which adds additional legislation.

This adds, as is patent upon its face, additional legislation, and it seems to the Chair to dispose of the point of order. The Chair listened with interest to the gentleman from Alabama. This is a motion to recommit, which motion—the Chair does not now speak of instructions—is in order notwithstanding the previous question has been ordered which cuts off all amendment. But you can not do indirectly that which you can not do directly. If you could not make the amendment while it was being considered in the committee you can not make the amendment on a motion to recommit. The Chair could rule upon the second point as to whether it is germane or not, but the Chair is admonished from rulings of Speakers in all the past that when you find something that disposes of the point of order there is no use in piling Pelion upon Ossa. Therefore the Chair sustains the point of order.

Mr. TAWNEY. Mr. Speaker, I move to recommit the bill and upon that I ask the previous question.

Mr. HITCHCOCK. Mr. Speaker, I appeal from the decision of the Chair. With apologies for having addressed the Chair as Mr. President and with apologies for dissenting, I appeal from the decision of the Chair, and on that I ask the yeas and nays.

Mr. TAWNEY. Mr. Speaker, I move to lay the appeal upon the table.

The SPEAKER. The gentleman from Minnesota moves to lay the appeal upon the table.

Mr. WILLIAMS. Upon which I ask the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 120, nays 111, answering "present" 7, not voting 151, as follows:

YEAS—120.

Alexander, N. Y.	Cushman	Howell, N. J.	Needham
Allen	Davidson	Howell, Utah	Nelson
Andrus	Davis, Minn.	Howland	Norris
Bannon	Dawes	Huff	Nye
Barclay	Dawson	Hughes, W. Va.	Parker, N. J.
Bartholdt	Draper	Hull, Iowa	Parsons
Bates	Driscoll	Humphrey, Wash.	Payne
Beale, Pa.	Edwards, Ky.	Jenkins	Perkins
Beale	Ellis, Mo.	Jones, Wash.	Pollard
Bennet, N. Y.	Ellis, Oreg.	Kahn	Porter
Bingham	Esch	Kelfer	Pray
Birdsall	Foss	Knopf	Reeder
Bonyage	Foster, Ind.	Knowland	Roberts
Boyd	Foster, Vt.	Küstermann	Rodenberg
Brownlow	Gaines, W. Va.	Landis	Slemp
Brumm	Gardner, Mass.	Langley	Smith, Cal.
Burke	Gardner, Mich.	Lanig	Smith, Iowa
Burton, Del.	Gardner, N. J.	Lawrence	Snapp
Butler	Gillett	Lindbergh	Southwick
Campbell	Graff	Littlefield	Sperry
Capron	Greene	Longworth	Stafford
Caulfield	Gronna	Loudenslager	Stevens, Minn.
Chaney	Hale	Lovering	Sturgiss
Chapman	Hall	McCall	Sullyway
Cocks, N. Y.	Harding	McMillan	Talloway
Conner	Haugen	Madden	Taylor, Ohio
Cook, Colo.	Henry, Conn.	Malby	Tirrell
Cooper, Wis.	Hepburn	Mann	Vreeland
Cousins	Higgins	Marshall	Wood
Crumpacker	Holliday	Mouser	Young

NAYS—111.

Alexander, Mo.	Denver	Johnson, Ky.	Reld
Ansberry	Edwards, Ga.	Jones, Va.	Richardson
Ashbrook	Ellerbe	Kelher	Rucker
Bartlett, Ga.	Ferris	Kipp	Russell, Mo.
Bartlett, Nev.	Fitzgerald	Kitchin, Claude	Russell, Tex.
Beall, Tex.	Floyd	Kitchin, Wm. W.	Sabath
Bell, Ga.	Fornes	Lamar, Mo.	Saunders
Booher	Foster, Ill.	Lamb	Shackelford
Brantley	Fulton	Leake	Sheppard
Broussard	Garner	Lee	Sims
Brundidge	Garrett	Legare	Slayden
Burgess	Gillespie	Lewis	Smith, Mo.
Burleson	Gregg	Livingston	Smith, Tex.
Burnett	Hackett	Lloyd	Sparkman
Byrd	Hackney	McHenry	Spight
Caldwell	Hamill	Macon	Stanley
Candler	Hardwick	Maynard	Stephens, Tex.
Carlin	Harrison	Murphy	Sulzer
Carter	Hay	O'Connell	Talbot
Clark, Fla.	Heffin	Page	Thomas, N. C.
Clark, Mo.	Helm	Patterson	Tou Velle
Clayton	Henry, Tex.	Peters	Underwood
Cockran	Hitchcock	Pou	Wallace
Cox, Ind.	Hobson	Pujo	Watkins
Craig	Houston	Rainey	Webb
Crawford	Hughes, N. J.	Randell, Tex.	Williams
Davenport	Hull, Tenn.	Ransdell, La.	Wilson, Pa.
De Armond	Humphreys, Miss.	Rauch	

ANSWERING "PRESENT"—7.			
Adamson	Finley	Hamilton, Iowa	James, Ollie M.
Brodhead	Goulden	Howard	
NOT VOTING—151.			
Acheson	Flood	Knapp	Padgett
Adair	Focht	Lafean	Parker, S. Dak.
Aiken	Fordney	Lamar, Fla.	Pearre
Ames	Foulkrod	Lassiter	Powers
Anthony	Fowler	Law	F Pratt
Barchfeld	French	Lenahan	Prince
Bennett, Ky.	Fuller	Lever	Reynolds
Boutell	Gaines, Tenn.	Lilley	Rhinock
Bowers	Gilhams	Lindsay	Riordan
Bradley	Gill	Lorimer	Robinson
Brick	Glass	Lowden	Rothermel
Burleigh	Godwin	Lowden	Ryan
Burton, Ohio	Goebel	McCreary	Scott
Calder	Goldfogle	McDermott	Sherley
Calderhead	Gordon	McGavin	Sherman
Cary	Graham	McGuire	Sherwood
Cassel	Granger	McKinlay, Cal.	Small
Cole	Griggs	McKinney, Ill.	Smith, Mich.
Cook, Pa.	Hagcott	McKinney	Steenerson
Cooper, Pa.	Hamilton, Mich.	McLachlan, Cal.	Sterling
Cooper, Tex.	Hamlin	McLain	Taylor, Ala.
Coudrey	Hammond	McLaughlin, Mich.	Thomas, Ohio
Cravens	Hardy	McMorran	Townsend
Currier	Haskins	Madison	Volstead
Dalzell	Hawley	Meyer	Waldo
Darragh	Hayes	Miller	Wanger
Davey, La.	Hill, Conn.	Mondell	Washburn
Denby	Hill, Miss.	Moon, Pa.	Watson
Diekema	Hinshaw	Moon, Tenn.	Weeks
Dixon	Hubbard, Iowa	Moore, Pa.	Weems
Douglas	Hubbard, W. Va.	Moore, Tex.	Weisse
Dunwell	Jackson	Morse	Wheeler
Durey	James, Addison D.	Mudd	Wiley
Dwight	Johnson, S. C.	Murdock	Willett
Englebright	Kennedy, Iowa	Nicholls	Wilson, Ill.
Fairchild	Kennedy, Ohio	Olcott	Wolf
Fassett	Kimball	Olmsted	Woodyard
Favrot	Kinkaid	Overstreet	

So the appeal was laid on the table.  
 The Clerk announced the following pairs:  
 On this vote:  
 Mr. WATSON with Mr. WEISSE.  
 Mr. TOWNSEND with Mr. WILEY.  
 Mr. STEENERSON with Mr. TAYLOR of Alabama.  
 Mr. SCOTT with Mr. SMALL.  
 Mr. OVERSTREET with Mr. SHERWOOD.  
 Mr. OLMSTED with Mr. RYAN.  
 Mr. MUDD with Mr. ROBINSON.  
 Mr. MCCREARY with Mr. RHINOCK.  
 Mr. LOWDEN with Mr. MOORE of Texas.  
 Mr. LAFEAN with Mr. MCDERMOTT.  
 Mr. KNAPP with Mr. LINDSAY.  
 Mr. KENNEDY of Ohio with Mr. LASSITER.  
 Mr. HUBBARD of Iowa with Mr. KIMBALL.  
 Mr. HASKINS with Mr. HILL of Mississippi.  
 Mr. HAMILTON of Michigan with Mr. HARDY.  
 Mr. FOCHT with Mr. GORDON.  
 Mr. DUNWELL with Mr. GOLDFOGLE.  
 Mr. DIEKEMA with Mr. GODWIN.  
 Mr. DALZELL with Mr. MOON of Tennessee.  
 Mr. CARY with Mr. GLASS.  
 Mr. CALDERHEAD with Mr. FAVROT.  
 Mr. CALDER with Mr. CRAVENS.  
 Mr. BURTON of Ohio with Mr. FLOOD.  
 Mr. BURLEIGH with Mr. BOWERS.  
 Mr. ACHESON with Mr. ADAIR.  
 Mr. KINKAID with Mr. HAMMOND.  
 Mr. FORDNEY with Mr. OLLIE M. JAMES.  
 For this day:  
 Mr. WALDO with Mr. GILL.  
 Mr. OLCOTT with Mr. WILLETT.  
 Mr. COOPER of Pennsylvania with Mr. LEVER.  
 Mr. SMITH of Michigan with Mr. ROTHERMEL.  
 Mr. COUDREY with Mr. NICHOLLS.  
 Mr. FASSETT with Mr. BRODHEAD.  
 Mr. COOK of Pennsylvania with Mr. JOHNSON of South Carolina.  
 Mr. HILL of Connecticut with Mr. HOWARD.  
 Mr. CHANEY with Mr. DIXON.  
 Mr. REYNOLDS with Mr. WOLF.  
 Mr. COLE with Mr. DAVEY of Louisiana.  
 Mr. THOMAS of Ohio with Mr. PADGETT.  
 Mr. BARCHFELD with Mr. MCLAIN.  
 Mr. LILLEY with Mr. COOPER of Texas.  
 Mr. HAWLEY with Mr. GRANGER.  
 Until further notice:  
 Mr. FOULKROD with Mr. HAMLIN.  
 Mr. FAIRCHILD with Mr. AIKEN.  
 Mr. DWIGHT with Mr. MEYER.  
 Mr. MCMORRAN with Mr. LENAHA.  
 Mr. KENNEDY of Iowa with Mr. HAMILTON of Iowa.

Mr. DENBY with Mr. SHERLEY.  
 Mr. POWERS with Mr. GAINES of Tennessee.  
 Mr. BOUTELL with Mr. GRIGGS.  
 Mr. AMES with Mr. LAMAR of Florida.  
 For the session:  
 Mr. SHERMAN with Mr. RIORDAN.  
 Mr. BRADLEY with Mr. GOULDEN.  
 Mr. ADAMSON with Mr. WANGER.  
 Mr. CURRIER with Mr. FINLEY.  
 Mr. TAWNEY. Mr. Speaker, I move to recommit the bill, and upon that motion I ask the previous question.  
 The SPEAKER. The question is upon ordering the previous question.  
 The question was taken; and the previous question was ordered.  
 The SPEAKER. The question now is on the motion to recommit.  
 The question was taken; and the motion was rejected.  
 The SPEAKER. The question is on the passage of the bill. The question was taken; and the bill was passed.  
 Mr. BINGHAM. Mr. Speaker, I move to reconsider the vote by which the bill was passed and lay that motion on the table.  
 The motion was agreed to.

PRINTING COMMISSION.

The SPEAKER announced the appointment of Mr. FINLEY as a member of the Printing Commission under the act approved March 4, 1907.

CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I desire to give notice to the House that to-morrow, immediately after the conclusion of the consideration of pension business on the Calendar, I will move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill providing for the taking of the thirteenth and subsequent censuses.

LEAVE TO WITHDRAW PAPERS.

Mr. PADGETT, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William Johnson (H. R. 9821), Fifty-eighth Congress, no adverse report having been made thereon.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

Mr. GREENE. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk. The Clerk read as follows:  
*Resolved*, That the Committee on the Merchant Marine and Fisheries be authorized to have meetings of the committee during the session of Congress.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.  
 The question was taken, and the resolution was agreed to.

PRESIDENT'S ANNUAL MESSAGE.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the resolution distributing the annual message of the President; and, pending that, I ask unanimous consent that all general debate be considered closed. If I may be indulged a word, I would like to dispose of this resolution distributing the President's annual message. I have introduced a resolution, which has been referred to the Committee on Ways and Means, which will report a resolution distributing the last message from the President. So that there will be ample time for general debate upon that proposition.

Mr. WILLIAMS. With the understanding that there will be opportunity for debate when the committee reports the resolution distributing the last message of the President, having no demands for time at present, I have no objection.

Mr. PAYNE. I ask unanimous consent that all general debate be considered closed.  
 The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion to go into Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. VREELAND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House resolution No. 43, of which the Clerk will report the title. The Clerk read as follows:

A resolution distributing the President's message.

Mr. PAYNE. Mr. Chairman, this resolution was read in full in the Committee of the Whole and has been most thoroughly and conscientiously debated in the committee by a great many

Members of the House, extending over quite a good many days. I have no doubt it is thoroughly understood, although not a word was said about it during the whole debate; and, unless some gentleman has some amendment to offer to the resolution, I shall move that the committee rise and report the resolution to the House with the recommendation that it do pass.

Mr. CLARK of Missouri. Mr. Chairman, I agreed with the gentleman from New York that I would not oppose this motion provided he would at an early day introduce a resolution to distribute this last message.

Mr. PAYNE. I will say to the gentleman from Missouri that I have introduced a resolution, which has been referred to the Committee on Ways and Means, for the distribution of the last message.

Mr. CLARK of Missouri. I am very glad to hear it.

Mr. PAYNE. I intend to call a meeting of the committee this week to consider that resolution, and if there are votes enough we will report it to the House.

Mr. CLARK of Missouri. All right.

Mr. PAYNE. I move that the committee do now rise.

Mr. MANN. May I inquire whether the resolution has ever been read?

Mr. PAYNE. It has.

Mr. MANN. The resolution will have to be read. We concluded general debate. I am sure that the gentleman from New York would not want to inaugurate a system of reporting a measure from the Committee of the Whole without having been read.

Mr. PAYNE. The resolution is all in one section, and it is not necessary to read it a second time, but in order to please the gentleman from Illinois, I will ask unanimous consent that the resolution be read again by the Clerk.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the resolution be again read.

Mr. MANN. It has to be; it is not a matter of unanimous consent, Mr. Chairman; it is a matter of right.

The CHAIRMAN. The point of order of the gentleman from Illinois is well taken.

The resolution was again read.

Mr. HUGHES of New Jersey. I desire to offer the following amendment:

The Clerk read as follows:

Add the following words: "So much as relates to new legislation be referred to the 'big five' of the House."

[Laughter.]

Mr. PAYNE. Mr. Chairman, I am afraid I shall have to raise the point of order on that.

Mr. WILLIAMS. Upon what ground does the gentleman from New York raise the point of order—that it is new legislation or a new rule?

Mr. PAYNE. Because there is no such committee in the House except as it exists in the exuberant imagination of my friend from Missouri. [Laughter.]

Mr. WILLIAMS. Not a change of existing customs of the House at all?

Mr. PAYNE. I make the point of order that it is the function of the House and not this committee to appoint.

The CHAIRMAN. The point of order is sustained.

Mr. PAYNE. I move that the committee do now rise and report the resolution to the House with the recommendation that it do pass.

Mr. HUGHES of New Jersey. There is an amendment pending. Has the Chair ruled on the amendment?

The CHAIRMAN. The Chair ruled on the amendment and sustained the point of order. The question is on the motion of the gentleman from New York that the committee rise and report the resolution to the House.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VREELAND, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 43, relating to the distribution of the annual message of the President of the United States, and had directed him to report the same back to the House with the recommendation that it do pass.

The resolution was agreed to.

#### ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 22 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 Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint submitting an estimate of appropriation for coal bunkers at the Philadelphia mint—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for carrying out the obligations of the Rio de Janeiro conference—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for printing certain maps—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate for the construction of a barge office building in New York City—to the Committee on Immigration and Naturalization 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, as follows:

Mr. HIGGINS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 17055) to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 964), which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 13465) to amend the laws concerning transportation between ports of the Territory of Hawaii and other ports of the United States, reported the same with amendments, accompanied by a report (No. 965), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 3330) for the relief of William L. Best, and the same was referred to the Committee on Claims.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL of Iowa, from the Committee on Military Affairs: A bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909—to the Union Calendar.

By Mr. STANLEY: A bill (H. R. 17289) for the further protection of interstate trade—to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: A bill (H. R. 17290) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

By Mr. COOPER of Texas: A bill (H. R. 17291) to supplement an act entitled "An act to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous train brakes, and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, and March 2, 1903—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL (by request): A bill (H. R. 17292) granting pensions to teamsters of the war of the rebellion and Indian wars from 1861 to 1865, inclusive—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 17293) providing for daily reports of amount of cotton ginned—to the Committee on the Census.

By Mr. LITTLEFIELD: A bill (H. R. 17294) conferring upon the court of appeals of the District of Columbia, and upon any judge thereof, the jurisdiction to hear and determine the constitutionality or legality of any public expenditure—to the Committee on the Judiciary.

By Mr. MADDEN: A bill (H. R. 17295) to aid the Lincoln Farm Association, of New York, to build and endow a national memorial to Abraham Lincoln on the site of the Lincoln birthplace farm in Kentucky—to the Committee on Appropriations.

By Mr. McKINLEY of Illinois: A bill (H. R. 17296) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of Michigan: A bill (H. R. 17297) authorizing the extension of New York avenue from its present terminus, near Fourth street NE., to the Bladensburg road—to the Committee on the District of Columbia.

Also, a bill (H. R. 17298) to define the size and capacity of receptacles used in the sale of farm and garden produce generally, and for other purposes—to the Committee on the District of Columbia.

By Mr. HUMPHREY of Washington: A bill (H. R. 17299) to authorize the Commissioner of Education to conduct special investigations and report and diffuse information and advice respecting the same—to the Committee on Education.

By Mr. SULZER: A bill (H. R. 17300) to establish a Department of Labor—to the Committee on Labor.

By Mr. STEPHENS of Texas: A bill (H. R. 17301) to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes—to the Committee on Indian Affairs.

By Mr. HAUGEN: A bill (H. R. 17302) appropriating \$5,000 to enable the Secretary of the Treasury to complete the Federal building at Mason City, Iowa, according to the original plans and specifications—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 17303) authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.—to the Committee on the District of Columbia.

Also, a bill (H. R. 17304) to amend an act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898—to the Committee on the District of Columbia.

Also, a bill (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOWLAND: A bill (H. R. 17306) to provide for the cancellation and revocation of certain rights of way over public lands—to the Committee on the Public Lands.

By Mr. PATTERSON: A bill (H. R. 17307) to restore to certain citizens the proceeds arising from the sale of their lands under the several acts levying direct taxes, and for other purposes—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17308) to permit distilled spirits to be transferred from the original packages into bottles and cases while in distillery bonded warehouse—to the Committee on Ways and Means.

Also, a bill (H. R. 17309) providing for a vacation for storekeepers, storekeeper-gaugers, and gaugers in the Internal Revenue Service—to the Committee on Ways and Means.

Also, a bill (H. R. 17310) to fix the proof of spirits bottled in bond—to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: A bill (H. R. 17311) to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. BEDE: Joint resolution (H. J. Res. 140) authorizing the printing of 10,000 copies of the complete orders of Gen. George Washington during the war of the Revolution—to the Committee on Printing.

By Mr. WEBB: Resolution (H. Res. 243) referring to the Court of Claims the bill H. R. 16303—to the Committee on War Claims.

Also, resolution (H. Res. 244) referring to the Court of Claims the bill H. R. 16302—to the Committee on War Claims.

By Mr. BARTHOLDT: Resolution (H. Res. 247) for payment of an assistant clerk to the Committee on Public Buildings and Grounds—to the Committee on Accounts.

By Mr. SHACKLEFORD: Resolution (H. Res. 248) directing the Secretary of the Treasury to furnish to the House certain information concerning the subtreasury at St. Louis—to the Committee on Ways and Means.

By Mr. OVERSTREET: Resolution (H. Res. 249) for the payment of a messenger to the Committee on the Post-Office and Post-Roads—to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 17312) granting a pension to Ruben Driskill—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 17313) granting an increase of pension to John Ropp—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 17314) granting an increase of pension to James C. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17315) granting an increase of pension to George W. Brink—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 17316) to correct the military record of Balsor Gudermuth—to the Committee on Military Affairs.

Also, a bill (H. R. 17317) authorizing the President to appoint E. Russell Mears captain and paymaster, United States Army—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 17318) granting an increase of pension to Wiley Lype—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17319) granting a pension to Nancy West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17320) granting a pension to D. W. Crawford—to the Committee on Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 17321) granting a pension to Isaac R. Jester—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 17322) for the relief of J. W. Causey—to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 17323) for the relief of the estate of Dr. Robert E. Peyton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17324) for the relief of William H. Robinson—to the Committee on War Claims.

Also, a bill (H. R. 17325) for the relief of the estate of James T. Ball, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 17326) granting an increase of pension to Thompson H. Withers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17327) granting an increase of pension to William W. Davis—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 17328) granting an honorable discharge to James F. De Beau—to the Committee on Military Affairs.

By Mr. DRISCOLL: A bill (H. R. 17329) for the relief of the heirs of Asa O. Gallup—to the Committee on War Claims.

By Mr. EDWARDS of Kentucky: A bill (H. R. 17330) granting an increase of pension to Shadrach Stacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17331) granting an increase of pension to John Mogg—to the Committee on Pensions.

Also, a bill (H. R. 17332) granting an increase of pension to Alonzo H. Chism—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17333) granting an increase of pension to James R. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17334) granting an increase of pension to Henderson Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17335) granting an increase of pension to John Doss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17336) granting an increase of pension to George W. Mason—to the Committee on Pensions.

Also, a bill (H. R. 17337) granting an increase of pension to Laban McGahan—to the Committee on Pensions.

Also, a bill (H. R. 17338) granting an increase of pension to William S. Gregory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17339) granting an increase of pension to John P. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17340) for the relief of Thomas J. Wells—to the Committee on Military Affairs.

Also, a bill (H. R. 17341) granting a pension to Margaret E. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17342) granting a pension to Martha Jones—to the Committee on Pensions.

Also, a bill (H. R. 17343) granting a pension to Warner Raiser—to the Committee on Pensions.

By Mr. FULTON: A bill (H. R. 17344) for the relief of Frederick Daubert—to the Committee on Claims.

By Mr. FOWLER: A bill (H. R. 17345) granting a pension to Frances J. Dalrymple—to the Committee on Invalid Pensions.

Mr. FOSS: A bill (H. R. 17346) granting life-saving medals to Edward Spencer, Charles H. Fowler, and Joseph C. Hartzell—to the Committee on Interstate and Foreign Commerce.

By Mr. FAVROT: A bill (H. R. 17347) for the relief of heirs of Martha Bennett Slack and Charles A. Slack, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17348) for the relief of the estate of Henry Ware, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17349) for the relief of heirs or estate of Edward Gaudin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17350) for the relief of heirs or estate of Mrs. Emiline J. Penny, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17351) for the relief of heirs or estate of Mrs. Hyacinth A. Morgan, deceased—to the Committee on War Claims.

By Mr. GORDON: A bill (H. R. 17352) for the relief of the estate of Jacob Glenn, deceased—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 17353) granting a pension to Thomas Cline—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 17354) granting an increase of pension to James M. Eudailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17355) authorizing the Court of Claims to investigate and report the facts on the claims of Emmetta Humphreys, administratrix of Gen. John Sevier and of John Sevier, jr.—to the Committee on Private Land Claims.

By Mr. HAMLIN: A bill (H. R. 17356) granting an increase of pension to O. A. Stine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17357) granting an increase of pension to John H. Bull—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: A bill (H. R. 17358) granting an increase of pension to Robert F. Appleby—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 17359) granting an increase of pension to Mary L. Walker—to the Committee on Pensions.

By Mr. HARDING: A bill (H. R. 17360) for the relief of Oglesby & Barnitz Company, of Middletown, Ohio—to the Committee on Claims.

By Mr. HEPBURN: A bill (H. R. 17361) granting an increase of pension to L. C. Hodges—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 17362) for the relief of heirs of Samuel R. Garner, deceased—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 17363) granting an increase of pension to Edward L. Bradley—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 17364) referring to the Court of Claims the claim of the legal heirs of John Harper, deceased, to certain lands in the State of Virginia—to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 17365) granting a pension to Elizabeth Parham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17366) granting a pension to Joshua Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17367) granting a pension to Andrew J. Sells—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 17368) granting an increase of pension to John Bush—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17369) granting a pension to John H. Case—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 17370) granting an increase of pension to Harrison Davis—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 17371) granting an increase of pension to Jeremiah Kincaid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17372) for the relief of the estate of Mrs. Prudence Hensley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17373) for the relief of Mrs. Helen S. Hogan—to the Committee on Claims.

Also, a bill (H. R. 17374) for the relief of the heirs of Henry Cohen—to the Committee on War Claims.

Also, a bill (H. R. 17375) granting a pension to Nannie Kenny Thomas—to the Committee on Pensions.

Also, a bill (H. R. 17376) granting a pension to John B. Skidmore—to the Committee on Pensions.

By Mr. LANING: A bill (H. R. 17377) granting a pension to Sarah Goff Beach—to the Committee on Pensions.

Also, a bill (H. R. 17378) granting a pension to Abbie C. Fleharty and Louise Fleharty—to the Committee on Invalid Pensions.

By Mr. LEGARE: A bill (H. R. 17379) for the relief of the heirs of Denis O'Callaghan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17380) for the relief of Sarah Watts—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 17381) granting an increase of pension to Peter L. Cramer—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 17382) granting an increase of pension to John H. Plush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17383) granting an increase of pension to Henry Hibner—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 17384) granting an increase of pension to James H. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17385) granting an increase of pension to John Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17386) granting an increase of pension to Cosma T. Coleman—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 17387) granting an increase of pension to Trowbridge Suwarrow—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 17388) granting an increase of pension to Joseph H. Hadley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17389) granting an increase of pension to John Boyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17390) to authorize the accounting officers of the Treasury Department to readjust the accounts of transportation companies for the transportation of troops, and for other purposes—to the Committee on Claims.

By Mr. RICHARDSON: A bill (H. R. 17391) granting a pension to Charles M. Stebbins—to the Committee on Pensions.

By Mr. RODENBERG: A bill (H. R. 17392) granting an increase of pension to Newton F. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17393) granting a pension to Alexander Lamont—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17394) for the relief of Emma T. Reid, widow of John B. Reid—to the Committee on War Claims.

Also, a bill (H. R. 17395) granting a pension to Emma T. Reid—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 17396) granting an increase of pension to Harvey N. Tennant—to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 17397) to refund certain taxes paid by the S. C. Herbst Importing Company, of Milwaukee, Wis.—to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 17398) granting an increase of pension to Samuel W. Dunham—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 17399) granting an increase of pension to William H. Shriver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17400) granting an increase of pension to Noah Gross—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 17401) for the relief of Mrs. George Goldthwaite—to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 17402) granting an increase of pension to Louis Fricke—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 17403) granting an increase of pension to A. B. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17404) granting an increase of pension to Gilbert F. Gould—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 17405) granting a pension to Emma C. Peterson—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 17406) to complete the military record of Reuben K. Deaver—to the Committee on Military Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 17407) granting an increase of pension to George W. Musto—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17408) granting an increase of pension to Joseph R. Duffield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17409) granting an increase of pension to William W. Ritchey—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. ALEXANDER of New York: Petition of Lake Seamen's Union of Buffalo, N. Y., for H. R. 14941, preventing insufficient crews on steam vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER of Missouri: Papers to accompany bills for relief of William Wilson (H. R. 15989), Francis M. Bennett (H. R. 16108), and Ruben Driskill—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Farmers' Institute of Defiance, Ohio, February 10, 1908, for a parcels-post law—to the Committee on the Post-Office and Post-Road.

By Mr. BARTHOLDT: Petition of board of directors of St. Louis Merchants' Exchange, for an amendment to interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of directors of St. Louis Merchants' Exchange, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bottlers' Local Union of St. John, Mo., against legislation favoring prohibition—to the Committee on the Judiciary.

Also, petition of friends of the public school, against legislation favoring prohibition—to the Committee on the District of Columbia.

By Mr. CALDER: Petition of New York Board of Trade and Transportation, against S. 42 and other kindred bills of House and Senate—to the Committee on Agriculture.

Also, petition of Buffalo Oil, Paint, and Varnish Company, against further commercial legislation as regards the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of South Bend National Bank, of South Bend, Ind., favoring currency legislation—to the Committee on Banking and Currency.

Also, petition of Irving T. Bush, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. CALDWELL: Petition of United States Plumbers' Steam Company, Local Union No. 137, for building battle ships in United States navy-yards—to the Committee on Naval Affairs.

By Mr. CANDLER: Paper to accompany bill for relief of J. W. Causey—to the Committee on War Claims.

By Mr. CHANEY: Paper to accompany bill for relief of William W. Davis—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of New York Board of Trade, against S. 42 and kindred bills of House and Senate—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of H. J. Swift, department commander of the Grand Army of the Republic, Department of New York, against abolition of pension agencies—to the Committee on Invalid Pensions.

Also, petition of Buffalo Oil and Paint Company, of New York, against commercial legislation to affect the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of South Bend National Bank, of South Bend, Ind., for currency legislation—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of Irving T. Bush and others, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Central Federated Union of Greater New York, for battle ship construction in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of New York Board of Trade and Transportation, against S. 42 and kindred House and Senate bills—to the Committee on Agriculture.

By Mr. DUREY: Petition of H. B. Settle, of Saratoga Springs, N. Y., against amendment of proposed copyright law inimical to photographers—to the Committee on Patents.

By Mr. EDWARDS of Kentucky: Paper to accompany bill granting a pension to William H. Lewis (H. R. 10835)—to the Committee on Pensions.

By Mr. ELLIS of Oregon: Petition of Commercial Club of Eugene, Oreg., for appropriation to improve channel at mouth of Siuslaw River, Oregon—to the Committee on Rivers and Harbors.

By Mr. ESCH: Petition of Chicago city council, for arbitration of telegraph strikes—to the Committee on Labor.

Also, petition of Milwaukee Association of Credit Men, approving present bankruptcy law—to the Committee on the Judiciary.

By Mr. FAVROT: Papers to accompany bills for relief of estate of Mrs. E. J. Penny, estate of Mrs. Hyacinth A. Morgan, estate of Edward Gaudin, and heirs of Martha Bennett Slack and Charles A. Slack—to the Committee on War Claims.

By Mr. FORNES: Petition of Charles Hallen, of New York City, against amendment of copyright law relative to photographers—to the Committee on Patents.

By Mr. FOWLER: Petition of Christian Endeavor Union of Plainfield, N. J., against traffic in intoxicants—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Washington, State of New Jersey, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of W. H. Klinedinst, of Morristown, N. J., against proposed amendment to copyright bill—to the Committee on Patents.

Also, petition of Union County Trades Council; International Moulders' Union, of North Dover, N. J., for building battle ships in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Union County Board of Agriculture, of Elizabeth, N. J.—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Marion Campbell, president South Bend National Bank, for guaranty of bank deposits—to the Committee on Banking and Currency.

Also, petition of Edward J. James for H. R. 7619, for relief of Col. W. W. Robinson—to the Committee on Military Affairs.

Also, petition of Southern Indiana Teamsters' Association, for bill to pension Army teamsters (Fifty-ninth Congress, H. R. 12243; Sixtieth Congress, H. R. 8487)—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of E. W. Hickman—to the Committee on War Claims.

By Mr. GORDON: Papers to accompany bills for relief of estate of John Millington and estate of Jacob Glenn—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Lake Seamen's Union of Detroit, Mich., favoring H. R. 14941, to correct the undermanning evil on steam vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of James A. Garfield Post, Grand Army of the Republic, of San Francisco, Cal., for H. R. 220—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York City, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. HAMILTON of Iowa: Petition of people of Grinnell, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HARDWICK: Petition of Credit Men's Association of Atlanta, Ga., for H. R. 13266, amending bankruptcy law—to the Committee on the Judiciary.

By Mr. HEPBURN: Petition of Chicago Commercial Telegraphers' Union, for legislation on various subjects relating to telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Iowa State Traveling Men's Association and Council Bluffs (Iowa) Council, United Commercial Travelers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Paper to accompany bill for relief of Dallas Seaburg—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: Paper to accompany bill for relief of heirs of Samuel R. Garner—to the Committee on War Claims.

By Mr. HOWARD: Memorial of mayor and council of city of Brunswick, in behalf of the Atlantic and Great Western Canal—to the Committee on Rivers and Harbors.

Also, memorial of mayor and council of Chattanooga, Tenn., for establishment of a brigade post at Chickamauga Park—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Matthias J. Brower (H. R. 17252)—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: Petition of Mrs. M. B. Fuell, secretary Woman's Christian Temperance Union of Louisville, Ky., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of Irving T. Bush et al., against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of New York Board of Trade and Transportation, against S. 42 and H. R. 6089, S. 3043 and H. R. 12675 and 13460—to the Committee on Agriculture.

Also, petition of National German-American Alliance, against immigration legislation until Immigration Commission has reported—to the Committee on Immigration and Naturalization.

Also, petition of H. J. Swift, representing veterans of New York, against consolidation of pension agencies—to the Committee on Invalid Pensions.

Also, petition of Grand Street Board of Trade, for building battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. LEE: Papers to accompany bills for relief of Andrew J. Casey and Zebudee Slaton—to the Committee on War Claims.

By Mr. LEWIS: Papers to accompany bills for relief of Peter L. Cramer and Benjamin F. Finical—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: Petition of Henry Wiegel and 1,700 others, for Federal investigation of methods of telegraph companies under certain conditions, and for legislation to cause telegraph companies to show plainly time of delivery of messages, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of F. F. Hull et al., of Washington County, Kans., for H. R. 40, prohibition of liquor selling in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of legal voters of the Fifth Congressional District of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Boston Newspapers, International Typographical Union, for repeal of tariff on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. PRINCE: Petitions of George H. Thomas Post, No. 5, and U. S. Grant Post, No. 28, of Chicago; Jesse K. Dubois Post, No. 44, of Lawrenceville; Hiram McClintock Post, No. 667, of Lagrange; Post No. 107, of Macomb; Dixon Post, No. 299, of Dixon; Barthson Post, No. 6, of Joliet; John W. Lawrence Post, No. 296, of Carbondale; Dunham Post, No. 141, of Decatur; Veteran Post, No. 49; John A. Parrott Post, No. 543; Mattoon Post, No. 404, and Kilpatrick Post, No. 276, Grand Army of the Republic, all of the State of Illinois, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. REID: Paper to accompany bill for relief of Beverly D. Hunt—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of Irving T. Bus, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. SABATH: Petition of Chicago Local, No. 1, of the Commercial Telegraphers' Union of America, for legislation to investigate in certain particulars the status of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Arizona: Petition of Phoenix, Ariz., Board of Trade, in favor of amending section 4 of an act to regulate commerce, approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 352, of Phoenix, Ariz., International Typographical Union, for repeal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

By Mr. SPIGHT: Paper to accompany bill for relief of Thomas Fahey—to the Committee on War Claims.

By Mr. STERLING: Petition of Chicago Local No. 1, Commercial Telegraphers' Union of America, for Federal investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of New York Board of Trade and Transportation, against S. 42 and kindred House and Senate bills—to the Committee on Agriculture.

Also, petition of Buffalo Oil, Paint, and Varnish Club, against commercial legislation affecting the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of South Bend National Bank, of South Bend, Ind., for currency legislation—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Petitions of D. W. Coffin and 15 others; of James S. Blair and 27 others; and M. L. Grist and 13 others, all of Tioga County, Pa., for S. 3152 (additional protection to dairy interests)—to the Committee on Agriculture.

Also, petition of Local Union No. 141, International Typographical Union, of Williamsport, Pa., for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. YOUNG: Memorial of Montcalm County Farmers' Institute, of Lakeview, Mich., against reduction of tariff on sugar—to the Committee on Ways and Means.

## SENATE.

TUESDAY, February 18, 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.

## 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 and joint resolution, in which it requested the concurrence of the Senate:

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 16956. An act to authorize the Hydro-Electric Company to construct a dam across White River near the village of Decker, in Knox County, Ind.; and

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes."

## ENROLLED BILLS SIGNED.

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

H. R. 2756. An act for the relief of L. K. Scott;

H. R. 6231. An act to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district;

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation;

H. R. 12420. An act to extend immediate transportation privileges to the support of Alburg, in the customs collection district of Vermont;

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.;

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties;

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River; and

H. R. 16050. An act to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Merchants' Association of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich emergency currency bill," which was ordered to lie on the table.

He also presented a petition of the Commercial Telegraphers' Union of America, of Chicago, Ill., praying for the enactment of legislation to prohibit the free frank or privilege for the transmission of messages by telegraph or telephone, which was referred to the Committee on Interstate Commerce.

Mr. WHYTE presented a petition of the congregation of the Jones Methodist Episcopal Church, of Cecil County, Md., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented the proceedings of the Civic Center at its annual meeting held in Washington, D. C., relative to the reports of the industrial, charitable, and educational departments of the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of John Sedgwick Post, No. 4, Department of New Hampshire, Grand Army of the Republic, of Keene, N. H., praying for the passage of the so-called "Sherwood bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Kent City, Mich., and a petition of sundry