By Mr. LEVER: Paper to accompany bill for relief of Mary Hutchinson—to the Committee on Pensions.

By Mr. LITTLEFIELD: Petition of A. H. Jones and 311 other citizens of Maine, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. KÜSTERMANN: Petition of H. S. Schuyler Post and Harrison Post, No. 99, Grand Army of the Republic, of De Pere, Wis., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of Merchants and Manufacturers' Association of Milwaukee, for H. R. 9230, to establish engineering experiment colleges at land-grant stations—to the Committee on Agriculture.

Also, petition of voters of Ninth District, Wisconsin, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINNEY: Petition of Arsenal Lodge, No. 8, International Association of Mechanics, for battle ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. MOORE of Pennsylvania: Petition of Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies (previously referred to the Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. NORRIS: Petition of voters of Fifth Congressional District, of Oak Park, State of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of thousands of citizens of Nebraska, for prohibition of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ———: Petition of Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies (previously referred to the Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. SPERRY: Petition of Yale Automobile Club, of Yale University, New Haven, for national regulation of automobiles—to the Committee on the Judiciary.

By Mr. SPIGHT: Paper to accompany bill for relief of Lizzie McKee Duncan—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Local Union No. 99, of the International Typographical Union, of Jackson, Mich., for removal of duty on wood pulp and white paper—to the Committee on Ways and Means.

Also, petition of Chicago Federation of Labor, indorsing H. R. 15123, 15267, and 15929, and joint resolution 126, relative to telegraph management—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Belleville, Mich., for the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of International Brotherhood of Electrical Workers of Detroit, Mich., for battle ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. WOOD: Petition of D. S. Jacobus, for the passage of H. R. 11562, relief of Stevens Institute, Hoboken, N. J.—to the Committee on Claims.

By Mr. WANGER: Petition of Chicago Federation of Labor, to investigate telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Pennsylvania, for passage of S. 3152, additional protection to dairy interests—to the Committee on Agriculture.

SENATE.

MONDAY, *February 24, 1908.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

DEATH OF THE KING AND THE CROWN PRINCE OF PORTUGAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a dispatch from the American minister at Lisbon stating that he had transmitted to the Portuguese minister of foreign affairs the resolution adopted by the Senate on the 3d instant deploring the assassination of the King and Crown Prince of Portugal, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

SHAWNEE TRAINING SCHOOL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with the direction of the President and in response to the resolution of the 21st ultimo, certain information relative to the Shawnee Training School at Shawnee, Okla., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3726) to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River, above the city of Augusta, in the State of Georgia.

The message also announced that the House had passed the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Surburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 586) granting an increase of pension to Squire J. Carlin.

The message also announced that the House insists upon its amendments to the bill (S. 2420) granting an increase of pension to Margaret K. Hern; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLLIDAY, Mr. CHANEY, and Mr. ANSBERRY managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

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

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.; 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."

PETITIONS AND MEMORALS.

The VICE-PRESIDENT presented resolutions adopted by the National Polish Alliance and other Polish societies of South Bend, Ind., expressing sympathy toward the Poles in Prussia in their efforts to maintain their property rights in that kingdom, which were referred to the Committee on Foreign Relations.

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

Mr. GALLINGER presented petitions of sundry citizens of Washington, D. C., Madisonville, Ky., Galena, Ind., and of the congregation of the Second Street Methodist Episcopal Church, of Grand Rapids, Mich., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. PERKINS presented a petition of the chamber of commerce of Sacramento, Cal., praying that an appropriation be made to continue the irrigation and drainage investigations in that State, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Eureka, Cal., and a petition of sundry citizens of Berkeley, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the First Congregational Church of Berkeley, Cal., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Berkeley, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds, which was referred to the Committee on Public Buildings and Grounds.

Mr. PLATT presented a memorial of the board of trustees of the Chamber of Commerce of Buffalo, N. Y., remonstrating

against the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks for taking the Thirteenth Census, which was referred to the Committee on the Census.

He also presented a petition of the National German-American Alliance of Philadelphia, Pa., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of the American Free-Art League, of Boston, Mass., praying for the repeal of the duty on works of art, which was referred to the Committee on Finance.

He also presented a memorial of sundry clergymen of New York City, N. Y., remonstrating against any appropriation being made for the construction of additional battle ships, cruisers, etc., which was referred to the Committee on Naval Affairs.

He also presented a memorial of the New York Board of Trade and Transportation of New York City, N. Y., remonstrating against the adoption of certain amendments to the present pure food and drug law relating to the standards for foods and drugs, which was referred to the Committee on Manufactures.

Mr. DICK presented a petition of members of the German Turnverein of Steubenville, Ohio, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of J. C. McCoy Post, Grand Army of the Republic, Department of Ohio, of Columbus, Ohio, remonstrating against the enactment of legislation proposing to consolidate the pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a memorial of the board of directors of the Merchants' Association of New York, remonstrating against the passage of the so-called "Aldrich currency bill," which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 24, American Federation of Musicians, of Akron, Ohio, praying for the enactment of legislation to prohibit Army and Navy bands from entering into competition with civilian bands, which was referred to the Committee on Military Affairs.

He also presented petitions of the Pattern Makers' Association of Cincinnati, of the Trades and Labor Assembly of Massillon, and of the International Association of Machinists of Delaware, all in the State of Ohio, praying for the enactment of legislation providing for the construction of the proposed new battle ships in Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented memorials of Charles A. P. Barrett Company, of Dayton; of the Paint Manufacturers' Association of Dayton, and of the Retail Grocers and Butchers' Association of Dayton, all in the State of Ohio, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Stereotypers' Union of Toledo, of the International Typographical Union of Toledo, of the International Printing Pressmen and Assistants' Union of Youngstown, and of Local Union No. 29, International Pressmen's Union, of Springfield, all in the State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

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

He also presented the memorial of John Hood, of Kearny, N. J., remonstrating against the passage of the so-called "Kittredge-Currier copyright bill," which was referred to the Committee on Patents.

He also presented a memorial of the Cumberland Glass Manufacturing Company, of Bridgeton, N. J., remonstrating against the passage of the so-called "Gardner eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the Ministerial Association of Bridgeton, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry organizations of Elizabeth, Newark, Trenton, Passaic, Hoboken, Jersey City, Orange, Camden, Paterson, New Brunswick, and Atlantic County, all in the State of New Jersey, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. WARNER presented petitions of sundry officers of the civil war of Sumner, Mo., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented the petition of Henry L. Thomas, of Mount Vernon, Ill., praying for the enactment of legislation for the relief of the depositors of the Freedman's Savings and Trust Company, which was referred to the Committee on Claims.

He also presented petitions of sundry citizens of Salem, Mo., praying for the enactment of legislation to extend the provisions of the pension act of June 27, 1890, to all State militia, etc., which were referred to the Committee on Pensions.

He also presented the petition of Daniel M. Spencer, of Greentop, Mo., praying for the enactment of legislation setting aside the judgment of the court-martial against him, and that he be granted the pay and bounty due him at that time, which was referred to the Committee on Military Affairs.

He also presented sundry affidavits to accompany the bill (S. 2748) granting an increase of pension to David F. Johnson, which were referred to the Committee on Pensions.

He also presented the petition of David B. Wood, of Springfield, Mo., praying for the enactment of legislation granting a pensionable status to widows of soldiers of the civil war, which was referred to the Committee on Pensions.

He also presented a memorial of the Keystone View Company, of St. Louis, Mo., remonstrating against the adoption of certain amendments to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

Mr. du PONT presented a petition of the National Board of Trade of Washington, D. C., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WETMORE presented a petition of the Central Labor Union of Woonsocket, R. I., praying for the enactment of legislation providing for the construction of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 295, International Typographical Union, of Newport, R. I., and a petition of Local Union No. 212, International Typographical Union, of Pawtucket, R. I., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. HOPKINS presented a petition of the German-American Republican Club of Will County, Ill., praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois Farmers' Institute, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of Reynolds Post, No. 32, Grand Army of the Republic, Department of Washington and Alaska, of Blaine, Wash., praying for the enactment of legislation granting increased pensions to all soldiers who served at least ninety days in the civil war and were honorably discharged, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 26, Pressmen's Union, of Seattle, Wash., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. BULKELEY presented the memorial of Gilbert L. Smith and 22 other citizens of Sharon, Conn., remonstrating against the enactment of legislation providing for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented a petition of sundry members of the Spanish War Veterans' Association, Department of Connecticut, of Hartford, Conn., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of West Hartford, Conn., praying for the enactment of legislation regulating the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Lumber Dealers' Association, of New Haven, Conn., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GAMBLE presented a petition of the Trades and Labor Assembly of Sioux Falls, S. Dak., praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of members of the Woman's Relief Corps of Alexandria, S. Dak., praying for the passage of the so-called "Lafean pension bill," which was referred to the Committee on Pensions.

He also presented the petition of W. B. Nash and 24 other citizens of Broadland, S. Dak., and the petition of L. Franklin and 4 other citizens of Parker, S. Dak., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories in certain cases, and remonstrating against the repeal of the present anti-canteen law, which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of Kennebec County Pomona Grange, No. 5, Patrons of Husbandry, of Augusta, Me., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Casco Harbor, No. 73, American Association of Masters, Mates, and Pilots, of Casco, Me., remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coasting trade, which was referred to the Committee on Commerce.

Mr. CARTER presented sundry petitions of settlers on the Crow Indian Reservation, in the State of Montana, praying for the enactment of legislation to reduce the purchase price of lands in that reservation from $4 per acre to $1.25 per acre, which were referred to the Committee on Indian Affairs.

Mr. LODGE presented sundry papers to accompany the bill (S. 881) granting an increase of pension to Thomas H. Dunham, which were referred to the Committee on Pensions.

Mr. DOLLIVER presented a petition of sundry citizens of Village Creek, Iowa, 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.

He also presented a memorial of sundry citizens of Village Creek, Iowa, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, and also against Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry officers of the Fifty-fifth Infantry, Iowa National Guard, of Des Moines, Iowa, praying for the enactment of legislation to promote the efficiency of the militia, which was referred to the Committee on Military Affairs.

He also presented a petition of the North Mississippi Conference of the Methodist Episcopal Church South, of Greenville, Miss., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 40, International Stereotypers and Electrotypers' Union, of Des Moines; of Local Union No. 107, Tri-City Typographical Union, of Davenport, and of Local Union No. 20, German-American Typographical Union, of Davenport, all in the State of Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Hyperion Circle, of Rockford, Iowa, praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of the Federation of Labor of Chicago, Ill., praying for the enactment of legislation requiring telegraph companies to show on each telegram the time it was filed for transmission, and also that an investigation be made into the telegraphic conditions of the country, which was referred to the Committee on Education and Labor.

Mr. CARTER presented petitions of Local Union No. 126, International Typographical Union, of Montana; of Local Union No. 60, International Stereotypers and Electrotypers' Union, of Butte, and of Local Union No. 95, International Typographical Union, of Helena, all in the State of Montana, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Yellowstone County, Mont., and a petition of sundry citizens of Silverbow County, Mont., praying for the enactment of legislation providing for the allotment of lands in severalty to the Crow Indians, in that State, and that such portion of the Crow Indian Reservation as remains after allotment be thrown open to entry under the public-land laws, which were referred to the Committee on Indian Affairs.

Mr. PROCTOR presented a memorial of the Vermont Slate Operators' Association, of Fair Haven, Vermont, remonstrating against the passage of the so-called "Gardner eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. McLAURIN presented sundry papers to accompany the bill (S. 293) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Charles Baker, deceased, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 297) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of S. N. Clark, deceased, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 296) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Sarah G. Clark, deceased, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 305) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of William O. Moseley, deceased, which were referred to the Committee on Claims.

Mr. HALE presented a petition of Kennebec County Pomona Grange, No. 5, Patrons of Husbandry, of Augusta, Me., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Casco Harbor, No. 75, American Association of Masters, Mates, and Pilots, of Maine, remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coasting trade, which was referred to the Committee on Commerce.

He also presented the petition of A. H. Jones and 311 other volunteer soldiers of the civil war in Maine, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

THE UNITED STATES NAVY.

Mr. HALE. Mr. President, I present a petition which I ask may be read and printed in the RECORD, with the names appended to it.

There being no objection, the petition was read, referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, with the names appended, as follows:

To the Representatives and Senators in Congress:

We, the undersigned clergymen of New York City, voicing, as we believe, the sentiments of many thousands of American citizens, earnestly protest against the extravagant demand for an addition of over $60,000,000 in the form of four new battle ships, cruisers, etc., to the naval budget of last year, inasmuch as no danger threatens the country not known last April when President Roosevelt told the world: "We are no longer enlarging our Navy. We are simply keeping up its strength. The addition of one battle ship a year barely enables us to make good the units which become obsolete."

Sixty-five per cent of the national income is now expended on war past and present. The increase of our naval budget has recently been used in the French Assembly as a reason for increasing its own, is largely responsible for the increase of armaments among Asiatic nations, and is well-nigh certain to retard that reduction in the armaments of the world for which we have so long been waiting.

The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties, which these new demands seem to ignore.

Henry C. Potter, Bishop of New York.
David H. Greer, Bishop Coadjutor of New York.
Charles H. Parkhurst, Madison Square Presbyterian Church.
Newell Dwight Hillis, Plymouth Church.
S. Parkes Cadman, Central Church, Brooklyn.
Charles E. Jefferson, Broadway Tabernacle Church.
Stephen S. Wise, the Free Synagogue.
Thomas R. Slicer, All Souls' Church.
Wallace McMullen, Madison Avenue Methodist Episcopal Church.
Frederick Lynch, Pilgrim Church.
William R. Huntington, Grace Church.
Charles Cuthbert Hall, Presbyterian Union Theological Seminary.
Albert J. Lyman, South Congregational Church, Brooklyn.
Charles F. Fagnani, Union Theological Seminary.
William Adams Brown, Union Theological Seminary.
C. Armand Miller, Holy Trinity Church.
Leighton Parks, St. Bartholomew's Church.
Henry Sloan Coffin, Madison Avenue Presbyterian Church.
G. E. Strobridge, Washington Square Methodist Episcopal Church.
William M. Brundage, Unity Church, Brooklyn.
R. S. MacArthur, Calvary Baptist Church.
J. Herman Randall, Mount Morris Baptist Church.
Richard Hartley, Hope Baptist Church.
Henry A. Stimson, Manhattan Congregational Church.
Maurice H. Harris, Temple Israel.

George U. Wenner, Christ Church.
Henry Mottet, Church of the Holy Communion.
William Hayes Ward, editor of the Independent.
Ballington Booth, president of the Volunteers of America.
George P. Eckman, St. Paul's Methodist Episcopal Church.
A. C. McGiffert, Union Theological Seminary.
Duncan J. McMillan, New York Presbyterian Church.
Isaac S. Moses, Ahawath Chesed Synagogue.
James B. Remensynder, St. James Church.
Frank Oliver Hall, Church of the Divine Paternity.
J. Ross Stevenson, Fifth Avenue Presbyterian Church.
William Walker Rockwell, Fifth Avenue Presbyterian Church.
Leighton Williams, Amity Church.
Charles J. Young, Church of the Puritans.
H. G. Mendenhall, Westminster Presbyterian Church.
Peter Farrell, St. Joseph's Church.
K. F. Ohlson, Swedish Evangelical Bethesda Church.
Charles Pittman, Pilgrim Baptist Church, West Farms.
A. B. Howard, St. John the Evangelist's Church.
Charles W. Flint, St. James Methodist Episcopal Church.
Isaac W. Goodhue, Ascension Baptist Church.
William J. Noble, Sixteenth Baptist Church.
A. J. Brucklacher, Lefferts Park Presbyterian Church.
Leon A. Harvey, Fourth Unitarian Church, Brooklyn.
Anthony H. Evans, West Presbyterian Church.
Lewis T. Reed, Flatbush Congregational Church, Brooklyn.
Edward H. Van Winkle, St. Clement's Church.
Louis Wolferz, German Presbyterian Church.
Lindsay B. Longacre, Morris Heights Methodist Episcopal Church.
C. G. Ritter, Immaculate Conception Church.
H. Blesi, German Methodist Episcopal Church.
Frederick H. Carpenter, Twenty-fourth Street Methodist Episcopal Church.
H. C. Bishop, St. Philip's Church.
Newell Woolsey Wells, South Third Street Presbyterian Church.
S. Raymond, Beth Elohim Synagogue, Brooklyn.
Frederick Gunton, Methodist Episcopal Church, Glendale, L. I.
George Douglas, First Baptist Church, Flushing.
Drew T. Wyman, Pilgrim Baptist Church, Brooklyn.
David Bains-Griffiths, Edgehill Church, Spuyten Duyvel.
M. A. Bradley, African Methodist Episcopal Zion Church.
Joel B. Slocum, Greenwood Baptist Church, Brooklyn.
Forsten M. Hohenthal, Finnish Seamen's Mission.
Gurdon H. Eggleston, Greene Avenue Presbyterian Church, Brooklyn.
J. Renher, Salem Evangelical Church, Brooklyn.
John H. Wyburn, McAuley Mission.
Bishop Falkner, Christ Church, Brooklyn.
Raymond J. Davis, Emmanuel Baptist Church.
I. Goldfarb, Baith Israel Synagogue, Brooklyn.
John Rippere, Olin Methodist Episcopal Church.
Percy B. Wightman, University Heights Presbyterian Church.
William Schoenfeld, Emmanuel Lutheran Church.
Charles P. MacGregor, Calvary Baptist Church.
Arthur H. Judge, St. Matthew Episcopal Church.
Frank M. Goodchild, Central Baptist Church.
R. R. Wilson, Timothy Baptist Church.
C. L. Gomph, St. John's Chapel.
George S. Payson, Mount Washington Church.
August Koesher, Grace Lutheran Church.
William H. Lawall, German Congregational Church.
Charles Elmore Barth, Willis Avenue Methodist Episcopal Church.
Edward Blews, Free Methodist Church, Brooklyn.
Albert S. Evans, John Hall Memorial Church.
William Bishop Gates, Wells Memorial Presbyterian Church, Brooklyn.
William Denman, Duryea Presbyterian Church, Brooklyn.
Henry C. Dyer, Chaplain of Bellevue Hospital.
Elias L. Solomon, Kehilath Israel Synagogue.
R. M. Sommerville, Second Reformed Presbyterian Church.
H. R. Hulse, St. Mary's Protestant Episcopal Church.
James W. Fowler, All Saints Church.
Benjamin E. Dickhaut, First Harlem Collegiate Church.
James H. Hoadley, Thirteenth Street Presbyterian Church.
J. Lyon Caughey, Harlem Presbyterian Church.
E. E. Jackson, St. Paul's Baptist Church.
Elbert C. Hoog, Thirty-seventh Street Methodist Episcopal Church.
Frederick J. Shackleton, Rose Hill Methodist Episcopal Church.
William C. Stinson, Bloomingdale Reformed Church.
J. D. Williams, Meserole Avenue Church.
William A. Layton, De Kalb Avenue Methodist Episcopal Church, Brooklyn.
John G. Bacchus, Church of the Incarnation, Brooklyn.
L. A. Engler, Holy Trinity Lutheran Church.
Nicholas J. Hughes, St. Mary's Church.
E. D. Bailey, First Reformed Church.
R. G. Quennell, Church of the Ascension.
Thomas W. Smith, St. Nicholas Avenue Presbyterian Church.
John Chamberlain, St. Anne's Church for Deaf Mutes.
Harry L. Everett, St. Paul's Congregational Church, Brooklyn.
William S. Jackson, Prospect Avenue Methodist Episcopal Church, Brooklyn.
John Manning, Church of the Holy Comforter, Brooklyn.
Charles A. Brown, St. Timothy's Protestant Episcopal Church, Brooklyn.
William T. Dixon, Concord Baptist Church of Christ.
C. F. J. Wrighley, Grace Church, Brooklyn.
Fred C. Erhardt, German Reformed Church, New Brooklyn.
John J. Lockett, Primitive Methodist Church, Brooklyn.
F. B. Clausen, Epiphany Lutheran Church.
George A. Linder, Harrison Avenue Evangelical Church.
Charles Herald, Grace Gospel Church, Brooklyn.
John D. Long, Parkside Presbyterian Church, Brooklyn.
William T. Sabine, Reformed Episcopal Church.
John T. Prout, St. John's Church.
Jacob W. Loch, German Evangelical Church, Brooklyn.
Sydney Herbert Cox, Brooklyn.
Martin A. Meyer, Temple Israel, Brooklyn.
William Milton Hess, Trinity Congregational Church.
Spencer J. Ford, Central Park Baptist Church.
J. I. Frederick, Open Church United Presbyterian.
William T. Manning, St. Agnes Chapel, Trinity Parish.
Joseph D. Spear, Temple Ez Chaim of Yorkville.
Henry H. Heck, First German Methodist Episcopal Church.
Henry F. Kastendieck, Floral Park Church.
Horace G. Miller, Mount Tabor Presbyterian Church.
A. W. H. Hodder, the Baptist Church of the Redeemer.
John C. Ager, Church of the New Jerusalem, Brooklyn.
Milton S. Littlefield, Bay Ridge Presbyterian Church, Brooklyn.
Jonathan Bastow, Second Avenue Baptist Church.
Daniel W. Hill, Mount Lebanon Baptist Church.
Alexander McLean, Maspeth Methodist Episcopal Church.
William T. Pray, Methodist Episcopal Church, Sheepshead Bay.
John H. Willey, St. Mark's Methodist Episcopal Church, Brooklyn.
John H. Henry, Seventh Street Methodist Episcopal Church.
William L. Darby, Astoria Presbyterian Church.
Aaron Eiseman, Seventy-second Street and Lexington Avenue Temple.
Edwin Whittier Caswell, Methodist Episcopal Church, Beekman Hill.
F. A. Knubel, Church of the Atonement, Evangelical Lutheran.
Edward Lissman, Hebrew Tabernacle.
Frederick W. Boese, St. Paul's German Methodist Episcopal Church.
Aappo Salminen, the Finnish Evangelical Lutheran Church.
Frederick Niebuhr, First German Baptist Church.
William J. Thompson, Simpson Methodist Episcopal Church, Brooklyn.
James Boyd Hunter, Anderson Memorial Reformed Church.
James A. O'Connor, Reformed Catholic Church.
R. J. Brown, Day Star Church.
S. W. Timms, Holy Trinity Baptist Church.
Floyd Decker, Church of the Comforter.
Jesse F. Forbes, Adams Memorial Presbyterian Church.
H. J. Mertins, Church of Our Lady of Sorrows, Brooklyn.
J. Lewis Hartrock, Union Methodist Episcopal Church.
John F. Steer, Ascension Memorial Church.
Ira S. Dodd, Riverdale Presbyterian Church.
George W. Osmun, Fenimore Street Methodist Episcopal Church.
James Henry Speer, First Union Presbyterian Church.
Frederick Campbell, Westminster Presbyterian Church, Brooklyn.
E. A. Osborn, St. John's Church, Brooklyn.
Wellesley W. Bowdish, Sixth Avenue Methodist Episcopal Church.
William H. Vibbert, Trinity Chapel.
Edgar Tilton, jr., Lenox Avenue Collegiate Reformed Church.
Dudley Oliver Osterheld, First Methodist Episcopal Church, Ozone Park.
George C. Peck, St. Andrew's Methodist Episcopal Church.
Baldwin Roberts, Borough Park Presbyterian Church.
G. H. McClelland, First United Presbyterian Church, Brooklyn.
John J. Snavely, Westchester Methodist Episcopal Church.
Otto Rappolt, St. Peter's German Lutheran Church.
Robert E. Pretlow, Lafayette Avenue Friends' Church, Brooklyn.
Walter D. Johnson, Christ Church, Brooklyn.
Stefans L. Testa, Franklin Avenue Presbyterian Church, Brooklyn.
W. J. MacDonald, South Reformed Church.
I. S. Sands, St. John's African Methodist Episcopal Church.
James S. Chadwick, Methodist Episcopal Church.
John C. Slater, Church of the Covenanters.
M. Hollis, Christ's Church.
Joseph Kewil, Second Church of the Disciples, Brooklyn.
R. S. Povey, Herkimer Street Methodist Episcopal Church, Brooklyn.
L. J. Brown, Berean Baptist Church.
W. S. Woolworth, Atlantic Avenue Chapel.
J. Kurtz Miller, German Baptist Brethren.
James Cromie, Woodstock Presbyterian Church.
W. Steinbicker, Evangelical Lutheran Church of the Incarnation.
A. Steitz, Ridgewood Heights Methodist Episcopal Church.
James Palmer, Manor Chapel.
E. Cunningham, York Street Methodist Episcopal Church, Brooklyn.
W. D. Buchanan, Fourth Avenue Presbyterian Church.
D. B. Thompson, Park Avenue Methodist Episcopal Church.
Harry Spencer Baker, South Brooklyn Unitarian Church.
Alfred Duane Fell, Church of the Resurrection.
Victor G. Flinn, Third Moravian Church.
C. D. Case, Hanson Place Baptist Church, Brooklyn.
S. T. Willis, One hundred and sixty-ninth Street Church of the Disciples.
Percival McIntire, St. Stephen's Church.
Emil Roth, Emanuel Lutheran Church.
John H. Oerter, Fourth German Reformed Church in America.
Thomas A. Hyde, St. Matthias Protestant Episcopal Church, Sheepshead Bay.
C. LeRoy Butler, St. James Presbyterian Church.
W. T. Southerton, Baptist Temple, Brooklyn.
H. P. Mendes, Shearith Israel Synagogue.
C. F. Intemann, Grace English Evangelical Lutheran Church, Brooklyn.
J. C. Westlund, Swedish Evangelical Lutheran Zion Church, Brooklyn.
Adolf Schmidt, German Evangelical Zion Church.
B. Kevenhoerster, St. Anselm Roman Catholic Church.
S. Rosati, St. Clare's Roman Catholic Church.
C. M. Tollefsen, Norwegian Bethlehem Lutheran Church, Brooklyn.
Walter Koenig, Emanuel Lutheran Church, Whitestone.
William Walker Rockwell, Union Theological Seminary.
George Adams, Grace Methodist Episcopal Church, Brooklyn.
Albert T. Tamblyn, Bedford Park Congregational Church.
J. H. Hobbs, First Presbyterian Church, Jamaica.
E. E. Shaver, Park Presbyterian Church.
R. S. Retney, Gravesend Methodist Episcopal Church, Brooklyn.
E. M. H. Knapp, Church of San Salvatore.
James A. Reed, Charles Street United Presbyterian Church.
C. S. S. Dutton, Montague Street Church, Brooklyn.
John C. Fernanders, Union American Methodist Episcopal Church.
Francis G. Howell, Andrews Methodist Episcopal Church.
H. A. Barton, Lefferts Park Baptist Church.
E. Wiesle, First German Baptist Church, South Brooklyn.
Heim Rexroth, St. Paul's Evangelical Church.
Ralph J. Walker, St. Simeon's Church.
W. W. Ludwig, Borough Park Baptist Church, Brooklyn.
A. Forbes, Grace Church, City Island.
F. M. Jacobs, Fleet Street Memorial First African Methodist Episcopal, Brooklyn.
John Francis Dobbs, Mott Haven Reformed.
Fields Hennance, Jane Street Methodist Episcopal Church.
William T. Crocker, Epiphany Protestant Episcopal Church.
Charles C. Jaeger, Ebenezer Presbyterian Church, Brooklyn.
William N. Dunnell, All Saints Church.
Charles H. Grubb, Trinity Methodist Episcopal Church.
H. Arthur Booker, St. Paul's Baptist Church.
J. E. Price, Bedford Street Methodist Episcopal Church.
John Campbell, Church of the Mediator.
Charles F. Knott, Seventh Day Advent Church.
G. Bauer, First German Presbyterian Church, Jamaica.
George R. Coverdale, African Methodist Episcopal Bethel Church.
David Davidson, Agudath Jeshorian Synagogue.

Louis Goebel, Second Reformed Church, Flatbush.
John James Macdonald, Church of Our Father, Presbyterian.
G. Nelsemin, Swedish Lutheran Church.
Henry J. Herge, Dutch Evangelical Reformed Church, Brooklyn.
Hezekiah L. Pyle, Parkville Congregational Church, Brooklyn.
Edgar Whitaker Work, Fourth Presbyterian Church.
Oscar W. Johnson, Battery Swedish Methodist Episcopal Church.
Walter S. Rounds, Third Church of Christ.
John H. Palmer, Grace Methodist Episcopal Church, Wakefield.
Max Fried, Temple Odereth El.
Adolph Spiegel, Sharre Zedek Synagogue.
Joseph Rankin Duryee, Grace Reformed Church.
James V. Chalmers, Church of the Holy Trinity.
Horace R. Pell, St. Alban's Episcopal Church.
Henry M. Barbour, Church of the Beloved Disciple.
John L. Bedford, Church of the Nativity, Brooklyn.
John Howard Melish, Holy Trinity Church, Brooklyn.
T. H. Baragwnanath, Grace Methodist Episcopal Church.
H. W. Hillier, Armatage Chapel.
Thomas Henry Sill, St. Chrysostom's Church.
Echhard Umbach, Second German Baptist Church.
Raephael Hawaweeny, St. Nicola's Syrian Orthodox Church, Brooklyn.
I. H. Polhemus, Thompkins Avenue Congregational Church.
James M. Farr, Christ Presbyterian.
Henry M. Brown, Christ Congregational Church.
Fred P. Fisher, Knickerbocker Avenue Methodist Episcopal Church, Brooklyn.
J. O. Wilson, Methodist Episcopal Church, Brooklyn.
Rivington D. Lord, First Free Baptist Church, Brooklyn.
Floyd Appleton, St. Clement's Church, Brooklyn.
John S. Gardner, Flatlands Reformed Church, Brooklyn.
E. Brennecke, Trinity Lutheran Church.
Joe Bienstock, Anshesi Zitomer und Volin Synagogue.
William S. Harper, Trinity Methodist Episcopal Church.
J. P. Lichtenberger, Lenox Avenue Union Church.
Thomas Williams, Pilgrim Congregational Church, Brooklyn.
R. T. Peck, Union Church.
Miner L. Bates, First Church of the Disciples.
George S. Pratt, All Souls' Protestant Episcopal Church.
Walter W. Winans, Methodist Episcopal Church, Flushing.
Richard H. Bosworth, First Congregational Church, Woodlawn.
Henry L. Scudder, St. Stephen's Church, Brooklyn.
R. Bertrand Talbert, Congregational Church.
W. W. Davis, Church of the Redeemer.
Morris Wechsler.
George Alexander, University Place Church.
Henry E. Cobb, West End Collegiate Church.
N. P. Boyd, St. Philip's Protestant Episcopal Church, Brooklyn.
Arthur L. Flandreau, Bayside Methodist Episcopal Church.

REPORTS OF COMMITTEES.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 2429) granting an increase of pension to Elizabeth H. Olcott, reported it with an amendment in the nature of a substitute and submitted a report thereon, the amended bill being a substitute for the following House bills heretofore referred to that committee:

H. R. 2429. Elizabeth H. Olcott;
H. R. 2685. Martha F. Allen;
H. R. 2922. Jane Spears;
H. R. 2923. Sarah A. Bradley;
H. R. 2925. Amelia D. Robertson;
H. R. 3217. Zylpha Raymond;
H. R. 3657. Henry Parish;
H. R. 3661. Mary A. Tyer;
H. R. 3663. Robert A. McAulay;
H. R. 3667. Louis R. Thomas;
H. R. 3814. Nancy Harmon;
H. R. 4130. Mary Cox;
H. R. 4969. Jane Bain;
H. R. 6868. Maria E. Menges;
H. R. 7070. John C. Hall;
H. R. 8453. Stephen R. Clark;
H. R. 8834. Eliza Leedy;
H. R. 9582. Nancy B. Hacker;
H. R. 9586. Mary Jane Pack;
H. R. 9791. Leon D. Conover;
H. R. 9951. Andrew J. Pence;
H. R. 10366. George F. Hays;
H. R. 10612. Alfred H. Johnston;
H. R. 10613. Narsis Burns;
H. R. 10946. Mary A. Tannehill;
H. R. 11188. Mary Ann Thompson;
H. R. 11690. Charles W. Geddes;
H. R. 11694. William Pritchard;
H. R. 11956. Sarah Luria Scannell;
H. R. 12045. Ellen L. Fitzgerald;
H. R. 12100. Martha Alexander;
H. R. 12264. Sarah Smith;
H. R. 12325. Mary E. Benson;
H. R. 12451. Harriet Hickey;
H. R. 12529. Lucretia A. Evans;
H. R. 12596. Hulda Flinn;
H. R. 13138. Epsy M. Mellett;
H. R. 13550. Ibby M. J. Hay;
H. R. 13874. Martha E. McKnight;
H. R. 14342. Mary A. Crawford;
H. R. 14619. Louisa Porter; and
H. R. 14827. Harriet Ann Long.

Mr. SMOOT, from the Committee on Patents, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 3972) to amend section 4885 of the Revised Statutes; and

A bill (S. 3970) to revise and amend the statutes relating to patents.

He also, from the Committee on Patents, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 3973) to amend the laws of the United States relating to registration of trade-marks;

A bill (S. 3971) to amend section 4896 of the Revised Statutes; and

A bill (S. 3969) to amend the laws of the United States relating to the registration of trade-marks.

Mr. BOURNE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 212) to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary, reported it without amendment and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (H. R. 16051) to authorize the Centerville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala., reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 16955) to extend the time for building a bridge across Red River at Shreveport, La., reported it without amendment.

Mr. McCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 1895) removing the charge of desertion from the name of Frank A. Land, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes, reported it with amendments and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 4786) to parole United States prisoners, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (H. J. Res. 102) authorizing the Secretary of War to furnish three condemned cannons to the mayor of the city of Detroit, Mich., to be placed on the base of a statue of the late Maj. Gen. Alexander Macomb, United States Army, reported it without amendment and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report, accompanied by a bill (S. 5589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 16. Mary L. Chase;
S. 145. Mary C. Nason;
S. 395. Orrin V. S. Van Denburg;
S. 400. Robert T. Sedam;
S. 516. William S. Peabody;
S. 579. William Russell;
S. 618. Hezekiah Coe;
S. 619. Winfield S. Delenger;
S. 630. Joseph C. Bell;
S. 634. Arthur H. Parsons;
S. 778. Samuel M. Graham;
S. 824. Millie Lepard;
S. 880. Charles A. Hunter;
S. 882. James R. Carpenter;
S. 917. Charles Snyder;
S. 924. Owen Jones;
S. 1063. Emanuel Schamp, alias Emanuel Benton;
S. 1089. Samuel S. Dotson;
S. 1111. Gilalmous McCarty;
S. 1132. Charles H. Sargent;
S. 1254. George G. Sargent;
S. 1503. R. M. Musser;
S. 1534. Tristrim Glidden;

S. 1662. John Cooper;
S. 1671. William A. Gile;
S. 1940. Benjamin Dye;
S. 2045. Cordelia A. Young;
S. 2195. William H. Robinson;
S. 2351. Gabriel Sams;
S. 2356. Charles Gunter;
S. 2357. John H. Johnson;
S. 2411. Edwin L. Hartley;
S. 2649. John W. Watkins;
S. 2650. Sarah P. Brannigan;
S. 2947. Edmund W. Flynn;
S. 3076. Lucius A. Lovelace;
S. 3104. Wellington K. Moore;
S. 3118. Isaac V. Du Bois;
S. 3133. George Hemminger;
S. 3166. John F. Detwiler;
S. 3197. Patrick Hughes;
S. 3224. Samuel W. Brown;
S. 3278. Daniel H. Fairchild;
S. 3437. Alexander L. Morton;
S. 3450. William H. Warner;
S. 3476. John Powell;
S. 3494. James H. Atwood;
S. 3540. Christian Schwendener;
S. 3617. Enoch S. Eastman;
S. 3636. George L. Freeman;
S. 3637. Elizabeth S. Hensley;
S. 3653. Samuel A. Kimball;
S. 3676. Frank N. Burdick;
S. 3775. Laura E. Pritchard;
S. 4079. William Cody;
S. 4080. Irvin Allen;
S. 4091. Joseph N. Foster;
S. 4188. Harrison Lyons;
S. 4190. Henry A. Eastman;
S. 4191. Martha W. Hatch;
S. 4249. Daniel Snell;
S. 4394. John E. Lewis;
S. 4424. Timothy Bresnahan;
S. 4428. Leonard Davis;
S. 4479. Nathaniel Davis;
S. 4495. Alice J. Hackney;
S. 4513. George H. Eastman;
S. 4715. John A. Wood;
S. 5016. Maggie Greenly;
S. 5112. Daniel Manning;
S. 5127. Maria A. Edie;
S. 5144. Jincy Powell; and
S. 5145. Mary B. Worley.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 598) granting an increase of pension to William Poor, reported it with an amendment in the nature of a substitute, and submitted a report thereon, the amended bill being a substitute for the following House bills heretofore referred to that committee:

H. R. 598. William Poor;
H. R. 854. Noah E. Thornburgh;
H. R. 1033. Stephen H. Sanborn;
H. R. 1080. David Stidd;
H. R. 1468. Sarah K. Adams;
H. R. 1485. Hiram L. Russell;
H. R. 1503. Andrew J. Fillmore;
H. R. 1504. Andrew C. Gibson;
H. R. 1591. Richard F. Williams;
H. R. 1607. Daniel Carter;
H. R. 1608. William H. H. Craver;
H. R. 1716. Lee P. Garrett;
H. R. 2217. James Adams;
H. R. 2218. Lewis L. Bingham;
H. R. 2344. James B. Paige;
H. R. 2349. Leander M. Clark;
H. R. 2423. Cyrus Chapin;
H. R. 2424. David D. Reese;
H. R. 2649. Amos B. Batchelder;
H. R. 2658. James Bates;
H. R. 2662. Patrick Fitzgerald;
H. R. 2709. George Collins;
H. R. 2710. William Lambert;
H. R. 2777. Thomas J. Spencer;
H. R. 2827. Frederick J. Meyer;
H. R. 2862. Theodore F. Ray;
H. R. 2893. James Henderson;
H. R. 2927. William J. Mull;
H. R. 2930. Arnold Mattingly;
H. R. 2931. Charles W. Pavey;
H. R. 2933. Mott V. Eames;
H. R. 2936. Milton M. Orton;
H. R. 2962. Mary E. Becking;
H. R. 2972. Henry Julius;
H. R. 2988. William H. Andrews;
H. R. 3070. Anna E. Lucas;
H. R. 3109. Elkanah A. Richards;
H. R. 3137. Willet Shottenkirk;
H. R. 3223. Marcus A. Stephenson;
H. R. 3224. William C. Greenlee;
H. R. 3230. Sarah Miller;
H. R. 3231. Thomas Casey;
H. R. 3265. Matilda C. Carruth;
H. R. 3323. Swen Dahlberg;
H. R. 3342. Charles Belville;
H. R. 3353. David W. Conrath;
H. R. 3452. Peter Leonard;
H. R. 3495. Benjamin F. Clark;
H. R. 3514. Edward A. Tomlin;
H. R. 3515. James Daly;
H. R. 3615. William F. Carter;
H. R. 3617. William E. Cox;
H. R. 3630. Jennings Branham;
H. R. 3651. Mary H. Christian;
H. R. 3653. Walter C. Knight;
H. R. 3685. John V. Larrimer;
H. R. 3836. Jeremiah Haley;
H. R. 4073. Sarah J. Jones;
H. R. 4089. Thomas B. Aber;
H. R. 4104. Henry C. Martin;
H. R. 4127. Maria Green;
H. R. 4129. Sophia Conlon;
H. R. 4212. Francis O. Vandersluis;
H. R. 4233. Nicodemus D. Henry;
H. R. 4234. William W. Tannery;
H. R. 4250. Austin Green;
H. R. 4370. Bridget D. Farrell;
H. R. 4414. Patrick H. Fern;
H. R. 4418. Winslow H. Furrows;
H. R. 4489. Benjamin B. Brininger;
H. R. 4492. William H. Clark;
H. R. 4506. Theresa M. Randall;
H. R. 4507. Eliza J. McPherson;
H. R. 4515. William S. Aukerman;
H. R. 4518. James W. Eastman;
H. R. 4519. William Minick;
H. R. 4533. Charles C. Gage;
H. R. 4534. Charles W. Lewis;
H. R. 4542. William H. Teeling;
H. R. 4653. Jose M. Jaramillo;
H. R. 4667. Mary A. Clendenin;
H. R. 4670. Elisha H. Colburn, alias William H. Lowry;
H. R. 4672. Henry D. Lewis;
H. R. 4696. Henry R. Darst;
H. R. 4697. Joseph W. King;
H. R. 4753. Richard W. Jones;
H. R. 4754. Jane E. Chapel;
H. R. 4759. George H. Williams;
H. R. 4935. Clark Kelly;
H. R. 4946. Charles S. Baker;
H. R. 4947. William W. Leabo;
H. R. 4948. Henry A. Lamountain;
H. R. 5295. Julia Burns;
H. R. 5571. Lodema Cooley;
H. R. 5611. William A. Barnes;
H. R. 5617. Andrew Balbach;
H. R. 5621. Mary A. Ricketts;
H. R. 5705. Nellie P. Coyle;
H. R. 6013. James Brown;
H. R. 6033. Fred B. Bowman;
H. R. 6036. Gustavus A. Dwelly;
H. R. 6043. Samuel H. Chambers;
H. R. 6044. Truman H. Baldwin;
H. R. 6083. Stephen Loranger;
H. R. 6084. Patrick McGrain;
H. R. 6300. Benjamin L. Haynes;
H. R. 6305. Isaiah Smith;
H. R. 6313. Charles Helper;
H. R. 6318. Michael Sennet;
H. R. 6321. Rufus Lucore;
H. R. 6350. Benjamin F. Bean;
H. R. 6353. Charles P. Jeannin;
H. R. 6365. Albert W. Parker;
H. R. 6410. Thomas P. Clark;

H. R. 6493. Charles M. Curtess;
H. R. 6498. Zelotus J. Stewart;
H. R. 6557. Hiram A. McDonald;
H. R. 6628. Joseph W. Peirce;
H. R. 6645. Henry C. Myers;
H. R. 6646. John Marshall;
H. R. 6659. Thomas D. Scott;
H. R. 6690. John A. Bering;
H. R. 6761. Calvin A. Eason;
H. R. 6762. Ely E. Baker;
H. R. 6805. Michael Doyle;
H. R. 6806. Baldwin Cann;
H. R. 6870. Day Wheeler;
H. R. 6881. Jane M. Buchanan;
H. R. 6896. George Aschemoor;
H. R. 7014. Samuel W. Tobey;
H. R. 7030. Harvey D. McCormick;
H. R. 7034. Aaron T. Dooley;
H. R. 7073. Abram G Spellman;
H. R. 7076. George W. Fletcher;
H. R. 7207. Armand Dufloo;
H. R. 7214. Isabel Seaman;
H. R. 7225. Samuel N. Dickerman;
H. R. 7306. Mary J. Preuitt;
H. R. 7309. Luthis B. Delman, alias Lawson R. Lane;
H. R. 7369. Adam Emge;
H. R. 7373. Andrew H. Hazlett;
H. R. 7374. Charles M. Hobbs;
H. R. 7443. Eli S. Dunklee;
H. R. 7481. Mary E. Cook;
H. R. 7519. Jacob Mercer;
H. R. 7871. George Pratt;
H. R. 7878. John Redeker;
H. R. 7887. Michael Kresge;
H. R. 8020. James E. Hoisington;
H. R. 8095. Charles B. Love;
H. R. 8101. Morris Hayes;
H. R. 8107. Rosamond Ensley;
H. R. 8109. William S. Kidder;
H. R. 8243. Horace E. Adams;
H. R. 8477. William H. Mathis;
H. R. 8547. James T. Thrasher;
H. R. 8607. John R. Bevilheimer;
H. R. 8638. Berry May;
H. R. 8677. Thomas W Quine;
H. R. 8730. George Lytle;
H. R. 8761. Henry A. Walker;
H. R. 8763. William M. Kenyon,
H. R. 8767. Theodore Schaeffer;
H. R. 8946. John A. Hollander;
H. R. 8980. Matthias Dye;
H. R. 9252. Samuel Fetters;
H. R. 9292. James McDowell;
H. R. 9321. John F. Rupert;
H. R. 9370. Earl Henry Cooper;
H. R. 9552. Burton Walters;
H. R. 9557. James W. King;
H. R. 9658. John A. Mayes;
H. R. 9705. George C. Gutelius;
H. R. 9707. George W. Isett;
H. R. 9790. Peter Weatherby;
H. R. 9807. William R. Hicks;
H. R. 9838. Harriet B. Nichols;
H. R. 10128. Thomas H. Addison;
H. R. 10152. Robert S. Clark;
H. R. 10204. Catharine E. Koontz;
H. R. 10283. John S. Barr;
H. R. 10346. James C. Vorhes;
H. R. 10418. Robert A. Hodges;
H. R. 10761. George Berry;
H. R. 10857. Caroline H. G. Dralle;
H. R. 10964. Patrick J. O'Brien;
H. R. 11011. Milton Kinder;
H. R. 11047. George B. Follett;
H. R. 11101. Levi B. Gaylord;
H. R. 11121. Maria Johnson;
H. R. 11182. John Bear;
H. R. 11214. George W. Horder;
H. R. 11223. George F. Cowing;
H. R. 11572. William H. Smyser;
H. R. 11861. Anestatia C. Seiss;
H. R. 11938. Stephen Glanden;
H. R. 12107. William Guthrie;
H. R. 12111. Wesley M. Niblock;
H. R. 12160. Julia A. Wilcoxon;
H. R. 12208. Robert B. Thomas;
H. R. 12236. James W. George;
H. R. 12509. Mary Williams;
H. R. 12521. Henry Cash;
H. R. 12561. Aurelia E. Willard;
H. R. 12604. John N. Moeller;
H. R. 12736. Lydia E. Paterson;
H. R. 12782. Rolan M. Clark;
H. R. 12801. Thomas Fauciei;
H. R. 12837. Daniel J. Duffy;
H. R. 12955. Joseph S. Pratt;
H. R. 12969. Edward Hadfield;
H. R. 12982. William C. Schofield;
H. R. 13029. Elizabeth Gritzner;
H. R. 13041. Samuel A. Gettys;
H. R. 13120. William G. McConnell;
H. R. 13171. Barney Stone;
H. R. 13177. Abram H. Brown;
H. R. 13234. Jacob Glass;
H. R. 13396. Corydon S. Hickman;
H. R. 13771. Henry Stulen;
H. R. 13781. George H. Smith;
H. R. 13814. Simeon S. Goodrich;
H. R. 13815. Levi M. Briddell;
H. R. 13817. Philip Lutz;
H. R. 13877. Seneca R. Randall;
H. R. 14149. David Mitchell;
H. R. 14283. Smith H. Simpson;
H. R. 14344. Peter Penord;
H. R. 14601. James W. Madison; and
H. R. 14758. Eri B. Sabin.

Mr. CLAPP, from the Committee on Claims, submitted a supplemental report to accompany the bill (S. 450) for the relief of the State of North Carolina, heretofore reported by him from that committee.

Mr. CLARKE of Arkansas, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4777) restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings, reported it without amendment.

INLAND WATERWAY FROM MOBILE BAY.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. JOHNSTON on the 17th instant, reported it without amendment:

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

SALARY OF DISTRICT JUDGE FOR PORTO RICO.

Mr. FORAKER. I report back from the Committee on the Judiciary, with amendments, the bill (S. 2210) to increase the salary of the United States district judge for Porto Rico, and I submit a report thereon. I ask for the present consideration of the bill.

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

The amendments were, on page 5, after the words "hundred and," to strike out "seven" and insert "eight," so as to read "nineteen hundred and eight;" and in the same line, before the word "thousand," to strike out "seven" and insert "six," so as to read "$6,000 per annum," making the bill read as follows:

Be it enacted, etc., That the salary of the United States district judge for Porto Rico shall, from and after the 1st day of July, 1908, be $6,000 per annum.

The amendments were agreed to.

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

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

BILLS INTRODUCED.

Mr. MARTIN introduced a bill (S. 5590) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter and place him on the retired list, which was read twice by its title and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5591) authorizing the Secretary of War to have constructed a direct road leading from the southern end of the new highway bridge across the Potomac

to the national cemetery at Arlington and Fort Myer, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GALLINGER (by request) introduced a bill (S. 5592) for the establishment of an inebriate asylum in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5593) authorizing certain extensions to be made in the lines of the Capital Railway Company in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SMITH introduced a bill (S. 5594) for the establishment of a light-house and fog signal at the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin, which was read twice by its title and referred to the Committee on Cemmerce.

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

A bill (S. 5595) granting a pension to Emeline C. Seger;

A bill (S. 5596) granting an increase of pension to Stephen R. Hunt;

A bill (S. 5597) granting an increase of pension to Benjamin Wiggins;

A bill (S. 5598) granting a pension to Mary A. Dawes;

A bill (S. 5599) granting a pension to Rose Ann Griffith; and

A bill (S. 5600) granting a pension to Martha M. Allen.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Indian Affairs:

A bill (S. 5601) to provide for the sale of timber on the segregated coal and asphalt lands of the Choctaw and Chickasaw nations for use in coal and asphalt mining operations, and for other purposes;

A bill (S. 5602) to authorize the Secretary of the Interior to make allotments in severalty to the Indians of the Western Navajo and San Carlos reservations, Arizona, and the Mescalero Reservation, in New Mexico;

A bill (S. 5603) to amend sections 1 and 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes;" and

A bill (S. 5604) authorizing the Secretary of the Interior to reserve lands on Indian reservations for power and reservoir sites, and for other purposes.

Mr. du PONT introduced a bill (S. 5605) granting an increase of pension to Harriet E. Noble, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5606) to place the name of Lorenzo Thomas on the retired list of the Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. RICHARDSON introduced a bill (S. 5607) granting a pension to William Riley, which was read twice by its title and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 5608) for the relief of the heirs of Edmund J. Terwilliger, which was read twice by its title and referred to the Committee on Claims.

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

A bill (S. 5609) granting an increase of pension to George H. Pettis (with the accompanying papers);

A bill (S. 5610) granting a pension to Cynthia L. Allen;

A bill (S. 5611) granting an increase of pension to John McLaughlin (with the accompanying papers); and

A bill (S. 5612) granting an increase of pension to Constantine G. W. Bischoff (with the accompanying papers).

He also introduced a bill (S. 5613) granting an honorable discharge to Matthew Logan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5614) for the relief of Ida Russell Bartlett and Eleanor Bartlett, children of the late Rear-Admiral John Russell Bartlett, United States Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. PILES introduced a bill (S. 5615) granting an increase of pension to Joseph R. Thomas, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

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

A bill (S. 5616) to amend section 3744 of the Revised Statutes; and

A bill (S. 5617) authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States.

He also introduced a bill (S. 5618) for the relief of Edwin O. Sargent, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GAMBLE introduced a bill (S. 5619) granting an increase of pension to Edgar M. Quick, which was read twice by its title and referred to the Committee on Pensions.

Mr. JOHNSTON introduced a bill (S. 5620) to authorize the issuance of a patent to the assignee of Warner Bailey, for land located in Choctaw County, State of Alabama, which was read twice by its title and referred to the Committee on Public Lands.

Mr. McCREARY introduced a bill (S. 5621) granting a pension to William H. Finley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5622) for the relief of John R. Martin, which was read twice by its title and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 5623) to approve the verdict of the second jury summoned to condemn land for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

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

A bill (S. 5624) for the relief of heirs of Gunther Peters, deceased;

A bill (S. 5625) for the relief of W. T. Strickland, administrator of John M. Strickland;

A bill (S. 5626) for the relief of W. T. Godwin;

A bill (S. 5627) for the relief of the legal representatives of Henry S. Castellaw;

A bill (S. 5628) for the relief of the legal representatives of E. H. Abercrombie;

A bill (S. 5629) for the relief of the heirs of S. H. Hill, deceased;

A bill (S. 5630) for the relief of Sidney T. Dupuy and George R. Dupuy;

A bill (S. 5631) for the relief of the legal representatives of Anderson Abercrombie, deceased;

A bill (S. 5632) for the relief of Jesse J. Bull;

A bill (S. 5633) for the relief of the legal representatives of T. L. Walker, deceased;

A bill (S. 5634) for the relief of the legal representatives of W. L. Gordon, deceased;

A bill (S. 5635) for the relief of the legal representatives of F. M. T. Brannan;

A bill (S. 5636) for the relief of the legal representatives of Edward Haile, deceased;

A bill (S. 5637) for the relief of H. T. Cunningham; and

A bill (S. 5638) for the relief of the estate of Elijah Lumpkin, deceased.

Mr. WARNER introduced a bill (S. 5639) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at a point to be selected within five miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route," approved December 17, 1902, which was read twice by its title and referred to the Committee on Commerce.

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

A bill (S. 5640) granting an increase of pension to Marion Vest;

A bill (S. 5641) granting an increase of pension to Harrison Ferguson;

A bill (S. 5642) granting an increase of pension to Christopher S. Alvord; and

A bill (S. 5643) granting an increase of pension to Phœbe A. Kent (with accompanying papers).

Mr. McCUMBER introduced a bill (S. 5644) granting an in-

crease of pension to Seymour Camp, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 5645) granting an increase of pension to James Gorman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 5646) granting an increase of pension to William Smith, which was read twice by its title and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 5647) for the relief of Andrew B. Cook, assignee, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5648) to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

Mr. TILLMAN introduced a bill (S. 5649) for the relief of George W. Newman, which was read twice by its title and referred to the Committee on Claims.

Mr. HEMENWAY introduced a bill (S. 5650) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, which was read twice by its title and referred to the Committee on Claims.

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

A bill (S. 5651) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Sarah G. Clark, deceased;

A bill (S. 5652) for the relief of the estate of Samuel D. Kelley; and

A bill (S. 5653) for the relief of the estate of R. A. Myrick.

Mr. SMITH introduced a joint resolution (S. R. 59) directing an examination of Pigeon River at Port Sheldon, Mich., which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. LODGE submitted an amendment providing for the appointment of an administrative assistant in the Department of Justice, to be appointed by the Attorney-General, at a salary of $4,500, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TELLER submitted an amendment proposing to increase the salary of the chief law clerk, General Land Office, from $2,500 to $3,000, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

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

COTTON-SEED PRODUCTS IN FOREIGN COUNTRIES.

Mr. BACON. Mr. President, on the 14th instant, on my motion, the Senate adopted a resolution ordering the printing of 3,000 copies of a pamphlet entitled "Cotton-seed Products of Foreign Countries." Since the resolution was adopted it has developed that there should be added to it some other publications, and for that reason the order of the Senate has not been carried out and the printing has not been done. At the instance of the Department of Commerce and Labor, and also of parties who are interested in cotton-seed products, it is desired that there should be added reports of special agents and consular officers relative to the subject received since the pamphlet was originally issued.

I send to the desk a resolution which I ask may be considered and adopted, not with a view of authorizing an additional number, but that it shall take the place of the resolution already adopted, the number being the same, the simple difference being in the addition of the other publications.

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

Resolved, That there be printed for the use of the Senate, and be delivered to the Senate document room, 3,000 copies of a pamphlet issued by the Department of Commerce and Labor and entitled "Cotton-seed Products in Foreign Countries," and that the Secretary of Commerce and Labor be instructed to assemble and include in the publication reports from special agents and consular officers received since the said pamphlet was issued.

ESTATE OF JOSEPH H. GALLAHER.

Mr. ALLISON. I ask unanimous consent that the Senate consider at this time the bill (H. R. 6515) for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased. It is a bill I reported on Saturday from the Committee on Finance.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to redeem, in favor of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased, United States coupon 5–20 bonds, act of March 3, 1865, consols of 1865, Nos. 22421, 22422, 61411, 61412, 61413, 61414, 61415, 61416, 61417, 137836, 137837, 137838, 209608, each of the denomination of $1,000, with interest from January 1, 1872, to date of maturity of the respective calls in which the bonds were included, the bonds and interest coupons alleged to have been lost or destroyed. But J. A. Gallaher, administrator, shall first file in the Treasury a bond in the penal sum of double the amount of the principal of the bonds and accrued interest thereon to the date of their maturity, with good and sufficient sureties to be approved by the Secretary of the Treasury, with conditions to indemnify and save harmless the United States from any claim because of the lost or destroyed bonds hereinbefore described and the interest thereon.

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

DAVISON CHEMICAL COMPANY, OF BALTIMORE, MD.

Mr. GALLINGER obtained the floor.

Mr. RAYNER. I rose to ask unanimous consent for the passage of Senate bill 4632, a bill similar to one which was favorably reported in the House at the last Congress.

Mr. GALLINGER. I ask the Senator from Maryland if the bill will give rise to any debate?

Mr. RAYNER. None at all.

Mr. GALLINGER. With the understanding that the bill will not give rise to any debate and with a notice that I shall object to any further agreement to consider bills this morning, I yield to the Senator with pleasure.

Mr. RAYNER. When the bill was reached on the Calendar it was passed over on the ground that there was no report filed. I desire to file the report of the committee. The Department has decided in favor of it. I also desire an amendment made to the bill. There is an error on the face of the bill that I want to have corrected.

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

The Secretary read the bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md., and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

The Secretary read the amendment, which was, in line 6, before the word "thousand," to strike out "twenty" and insert "thirteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Davison Chemical Company, of Baltimore, Md., the sum of $13,460, in payment for damages sustained to the sulphuric-acid plant owned by said company and located at Hawkins Point, Maryland, by reason of the firing of high-power guns at Fort Armistead, Md., in April, 1903, said amount having been found due the said company by two boards of Army officers convened by the Secretary of War, as set forth in House Document No. 659, second session Fifty-eighth Congress.

The amendment was agreed to.

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

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

Mr. RAYNER. On behalf of the Senator from Minnesota [Mr. CLAPP] I desire to file an additional report. It ought to have been presented in the first instance.

Mr. KEAN. Let the reports be printed in the RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

February 11, 1908, Mr. CLAPP, from the Committee on Claims, submitted the following report (to accompany S. 4632):

The Committee on Claims, to whom Senate bill 4632 was referred for consideration, having examined the same, report the same favorably and recommend its passage without amendment.

The committee, in support of the foregoing report, beg leave to refer to the report of Mr. Wellborn, from the Committee on Claims, made to the Fifty-ninth Congress, first session, being report 4177 of that session.

February 24, 1908, Mr. RAYNER (for Mr. CLAPP), from the Committee on Claims, submitted the following additional report (to accompany S. 4632):

The Committee on Claims, to which was referred the bill (H. R. 8670) for the relief of the Davison Chemical Company, of Baltimore, Md., have had the same under consideration, and recommend its passage.

This bill directs the payment of claims for damages aggregating $13,460, made by the Davison Chemical Company, of Baltimore, Md., on account of injury done to its sulphuric acid plant at Hawkins Point, Maryland, by the firing of the high-power guns located at Fort Armistead, Md., in April, 1903.

On July 13, 1903, upon representations being made to the War Department that the artillery practice at Fort Armistead would destroy much property belonging to the Davison Chemical Company, General Chaffee, commanding the Department of the East, was directed to postpone firing until the matter could be investigated, whereupon Col. D. H. Kinzie, Artillery Corps, commanding the district of Baltimore, made an examination of the works of the Davison Chemical Company, and reported as follows:

HEADQUARTERS ARTILLERY DISTRICT OF BALTIMORE, MD.,
Fort McHenry, Md., July 21, 1903.

Respectfully returned to the adjutant-general, Department of the East, with the information that, accompanied by Mr. James McNab, superintendent, I went over the works of the Davison Chemical Company, near Fort Armistead, on the 20th instant.

The damage which the company maintains was caused by firing of the 8-inch B. L. R. last April consists in the cracking and weakening of the brick flues, kilns, the disarranging of the packing of the Glover towers, and the weakening of the headwork of the acid towers. That recent damage to these parts of the works had been done was evident from their appearance; it was also evident from their construction that it would be necessary to stop the works and rebuild the towers and kilns in order to repair them; but I believe it to be impossible for anyone not an expert to determine whether or not these damages were the result of the firing at Fort Armistead. None of the parts injured have been built more than three years, and Mr. McNab assures me that the average life of a tower is twelve years.

The factory is one of the largest in the country and has a daily output of 150 tons of acid. To free the towers from acid so that men could work in them would take a week; to repair them would take two weeks, and a week longer would be necessary to start the works. It is evident that a month's shut down to a company doing as large a business as this one, aside from the direct cost of repairs, would be a matter of great expense; and if continued target practice is to do damage of this nature, the cost to the Government would be far greater than is proportionate to the value of target practice.

I believe that expert testimony is needed to obtain an accurate report on the matter.

A rough description of the works, and a pencil plan furnished by Mr. McNab, is inclosed.

D. H. KINZIE,
Colonel, Artillery Corps, Commanding District.

On August 7, 1903, the Davison Chemical Company presented a claim to the War Department for $6,260, accompanied by the following letter from its superintendent:

BALTIMORE, *August 7, 1903.*

DEAR SIR: In compliance with your request of yesterday for a report from me in writing as to the damage done the sulphuric-acid plant of this company at Hawkins Point by the firing of the 8 and 10 inch guns at Fort Armistead last spring, with my estimate of the cost of restoring the same, I have to submit the following:

Our works at Hawkins Point are adjacent to the fort, the most southeasterly gun being about 200 feet distant from our towers, which are in direct line with the guns. I submit herewith a couple of sketches intended to show the ground plan of the chambers, towers, and kilns, and the interior construction of said towers as they are used at our factory. On each of these towers there are lead curtains a quarter of an inch thick, necessary for the inclosure of the acid and gases. The same kind of curtains, though of lighter lead, are used in the chambers for the same purposes.

The concussion of the guns causes the lead on curtains of chambers to collapse, and they are torn at the sides and roof. In the same way, with much more damage, however, the curtains in the towers are torn, and the packing of said towers is disarranged, with the result that the hot gases thereby attack the lead and cut it out. This damage is not apparent at once. It may take weeks, or even months, for this to show itself. Such is the character of the damages that have resulted from the firing in April. Our A Glover tower and chamber in A set we will have to shut down by October next, so that the same may be rebuilt. I am in hopes that by repairing the other towers we can keep them going for some time yet, but I have already had to repair a slit 20 feet high on C Glover tower, and am afraid the interior packing of this is also damaged.

The Gay-Lussac towers, being packed with coke and brick, are not likely to show the damage for some time. It becomes apparent in bad draft.

The A, B, and C set of chambers and towers which are nearest to the fort have all been rebuilt and renewed within the last two or three years, and should do their work with little trouble or expense for repairs or rebuilding during the period of ten or fifteen years.

There is considerable damage done to the double arches of our pyrites kilns. There are 100 of them, but I can not estimate the extent of this damage until we shut down, cool off, and examine them. This we can not do at present, because with our seven large sets of chambers, with a total capacity of over 1,000,000 cubic feet, worked to its full capacity, we are much behind in our orders. If we are compelled to stop manufacturing to repair and rebuild, it will be a very heavy loss to us, and will reduce our output largely. I am preparing for this now by accumulating material at the works. I will not attempt at present to estimate damage due to lessened production, nor to any other repairs than those mentioned on accompanying statements.

In reply to your question as to my experience with sulphuric-acid plants, I would say that I have been engaged as manager for such plants for from thirty-five to forty years in England, Scotland, and the United States.

Respectfully, JAMES MCNAB,
Superintendent Davison Chemical Company.

JOHN H. WIGHT, Esq.,
Vice-President Davison Chemical Company, Baltimore.

1.—To rebuild A Glover tower, 1903.

Lead for tower and connections, 40,000 pounds, at 5.05 cents	$2,020
Labor on lead works	250
Acid-proof chemical brick, 25,000, at $28 per M	700
Acid-proof slabs and special	300
Lumber and labor	350
Bricks and labor, foundations, etc	800
Sundry expenses, unpacking and repacking, etc	180
Gross cost	4,600
Deduct for old lead, 30,000 pounds, at 4.3 cents	1,290
	3,310

2.—To rebuild A chamber No. 3.

Lead for chamber, 6 pounds, 45,000 pounds, at 5.05 cents	$2,360
Lumber, 12,000 feet, at $25	300
Labor, plumber, carpenter, and helpers	340
Gross cost	3,000
Deduct for old lead, 30,000 pounds, at 4.3 cents	1,300
Net cost	1,700

3.—Sundry damages and repairs.

Repairs to B and C Glovers	$200
Repairs to A, B, and C Gay-Lussac towers	450
Repairs to flues and kilns, A, B, and C	800
Windows, glass, and sashes	100
	1,250

4.—Total damages to acid plant at Hawkins Point, Anne Arundel County, as far as we are able to estimate at present time.

To Glover tower A	$3,310
To No. 3 chamber A	1,700
To sundry damages	1,250
Total	6,260

Loss in produce, 1,000 tons acid.

Following the practice, the Acting Secretary of War convened a board of Army officers to investigate the claim of the Davison Chemical Company, inviting the attention of the board to the statements of Col. D. H. Kinzie in his report heretofore set forth as follows:

"I believe it to be impossible for anyone not an expert to determine whether or not these damages were the result of the firing at Fort Armistead. * * * I believe that expert testimony is needed to obtain an accurate report on the matter."

And stating that—

"such expert services as may be necessary to determine whether or not the damage was caused by heavy firing—and if so, the extent and cost of such damage—should be employed to cooperate with the board in its investigation."

Accordingly a board was convened on September 29, 1903, consisting of Maj. John G. D. Knight, Corps of Engineers, General Staff; Maj. Medorem Crawford, Artillery Corps, and Capt. Hugh La F. Applewhite, Artillery Corps. The proceedings of the board are as follows:

"Proceedings of a board of officers convened at Fort McHenry, Md., pursuant to Special Orders No. 228, Headquarters Department of the East, current series, hereto attached:

FORT MCHENRY, MD., *October 2, 1903.*

The board met at Fort Armistead, Md., pursuant to telegraphic call of the senior member, at 11 a. m.

Present, all the members.

The board proceeded to the works of the Davison Chemical Company, adjoining the military reservation on the southwest. At the office it was joined by the president and superintendent of the works, the former having been notified of the intended meeting of the board.

The papers previously submitted by these gentlemen in support of the claim of the company were then reviewed in detail; after which the gentlemen and the board went through the works of the company, carefully inspected the same, and particularly inspected those parts claimed to have been damaged by the April firing of the 8-inch guns at Fort Armistead. There are no 10-inch guns at this post.

The board also observed from the upper stagings of the chemical works the relative position of the guns, the target, and the alleged damaged structures.

The board then returned to the office of the company, where it had further consultation with the officials; at the conclusion of which the president of the company, having been asked, stated that he had nothing further to lay before the board.

The board then proceeded to Fort McHenry, Md., for deliberation.

The line of direction of the fire at target practice in April last made an angle of about 25° to 30° with the longitudinal axes of the buildings.

In the sketch (inclosure 491789, A. G. O.—A), the towers marked GL, (Glover) should be lettered C, B, A from the fort outward, thereby enabling a better understanding of inclosure A.

A and C towers and chambers were reported to the board as being about three years old. B tower and chambers were bought by the company in about 1895, and the tower rebuilt in 1901.

There are two additional sets of towers and chambers, D and E, completed this year. All five are about of the same capacity, but the combined output of D and E was stated to be 60 per cent of the combined output of A, B, and C.

The superintendent claimed to have seen the lead walls of the gas chambers of series A actually open and close during the firing. The crowns of all the chambers are supported by rods from the roof trusses, and that of chamber 3, series A, is declared to have been loosened from its supports. Other damages specified in Inclosure A were explained.

The board deems it reasonable to attribute these to the firing, with the exception of the alleged damage to the foundations of the A Glover tower. This foundation is of solid brick masonry of about 11 by 11 feet on a side and 8 feet high. The superintendent claimed that its damage was due to acid leaking from the damaged tower which it supported. But this theory does not explain the several cracks which constitute the damage, and the solidity of the masonry will not justify the opinion that the cracks are due to jars of the guns.

The board is of the opinion that, omitting the item relating to "rebuilding A, Glover tower, bricks and labor, foundation, etc., $800," the items are reasonable both as to quantities and prices. The total amount of that claim thus approved by the board is $5,460, and to this extent the board is of the opinion that the Davison Chemical Company, of Baltimore, Md., has a valid claim for alleged damage to their property at Hawkins Point, Md., by the firing of 8-inch guns at Fort Armistead, Md., in April, 1903.

The board then, at 4 p. m., adjourned sine die.

JOHN G. D. KNIGHT,
Major, Corps of Engineers, General Staff.
M. CRAWFORD,
Major, Artillery Corps, Member.
H. LA F. APPLEWHITE,
Captain, Artillery Corps, Recorder.

HEADQUARTERS DEPARTMENT OF THE EAST,
Governors Island, N. Y., October 6, 1903.

Approved.
By command of Major-General Chaffee:
JOHN G. D. KNIGHT,
Major, Corps of Engineers, General Staff, Acting Adjutant-General.

On February 4, 1904, the Davison Chemical Company, by its attorney, submitted to the War Department an additional claim of $8,000 on account of additional injuries to its sulphuric-acid plant by the firing of high-power guns at Fort Armistead in April, 1903, stating that the company, in rebuilding its works, found that the cost thereof was greater than had been estimated, and that other damage than that already reported had been done, and that further rebuilding than that already done would be necessary.

The company also protested against future firing of guns at Fort Armistead.

The following is the statement of the superintendent of the Davison Chemical Company regarding the company's second claim:

BALTIMORE, MD., *December 14, 1903.*

GENTLEMEN: In my report of August 7, 1903, as to the damages done to our sulphuric acid plant at Hawkins Point, due to the firing of the big guns at Fort Armistead in April, 1903, you will note the following on page 2 of said report:

"In the same way, with much more damage, however, the curtains in the towers are torn and the packing of said towers is disarranged, with the result that the hot gases thereby attack the lead and cut it out. This damage is not apparent at once. It may take weeks or even months for this to show itself. Such is the character of the damage that has resulted from the firing in April. Our A Glover tower and chambers in A set we will have to shut down by October next so that the same may be rebuilt. I am in hopes that by repairing the other towers (viz, B and C) we can keep them going for some time yet; but I have already had to repair a slit 20 feet high on C Glover tower, and am afraid the interior packing of this is also damaged."

What I feared as to B and C towers at that time has proved to be correct within the past month. The draft on C Glover tower got very bad, and the lead collar at inlet of tower is nearly all gone; when we tried to repair it, found the brick lining was gone, shaken out by concussion of guns; also found the interior packing must be displaced, as the gases are retarded, and in trying to find an exit between lead and brick lining has eaten away the lead, that is very thin, and when it broke loose gas came out in great volume with pressure, showing the displacement is near bottom, as when open at top of towers. Gas comes out freely, also god draft at chambers, proving that the conditions are almost identical with that found at A Glover tower when we went to rebuild same. We have patched C tower as well as we can, but it must be rebuilt at as early a date as possible. The same conditions exist at B tower, though it has not showed up so bad yet; but the repairs we have had to make and are making prove that the firing damaged the three towers equally, and that we must prepare to rebuild B and C towers early in 1904, as they are liable to give way and shut us down unexpectedly at any time. In view of the contracts for all the acid we can possibly make in 1904, running 365 days and nights, you will readily see the serious position we are placed in.

The time shut down to rebuild A Glover tower and get plant into working order again was exactly six weeks, a loss of 1,400 tons of acid less made and a cost to rebuild tower alone, $5,212, being about $1,900 more than I claimed it would cost. This was due to more labor and increased cost of material than I estimated in claim. We ought to have made out claim for damages to the three towers, A, B, and C, but did not do so, as the damages were not so apparent at that time in B and C, and only made claim for that which we were able to prove at that time.

I therefore respectfully suggest that we make an additional claim for damages to B and C towers, due to the firing of guns at Fort Armistead, April, 1903, as follows:

Rebuild B and C Glover towers at Davison Chemical Company's works A, Hawkins Point, Anne Arundel County, Md., 1904.

ESTIMATE.

Lead, 84,000 pounds, at 5¼ cents per pound	$4,410
Chemical bricks, slabs, etc	1,300
Iron rods	100
Bricks, and lime and cement foundation	800
Lumber	400
Quartz, one-half can be used again, then 70 tons	350
Lead work, $600; brickwork, $700; carpenters, $300; laborers, $1,300	2,900
	10,260
Deduct for old lead, about 50,000 pounds, at 4½ cents	2,260
Cost to rebuild B and C Glover towers	8,000

Loss in acid manufacture while rebuilding, 2,800 tons.

The above figures are based upon actual figures in rebuilding A Glover tower.

Now, even if this claim for actual damages and loss to us should be allowed in addition to our claim on A tower, it is a serious question that confronts us at our Hawkins Point works, for, owing to the position of the guns at Fort Armistead, every time these guns are fired with usual charges in target practice our towers, being in direct range of these guns, will be damaged, as they were in April, 1903.

In view of these facts, and also that it is reported they are preparing for general target practice, with full war charges, next April (1904) at the forts, and, according to the Sun, are preparing to build an observation tower at Fort Armistead for this practice in April, I would respectfully suggest that this additional claim be presented to the War Department as early as possible, and a full statement of the exact facts, relating to our works and the continuous damages, whenever these guns are fired, be presented in a clear manner by some one thoroughly familiar with the facts, to the proper authority at the War Department at an early date, with a view to having some positive action taken by the War Department to prevent this damage and putting us to so much loss and delay to our business, as the damages we claim do not cover our actual loss by any means, even if we should get all we claim promptly, as no allowance is made for legal expenses and loss of interest on moneys paid out for rebuilding, besides loss to our customers by our inability to live up to our contracts, owing to these accidents.

I remain, yours, respectfully, JAMES MCNAB,
Superintendent Davison Chemical Works.

PRESIDENT AND BOARD OF DIRECTORS OF
DAVISON CHEMICAL WORKS,
Baltimore, Md.

Summary of damages done to Davison Chemical Company's plant, Hawkins Point, Anne Arundel County, Md., A, B, and C Glover towers—No. 3 acid chambers and kilns.

Actual shortage on A Glover tower, etc., estimate	$1,902
Actual loss in production of acid during A repairs, estimated 1,000 tons, actual 1,400 tons of acid; actual cost to rebuild B and C towers based upon actual cost of A repairs, see estimate made December, 1903	8,000

Actual loss in production of acid during rebuilding of B and C towers, 2,800 tons.

NOTE.—It will be noted that I estimate cost of rebuilding B and C as slightly less than actually found in A tower.

Slightly less lead required per tower.
Slightly less bricks; foundation on one tower good.
Slightly less lumber; side lumber good on one tower.
Slightly less labor for lead burners, carpenters, bricklayers, and laborers.

Actual cost to rebuild A Glover tower, Hawkins Point, November, 1903.

Lead for tower and connections, 45,000 pounds, at 5.50 per pound	$2,475
Labor on lead work, had to hire extra man 42 days, at $7	600
Remmey acid-proof chemical bricks and slabs	640
Dietrich new iron rods	34
Lumber, $226; carpenters, $200	426
Bricks, 37,000, at $7	259
Bricklayers, foundations, packing tower, and kiln repairs	540
Baltimore Retort Company, fire bricks and fire clay	56
Maryland Lime and Cement Company, 50 barrels of cement	163
Hoyt Metal Company, metal, etc., for dampers	104
Quartz for towers to replace that broken in unloading	135
Laborers unloading and loading tower, helping lead workers, carpenters, and bricklayers	912
Gross cost	6,344
Deduct for old lead, 25,166 pounds, at 4½ cents	1,132
Net cost	5,212
Less estimated cost	3,310
Excess of cost over estimate	1,902

NOTE.—Price of lead increased after estimate made, also quantity; amount of labor much higher than estimated; amount of old lead received much less than estimated.

MARCH 4, 1904.

Notes on B and C Glover towers at Hawkins Point, damaged by firing of guns at Fort Armistead, April, 1903.

The A Glover tower was damaged so badly that it had to be entirely rebuilt in October, 1903.

The B and C Glovers have developed so many bad leaks and lead is getting so thin in places, owing to the displacement of the interior packing, allowing the hot gases to reach the lead, that we shall have to stop these towers some time this year and rebuild. We are trying to make them run as long as possible by patching lead work, as it will interfere very much with our contracts for acid to stop at this time; but they are liable to collapse at any time. Hence we are preparing to shut down by getting all materials needed at the works.

Inclosed find list of breaks and patches put on these towers since last April, and are repairing them every week.

Very respectfully, JAMES MCNAB,
Superintendent.

Repairs, B and C Glover towers, 1903–4.

C GLOVER.

The head collar where gas enters is gone, and has been patched several times. The brick lining of this collar was all jarred out of place.

Northeast corner: The upright seam split about 10 feet.
Northwest corner: Brick lining bulged out and lead destroyed.
Southeast corner: Brick lining bulged out and lead destroyed.
Southwest corner: Brick lining bulged out and lead destroyed.

On line of arch in interior packing and between the first and second timber cross brace, bad leaks. These leaks and the bad draft prove that packing has collapsed, and the gas not going its regular course is getting between the lead and brick casing. In this case it soon cuts and destroys the lead, the heat of the sulphurous gases being much greater than the melting point of the lead.

B GLOVER.

The head collar where gas enters is gone and has been patched several times, but it is now gone on the under side, where it is impossible to patch. The brick lining of this cellar has collapsed.

On the north, east, and south sides, between the first and second cross timbers brace, the brick packing bulged out and bad leaks, and lead has got very thin. This arch packing has collapsed, and draft is bad. We are repairing this tower every week.

C GAY-LUSSAC TOWER.

The head seams on this tower on northwest corner and northwest side were split for about 20 feet in length; also the corner of every chamber on top at crown plate, owing to the concussion and swing of the lead curtains.

JAS. MCNAB, *Superintendent.*

This claim also was referred to a board of Army officers, as had been the first claim, said board consisting of Col. Frank Thorp, Artillery Corps; Capt. Otho W. B. Farr, Artillery Corps, and Capt. Hugh La F. Applewhite, Artillery Corps.

This board's report is as follows:

Proceedings of a board of officers, convened at Fort Howard, Md., pursuant to the following order:

No. 11. } HEADQUARTERS ATLANTIC DIVISION,
GOVERNORS ISLAND,
SPECIAL ORDERS, } *New York City, February 15, 1904.*

[Extract.]

1. Under instructions from the War Department, dated February 13, 1904, a board of officers to consist of Col. Frank Thorp, Artillery Corps; Capt. Otho W. B. Farr, Artillery Corps; Capt. Hugh La F. Applewhite, Artillery Corps, is appointed to meet at Fort Howard, Md., as soon as practicable, at the call of the senior member, to examine into and report upon the validity of an additional claim of the Davison Chemical Company, of Baltimore, Md., for alleged damage to their property at Hawkins Point, Maryland, by the firing of 8-inch and 10-inch guns at Fort Armistead, Md., in April, 1903.

Upon completion of this duty the officers composing the board will return to their proper stations.

The travel enjoined is necessary for the public service.

* * * * * * *

By order of Major-General Corbin:

JOHN G. D. KNIGHT,
Major, General Staff, Chief of Staff.

FORT HOWARD, MD., *February 20, 1904.*

The board met at the call of the senior member at 2 p. m.

Present, all the members.

The board then carefully considered the additional claim of the Davison Chemical Company, as made in the letter of the superintendent herewith inclosed and marked "Encl. 1 to 491789, A. G. O." The claim was compared with the previous claim submitted by this company, and it was found that no part of the first claim is duplicated in the second.

In order to examine the alleged damage to the property by the firing of the 8-inch guns at Fort Armistead (there are no 10-inch guns at this post), the board adjourned to meet at the works of the Davison Chemical Company, Hawkins Point, Maryland, at 10, February 22, 1904. The president of the company was informed of this action and requested to be present, or designate some one to represent the company at the meeting of the board.

H. LA F. APPLEWHITE,
Captain, Artillery Corps, Recorder.

FORT HOWARD, MD., *February 27, 1904.*

The board met at the call of the senior member at 9 a. m.

Present, all the members.

The board was unable to meet on the 22d instant, owing to the fact that the Government boat (upon which the members were dependent for transportation) was unable to run on account of the ice and fog prevailing on the river. After that date, a meeting could not be held sooner, owing to the absence of the senior member on duty as a member of a general court-martial at Fort Monroe, Va.

The board then proceeded to Hawkins Point, Maryland, to the works of the Davison Chemical Company. Upon arriving at that place it was found that there was no representative of the company present to appear before the board. A letter had been addressed to the company, informing it of the intention of the board to visit the works of the company, but owing to delay in delivery of the letter no representative of the company was able to reach the works within a reasonable time to appear before the board.

The board therefore adjourned to meet at the call of the senior member.

H. LA F. APPLEWHITE,
Captain, Artillery Corps, Recorder.

FORT ARMISTEAD, MD., *March 3, 1904.*

The board met at the call of the senior member at 10.30 a. m.

Present, all the members.

The board then proceeded to the works of the Davison Chemical Company, which adjoins the reservation of Fort Armistead, Md. The president of the company had been previously informed of the intended meeting of the board, and upon the arrival of the board at the works it was joined by the president and superintendent of the company.

These gentlemen explained in detail to the board the construction of the Glover towers, the effect of the firing upon the towers, the repairs which it had been necessary to make—explaining the paper which had been submitted in support of the additional claim. The drawing hereto appended and marked "A" shows the construction of the towers, and the notes of the superintendent, appended thereto, show the repairs that have been made and the extent of the damage. The superintendent explained, in connection with their claim, the condition in which A Glover tower—which was examined by a previous board—had been found when torn down in October, 1903, the condition of the lead lining and the foundation—explaining in this connection that the acid which had escaped had leaked down through the foundation, thereby rendering many of the bricks of the foundation unfit for use and so weakening the foundation as to render it necessary to rebuild it.

Accompanied by the superintendent, the board then made a careful examination of the towers to which the alleged damage had been done, special attention being paid to the parts where the gas had eaten its way through the lead. It was found that the lead collar around the pipe leading from the furnace into the towers (both B and C) had given way and had been repeatedly patched. The condition of B collar appeared to be the worse. There were numerous other patches on the lead towers, most of them a short distance above the first purline, nearly all of which had been made within the past two or three months.

The board then returned to the office, and the president and superintendent stated that they had nothing further to submit to the board.

The board then at 11.45 a. m. proceeded to Fort Howard, Md., for deliberation.

The location of the chemical works with reference to the guns at Fort Armistead, Md., and the line of fire at the target practice in April, 1903, have been explained in the report of the board of officers which acted upon the first claim of this company.

In the opinion of the board damage was done to both B and C Glover towers by the firing of the 8-inch guns at Fort Armistead, Md., in April, 1903. The exact extent of this damage can not be determined until the towers are torn down, but the nature of the damage is such that it is only a question of time when the towers must be torn down and rebuilt. As shown by the visible results, the damage done is evidently as claimed by the company; and in the opinion of the board the claim of the company is reasonable both as to quantities and to prices. The board approves the entire claim for damages ($8,000), and to this extent it is of the opinion that the Davison Chemical Company has a valid additional claim for alleged damage done their property at Hawkins Point, Maryland, by the firing of the 8-inch guns at Fort Armistead, Md., in April, 1903.

There being no further business before it, the board, at 1 p. m., adjourned sine die.

FRANK THORP,
Lieutenant-Colonel, Artillery Corps, Senior Member.
OTHO W. B. FARR,
Captain, Artillery Corps, Member.
H. LA F. APPLEWHITE,
Captain, Artillery Corps, Recorder.

An estimate for the payment of the two claims of the Davison Chemical Company, aggregating $13,460, as found due by the two boards of Army officers referred to, was transmitted to Congress by the Secretary of War April 6, 1904, of which the following is a copy:

"Estimates of appropriations required for the service of the fiscal year ending June 30, 1905, by the Secretary of War.

"WAR DEPARTMENT.

"MISCELLANEOUS.

"Payment of damages to private property by gun firing, etc.—
For payment to the Davison Chemical Company, of Baltimore, Md., for damages to their sulphuric acid plant, located at Hawkins Point, Maryland, by reason of the firing of high-power guns at Fort Armistead, Md., in April, 1903 (submitted)..... $13,460

"NOTE.—The above amount constitutes the sum total of two claims presented to the Department by the Davison Chemical Company for damages to their sulphuric acid plant, as stated above.

"On August 7, 1903, this company claimed the sum of $6,260 as total damages to their plant, as far as could be ascertained at that time, this amount being itemized as follows: To rebuild Glover tower A, $3,310; to rebuild No. 3 chamber A, $1,700; and to sundry damages and repairs, $1,250, each of these three features of the claim being itemized in detail.

"In accordance with departmental usage, a board of officers was convened to personally examine into and report upon the claim. The board found that, omitting an item amounting to $800 for damages to foundation of Glover tower A, the balance of the claim, amounting to $5,460, was well founded, and that 'to this extent the board is of the opinion that the Davison Chemical Company, of Baltimore Md., has a valid claim for alleged damage to their property at Hawkins Point, Maryland, by the firing of 8-inch guns at Fort Armistead, Md., in April, 1903.' The finding this board was approved by the commanding general, Department of the East, October 6, 1903.

"On February 4, 1904, the company presented an additional claim for $8,000 with the statement that its prior claim was made as explicit as it was possible to make it at that time, the superintendent of the company suggesting that the injuries complained of were difficult of detection at once and until the fires could be drawn and the towers examined the extent of the damage would not be fully known. The company therefore claimed an additional amount of $8,000 for rebuilding Glover towers B and C.

"Another board of officers was convened to consider this claim, careful instructions being given that the fullest comparison should be made with the prior claim to prevent any duplication in the award of damages. This board found that damage was done both to B and C Glover towers by the firing of 8-inch guns at Fort Armistead, Md., in April, 1903; that 'The exact extent of this damage can not be determined until the towers are torn down, but the nature of the damage is such that it is only a question of time when the towers must be torn down and rebuilt. As shown by the visible results, the damage done is evidently as claimed by the company, and in the opinion of the board the claim of the company is reasonable both as to quantities and to prices. The board approves the entire claim for damages ($8,000), and to this extent it is of the opinion that the Davison Chemical Company has a valid additional claim for damage done their property at Hawkins Point, Maryland, by the firing of the 8-inch guns at Fort Armistead, Md., in April, 1903.'

"In view of the painstaking investigation made of the two claims by these boards of officers, the total amount, $13,460, found by them as the aggregate damages sustained by this company is recommended by the Department to the favorable consideration of Congress."

Your committee append hereto an itemized sworn statement of Mr. John Luntz, secretary and treasurer of the Davison Chemical Company, showing the total cost of reconstruction of the towers and kilns at said company's plant, and also a sworn statement of Mr. George R. Tyrrell, the contractor who reconstructed said towers and kilns.

The evidence in this case, herein set forth, is conclusive to the minds of your committee that in April, 1903, by reason of the firing of high-power guns upon the Government reservation known as Fort Armistead, in Anne Arundel County, Md., three towers known as Glover towers A, B, and C, also eight kilns, were injured by the concussion of said guns to such an extent as to render the said towers and kilns unfit for the manufacture of sulphuric acid, and that said towers and kilns had to be rebuilt and were rebuilt at the expense of the Davison Chemical Company, in amount $15,456.82, a sum in excess of the total claims of said company.

Similar claims have been reported from time to time by the Secretary of War, a number of which were paid under the provisions of an act of Congress approved February 24, 1905, public act 99, third session

Fifty-eighth Congress, page 68, but for some reason, without prejudice to the claim of the Davison Chemical Company, its claim was not included among those for which appropriation was made at that time.

We therefore think it just that this claim should be paid, as recommended by two boards of Army officers, and the passage of the bill is recommended.

BALTIMORE, MD., *February 16, 1906.*

I, John Luntz, secretary and treasurer of the Davison Chemical Company, make oath that the following statement is correct, and that the sum total of said statement, $15,456.82, has been paid by me to this date for reconstruction of towers and kilns at the Hawkins Point plant which were damaged by the firing of high-pressure guns at Fort Armistead in April, 1903:

Bricks	$860.45
Chemical bricks	2,268.97
Lead	2,137.26
Lumber	54.95
Cement	228.70
Sundries	79.97
Labor	9,826.52
	15,456.82

Respectfully submitted.

[L. S.] JOHN LUNTZ,
Secretary and Treasurer.

STATE OF MARYLAND, *City of Baltimore, to wit:*

On this 16th day of February, 1906, before me came John Luntz, to me well known, and known to me to be the secretary and treasurer of the Davison Chemical Company, of Baltimore city, Md., and made oath in due form of law that he is the secretary and treasurer of said Davison Chemical Company; and that the aforegoing statement by him signed as such officer is just, true, and correct.

Witness my hand and notarial seal.

[L. S.] FELIX R. SULLIVAN,
Notary Public and United States Customs Notary.

My commission expires in May, 1906.

I, George R. Tyrrell, being duly sworn, depose and say that I am a resident of the city of Baltimore, Md.; that I make a specialty of the construction of chemical plants for the manufacture of sulphuric acid; that I was engaged by the Davison Chemical Company, of Baltimore city, Md., and did contract with said company for the construction of three towers at said company's plant, located at Hawkins Point, Anne Arundel County, Md., said towers being designated as A, B, and C Glover towers, which were damaged by reason of the firing of high-pressure guns at Fort Armistead, in close vicinity to said plant; that between the dates of October 26, 1903, and December 1, 1903, I reconstructed A tower, aforesaid; that between the dates of September 17, 1904, and November 12, 1904, I reconstructed B tower, aforesaid; that between the dates of October 7, 1904, and December 6, 1904, I reconstructed C tower, aforesaid.

I further depose and say that of my own personal knowledge and experience the life of a Glover tower, properly cared for, is twenty years; and that I originally constructed the A and B towers in 1895 and the C tower in 1898.

GEORGE R. TYRRELL.

Subscribed and sworn before me, Benjamin Vail, a notary public for the District of Columbia, in and for the District of Columbia, this 2d day of April, A. D. 1906.

[L. S.] BENJ. VAIL, *Notary Public.*

PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. The Senator from Nebraska [Mr. BURKETT] desires to make a request, and I yield to him for that purpose.

Mr. BURKETT. I ask unanimous consent that the bill (S. 4032) to establish the direction and control of public education in the District of Columbia be set down for consideration on Wednesday morning, immediately after the routine business.

Mr. KEAN. I trust that will not be done. I object.

Mr. BURKETT. Then I should like to give notice that on Wednesday morning, after the routine business, I am going to move to take up the bill.

OCEAN MAIL SERVICE.

Mr. GALLINGER. Mr. President, I ask that Senate bill No. 28 be laid before the Senate.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

The SECRETARY. A bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. Mr. President, when the shipping bill was before the Senate during the last session I presented and had printed a large number of resolutions adopted by various trade and commercial organizations in the country in favor of that bill. I have recently had handed me resolutions adopted by the Cincinnati Chamber of Commerce, the Spokane Chamber of Commerce, the Louisville Board of Trade, the Commercial Club of Topeka, Kans., the New York Chamber of Commerce, and the Indianapolis Board of Trade, in support of the bill which is now under consideration. I ask that these resolutions be printed, without reading, as a part of my remarks.

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

The resolutions are as follows:

Resolutions adopted by Cincinnati Chamber of Commerce, November 5, 1907.

Whereas the industrial interests of Cincinnati, as well as other localities, are largely affected by transportation and mail facilities with foreign countries incident to the great extent of export business in lines of manufactures and otherwise; and

Whereas the feature of time and of frequency in the transmission of communications upon which business interests are dependent is one of especial importance, so that whatever may serve to lessen the period of time necessary to consummate such communication by mail facilities has a direct bearing upon the industrial interests of our locality and of the country: Therefore be it

Resolved, That to the end of securing facility for more frequent mail communication between the United States and South American ports the rate of pay for ocean mail service now provided for ships of the first class, under the act of March 3, 1891, not to exceed $4 a mile, shall be applicable to ships of the second class, now allowed a rate of $2 a mile, which rate for ships of the second class has failed to induce the needful mail service from them: Therefore

Resolved by the Cincinnati Chamber of Commerce, That Congress be urged to authorize the Postmaster-General, at his discretion, to apply to ships of the second class the same rate of mail pay provided for ships of the first class when such allowance to second-class ships will secure extension of mail facilities with South American and oriental ports.

Resolved, That copies of this resolution be sent to the Secretary of Commerce and Labor, to the Postmaster-General, to the Secretary of State, and to each Congressman from Ohio, and that said Members of Congress be, and are hereby, earnestly requested to use their best endeavors to secure the legislation suggested in these resolutions.

Resolutions adopted by Spokane Chamber of Commerce December 10, 1907.

Resolved by the board of trustees and members assembled of the Spokane Chamber of Commerce, That we most heartily indorse the sentiments expressed by the Merchant Marine League of the United States relative to the vital need of national legislation to encourage the building of merchant ships by American capital and the manning of same by American seamen.

The lack of American owned and manned freight-carrying ocean vessels, if allowed to continue, would be a menace to our naval efficiency in time of war. We believe that Government aid, properly safeguarded, is imperative if the commercial life of the nation is to reach its fullest development.

Resolutions adopted by Louisville Board of Trade December 11, 1907.

Resolved by the board of directors of the Louisville Board of Trade, That Congress be urged to pass the amendment to the ocean-mail act of 1891, recommended by the President, authorizing the Postmaster-General, within the restriction and obligations of the act, to contract with steamers with a speed of 16 knots or over, for transportation of mails to South America and oriental ports, at a rate not to exceed $4 per mile.

Resolved further, That copies of the resolution be forwarded to the Secretary of Commerce and Labor, to the Secretary of State, to the Postmaster-General, and to the Senators and Representatives from Kentucky, asking them to use their best efforts to secure the legislation desired.

Resolution adopted by Commercial Club of Topeka, Kans., December 17, 1907.

Resolved by the Commercial Club of Topeka, Kans., That we are in favor of national legislation for the upbuilding of our shipping communication with foreign countries, as advocated by the Merchant Marine League of the United States, and that we specially favor swift and regular American ocean mail lines to South America and the Orient, and that the rates of compensation for ships of speed suitable for South American and Orient service be so increased that American merchants can ship American-made goods on vessels as good as those now run from Europe under the mail pay of European Governments.

Resolutions adopted by New York Chamber of Commerce January 2, 1908.

Whereas the Chamber of Commerce of the State of New York on December 6, 1906, expressed itself in favor of the payment of a liberal postal subsidy for the establishment of quick, frequent, and direct mail communication with the countries of South America as one of the elements of importance in the promotion of commercial intercourse with these countries: Now therefore be it

Resolved, That the Chamber approve of the bills S. 28, introduced by Mr. GALLINGER, and H. R. 4068, introduced by Mr. HUMPHREY, authorizing the Postmaster-General to pay for ocean mail service, under the act of March 3, 1891, in vessels of the second class on routes across the Pacific Ocean, or to ports of the South Atlantic, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class, as provided in said act.

Resolutions adopted by Indianapolis Board of Trade November 21, 1907.

Whereas the industrial interests of Indianapolis, as well as other localities, are largely affected by transportation and mail facilities with foreign countries incident to the great extent of export manufactures and otherwise; and

Whereas the feature of time and frequency in the transmission of communications upon which business interests are dependent is one of especial importance, so that whatever may serve to lessen the period of time necessary to consummate such communications by mail facilities has a direct bearing upon the industrial interests of our locality and of the country: Therefore be it

Resolved, That to the end of securing facility for more frequent mail communication between the United States, South American, and oriental ports the rate of pay for ocean mail service now provided for ships of the first class, under the act of March 3, 1891, not to exceed $4 a mile, shall be applicable to ships of the second class, now allowed a rate of $2 per mile, which rate for ships of the second class has failed to induce the needful mail service for them: Therefore

Resolved by the Indianapolis Board of Trade, That Congress be urged to authorize the Postmaster-General, at his discretion, to apply to ships of the second class the same rate of mail pay provided for ships of the first class when such allowance to second-class ships will secure extension of mail facilities with South American and oriental ports.

Resolved, That copies of these resolutions be sent to the Secretary of Commerce and Labor, to the Postmaster-General, to the Secretary of State, and to each Congressman from Indiana, and that said Members of Congress be, and are hereby, earnestly requested to use their best endeavors to secure legislation suggested in these resolutions.

Mr. GALLINGER. Mr. President, when the shipping bill of the last Congress was defeated by a filibuster I closed the debate in these words:

I want here and now to give notice to my associates in this Chamber that so long as I am privileged to remain in public life I shall not be quiescent while this condition of things exists, but in the future I will exert myself to the utmost to secure legislation on this most important subject. I am gratified to have assurances from certain Senators on the other side of the Chamber that they will cooperate with those of us on this side who desire legislation in bringing about the passage of a bill on substantially the same lines upon which the bill under consideration is framed. I have hopes of a satisfactory result in the next Congress, and I know that I shall have the cooperation of some distinguished Senators who have heretofore been in opposition in securing the passage of wise and just legislation for the purpose of rehabilitating the American merchant marine.

When those words were spoken we were considering a bill that had passed the Senate and had been amended by the House of Representatives, the amendments making it substantially an ocean mail bill. The bill fell far short of meeting my views, but it seemed to be all that could possibly then be secured, and I am persuaded that nothing further can be hoped for at present. Believing that to be so I presented a bill early in this session providing a change in the ocean mail act of 1891 which, in my judgment, will establish satisfactory steamship communication between this country and South America, and also across the Pacific Ocean to the Philippines, China, Japan, and Australasia. The bill, as amended by the Committee on Commerce, reads as follows:

That the Postmaster-General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act.

The present compensation to mail vessels of the first class (20-knot steamships) is $4 per mile for the outward voyage, and to second-class steamships (16 knots and less than 20) $2 per mile. Under this law it has been impossible to maintain lines of steamships across the Pacific Ocean and to South America, which condition will be remedied by the proposed change in the law. When the bill of 1891 passed the Senate a more liberal compensation was provided for second-class steamships, but it was amended by the other House to the rates now allowed, which have proved, as was predicted at the time, inadequate for the purpose.

In his annual message to the two Houses of Congress at the beginning of the present session the President warmly advocated legislation along the lines now contemplated, and the Postmaster-General and the Secretary of the Department of Commerce and Labor strongly approve of the bill now under consideration. Secretary of State Root has also convincingly pointed out the inadequacy of our mail service to South American countries. (See report of Senate Committee on Commerce, made February 3, 1908.)

The bill raises no new issue, introduces no new principle. It leaves existing and prosperous steamship services exactly as they are now, and without changing one iota the tried and approved methods of the present law increases the compensation on routes which seventeen years of experience have conclusively proved to be inadequate—the long, costly, and important routes to South America and the Orient, the routes where our lack of steamship service is severest, and our need of such service most imperative.

A DEPLORABLE CONDITION.

Not one American steamship of any kind now runs to Brazil or Argentina or Chile or Peru. An American mail service to those southern countries is absolutely nonexistent. Not one American steamship now runs from either our Atlantic or our Pacific coast to Australasia. The mail service to both of these continents must be created from the very beginning. Five American steamers of the Pacific Mail now run across the Pacific to Japan and China, but only one of these goes regularly to the Philippines. One American steamer of the Great Northern Company, and two of the Boston Steamship Company run from Puget Sound to Japan, China, and occasionally to the Philippines, but it is understood that two, if not three, of these vessels are for sale, and that at any time, unless relief is given to them, the service may be totally abandoned. The general manager of the Pacific Mail Company stated before the Society of Naval Architects and Marine Engineers a few weeks ago that the fifty-year-old charter of his company, soon to expire, might be surrendered, and the line withdrawn within a twelvemonth.

Last March there were fifteen American steamships plying across the Pacific Ocean. Now only eight are left. Since the shipping bill of the last Congress was defeated almost one-half of our feeble American Pacific naval reserve has disappeared, and when Admiral Evans steers up through the Golden Gate from the Straits of Magellan we shall have the grotesque disproportion in the Pacific of two battle ships to every commercial vessel engaged in foreign trade—a sight which has never yet been seen beneath the sun.

And unless the new shipping bill is speedily passed, we shall see an even more grotesque disproportion than that—sixteen battle ships and not one commercial steamer in the Pacific away from the ports of the United States—for the remnant of our merchant marine in that mighty ocean is now facing the absolute extinction which long since overtook our commercial fleet on the routes to South America.

I am confident, however, that there will be a strong, patriotic majority in both Houses of Congress to sustain the new legislation which is proposed, and which the business interests of the entire country so eagerly and unitedly support. This bill, so brief and yet so potent, will save and strengthen our Pacific lines of communication, and create new lines to the Southern Hemisphere. I predict that if it becomes a law it will promptly establish a line from the Atlantic coast to Brazil, another line to Argentina, a line from the South Atlantic or Gulf coast to South America, and similar communication in the Pacific Ocean. It can do substantially all this for an expenditure not exceeding three or four million dollars a year, about half of what England and France now pay for their steamship service, less than what Japan pays, and no more than the present annual net profit derived by the Treasury from the now meager and unsatisfactory ocean mail service of the United States. The British postmaster-general puts the British loss on the foreign transportation of British mails at about $2,000,000 annually, while in the last fiscal year we made a profit of $3,600,000 on the carriage of our foreign mails. Why should not at least this amount be expended in a way to encourage the building of American ships for the foreign trade? And while we would thus be building up our commercial facilities, we would at the same time be adding to the naval strength of the Republic.

THE LOST AUSTRALIAN LINE.

Let us see what has happened since the defeat of the shipping bill last March.

In the first place, on March 9, five days after the adjournment of Congress, the Oceanic Steamship Company of San Francisco notified the Post-Office Department that it should withdraw its line to Australasia. This line had been operating under the ocean mail law of 1891, and after five years of trial had found the rate of compensation for 16-knot steamers utterly inadequate on the long and costly route of 8,329 statute miles from the Golden Gate via Hawaii far down across the South Pacific to Samoa, New Zealand, and Australia. The requirements of the mail contracts were such that the Oceanic steamers were forced to attempt to make a speed beyond their capacity over such a vast distance, a speed higher than that exacted over so long a route anywhere else in the world. And for this difficult and expensive service, this American company, employing well-paid American officers and crews, was given a compensation by the United States of only $16,659 a voyage, as compared with $41,604 given by Germany to the Australian liners of the North German Lloyd, $47,814 given by France to the French liners, $21,917 given by Japan to her Yokohama ships, and $23,077 by Great Britain to the Orient liners—all manned at half the cost, or less, of the American vessels, and allowed to proceed at lower speed.

In pursuance of the notification, the three Oceanic liners were taken off the route, their officers and crews dismissed, and the three ships dismantled and laid up in the Bay of San Francisco, where they now are. One of the three American steamship lines crossing the Pacific Ocean has thus absolutely disappeared since Congress adjourned last spring, our flag has vanished from the commercial routes of the South Pacific, our only communication with our naval station and garrison in Samoa is cut off, and three of the best passenger, mail, and freight ships are eliminated from the traffic between American Hawaii and the mainland of the United States. At a time when the thoughts of the American people and their Government are turning as never before to the Pacific Ocean and its commercial and political mastery, these things are happening, and three of the swiftest of our auxiliary cruisers in that ocean—ships built on especial designs approved by the Navy Department—are hauled up to rust at their anchors, while their brave officers and sailors, of whom there may at any time be imperative need, are sent over the side and told that there is no employment, no livelihood, for them under the flag of their country.

Meanwhile the business men of the United States wishing to communicate by mail with the energetic and prosperous merchants of Auckland and Sydney and the other commercial centers of the South Seas, have got to send their letters by a round-

about route in some British or Canadian steamer, subsidized with the direct understanding that its owners shall discriminate in every way possible against American trade and in favor of the trade of Great Britain and Canada. You can imagine what, under such circumstances, is likely to become of the export commerce of the United States to Australasia, built up in a few years from $12,000,000 to $29,000,000 a year, very largely by the direct communication afforded by this Oceanic Line, now abandoned by its government and driven from the seas.

TO SOUTH AMERICA VIA EUROPE.

One thing more has happened which ought to open the eyes of the American people. Soon after the bill of last winter was defeated the Post-Office Department was compelled to notify American business men that hereafter the United States mails for South Brazil and Argentina would have to be dispatched by way of Europe. There are fast ships running across the North Atlantic. There are fast foreign lines, all subsidized or aided in some other way, from Great Britain and the Continent direct to South America. The Post-Office Department has actually found that a more regular and efficient mail service may be secured by sending letters 3,000 miles across the Atlantic to Europe, and then across the Atlantic again to Rio de Janeiro and Buenos Ayres, than by way of the slow, irregular, uncertain foreign "tramps" that occasionally sail from New York for South America.

Now, the North Atlantic ports of the United States are as near to Brazil and Argentina as are Liverpool, or Southampton, or London, or Hamburg, or Cherbourg. A fast American steamship service would enable American business men to have their letters and goods delivered in South American ports as quickly and regularly as are now the letters and goods of their European competitors—indeed, more quickly, for the ocean mail bill before Congress last spring and the bill before Congress now provides for American steamships faster on the average than those which Europe now sends out to South America.

But under this present arrangement—the direct result of the defeat of the shipping bill last March—American business men are 3,000 miles farther off from South American markets than their rivals of England, France, and Germany. American mails or American goods destined for the chief markets of South America, and sent via Europe, have to be sent a week or ten days ahead of European mail or European goods to secure equally prompt delivery—and this is true whether they are sent via Europe twice across the Atlantic, or from our ports direct in such poor apologies for steamships as the European shipping combinations may see fit to put upon the route from New York to South America.

With our commercial mails going out via Europe, there must also go in the same way, in subsidized auxiliary cruisers of foreign governments, the confidential dispatches of our Department of State to its representatives in the South American Republics, and the confidential instructions of the Navy Department to our admirals and captains on the South American coasts. Such a thing as this, as the Postmaster-General pointed out a year ago in his annual report, is contrary to the public interest—and it is a great deal worse than that. The great battleship fleet of the United States, now on its way toward San Francisco, will find the Stars and Stripes almost unrecognized and unknown in the great ports of our sister nations of the southern hemisphere. Our consul-general at Rio de Janeiro, in a report of March 18, 1907, declares that out of a thousand steamers of a total of 2,468,000 tons that entered the chief port and capital of Brazil last year, not one flew the American colors, and our consul-general at Buenos Ayres in a report of May 20, 1907, states that two thousand steamers of a total of 4,227,000 tons entered the chief port of Argentina last year, and that "The American flag is not mentioned in the returns!" And what a commentary it is on our present condition on the seas, and what a reproach it is to the American nation, that Secretary of State Root, on his recent visit to South America, found it necessary to go in a battle ship instead of a commercial steamship.

A prominent American, who recently had occasion to go to Valparaiso on important business, a gentleman well known to many members of this body, in a letter thus describes the poor service furnished by foreign vessels to South America:

> The first steamer sailed from New York on September 7, and I reached Colon on September 16. The first steamer leaving Panama sailed on the 21st. You may understand the annoyance to which I was subjected when I state that I was from September 21 until October 17, twenty-seven days, in going to Valparaiso, a distance in round numbers of 3,000 miles. I was forty-one days from New York to Valparaiso. The accommodations are wretchedly inferior for passenger and mail service on the Pacific coast between Panama and Valparaiso. There are two steamship companies that control the traffic, the South American Steamship Company (Chilean) and The Pacific Steam Navigation Company (British). The companies have formed a combination, and they offer the poorest kind of service. In 1889, when I first came to this coast, the trip from Panama to Callao was made regularly in nine days, and now it takes from fourteen to sixteen. Many of the same steamers are still in commission, and naturally they are old, dirty, and inconvenient, besides overburdened with traffic. Freight and passenger business on the line has doubled, I am told, in the last five years, and rates have also increased. It now costs $210 American money for a ticket from Panama to Valparaiso, whereas the price fifteen years ago was $150. Both companies have so much trade that they can not handle it and seem to be incapable of improving the service. Both are getting enormous profits, and yet do not offer to the public as good accommodations as they did fifteen years ago. When I went to the United States last May, I took an English ship, the *Oransa*, that went south to the Straits of Magellan, through the Straits to the Atlantic, and thence to Liverpool. Afterwards I sailed from Southampton for New York, and I made the entire trip, a distance of 13,000 miles, in exactly forty-one days. By a strange coincidence, it took me exactly the same time, forty-one days, to come from New York to Valparaiso, a distance of 5,000 miles. The route via Europe was in clean, up-to-date steamers that wasted no time. The west-coast trip was in very inferior steamers that made more than twenty stops, sometimes for three days at a time, for the purpose of picking up cargo. I can not too strongly urge the necessity of some movement that will result in better steamship facilities on the coast. Improvement in American trade in these countries is practically impossible under present circumstances. If a good line of American steamers can be put on this route it will revolutionize conditions and bear rich fruit for American interests.

In view of these facts, need we wonder that in spite of the Monroe doctrine we are being quietly shouldered out of the South American republics by other peoples whose governments understand the intimate relations between ships and trade? Great Britain, France, Germany, Italy, Spain, have long had their own steamship lines to South American markets. Japan had no sooner closed her victorious war with Russia than she subsidized into existence a steamship line across the Pacific to Peru and Chile, and our consuls note that this is about to be extended to Argentina and Brazil. What a mockery of fate it is that the people of a hermit nation, which the United States sixty years ago first opened and introduced to the modern world, should now be able to boast better, more regular, and more direct shipping facilities of their own to South America than are provided for the manufacturers and merchants of the United States.

Nor is Japan alone in a new reaching out for the markets of South America. Portugal, since last spring, has taken steps to subsidize a new trans-Atlantic line. France has started a new line into the Caribbean. Canada now gives subsidies to her own lines down both the Atlantic and Pacific coasts of Mexico, one condition being that they shall take no goods from American ports. Even little Norway and Sweden are starting their own Latin-American steamship services by national aid, and on October 11 last the Lower House of the Dutch States-General passed a bill providing for a subvention for a Dutch steamship line to Brazil and Argentina.

Meanwhile the Government of the United States, with more natural right to dominant trade and influence in South America than all these little nations and all the great nations of Europe combined, signalizes its impotence by throwing up its hands and ordering that its commercial and Government mails be sent out to South America via Europe!

FOREIGNERS COALING THE BATTLE FLEET.

And this is not the worst. The most smarting and humiliating episode of the entire year is the revelation which the Pacific cruise of the great battle-ship fleet is affording, that our merchant marine is now shrunk to such a skeleton that it does not contain enough ocean-going steam colliers to provide the indispensable fuel for our battle ships on their voyage from the American port of Hampton Roads to the American port of San Francisco. We have barges and coasters, hundreds of them, but almost no deep-water freight ships of the kind requisite to accompany and supply a battle-ship fleet. So the Navy Department has reluctantly chartered foreign steamers to perform this national service, and to the humiliation of the absence of our own commercial flag from the ports of South America which the battle-ship fleet will visit is added the humiliation of the presence there of these attendant colliers, flying the flags and manned by the subjects of European governments.

But it should be said in all justice to the Navy Department and the National Administration that for this humiliation they can not be blamed. The President in his messages and other public declarations has set forth clearly and forcibly the imperative need of a merchant marine as a naval reserve, and so in his annual report has every Secretary of the Navy for a long term of years. It is not the Executive nor the Navy Department, but Congress, that is responsible for this deplorable condition.

Moreover, this significant fact should be borne well in mind, that though we can use foreign colliers to supply our fighting Navy in time of peace, we could not do so in actual war. The laws of neutrality would forbid the borrowing of foreign ships and foreign crews, and even if secured, these foreign ships and crews could not be trusted to perform loyal and efficient service.

We discovered this fact in the war with Spain, when foreign ships which we had managed to secure at a tremendous price before the outbreak of hostilities were promptly deserted by their officers and men, and the ships could not be employed to carry coal or anything else until they were turned over to Americans. If there were war now instead of peace, our lack of colliers manned by our own people under our own flag might fatally delay or absolutely prevent the transfer of the battleship fleet from the Atlantic to meet an enemy sweeping down upon the Philippines, Hawaii, Puget Sound, and San Francisco. If we were once face to face with this calamity, the record of the votes in Congress upon successive bills to protect the merchant marine and create a naval reserve would tell an illuminating story to the whole American people.

PRESENT CONTRACT LINES.

Besides the payment of $1,481,915.86 to American steamships under contract, the Post-Office Department paid to noncontract American steamships the sum of $247,834.47, at the rate prescribed by law, which is $1.60 a pound for letters. These noncontract American steamships run principally to Caribbean ports and across the Pacific Ocean.

The American contract lines operating under the law of 1891 received compensation in the fiscal year ended June 30, 1906, as follows:

American Line to Europe	$762,638.40
Oceanic Line to Australasia	249,885.00
Oceanic Line to Tahiti and Marquesas Islands	42,180.00
Ward Line to Cuba and Mexico	203,282.00
Red D Line to Venezuela	109,155.80
American Mail Line to Jamaica	114,774.66
Total	1,481,915.86

The American Line to Europe operates 20-knot steamers of the first class, and receives a compensation of $4 a statute mile for each outward voyage.

The Oceanic Line to Australasia, which has suspended its service because of inadequate compensation, operated 16-knot steamers of the second class, and received $2 a mile outward. The Oceanic company operates third-class steamers of 14 knots on the route to Tahiti and the Marquesas Islands, and receives $1 a mile.

The Ward Line to Cuba and Mexico operates 17 and 18 knot steamers of the second class, but receives only the third-class mail pay of $1 a mile.

The Red D Line to Venezuela operates 14-knot steamers of the third class and 12-knot steamers of the fourth class, and receives $1 a mile for its 14-knot steamers and 66⅔ cents a mile for its 12-knot steamers.

The American Mail Line to Jamaica operates 15-knot steamers of the third class, but receives only pay for the fourth class, or 66⅔ cents a mile.

WHAT WOULD BE SAVED.

The Post-Office Department, in the fiscal year ended June 30, 1906, paid the sum of $28,671.03 to foreign steamers, most of them slow and unfit for mail service, and run on irregular schedules from ports of the United States to Brazil, Argentina and other South American countries. This is payment for a slow, uncertain, wretchedly inefficient and unsatisfactory service in foreign vessels, mostly of the "tramp" type, which would not be allowed to carry the mails of their own European governments, a service seriously hampering our trade and discrediting our Government in South America. Besides this sum a considerable amount, not now separately stated in the post-office returns, is paid for the carrying of our mails to Europe, and their dispatch thence by subsidized European lines to Brazil and Argentina, thus crossing the ocean twice to reach their destination.

On the Pacific Ocean the Post-Office Department in the fiscal year ended June 30, 1906, paid to a few noncontract American steamships for carrying the mails to the Orient the sum of $114,250.72. To foreign steamers on the Pacific, for carrying our mails to the Orient, the Post-Office Department paid in the same year the sum of $40,932.95—most of these foreign steamships being, in addition, generously subsidized by their own governments. Thus the Japanese line to Seattle receives a subsidy of $327,015 a year, and the Japanese line to San Francisco, $506,940. Besides, the Post-Office Department is now paying a considerable amount, not separately specified, to the Canadian-Pacific line, under the British flag from Vancouver to the Orient, which receives a subsidy of $300,000 a year, and to the Union Steamship Company of New Zealand (British) from Vancouver to Australasia, which receives a subsidy of $321,189.

Most of the sums of money now expended for carrying the mails in foreign steamships to South America and in noncontract American and foreign steamships across the Pacific Ocean would be saved by the passage of this bill and the establishment of superior American mail lines to those countries. We should get a great deal better service for the money. For example, 16-knot American steamships to South America from our Atlantic or Gulf coast should deliver our mails in 15 days at Rio Janeiro and 18 days at Buenos Ayres, while the slow foreign "tramps" now employed take 25 or 30 days or even more for the same voyages. Some of the ships of foreign registry now carrying our mail on the Pacific are of 14 knots or even 12 knots.

Moreover, all experience shows that an improved mail service soon brings increased returns in an expanded commerce and growing postal receipts. Thus, our long-established 20-knot American contract line to Europe, in the fiscal year 1906, received, under its contract, a compensation of $762,638.40, at the rate of $4 an outward mile. But these ships carried so much mail that if they had been paid at the regular weight rate they would have received $910,542.48. In other words, this 20-knot line of weekly mail steamers actually returned a profit to the Government of $147,904.08, this being the excess of the sea and inland postage over the cost of the contract service.

In the fiscal year ended June 30, 1902, the postage received by the Government on the mails carried under contract by the Oceanic Line to Australasia amounted to $71,341.12. In the fiscal year ended June 30, 1905, the postage on the mails carried by these same steamers amounted to $93,065.84. Better facilities for communication naturally and inevitably increase the volume of communication, and the actual net cost of the new mail lines that would be established under this bill would be constantly decreasing with the increase in trade with South America, Australasia, and the Orient. Besides the increased receipts from postage, due to an increased commerce, the United States, under this bill, would receive the further advantage of having constantly at hand a fleet of auxiliary cruisers, American built and American manned, ready to reenforce our fighting navy and to transport our troops in time of war. The ocean-mail law of 1891 requires that all the ships of the first three classes carrying the mails under these contracts shall be designed and constructed with especial reference to this auxiliary service. The foreign ships now carrying our mails would be available in war for use not for us, but against us.

PROVISIONS OF THE LAW OF 1891.

The ocean-mail law of 1891, of which this proposed bill is an amendment, applies to the new ocean-mail routes which may be established under this bill if enacted. This law of 1891 requires—

1. That the contracts under it shall be awarded only to American citizens for steamships of American registry, for a term of not less than five nor more than ten years, these contracts being given, after due public advertisement, to the lowest responsible bidder, and the mail service "to be equitably distributed among the Atlantic, Mexican Gulf, and Pacific ports."

2. The steamships shall be American-built, owned and officered by American citizens and manned during the first two years of a contract by crews at least one-fourth of whom are Americans, during the next three years one-third Americans, and thereafter at least one-half Americans.

3. The steamships of the first, second, and third classes—that is, of at least 20, 16, and 14 knots, respectively—employed under these contracts "shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed on by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than six inches, and shall be of the highest rating known to maritime commerce." The latest ships built under this law of 1891, four 18-knot Ward liners for service to Cuba and Mexico, are especially constructed to carry batteries each of eleven powerful rapid-fire guns.

4. The compensation for mail service shall not exceed $4 a mile outward for ships of the first class of at least 20 knots speed and 8,000 tons gross register; $2 a mile for ships of the second class of at least 16 knots speed and 5,000 tons gross register; $1 a mile for third-class ships of at least 14 knots speed and 2,500 tons gross register; and 66⅔ cents a mile for ships of the fourth class of at least 12 knots speed and 1,500 tons gross register. The present bill increases the compensation only of second-class ships on routes more than 4,000 miles in length to South America, Japan, China, the Philippines, and Australasia.

5. Payment is deducted for voyages omitted and penalties imposed for delays or irregularities, and no steamship performing a contract shall receive any other subsidy or bounty from the United States.

6. These contract steamships must take as cadets or appren-

tices one American-born boy for each 1,000 tons gross register and one for each majority fraction thereof—these boys to be educated in seamanship and rank as petty officers.

7. These contract steamers may be taken and used by the United States as transports or cruisers upon payment to the owners of the fair, actual value of the ships, any disagreement as to price to be settled by arbitration. Ships were actually taken without trouble under this provision in the Spanish war.

WHAT THE UNITED STATES GAINS.

All of these requirements of the law of 1891 represent substantial advantages which the United States gains when it makes contracts with American ships, instead of giving mail pay on a basis of weight to noncontract American and to foreign vessels. Contract mail liners perform a distinct service for the Government beyond anything given by ordinary commercial ships when they employ crews a certain increasing proportion of whom are American citizens. Another distinct service is gained when these contract ships are designed and built in a way to fit them for auxiliary naval use in war. The officering and manning of the merchant marine and the auxiliary navy are provided for in the requirement, made of these contract mail ships alone, that they shall carry American boys to be instructed in seamanship. And these contract mail steamships only are under obligation to be taken by the Government at a price to be fixed by arbitration, in war.

These are considerations, besides the very great improvement in the postal service, that deserve to be taken into account in estimating the increased cost of such a service. The United States pays more, but it receives more. Moreover, it should be remembered that the estimates of the cost of the new lines to be established under this bill are statements of the maximum expenditure that can not possibly be exceeded on any given route. As the Committee on Commerce stated, in ordering a favorable report upon this bill:

> The actual bids of steamship companies might be for smaller amounts, and would be sure to be for smaller amounts, if there were several bidders. Moreover, the Postmaster-General, in his discretion, might decline to pay more than $3 per mile if he believed that this rate was sufficient compensation to secure a service; thus, the present contract mail line to Cuba and Mexico is paid only $1 a mile, though it operates 17 and 18 knot steamers of the second class, which would be entitled to $2 under the law as it now exists. This is a short route, and the American postal line has become firmly established and prosperous.

As an illustration of that, Mr. President, the Ward Line from New York to Mexico and Cuba, which is entitled to $2 a mile under the law of 1891, actually receives only $1 a mile, it being willing to perform the service for that amount.

So, also, on the contract line to Jamaica, though the Postmaster-General is authorized by law to pay $1 a mile for 14-knot steamers, he actually secures the services of 15-knot steamers for 66⅔ cents a mile. These short routes to the West Indies are easier and less expensive to operate. American shipping has retained a firmer hold there. Coal is much cheaper than it is in distant foreign ports, and the ships required for the postal service do not need to be so large, capacious, and powerful. The experience of seventeen years has abundantly proved that the maximum present rate of $2 a mile outward for 16-knot ships will not procure the establishment of American postal service to South America, Australasia, and the Orient.

WHAT OTHER NATIONS PAY.

The total cost of the existing contract ocean mail lines of the United States in the fiscal year ended June 30, 1906, was $1,481,915.86. Since then the Oceanic Line to Australasia, whose mail pay was about $283,000 a year, has been suspended. This leaves the present actual expenditure of the United States on its contract and ocean mail lines about $1,200,000 a year. This is actually less than the sum ($1,330,000) the German Government gives in mail pay to a single steamship company, the North German Lloyd, for a service in 15-knot ships to Japan, China, and Australasia. It is less than the $1,650,000 which the British Government pays to a single British company, the Peninsular and Oriental, covering much the same routes. Yet it will not seriously be denied that the United States has even more at stake than Germany or Great Britain in the commerce of the great countries bordering the Pacific Ocean.

Altogether, the present British and colonial expenditure for postal and admiralty purposes, exclusively to British steamers, is now close to $6,000,000 a year. In the last sixty years Great Britain has expended from $250,000,000 to $300,000,000 in payments to her great ocean mail lines, now numbering about thirty and encircling the entire world.

France is paying about $5,000,000 a year on her ocean mail lines to her colonial and foreign markets. Japan is now expending about $4,000,000 a year for these same purposes.

If all the new ocean mail lines suggested in the report of the Committee on Commerce were established by the United States, the maximum expenditure on these services would be $3,630,370 a year, which, added to our present expenditure of about $1,200,000, would be about $4,800,000 a year, or less than either Great Britain or France is now devoting to her ocean postal service, and but little more than is now paid by Japan. It would be but about 5 per cent of the present annual expenditure upon our fighting navy, and less than one-sixth of 1 per cent of the annual value of the foreign commerce of the United States. And it must be kept in mind that the amount will be considerably reduced by the withdrawal of pay from foreign steamships and the increased postal revenue that will necessarily result from the establishment of American steamship lines to the countries with which we desire to increase our trade.

NUMBER OF SHIPS REQUIRED.

To equip fully the postal lines that would most probably be established under the terms of this bill to South America and across the Pacific Ocean, would require from twenty-five to thirty 16-knot steamships of the auxiliary-cruiser class, as follows:

	Number of ships.
Atlantic or Gulf coast to Rio de Janeiro (5,000 nautical miles)	5
Atlantic or Gulf coast to Buenos Ayres (6,000 nautical miles)	6
Pacific coast via Hawaii to Japan, China, and the Philippines (7,800 nautical miles)	6
Pacific coast direct to Japan, China, and the Philippines (6,500 nautical miles)	6
Pacific coast via Hawaii to Australasia (7,300 nautical miles)	4
Total	27

This estimate is on the basis of fortnightly sailings on the first four lines, or twenty-six outward voyages a year, and of sailings once in three weeks, or eighteen voyages a year, on the line to Australasia. It is possible that the line via Hawaii to the Orient would require seven ships instead of six, unless a speed of more than 16 knots was attained or very quick dispatch given at all ports of call.

In the Atlantic Ocean not one steamship of the requisite power and speed is now available, so far as is known, to operate a 16-knot mail service to South America. There are some 16-knot steamers, of 5,000 tons and upward, owned at Atlantic ports, but they are regularly engaged in the passenger and freight trade of the coastwise lines or are under contract to carry the mails to Cuba and Mexico, or are owned by the United States Government. It is practically certain that every one of the eleven steamships required for Atlantic-Gulf lines to South America would have to be designed and built before the lines could be established.

On the Pacific there are now five steamships of the Pacific Mail, of 16 knots speed, in service. One of these is small and old and likely soon to be discarded. There are also three 16-knot steamships of the former Oceanic Line to Australasia, laid up in San Francisco Bay. It is stated, however, that if this bill were passed, and the Oceanic Company resumed the Australasian route, it would sell these three steamships just as soon as larger and more powerful ships could be constructed. The three American steamers now running from Puget Sound to the Orient—one owned by the Great Northern Steamship Company and two by the Boston Steamship Company—are classified as 14-knot ships, and are apparently ineligible under the proposed bill.

More than twenty new and powerful steamships, built on designs approved by the Navy Department for auxiliary use in war, would, therefore, be added to the fleet of the United States by the legislation now proposed in the five routes indicated. The British port of Hongkong is now the terminus of most of the noncontract American steamers crossing the Pacific Ocean. The Post-Office Department would undoubtedly require contract ships to prolong their voyage to the American port of Manila.

THE SOUTH AMERICAN STEAMSHIP TRUST.

And now I beg to call the attention of the Senate to another phase of this subject. The trust question has been uppermost in the minds of the American people during the past few years. An American trust can be dealt with through the instrumentality of American laws, but a foreign trust is beyond our reach. That the commerce of South America is dominated by a foreign steamship trust is well known—a trust that can give rebates at pleasure, and that can and does lower and increase prices according to circumstances. I recall the fact, Mr. President, that last year when this subject was under debate the distinguished Senator from Massachusetts [Mr. LODGE] called attention in a very emphatic way to this foreign steamship trust. This trust is so powerful that not one American steamship and only fourteen American sail vessels took cargoes from our whole Atlantic coast for Brazil and Argentina in the first six months of 1906, and matters have not improved since. So far as steam-

ships are concerned this important American trade is now, and for several years has been, monopolized by a foreign shipping trust or combination, whose weapons are rebates, discriminations, and boycotting, and whose policies are dictated from Liverpool and Hamburg.

The following special cable appeared in the New York Herald of the 16th instant, only a few days ago:

HAMBURG, *Saturday*.—The conference held during the last three days in London by representatives of all the German and English steamship companies engaged in the trade between North America and Brazil, during which Herr Ballin, director general of the Hamburg-American company, acted as chairman, is reported to have resulted in an agreement by which the rate war, which has now lasted more than one year, is terminated. It is added that a community of interests in which all the companies participate has been created.

Some months ago Brazilian merchants, exasperated by the greed and inefficiency of the European steamship trust, whose meeting is described above, started a steamship line of their own in rather small, slow steamers, running once a month from Rio de Janeiro to New York. The European ship trust, that has long monopolized our carrying trade with South America, instantly declared a rate war on this Brazilian line, and sought to destroy it. It is this rate war, which temporarily on the days just before the sailing of the Brazilian steamers has brought freight rates down to a low figure, that is now ended at the meeting of the trust described above. It is, therefore, apparent that the trust rates of freight between the United States and Brazil will go back to their former high figure, a figure repeatedly complained of by American consuls and merchants as extortionate.

This meeting of the European steamship trust, just when this ocean-mail bill was coming up in Congress, brings out vividly the fact that English and German merchants, controlling entirely the steamship communication between this country and South America, are able to sit down in conference and dictate the terms at which the flour and provisions of Wisconsin, Minnesota and Nebraska and the agricultural machinery of Illinois are to be sold in the chief markets of South America.

Herr Ballin, described in the New York Herald dispatch as presiding at this meeting of the European ship trust, is the head of the great Hamburg-American Steamship Company of Germany, the greatest ship corporation in the world, which is said to be unsubsidized, but which has the powerful backing of the Imperial Government. Through Herr Ballin the Imperial Government at Berlin is able to say how much the manufacturers and farmers of America shall pay in freight rates to foreign steamships, in order to sell in the markets of Brazil and Argentina American products, competing with the products of Germany. It was this same Herr Ballin who, in our war with Spain, took several fast steamships out of his New York service—ships built for the American service and supported by the patronage of the American people—and sold them to the Spanish Government, to "burn, sink, and destroy" the commerce of the United States. One or two of these ships formed a part of the fleet which Spain fitted out at Cadiz, under Admiral Camara, to attack the squadron of Admiral Dewey, after the victory of Manila Bay.

It is the same Herr Ballin, head of this great shipping trust, who, whenever any measure for the upbuilding of an independent American shipping to compete with his trust appears before Congress, always issues a manifesto against it, sometimes coming to this country to distribute his arguments more widely among the American press. At the same time he takes advantage of the fact that there are almost no American ocean ships, and none at all in our trade with the great countries of South America, to operate a trust or combination of foreign shipowners.

The Hamburg-American Company, of which Herr Ballin is the head, is at this very time being accused before the Interstate Commerce Commission of maintaining a trust or combination "in restraint of trade" in our commerce with the northern ports of Europe. To this complaint of American merchants, Herr Ballin, through distinguished counsel, has made reply that the Interstate Commerce Commission has no jurisdiction over his company, or, in other words, that the United States Government is unable to protect its citizens and its trade against the oppressive acts of these European steamship trusts and combinations. It is directly at this South American trust or combination that this present bill is aimed. If it passes it will break this foreign ship monopoly by creating a line of American steamships, far superior in speed, regularity, and efficiency to the ships of the foreign trust, between the United States and South America. And these American ships, built, owned, and run by American citizens in American interests, and with their officers domiciled in this country, will be responsible to American law, and will have everything to gain by "fair play" with the American people and working to increase American commerce.

The issue is clear-cut between this European steamship trust on the one hand and the provisions of this bill for the upbuilding of an independent American steamship service to the great ports of the southern hemisphere on the other hand, and it is for Congress to decide the issue.

Consul-General Seeger, at Rio de Janeiro, spoke thus of this foreign steamship combination in a report in 1903, and the same conditions remain unchanged:

The united steamship companies which control the carrying trade between the United States and Brazil—the Lamport & Holt Line, the Prince Line, the Robert M. Sloman Line, and the Chargeurs Reunis—have agreed to raise their rates on coffee from Santos and Rio de Janeiro from 30 cents and 5 per cent primage per bag of 133 pounds to 35 cents and 5 per cent.

In an earlier report Consul-General Seeger had stated:

Since last August the freights have been raised and lowered and lowered and raised again to suit the purpose of the trust till they have reached their present level. * * * The trust has an agreement with coffee shippers here to pay them a rebate of 5 per cent at the end of every six months from the date of the agreement on all freights collected: *Provided, however*, That this rebate is forfeited in case the shippers give freight to any vessel not belonging to the trust during the period stipulated. Through this arrangement the trust controls the shippers, and American vessels go home in ballast.

A writer and traveler, Julian Haugwitz, in American Trade, has thus described the situation:

Our commerce with Brazil and the River Plata countries is at the mercy of such a shipping combine. Ostensibly four lines are competing in "serving" the route between New York and Pernambuco southward, viz, the Lamport & Holt Line, Prince Line, Norton Line, all British, and the R. M. Sloman Line, which is German. In reality, however, the management of these services is centralized in Liverpool, the freights are pooled, and the spoils divided.

At the head of this syndicate stands Lamport & Holt, of Liverpool, a powerful firm, owning and managing over a hundred vessels. The ships engaged in the New York-South American service are mostly slow and obsolete, steaming 8 to 10 knots an hour, and yet the rates of freight levied on American cargo are nearly double those charged by the speedy, modern, elegant ships plying between Europe and the east coast of South America. Not a case of kerosene or a bag of coffee can escape paying toll to this freight ring, and there was more truth than comedy in the facetious request sent by a Rio shipper to the syndicate's agents at that port asking for a permit to ship some coffee on an outside vessel over their ocean. Numerous tramps or outsiders have been willing in Brazilian ports to take coffee to New York for 20 cents a bag instead of 40 cents, as now exacted. But whenever such a vessel has been placed on the berth the syndicate has promptly lowered its freight to 10 cents, besides boycotting the shippers patronizing the intruder.

A POLICY OF EXCLUSION.

Another way by which the syndicate tightens its grip on its victims is to offer them a graduated return on the freights paid at the end of the year, provided no case of infidelity has occurred. An example illustrative of the combine's methods of persuasion and the shippers' liberty of trade happened last fall, when a large coffee firm in Santos received an order for 20,000 bags of coffee from New York. The syndicate's freight charge was 40 cents a bag plus 5 per cent, but several outsiders were anxious to carry this cargo at 20 cents, which meant a saving of $4,000 to the exporter on this lot alone, and in the same proportion an economy of $1,000,000 to American coffee drinkers on the 5,000,000 bags imported from Brazil last crop year. The firm in question, having the freight room on hand at 20 cents, asked the syndicate to take the coffee at the same rate, and on the latter's refusal advanced its offer to 30 cents. The combine insisted on its full pound of flesh, and when the exporter accepted the tramp's charter the former dropped its rates to 15 cents and later to 10 cents for all other shippers, debarring this firm and one or two other strikers from shipping on the combined boats except at the full old rates.

The enormous advantages enjoyed by their less independent competitors, thanks to the combine's bounty, and worth thousands of dollars a day in a business worked on close margins and daily cable offers, soon brought the insurgents to terms, capitulation followed and the former rates were restored. One overconscientious agent at Santos demurred to boycotting his neighbor, and his scruples cost him the loss of the Sloman Line agency.

A New York merchant, familiar with the Brazilian trade, wrote thus on August 19, 1905, in the New York Journal of Commerce:

I beg leave to call your attention to the very important fact, evidently overlooked by Special Agent Hutchinson and Consul Furniss, that merchants dealing with Brazil have valid and just causes for complaint, owing to the fact that all the steam transportation companies carrying freight between United States ports and Brazil formed a combination some years ago, and as they monopolized the trade their rates of freight are so high as to be prejudicial to the business interests of those who are unfortunately obliged to patronize these companies.

Any independent merchant in this city (New York) or in Brazil—whether importer or exporter—knows that the Lamport & Holt, Prince, and Sloman lines, plying between this and Brazilian ports, from Pernambuco southward, exact exorbitantly high rates of freight on merchandise carried either way. In the coffee trade it is a well-known fact that these monopolists, notably Lamport & Holt, discriminate in favor of some of the large importers of coffee by making them substantial concessions in freight, which, of course, is detrimental to the smaller importers. This disgraceful state of affairs certainly calls for a drastic remedy. As a merchant and shipper long connected with Brazil, I most heartily and unqualifiedly indorse Consul Furniss's recommendation concerning the need for an American steamship line between the United States and Brazil. Practically the entire trade between the United States and Amazon ports and Maranham and Ceara is monopolized by the Booth Steamship Company of Liverpool, which, owing to arrangements concluded with other steamship companies, dictates rates, conditions, etc., to suit itself, but always at the expense of the interests of this country. I hope the consul's appeal will result in the establish-

ment of a new line of steamers, which I am positive would speedily secure a very large share of the business between this country and Brazil.

Consul Furniss, at Bahia, alluded to above, said in his annual report for 1904:

I have to reiterate my oft-repeated report of the need for an American steamship line. The mail service between the United States and this section of Brazil during the year just past has become much worse than heretofore, due to the withdrawal of one or two monthly boats. As a result of the cargo offering here for the United States and the frequent call of vessels to get it, coupled with the fact that Brazil requires all steamers to take mail, there have been frequent calls of vessels to get mails from here, but there is only one regular boat bringing mails from New York. Between times letters are sent hither from New York by various roundabout ways. This has virtually paralyzed the mail service. For this reason it is frequently the case that mail sent from New York in the middle of a month arrives here days after the mail leaving New York on the first of the ensuing month. This causes great prejudice to business, as the mails arriving last often have bills of lading and custom-house documents for goods arriving by the prior steamer, necessitating extra expense, vexatious delays, and great trouble to withdraw from the custom-house here, which seriously hurts our trade.

It is impossible to maintain trade without frequent and rapid mail service. With the lack of this to contend with and the high freight charges out of New York, it is not to be wondered at that year by year our trade with this section is growing less, while the balance of trade in favor of Brazil is increasing. The present lines from New York seem to prefer high freight and little business, and make up by sending their vessels on a triangular course, viz, from Brazil to the United States, from the United States to Europe, and then from Europe, with European goods, to Brazil, with only a few vessels going and coming between Brazil and the United States direct. The German steamship lines are making preparations for an increased service with Brazil. With the aid given by these lines German trade has increased even more rapidly than ours is decreasing, and with the contemplated further increase in its fleet the outlook for German trade is even brighter than heretofore.

The manner in which the trade interests of the United States are made to suffer by reason of the inadequacy of the transportation service between this country and South American ports is nothing short of a crime which must be laid at the doors of Congress. Religiously protecting our interests in every other way, fostering and encouraging our manufacturers and developing home industries for domestic consumption, it makes no provisions for markets for surplus products, and thus paves the way for future industrial stagnation. In the meantime other countries reap the benefits of the trade demands of these nations by establishing steamship lines and commercial agencies in every important city. Is it any wonder that Mr. Lincoln Hutchinson, who is now in Brazil making a study of the conditions there, exclaims: "The mass of the people scarcely know that such a country as the United States exists!"

In 1904 Hon. John Barrett, then minister to Argentina, said in an address on our South American trade before the Merchant Marine Commission:

I wish to explain a little in regard to this point. The question arises, If the business is there why do not men go into it? Let me remind you that Europe has become established in this trade in the first place, and that she controls it at the present time. All the steamship lines that undertake this business are European steamship lines, and wishing to build up the trade with Europe rather than with America they form combinations and use their influence against the establishment of American lines. You see that in the agreement of the Lamport & Holt Line, which runs a line of passenger to Rio, but does not go on to Buenos Ayres. Because of an agreement with the Royal Mail Steamship Company of England they agree that they will not run their passenger steamers farther than Rio, and yet I was informed in New York and Philadelphia that an American company was already organized that would be willing to undertake to put on a line of steamers between New York and Buenos Ayres, provided they could receive enough money for carrying the mails to insure them against loss while they were establishing a regular trade and traffic.

Mr. Anderson, the present consul-general at Rio de Janeiro, speaks of the foreign steamship combination in the Daily Consular and Trade Reports of September 29, 1906:

Merchants complain that the high freight rates obtaining on goods from the United States to Brazil generally continue to act as a deterrent to trade in general. The conference rates (the conference is the European steamship trust) on goods from the United States to this part of South America are nearly twice as high as freight rates from Asiatic ports to the United States.

Ambassador Griscom, at Rio de Janeiro, in a report to the State Department, published in the Daily Consular and Trade Reports of October 1, 1906, says:

The English company of Lamport & Holt have been running a monthly service (between Rio and New York) with a practical monopoly, and without competition the freights have been prohibitive. It is hoped that we are entering upon a new era, more favorable to merchants who may desire to reach out for trade with Brazil. The crying need of our relations with Brazil is better steamship communication. Inquiry among our leading financiers and merchants indicates that encouragement by our National Government in the form of a small postal or other subvention would quickly bring about the establishment of a good line of American steamers between New York and Rio. Given a few facilities our trade with Brazil must inevitably go ahead with leaps and bounds.

Consul-General Anderson has this to say on the subject:

Freights between the United States and Brazil are much higher than those obtaining in the rest of the world, the rate from New York to Rio de Janeiro being about twice what the rate is from Hongkong to New York. American exporters are vitally interested in this matter, for even assuming that the rates from Europe to Brazil and from the United States to Brazil are practically the same—a fact which is not yet established—it is yet to be noted that the high freight rates shut American exporters out of markets which otherwise they might have. Low freight rates, for instance, would enable American millers to ship American flour to ports in Brazil far south of their present limit. Freight rates from New York to Brazil similar to those obtaining between New York and the Far East would mean largely increased sales of American flour. What is true of flour is true of other things. The rebate system adopted by the shipping combine also works directly and materially against small shippers, among the latter being most American exporters selling to the Brazilian trade.

One or more strong American steamship lines, sufficiently compensated by the Government for the carriage of our mails, will effectually thwart the schemes of this now all-powerful foreign steamship trust, and secure competition in the trade with South America.

EARLY OCEAN MAIL LEGISLATION.

Mr. President, national aid to ocean mail lines is not a new policy in America. It was first adopted in 1845, more than sixty years ago, and it is a significant fact that the public men who took the initiative in that legislation were vigorous, able, and patriotic southern men. President Polk urged the policy, and under the legislation then enacted three steamship lines were established to Europe—one to Great Britain, one to France, and one to Germany. Lines were also established from New York and southern ports to the West Indies and the Isthmus of Panama, and also in the Pacific from the Isthmus northward to California and Oregon. About $2,000,000 a year in mail subsidies was paid to these lines when they were established. Their competition reduced freight rates enormously. The question was not a partisan one, southern men in Congress, as before suggested, being the most earnest supporters of the legislation. Unfortunately the matter was drawn into the sectional controversy of the period preceding the civil war. In 1856 the system was broken down, and in 1858 the repeal of the laws was entirely effective. Commodore Vanderbilt then tried to run trans-Atlantic steamers without postal subsidies, but even his genius was not sufficient to enable him to compete with the annual subsidy of nearly $900,000 paid by Great Britain to the Cunard Line. Thus the American flag practically disappeared from the steam routes of the South Atlantic before the breaking out of the civil war.

I beg to append the utterances of leading statesmen, most of them from the South, in advocacy of the legislation of 1845, similar to that which is now proposed.

President Tyler, in a message to Congress, in December, 1844, said:

I can not too strongly urge the policy of authorizing the establishment of a line of steamships regularly to ply between this country and foreign ports, and upon our own waters, for the transportation of the mail. The example of the British Government is well worthy of imitation in this respect. The belief is strongly entertained that the emoluments arising from the transportation of mail matter to foreign countries would operate of itself as an inducement to cause individual enterprise to undertake that branch of the task, and the remuneration to the Government would consist in the addition readily made to our steam Navy in case of emergency by the ships so employed. Should this suggestion meet your approval, the propriety of placing such ships under the command of experienced officers of the Navy will not escape your observation. The application of steam to the purpose of naval warfare cogently recommends an extensive steam marine as important in estimating the defenses of the country. Fortunately this may be attained by us to a great extent without incurring any large amount of expenditure. Steam vessels, to be engaged in the transportation of the mails on our principal water courses, lakes, and parts of our coast, can also be so constructed as to be efficient as war vessels when needed, and would of themselves constitute a formidable force in order to repel attacks from abroad.

We can not be blind to the fact that other nations have already added large numbers of steamships to their naval armaments and that this new and powerful agent is destined to revolutionize the condition of the world. It becomes the United States, therefore, looking to their security, to adopt a similar policy, and the plan suggested will enable them to do so at a small comparative cost.

President Polk said in a message to Congress:

The enlightened policy by which a rapid communication with the various distant parts of the world is established by means of American-built steamers would find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater of having our naval officers made familiar with steam navigation, and of having the privilege of taking the ships already equipped for immediate service at a moment's notice, and will be cheaply purchased by the compensation to be paid for the transportation of mails over and above the postage received. A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels.

Hon. Thomas Butler King, of Georgia, in 1848, presented a full statement of the British policy of mail subsidies from 1839 to 1848, and showed how the American plan of keeping ships of war on the stocks at naval stations in readiness for service had proved a failure. He then went on to say:

The plan for increasing the Navy which I propose to substitute for the one which we have so long and so unprofitably pursued is, first, to encourage the establishment by private enterprise, under the auspices of the Government, of as many lines of steam mail packets as our commercial intercourse will warrant and sustain. I have no doubt that we may employ in this way from 25 to 30 steamers of the largest class, which will be kept in repair by the contractors and be at all times liable to be taken into the service of the Government at a fair valuation. It will be to the interest of the contractors to adopt, from time to time, all the improvements which may be made in machinery and the means of propulsion. We shall avoid the expense of mistakes

in construction and machinery. These vessels will contribute largely to the extension and increase of our commerce, and will be infinitely more efficient in protecting our coast in the event of war than all the fortifications we have constructed or may construct at twenty times their cost. * * *

In the discussions which have been occasioned by the appropriation asked to meet the contracts for this mail service, it has been argued that it is quite unnecessary for the Government to contribute in any degree to sustain it; that private enterprise, if left untrammeled "by Government schemes and legal enactments," would sustain itself against all foreign competition. To show the fallacy of this reasoning it is only necessary to state a few facts connected with the recent voyage of the steamer *United States* to Liverpool. The price of freight from Liverpool to New York, as established by the Cunard Line, is £7 per ton, and the price of passage £30 per head. While the *United States* was in dock at Liverpool the agents of the Cunard Line, to prevent freight and passengers going on her, reduced the price of freight by the *Hibernia* to £4 per ton and to £2 10s. by the *Niagara*, and they offered to take passengers as low as £12 each. It was announced at the same time, in Harden's Liverpool Circular, that the old rates would be resumed immediately after the departure of the American ship. The British line, sustained by the Government, was enabled to adopt this course with impunity in competition with a ship sustained by individual enterprise alone.

And it must, I suppose, be admitted that our own citizens, if not aided in undertakings of this sort by their own Government, would be quite incapable of competing for any considerable time with so powerful an opposition. This being the case, it must be apparent to anyone who will investigate the subject that in a very short time the most valuable portion of our carrying trade would pass into the bottoms of these British mail packets. The steamer *United States* is strictly a private enterprise. She has proved herself the fastest ocean steamer in the world, and has a greater capacity for the accommodation of passengers and for carrying freight than any commercial steamer hitherto constructed; yet, unaided by the Government, and having such powerful rivals to contend against, she must prove a ruinous undertaking to the owners. It was in view of this state of facts that I offered my second resolution.

In 1849 Mr. King further said:

Great Britain is thus enabled, by combining commercial enterprise with her naval armament, to keep afloat a steam force more than equal to one-half of our ships in commission and to maintain twenty of these powerful steamers in constant and active service at a cost of $1,000,000 annually. By the Cunard and "West India" lines of mail steamers Great Britain maintains rapid and certain communication with her colonies on this side of the Atlantic, the United States, Mexico, and her fleets in the Pacific Ocean.

In the event of war she could readily command this force and concentrate it at any point upon our Atlantic or Gulf coast, and our vast commerce, valued at some $200,000,000, would, without suitable preparation on our part, fall a prey to her arms. It is mortifying to reflect that this force, which may become so formidable against us, is in a great degree supported by the intercourse growing out of our own commercial enterprise. While our commercial marine is unrivaled and our sails whiten every ocean and our steam marine at home is superior to that of all other nations, we have been left in the distance and outmaneuvered by our great commercial rival in the employment of steam upon the ocean.

If it be asked why Great Britain has thus taken the lead of us in ocean steam navigation while we are so greatly superior in domestic steamers and sailing ships, the answer is that she has anticipated us through the extension of her mail system to foreign countries in combination with her naval arrangements, thus rendering it almost impossible for mere private enterprise to enter into competition with her.

France also has become alive to the importance of this great system, and her minister of finance has been authorized to treat with companies for the establishment of lines of steamers to Brazil, Habana, New York, La Plata, La Guaira, and such ports in the Gulf of Mexico and the Antilles as may be designated by royal ordinance.

Mr. King had been advocating the expenditure of a million dollars a year for ocean mail service—two lines, one from a northern and one from a southern port to Europe, and two lines to the West Indies and the Isthmus of Panama—the steamers carrying the mails to be built on designs approved by the Navy Department, and held at the disposal of the Government in war.

Hon. Lewis Cass, of Michigan, in the United States Senate, May 7, 1852:

If the line we have established between this country and England should be now abandoned, I take it for granted that the business would be done by the British line. In that event the postal treaty would probably be terminated by notice, which each government has the right to give, and the postage would be raised at least as high as it was before the reduction occasioned by the results of competition. The same freights of valuable goods would be carried as now, but at enhanced rates of transportation. Therefore in a financial point of view it seems to me that there are many considerations that weigh against the abandonment of this line.

Hon. George E. Badger, of North Carolina, in the United States Senate, May 6, 1852, in the debate on the Collins and Cunard steamship services:

Mr. President, the question submitted for the consideration of the Senate is, we all admit, a question of high and controlling importance. It has been said in the course of this discussion that the contest between these two lines is now becoming a national contest between this country and Great Britain. I desire to amend that statement. From the very moment of the institution of the Collins Line it was a national contest. It has not recently assumed that character. It has always borne it. The enterprise was very far indeed from being in fact, or from being regarded by the country, as a mere contest between two rival companies of shipowners. It was one great active contest in that mighty drama for the mastery of the seas—for superiority in everything that belongs to strength, speed, effective power, and success for war and for commercial purposes, which long has been, and ever must be, the mightiest contest between this country and Great Britain. After having entered upon this peaceful and at the same time most important contest, the question presented to the American Congress now is, whether we shall dishonorably retrace our steps, whether, when the hand is stretched out to seize the crown of victory, we shall voluntarily forget our advantages, retire from the high and eminent position we now occupy in the eyes of all the civilized world, and voluntarily surrender that which to obtain and perpetuate Great Britain would without any hesitation sacrifice a hundred times the amount of money which is involved in the question now before the Senate.

Hon. Thomas J. Rusk, of Texas, in the United States Senate, March 3, 1853:

I know that this granting of an increased compensation to these vessels has been a fruitful theme for stump speeches all over the United States, but the system has made an advertisement throughout every sea, that the Americans are the best shipbuilders in the world, and have distanced their rivals. More than that, it has given you twenty-eight or thirty steamships, fit for war purposes, without additional expense to your Navy, for one-tenth of the sum for which you could build and maintain them in your Navy proper. We owe it to American industry and enterprise, to the hardy citizens of our country, to maintain the system. And we owe it to our national defenses, in my opinion, to maintain it.

Hon. James Shields, of Illinois, United States Senate, May 6, 1852:

While the competition was between the American people and the English people the American people were successful; but when the English Government and the English people, united with the immense capital of their country, have devoted the whole energies of that nation to the building up and monopolizing of the steam power of the world it is idle to talk about American citizens entering into competition with them. It is out of the question. You will have to bring home your lines and confine yourselves to your own inland trade and to your interior commerce. But never again, in my humble opinion, if you abandon this line, can you enter into competition with Great Britain on the ocean, so far as steam navigation is concerned. Her government and her people and her capital all unite in sustaining her lines.

Hon. Volney B. Howard, of Texas, House of Representatives, July 6, 1852:

The support of the Collins Line, therefore, is not a mere local question. It is of direct interest to every man who grows a bale of cotton or consumes a pound of foreign goods or produce. The subject of cheap freights is also one of vital importance to the great Southwest and Northwest. It is to determine whether corn, flour, and other provisions can be exported to Europe to any great extent for a series of years when the crops are not short on the other side of the Atlantic. It involves the question of cheap bread to the toiling and starving millions of the Old World in exchange for clothing for the men of the New. It is a question of no ordinary moment to both, and especially to the exporters and producers of provisions in the Western States. Let their Representatives look to it. As soon as the Collins Line is withdrawn the Cunarders will raise freights to the price they bore previous to the competition created by the American steamers.

Not only is the South especially interested in this subject as a question of freight, but in the continuance of the system, as it affects her own commerce and navigation. There is no doubt that the great eastern cities, if the British Government did not interpose to support English competition, might establish and maintain a line of steamers to Liverpool. But the southern cities have not at present sufficient commerce to enable them to sustain any line of steamers to a foreign port without the mail pay of the Government. Two or three southern lines have been projected, all of great importance to the country if they can be sustained. I allude especially to the one from New Orleans to Vera Cruz, and from some southern port to the mouth of the Amazon.

Hon. James A. Bayard, of Delaware, used the following significant language in a speech in the United States Senate, May 10, 1852:

Mr. President, free trade, even by those who advocate it to the utmost extent, must be founded upon the doctrine of reciprocity. Reciprocity is the doctrine of our Government. It is true that foreign governments may force you, by their action, into a course of policy, which, if they abstained from action, would be unwise on our part. I am willing to trust American skill and American industry in competition with any people on the globe, when they stand nation opposed to nation, without governmental interference. But if the treasury of a foreign nation is pouring into the laps of individuals for the purpose of destroying either the iron interest of my country or for the purpose of building up the commercial marine at the expense of the commerce and prosperity of the United States, I for one will count no cost in countervailing such governmental action on the part of Great Britain or any other foreign power. * * *

The necessary result, if you refuse this appropriation, will be the abandonment of the line. Its abandonment yields to Great Britain the entire postal service between England and America certainly, and between a great part of the continent of Europe and America; for if this line goes down your other lines of ocean steamers must follow it. Its abandonment yields to her the entire transportation of passengers, except emigrants. It yields to her a tax upon American industry and upon American property in the shape of freight upon light and costly goods. With success just achieved I am not willing to surrender this prize to the English Government, to which they attach so much importance, and which, if not unprotected in the contest, we are just on the eve of dividing with them. I bear no hostility toward England particularly, but whenever I find that the honor, the reputation, the pride, and character of my country is concerned, or her interests, I would assert them without regard to cost, and the more certainly against a haughty and overbearing power like England than against a feebler state. Sir, withdraw this appropriation, let this line be abandoned, and can you tell me that it will not pass into the hands of a foreign government—that it will not pass into the hands of your commercial rivals?

What would be the feelings of Senators who now oppose this appropriation if, at a future day, in the contingency of war, these derided vessels should make their appearance on your coast with the British flag flying at their foremast and aid in the devastation of your country and the destruction of your commerce? Such a thing is entirely within the range, not of imagination, but I may say within the range of probability. If you determine that you will abandon this line, you compel the sale of these magnificent steamers, which have been built at so much cost, in pursuance of the policy indicated in your act of 1847, and you know not to whom that sale will be made. It is from these feelings, and because the deliberate result of my own judgment on this

appropriation is that it is a national matter, in which the national interests, national honor, national pride, and national reputation are deeply concerned, I am unwilling, for the sake of $300,000 or $500,000, or for any cost even, though it reach millions, to sacrifice them and give the ascendency in this contest to Great Britain. Admitting the amount to be requisite and the principle of relief in accordance with a wise policy, I shall vote for the amendment as reported by the committee.

Mr. President, I can not refrain from emphasizing what Mr. Bayard said in 1852, as quoted above, on the subject that is engaging our attention to-day. Listen to the testimony of an old-time Democrat:

Free trade, said Mr. Bayard, even by those who advocate it to the utmost extent, must be founded upon the doctrine of reciprocity. Reciprocity is the doctrine of our Government. It is true that foreign governments may force you, by their action, into a course of policy which, if they abstained from action, would be unwise on our part. I am willing to trust American skill and American industry in competition with any people on the globe, when they stand nation opposed to nation, without governmental interference. But if the treasury of a foreign nation is pouring into the laps of individuals for the purpose of destroying either the iron interest of my country or for the purpose of building up the commercial marine at the expense of the commerce and prosperity of the United States, I for one will count no cost in countervailing such governmental action on the part of Great Britain or any other foreign power.

That was good doctrine for the year 1852. It is equally good doctrine for the year 1908. Apply it and the bill now being considered will pass without opposition on either side of the Chamber.

Mr. President, New Hampshire has but 12 miles of seacoast, and the ancient harbor of Portsmouth, immortalized by John Paul Jones and the *Ranger*, will probably never again become an important commercial port. My State has no selfish stake in this matter. My appeal is for the country and the country alone. I can not see a nation that leads all the countries of the world in wealth, in manufactures, in mining, and in agriculture lagging behind every other maritime nation in the matter of her merchant marine without exerting myself to restore the American flag to the oceans of the world. I have unbounded faith that the bill now before the Senate will become a law, and I believe that under its provisions the first great step toward the complete rehabilitation of the American merchant marine will be taken.

Mr. President, I have hastened in the remarks I have made so that the eloquent Senator from New York [Mr. DEPEW] might have abundant time in which to address the Senate on the bill.

Mr. BACON. Before the Senator from New Hampshire takes his seat I should like to ask him a question.

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

Mr. GALLINGER. With pleasure.

Mr. BACON. I was called out of the Chamber for a moment while the Senator was addressing the Senate, and he may have given the information which I now seek. I desire to ask the Senator to point out the difference between this bill and the bill which was before the Senate in the last Congress, or, if he will permit me, I will ask him briefly if the difference which I now state is the difference.

If I recollect correctly, the bill in the last Congress was one which had two features in it. One of them was similar to the one in this bill. In addition to that, however, there was the feature which gave a subsidy to ships according to the tonnage of the ships and without reference to the particular country to which they might go, or the country between which and this country they might do business. In other words, ships were classified according to tonnage, and from whatever port in the United States they sailed or to whatever port in any other country they sailed they were paid according to tonnage, and possibly the number of voyages. I have forgotten whether the number of voyages was put in. I do not think the number of voyages was in, but they were paid by the year, according to tonnage.

Mr. GALLINGER. Yes.

Mr. BACON. This bill, as I understand, has no such feature in it.

Mr. GALLINGER. Not at all. I will say to the Senator that the bill originally passed by the Senate not only provided means for establishing ocean mail lines, but it also had the cargo feature——

Mr. BACON. Yes.

Mr. GALLINGER. Which the Senator alludes to; and the Senator states it correctly.

Mr. BACON. My recollection is somewhat indistinct, but that is my general recollection.

Mr. GALLINGER. This bill is simply designed to put these steamship lines under the general mail law of 1891, being an enlargement of the provisions of that law so far as compensation to second-class vessels is concerned.

Mr. BACON. The particular point to which I wish to direct the Senator's attention, so that he may answer it now, is this: The purpose is to pay for the running of mail steamers between this country and certain designated countries?

Mr. GALLINGER. That is the purpose.

Mr. BACON. Is it not a general bill which would be available to ships that were already running between this country and those to which the new ships might be directed?

Mr. GALLINGER. Not at all. The routes are stated in the bill.

Mr. BACON. South America?

Mr. GALLINGER. South America; that is, we expect lines to Brazil and Argentina, possibly to Uruguay, and across the Pacific to China, Japan, the Philippines, and Australasia.

Mr. BACON. I simply want to say this to the Senator, and it was really with a view to that suggestion that I made the inquiry: The bill provides that the contracts shall be equitably distributed between the Atlantic and Gulf and Pacific coasts. I do not know whether that language means that along the Atlantic coast, for instance, they shall be distributed equitably, or whether, even though all were concentrated at one point on the Atlantic coast, it would simply be charged up to the Atlantic coast in general, when the distribution is to be made equitably between the Atlantic, the Gulf, and the Pacific. I think the bill is somewhat indefinite in that particular.

I would suggest to the Senator, as the Atlantic coast is a very long one and a very important one, that the bill should be so amended that along the Atlantic coast the contracts should be equitably distributed. That is not so important on the Gulf coast, because it is comparatively small in mileage, and the places from which the ships could go are comparatively few. Galveston, Tex., and New Orleans and Mobile would probably be the three ports to which contracts would be limited. Whereas on the Atlantic coast, extending from Maine to Florida, there is a stretch of probably 1,500 miles and a large number of ports, and yet under the language of this bill, as it now stands, all of the contracts might be made for ships running from one particular port.

While I do not now venture to offer any amendment, I hope the Senator will take into consideration the importance of so changing the phraseology as to make the distribution along the Atlantic coast equitable.

The same thing might be said with reference to the Pacific coast. Of course the ports there are comparatively few, and it is not so important that the phraseology should be made explicit in that regard, although, of course, if Senators representing those particular sections, either the Gulf or the Pacific coast, desire that, I should think it entirely appropriate.

Mr. GALLINGER. Mr. President, I will say in response to the distinguished Senator from Georgia that I shall be pleased to confer with him on the point he has raised. The matter, however, is in the discretion of the Post-Office Department absolutely, and I feel sure that there will be no massing of lines at any one given point. In fact, we do not expect to establish very many, I will say to the Senator.

Mr. BACON. Our experience has been that when it is left to the discretion of some governmental officer as to the distribution of the various favors of the Government not many of them come down our way. For that reason I should like to have something a little more explicit, something which will be directory rather than discretionary.

Mr. GALLINGER. I am very sorry indeed if there has been any discrimination against the Senator's section of the country.

Mr. BACON. I am not referring to the Post-Office Department in that regard particularly; in fact, I should disclaim that.

Mr. GALLINGER. I think the point raised by the Senator can easily be overcome by a slight amendment, and we will look it over.

Mr. TALIAFERRO. I wish to ask the Senator from New Hampshire a question.

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

Mr. GALLINGER. Certainly.

Mr. TALIAFERRO. Did I correctly understand the Senator to state that the ships provided under this bill would be required very largely to be built and that the existing lines, as a rule, would not come under the bill as he proposes it?

Mr. GALLINGER. I will say to the Senator that there may be some steamships that would be available—from two to four in the Pacific Ocean; but those are all that I can think of now.

Mr. TALIAFERRO. As a rule it would be necessary to build new ships?

Mr. GALLINGER. Yes, we would have to build new ships.

Mr. NEWLANDS. Mr. President——

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

Mr. GALLINGER. With pleasure.

Mr. NEWLANDS. I should like to inquire of the Senator from New Hampshire whether I am correct in my assumption that the cost of this service would be approximately $3,800,000 a year?

Mr. GALLINGER. Mr. President, I think that with the present subvention that is being paid for ocean mail carriage it would be a little over $4,000,000, but it would be reduced by the withdrawal from certain noncontract steamship companies and foreign steamship companies of money now paid to them. The exact amount of the reduction I would not like to say, but I should think about $4,000,000, including what we are now paying, would be the amount.

Mr. NEWLANDS. Did I understand the Senator to say that about twenty-seven ships would be required for this service?

Mr. GALLINGER. That is the best calculation I can make. Possibly it might require thirty.

Mr. NEWLANDS. Am I correct in my understanding that each one of those ships will cost about $1,000,000?

Mr. GALLINGER. I should say that the Senator's figures are about right for the smaller ships, but the larger ships will cost more.

Mr. NEWLANDS. I wish to ask the Senator whether, as supplementary to this legislation and in addition to it, for of course I would not expect the Senator to abandon this bill, he would not favor a provision of law that the United States should in the shipyards of the country contract for the construction of twenty or thirty such ships, costing a million dollars each, with a view to further extending the ocean mail service of the country, and with a view to furnishing a part of the auxiliary system of ships now urgently needed by the Navy?

Let me say here that I understand that the General Staff of Army, called upon some time since to state what auxiliary ships would be necessary in case the United States were called upon to defend its insular possessions against a strong force, made a report to the effect that 228 ships of about 6,500 tons capacity, costing a million dollars each, would be required for cruisers, transports, scouts, and other service in case of actual war.

Mr. GALLINGER. Mr. President——

Mr. NEWLANDS. I have not yet got through with my statement, if the Senator will permit me.

Mr. GALLINGER. I beg pardon.

Mr. NEWLANDS. So it seems absolutely essential that we should have this force to properly support the fighting ships of the Navy and make them efficient in case of war. But the Navy is just as destitute now of such auxiliary ships and would be as helpless in war as an army would be without the quartermaster or commissary department.

I ask the Senator, in addition, whether it would not be wise to commence building such ships as a part of our Navy—thirty of them would cost say $30,000,000, as against the $40,000,000 which the Senator's project will cost in a period of ten years—and in time of peace turn over those ships at a moderate rental to private corporations for the purpose of conducting these expeditions into commerce and establishing lines not now established; and whether in connection with such ships we could not establish a naval reserve which would be a training school for our Navy?

I believe the Senator realizes that one of the difficulties our Navy has now is in getting the men to man the ships because of the decline of our merchant marine.

Mr. GALLINGER. Mr. President, if it were not for the fact that the distinguished Senator from New York [Mr. DEPEW] is to address the Senate on this question, and we are anxious to hear him, I would answer the Senator from Nevada at greater length than I will do at the present time.

I will say to the Senator that if he will help us pass this bill, which is the first step toward rehabilitating the merchant marine, we will consider something else later on. I do not believe the Government of the United States is going into the renting business; that it is going to build ships and rent them out to private citizens. It is very possible that private citizens would not want to rent them. Then we would have the Senator's ships rusting at their anchors at the docks in New York, San Francisco, Puget Sound, Boston, and elsewhere. I think the Senator will want to look over that matter very carefully before he seriously urges it upon the Senate. It is to my mind a form of Government ownership without the merit that the subject in its larger aspects possesses.

Mr. NEWLANDS. Mr. President, I do not intend to reply to the Senator at length, but I wish to call his attention simply to one thing. He has stated that he does not believe the Government of the United States will be prepared to enter into the renting business, but I assume that the Senator does recognize the fact that the United States Government ought to be controlled by business considerations in entering into a matter of this kind. I should like to call his attention to the fact that the thirty ships called for by this service will cost $30,000,000 only, and that in ten years this service, at the rate of $4,000,000 annually, will cost the nation $40,000,000, and that in the one case, by the expenditure of the lesser amount, we would have the ships as a national asset, while in the other case, after expending a larger amount, we would have nothing. It is hardly fair, it seems to me, to assume that if a private steamship company can rent those ships for a moderate rent it will not enter upon this work, and meanwhile we will have the ships ready in the emergency of war, with trained men upon them to meet such emergency.

Mr. GALLINGER. Mr. President, I shall simply add that I do not at the present moment see merit in the Senator's suggestion, but I will be pleased to talk it over with him some time.

Mr. DEPEW. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] has made such a complete, exhaustive, and able presentation of the case that it seems superfluous to attempt to add anything to his argument, nor can it be done. But I am so earnest in my belief in this policy that I am anxious to be on record in support of it, not only to the extent advocated by the Senator from New Hampshire, but to the largest and fullest extent which will make a subsidized policy for the United States, and have auxiliary cruisers and a merchant marine as good as that of any other country in the world.

It is a singular fact that this question has been before Congress now for more than half a century, and while it has at times received temporary attention and some support, nevertheless of late years every effort which would practically put an American merchant marine upon the ocean has failed.

Every endeavor to encourage the building and maintenance of an American merchant marine by Government subsidies has been defeated for years. The word "subsidy" has become an epithet of political reproach. To secure any consideration for this system, so vital to our future commercial relations with the world, we have to adopt other and more euphonious terms for the same thing. "The carriage of the mails" has not yet become unpopular. "To increase the efficiency of the postal service" is still permissible in political discussions. That our position upon the ocean, both the Atlantic and Pacific, is lamentable everybody admits. The effort to remedy it by the methods practiced by both free-trade and protective nations is defeated year after year. We have been trying now for a quarter of a century other schemes than subsidies until our flag has almost disappeared from the ports of the world, until our commerce is carried under foreign flags, and until we take out of the pockets of American workingmen $200,000,000 a year to pay to aliens. This bill reduces the proposition to its simplest terms and meets only the most acute situation in our foreign commerce. In 1891 a bill was passed granting $4 a mile outward bound for the carriage of mails to 20-knot ships and $2 a mile to 16-knot ships. Under that we managed to get four steamships on the Atlantic Ocean and good lines to the West Indies. American enterprise, always ready to enter upon any field in competition with any people, tried the Pacific Ocean. The opportunities were great, and so was the competition. There was the whole Pacific coast of South America, and there were also Hawaii, the Philippine Islands, Australasia, and the Orient. Sixteen-knot ships were practicable for this traffic. Fifteen American steamers were built and entered into this trade under the law of 1891 of $2 a mile for carrying the mails. They had to compete, first, with the subsidized ships of Great Britain and Germany, and, lastly, those of Japan. But they were struggling against something quite as serious as foreign subsidies. The $2 a mile carried with it the requirement that the ships should be American built and manned by Americans and run according to American laws. We have rightly and properly taken good care legislatively of our sailors, and prescribed a bill of fare upon which they shall be fed. The labor unions have rightly and properly taken care of their wages. The result is that the cost in wages and food to run American ships under American conditions across the Pacific is double that of European or Japanese steamers. Our people kept up this unequal contest until they had practically exhausted their capital and were compelled to retire from the South American, the Australasian, the Chinese, and the Japanese trade. Of the fifteen ships seven are laid off or have been sold to foreigners, their American crews have been discharged, and Malays and Lascars have taken their place. It is humiliating and injurious to our commerce that our mails, instead of going directly from our ports to the ports of South America, should travel around the world in ships

of foreign nations; that our diplomatic correspondence, the secrets of which might be of the utmost importance, should be subject to the supervision of the postal laws and postal authorities of our rivals, and, possibly, of our enemies; that our communications in this roundabout service should take twice as long as they would if sent direct.

The law of 1891, as originally drafted by the distinguished Senator from Maine [Mr. FRYE], provided for $6 a mile mail pay for 20-knot steamers and $4 for those of 16-knots. This schedule was changed in the House by the doctrinaires to its present rate of $4 and $2, which has proved such a tragic failure. Had the wise purpose of the Maine Senator [Mr. FRYE] and the Senate Committee on Commerce been adopted we would now have a merchant marine worthy of our country and an auxiliary fleet equal to the needs of our ships of war.

Under the broad, enlightened, and patriotic inspiration of the southern statesmen who at that time controlled the Government we began, as far back as 1845, an enlightened system under which was the promise of an American merchant marine. During the Administration of President Polk it was so far perfected that American capital felt safe in embarking upon the competition of the ocean, and the steamships called the Collins Line were built. They soon gained the record for speed, and increased the name and fame of American steamships. Our position in the Atlantic trade between our country and Europe was such that we were carrying one-half the tonnage and competition had reduced the rates from $35 to $20 a ton, thereby giving our manufacturers a chance in the European markets. But in the early fifties there grew up a hostile feeling against Government encouragement to a mercantile marine on this side of the ocean, while sentiment increased on the other side among all maritime nations in favor of government assistance. We withdrew our subsidies; England increased hers. The American line went into bankruptcy, the British bought our ships for a song, and raised the rates of freight, and we became, so far as commercial mastery of the ocean was concerned, the laughing stock of the world.

After Government aid was withdrawn Commodore Vanderbilt made a characteristically gallant effort to compete for the Atlantic traffic. He captured and held the speed record, but found that no individual, no matter how great his resources or his talents, could successfully fight for his flag against foreign rivals who had, in subsidies, the treasuries of their governments behind them, while he could hope for no aid from his own to so equalize conditions as to give him a fair field and a fighting chance.

Now, why this change of policy? The same arguments then prevailed which we have heard every year since down to to-day—that a few firms or a few corporations would be supported out of the Treasury of the United States. Building and running ocean steamers is not within the capital or capacity of individuals, nor can it be done by many corporations. The number of ships necessary to carry on this commerce must be limited. The important point is this: Shall the Government create conditions where American capital can live, can dot the ocean with American steamers, can put the American flag as it was once, in every port of the world; can carry American products in American ships, and can make the captain and the officers of every American vessel active agents for the promotion and sale of the products of American labor in the competitive ports of South America, Australasia, China, and other eastern countries? Shall our communications with the islands we have acquired—Hawaii and the Philippines—be maintained under our own flag, or subject to our friendly or hostile relations with other powers? Because the American farmer is protected in his wool against Australian and South American competition and in the other products of his fields and of his labor, we do not say that that legislation is for the people of a class. Because the iron worker, steel worker, coppersmith, silversmith, goldsmith, and artificer in wool, cotton, wood, and other fabrics are protected by tariff against pauper competition, we do not say that this legislation is for the benefit of capital and labor engaged in these industries. We say, wisely and patriotically, that such legislation is to enable Americans to be fed and clothed by Americans, to enable American labor to live under conditions different from and better than those which prevail in other countries. It is to make our country self-sustaining in every necessity and almost every luxury; it is to promote and encourage the skill of our artisans and the active employment of our capital that we may successfully compete with industrial rivals in other countries. Now, having subsidized Pacific railroads to go over the mountains to connect the Pacific and Atlantic coasts, having spent hundreds of millions to improve rivers and waterways for our internal trade, and harbors for our foreign commerce, we balk at the same policy that we may reach under equal conditions competitive markets outside of our own country.

The VICE-PRESIDENT. The Senator from New York will kindly suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

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

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from New York will proceed.

Mr. DEPEW. Mr. President, one would think to hear the frantic appeals for economy, based upon the alleged frightful cost of this encouragement to an American merchant marine, that we were depleting the Treasury by the appropriation of sums of unequaled magnitude. The profit to the Government on our ocean mail service is $3,600,000 a year. The cost under this bill at the maximum would not exceed that sum. For that sum it would give us American lines to South American ports, Australasia, and the Orient. If we should have a general bill which would place us on equal terms with Great Britain, Germany, France, and Japan on both the Atlantic and Pacific, the outside cost per annum would not equal the cost of a single battle ship.

Mr. GALLINGER. Mr. President——

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

Mr. DEPEW. Certainly.

Mr. GALLINGER. The Senator always speaks entertainingly and instructively. I should like to ask him if he has stopped to think about the spectacle we will present when the Panama Canal is completed, an undertaking that is going to cost somewhere from $200,000,000 to $500,000,000? It impresses itself upon the minds of some of us that it will be the greatest humiliation that we have ever suffered when foreign steamships pass through that canal flying foreign flags and scarcely an American merchant marine vessel will be seen. Doubtless battle ships and American yachts will pass through, and now and then a merchant ship. The canal will be built practically for the benefit of other nations than our own.

Mr. DEPEW. Mr. President, I am glad of the suggestion of the Senator from New Hampshire. The greatest industrial accomplishment of modern times is to be this union of the Atlantic and the Pacific. It is to revolutionize the commerce of the world; it is to change the ocean routes; it is to build up new commercial centers and to cause others to decay. It is to accomplish infinitely more than did the Suez Canal, because of the infinitely greater opportunities there are upon our Pacific coast, in South America, hardly yet developed, and in the Orient, where we hope to have the open door.

It will be built, so the engineer says, in six years. It will cost us, the engineer says, about $400,000,000, and then it will be the United States' contribution to the world.

Its benefits are recognized by all the world. The commerce of the nations will follow this new route which will reduce so greatly time and cost in the carriage of interchanges between the Atlantic and Pacific. We will have the glory of this marvel of the liberality of a great nation and the genius of its engineers, but if we have no merchant marine other countries will reap the larger portion of its advantages. Our Atlantic and Pacific coasts will be the more easily defended by our fleet, but except on a man-of-war the canal will rarely see our flag and our people will not reap the rich harvest of the commerce which will flow through its waters.

We are now the second naval power in the world. The Government asks for four new battle ships, and to complete the programme we should have them, and we should complete the programme. A large war fleet promotes peace and prevents war, but it has other uses in time of war, as harbors and coasts are fairly well protected by long-range guns, torpedoes, and submarines. The primary object of a great fleet is to protect the commerce of the country, but we have no commerce under our own flag to protect. We are without vessels or merchant marine which can become auxiliaries to the fleet by which the battle ships themselves can be protected. The policy of Great Britain, Germany, France, and Japan has built up a merchant marine which is virtually part of their navy. They can call upon these ships, as Great Britain did during the Boer war, as we did upon the four ships which we had during the Spanish war. During the Boer war Great Britain took her best ships, because the navy had a right to claim them, out of the American trade, and we suffered millions of dollars by it—I think about $80,000,000.

They took them out to carry troops and munitions of war to South Africa. Admiral Dewey has estimated the number of vessels which ordinarily in times of peace would be in the merchant marine that are necessary in time of war to accompany a fleet of battle ships, cruisers, scouts, torpedo-boat destroyers, and torpedo boats. There should be in every maritime nation a merchant marine large enough to carry on commerce after the navy has been supplied with its requirements. If I reckon correctly, there are to-day in the whole merchant marine of the United States, including the coastwise service, hardly enough boats to meet a war emergency, and our coastwise service would have to be fatally crippled.

The glad news came to us on Saturday that our fleet of battle ships had passed safely through the dangerous Straits of Magellan and were upon the broad Pacific. The morning papers are full of the joy and enthusiasm with which our South American brethren on the Pacific are emulating the hospitality of those on the Atlantic in the reception of the fleet. But there is a fly in the amber, a crack in the diamond, and a cloud in the ruby of our national pride. Many of the colliers and supply ships are chartered from foreign nations because our merchant marine could not furnish them. This could not happen with any other maritime naval power. There are thirty-seven colliers accompanying the battle-ship fleet to the Pacific. Only nine of these are American, while twenty-eight are chartered from foreigners. In time of war the difficulty of securing two-thirds of our auxiliary steamers from foreign powers would prove an almost fatal handicap. It is a serious question if neutrals, from whom alone we could hire ships, would be permitted to grant us this assistance. Our gallant sailors would be compelled to fight with a crippled arm.

One of the most significant journeys ever made was that of our Secretary of State, Mr. Root, to the South American republics. It was far more important than the fabled voyages of Ulysses and quite as picturesque. He removed prejudices of the statesmen and people of the countries south of us who had theretofore thought our interference in their behalf was to conquer or dominate them. At all the ports and capitals this most level-headed, capable, and tactful American cemented North and South American friendship.

But what do we or they gain? War is very remote. The Monroe doctrine is too firmly established for European aggression. The whole sum and substance of closer relations between North and South America is reciprocal trade. It was mortifying to the Secretary of State to have to report, as he did in his great speech at Kansas City on his return, that as the war ship on which he was sailed through the crowded shipping of every port the flags of Great Britain, Germany, France, Sweden, Norway, and Japan were dipped in salute, and only once in all those fleets was seen at the masthead the American flag. Why? Because while we spend a hundred millions a year on the Navy, a hundred millions a year on the Army, forty millions a year in dredging harbors, and one hundred and forty millions a year for pensions and other millions in forestry and reclamation, yet we are driven off the ocean by the clamor that $3,600,000 for a pacific fleet would smash the Treasury. One of our consuls reports that in the harbor of Chile last year were about 18,000,000 tons of shipping, of which, including sailing vessels and everything that could float, the United States had 135,000 tons.

The Japanese are the wonders of the past half century. I received at my law office in Peekskill forty-odd years ago most unexpectedly a commission as minister to Japan. I had been appointed and confirmed without my knowledge owing to the friendly offices of Mr. Secretary Seward. At that time Japan had but few ports open to the world, her navy was composed of junks, her army equipped with bows, arrows, and spears, and her government a feudal system like that of Europe in the eleventh century. The Japanese, though living under the oldest of monarchies, are the most progressive of peoples. They are willing to adopt anything from any country if it can be proven to be better than their own. These Orientals differ from all other Orientals in not being bound by traditions or prejudices. In forty-two years they have advanced as far as western Europe has in six hundred. They sent out a commission of their ablest men to study other civilizations and governments. Their reverence for their Emperor, which is their religion, was such that while they retained him they made him a constitutional monarch restrained by a representative parliament. They established a free press on American lines. They also, after investigation, built up an educational system on American lines of common schools, high schools, colleges and universities.

They adopted from England, the greatest of maritime powers, their navy and justified their judgment when they swept the Russian fleet from the ocean. They chose the German system for their army, and Port Arthur and Manchuria are the trophies of their broad-mindedness. They even sent a commission to find if other religions were better than their own. The commission, unhappily, visited only the great cities, and did not come in touch with what Christianity has really done for civilization, humanity, and the uplifting of peoples, but seeing the amount of drunkenness, immorality and crime there was in the cities of Europe they went back and reported against any change in religion. We believe ourselves to be the most progressive people in the world, and yet we are bound by prejudices at which the Japanese would laugh.

In 1812 Andrew Jackson defeated Wellington's veterans from behind the cotton bales at New Orleans, and in 1837 he smashed the United States Bank from the White House at Washington. He became and is one of the heroes of our history. These two achievements are linked together in the American mind. The result of the latter is that we refuse to study the systems of Germany, France and Great Britain, which prevent panics, and stand by General Jackson. Free-trade doctrinaires have captured the outpost of the American merchant marine and the trade of the ocean, and because of our reverence for the men who did it we talk of the policy of free ships, which has been tried and failed, we talk of tonnage duties which, under our treaties, are impossible, and decline to adopt the system which makes Great Britain the master of the seas and which has built up the German mercantile marine in the last twenty years to the second place in the commerce of the world.

Japan ten years ago made up her mind that if she was to take her place among commercial nations she must have a merchant marine. She tried free ships and the other devices advanced by doctrinaires for our guidance and then discovered she must build her own ships at her own dockyards, and her merchant marine must be Japanese from start to finish. So she commenced to subsidize with no prejudice, no fears, but accepted the wise, modern doctrine that "the best is good enough for us no matter who invented it." So to-day her merchant marine is three times as great as it was nine years ago. She is gradually dominating the Pacific. She has bankrupted our Pacific fleet, and is forcing England to take new and additional steps to protect her trade between China and India.

We are now about one hundred millions of people. The genius of our inventors, the skill of our mechanics, and our exhaustless supply of raw material are constantly creating a larger and larger surplus which must be sold abroad. Congestion imperils capital, wages, and production at home. Fifty years from now the question of population and its profitable employment will become very acute. If our across-ocean commerce is to be held in the grip of these exploded prejudices the condition will be more than acute. It will be perilous. I am old enough to remember when our clipper ships were first in speed, and with speed foremost in tonnage, and we were equal to every maritime nation on the ocean and in the ports of the world. I am old enough to remember when, with the supremacy of steam, the subsidized Collins Line maintained and increased our favorable position and secured 50 per cent of the tonnage across the Atlantic, and young enough to know that while the tonnage has enormously increased, only 9 per cent of it is carried under the American flag. I am old enough to remember when our flag disappeared from the ocean upon our merchant marine, and the free trade exultation for this triumph of its theories. I am young enough to remember, and not with pride, that when the whole world applauded the gaining of the ocean record on the Atlantic, it was for the *Deutschland*, a German ship under the German flag. I am young enough to remember that the *Lusitania* and the *Mauretania* were cheered for their marvels of architecture, of comfort, of capacity and of speed on both sides of the ocean, but they were British ships under the British flag, supported by a subsidy of $750,000 a year, with a postal payment of three hundred and fifty thousand a year beside.

Mr. President, I look upon this bill as purely a tentative effort to place us in our proper position commercially with our rivals. I believe it should be followed by a broad and comprehensive policy. We have the genius for invention; we have the architectural talent; we have the mechanical skill; we have the products, raw and manufactured, to compete successfully everywhere around this earth. Our necessity is the disposal of our surplus, the opportunity is the open market, and to win it we must have American ships, built by American labor in American shipyards, officered by American officers and manned by American sailors and bearing the American flag. [Applause on the floor and in the galleries.]

Mr. GALLINGER. Mr. President, I ask unanimous consent that on Thursday next, immediately after the routine morning business, the bill now under consideration be further considered.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that on Thursday next, at the close of the routine morning business, the pending bill be further considered. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENTS OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask unanimous consent that the bill (S. 3023) to amend the national banking laws be now laid before the Senate. The Senator from North Carolina [Mr. SIMMONS] desires to address the Senate on the bill.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (S. 3023) to amend the national banking laws.

Mr. SIMMONS. Mr. President, in the report of the Comptroller of the Currency for 1907, on page 16, under the head of "Profit on circulation," the statement is made that approximately 97 per cent of the bonds on deposit as security for national-bank circulation on October 31, 1907, were 2 per cent consols of 1930 and 2 per cent Panama Canal bonds; that notes secured by these two classes of bonds are subject to a semi-annual tax of one-fourth of 1 per cent, and that the average price of 2 per cent consols in October, 1907, was about 105.

The bill under consideration authorizes national banks to issue notes upon State, municipal, and railroad bonds, but imposes rigid restrictions as to the character of these bonds, and notes secured by this class of bonds are made subject to a monthly tax of one-half of 1 per cent.

The Senator from Rhode Island [Mr. ALDRICH], in his speech delivered in the Senate a few days ago, stated that there were only about $2,000,000,000 worth of railroad bonds available as a basis of bank-note circulation under this act. I have before me a pamphlet issued by the Interstate Commerce Commission entitled "Statistics of Railroads in the United States for the Year Ending June 30, 1906." On page 61 of this pamphlet the statement is made that the total amount of railroad bonds of various descriptions outstanding on the 30th day of June, 1906, was $6,266,770,962, being an increase of $515,960,315 for the year 1906. Allowing the same increase for the year 1907 the present outstanding bonded indebtedness of the railroads should be about $7,000,000,000.

In other words, the standard fixed in the bill is so high that only a little over one-fourth of the railroad bonds outstanding are available to the banks as security for these notes. Railroad bonds of this select, high-class, gilt-edge character do not bear a rate of interest exceeding 4 or 4½ per cent, and command, under ordinary conditions, a good premium.

I have not been able to ascertain the total amount of State and municipal bonds at present outstanding, but it is safe to assume, that on account of the rigid requirements of this bill with reference to them, not more than two-thirds of those outstanding will be available as a basis of circulation under it. Of the entire issue of State, county, and municipal bonds outstanding in 1902, that being the last census report of this indebtedness, about two-thirds are from 3 to 4 per cent long-term bonds. These generally sell, in normal times, at a small premium.

The Comptroller of the Currency, in the report to which I have just referred, makes a calculation of the profits on bank circulation issued upon 2 per cent United States bonds, subject to a tax of one-half of 1 per cent per annum, and allowing 6 per cent for the use of the money invested in the purchase of these bonds, reaches the conclusion that there is a profit of 1 per cent on these notes.

In a speech made in the House of Representatives on the 4th day of February, of this year, Representative HILL, of Connecticut, who, I believe, is regarded in that body as an authority on banking and finance, employing the same method of calculation as the Comptroller, makes a calculation of the cost of bank notes based on 4 per cent municipal and railroad bonds subject to a tax of 6 per cent per annum and reaches the conclusion that instead of a profit, as in the case of notes issued on 2 per cent United States bonds, there will be an actual loss of about 3⅜ per cent.

A couple of weeks ago I addressed a communication to about twelve or fifteen leading bankers in North Carolina, inclosing a copy of this bill, and asking their opinion with regard to it. In their replies most of them lay great stress upon the cost of issue under such a law. Several of them, allowing 4 per cent income from bonds deposited with the Treasurer and 6 per cent interest on the money invested in their purchase, and adopting the Comptroller's method of calculation, estimate the cost of bank notes issued against this class of bonds at from 8½ to 9 per cent.

Mr. President, there is one important fact which will add greatly to the cost of bank notes issued upon railroad and municipal bonds which both Mr. HILL and the bankers to whom I have just referred did not take into consideration in their calculations. I refer to the fact that while Government bonds are nontaxable, municipal and railroad bonds are taxable, not only by the State, but by the county and the city in which the bank owning them is located. I do not know what is the general average of these combined taxes, taking the country as a whole, but I am confident it is not less than 1½ per cent. In many States I know it is in excess of that amount. In North Carolina it will average at least 2 per cent, and in the larger cities of that State, where the banks are chiefly located, it will average over 2 per cent. Allowing for these local taxes, the net income of a 4 per cent, or even a 4½ per cent, railroad or municipal bond is not materially, if any, greater than a 2 per cent nontaxble Government bond.

If this bill should become a law the great commercial banks of the East and North, especially those which at all times carry these select, high-class railroad and municipal bonds as a part of their permanent assets, or control them through their trust and insurance company affiliations or connections, may be able to issue notes on them without any material cost except the tax of 6 per cent per annum and the expense incident to their issue and redemption, estimated to be from one-half to two-thirds of 1 per cent. But, Mr. President, the commercial banks of the agricultural South and, perhaps, West do not carry these bonds as part of their permanent assets, because they can not afford to do it, and they have no trust or insurance company affiliations.

Bonds of this class may be attractive for investment in sections where the supply of money is usually in excess of the demand for money, but that is not the case in the South. While there is a greater demand in the South, as in the North, for money during the crop-moving season than during the crop planting and growing seasons, the crops of the South are expensive crops and their cultivation calls for vast sums of ready cash. Cotton is an expensive crop. Cane is an expensive crop. Tobacco is a still more expensive crop. And truck cropping is more expensive than either cane, tobacco, or cotton. This demand of the farmer in the spring and summer for planting and cultivating and in the fall and winter for harvesting and marketing his crops, together with the all-year-round demand of the merchant, the manufacturer, and the town builder strains to the utmost the limited resources of the banks of that section at all seasons of the year. The emergency is greatest in the fall and winter, but to a degree it continues throughout the year, there being practically no time when the supply of money, to any appreciable degree, exceeds the demand for money. With a steady and constant demand for practically all of their loanable funds at 6 per cent, it is obvious that these banks can not afford to invest in and carry as a part of their permanent assets high-class, low-interest-yielding securities.

Mr. President, we have in recent years issued a great many municipal bonds in the South, and our local banks sometimes buy these bonds, but almost invariably, except when they are bought by depository banks to be used as security for Government deposits, they buy them for the purpose of selling them again at a profit. They do not carry them, as I said before, as a permanent investment. It is a fact, which is a matter of common knowledge, that the great bulk of these bonds, especially the select class required by this bill, are purchased and held as investments by the great trust and insurance companies and savings banks of the East and North, and to some extent of the Middle West.

There are two ways in which the commercial banks of the agricultural sections can secure these bonds for use in increasing their bank-note circulation in times of emergency. One is to borrow them, as many of them did during the recent panic, for use as security for Government deposits, and pay for their use the usual rate of 2 per cent. The other is to buy them with money taken from their vaults.

There are two reasons why increased bank circulation secured in this way will not be profitable or beneficial either to the banks in these agricultural sections or the communities in which they are located. First, because it would add from 2 to 4 per cent to the cost of bank notes; and secondly, because while the general stock of money in the country at large would be increased, the amount in the particular section where the bank is located would not only not be increased, but, on the contrary, would be decreased precisely to the extent of the difference between the cost of these bonds and the amount of new notes allowed to be issued against them.

Mr. President, I have undertaken to show, and I think I have shown, taking the situation of the country at large and the conditions which surround the commercial banks, except possibly those in the great financial centers, where the supply of money

is usually in excess of the demand, that bank notes issued against municipal and railroad bonds under the conditions imposed in this bill will cost ordinarily between 9 and 9½ per cent, and therefore could not be loaned at a reasonable profit at less than, say, 10 or 10½ per cent.

Now, if the municipal and railroad bonds required in this bill could be bought at par, if they carried full 6 per cent interest, and if they were not subject to taxation by the State and its subdivisions, on account of the tax imposed and the expense incident to their issue and redemption, the cost of bank notes secured by these bonds would still be between 6⅞ and 7 per cent, and they could not be loaned at the usual commercial rate of 6 per cent except at a loss of from two-thirds to 1 per cent, nor be loaned at a profit of 1 per cent, as in the case of notes secured by United States bonds, for less than 7⅞ per cent.

I have before me a letter from one of the leading bankers of North Carolina, in which, after declaring that circulation under this act will cost the banks of the South and West at least 8½ per cent, he asks the pertinent question: "If the banks have to pay these rates for this circulation, what will their borrowing customers have to pay, and what will a law-abiding banker do in a State like North Carolina, where the rate of interest is 6 per cent?" Mr. President, the laws of North Carolina not only fix the legal rate of interest at 6 per cent, but they impose heavy penalties and forfeitures if a greater rate is reserved for the use of money. The same is true of most of the Southern States, and perhaps of many other States of other sections of the country. So that the banks of North Carolina, and other States with like interest laws, could not, without violating these laws against usury, and incurring the risk of the penalties and forfeitures they prescribe, lend these notes without a certain loss of at least 1 per cent and a probable loss of from 3 to 4 per cent.

Mr. ALDRICH rose.

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

Mr. SIMMONS. I would prefer to present my argument consecutively, and if it will suit the Senator from Rhode Island just as well, I will ask him to withhold his interruption for the present.

Mr. President, I was glad to have the views I have been expressing confirmed by the resolutions recently adopted by the committee on commercial law of the Merchants' Association of New York and which were called to my attention by an editorial which appeared in the Observer, a newspaper of Charlotte, N. C., in its issue of Saturday last. The part of the resolutions to which I wish to call attention reads as follows:

Resolved, That this committee on bankruptcy and commercial law disapproves Senate bill No. 3023, entitled "A bill to amend the national banking laws," introduced by Senator ALDRICH, for the following reasons: * * * Second. The high tax which this bill proposes to levy upon the issue of emergency currency, and which in the last analysis would be paid by the borrower to the banks, when increased as it would be in practice at least one-third by reserve requirements, is not only unnecessary, but oppressive, and in this and other States would provoke an immediate disregard of the statutes against usury. It is not becoming that a great nation should fill its coffers from the necessities of borrowers; and it is manifestly improper to pass one law which offers inducements to the violation of another.

Undoubtedly, Mr. President, as the resolutions of this committee of the Merchants' Association of New York which I have just read declare, in the first instance this high charge will be against the banks, but in the last analysis the borrower, who in the case I have been discussing is the farmer, will have to pay it.

Because of its pertinent bearing upon this phase of this question, with the indulgence of the Senate, I wish to read a short extract from a letter received by me on the 11th of this month from Mr. Joseph G. Brown, president of the Citizens' National Bank, of Raleigh, N. C. Mr. Brown is not only one of the leading bankers of my State, but he is an able man and a great student of finance. He is known in banking circles throughout the country, having delivered several notable speeches at meetings of the National Bankers' Association. In this letter Mr. Brown says:

What we need to provide for is the handling of the crops at harvest time without the fearful advance in interest rates to which we have been subjected. The farmers are entitled to as low rates as are the bond dealers. At present, in the crop season the country banks call on their New York correspondents, the rate of interest is forced upward by the demand, and although the charge is against the banks, yet in the final analysis, the farmer has to pay it. A well-devised scheme would furnish needed currency at such a time at minimum cost and without delay, nor would the issue of this currency be regarded as an indication of weakness on the part of the bank. Whatever plan may be adopted ought to prevent the banks of one section being any longer placed entirely at the mercy of another, as heretofore—not only uncertain as to whether they can borrow the necessary funds, but uncertain as to whether their actual balances will be paid in cash if wanted.

Mr. President, the demand for an emergency currency is not of recent origin. The panic through which we have just passed did not create it, it merely emphasized it. This panic, though leaving widespread depression in its wake, has passed, and another will not be due in the ordinary course of events for many years to come. The present demand for an emergency currency is not to provide for conditions created by the late panic, but to supply the extraordinary demand which recurs during each autumn and winter for from two hundred to three hundred million dollars in spot cash to enable the farmers of the country to harvest and market their crops. To supply this demand of the farmer we need more money, but not a different kind of money, not a high-price money. Already we have several kinds of money in this country—gold and silver, gold certificates and silver certificates, United States notes, Treasury notes, and national-bank notes, all of it issued directly or indirectly by the Government, but there is not a single dollar of this money that can not, so far as the cost of its issue and flotation is concerned, be loaned at a profit at 6 per cent. This is the money with which the banks supply the daily demands of the merchant and the manufacturer, the mines and the railroads. This is the money with which the ordinary business of the country is done and there is enough to supply this demand in ordinary times.

It is now proposed by this bill to make another kind of money—a heavily taxed, high-priced money. A money which can not be issued upon a 6 per cent bond except at a cost of not less than from 6⅞ to 7 per cent, which can not be issued by the average bank upon a 4 per cent bond except at a cost of from 9 to 9½ per cent; a money which can not be issued and loaned at a profit by the banks of the agricultural sections for less than 8 or 10 per cent. If this bill is passed, this is the money which will be supplied to the farmer to meet the expenses incident to the picking and bailing of his cotton, to cutting and curing his tobacco, to gathering and housing his corn, and to harvesting and warehousing his wheat.

Mr. President, when the financial sky is overcast with clouds, when Wall street is filled with a surging mob, when the wires are burdened with demands for increased margins, and stocks are thrown upon the market in blocks, and the call for money is leaping from 10 to 20 per cent or more, the banks whose greed for profits, whose disregard of their duty to their depositors and to the public have made possible the speculative ventures and reckless gambles of which these unhealthy conditions of the market are but marked symptoms can afford to pay almost any price for money to stay the tempest which their departure from the principles of sound and safe banking has raised. The remedy for conditions like these does not lie in legislation, but in a return to sound and honest business methods and practices, and a situation thus created and fostered calls not so much for remedial as for punitive legislation—for legislation to remove the cause rather than to cure the disease.

The emergency to which we are addressing ourselves, or to which, in my judgment, we should address ourselves, is not an emergency caused by unhealthy business conditions, but is, as I have tried to show, a demand created by the wonderful productiveness of the American farmer, and the comparatively small profits of his occupation make high interest charges on the advances he requires to market his products burdensome and oppressive.

This bill is the response of the majority in Congress to the demand for more money to meet emergencies growing out of the great business activity during the crop-moving season. If it becomes the law in its present shape it will be a confession on the part of the Government that it can not supply this demand with a bond-secured currency except at an exorbitant and usurious rate of interest. Mr. President, there is no greater handicap on the business of a people than high-priced money. It is a burden upon thrift and industry. It is a tax upon every transaction of the people where money is used as an agency of exchange. If this usurious charge is the result of individual greed, it is odious; if it is the result of economic conditions, it is deplorable; if it is the result of burdens imposed by the Government on the money of the people, whether in the form of taxes or otherwise, it is indefensible. If this bill becomes law currency issued under it will be high-priced money, not because of individual greed or economic conditions, but because of burdens imposed by law upon its issue. Every cent which the farmer or business man may have to pay for this money in excess of 6 per cent would be an exaction by way, not of interest, but of tax.

The power of taxation, Mr. President, is the greatest power conferred by the people upon the Government, and it is also in its misuse the most dangerous. I have no sympathy with the modern-day fad that every abuse can be remedied, every evil

cured, and every needed reform obtained by resort to the taxing power. It is a power which ought, under all circumstances, to be grudgingly used, and never used where the object in view can be attained in any other practicable way.

Mr. President, the high tax imposed by this bill upon the currency it authorizes is not only objectionable because it will make high-priced money, but it is objectionable because it is not necessary to accomplish the object and purposes for which it is imposed. If this bill allowed notes secured by municipal and railroad bonds to be issued in the discretion of the banks, both as to time and amount of issue, as in the case of notes issued on United States bonds, a high tax would be necessary to prevent their issue when not needed to meet an emergency and to force their retirement when the emergency which called them forth had passed. But that is not the case here. This bill expressly confers upon the Secretary of the Treasury the power to determine when these notes may be issued. Not a dollar can be issued by any bank until it has been officially determined by the financial head of the Government that they are necessary to meet an urgent business demand. This bill also expressly provides not only that the amount of these notes outstanding shall never exceed $500,000,000, but it provides that the Secretary of the Treasury shall fix the amount within this limitation that may at any given time be issued. Not one dollar can be issued in excess of the amount the Secretary officially finds to be needed. There is, therefore, no necessity for a high tax so far as the amount of issue and time of issue are concerned, and every consideration of wisdom, expediency, and justice is against an unnecessary tax on them while the emergency exists and while they are honestly at work relieving the situation and keeping down the rate of interest by making money plentiful. The only need for a high tax is to force their retirement when the emergency is over, and we know from experience that the stress is generally over in three or four months, though in cases of stringency, culminating in panic, the incident depression may continue long afterwards. Why, then, would not a small tax during the first three or four months of the life of these notes, with a tax of 6 per cent ever thereafter until redeemed, accomplish the object in view, without saddling the business of the country while the emergency is on with an unnecessary and burdensome rate of interest?

In this country the right to make money rests with the Government. It is a sovereign function. The people have divested themselves of this function and vested it in the Government to be exercised for their benefit. Not a dollar of money can be issued except by the Government or its authorized agents. Our people will not tolerate an unsound currency, but they demand as cheap money, as respects the interest rate, as any commercial nation enjoys. They are entitled to a 6 per cent rate for all purposes. If it is impracticable to supply the people with low-rate emergency money through a bond-secured currency, guaranteed by the Government, sooner or later recourse will have to be had to the alternative system of asset currency. I do not advocate in present conditions an asset currency, although such a currency, properly safeguarded, is not a bugbear to me. I do not regard it as undemocratic, as some do. If it is undemocratic to advocate such a system of currency, then there are a great many undemocratic Democrats in this country to-day. But I do believe that an asset emergency currency, limited in amount, covered by a reserve, the same as is required for deposits, secured by a lien, the same as given to depositors, and reenforced by a guaranty fund raised by a tax on the issue of all the banks sufficiently large to force its withdrawal when not needed in response to the demands of business would be an infinitely better currency system than the one provided in this bill, and that in addition to giving the people a safe, cheap, and elastic currency it would bring about a degree of cooperation and supervision by and between the banks of issue which would do ten times more than Government supervision now does toward the protection of depositors and the establishment and enforcement of conservative and safe banking.

Mr. President, recognizing that the majority party in Congress have made up their mind to work out this problem of emergency money through the medium of a bond-secured currency along the lines of the bill now under discussion, and that all the minority can do, if anything, must be done by way of amendment and suggestion, I have largely confined myself in what I have said to an effort to point out the objections which occur to my mind to its main provisions. These objections may be minimized or partly overcome by amendments, but I do not believe they can be entirely removed from any possible emergency system based on a bond-secured currency. The objections which I have made to the excessive cost of circulation may be overcome in part, as I have endeavored to show, by a reduction of the tax imposed, or by substituting for a level tax of 6 per cent for the whole time the notes are outstanding a comparatively small tax for the first three or four months and a heavy one thereafter. At the proper time I shall propose an amendment to this effect. The objections on the ground that the so-called "country banks" do not invest in the class of securities specified and would have to buy them in remote sections and that the net result would be contraction instead of expansion of local currency could, in part, be eliminated by reducing the reserve allowed to be deposited in reserve cities to the minimum required for purposes of exchange and requiring the remainder of their legal reserve to be kept in their own vaults and permitting them to use bonds of the class denominated in the bill for one-half of the latter amount. This would give these banks interest on one-half the reserve in their vaults and supply them with securities to the extent of 5 per cent of their deposits as a basis of note issue in cases of emergency. Both of these objections might be largely, if not altogether, overcome by extending the list of securities against which these notes may be issued to high-class commercial paper, as is done in Germany and in some other progressive nations, but I do not advocate this suggestion as a part of a system such as this bill proposes, and if I did I would not discuss it now, because there is no possibility of its adoption at this time. I am utterly opposed to the use of railroad bonds as a basis of bank circulation, and while I shall not enter upon any discussion of this question now, I wish to say at the proper time if no one else does so I shall offer an amendment to strike these bonds out of the bill.

Mr. President, I am glad to be able to give my approval to one provision of this bill, which I regard as being of great importance, and which it seems to me may be of great benefit in solving this emergency currency problem. I refer to the provision which removes all limitation from the retirement of national-bank circulation. If this provision had been adopted years ago, I believe our bank currency would have played a more beneficial part in our monetary system, both as respects volume and elasticity. Our national-bank circulation has never at any time made the slightest response to the business demands of the country except under Government pressure and inducement. During the last thirty years, except under the galvanizing influence of what was tantamount to Government subsidy, our bank circulation has dwindled until it has become at times almost a negligible quantity in our monetary system.

In 1882 there were only $23,000,000 more of these notes outstanding than in 1866, only about two years after the inauguration of our national banking system. In 1891 there were $150,000,000 less outstanding than in 1882, and in 1900 the number of these notes were only about the same as in 1866. It is true that since 1903 over $270,000,000 have been added to our national-bank circulation, but this increase has not been a voluntary increase. It has not been in response to the business demands of the country, exigent as they have been at times during this period, but in response to great governmental solicitation, pressure, and inducement. To secure this increase the Government had to loan to the banks by way of deposits practically dollar for dollar. In order to induce them to increase their circulation it sold to the banks the recent issue of Panama Canal bonds and 3 per cent certificates at sums less in many instances than were offered by individuals, and in effect loaned them the money, without interest, with which to pay for them. And yet, Mr. President, during all these years there has probably been no time when these banks could not, during most of the year, especially during the fall and winter months, when the demand for currency is always great and the rate of interest higher, have used these notes at a profit of at least from 1 to 2 per cent.

I may be mistaken, Mr. President, but I am strongly inclined to believe that the reason our national banks have not to a larger degree taken advantage of the privileges of issue conferred by the act of their creation and more readily responded to the needs of business has been largely due to the fact that the three and then the nine million dollars per month limitation imposed by law on the retirement of their circulation made it impossible to adequately retire these notes when they were no longer profitable or needed.

I do not profess to know enough about practical finance to have an opinion on this subject entirely satisfactory to myself, but I do not believe the removal of this limitation will invite undue contraction, and I have a hope which is but little removed from belief that it will impart a life and elasticity to our Government bond-secured circulation which would give to the people a cheaper currency than that authorized by the bill under consideration and which, by a readier response to the emergency demands of trade and commerce, will contribute to the solution of the problem which now confronts us.

Mr. President, we have at this time an abundance of money

to do the ordinary business of the country. We have a larger per capita circulation than any other commercial nation in the world except France. France has more than we have and has to have, because in that country business is done largely upon bank notes instead of upon bank credits, as in this country. We have twice as much money per capita as Great Britain, we have seven times as much as Japan, four times as much as Russia, and $10 per capita more than Germany. On the 1st day of February, 1908, we had a per capita of $35.61. Eliminating every one of our national-bank notes, our stock of money per capita would still be larger than any other commercial nation except France.

But, Mr. President, for this great blessing, and it is a great blessing, we owe little thanks to our statutory monetary system. The output of our mines and the international balances of trade in our favor have been our financial salvation. They have done for us everything except to supply us with an emergency currency. That can only be supplied by legislation. Trade balances are uncertain. The output of gold is uncertain. Good fortune, which in the recent years of our abounding prosperity has smiled upon us and saved us, may at any time desert us. Our recent experience should admonish us that it is the part of wisdom to put our financial house in order against a possible adverse turn of the uncertain wheel of fate. We can not with common prudence much longer delay a general remodeling of our amazingly incongruous monetary system.

The paramount question which will confront us in remodeling our monetary system will be whether the Government or the banks shall furnish the money of the people. It is folly to talk about the Government not going into the banking business. The Government is already in the banking business up to its armpits. Besides its collections for current expenses, it has on deposit in the Treasury over $900,000,000 in gold and more than half this amount in silver. It has outstanding $1,525,000,000 in paper notes, for which it is solely responsible, and it has nearly $250,000,000 of loanable funds. The Government is already in the banking business, and I believe will remain in the banking business, but it ought to do this business on sound banking principles.

Mr. President, the experience of commercial nations shows that $1 in gold will amply support $3 of paper currency. Our gold reserve of $150,000,000 is now supporting more than that amount, but we have about $750,000,000 worth of gold in the Treasury which is supporting only a like number of paper dollars. The $150,000,000 in gold is overburdened, but the seven hundred and fifty millions is carrying only about one-third of the burden it is capable of carrying and should be made to carry, if necessary to supply an adequate amount of currency.

In my opinion, this vast hoard of gold, now approximating ten hundred million dollars, should be converted into a redemption fund and with notes drawn against it we should pay off the several kinds of paper currency which we have now outstanding and for which the Government is solely responsible. Upon the basis of three, or even two and one-half, dollars of paper to one of gold, there would be an ample margin left for an additional issue of $500,000,000, as provided in the substitute of the Senator from Texas [Mr. BAILEY], which could be loaned to the banks as emergency required in amounts and at a rate of interest within fixed limits, to be determined by the Secretary of the Treasury. In this way the Government could, through the rate of interest fixed from time to time, largely control movements tending to undue expansion or contraction of the currency. Such a system would give the country an ample supply of money to do the ordinary business of the country, covered by gold, backed by the aggregate wealth of the nation, with an elasticity which would respond to the requirements of business and afford ample protection against undue inflation or contraction.

Mr. WHYTE. As I do not intend, Mr. President, to vote for any of the financial measures now under debate before the Senate, I feel it is due to my position that I should state with laudable brevity the reason which impels me to pursue the course I have indicated. I am a firm believer in the theory that there is a periodicity in commercial crises, as there is in crimes and epidemics affecting the physical body. They come at stated periods, but not with the regularity and exactness of the chronometer in the measuration of time in point of days or years, but with a certainty as indisputable as that of death. If I may use a vulgar expression, the country, at periods, intoxicated with the exuberance of its prosperity, gets on a monumental "jag" and runs riot for a time in the wildest speculation—gigantic stock gambling; investing enormous sums in the most impracticable enterprises which promise fabulous profits; living in the most profligate extravagance; building castles in the air to-day with no thought of the morrow until the bubble bursts; money has vanished; credit has become top-heavy and overturns, then it wakes up to a realization that it has been on a financial debauch, and there comes the tedious work of restoring, in sackcloth and ashes, the shattered constitution, the strengthening of the muscles, the purifying of the blood, the quieting of the nerves, and by a steady, yet sure process financial health is eventually restored and the people once more move on a new road to commercial prosperity. You may talk of the lack of elastic currency in such times, but I defy you to find in any country on the face of the globe such an elasticity as dominates the American character in bearing the ills they have on such occasions, yet rising superior to them all, regenerated and resolved to build anew the fortunes which they have lost in commercial disaster. The year 1907 has been simply the reproduction of the "moving pictures" of 1837, 1857, 1873, and 1893, through all of which I have passed in my long and busy life. The panic of 1837 followed the withdrawal of the Federal deposits from the Bank of the United States and opened the door for the creation of a multitude of State banks, which issued enormous amounts of paper money, giving impulse to unbridled speculation, of which the South Sea bubble was a fair prototype, and the danger of the situation was so apparent that there followed, as a natural consequence, a financial collapse.

Congress met in special session in September, 1837, and $10,000,000 of Treasury notes were authorized to be issued, and merchants were not to be pressed on their revenue bonds. Emergency relief had this extent; no more. The period from 1837 down to 1846 was one of crucial trial and economy to all classes of citizens in the reduction of their expenses and payment of their previously contracted debts. Maryland, my native State, which had been free from taxation, was debtor for long-term bonds, enormous in volume, issued for the promotion of internal improvements, and in 1841 the State found itself the victim of a wreck of nearly all the works to which it had contributed its financial credit. Notwithstanding the fact that it had received from the Federal Government its quota of the surplus revenue of the Treasury distributed among the States, amounting to nearly $1,000,000, yet it found itself, in 1841, unable to meet the interest due on its internal-improvement bonds. The debt for that purpose was in the neighborhood of $15,000,000. Every expedient had been resorted to short of taxation, and this or repudiation was the alternative now presented to its citizens. Repudiation was not to be thought of by that honest, God-fearing people, and they bowed their necks to the yoke and vowed that the State debt, principal and interest, should be paid to the last penny. They knew they were to be educated by a hard taskmaster—a great and unprofitable public debt. But they were reared in a school of the highest financial rectitude. Facing the disaster with manly fortitude, they turned to its payment with indomitable courage, and by the imposition of taxes on real estate, on judgment debts, on incomes, ground rents, collateral inheritances, commissions of executors and trustees, licenses and stamp taxes, and every other conceivable form of grinding taxation, the State resumed the payment of the interest on its public debt, and to-day it can pay every dollar of its outstanding obligations. This was the "emergency relief" to which "My Maryland" resorted in the dark hour of its financial adversity, and by which it earned for itself the name for financial honor, unsurpassed by any of its sister States.

The panic of 1857 was far more disastrous in its breadth than that of 1837. The whole fabric of social life was changed, and the reconstruction period lasted far beyond public expectation. But the masses of the people worked out their own financial salvation.

The panic of 1873 had its rise in the intoxicated condition of the money center of the country. For years before the extravagance and recklessness of the American people was simply colossal. Jim Fisk and his associates in Wall street were "plungers" who have had no parallel in financial history, ancient or modern, and the looting of the Erie Railroad was but the precursor of the reckless insurance spoliation by the men holding high rank in the financial world in these later days.

In that year of 1873 the Treasury Department reissued twenty-six million of the retired notes, without authority of law, which had been retired under the provisions of the act of 1865, that was enacted in the interest of the resumption of specie payments. In February, 1868, Congress repealed the act of 1865, $44,000,000 having been retired and were then in the Public Treasury. In October, 1873, Wall street became a pandemonium. Brokers like Henry Clews and others suspended payments; banks refused help in many quarters, and on one Sunday morning President Grant and the Secretary of the Treasury were

almost mobbed by the madding crowd of stock gamblers and others at the Fifth Avenue Hotel. And then the most influential members of the Stock Exchange, headed by one of the ablest lawyers of that day, begged the President to loosen the purse strings of the Treasury and reissue the forty-four millions then retired and in the Treasury. The lawyer being asked by the President where was the legal authority to make such reissue was answered:

There was none, but it was an "emergency" in the financial world, and law should be ignored.

Then came Grant's memorable answer:

You can violate the law; the banks may violate the law, and will be sustained in doing so; but the President of the United States can not violate the law.

A cartoon by Thomas Nast in Harper's Weekly of the time pictorially illustrated that memorable scene. Subsequently to this noble stand of the President Congress, in 1874, passed a bill authorizing the reissue of the entire forty-four millions, but President Grant (brave soldier that he was) vetoed it, and it was not passed over his veto. Notwithstanding all this, the people of the United States soon rallied from their misfortune and began the sure work of again building up the fabric of prosperity.

Financial experts have found the causes of the panic of 1893 to have arisen in the apparent deficiency in the public revenue, threatening an inroad on the gold reserve for the ordinary expenditures of the Government, and in a more deep-seated fear of a distinct and disastrous change in the standard of value. Capital, ever quick to take alarm, began its withdrawal of money from daily circulation, and the process of hoarding was resorted to. That panic was the finest teacher of economy and living within one's means the country ever had, and the people, high and low, merchant and daily toiler, took in sail and became money savers for many years thereafter. Stringency in money matters is not comfortable, but it is a tutor that teaches.

The panic of 1907 is attributed to want of confidence in the community as to the trustworthiness of those who direct the affairs of the great corporations of the country. Many of them have been weighed in the balance and found wanting; they had used the moneys of widows and orphans to fill their own pockets with dishonest gains and to corrupt the suffrages of a free and liberty-loving people. Trust companies had failed; banks had gone to the wall; corporations had been formed to cover up shameful practices by directors and trustees; the criminal courts had been invoked to punish grand larceny and perjury and every criminal subterfuge, which the inventive genius of financial sharks had devised for personal profit, and of course credit failed, confidence was destroyed, money was, in self-defense, put in hiding, and financial disaster was the natural result. What but calamity could issue from this Pandora's box of iniquities? The country has borne the heat and burden of the day, the financial world has been winnowed of the chaff, and the wheat is being gathered in the barns. The fires of the furnaces are being lighted, the busy hum of the workshop once again gladdens our hearts, the channels of commerce are being filled with exchanges of merchandise, and the wonderful recuperative power of this people is being manifested on all sides. The emergency is passed; we want no schemes to inflate the currency and to call the gamblers from their dens to begin again their destructive work of wild-cat speculation. "Let us have peace"—after the turmoil and rancor of a Presidential contest shall have died away, let the wiseacres of the financial world put their heads together and devise a scheme of the whole banking and currency system which will provide a safe circulating medium for ordinary times and, as far as practicable, meet the exigencies of sudden commercial crises.

ADDITIONAL MEMBER OF THE PHILIPPINE COMMISSION

Mr. LODGE. Mr. President, if there is to be now no further debate on the financial bill, I should like to call up Senate bill 5507.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. The Senator from Massachusetts asks for the present consideration of the bill referred to by him, the title of which will be stated.

Mr. HEYBURN. I ask the Senator if there is any objection to its passage?

Mr. LODGE. I do not think so. It is a very short bill.

Mr. HEYBURN. It was my intention to call up the regular order; but as the Senator from Massachusetts desires to call up a measure that will not involve any debate, I shall not object.

Mr. LODGE. There is a unanimous report of the committee in favor of the bill for which I ask consideration.

The VICE-PRESIDENT. The title of the bill for which the Senator from Massachusetts asks consideration will be stated.

The SECRETARY. A bill (S. 5507) to increase the membership of the Philippine Commission.

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

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Philippines with an amendment, to insert as an additional section the following:

SEC. 2. That the President is hereby authorized in his discretion to create, by Executive order, and name a new executive department in the Philippine government, and to embrace therein such existing bureaus as he may designate in the order; and in his appointment of any Commission member he shall specify in his message to the Senate the department, if any, of which the appointee shall be the secretary.

So as to make the bill read:

Be it enacted, etc., That the number of Commissioners constituting the Philippine Commission is hereby increased by one additional member, making the Commission consist of nine members; said additional member shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive the same salary and emoluments as are now or may hereafter be prescribed by law.

SEC. 2. That the President is hereby authorized in his discretion to create, by Executive order, and name a new executive department in the Philippine government, and to embrace therein such existing bureaus as he may designate in the order; and in his appointment of any Commission member he shall specify in his message to the Senate the department, if any, of which the appointee shall be the secretary.

Mr. CULBERSON. Mr. President, I hope the Senator from Massachusetts will state the necessity for the passage of this bill. I understand, of course, that it comes from the Committee on the Philippines with a unanimous report; but while I am a member of the committee, I was not present when the bill was considered.

Mr. LODGE. Mr. President, I can state the reasons for the passage of the bill in a very few words. I do not think there can be any objection to it.

The Philippine Commission constitutes the upper house of the assembly, which went into operation this year. It now consists of eight members. As members of the Commission are obliged to travel in different parts of the islands, it is extremely difficult to always maintain a quorum in Manila when the assembly is in session. A quorum of eight is five, and a quorum of nine is five; and this additional member will make it much easier to secure a quorum, which is very necessary.

Another reason is that the Commission is now greatly overworked and needs an additional member. For instance, the departments of finance and justice are combined in one Commissioner, and the work is more than any one Commissioner can properly manage. An additional member is therefore much needed.

I understand the intention also is to give the Filipinos a further representation on the Commission. Of course Senators are aware that the Commission is paid from the revenues of the island; that it makes no charge on the Treasury.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

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

EXTENSION OF STREET RAILWAY LINES TO UNION STATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 902) authorizing certain extensions to be made in the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes.

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives, ask for a conference with the House on the bill and amendment, and that the conferees on the part of the Senate be appointed by the Chair.

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

REVISION OF THE PENAL LAWS.

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

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. CLAPP. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. CLAPP. I have a very short bill here, consisting of less than a page, but I will not ask the Senator to yield provided the Senate will go on for a while on his bill. Every afternoon when we are at about this point we take up the Senator's bill and then adjourn.

Mr. HEYBURN. I will state in response to the Senator's suggestion that it is by taking up this bill every afternoon and making a little headway sometimes and much at other times that we have at last succeeded in passing upon all the provisions of the bill. We are now engaged in considering a section to which we recurred upon the suggestion of the Senator from Georgia [Mr. BACON], and I do hope and believe that, with a few minutes of the time of the Senate this afternoon, we shall be able to dispose of the bill as in Committee of the Whole and have it printed, so that when it is taken up in the Senate it will be printed with all the changes that have been made as in Committee of the Whole.

Mr. CLAPP. It is perfectly agreeable to me to take up the bill provided we go on with it, but every afternoon when the Senate is about to get ready to pass bills, this bill is taken up, and then we adjourn.

Mr. HEYBURN. I hope the Senate will proceed with the bill.

Mr. BACON. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. BACON. I want to say to the Senator from Idaho that I understood from him that he would not ask to take up the bill this afternoon. I suppose there will be no trouble about taking it up to-morrow. There is nothing on the programme that I know of that would interfere. I did not expect that the bill would be taken up this afternoon, and I hope the Senator will not urge it. We are weary.

Mr. CULBERSON. I call the attention of the Senator from Georgia to the fact that the Senator from Oklahoma [Mr. OWEN] gave notice that he would address the Senate on the banking bill at 2 o'clock to-morrow.

Mr. HEYBURN. Mr. President, we were proceeding to consider section 20 of the bill when it was laid aside. I desire to call the attention of the Senator from Georgia [Mr. BACON] to some decisions that have been rendered by the courts in passing upon this section. I do this in support of the statement which I made upon the occasion of the last consideration of this section, that, while it might have been, and doubtless was, passed for a certain purpose—that is to say, Congress had in mind the accomplishment of a certain purpose—yet this provision has been found to be useful and necessary in enforcing the law in regard to other conditions than those before the minds of Congress at the time of the enactment of the bill. In the case of Davis *v.* The United States, in 107 Federal Reporter, at page 753, decided in 1901, it was found necessary to invoke the provisions of this section upon the trial of a party for the killing of revenue officers. The court, Judge Severens, stated in rendering the opinion in that case:

> These contentions—

That is, that the indictment charged in effect two separate offenses—

> These contentions are based upon a misconception of the effect of sections 5508 and 5509. They do not contemplate two distinct offenses against the United States. Only the conspiracy is of Federal cognizance, and it is that offense which is made punishable.

That is, the conspiracy—

> If, in the prosecution of it, a thing is done which is a crime by the laws of the State, the conspiracy is punishable by a measure of punishment equal to that prescribed by the law of the State for such other crime.

That goes only to the question of the measure of punishment—

> But it is an aggravation merely of the substantive offense of conspiracy. If the latter is not proven, there can be no conviction for the offense which constitutes the aggravating circumstance, and the proceeding falls to the ground. It is plainly indicated in Motes *v.* United States (178 U. S., 358) that this is the view taken of these sections by the Supreme Court. It can not be doubted that it was within the power of Congress to deal with such a conspiracy and impose such punishment therefor as it should deem proper, and, having such authority, it was competent to take notice of such incidents of violence and wrong as were likely to happen in the prosecution of such combinations, and to measure the punishment by that which is prescribed by the local law for such acts when made, of themselves, the subject of punishment. Though measured by those laws, the penalty is imposed by the law of the United States.

I think that goes very far toward meeting the objection urged by the Senator from Georgia that this section invested the United States court with jurisdiction over an offender for an offense against the State laws. Both the United States Supreme Court and the United States circuit court hold that the offense for which the party can be tried and punished in the United States court is limited to conspiracy, but if the parties are found guilty of the conspiracy they may be punished upon that verdict to the extent that they might be punished for the conspiracy and the crime committed pursuant of it combined. There is nothing unreasonable about that, because it must be that power will be vested somewhere for the punishment of a conspiracy that results in murder. That is one decision upon the question.

There are a great many of these cases coming before the courts even up to the present time—cases entirely different in character from those in contemplation at the time the statute was enacted. It has continually occurred in the jurisprudence of this country that a law enacted to meet an existing condition has been found useful and necessary to meet conditions not even contemplated at the time of the enactment of the law. Therefore, when the question of the continuance of this section in force is up for consideration we must consider not only whether the conditions that called for the enactment of the law exist, but whether other conditions exist that have arisen since. I desire to note in the RECORD in connection with this matter the case In re Lancaster (137 U. S., 393), Logan *v.* United States (144 U. S., 263), In re Quarles and Butler (158 U. S., 532), Motes *v.* United States (178 U. S., 458), and United States *v.* Davis (107 Fed. Rep., 753), all of which are recent cases.

I have here a list of cases that were tried under conditions that were not contemplated by the legislators at the time of the enactment of the law; but this law has proven to be useful and necessary to meet entirely new conditions of a different class from those then contemplated. Now to repeal it would leave no law upon the statute books under which these offenses of more recent origin and practice could be punished.

Mr. BACON. I should like to inquire of the Senator if he has read the cases the list of which he has cited to us?

Mr. HEYBURN. Yes; and I have a syllabus of them here.

Mr. BACON. I simply want to say, as to one of them, that I happen to know something about it. The case of In re Lancaster never was heard on the merits in any appellate court. It was before the Supreme Court once upon a very slight preliminary question before there was even an arraignment.

Mr. HEYBURN. I would ask if the Senator refers to the Lancaster case?

Mr. BACON. Yes.

Mr. HEYBURN. That was on a motion for leave to file a petition for a writ of habeas corpus.

Mr. BACON. That certainly can not be considered by the Senator in support of any argument he has made to-day, because that case never did get before any appellate court.

Mr. HEYBURN. The case grew out of an attempt to eject certain squatters on lands the title to which had been quieted in the Federal courts. The question first arose in 44 Federal Reporter, page 885. It goes to make up this statement as to the necessity or usefulness of this statute at this time. Of course the case in the 44 Federal Reporter is quite an ancient case. Then there is a case in 110 U. S., decided, of course, quite a long time ago, but I read it merely in stating the sequence of decisions. But when I call the attention of the Senator to cases as late as 158 and 178 United States Supreme Court Reports and 107 Federal Reporter, it will be evident that we are not compelled to rely upon the Lancaster case. It is only one case.

Mr. BACON. I thought if the Senator was referring——

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

Mr. HEYBURN. Certainly.

Mr. BACON. I thought if the Senator was referring to the Lancaster case as an authority, and he had no other cases which were any more authority than the Lancaster case, that his brief was not very valuable, because I happen to know something about the Lancaster case. It never was before an appellate court upon any question which involved the merits of the case.

Mr. HEYBURN. Mr. President, I think the Senator will find, when the record of what I said is printed, that I called the attention of the Senate to these cases in order that they might have, should they desire to review what I had said on this question, a statement of cases in which this section had been considered and adjudicated. I do not attempt in thus stating it to go into the merits of each case. I have before me, as I have said, a statement which I have made up from an inspection of these cases. I am prepared to go into each one of them should it be deemed necessary or profitable to do so; but I think, in discussing the question with the Senator from Georgia, it will not be necessary to go further than to show that the courts find this section of the criminal law of the United States

useful and necessary in order to punish other offenses than those in contemplation at the time of the enactment of the section. That being shown, it seems to me that it would appeal to the legal mind that we ought not to repeal a statute merely because the conditions that called for or resulted in its enactment had passed away, if it is shown that other conditions require the presence of such a law upon the statute books.

Mr. BACON. Mr. President, I do not know whether it is very profitable for us to discuss this question, because, as the Senator well knows, if we come to a final issue there is no way by which it can be determined. It may very seriously affect the question as to whether or not the bill will ultimately pass; but I do not know that we can determine the question as to whether or not the Senator shall prevail in his contention or whether I shall prevail in mine, because the necessary machinery for that determination is not at hand; but I want to say, in order that the RECORD may be complete, that the Senator misapprehends altogether the point of my objection to the section.

This is not a section which I claim was adapted or designed for a condition of affairs different from that which now exists. I say it is a section which was never a proper section upon the books, and that it is simply a cloak, a device, under which offenses purely against the State law are taken cognizance of by the Federal courts, and under which parties are tried and convicted in the Federal courts when the offense committed is an offense simply against the State. I am going to state this very briefly, because I do not feel any disposition to go into any long argument this afternoon. I did not expect this matter to come up at this time, and I was quite content with the suggestion the Senator himself had made to me that the resumption of the consideration of this bill should not be had until to-morrow. But in order that my point may be made clear, I will read the section preceding this section and then that section in connection with it, to show how utterly useless it is for the purpose of affecting the punishment of anyone who violates the Federal law and how adapted it is to the usurpation of jurisdiction by the Federal courts of an offense against the State which is not an offense against the Federal authority.

Section 5508 is the one in which there is an offense against the Federal Government set out, and it is in these words:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

There is the offense set out, complete in itself. Here comes the penalty:

They shall be fined not more than $5,000 and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

I think anyone will agree, whether he be lawyer or layman, that the offense is set out there and the penalty is attached, making in itself a complete statute, and nothing more is needed to punish for the offense committed against the Federal authority. If there were no other section there would be no trouble in the administration of the law. If nothing followed it nothing more would be required. A party who violated the terms of the statute, as I have read it, could be indicted and tried, and if found guilty could be punished, and no slight punishment either. It will be noted that the offense is the conspiring for the purpose of preventing anyone from exercising, or intimidating anyone in the attempt to exercise, his rights under the Constitution and laws of the United States, or because of having so exercised those rights, or conspiring to prevent his enjoyment of right or privilege under the laws or the Constitution of the United States. If he does either of those things, which is the extent of the statute, he can be punished by a fine not exceeding $5,000 and imprisonment for not more than ten years, and in addition to that he is thereafter ineligible to any office or place of honor, trust, or profit created by the Constitution or laws of the United States. That is complete in itself. The offense is complete and the penalty no one will say is inadequate.

Now, what is the next section? Mr. President, bear in mind my criticism is that the next section is an entirely independent section, in nowise necessary to support the first section, and that it relates entirely to an offense committed against the State and not to an offense committed against the United States. I will read it and see:

If in the act of violating any provision in either of the two preceding sections—

I did not read the first of the two preceding sections, but it is of the same nature, with an offense set out and a penalty attached, complete in itself. Here is this independent section 5509 to which I am objecting:

If in the act of violating any provision in either of the two preceding sections any other felony—

Not anything that is a part of that felony, but "any other felony"—

or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

How possibly can it be contended that that section relates to anything except some felony perpetrated in the State, not a part of the original felony? It might have been done in connection with, but it has no office as a part of the original offense.

The law is not ambiguous. It does not leave us in doubt as to whether or not it is an offense which may be properly said to constitute a part of either of the offenses specified in either of the two preceding sections. It says specifically "any other," not a part of the same, but any other offense. Here are offenses set out against the Government of the United States, and they are complete in themselves. If at any time another felony is committed, can it be a part of the offense against the United States? The felony specified in each of the two sections is complete in itself and not left in doubt as to what it is, and the section then makes provision for a case where, when they are doing that, they commit some other felony. Of course it can only be a felony against the State. If the section had gone on to say if they commit some other felony they should be punished by imprisonment for a certain specified term of years or by the payment of a certain specified fine, there might be some contention. But the section not only specifies a felony which can be none other than a felony against the State, but absolutely goes forward and specifies the same penalty as that prescribed by the State, the plain purpose being to invest the Federal court, after it has once taken jurisdiction of an offense against the United States Government, with the further jurisdiction to take cognizance of an offense against the State and to punish with the penalty of the State. In other words, it constitutes the Federal court the court in which an offender against the State law can be tried for the offense against the State law and punished for the offense against the State law with the penalty prescribed by the State law. How is there any possible escape from such a conclusion?

Mr. President, what is the evil of this thing? The evil of it is that parties who commit offenses against the State are, after the offense has been committed, as an afterthought by some one who wishes to drag them before the United States court, charged with a conspiracy, one of those intangible offenses where somebody can testify to something that he heard somebody else say, and if the necessity is put upon one it is one of the most difficult things in the world to prove that a man did not say something, with a design to carry a case into the Federal court. After there has been an assault, possibly, a difficulty between two people, one of whom wants to have a trial in the Federal court, he goes and makes any sort of an allegation about a conspiracy, an afterthought, and a man is dragged a hundred miles from his home, away from his witnesses, put to great expense and inconvenience, and in a position where it is almost impossible for him properly to defend himself, and carried before a Federal court and tried for an offense which can only properly be tried in a State court.

It is not a slight matter, Mr. President, and I was not speaking lightly when I said in opening my remarks that we might not be able this afternoon, for the lack of proper machinery here, to determine whether this section shall go out or whether it shall remain in the bill. It is a matter of such grave importance that it is one which may put in jeopardy the whole question whether this bill shall receive the sanction of the Senate. I regard it as one of the most important things in this body of laws. I say one of the most important—one of the gravest and most serious, one absolutely unnecessary to the proper administration of the Federal law, and one of the most serious, which is found in practical operation to give opportunity to usurpation by the Federal courts of jurisdiction in the trial of cases where the offense has been committed against the State and not against the General Government.

Mr. President, I have no desire to delay the Senate with a further argument. I think I have presented it in a way that Senators present can understand the enormity of this thing, and I want to say to the Senator from Idaho that the thing which has impressed this case upon me more seriously than anything else is the very case of Lancaster from which he read. I was of counsel in that case, and I know all about it. It was a plain

case of murder. The question who committed the murder was a very serious question in the case. But whoever committed it, it was a plain case of murder, and a very atrocious case of murder. Parties were dragged a hundred miles from their homes, tried away from their families and their friends, where it was difficult for them to procure witnesses, and where, before any witness could be summoned before the court, there had to be reduced to writing a statement of everything it was expected to be proved by that witness, which had to be handed to the prosecuting attorney for him to be ready with a witness to rebut the evidence before it was brought into court. After a trial which lasted for more than thirty days some of the parties were sent to the penitentiary for life and others for terms of years, and after some of them had died in prison and but one remained, President McKinley pardoned that man Lancaster upon the statement of Attorney-General Griggs in writing that upon the record in that case he ought never to have been convicted. The Senator wants illustrations. There is a concrete case which he himself has brought before the Senate; and it is not the only instance in which I have had a practical illustration of the enormity of this law.

Mr. President, if there is anything that is important under our system of Government, it is that parties should be tried in their States for offenses against the State, and that by no warping or twisting, with the General Government organized as it was for altogether other purposes, should plain offenses against the State be taken jurisdiction of by the Federal courts. The Federal courts sit at long distances from one another. It is the right of the party to be tried, except in very extraordinary circumstances, by a jury of the vicinage, and he should be tried near the scene of the alleged crime, where he can have the attendance of his witnesses, and it is a hardship and an enormity and an iniquity that a statute so absolutely unnecessary for the maintenance of any Federal interest as this is should remain upon the statute book by which men can be dragged a hundred miles from their homes to be tried for an ordinary case of violation of the State law.

Mr. President, I move to strike out the section.

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

The SECRETARY. It is proposed to strike out all of section 20, on page 12.

Mr. HEYBURN. Mr. President, because there has been a miscarriage of justice in the enforcement of a law is not conclusive proof that the law is bad. Without undertaking to review the proceedings in the Lancaster case or to consider the question whether or not in that particular case the parties should have been held under the provisions of this law, it certainly is proper, when we are considering the question of a law so wide in its scope and so necessary in its purpose and effect to maintain rights of individuals under the law made by this body, to overlook the question whether or not in some instances the law has been so administered as to work a hardship.

Mr. President, I will leave the Lancaster case twenty years behind. I guess twenty years is about the period which has elapsed since that case first came before the courts in 34 Federal Reporter.

Mr. BACON. Not quite.

Mr. HEYBURN. The Senator from Georgia will know better than I as to whether or not that period is too long.

Mr. BACON. It is a little too long.

Mr. HEYBURN. It was before the United States Supreme Court in the one hundred and thirty-seventh volume of the reports of that court, and we are now beyond the two hundredth volume.

Mr. BACON. Long enough for a man to stay in the penitentiary ten years, when the Attorney-General himself, after an examination of the record, said he ought never to have gone there at all.

Mr. HEYBURN. There are, unfortunately, in the history of jurisprudence in this country a number of cases where parties have been punished unjustly and where it required many years to develop that fact, but it would not do to repeal the statute under which they were tried and convicted because, forsooth, they were unfortunate in that regard. I do not believe that any lawyer in this body would hold that a sufficient reason for repealing the law.

In the case of Logan *v.* The United States, which was some years after the Lancaster case, Logan and others were indicted under sections 5508 and 5509. Section 5509 is section 20 of this bill, to which the motion to strike out, made by the Senator from Georgia, is directed. Logan was indicted for conspiracy and for murder committed in pursuance of a conspiracy. Section 5508 does not provide a punishment for the violation of any law of the State. It provides a punishment for a violation of the rights of the citizen secured to him by the Constitution or the laws of the United States, or because of his having so exercised his rights thereunder.

It is a rule of universal application that a violation of the laws of the United States is punishable always, presumably, in the courts of the United States, and the section 5508 is directed only to the violation of the laws of the United States. Section 5509 merely provides a rule for punishment for those who are convicted under 5508; nothing more. Section 20, to which the Senator's motion is directed, does not in itself prescribe a crime. It provides a rule for the punishment of the crime that is prescribed in the preceding section. That is all.

Now, I think that in itself might rest as a complete answer to the argument of the Senator from Georgia against the provisions of section 20, because I repeat it does not provide any additional crime to that which is provided for in section 19 of the bill under consideration. Section 19 of the bill, I take it, would not be attacked on the ground stated by the Senator from Georgia, because it in terms confines its application to a violation of the laws of the United States, and you could not punish a person under the provisions of section 19 for the violation of the law of the State, because the statute leaves no margin for such a construction, and the murder that is committed in the process of violating the provisions of section 19 is merely made the basis, not of a trial, not of an indictment, but the basis of determining the measure of the punishment. That is all; nothing more.

Mr. President, to consider the Logan case a little further, certain persons were in the custody of a deputy United States marshal, under an indictment charging them with larceny. While so in custody Logan and others, in pursuance of a conspiracy, in the nighttime went upon the highway in disguise, waylaid the deputy and his prisoners, and shot and killed one of the prisoners. Logan and others were found guilty of conspiracy. Conspiracy to do what? Conspiracy to take these prisoners from a United States marshal. They were in the custody of a United States marshal by virtue of his authority under section 19. They were in custody for the violation of the provisions of section 19 of this bill as it was written at that time in the Revised Statutes. They went upon the highway masked, at nighttime, and, pursuant to the conspiracy that they had entered into, which was not to kill anybody, not to commit murder, which would be a crime under the laws of the State, but a conspiracy to release prisoners from the custody of the United States marshal. But in the carrying into effect of that conspiracy they killed the prisoner. The court in sentencing them took into consideration the fact that they had killed the prisoner for the purpose of determining the measure of punishment under the provisions of section 20, now under consideration. That is the Logan case.

Would it appeal to the Senator from Georgia that a punishment merely for rescuing the prisoner, where murder had been committed, would have been a sufficient punishment? Ought not the conspiracy that resulted in the commission of this murder be taken into consideration by the court in punishing the parties? Should there be two trials—one in the United States court for a part of a crime, and another in the State court for another part of the same crime, they all being the same act, growing out of the same intent or the same conspiracy? Should there be two trials? Would there be anything gained to the administration of the law of the land by dividing it? Then, which court should have jurisdiction? The crime was originally initiated in violation of the laws of the United States which are peculiarly within the consideration of the courts of the United States. The indictment was found in the courts of the United States. Should they have disregarded the fact that this party, whose only crime originally under the laws of the United States was the entering into a conspiracy to liberate a prisoner, had committed a graver offense pursuant to the same conspiracy.

Now, that is as far as the court went, and the United States Supreme Court held that, having entered into a conspiracy to do an unlawful act under the laws of the United States, they might be held responsible to the full extent for the act which they committed. Many murders are committed in the carrying out of a conspiracy that were not contemplated when the conspiracy was entered into. The law can not disregard these graver acts because they were not within the contemplation of the conspirators at the time of the conspiracy or when it was formed. But the conspiracy is against the laws of the United States. I desire that to be emphasized and that language to be incorporated into my statement. I read the section to which the offense is initiative, section 5508:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United

States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

That is, secured to him under the Constitution or laws of the United States. How would the courts of a State have jurisdiction of such an offense? The courts of the State may punish only for a violation of the laws of the State. The courts of the United States punish only for a violation of the laws of the United States.

Will it be maintained that the parties should go free because they did not succeed in committing an offense that the laws of the State might take notice of? May they not be punished for conspiring together for the purpose of defeating the rights of a party under the Constitution or the laws, which are equally sacred, enacted by Congress? The United States Supreme Court, in the Logan case, recited this fact:

Logan and others were found guilty of the conspiracy.

That is what they were found guilty of. They were not found guilty of the murder; they were found guilty of the conspiracy; and as a part of the proof establishing their guilt of the conspiracy were the facts of the murder. The court did not undertake to try the party for murder, but did try the party for the conspiracy, and took into consideration all of the facts which surrounded the conspiracy in determining the punishment that was appropriate under the act of Congress.

Mr. CLAPP. Will the Senator pardon a question?

Mr. HEYBURN. Certainly.

Mr. CLAPP. Under any state of facts that would warrant the court in punishing a party in a proceeding for conspiracy, taking into account in imposing that penalty the fact of the homicide, would there not have been sufficient facts established to have prosecuted for the homicide under the State law?

Mr. HEYBURN. There would have been sufficient facts, but the United States court having already taken jurisdiction of what you might call the primary offense out of which the graver offense grew, as I have before suggested, it would seem to be neither in keeping with the ordinary methods of administering the law, nor would it be required under the statute that the United States should release its hold upon the prisoner for the punishment of the offense against its laws because, forsooth, the party had been guilty of an offense against the laws of the State. Had the State taken possession of the defendant for the crime of murder, it having first acquired jurisdiction, it might take into consideration, if it were necessary, but it would not generally be necessary, the question of the conspiracy out of which the murder grew.

Mr. CLAPP. If I may be permitted to offer a suggestion, it appears to me that while the conspiracy may have been primary in point of time the graver offense was the homicide, and, waiving any question which the court could try, the homicide should be tried and punished in the trial of the homicide, instead of taking the homicide into account in a general indefinite way in imposing a penalty for conspiracy in a Federal court.

Mr. HEYBURN. That goes to the question of the wisdom of the lawmakers who enacted this law.

Mr. CLAPP. That is what we are discussing now, and that was in view in reserving this provision.

Mr. HEYBURN. Mr. President, I am admonished that it is getting late, so I will not elaborate unnecessarily. It will be profitable to consider some of the other cases that have carried forward this doctrine. In the case of Quarles and Butler, which was a more recent case, the petitioners were indicted under these two sections for having, in pursuance of a conspiracy, gone in the nighttime to the house of a person who had informed a deputy United States marshal that certain persons were engaged in the illicit distilling of liquors and beaten and illtreated him and shot at him with intent to kill him because of his having given such information. A writ of habeas corpus was denied by the United States Supreme Court in this case, the court holding that such acts came within the inhibition of the statutes.

That, of course, is a clear adjudication of the principle involved in these two sections. There they shot and wounded and beat this man in carrying into effect a conspiracy that they had entered into in violation of the laws of the United States regulating the distilling of liquor. They assaulted a person who gave information to one of the officers of the United States. That is a clear determination of the legal question as to the manner of proceeding and the extent and purpose of this law.

I call attention to the Motes case. It is in 178 United States, at page 568. That case is entitled "Motes *v.* The United States." Motes and others entered into a conspiracy to injure and oppress one Thompson for having given information to a United States commissioner that certain persons were engaged in the unlawful distilling of liquor. In furtherance of the conspiracy they shot and killed Thompson. For this they were indicted under sections 5508 and 5509, tried, and convicted. The court sustained the conviction of Motes, but reversed the judgments against the other conspirators for errors upon the trial and remanded the cases for new trial. They, however, held that the conviction of Motes would not be disturbed, because he committed this murder in the execution of a conspiracy against the laws of the United States.

In United States *v.* Davis the circuit court of appeals for the sixth circuit points out that in the prosecutions under sections 5508 and 5509 it is the conspiracy that is punished, and that if any other offense be committed in carrying out the conspiracy such other offense is not punished, but the commission of such other offense aggravates or increases the punishment which may be imposed for the conspiracy. Upon this point, respecting the claim made that there were two distinct offenses in the same case, the court says what I have already read from the decision of Judge Severens in that case. He simply elaborates the idea that the party is not convicted for the murder or for the assault; he is convicted for the conspiracy; but the punishment for conspiracy under that section is graduated according to the result of the execution of the conspiracy. If the conspiracy resulted in no great harm to any individual, the punishment would doubtless be commensurate with the offense. If the conspiracy resulted in the destruction of property or life or a serious assault, the court is authorized by section 20 to take that into consideration in fixing the punishment, not for the murder, not for the burning, not for the assault, but in considering the punishment for the conspiracy.

Does it not appeal to the legal mind that the court should be authorized by law to take into consideration in determining the punishment the gravity of the offense that is committed pursuant to the carrying out of the conspiracy? Because it may have worked a hardship in one or in many cases the wisdom of the law can not be attacked on that point.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. Although on the committee, I was not present, as I now recall, when this section was considered by the committee. I should like to ask the Senator if all the cases he has been citing were not prosecutions under section 19?

Mr. HEYBURN. No, Mr. President; every one of them recited both sections. I have only selected those cases where the carrying out of the conspiracy involved the commission of the larger offenses. There are a line of cases in which that element does not occur, but I have only brought here for consideration those particular cases in which both sections 19 and 20 are mentioned and both considered by the court.

Mr. PILES. I do not think the Senator catches my point. My question is this: Has there been any man prosecuted according to the decisions which the Senator has cited here under section 20 for an offense named in section 20; that is to say, if in the act violating any provisions of the preceding section any other felony or misdemeanor has been committed? For instance, will the Senator contend if a murder had been committed in execution of the conspiracy that it could be prosecuted in the courts of the United States.

Mr. HEYBURN. Not at all as murder; no.

Mr. PILES. Then what is the necessity for section 20?

Mr. HEYBURN. In order to give the court a scope in administering the punishment that is commensurate with the offense or, rather, with the result of the conspiracy. That was the purpose of enacting section 20, which——

Mr. PILES. Is there any necessity for the court having such evidence before it in order to fix the punishment under section 19?

Mr. HEYBURN. Yes; because under section 19 the maximum punishment is a fine of not more than $5,000 and imprisonment for not more than ten years. It will not be maintained for a moment that that would be an adequate punishment for parties guilty of conspiracy which resulted in the more serious consequences that have been shown to have existed in the cases which I have cited.

Mr. PILES. Is not the court bound to know, in trying a conspiracy case, that murder was committed? Will not the court know that fact? Is not that fact bound to be developed in the trial of the conspiracy case, and can not the court therefore determine the punishment just as well without section 20 as with it?

Mr. HEYBURN. No; it would be limited to the number of years and the amount of fine prescribed in section 19, and there is a limit there that is not commensurate with so grave an offense as that which was under consideration in the cases that have been cited.

Mr. PILES. I confess I am unable, sir, to see the necessity of section 20. I do not think that in the cases the Senator has cited there is any necessity for the existence of that section. If that section had been considered in my presence in the committee I should have voted against it.

Mr. HEYBURN. It was probably considered when the Senator was not present. Every section in this bill received the most careful consideration at the hands of the committee. Nothing was taken for granted. Every line and letter of every section of the bill was considered at length, and upon some single sections the committee spent several days and reviewed every decision that had ever been rendered by any court affecting the operation of those sections. So it may be safely said that there is nothing in the bill as the result of inadvertence on the part of the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON].

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I think we can get ready in a minute to print the bill, and I think all Senators will agree with me that it is desirable to do so.

Mr. BACON. Mr. President, I wish to make one remark before the measure is put to a vote as in Committee of the Whole. There are a good many things in this body of criminal law to which I have very serious objection. I do not think it is practicable to get them out. I make this statement because I do not wish to be considered in voting for the passage of the bill, which I expect to do, that I give my assent to those objectionable features. If there was any possibility of getting them out, of course, I would avail myself of it, but I think there is none. I feel it due to myself to make this statement. I think, however, I should have voted against the bill if section 20 had been retained.

Mr. HEYBURN. It is my intention at an early day to ask that a time be fixed by unanimous consent to vote upon the bill after it is considered in the Senate. I should like to get it out of Committee of the Whole and have it reprinted, so that in the Senate we may consider the bill in better form than it can possibly be considered as in Committee of the Whole, with the amendments that have been made.

Mr. MCLAURIN. There is one little amendment that I believe the committee agrees is a proper amendment. In section 95, after the words "sufficient evidence," in line 19, I move to add the words "prima facie."

Mr. HEYBURN. I have no objection to that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 48, line 19, following the word "evidence," insert the words "prima facie."

The amendment was agreed to.

Mr. HEYBURN. There are some amendments I have to offer to which I think no one will object. The Post-Office Department has found that the inventive genius of a certain class of people has encompassed the present law to such an extent that it is necessary to insert certain words in section 212, which pertains to contraband publications in the mail.

On page 109, line 18, after the word "lascivious," I move to insert "or vile, or filthy, or disgusting." The courts have held that certain matters do not come within the meaning of "lascivious."

Mr. BAILEY. Mr. President, I do not think we ought to go so far as to include the word "disgusting." That is a matter about which there might be some latitude or difference of opinion. As to the other two, I think everybody will agree that what is vile and filthy ought not to go through the mail. I hardly think the other ought to be included. To disgust a man is not necessarily a serious offense.

Mr. HEYBURN. If the Senator will permit me, it is rather a difficult question to consider anywhere, but if he or any other Senator will go down to the room of the Joint Committee on the Revision of the Laws he will see there ample reason for the insertion of this one particular word "disgusting." The courts have interpreted the other words, the words "lascivious" and "vile," and "filthy," and yet in one place in Chicago we captured several tons of postal cards and mail matter that did not come within the definitions of lascivious or vile or filthy, but they are of such a character as would leave no occasion for any argument if they could be inspected for a moment. They may be seen. They were sent over from the Post-Office Department in support of their request that these words be inserted in the bill. While I was not in favor of enlarging this or any other statute without a reason, upon seeing the class of matter which was captured recently I withdraw any possible objection to it.

Mr. BAILEY. The trouble about it is that you could easily imagine something that would not be as extreme as the exhibits which have convinced the judgment of the Senator from Idaho, and there might be a very reasonable difference of opinion. It might disgust one man of a very sensitive nature and a more robust nature might not be very seriously offended. The man who sent it might be one of the robust kind, who was not disgusted so easily, and thus commit a crime without any thought of doing it.

I think we have gone far enough with the postal authorities in yielding to them at their solicitations and increasing their power. I certainly have no disposition to permit the improper use of the mails. I think the Government ought to severely punish a man who uses one of its instrumentalities for an improper purpose. Yet it seems to me that when we get to the point that we punish American citizens because they might disgust somebody, we have gone beyond wholesome lawmaking and we have engaged in a kind of a dilettanteism that is not in harmony with our best traditions. I hope the Senator from Idaho will agree to omit that word.

Mr. HEYBURN. I will say candidly these words were sent by the Post-Office Department, and our attention has been called to the decisions defining the meaning of the other words. Personally, I did not have it called to my attention until it was called to the attention of the committee for the purpose of making the law so secure against the transmission of this class of matter that there could be no doubt about it.

Mr. BAILEY. Does this section merely exclude it from the mail or does it make it a crime for a man to put such matter in the mail?

Mr. SUTHERLAND. If the Senator from Idaho will permit me, I will state that it makes it a penal offense for any person knowingly to deposit any of these things in the mail.

Mr. HEYBURN. The language, if amended as I propose, will read this way:

Every obscene, lewd, or lascivious, or vile, or filthy, or disgusting book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article—

Enumerating them, are excluded from the mail, and—

Whoever shall knowingly deposit, or cause to be deposited, for mailing or delivery—

Then insert the words "any," etc.—

declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, etc.

That is the character of the provision.

Mr. BAILEY. Mr. President, I am clear that that is going altogether too far. It is perfectly proper for the Government to make it a crime for a man to use its mails for the transmission of vile, lascivious, or obscene literature, but when you come to the point that is disgusting I think that is going too far. I have seen some publications that did not have a strain of immorality in them that were disgusting to me. Occasionally I see a man attempt to make a speech which exhibits all through it that he did not know what he was talking about. That disgusts me. I suppose if the Senator from Idaho were administering the law he would not consider that kind of a document within the prohibition of the law, but it only illustrates the great latitude which we are conferring upon the court.

Then I resent the idea that we have reached a point where we have to make it a crime in this country for one man to disgust another in any way. That is a kind of personal privilege that everybody ought to enjoy. I do not think it is a matter calling for a penalty and to be declared as a crime. Of course I am not going to interfere any further than to vote against it. I would vote against the whole amendment with that word in it.

Mr. SUTHERLAND. Mr. President——

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

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I agree with what the Senator from Texas has said about this matter. I think the statute goes quite far enough as it is. I am not only opposed to putting the word "disgusting" in the statute, but the word "vile." There are three words the Senator mentioned.

Mr. BAILEY. "Vile" and "filthy."

Mr. HEYBURN. "Vile" or "filthy" or "disgusting."

Mr. SUTHERLAND. I am opposed to putting in the words "vile" or "filthy" or "disgusting." The statute as it reads is that every obscene, lewd, or lascivious book, pamphlet, picture, and so forth, is to be excluded from the mails. If we add to that the term "disgusting," perhaps it would include books which ought to be sent through the mails—for instance, medical books. They would be disgusting to some people and yet be perfectly legitimate publications. It would exclude books that ought not to be forbidden the mails. Articles in newspapers—editorials—may be disgusting, and they may sometimes be vile in the esti-

mation of a good many people, yet I think we would be going altogether too far to forbid those things from going through the mail.

Mr. HEYBURN. I merely ask that the question be submitted to a vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho?

Mr. CLAPP. I move to amend the amendment by striking out the word "disgusting." Then, I think, we could probably vote for the amendment as amended.

Mr. HEYBURN. Very well; I am glad to have that question presented.

Mr. BACON. I suggest to omit the words designated by the Senator from Utah [Mr. SUTHERLAND], which I think are equally objectionable.

Mr. HEYBURN. That is all there is of the amendment.

Mr. BACON. Of course.

Mr. HEYBURN. The Senator from Utah has objected to the three words "vile" or "filthy" or "disgusting."

Mr. BACON. I think the law as it stands is adequate.

Mr. HEYBURN. Very well; let us take a vote on it.

Mr. BACON. I will say nothing further if the Senator from Idaho who makes the suggestion does not press it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. CLAPP] to the amendment proposed by the Senator from Idaho.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on agreeing to the amendment of the Senator from Idaho [Mr. HEYBURN] as amended.

The amendment as amended was rejected.

Mr. HEYBURN. Now, Mr. President, that is a fair expression, and I will not offer the other amendments, which were for the same purposes in other parts of the section. The amendment that I have offered has been at the request of the Post-Office Department, as I have already explained.

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

Mr. HEYBURN. I now ask that the bill be printed as reported to the Senate from the Committee of the Whole.

The VICE-PRESIDENT. All in roman type?

Mr. HEYBURN. No. I probably should have been more explicit in my statement. I ask that the bill be printed as reported to the Senate, the amendments to be in italics and the brackets to be omitted.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the bill as reported to the Senate be printed with the amendments in italics and the brackets omitted. Is there objection? The Chair hears none, and it is so ordered.

MILLE LAC BAND OF CHIPPEWA INDIANS.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to give to the Court of Claims jurisdiction to hear and determine a suit or suits to be brought by and on behalf of the Mille Lac band of Chippewa Indians in the State of Minnesota against the United States on account of losses sustained by them or the Chippewas of Minnesota by reason of the opening of the Mille Lac Reservation in the State of Minnesota, embracing about 61,000 acres of land, to public settlement under the general land laws of the United States; provides that from any final judgment or decree of the Court of Claims either party shall have the right to appeal to the Supreme Court of the United States, and the cause shall be advanced on the docket of the Court of Claims and the Supreme Court of the United States if the same shall be appealed; and upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys employed by the Mille Lac band of Indians, and the same shall be paid out of any sum or sums found due that band or to the Chippewa Indians of Minnesota.

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

RECIPROCAL PRIVILEGES TO FOREIGN YACHTS.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 5333) relating to yachts. The bill has been heretofore read.

The VICE-PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of the bill named by him, which has been heretofore read. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the custom-house thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Secretary of Commerce and Labor may authorize and direct the customs authorities at the various ports and subports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port or subport of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce and Labor may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this act to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce and Labor may deem proper.

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

EXECUTIVE SESSION.

Mr. TALIAFERRO. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 25, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1908.

COLLECTOR OF INTERNAL REVENUE.

Ross L. Hammond, of Nebraska, to be collector of internal revenue for the district of Nebraska, in place of Elmer B. Stephenson, resigned.

POSTMASTERS.

ARKANSAS.

William Sheridan to be postmaster at Beebe, White County, Ark. Office became Presidential January 1, 1908.

CALIFORNIA.

Charles S. Graham to be postmaster at Pleasanton, Alameda County, Cal., in place of Charles S. Graham. Incumbent's commission expired January 4, 1908.

COLORADO.

Benjamin F. Niesz to be postmaster at Steamboat Springs, Routt County, Colo., in place of Benjamin F. Niesz. Incumbent's commission expired November 19, 1907.

IOWA.

Aaron M. Loomis to be postmaster at Wyoming, Jones County, Iowa, in place of Aaron M. Loomis. Incumbent's commission expires March 7, 1908.

MAINE.

Fred H. Atwood to be postmaster at Rumford Falls, Oxford County, Me., in place of Fred H. Atwood. Incumbent's commission expires March 24, 1908.

MASSACHUSETTS.

Fred A. Hanaford to be postmaster at South Lancaster, Worcester County, Mass., in place of Fred A. Hanaford. Incumbent's commission expired November 17, 1907.

MICHIGAN.

Frank A. Peavey to be postmaster at Upton Works, St. Clair County, Mich., in place of Frank A. Peavey. Incumbent's commission expired January 27, 1908.

MISSISSIPPI.

Henrietta Welch to be postmaster at Carrollton, Carroll County, Miss. Office became Presidential January 1, 1908.

NEW JERSEY.

Philip H. Focer to be postmaster at Pitman (late Pitman Grove), Gloucester County, N. J. Office became Presidential July 1, 1907.

George B. Jacobus to be postmaster at Caldwell, Essex County, N. J., in place of George B. Jacobus. Incumbent's commission expires March 24, 1908.

Charles S. Simonson to be postmaster at Verona, Essex County, N. J. Office became Presidential January 1, 1908.

PENNSYLVANIA.

Fred S. Trowbridge to be postmaster at Great Bend, Susquehanna County, Pa. Office became Presidential January 1, 1908.

SOUTH CAROLINA.

James W. Johnson to be postmaster at Marion, Marion County, S. C., in place of James W. Johnson. Incumbent's commission expires April 27, 1908.

TEXAS.

Louis W. Durrell to be postmaster at Alpine, Brewster County, Tex. Office became Presidential January 1, 1907.

John M. Hill to be postmaster at Cooledge, Limestone County, Tex. Office became Presidential January 1, 1908.

John G. Ross to be postmaster at Garrison, Nacogdoches County, Tex. Office became Presidential January 1, 1908.

WASHINGTON.

William O. Gregory to be postmaster at Burlington, Skagit County, Wash. Office became Presidential January 1, 1908.

James Lane to be postmaster at Roslyn, Kittitas County, Wash., in place of James Lane. Incumbent's commission expires March 2, 1908.

Tilton S. Phillips to be postmaster at Mabton, Yakima County, Wash. Office became Presidential January 1, 1908.

WISCONSIN.

Walter C. Crocker to be postmaster at Spooner, Washburn County, Wis., in place of Walter C. Crocker. Incumbent's commission expired February 3, 1908.

Robert A. McDonald to be postmaster at Grand Rapids, Wood County, Wis., in place of Albert L. Fontaine. Incumbent's commission expired January 21, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1908.

POSTMASTERS.

MASSACHUSETTS.

John F. Mitchell to be postmaster at North Grafton, Worcester County, Mass.

MISSISSIPPI.

George K. Smith, jr., to be postmaster at Indianola, Sunflower County, Miss.

NEW YORK.

Austin Hicks to be postmaster at Great Neck, Nassau County, N. Y.

Wesley Mulford to be postmaster at Unadilla, Otsego County, N. Y.

Winfield S. Spencer to be postmaster at New Rochelle, Westchester County, N. Y.

TEXAS.

Dallas Harbert to be postmaster at Commerce, in the county of Hunt and State of Texas.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 24, 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 last was read and approved.

UNITED STATES COURTS AT DOTHAN, ALA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17524) to provide for circuit and district courts of the United States at Dothan, Ala., which I send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to say this: There have been two bills passed through this Congress increasing the number of places in which to hold court. The first was in the State of Texas, presented by a gentleman from that side of the Chamber. Although I was somewhat doubtful about it, I did not object at that time.

The next one came from the State of Kentucky, and was presented by a gentleman on this side of the House. I then stated I would not object to that, because the other had been allowed, but I did give notice that I should object to these bills hereafter until I had an opportunity to examine them to see whether there was any necessity. After I made that statement I received a letter from one of the judges of one of the Southern States, in which he took notice of what I had said in the House and protested most vigorously against the establishment of so many courts and divisions where there was so little business. Now, Mr. Speaker, in view of that, for the present I shall object to the consideration of this bill, which, I understand, establishes places for holding court.

Mr. CLAYTON. Mr. Speaker, I could explain the matter to the gentleman now perhaps——

Mr. PAYNE. It is hardly worth while taking the time of the House. I will be very glad to talk with the gentleman in regard to it at his convenience.

Mr. CLAYTON. It is hard to draw the line on me; I should prefer he should draw the line on somebody else. He stood in his place and has not objected to others, and here is a bill to which there is no objection from any quarter except the gentleman from New York.

Mr. PAYNE. Well, the gentleman from New York has the right to be the only Member of the House to object to any bill.

Mr. CLAYTON. I understand, but he has not objected to bills of this kind before.

Mr. PAYNE. I thought I explained it to the gentleman when I said the first bill coming in was from the State of Texas, and while I had my doubts about it I refrained from objecting. The next came from the State of Kentucky, presenting a better case and offered by a gentleman on this side of the House. I announced then I should object to the consideration of any more of these bills in the House until I had had an opportunity to examine each individual bill. Mr. Speaker, I therefore object.

The SPEAKER. Objection is heard.

CHANGE OF REFERENCE.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Public Lands be discharged from the further consideration of the bill S. 3409, and that the bill be referred to the Committee on Indian Affairs. This bill, Mr. Speaker, is identical with the House bill which heretofore was erroneously referred to the Committee on the Public Lands, and thereafter by unanimous consent referred to the Committee on Indian Affairs. Now, a Senate bill identical comes over and by a like error is again referred to the Committee on the Public Lands, and I ask that it be referred to the Committee on Indian Affairs.

The SPEAKER. Is there objection?

Mr. MANN. What is the bill?

Mr. SHERMAN. It is a bill to extend the time for the payment of settlers in the Kiowa Reservation.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 3409) to extend the time of payments on certain homestead entries in Oklahoma.

The SPEAKER. And the request is for a change of reference from the Committee on the Public Lands to the Committee on Indian Affairs.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object; this is land in Oklahoma, is it?

Mr. SHERMAN. Yes; it is a part of an Indian reservation.

Mr. WILLIAMS. An Indian reservation in Oklahoma?

Mr. SHERMAN. Certainly.

Mr. WILLIAMS. Well, the request is proper.

Mr. MONDELL. Mr. Speaker, I think there is some question whether this bill belongs to the Committee on Indian Affairs. These lands when they were opened to settlement became public lands, and under the rule I think the bill was properly in the first instance sent to the Committee on the Public Lands. The Committee on the Public Lands very carefully examined the matter and later, I understand, though I had no knowledge of that fact until this morning, the House bill was rereferred, I am told, to the Committee on Indian Affairs. The Senate bill was likewise referred to the Committee on the Public Lands when it came to the House very properly. I think, Mr. Speaker, that was the proper reference. I still believe this bill belongs under the rules to the Committee on the Public Lands, but personally I have no desire to interpose an objection in view of the fact that the gentlemen interested in the legislation are favorable to this re-reference. Therefore, I withhold that objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and the re-reference is made.

IMMIGRATION COMMISSION INVESTIGATION.

Mr. DALZELL. Mr. Speaker, I desire to submit the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House numbered 115 and 209, have had the same under con-

sideration and report herewith a resolution in lieu thereof, with the recommendation that the House agree to the same:

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

Mr. DALZELL. On that I ask the previous question.

Mr. MANN. Mr. Speaker, I raise a point of order. That is not a privileged report.

Mr. DALZELL. It is from the Committee on Rules.

Mr. MANN. That may all be. It may come from the Committee on Rules, but the Committee on Rules can not make everything a privileged report.

Mr. DALZELL. All reports from the Committee on Rules are privileged.

Mr. MANN. They are not unless they have jurisdiction of the subject-matter. This resolution has nothing to do with the organization of the House, but directs an outside Commission to make an investigation. I want to say——

The SPEAKER. The Chair will call the attention of the gentleman from Pennsylvania [Mr. DALZELL] to the rules.

The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business.

That seems to cover the limits of the Committee on Rules.

Mr. MANN. Mr. Chairman, I have no objection if the gentleman from Pennsylvania will ask unanimous consent.

Mr. DALZELL. Mr. Speaker, I do not ask unanimous consent.

The SPEAKER. The Chair will hear the gentleman from Pennsylvania on the question as to whether this is a privileged report or not under the rules.

Mr. DALZELL. I understand that all reports are privileged when they come from a committee that is entitled to report at any time.

The SPEAKER. The Chair will again call the attention of the gentleman to the rules. The Chair was under the same impression as that expressed by the gentleman from Pennsylvania until his attention was called to the rule. The Clerk will read Rule LXI, on page 273 of the Manual.

The Clerk read as follows:

The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business; the Committee on Elections, on the right of a Member to his seat, etc.

Mr. DALZELL. Mr. Speaker, I call attention, however, to the next paragraph of the rule, which says:

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion, that the House adjourn.

Mr. FITZGERALD. But the gentleman has not got his report into the House yet.

Mr. SHERMAN. Just reporting it.

Mr. FITZGERALD. The gentleman has no right to present his report in this way unless it is privileged. If it is not before the House, he can not call it up.

Mr. DALZELL. The gentleman has presented the report of the Committee on Rules, and the question is now whether it is privileged, and therefore entitled to consideration.

Mr. FITZGERALD. The gentleman can not present any report except a privileged report in this way. He must present his report by dropping it in the basket, like any other committee would do.

Mr. DALZELL. The gentleman is begging the question.

Mr. FITZGERALD. Not at all.

Mr. MANN. Mr. Speaker, the Committee on Rules has no jurisdiction of these resolutions. The rules provide that there shall be referred to the Committee on Rules all proposed actions touching the rules, joint rules, and order of business. Anything else that is referred to the Committee on Rules is not properly referred to that committee, and is certainly not referred under the rules, and certainly can not be privileged matter. Now, giving to the Committee on Rules only jurisdiction over the rules, the rules then provide the report from that committee shall be privileged; but here is a resolution to give to an outside Commission, entirely foreign to the House—created by an act of Congress and not by the House—jurisdiction over matters that the House has nothing to do with. There might as well have come from the Committee on Rules a resolution directing the Secretary of War to make certain investigations or creating an outside commission or committee to make certain investigations. I take it that is not within the province of the Committee on Rules.

Mr. COCKRAN. Will the gentleman allow me a question? There is no doubt, I suppose, that the Committee on Rules have the right to report the resolution.

Mr. MANN. I should say myself that the Committee on Rules has no jurisdiction over the matter. That is the question I raised; that they have not the right to report the resolution.

Mr. COCKRAN. I take it that even if the point of order be well taken against considering the report now, all the committee need do would be to walk out and report a resolution for its immediate consideration.

Mr. MANN. That is the very point of order that I make, that the committee can make no such report.

Mr. COCKRAN. They could report an order of business at any time. Would there be any practical difference between considering this report now and waiting long enough to allow of their walking right out and reporting a resolution that this question be considered at once?

Mr. MANN. They can.

Mr. COCKRAN. Then it is a question of the difference between tweedledum and tweedledee.

Mr. MANN. Well, let us see whether it is or not.

Mr. DALZELL. The gentleman from Illinois concedes that the Committee on Rules has jurisdiction over the business of the House. This is a question relating to immigration, upon which the House has been legislating. It would be entirely competent for the Committee on Rules to refer this investigation to the Committee on Naturalization and Immigration of the House; it would be equally competent for the Committee on Rules to refer it to a special committee. Now, the proposition to refer is simply a proposition to refer it to a special committee, namely, the special commission, and is fairly, therefore, within the power of the Committee on Rules, as it relates to the business of the House.

Mr. MANN. The distinction, which is clearly drawn, the gentleman seems not to have caught. He says that I concede that the Committee on Rules has jurisdiction of the business of the House. Not at all. The Committee on Rules has jurisdiction over the order of the business of the House. That is a very clear distinction. They can bring in a rule relating to the order of business of the House, but they have no jurisdiction to report upon the actual business of the House. They can not report an appropriation bill; they can not report upon any bills that come before the House except as to the order of business. Now, here is a proposition reported from the Committee on Rules to confer jurisdiction, not upon a regular committee of the House, nor upon a select committee, but upon an outside committee entirely, with which the House has nothing to do.

Mr. DALZELL. It is composed partly of membership of the House itself—a committee raised by the House in the first instance.

Mr. MANN. It was by an act of Congress, and not by the House.

Mr. DALZELL. It was raised in the first place by an amendment to a bill put on in the House of Representatives, agreed to in the Senate, and which thereafter became law.

Mr. MANN. An act of Congress.

Mr. DALZELL (continuing). And it is constituted of Members of both Houses. It is just as competent for the House to appoint a committee from outside members on any matter as to which it has jurisdiction as to appoint a committee from its own Members upon any such questions.

Mr. MANN. By act of Congress, not by the action of the House.

Mr. WILLIAMS. Will the gentleman from Pennsylvania yield to me?

Mr. DALZELL. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, there is no doubt about the fact that the Committee on Rules has jurisdiction over the question of referring matters of business to committees, whether those committees be standing committees of the House or special committees to be selected by the Speaker. There is no doubt about the fact that it would have jurisdiction in a proper case to refer this matter to a committee consisting not altogether, or indeed at all, of Members of the House. Now, if that be the case, then it follows that if this resolution had named the men who constitute this commission as a committee to whom this matter should be referred, then it would be in order. Now then, what is the difference between naming the men and using the designation "members of the Immigration Commission?" The Committee on Rules has absolute jurisdiction over the order of business, and the reference of business to committees and to special committees, as well as standing committees.

Mr. FITZGERALD. I think the gentleman overlooks this fact, that in the practice of the House the question of consideration can not be raised on a report from the Committee on Rules, while if the Committee on Rules reported a resolution providing a time when this resolution should be taken up the question of consideration could be raised if it were attempted

to take up that business in the way it is reported by the committee. There is considerable difference between a committee reporting matters which it is privileged to report at any time, and attempting to go outside of its jurisdiction and report on a question over which it has no jurisdiction. If the contention of the gentleman be correct, it would be possible to refer to a commission anything that comes before this House by having this committee to report it. It is in order for the committee to bring in an order setting a time for the consideration of an order referring the question to the Commission, and then a Member could exercise his own right under the rules and have the question of consideration passed upon.

Mr. WILLIAMS. The gentleman seems to think that this resolution involves the enactment of legislation upon the subject-matter of immigration. It does not. It only refers certain matters to a committee for a fair and impartial investigation and report.

Mr. FITZGERALD. I think it does.

Mr. WILLIAMS. It does not. It merely refers a matter to be investigated to a certain body, appointed by the resolution, as a committee for the purpose of investigating it.

Mr. FITZGERALD. But it does confer power upon a statutory commission which it does not have at present.

Mr. HUMPHREYS of Mississippi. No; it simply requests the Immigration Commission to make the investigation.

The SPEAKER. The Chair is prepared to rule.

Clause 61 of Rule XI provides that—

The following named committees shall have leave to report at any time on the matters herein stated:

The Committee on Rules—on rules, joint rules, and order of business.

The Chair recollects, and has confirmed his recollection, referring to page 279 of the Manual, that in the Fifty-first Congress, in paragraph 10 to Rule XVI, was to be found the following:

No dilatory motion shall be entertained by the Speaker.

In the Fifty-second or Fifty-third Congress, Speaker Crisp being in the chair, clause 10 to Rule XVI was omitted when the rules were adopted. In the Fifty-fourth Congress clause 10 to Rule XVI was reinserted, again providing that—

No dilatory motion shall be entertained by the Speaker.

But in the Fifty-second or Fifty-third Congress these words were added:

It shall always be in order to call up for consideration a report from the Committee on Rules; and pending the consideration thereof the Speaker may entertain one motion that the House may adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

The object of that amendment to Rule XI was to prevent dilatory motions on reports made from the Committee on Rules. What are those reports? Reports on rules, joint rules, and order of business.

In the Fifty-fourth Congress, Mr. Reed again becoming Speaker, the clause referred to a moment ago came into the rule again, and the clause the Chair has just read remained in the rule as adopted under Mr. Speaker Crisp. So the Chair is of the opinion that privileged reports from the Committee on Rules are reports on rules, joint rules, and order of business.

Now, undoubtedly, if this report had covered the creation of a special committee of the House, or had designated any committee of the House to perform this investigation, in the opinion of the Chair it would have been privileged; or, perchance, even if it had designated a joint committee of the two Houses. But the Commission referred to is one created by law, and consists of three Members of the last House of the Fifty-ninth Congress, three members of the Senate of the Fifty-ninth Congress, and three others, not members of Congress, but appointed by the President. This is a continuing Commission. It has passed beyond the jurisdiction of the House or the jurisdiction of the Senate as such.

The Chair is of the opinion, on examination, that the point of order taken by the gentleman from Illinois is well taken.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I was going to ask unanimous consent that the resolution be so changed as to read that this matter be referred to a special committee of seven, to be appointed by the Speaker of the House.

The SPEAKER. Well, but there would have to be unanimous consent to consider the resolution.

Mr. WILLIAMS. I ask unanimous consent.

The SPEAKER. And the gentleman now asks unanimous consent to consider the resolution which has just been reported at this time.

Mr. DALZELL. I hope the gentleman will withhold that request. I think this matter ought to go back again for further consideration by the Committee on Rules, and we can determine then what is the proper thing to be done.

Mr. WILLIAMS. Well, I am perfectly willing to do that.

The SPEAKER. Does the gentleman move to recommit the resolution? The Chair supposes it will go to the Calendar unless some disposition is made of it.

Mr. DALZELL. I move to recommit it to the Committee on Rules.

The motion was agreed to.

DAM ACROSS SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16621) permitting the building of a dam across the Savannah River at Cherokee Shoals. The author of this bill is the gentleman from South Carolina, Mr. AIKEN, and in his absence, at his request, I wish to call the bill up.

The Clerk read as follows:

Be it enacted, etc., That the Hugh MacRae Company, a corporation organized under the laws of South Carolina, its successors and assigns, is hereby authorized to construct and maintain a dam across the Savannah River extending from a point in Elbert County, Ga., to a point in Abbeville County, S. C., upon or in the vicinity of Cherokee Shoals, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

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

With the following committee amendments:

Amend the bill as follows: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the dam authorized by the act of Congress approved March 2, 1907, entitled 'An act permitting the building of a dam across the Savannah River at Cherokee Shoals,' is hereby extended to one year and three years, respectively, from March 2, 1908."

Amend the title so as to read as follows: "To extend the time for the construction of a dam across Savannah River at Cherokee Shoals."

The amendments were agreed to.

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

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

CONDEMNED BRASS CANNON FOR MONUMENT ASSOCIATION, FRANKLIN, TENN.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13077) to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association at Franklin, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized in his discretion to furnish to the Confederate Monument Association, of Franklin, Williamson County, Tenn., four brass or bronze condemned field pieces or cannon with a suitable outfit of cannon balls which may not be needed in the service, the same to be used in the park surrounding the monument on the public square of the town of Franklin, Tenn., and to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I supposed there was a general law that provided for furnishing condemned cannon.

Mr. PADGETT. The law only authorizes the furnishing of cast-iron, and does not authorize the furnishing of brass cannon.

Mr. HULL of Iowa. I will say to the gentleman from New York that there is no law covering this. Brass cannon are valuable, being worth several cents a pound, and the law with reference to the donating of cannon does not apply to brass cannon; and even if it did, the law does not apply to donating cannon to Confederate monuments; it applies to municipalities and the Grand Army. So it would require a special act for this purpose in any event.

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

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

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

A LEGAL CORD OF WOOD IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 14772) prescribing what shall constitute a legal cord of wood in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter a legal cord of wood in the District of Columbia shall consist of and contain 128 cubic feet.

SEC. 2. That all acts or parts of acts in conflict with or inconsistent with this act are hereby repealed in so far and only in so far as they conflict or are inconsistent herewith.

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

EXTENSION OF OAK STREET NW.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 4060) authorizing the extension of Oak street NW.

The Clerk read the bill, as follows:

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Oak street NW. from its present terminus east of Center street to Fourteenth street NW., with a width of 50 feet.

SEC. 2. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

With the following committee amendments:

Page 1 strike out in lines 3, 4, and 5, commencing with the word "of" in line 3, down to and including the comma after the word "inclusive" in line 5.

Page 1, line 6, strike out the word "thirty" and insert in lieu thereof the word "ninety."

Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the cost and expenses of said proceeding, shall be assessed by the jury as benefits: *Provided*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceedings hereunder.

"SEC. 3. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia."

The amendments were agreed to.

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

DISTRICT BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District bills.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

EXTENSION OF KENYON STREET.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes.

The CHAIRMAN. The Chair will call the attention of the gentleman from Michigan to the fact that the bill appears to be on the House Calendar.

Mr. SMITH of Michigan. I think the Clerk will find that it has been transferred by order of the Speaker to the Union Calendar.

The CHAIRMAN. The gentleman from Michigan is correct and the Clerk will read the bill.

The Clerk read the bill, as follows:

A bill (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes.

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend Kenyon street from Seventeenth street to Mount Pleasant street with a width of 80 feet, and to extend Seventeenth street from Kenyon street to Irving street with a width of 90 feet: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

SEC. 3. That Public Act No. 25 entitled "An act authorizing the extension of Seventeenth street NW.," approved January 22, 1907, and Public Act No. 28 entitled "An act authorizing the extension of Kenyon street NW.," approved January 22, 1907, be, and the same are hereby, repealed.

With the following committee amendments:

Page 2, line 10, strike out the comma and the word "one-half."

Page 2, line 11, strike out the word "from" and insert in lieu thereof the words "out of."

Page 2, line 11, strike out the words "and one-half.'

Page 2, strike out all of line 12.

Page 2, line 18, strike out all after the word "Columbia" and insert a period in lieu thereof.

Mr. STAFFORD. Will the gentleman explain wherein this measure differs from the usual bill providing for the opening of streets in the District of Columbia?

Mr. SMITH of Michigan. I would be glad to, but I will yield to the gentleman from Tennessee [Mr. SIMS] who reported the bill.

Mr. SIMS. I did not quite catch the question of the gentleman from Wisconsin.

Mr. STAFFORD. I asked why a special act of legislation is necessary other than general legislation that provides for opening streets in the District of Columbia.

Mr. SIMS. In the last Congress there were separate acts passed, one as to Kenyon street, and one as to Seventeenth street; and upon investigation it was found that the land in each bill to some extent overlapped. The Commissioners therefore thought best to have both condemnation proceedings tried together, and began the proceedings, but ascertained that by oversight the time for commencing the proceedings as to one of the streets had expired, so that to get out of the difficulty and to have the trouble of the overlapping avoided they have prepared and sent this bill here repealing the two other acts and providing for this one condemnation for both streets.

Mr. STAFFORD. The general law is not applicable to this case, and this bill seeks to amend certain special acts passed in the last Congress?

Mr. SIMS. The general law will not accomplish everything, because we can not repeal the former acts in the general law, and therefore this special act is necessary.

Mr. STAFFORD. This special act providing for these streets, as I understand, was passed prior to the enactment of the general law?

Mr. SIMS. I think not. They were both passed under the general law at the last session of Congress, but it was found that the two pieces of land to be condemned to some extent lapped.

Mr. STAFFORD. And there were conditions to which the general law did not apply and this is to meet those conditions.

Mr. SIMS. Yes; that is the fact. I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the committee amendments.

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

The bill as amended was ordered to be laid aside with a favorable recommendation.

WIDENING TWENTIETH STREET NW.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 12678) for the widening of Twentieth street NW., District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, for the purpose of widening Twentieth street NW., to institute proceedings to condemn all that part of lot 15 of Richard E. Pairo's subdivision of "Rosemount Park," as recorded in book, county, six, page 78, surveyor's office, District of Columbia, lying within the lines of Twentieth street NW., north of Park road and lying west of the radial line of lot No. 30, block No. 4, Ingleside subdivision: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land condemned and the costs and expenses of the proceedings hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

With the following amendments:

Page 2, line 12, strike out the comma, and the words "one-half" after the word "appropriated."
Page 2, line 13, strike out the word "from" and insert in lieu thereof the words "out of," and at the end of said line strike out the words "and one-half."
Page 2, strike out all of line 14.
Page 2, lines 20 and 21, strike out all after the word "Columbia" in line 20.

The CHAIRMAN. The question is on agreeing to the committee amendments.

Mr. STAFFORD. Mr. Chairman, I will ask the chairman of the committee to explain the reason why there should be a special legislation in this case that makes it necessary to take it out of the general law.

Mr. SMITH of Michigan. Mr. Chairman, this follows the law as passed by the last Congress.

Mr. STAFFORD. Then, as I understand the gentleman, the bill is in conformity to the general law?

Mr. SMITH of Michigan. Yes.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OPENING OF JEFFERSON AND FIFTH STREETS NW.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 11776) for the opening of Jefferson and Fifth streets NW., District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., that within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, under and in accordance with the terms and provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the extension of Jefferson street NW., in the subdivision of Brightwood Park, from its present eastern terminus east of Sixth street to the proposed east line of Fifth street west, with a width of 90 feet, and for the extension of Fifth street NW., in the subdivision of Brightwood Park, from its present southern terminus south of Kennedy street to the proposed north line of Jefferson street, with a width of 90 feet, according to the permanent system of highway plans adopted in and for the District of Columbia.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491 g of said subchapter 1 of chapter 15 of said Code: *Provided*, That the total amount found to be due and awarded as damages, plus the costs and expenses of the proceedings taken pursuant hereto, shall be assessed by the jury as benefits: *Provided, however*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the total amount found to be due and awarded as damages for and in respect to the land condemned and the costs and expenses of the proceedings hereunder.

SEC. 3. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

With the following amendments:

Page 2, line 12, strike out the comma, and the words "one-half" after the word "appropriated."
Page 2, line 13, strike out the word "from" and insert in lieu thereof the words "out of," and at the end of said line strike out the words "and one-half."
Page 2, strike out all of line 14.
Page 2, lines 20 and 21, strike out all after the word "Columbia" in line 20.

The CHAIRMAN. The question is on agreeing to the committee amendments.

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

The bill as amended was ordered to be laid aside with a favorable recommendation.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,'" is hereby amended by extending its provisions in behalf of the chief engineer of the fire department, and all other officers of said department of and above the rank of captain, to any chief engineer of the fire department and all other officers of said department of and above the rank of foreman, who were retired and pensioned in pursuance of law prior to the approval of said act.

With the following amendment:

Page 2, strike out the period after word "act," in line 3, and insert a colon, and add the following:
"*Provided*, That when retired the present chief engineer of the fire department of the District of Columbia shall receive as retired pay a sum equal to one-half of the salary allowed by law at the date of retirement."

The CHAIRMAN. The question is on the committee amendments.

Mr. STAFFORD. Mr. Chairman, I will ask the gentleman to yield for a question.

Mr. SMITH of Michigan. I yield to the gentleman from Ohio [Mr. TAYLOR], who made the report.

Mr. STAFFORD. As I understand the bill under consideration, it seeks merely to raise the pensions of certain officers of the fire department in the District?

Mr. TAYLOR of Ohio. Four men only, who have retired.

Mr. STAFFORD. Is it a general law raising the pensions under the law passed at the last Congress a certain percentage, so as to apply not only to these designated officials, but to all in the future?

Mr. TAYLOR of Ohio. No; it simply takes care of four men. It can not apply to anybody in the future; it provides for four men who, by reason of their rank, would be under the present law entitled to an increase of pension, but who retired shortly before its passage. I will state more fully, if the gentleman will allow me for a moment. There are four men. The fire marshal, Mr. Drew, who is a man 73 years of age, now under the old law receiving $50 a month. He would get under this amendment $75. The next man is Mr. Sorrell, assistant chief of the department, retired, who would receive $75 instead of $50 under the old law. The next are two foremen who were injured in the performance of their duty and who receive $50, and by this legislation would receive $65 a month.

Mr. STAFFORD. What is the need of making a special exception of these four District officials? Why not make the law general, so as to apply to all who hold these positions in the future——

Mr. TAYLOR of Ohio. These are men who were retired prior to the enactment of the present law, and this brings them in the provisions of the present law.

Mr. STAFFORD. This refers to men in the service prior to the enactment of that law?

Mr. TAYLOR of Ohio. Yes, sir.

Mr. SIMS. This is not the case providing for retirement upon half pay of the chief of the fire department?

Mr. TAYLOR of Ohio. Yes; that is an amendment added to this bill.

Mr. SIMS. That amendment is not yet being considered?

Mr. TAYLOR of Ohio. Yes; it is being considered.

Mr. SIMS. I want to say, Mr. Chairman, in so far as that part relating to the four men I agree, but in so far as the retirement of the chief on half pay instead of a pension, I understand that to be establishing a new precedent.

Mr. TAYLOR of Ohio. No; if the gentleman will permit an explanation of that. The present fire chief receives a salary of $3,500 a year that has recently been given him, two years ago, I think. He is a man who has been in the Washington fire department for forty-five years' continuous service, starting in as a boy under the old volunteer fire department and working up to every grade until he has been made chief of the department. He has never during this time had one charge of misconduct or any blot upon his reputation. Several members of the committee, believing that such a remarkable record in such a hazardous employment should receive some recognition, introduced an amendment, which the committee has adopted, providing that instead of receiving $100 a month, which he would receive upon retirement, he will receive $145.83⅓, or one-half of his present pay. Now, this is largely sentimental. It is the intention to reward a man who has had a remarkable career in the public service, who has the regard of every man in the department and of every citizen of Washington. He and the department have the regard of the people of Baltimore after their work in that great catastrophe, and the committee feel it would be good for the department to know that a fire chief with such a record should have this additional compensation. I will state further, for the gentleman's information, that the amendment specifically states that it shall apply only to the present fire chief when he is retired.

Mr. STAFFORD. How about the other four officials? Is this law retroactive giving them an increased pension from the time the old law went into effect?

Mr. TAYLOR of Ohio. No, sir; it goes into effect when the law is passed only.

Mr. SIMS. Mr. Chairman, a word further. Does this amendment put Chief Belt on the pension roll at $145 on retirement?

Mr. TAYLOR of Ohio. It comes from the pension fund. I will say, as probably all know, it comes from the pension fund. They retire at a certain time and under certain conditions get a pension of a stipulated amount. All the men in the department receive this. This money, as gentlemen know, is raised by the payment of a dollar a month by each fireman and policeman, and the deficiency is made up from the police-court fines, which are largely in excess of the amount needed, and dog licenses, and, therefore, there is no money appropriated out of any fund. All the money is there, more than enough to take care of this.

Mr. SIMS. It is not a charge upon any fund produced by taxation, which the Government of the United States pays any part——

Mr. TAYLOR of Ohio. No part whatever.

Mr. SIMS. And the District of Columbia pays no part.

Mr. TAYLOR of Ohio. No part whatever.

Mr. SIMS. It does give to the chief, if this act is passed, additional to what he would otherwise get, as stated by the gentleman.

Mr. TAYLOR of Ohio. That is exactly it.

Mr. SIMS. What would the chief get on retirement if this law was not passed?

Mr. TAYLOR of Ohio. A hundred dollars a month.

Mr. SIMS. And this gives him $145 a month?

Mr. TAYLOR of Ohio. One hundred and forty-five dollars and eighty-three and a third cents.

Mr. SIMS. I understand that will not reduce the fund so as to prevent any other party entitled to participation therein from receiving from the fund all he now receives if the bill does pass?

Mr. TAYLOR of Ohio. Absolutely none. There is an abundance of money from the police court fines, which are turned over every year to the District for its use, in excess of that which is turned into the pension fund.

Mr. SIMS. I want to say, Mr. Chairman, not being from a large city and not acquainted with these matters as well as gentlemen who are from large cities, I do not feel willing to establish a precedent which will have to be followed. I stated to the committee that I would not agree to support it, and that I did not think I would oppose it; but there are gentlemen who are Members of the House who, I think, ought to be consulted, at least, about establishing new precedents, and the gentleman from Illinois [Mr. MADDEN] and the gentleman from Texas [Mr. BURLESON], two of the members of the Appropriation Committee, told me they wanted to be present when this matter was considered, and the gentleman from New York [Mr. FITZGERALD] tells me he has just sent for them and they will be here in a moment. And I would be glad if this bill could be——

Mr. TAYLOR of Ohio. All gentlemen on the floor have the opportunity to be here. There is no secrecy about this bill. It has been on the Calendar for the past three weeks. We have no objection to the matter being discussed.

Mr. SIMS. I see that the gentleman from Illinois [Mr. MADDEN] is present.

Mr. TAYLOR of Ohio. If the gentleman from Illinois [Mr. MADDEN] desires to ask me any question or make any statement, he is at liberty to do so.

Mr. SIMS. As I said, I do not want to consent to make a precedent.

Mr. TAYLOR of Ohio. I decline to wait for gentlemen to come on the floor of the House.

Mr. SIMS. I only made the request out of courtesy to the gentleman from Illinois [Mr. MADDEN], and, of course, I can not in any way shape the course of the gentleman from Ohio, in charge of the bill.

Mr. STAFFORD. If the gentleman will permit, I believe that the recommendations of the committee, as embodied in this bill, are in consonance with the practice of some large cities in the country, and conform in that particular to the pensions paid in those cities.

Mr. TAYLOR of Ohio. It does; yes, sir.

Mr. STAFFORD. I notice in the report it is in line with the practice of some of the leading cities of the country, including Chicago, Baltimore, Boston, Philadelphia, New York, Milwaukee, and Pittsburg.

Mr. TAYLOR of Ohio. And I will say further, for the gentleman's information, that it absolutely establishes no precedent, as these are the only persons whom it can possibly benefit. There are no further persons of that rank who could possibly come within the law.

Mr. STAFFORD. Will the gentleman explain, in view of that statement and the report, whether the provisions of this bill are the same in amount as in the other cities?

Mr. TAYLOR of Ohio. That I can not give in detail, because they do vary some; but I think the pension funds in other cities are at least as large and in some they are larger. The salaries of the officers I know are larger in most of the cities mentioned.

Mr. MADDEN. What was the old law on this?

Mr. TAYLOR of Ohio. These men are drawing under the old law $50 a month. The present law allows them anything up to $100 a month. The Commissioners have informed us that the amount in the report will be allowed if this bill goes through. The present law allows $100 a month to officers up to the chief. The chief would receive $100 a month if he retired under the present law.

Mr. MADDEN. And under this he would receive $1,750?

Mr. TAYLOR of Ohio. Or $145 and a fraction per month. It is not a radical increase. It is simply an attempt to give recognition to a man who has had a most remarkable record in a hazardous service without a mark against his name.

Mr. MADDEN. How many men does this affect?

Mr. TAYLOR of Ohio. Four men and the chief. It can affect no more, we assure you.

Mr. MADDEN. If this bill is passed and a policy is inaugurated, is it not likely that a new bill will be brought in that would affect everybody in the Department?

Mr. TAYLOR of Ohio. There can be no such thing. The House in the last year passed a liberal pension bill. We are only seeking to reach four men who, by reason of retiring a short time before its passage, are barred from this pension.

Mr. MADDEN. There was a time when all the great cities in the country allowed officers one-half the salary at retirement after they had served a certain number of years, but that policy has been changed in some of the cities. It may not have been changed in all of them, but in some of them it has, and the tendency to allow one-half the pay at retirement drew so heavily upon the firemen's pension fund that it was impossible to maintain a fund sufficient to meet it.

Mr. TAYLOR of Ohio. I will state to the gentleman that this measure specifically applies to the present chief only. And then I will state further that there is a large excess of money which can be turned over into the pension fund if necessary; some police court funds, which have never been called upon as yet.

The fund has never reached anything like the limit of being exhausted, and the sum of money involved is not over $150.

Mr. MADDEN. It is not much; but the question is as to the policy, whether it is wise to adopt the policy.

Mr. TAYLOR of Ohio. The committee feel that it is always wise to recognize cases of such peculiar significance. We have carefully investigated the matter, and I will say that there are no other men employed in this peculiar line of employment with a record that surpasses that of Fire Chief Belt, of the District of Columbia, and for that reason we want to give him this recognition of his service while he lives to enjoy it.

Mr. MADDEN. He is going out of the fire department?

Mr. TAYLOR of Ohio. I hope not; but he is an old man; he may go out at any time the fire bell rings, because he has met with many severe injuries during his career.

Mr. MADDEN. The gentleman from Ohio speaks altogether of the chief of the fire department and his meritorious service, but still the bill provides additional compensation for other firemen.

Mr. TAYLOR of Ohio. For other men who have had remarkably good records, as set out in the report of the committee, and very old men, two of them. The same thing that applies to the chief of the fire department applies to each of them.

Mr. MADDEN. It does not give the same in proportion to others.

Mr. TAYLOR of Ohio. Two of these had long, continuous service, while not quite of the same special merit as the case of the chief of the fire department, but we have extended the same provision to them. These men are on the retired list, and they are barred by reason of that fact.

Mr. MADDEN. They are out of the service?

Mr. TAYLOR of Ohio. They are on the retired list, at $50 a month. That is the limit; we give them the limit up to $100.

Mr. MADDEN. Will the gentleman be kind enough to state who they are?

Mr. TAYLOR of Ohio. They are W. O. Drew, the retired fire marshal, who is 79 years of age; W. T. Sorrell, retired assistant chief, 73 years of age when he was retired, and now 79 years of age; C. S. Boss, foreman, now 56 years of age, and the other, W. E. Robertson, now 44 years of age. He was retired at the age of 36, being injured very early in his career. As to the first two, they will get very little out of it, and the other two are very worthy cases.

Mr. MADDEN. The committee has given very careful consideration to the subject, I suppose?

Mr. TAYLOR of Ohio. I will state to the gentleman I am chairman of the committee on ways and means of the committee, and we have gone very carefully over the subject, and if the gentleman will read the report of the committee, he will find that it is much fuller than that of the Senate, and that it is nothing but simple justice to these men.

Mr. MADDEN. I have no objection.

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

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

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SMITH of Michigan. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2872 and various House bills and had directed him to report some with and some without amendment, with the recommendation that the amendments be agreed to and that the bills do pass.

Mr. SMITH of Michigan. Mr. Speaker, I move the previous question on the various bills and amendments.

The SPEAKER. Without objection, the previous question is ordered upon the various bills to the final passage.

HOUSE BILLS WITH AMENDMENTS PASSED.

In the following House bills, reported from the Committee of the Whole House on the state of the Union, with amendments, the amendments recommended by the Committee of the Whole were agreed to; the bills as amended were ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time and passed:

A bill (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes;

A bill (H. R. 12678) for the widening of Twentieth street NW., District of Columbia; and

A bill (H. R. 11776) for the opening of Jefferson and Fifth streets NW., District of Columbia.

SENATE BILL PASSED.

In the bill (S. 2872) to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, reported from the Committee of the Whole with an amendment, the amendment was agreed to, the bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. SMITH of Michigan, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17288, a bill making appropriation for the support of the Army for the fiscal year ending June 30, 1909. Pending that, I would like to ask the gentleman from Texas, representing the minority, how much general debate we can agree on now?

Mr. SLAYDEN. Mr. Speaker, I am unable to say definitely how much will be required. I do not know. There is quite a demand for time for debate on this side of the House, but several of the Members who desired time are not present. They did not expect the bill to be called up so soon. I think they will be here later in the afternoon, and I ask that you let debate go on for the time.

Mr. HULL of Iowa. I ask unanimous consent that general debate may run to-day and that half of the time may be controlled by myself and the other by the gentleman from Texas [Mr. SLAYDEN].

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the general debate to-day be controlled by himself and the gentleman from Texas [Mr. SLAYDEN], the time to be equally divided. Is there objection?

Mr. HULL of Iowa. That does not limit the debate, but only arranges for to-day's debate.

The SPEAKER. Is there objection?

There was no objection.

The motion of Mr. HULL was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, with Mr. SHERMAN in the chair.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, this bill has been reported and on the Calendar for several days, so that I assume the Members of the House are reasonably familiar with its provisions. In its total amount it carries, in round numbers, about $7,000,000 more than the bill for the current fiscal year, and yet the committee eliminated from the estimates submitted by the Department something over $9,000,000, leaving it, as I say, some $7,000,000 more than the bill for the current year. If we had given the full amount asked for, this measure would carry about $16,000,000 in excess of present law.

The demand for increases in all lines has been made in such a way that it was almost impossible to avoid a larger increase than we have given. It seems to me that I should now call attention to the items entirely eliminated from the bill by the committee, so that the Members of the House interested in these items can give consideration to the reasons which influenced the committee in their entire elimination from the bill.

The first two items eliminated were in regard to a telephone system at interior posts and artillery posts. There was an estimate of something over $105,000 for these items, practically new items, and yet, in the judgment of the committee, if the situation were so that we could reasonably allow them, items that would probably be of benefit in the administration of the different posts of the country. But we have gotten along up to this period of our history without this service, and in view of the large increases made in other lines, which were necessary to be made, it seemed to the committee that here was one point at least where something might be saved and allow the matter to go over for another year.

Another item of $1,000,000 eliminated was for maneuvers. This $1,000,000 does not represent all that was cut out of the bill on account of maneuvers, because this applies only to the militia, while, if we should have the maneuvers this year, we would be required to have a larger appropriation for the regular establishment than we have given.

The committee, I think without exception, feels that, in reason, the maneuvers by which the regular force and the State militia are brought together are of great benefit. There is no disposition to decry the benefits that have come through the closer association of the National Guard, so called, and the regular establishment. But, Mr. Chairman, these maneuvers have only been of recent years. When started they were to be only about every third year. They have grown up until they are practically now every year. They only benefit a small portion of the guard each year. If the maneuvers were on a different scale, where all the guards of the different States were assembled in their State encampments for their ten days' or two weeks' drilling and representatives of the regular establishment were sent there, so that all arms of the service would be represented, all of the militia of all the States would have the benefit of this close contact with the regular organization every year. Only one regiment at a time from a State can be taken into the annual grand encampment recommended by the Department. That gives but small advantage to the guard as a whole, while if the Regulars were brought to the States, all the guard would have all the benefit each year. Then the Congress once in three years could appropriate for the grand maneuvers, whereby all the guards and all the Regulars could be brought into camps of concentration, and you would have the training that comes more to the officers than men in these grand maneuvers. In fact, Mr. Chairman, I think that a very large part of the demand for the maneuvers on a grand scale each year for the militia comes from the adjutants-general of the States more than from the guard proper. We must not forget that, no matter how we may legislate, the National Guard is primarily a State organization. It is not intended to be and can not be primarily a Federal organization.

Great good is coming to the country, in my judgment, in its thorough equipment and being well disciplined. It makes a reserve force which in case of need can be brought into line with the Regulars and help to hold what we call the first line of defense until the volunteers proper can be whipped into shape. They have a bill now before the Committee on Militia going a long way toward making it more of a Federal than a State organization. What the Committee on Militia may do with

that bill of course no one can yet tell. But I hope they may get it in such shape as to insure its adoption by this Congress.

We had a million dollars last year and a million dollars the year before for these grand maneuvers. I think the year before last was the best maneuvers we ever had, but I do insist that at this time, with our expenses running away with us on other lines, with a budget for the support of the Army increased by seven millions now, and an increase certainly of five millions more if a provision incorporated in the bill increasing the pay of the enlisted force shall prevail, and an increase of $2,200,00 more if another provision shall be incorporated increasing the pay of the officers, all of which I will come to later—I insist, I say, that this year's maneuvers may well be dropped out. In my judgment, the elimination of this million dollars, with the decrease of some $500,000 in appropriations for the regular establishment as a result of not providing for maneuvers, is not doing any injury to the service and is in the line of good legislation, under present conditions.

We eliminated entirely $200,000 for the purchase of special apparatus in the Surgeon-General's Department. That came to us in a supplementary estimate too late to give it the consideration it should have, and, as we had increased the appropriation for the Surgeon-General's medical supplies so that he could accumulate a reserve supply and be ready for an increased Army, we believed that the special apparatus could go over without any injury to the service.

Another estimate submitted to us was $100,000 to teach rifle practice to children in the public schools. It did seem to the committee that a proposition to take charge of the education of the children in the public schools and teach them rifle practice was going further than was legitimate for this Government to do. I think the committee was unanimously opposed to that; if any were in favor of it I do not now recall. These are the items that we eliminated from the bill.

We have incorporated new legislation, some of it very important. The main if not the only one of general interest and importance is found on page 6 of the bill, after the provision for paying the enlisted men. We have put in a full revision of the pay of the entire enlisted force of the Army. We increased the privates $2 a month on the first enlistment, and we make a large increase in the pay of the noncommissioned officers. We provide a three-months' practical bounty for each reenlistment so that we can keep in those who have received training. The largest individual increase in the noncommissioned officers is for the first sergeant. He has been the poorest-paid noncommissioned officer of the regiment up to this time. We give him the same pay that we give to the regimental sergeant, the sergeant-major, the quartermaster-sergeant, the commissary-sergeant, and all other noncommissioned staff of the regiment. I want to say that I voice the impression of all the Members of this House who served in the Army at any time in its history, on either side in any conflict, when I say that the orderly sergeant is the most important noncommissioned officer in the regiment. I have had letters from old retired officers since we reported the measure, congratulating the committee on at last doing justice to the first sergeant, as they call them now. We called them while I was in the civil war orderly sergeants. They congratulated me and the committee in doing justice to the first sergeant, and stating that a good first sergeant of a company is worth more than two raw lieutenants who have just graduated from West Point.

They have reached their position by high character and faithful service. Under the law as it stands to-day the Army is and has been losing the best of its noncommissioned officers. Under the law as we have provided it here now, in my judgment, the noncommissioned force of the Army, after they reach the better grades, will make the Army a profession and remain in the Army all their active lives.

I do not believe that the privates will remain in for any great length of time as privates. They may come in for two and possibly three enlistments, but after the third enlistment the man who has not secured some noncommissioned rank, from corporal up, is not considered a very good man to make a good soldier out of—at least that is the evidence before us. This increase of pay will cost us at least $4,900,000 to meet this increased cost so far as the enlisted force is concerned.

Mr. COOPER of Wisconsin. What are the noncommissioned officers in the regiment?

Mr. HULL of Iowa. Quartermaster-sergeant, sergeant-major of the regiment, commissary-sergeant, all the sergeants of the companies—and I have not given all the others, there are so many of them—and then the corporals. I would have to read from the Army Register to be sure of naming all.

Mr. COOPER of Wisconsin. Everything below a lieutenant?

Mr. HULL of Iowa. Everything below a lieutenant and above a private; they are grouped in classes in this bill. But I want to call the attention of the committee to the fact that the statement that this will only cost about $5,000,000 more than now provided may mislead, for this reason: That under the pay of to-day the Army is about twenty to twenty-two thousand short in its enlisted force. I believe that this increased pay, with the increased ration that has been provided by the President—and we appropriate nearly $500,000 extra to pay for this increase of cost of rations in this bill—will induce enlistments enough to fill the ranks of the Army up to the number now authorized by law.

Mr. ELLIS of Oregon. Can the gentleman tell us what proportion of this increase goes to the private soldier and what proportion goes to the officers?

Mr. HULL of Iowa. Not a dollar goes to the officers. Every dollar of this increase goes to the enlisted force in the Army, but I say it would be misleading for me to say to the House that the total extra expense on account of adopting this amendment will be $5,000,000, because if this increased pay induces enlistment to the maximum fixed by the President to-day, which is the minimum authorized under the law, and we will have an increase of at least eight or nine million in the pay of the Army—seven million, anyway. We have heretofore cut off part of the pay of the enlisted force in making appropriations for the Army, because we could safely allow for a certain shortage in the enlisted force, but I submit to this committee that what we want in this country is an army filled to the number fixed by the President, which would be about 62,000 men. In a nation of 80,000,000 people, covering the vast extent of territory reaching from the China Sea across the Pacific Ocean, across the continent and over to Porto Rico, with the great Territory of Alaska taking at least 1,000 of our men, with the Hawaiian group taking about 2,000, and certain, I believe, to be increased largely beyond that number in the coast defenses for the protection of that island and our Pacific coast, with the number that we must keep in the Philippine Islands and the number that we must keep here to recuperate, so that we can send them back to the Philippines, saying nothing at all about what we have in Cuba, which I hope will not bother us much longer, we can not afford to have less than 62,000 men in the regular establishment.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. Does the 62,000 include those who are enlisted in the Coast Artillery?

Mr. HULL of Iowa. Yes; but not in the Hospital Corps.

Mr. TAWNEY. That includes both branches of the service?

Mr. HULL of Iowa. It includes all branches, but not the Hospital Corps. There are 3,500 in that corps that will not be included in the total given.

Mr. TAWNEY. How many are included in the militia, national or State?

Mr. HULL of Iowa. They have increased their National Guard during the last year. They have now about 120,000.

Mr. TAWNEY. And under the Dick law the President of the United States has the power of calling upon the State troops for any service within continental United States.

Mr. HULL of Iowa. In time of war or rebellion.

Mr. TAWNEY. At any time.

Mr. HULL of Iowa. They are proposing an amendment to this militia bill now, so that he can call them at any time, I think, but that has not been as yet reported from the Committee on Militia.

Mr. TAWNEY. I understood from one of the officers of the State militia in my State that under the Dick law—I have not personally examined it—the President has the power to direct the State militia of the State of Minnesota to go anywhere or in any service if it was confined to continental United States.

Mr. HULL of Iowa. The President, if he can not enforce the law with the regular establishment of the United States, can order out the militia, and this being organized, would have to go first, but whenever there is a riot in the United States, or a rebellion against the constituted authority gets to the point where the regular establishment can not control it, then the limit of the power of the President over the militia is simply the limit fixed by the Constitution, which gives him the absolute control of all the able-bodied forces of the United States to preserve order and to protect property and uphold law any time that in his judgment it is absolutely necessary.

Mr. TAWNEY. That was my understanding, I will say to the gentleman. In view of that, and in view of the expenditures the Federal Government is now making for the maintenance of the National Guard, we have in effect a standing army of almost 200,000 men, or would have if the Regular Army was enlisted up to its maximum under the existing limitation.

Mr. HULL of Iowa. The gentleman is mistaken in that, for this reason, that the line of cleavage between the National Guard and the Regular Army is clean cut from start to finish. You can not send your militia to Porto Rico, you can not send it to Cuba, you can not send it to the Philippine Islands, you can not send it to Alaska, you can not garrison the Hawaiian Islands with it. You have an army in service in the Tropics that can not remain there very long without its being utterly destructive to the health of the men, without destroying the organizations, without making it impossible for us to have an army if it is understood it is to serve in the Tropics continuously, and, as it is to-day, with the number of men we have in the Army to-day, two years is about as long as they can stay at home, and you are paying large sums for transportation every year because you have to be making exchanges so very often with those abroad. The men who come back this year have no certainty they will remain here more than two years before they go back again. That is not fair. If the Army be recruited to its full strength as fixed by the President, there is not any doubt but they will have at least one year longer at home than they now have. Another thing; while I believe that we can organize the militia on a basis of very great help to the Coast Artillery, yet to-day we have not enough regulars to man the guns that are now emplaced to defend our coasts. We authorized enough additional force in the artillery bill of last year to make one shift to the gun at the principal fortifications, but on account of the low pay, on account of the discrimination that has existed against the Army in favor of the Navy in the pay of its enlisted force—and I am not criticising the pay of the Navy—but if a man wanted to go into our service, and it was a question whether to enlist in the Navy or in the Army, if he once understood the great advantages that come from enlistment in the Navy, he would go into the Navy at once. If he came to investigate what was offered him in the Army, he would find nothing to attract him except the enthusiasm that some young men have for wearing the uniform of their country. Now, I believe this bill will give enough increase in our Army in the Coast Artillery to enable us to have one shift——

Mr. TAWNEY rose.

Mr. HULL of Iowa. Now, if the gentleman will hear me one minute on this: I am in favor of going further in the aid of the militia to be trained for reserves for the Coast Artillery than I am in aiding the militia in any other line. I would be willing for the Federal Government to have entire control of Coast Artillery reserves in California, in Washington, and in Oregon, if the people there would furnish the recruits, because it would not be a large expense and would give to our Pacific coast at once a trained body of men who, in time of war, could step into the ranks and serve these great engines of war effectively from the very beginning.

Mr. TAWNEY. Will the gentleman permit me?

Mr. HULL of Iowa. Certainly.

Mr. TAWNEY. I did not interrupt the gentleman or ask him the questions I have for the purpose of laying any foundation for criticising the proposed increase of the enlisted men of the Army; in fact, we ought to grant some increase to that branch of the service. The fact I wanted to bring out was that for all practical purposes in times of war within continental United States itself we have to-day in effect a standing army of about 200,000 men, and that includes the National Guard.

Mr. HULL of Iowa. In time of war, yes, I think that is true. That is assuming every one of the guard would be able to enter.

Mr. TAWNEY. I mean an organized army of practically 200,000 men. That is what I wanted to bring out.

Mr. HULL of Iowa. Yes; so organized with the idea they could march right in, that there will be no delay in taking their place by the side of the regular establishment, and in time of war I want to say we are better fixed than that because we have a Regular Army that can be expanded immediately to 100,000, with trained officers, trained noncommissioned officers, enough trained privates to insure an effective army. A great many men object to our having so large a force of officers for so small an army, but I want to say to you that a well-trained body of officers is one of the best investments this Government can make, for when the time of stress comes these officers can practically lick into shape in a short time much more than 100,000 of regular force, and can look after the raw recruits and help us out on that. There has been, of course, a very large detail of these officers to schools and for other purposes, so that to-day the line of the Army is not properly officered. But I do not care to discuss that at this time.

There is one feature of this proposed new legislation that I want to call the attention of the House to, and that is found at the bottom of page 9, and relates to the military regimental bands. There has been for years a very widespread discontent because of the fact that the United States at every place where it had a post large enough for a regimental band was furnishing opposition to men in civil life who made a livelihood for themselves and their families as musicians. It was advertised to musicians as a means of inducing their enlistment into the Army that they could secure profitable employment for private purposes, and the Government paid them such a small stipend that the Government could not have received the enlistment of any musicians unless they permitted competition with outside civilian bands. But, gentlemen, I believe, and the committee, so far as I am able to judge, believe, that when the Government pays practically the living expenses of the man and gives him his $13 or $15 a month, his clothing, his house rent, his rations, his medical attendance, that it is unfair to the man in civil life to say that this man can go out and take the bread from the civilians by underbidding him on all these public occasions. And they would not even have to underbid them. If they proposed the same compensation nine times out of ten the glory of a military band would cause the citizens to employ it in place of the other. So we have provided in this bill a substantial increase in the pay of the musicians composing the band. We have made that increase substantially what it is to-day with a reasonable allowance for what they could make in their private contracts, and then make the further proviso that they shall not be permitted under any circumstances to compete with members of bands making their livelihood by their musical performances. In other words, we have divorced army bands from competition with the musicians of this country.

Mr. KEIFER. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HULL of Iowa. Yes, sir.

Mr. KEIFER. I want to know whether the provisions of the bill relating to musicians are such that a band could not go and attend a parade voluntarily, without pay, and thereby take the place of men who are not enlisted musicians?

Mr. HULL of Iowa. I will read the proviso to the gentleman. It says:

Provided, That army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

Now, I should say it would prohibit their going if it cut an outside band out of employment, unless the army band should play free.

Mr. KEIFER. If it is employment that is prohibited, as it would seem by this clause, what would be the objection if the military commander at a post permitted a band to go and play on some parade day, or on some great occasion at some place, some city, or some town for nothing? What is there in the bill that would prohibit that?

Mr. HULL of Iowa. I do not think anything in this bill would prohibit that. That would not be in competition.

Mr. KEIFER. That would be in competition if by their going without pay the other musicians who are not enlisted in any way were not employed.

Mr. HULL of Iowa. Well, it would be a remote danger, and I think the proviso would not prohibit. Take, for instance, the Fourth of July; they always play then for nothing. Take Decoration Day, and wherever there is a post the band always plays for nothing. On occasions of that character this provision, in my judgment, would not interfere with it, but it would interfere with one feature of the matter that I think is a good one. Take, for instance, any Member of the House that represents a large city where there is a military post, and you will find at some of the county fairs they will plead with the Members to get the band sent there. They ought not to be sent to county fairs. They ought not to come in competition where bands play for money. They ought not to come in competition with a man that has to make a living for himself and family without any help from the Government, but by his own individual exertions. I do not believe that it would ever be construed that a band that would, for instance, if they should want to serenade my distinguished friend from Ohio, if he lived near the military post, or was visiting at a hotel near a military post, would not be prohibited. I do not understand that any of the courtesies that are extended would be prohibited, but competition with these bands is prohibited and, in my judgment, ought to be prohibited.

Mr. KEIFER. I agree with the gentleman.

Mr. HULL of Iowa. Now, what I referred to a little while ago was to the fact that we have had a very hard time in securing recruits during the last year, and that in spite of the fact that we authorized a substantial increase in the Coast Ar-

tillery we have been unable to secure enlistments equal to the discharges, so that the Army is to-day smaller than it was one year ago, before we increased one branch of the service. I do not know that all of the fault of this can be laid to the small pay, but I think the larger part of it can. The Army, with the large posts which we are now establishing, with the fewer men to do the work, is a life of comparative drudgery. In the older posts, when they were scattered over the frontier, a little police duty was all that had to be done, and in my judgment the Department did put an additional burden upon the Army during the last year, so that it has made the enlisted men anxious to get out and keep out of the Army. They have introduced the practice march, which in itself is a good thing, and have loaded him with 40 pounds, to see how far he could go and how well he could carry it; and if his luggage did not make that amount, they put in foreign matter to raise it to the 40 pounds. The soldier does not like that kind of business. He did not have to do it, General [General KEIFER], when you were commanding him in the civil war. He had a wagon to carry his load, and if he did not have a wagon he got a contraband to do it, so that it was not loaded on him. If it becomes absolutely necessary to do this thing, why the American soldier will do it with as good grace as anybody else, but if he thinks it is not, he will escape from it as soon as he can, and he is going to keep out of the service, and going to make straight for his home as soon as his time of enlistment is completed.

Mr. GRAFF. Will the gentleman allow me to ask him a question?

Mr. HULL of Iowa. Oh, certainly.

Mr. GRAFF. I notice that the gentleman from Iowa stated in a general way that there has been a decrease instead of an increase of the men in the Coast Artillery during the past year.

Mr. HULL of Iowa. In the Army, I stated, as a whole. I do not remember whether the Coast Artillery has been able to keep its men.

Mr. KEIFER. It has not.

Mr. HULL of Iowa. I understand it has not. You will find in the report of the Secretary of War that there is a shortage of about 22,000 men. Instead of being able to keep up, it has run the other way. Now, I think another reason for some of the dissatisfaction is the fact that we have changed our staff system in the Army. We have got now a number of the most active young men in the world in our General Staff; and as we have not a very large amount of actual work to do outside of figuring over how to invade other countries, they are continually hunting up something more for the soldier to do. I am not one of those who believe in so large a General Staff. I believe we have too many of them. I think we would be better off if we had fewer staff officers and more officers with their companies. We have too large a number of schools. I understand we have to-day the best educated army in the world, but sometimes I wonder if we are not in danger of having a little overeducation. I do not think the man ought to be kept in post-graduate schools until he is 40 or 45 years of age before he has had much service in the field, for after that if we should have war I fear he would play the schoolmaster and argue out of going into the field where the fighting is to be done. We have done better with the old organization when we were engaged in war with other countries under the old staff system, better than the German system, so say the experts, who compared the two systems. The German system is largely the one upon which ours is now modeled.

I feel I want to say a word for the old system of the staff. I do not believe in your detailing from top to bottom. I believe in detailing for the lower grade up to lieutenant-colonel and major, and when the officer gets up to that let the detail become permanent. In time of war every officer that is worth a penny wants to be in the field, and they will leave your staff like rats running from a sinking ship, so as to go in the field where they may earn glory, and turn your staff over to young men who have no talent for it, and your staff system will break down at the very time you most need an experienced staff. Make your higher officers of the staff corps permanent and then make them ineligible to appointment in the line, and, in my judgment, this would do more to aid the military organization than almost anything proposed.

But you know we had a war with Spain. We expanded from 25,000 men to 250,000 men in two or three months. There was confusion, there was loss, there was distress, and there will be again if you expand from 60,000 to 250,000 men. But in place of the detailed staff at that time we had the old staff system. Some men say that was the reason we had this distress. It was not the cause of the distress, because the staff corps did their work admirably and well. There was not a man who could be reached by the trains who was not fed every day. They talk about the distress of bad beef, but you will have it under any system in hot weather where you are shipping it to the Tropics, where you are rushing everything to the front, and your railroads get congested, and the cars stand on the tracks with the ice all out of the refrigerator compartments.

We went to the Philippines. Our troops were cared for there. Fresh beef was distributed to every point where our boats could run every week, even in the Tropics. We went to China under the old-staff system, and when we struck China we came in contact with all the armies of Europe. The German army has been held up as the great organization that is perfect in all its parts. They have their general staff, but what did they do in China? They took their troops to China without clothing suitable to the climate. They took them without food suitable to the climate, or even sufficient in quantity to keep them in comfort, and the officers themselves had to purchase what they wanted to eat through the American commissary, thus administered by an old-staff officer of this country. The Quartermaster's Department of our Army was under the control of a permanent staff corps, the old staff. I think I could take up a great deal of time on this if I wanted to; but I have here a little statement that is made at my request by one of the officers of the Army, who was with the troops in China, and it tells exactly what happened there, and I will ask the Clerk to read it as a part of my remarks. It expresses the facts better than I can.

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

The Clerk read as follows:

In the year 1900 disturbances arose in China which resulted in what has passed into history as the Boxer rebellion. The legations of foreign powers were besieged in Peking by armed forces composed of imperial troops augmented by agitators and others. The German minister and the secretary of the Japanese legation were murdered, and the other members of the diplomatic corps were in serious danger of their lives. To relieve them and reestablish order, the troops of eight Governments—America, France, Germany, Great Britain, Italy, Japan, Russia, and Austria—gathered in China for a combined movement against the Chinese. The occasion afforded especial opportunities for comparison and contrast as to the military methods of these Governments and the result of their application.

Particularly interesting was the study of the Germans, who since their successful war with France, nearly forty years ago, have enjoyed the proud distinction of maintaining the most perfect and efficient military organization in the world. All governments to a greater or less extent have patterned after it and sought inspiration from the German general staff in the belief that superiority could be achieved in no way so well as by imitating them and following their methods. If their methods are as good under European conditions as they are reputed to be, they did not stand the test of a campaign a long distance from their base and in a country not provided with useful adjuncts to military operations which an old and thickly settled commercial, manufacturing, and agricultural country like Europe affords.

After the fall of Peking (in which the Germans took no part, as they were unable to arrive in time) the American forces were reduced. When orders were received for the withdrawal of a portion of the force, the rumor soon spread through Tientsin, then the German headquarters, that the Americans had received orders to withdraw. Almost immediately General von Gayl, the German officer corresponding to our chief quartermaster, came to the American military officers in Tientsin, accompanied by a young aid-de-camp, who spoke English perfectly and through whom the conversation was conducted, and said in substance, if not verbatim:

"We understand the Americans have orders to withdraw. I come to say that we (the Germans) will be glad to purchase from you any means of transportation, tentage, forage, subsistence stores, or any munitions or supplies suitable to our use. The price is not a matter of consideration. Our staff has apparently completely broken down, and we are destitute."

The disposition of stores was taken under advisement, and finally it was determined that while the American forces were being largely reduced the situation was such that it was impossible to fix the period of occupation, and practically all the stores were retained in China for the use of American troops, and the matter was not even presented to the Department in Washington.

As visual evidence of the conditions that existed in the German forces at that time, it was noted that German soldiers were walking about Tientsin in uniforms of thinnest khaki of a particularly unsuitable pattern and wearing straw hats until the temperature was so low that icicles were freezing on the eaves of the houses. In this garb these same German soldiers were daily harnessed to carts and Chinese wheelbarrows, drawing water for the consumption of their commands through the streets in discarded American tin cracker boxes and kerosene-oil cans. At the same time the American soldiers, if not in houses, were in tents warmed with stoves, dressed in good heavy woolen clothing and furs, with distilled water delivered to them in Studebaker water wagons!

When the German headquarters finally concluded to move to Peking, the field marshal made the journey from Tientsin to Peking in transportation furnished by the American army, and when he established his headquarters at Peking, it was in houses warmed by American stoves and lighted by American lamps filled with American kerosene, all of which was procured from the American Quartermaster's Department.

After the railroad had been restored and running a short while there was a wreck, which covered the track with freight cars. Chinese methods to clear it away failed. At last the Chinaman had found something that he couldn't lift on his back. No one knew what was to be done. There was too little transportation to burn the cars and sweep away the ashes. Some one said, "Get some jackscrews." None could be found. Finally it occurred to the railway manager to ask the Americans if they had any. There were on hand fifty or sixty that had been sent out not for any particular purpose, but simply because the American Quartermaster's Department knew that situations

arise in campaigns where jackscrews might be very convenient, and they had provided them. So it was with almost everything during the entire winter. The American Quartermaster's Department and the American Subsistence Department, the two great supply departments of the Army, were the object of wonder on the part of all foreign officers who visited them, and without the splendid supplies there to be had the foreign armies would have lacked many dainties and a good many of the essentials which the Americans, in their kindness and abundance, permitted them to share.

This was occurring just about the time of agitation against the American army staff system, which resulted in the change to the present detailed system. Had the conditions above described been known and understood, it is doubtful if any change in a system which showed such superiority ever would have been abandoned.

Mr. HULL of Iowa. Now, Mr. Chairman, I submit that that is a pretty fair illustration of what trained officers, who have spent the larger part of their official lives in studying the needs of the particular department they are administering, can do. It does not make a bad showing for the American staff under the old régime in comparison with a European staff under the modern organization.

Of course, nobody wants to go back to the old cast-iron staff business, but I want to make this prophecy here to-day, that inside of the next few years this Government will have a modified detailed staff, that will train the younger officers in the line for the staff service; and when a man shows exceptional ability as a quartermaster, as a commissary, or any special staff duty, he will be made a permanent fixture in the staff when he reaches a grade not higher than that of lieutenant-colonel; in Quartermaster and Commissary departments not higher than grade of major. I think that is bound to come. We have an anomaly in our staff corps to-day in another thing. The President is not limited in selecting the head of a staff corps to any particular rank. He can take a first lieutenant and put him at the head of any staff corps, and I do not know that it would be proper to try to limit that power; but you have this anomaly. He is detailed there for four years. Suppose that at the end of four years another President comes in, and he does not want him. The officer who has been serving is a captain. There are several of them who are captains.

The President does not want this captain to continue, and he details a colonel at the head of that particular staff corps. What is going to become of that captain? The law provides that when he retires he shall retire with the grade of a brigadier-general, but he can not retire short of thirty years of service, unless a board is convened and declares that he is not physically or mentally capable of continuing in the service. He can not be arbitrarily retired until he is at least 62 years of age. He is compelled to retire at 64, of course; but suppose that at 40 years of age he goes out of one of the staff corps as chief of the corps, and the incoming President will not redetail him. What are you going to do with him? You have got to change your law for his retirement, or else he is suspended in the air for the Lord knows how many months or years, before he reaches the age when he could be retired. There is no place for him to go. He might be a supernumerary captain, for it was not the intention of Congress to provide for his promotion except on the lineal list, and he would hold his place on the lineal list; but his place as captain was filled when appointed chief of his corps, under the theory of the Department that they would detail an officer of same rank for the head of the corps to fill his place, and then he would get his rank back again, in lineal list, when his time as chief expired. But it does not work out that way. This provision was put in in another branch of Congress at the earnest solicitation of the War Department, and was finally agreed to by the House committee in conference. I think we made a mistake that we frequently do, by yielding so much in these controversies. It is better to stand by what you believe even if the bill fail.

Now, I have taken more time than I intended to. Debate under the five-minute rule will allow me to call attention to other measures embodied in the bill. Now, I want to say that there is a constant criticism of the enormous cost of the military establishment, and there has been a disposition at times to compare the cost of the military establishment now to what it was before the Spanish war. There is an enormous increase in the cost of the military establishment, a larger increase than the mere increase of men, because it is a larger increase of munitions of war. It is a larger increase in the transportation and the cost of training than it ever was before. It has been the same pay so far as the enlisted force is concerned, but the increase has come because of the larger field of the operations the Government has entered upon. Simply the increased pay of officers and enlisted men will not account for the large increase of the military establishment.

The Spanish war has been referred to often as being so enormously expensive, and they say that the nation can never be repaid for the treasure it has poured out as a result of that war. It freed Cuba, and has added enormously to the domain of the United States, whether we want it to remain ours permanently or not. I want to say to the gentlemen of this committee that no matter what has been our expense as a result of that war, all has been more than repaid to the country in the increased good feeling that has come over every section of our land. [Applause.] We are at last a united people. Up to the time the war broke out it was a question whether there was the same loyalty in one section as in the other; but when the flag was raised, and the President called for troops, boys whose fathers served under the stars and bars enlisted with the same enthusiasm as boys whose fathers served under the Starry Banner of the Republic. [Applause.]

And when that great and good President, Mr. McKinley [applause], anxious to see wiped out the last vestige of sectionalism, sent the names of four men to the Senate of the United States to become major-generals, two of them were men who wore the gray and two were men who wore the blue, and the last line of demarcation in this country was wiped out, and I hope and trust in God it will remain wiped out forever. [Applause.]

We are one nation to-day, North, South, East, and West, and the richest and strongest nation in the world. I have no fears of any people on earth trying to humiliate us upon any field of battle, and if they will give us a little more time I am not afraid of any people on earth trying to humiliate us on any ocean in any part of the world. [Applause.]

This country of eighty millions of freemen, who have given demonstration of heroic valor in fighting each other, will not be called upon, in my judgment, to demonstrate its valor in fighting any foreign foe. But if it should come the Spanish war demonstrated that the young men of to-day are as patriotic and as brave and as loyal to the flag as were their fathers. In all wars that may come we can look forward to the future of the Republic with the certainty that, no matter what may come to this country as a menace or danger, the patriotism and loyalty of its people will see that not a star is erased nor a stripe polluted of the glorious banner of our country. [Applause.]

Mr. PARSONS. Will the gentleman from Iowa yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. PARSONS. In striking out the million dollars for maneuvers, do you still leave in anything that will allow general instruction in coast defense?

Mr. HULL of Iowa. I should say not, unless it can be paid out of the regular appropriations. The whole sum was used last year for coast defense. The argument this year was that it was for the entire camps for five or six points of the militia national guard. I would say that if there is a small appropriation necessary in order to enable the coast defense to be carried on, I would give it every year if necessary.

Mr. PARSONS. How much would it need?

Mr. HULL of Iowa. I have no data on that. If the million was intended to cover maneuvers and the coast defense, it would not cost much. They have arranged for five great camps of concentration in different parts of the country, and they have notified each State that it can send one regiment. They may not have notified all of the States.

My State, I think, has been notified that it can send one. I have had letters from the gentleman from Connecticut and from other gentlemen from the East saying that one regiment of each State could go. At the hearing the question was asked of General Oliver:

How many camps will there be?

He answered:

Six or seven. It is proposed to have two on the Pacific, one on the northeastern coast, one in the south, one at Indianapolis, one at Fort Riley, one at Fort Sam Houston.

There is nothing said in this about a single cent for coast defenses or for the reserve militia for Coast Artillery.

Mr. PARSONS. Does the committee intend that there shall be no maneuver of any kind, either in the interior or as to the coast defenses?

Mr. HULL of Iowa. No grand maneuvers. The committee considered the question. Let us take, for instance, the gentleman's own State. All of your militia come together, do they not, each year?

Mr. PARSONS. They do not all come in one year. Part of them do.

Mr. HULL of Iowa. How many regiments come this year?

Mr. PARSONS. I think half.

Mr. HULL of Iowa. How many are there?

Mr. PARSONS. I think we have fifteen.

Mr. HULL of Iowa. Seven regiments, then, come together—

two brigades, practically. I would like to submit to the gentleman this proposition, that when those two brigades get together the Government can, out of this appropriation, order infantry and cavalry and artillery, and a detachment of the Signal Corps, to go to the State encampment and cooperate in these maneuvers, so that this will bring the Regulars and all the regiments of the militia together without costing the Government much, if anything, certainly nothing except the transportation of the Regulars, and does the gentleman not think that his militia will have infinitely more benefit than if one or two regiments only could be sent to a great camp of concentration, where a large part of the time is expended in traveling to the camp and returning to their homes?

Mr. PARSONS. I understand that under this bill that could be done?

Mr. HULL of Iowa. Oh, yes; that could be done, so far as the Regulars are concerned; and I will say to the gentleman that last year that is exactly what was done in my own State. We had all of our militia out for two weeks. We had sent from the Regulars cavalry, infantry, artillery, and a company of the Signal Corps, and all went into the operations, divided into two brigades, two opposing armies. The regular officers were there to umpire the game, to instruct in the maneuvers, where they required it, and our entire militia received the benefit of two weeks of active drill, mock battle, and campaign, where, if we had had a grand maneuver, only one regiment would have had that benefit.

Mr. PARSONS. Can we have joint instruction in coast defense this year without any additional appropriation?

Mr. HULL of Iowa. The gentleman means for the interior defense?

Mr. PARSONS. No; for the coast defense.

Mr. HULL of Iowa. No; I should say that if it was intended to assemble the militia for coast defense, or the militia reserve for coast defense, it would be necessary to have some amendment providing specifically for that.

Mr. FITZGERALD. On that point, in the State of New York there have been organized, or changed, some infantry regiments into heavy artillery regiments. Last year one at least of these regiments was taken into the coast-defense batteries. I am informed that the Regulars acted as instructors of the militia. May not that be done under any appropriation carried in this bill?

Mr. HULL of Iowa. I do not see how the militia could be paid out of this bill. The Regulars could give the instructions and all expenses of the Regulars; but, as I said to the gentleman's colleague, the gentleman from New York [Mr. PARSONS], if it is desired, I certainly would not in any way hamper the fullest instruction of the coast artillery reserves.

I think it is the most important phase of our reserve defense, and while I am not fearful of immediate invasion on the Atlantic coast or on the Pacific coast, yet I believe that because of the fact that it requires special training to know how to handle these great engines of war, we ought to keep our militia in that line well trained. But as to the general grand maneuvers, I regard that the militia are benefited more by their camps of instruction where they are all regiments together in the State, having the Regulars combine with them, and then once in three years have a grand maneuver of all the militia and all the Regulars that are in the country, not so much to give instruction to the men as to give instruction to the officers, and nine-tenths of this instruction they talk about is simply for the general officers.

Mr. BENNET of New York. Is there enough existing law, so that if United States troops came to Peekskill, in our State, and joined with our State militia, the United States troops, for instance, could take orders from a State officer or our State troops could take orders from the United States officer?

Mr. HULL of Iowa. I think where the militia is brought in contact with the Regulars the Regulars have command; but I am not absolutely positive in this.

Mr. BENNET of New York. Is that a matter of statute or practice?

Mr. HULL of Iowa. I think it is statute. In regard to volunteers in the Army the highest in rank commands.

Mr. BENNET of New York. I understood the gentleman to say specifically, under the appropriations as they are reported in the bill, in our State if we got our 14,000 militia together and invited a United States Army man to come there to that encampment there is no money provided under this bill, and properly provided, so those expenses could be paid?

Mr. HULL of Iowa. For the regular force, yes; but I will say to the gentleman further than that, that the United States Government, on the request of your State to do so, would send officers to advise and supervise maneuvers and give the benefit of their instruction in the field, but the problems would be worked out by the militia officers themselves. And it is better for all that this should be so.

Mr. BENNET of New York. But this item for the encampment of the militia does not embrace anything but an appropriation of $1,000,000; it embraces no change in the law in that regard.

Mr. HULL of Iowa. It is a general appropriation only. I will now yield to the gentleman from New York.

Mr. PARSONS. I will ask the gentleman if that carries out the recommendations made by General Bell and the Assistant Secretary of War in their testimony before the committee in regard to maneuvers and joint instructions in coast defense?

Mr. HULL of Iowa. No; we do not, and we did not carry out their recommendations in several other matters. I want to say to my friend, I wish he would serve on the Committee on Military Affairs some time and see how many suggestions it is possible for a fertile mind to make that is hardly feasible for Congress to adopt. Now, Mr. Chairman, before closing, I have here an opinion from the Judge-Advocate-General that I secured last fall when an immense amount of discussion was going on as to the power of the President to retire officers on account of these so-called staff rides. I asked for the information and it was graciously sent me. It was considered personal at first, but by permission of the Judge-Advocate-General I ask unanimous consent that it may be inserted in the RECORD as a part of my remarks so that we may all have the benefit of it. I regard it as an exceedingly valuable publication.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, November 22, 1907.

Before entering upon a discussion of the question suggested by the Acting Secretary of War, it will be proper to make a brief reference to the existing laws upon the subject of retirement.

History of retirement laws.—Prior to 1861 there was no requirement of statute which enabled the President, save by dismissal from the military service, to divest an officer of the functions of an office which he was physically unable to execute. He may have been disabled for performing his duty by age, wounds, or sickness, and this disability may have reached such a stage as to completely incapacitate him for the performance of any military duty, but, as the law stood, no relief could be afforded by Executive action.

In the summer of 1861 the matter was made the subject of legislative regulation as an enactment which received Executive approval on August 3 of that year, and which authorized the retirement from active service of officers of the Army and the Marine Corps. In a subsequent section of the same statute the retirement of officers of the Navy was provided for.

The act of 1861 provided that—

"If any commissioned officer of the Army or of the Marine Corps shall have become or shall hereafter become incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments." (Sec. 16, act of August 3, 1861; 12 Stat. L., 289.)

The act further provided that the extent and character of the disability should be determined by a retiring board, convened for that purpose by the Secretary of War, with the approval of the President, and it was made the duty of the board to "determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office." (Sec. 17, ibid.) If the board found an officer incapacitated for active service it was required to report "Whether in its judgment the said incapacity result from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure therein, or from any other incident of service." (Ibid.)

If the conclusion was reached that the disability of the officer was due to any one of the causes above cited, the law provided that—

"If the President approves such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register, or Navy Register, as the case may be." (Sec. 17, ibid.)

The foregoing requirements were embodied, with some slight modifications, in the revision of the laws in 1878, as sections 1243 to 1258 of the Revised Statutes.

It is proper to observe that, although the retirement of officers of the Army and Navy was provided for in the same enactment, the nature of the disabling cause is not the same in both cases. It has been repeatedly held by the Secretary of War that the "cause" of the "incapacity" contemplated in the act of August 3, 1861, and section 1249 of the Revised Statutes, must be a *physical* one; that moral obliquity was not had in view, and that an inquiry into an officer's general efficiency would be pertinent only in so far as it could be regarded as going to show that his inefficiency, if found, was the result of an impairment of health. (Paragraphs 2203, 2204, Digest Opinion, Judge-Advocate-General.)

The language used in the clause descriptive of incapacity in the Navy is considerably broader and provides that—

"Whenever any officer of the Navy, on being ordered to perform the duties proper to his commission, shall report himself unable to comply with such order, or whenever in the judgment of the President of the United States an officer of the Navy shall be *in any way* incapacitated for performing the duties of his office, the President at his discretion shall direct the Secretary of the Navy to refer the case of such officer to a board," etc.

Elsewhere it is provided that, "If such disability or incompetency proceeded *from other cause*, and the President concur in the opinion of the board, the officer may be retired," etc.

In the legislation above referred to no mention is made as to the manner in which the attention of the Secretary of War may be drawn to the case of an officer as to whose capacity for active service a doubt has arisen. It may be discovered in the ordinary performance of the officer's duty; it may result from the report of an inspector, or may be made the subject of representation by a department commander who is required to—

"assure himself by personal examination and observation that all officers and men under his control are efficient in the performance of duty; that the troops are thoroughly drilled and instructed in their field duties and tactical exercises; that supplies are properly distributed; that proper care is exercised in the purchase and preservation of public property, and that strict economy is exercised in all public expenditures. In his annual report the results of these inspections will be summarized. From time to time he will report, for the information of the War Department, the names of any and all officers belonging to his command who are believed to be permanently incapable, from any cause, of performing the duties of their several grades, both in garrison and in active service. He will also report any errors, irregularities, or abuses requiring the action of higher authority." (Army Regulations of 1904, par. 191.)

Meaning of the term "active service."—In the cases which have recently been ordered before retiring boards, the fact that the officers have been excused from riding, upon the reports of medical officers, or have been found unable to take or complete the test in that regard prescribed by the President, has rendered it necessary, in the opinion of the Department, that their physical condition should be made the subject of examination by a legally constituted tribunal. As a result of such examination the boards are required by law to ascertain the nature, extent, and cause of any disability which may be found to exist, and to determine whether it is sufficient in amount to incapacitate the officer for "active service." In that view of the case it becomes important to determine what is meant by the term "active service" as used in the statutes regulating the retirement of commissioned officers.

Prior to August 3, 1861, the date of the original retirement law, the term "military officers" was applied to the incumbents of military office, and a person who had been duly appointed to office in the Army was such an incumbent; to distinguish them from officers in the *naval* or *civil service* officers of the Army were said to be the *military service*, and no other status was recognized in the military establishment save that which attached, as above indicated, to the incumbency of military office. So long as there was but a single status which an officer of the Army could occupy such an incumbent could be described indifferently as being in the *military service* or in *active service*, and both terms had precisely the same meaning.

With the enactment of the retirement legislation of 1861, however, a new status was created, and it became possible for an officer to occupy a status differing materially from that theretofore occupied by him; so that since August 3, 1861, all officers who, in the operation of that enactment, have been found incapacitated for the performance of military duty by reason of age, wounds, or disability have been designated as "retired officers," or as "officers on the retired list," or as "officers retired from active service." But officers of the Army generally underwent no change of status in consequence of the enactment of the retirement law, but remained in the position which they occupied prior to its passage. To distinguish their cases from those of officers who by retirement had been divested of their former offices in the Army they were thereafter described as being in "active service" or on the "active list."

It would thus appear that, in the operation of the legislation above cited, officers at retirement undergo an important change of status, in that they are divested of the offices formerly held by them in the military establishment. Officers not retired, however, continue in the exercise of the functions of military office and, to distinguish the two classes, are said to be in "active service," or on the "active list."

The term "active service" is thus seen to be a legal one, and, as used in the statutes governing the procedure of retiring boards, merely relates to the efficient performance of the duties with which an officer is charged by law, regulations, or the custom of service in the branch of the line or department of the staff in which he holds military office. It has no relation to service in war or peace, or to physical or mental activity, unless such activity is so impaired by wounds, injury, or disease as to have reached a disabling stage. The term simply relates to that period in the career of an officer which intervenes between his appointment to military office and his vacation of such office due to death, resignation, dismissal, or retirement. During this period all officers are presumed to be physically and mentally capable of performing the duties of the offices into which they have been lawfully inducted. If the contrary appears, the law vests authority in the Secretary of War to convene a retiring board and to charge it with an inquiry into the nature and extent of the disability, with a view to ascertain whether the officer is incapacitated for performing the duties of his office.

The active service which an officer is expected and required to perform at all times is determined in part by the legal incidents of his office, in part by the nature and character of the duties performed in the branch of the establishment in which he exercises the functions of military office, and in part by his rank, ability, and experience in the military service. It will thus appear that the various employments upon which officers may be engaged and which constitute "active service" within the meaning of the retirement laws, differ materially in the case of officers in the several branches of the line and departments of the staff. The duties required by law of a colonel of cavalry or of light artillery, for example, are very different from those required of a colonel in the Judge-Advocate-General's Department or a colonel of engineers or ordnance. The duties of a colonel of infantry differ in some essential respects from those assigned to a colonel of Coast Artillery, and quite materially from those which are expected to be performed by a professor at the Military Academy having the assimilated rank of colonel.

The duties of a colonel of cavalry or light artillery, for example, require that the officer charged with their performance shall be able at all times, up to the date of his retirement, to appear mounted while engaged in the duty of drilling and instructing his command, or while exercising the functions of commanding officer of a mounted organization. The duties of an officer of the Judge-Advocate-General's or Medical Department, on the other hand, are largely sedentary and administrative in character, consisting for the most part in office work, in the supervision of hospitals, etc. While such an officer must always hold himself in readiness for a change to field work, riding is not an essential ingredient of the duties which officers of those departments are habitually expected to perform.

In the event of war the law provides that the representatives of the several departments on the staff of a corps commander shall have the rank of lieutenant-colonel, but there is no statute which prescribes the rank of the principal staff officers of a separate army; so that it is only in the event of an extraordinary emergency that officers of the grade of colonel in the departments named would be required to take the field or to do duty which required them to execute marches or perform other forms of mounted duty.

That staff officers above the grade of lieutenant-colonel will receive assignments as the principal staff officers at the headquarters of separate armies in the field in time of war is, in view of the experience gained in that regard during the civil war, extremely improbable. The adjutant-general of the armies operating against Richmond, under the immediate command of Lieutenant-General Grant, was Seth Williams, a lieutenant-colonel; the chief quartermaster and chief commissary were Ingalls and Clark, who were majors. The adjutant-general of the Army of the Potomac was Ruggles, a major; the chief quartermaster was Batchelder, a lieutenant-colonel of volunteers; the chief commissary was Wilson, a captain; the chiefs of engineers were Barnard, a lieutenant-colonel, and Duane, a major; the chiefs of artillery were Barry and Hunt, both lieutenant-colonels. The adjutant-general of the Army of the Cumberland was Whipple, a major; the chief engineers were Michler and Merrill, who were captains.

The colonels, and for the most part the lieutenant-colonels, of the supply departments were employed during that period in the War Department, or at the great arsenals and depots where the supplies were procured or manufactured, and from which they were distributed to the armies in the field. These officers are similarly employed in time of peace, or are serving on the General Staff, as assistants to the heads of Bureaus in the War Department, or as the chiefs of their respective branches of the staff at the headquarters of Territorial divisions and departments.

In some staff departments certain duties of a professional or technical character are vested by law, to which in the ordinary course of administration the higher grades of officers are habitually assigned. Colonels of engineers, for example, are subject to employment as members of certain commissions which are established by law, or they are charged with the preparation and execution of projects of river and harbor improvement, which are of great importance and require in their execution large sums of public money. The senior officers of ordnance are habitually employed as commanding officers of armories and arsenals; and officers of both classes would, from the nature of the services in which they are engaged, continue to be so employed in time of war. Indeed, save on the happening of an emergency which has not yet occurred in the military service, it would be essential to the best administration of the military establishment that the officers in charge of certain public works and of certain armories and arsenals and depots of supply should continue in those posts of duty during the existence of the emergency, and their separation from their posts would seriously hamper the heads of bureaus in the administration of the department under their control.

But the considerations which are to be given weight in this regard are not entirely historical. In 1889 Capt. Oscar Elting, of the Third Cavalry, was brought before a retiring board with a view to determine his liability to retirement. The investigation was directed to three causes of disability:

1. Hemorrhoids.
2. Age.
3. General inefficiency.

The acting Judge-Advocate-General, in his report, says as to the investigation respecting Captain Elting's inefficiency:

"Upon this point I would remark that the investigation into this officer's general efficiency seems to be pertinent only in so far as it can be regarded as going to show that his inefficiency, if there be any, is the result of an impairment of health incident to the service—thus connecting effect with cause. The evidence upon the question of his efficiency is contradictory, but assuming that it does show that he has not been an efficient officer, it does not, in my opinion, connect his inefficiency with an existing physical disability."

As to Captain Elting's age, with its attendant impairment of vigor, Doctor Bailey, a medical member of the board, testified as follows:

"Q. (By the Board.) Do you think he could stand a cavalry campaign?—A. I don't think he could, as I understand a cavalry campaign. Not many men of his age could.

"Q. (By the Board.) Could he stand a cavalry campaign as well as most men of his age?—A. I do not think so; I think he is below the average in physique and capacity to perform duty.

"Q. (By Captain Elting.) Is he physically able to perform the duties of a cavalry officer in the present requirements of the service?—A. Yes: in the everyday requirements of the service at this time. But in the emergencies of the service, which are liable to arise at any moment, he could not."

Now, were this the only evidence of disability it could not, I think, be held to exist, so as to take the case out of the operation of the law regulating retirement for age.

As to hemorrhoids, the report goes on to say:

"In April and May of this year Captain Elting was under the treatment (for hemorrhoids) of Doctor Pope (p. 10 et seq.). Doctor Pope performed certain surgical operations, after which (p. 13) he considered Captain Elting fit for all duty which could be required of a cavalry officer. He knew of no reason why he should not be, his health in other respects being excellent, taking into consideration his age.

"The medical officers of the retiring board reported under date of July 13, 1899 (Exhibit H), that they found Captain Elting suffering from slight external hemorrhoids, and that there were evidences of recent operations performed to extirpate others, the remains of which were still visible, and that he also had hypermetropia in a moderate degree.

"Doctor Pope further testified (p. 75):

"'Q. (By recorder.) Is it not a fact in your experience that when an officer of Captain Elting's age and physical condition has had ulcerated hemorrhoids for a number of years, that they are liable to return on his being subjected to a long and hard campaign in inclement weather?—A. I have not had sufficient experience in observing old cases of hemorrhoids that have been apparently cured to answer the question definitely, but I would expect a return of the disease in a person of the Captain's years if he were exposed to prolonged and severe hardship—field service.'

"So that the evidence of disability may be regarded as reduced to this: The existence on the 13th of July of 'slight external hemorrhoids,' and the liability of a return of ulcerated hemorrhoids when a person of Captain Elting's age having had them for a number of years is exposed to 'prolonged and severe hardship—field service.'"

It appears that the board erred in failing to report whether the causes of disability which it found to exist in Captain Elting's case

were or were not an incident of service; but this was immaterial, and the acting judge-advocate concluded that:

"Independently of this, I am of opinion that the law contemplates an existing and not a purely prospective and contingent incapacity, and I am further of opinion that the evidence fails to establish the incapacity which the law has in view."

Having regard to the slow and gradual change in respect to standards of physical efficiency which have marked the findings of retiring boards since 1889, it may well be doubted whether an officer in Captain Elting's physical condition would not be permitted to remain on the active list. But this is not material, as the substance of the opinion was that the incapacity upon which the board based its findings must be existing, not prospective or contingent in character.

Having regard to what has been said, the following résumé is submitted as to the functions with which the President is charged by law as the reviewing officer of the proceedings of retiring boards.

1. The duty vested in the retiring board and the President is judicial in character; the board examines the officer, investigates his military record, receives testimony, hears arguments, and, upon a full showing of the facts, reaches a finding as to the nature, extent, and cause of the disability in a particular case. The written record of its proceedings is laid before the Secretary of War, who thus has before him the case that was submitted to the board. If, upon a full examination of all the evidence, he concurs in the conclusions reached, he approves the action of the board and converts what was in the nature of a mere recommendation into a legal and valid finding.

"The finding of a retiring board, approved by the President, is conclusive as to the facts. The board finds the facts and the President approves or disapproves the finding, but the law does not empower him to modify the finding or to substitute a different one. There is here a judicial power, vested in the two, and not in the President acting singly, and when the power has been once fully exercised it is exhausted as to the case." (Dig. Opins. J. A. G., par. 2206.)

In Burchard's case it was held by the Supreme Court that—

"The law requires a record of the proceedings and decision of the retiring board to be made and transmitted to the Secretary of the Navy and by him laid before the President for his approval or disapproval or orders in the case. At first the findings in this case were approved and orders made thereon, but afterwards the Department became satisfied on reexamination that the findings were wrong and that the incapacity was actually the result of causes incident to the service. Neither the Department nor the President could then change the findings, as they had already been approved and were no longer open to review. The action of the President was equivalent to the judgment of an appropriate tribunal upon the facts as found." (Burchard *v.* United States, 125 U. S., 176–179.)

If the President dissents from the action of the board in any particular—that is, if he regards the investigation as incomplete or defective in any material respect, or if the conclusions or findings of fact reached by the board are erroneous or not warranted by the testimony, or if there is no specific finding that the cause of disability is or is not an "incident of service," he disapproves the proceedings or findings, or both, and thus terminates the investigation.

If the work of the board is defective or incomplete, the analogy in procedure to that of a court-martial would justify, and in some cases suggest, a return of the record to the board for the purpose of having the defect corrected, at the same time furnishing it with the grounds of his opinion. The board may err, as did that in Captain Elting's case, and base its conclusion upon some prospective and contingent incapacity, rather than upon the ability of the officer to render the specific active service which is required of an officer of his grade by law, regulations, or the custom of service. The medical examination may not have been so thorough as to convince the President that the disability which is found to exist constitutes in fact a permanent incapacity. A reasonable prospect of recovery, especially where the disability is due to diseases incurred in tropical service, should never be omitted from consideration in any finding as to the "permanent incapacity" of an officer of the Army.

2. In determining incapacity due to age, the fact should not be lost sight of that age, as a disabling cause, has been made the subject of legislative regulation. Unless there be some active physical infirmity in a particular case, in the operation of which one officer is as much incapacitated at 54 as the average officer is at 64, decisive weight should be attached to the determination in that regard which has been reached by Congress upon full consideration of the facts.

3. It is proper to note that the operation of the original retirement law was substantially automatic, and provided that when a proper and sufficient finding of incapacity had been reached, the officer "shall be retired from active service and placed on the list of retired officers." (Sec. 1251, Rev. Stats.) Since the creation of the limited retired list all officers who reach the statutory age, together with those who fail to pass the physical examination for promotion and those who voluntarily apply for retirement after forty years' service, pass directly to the unlimited list as do those who, having been retired on their own application after thirty years' service or in the discretion of the President after reaching 62 years of age, reach the age of 64 years. It would thus be possible, but hardly probable, that an officer whose incapacity has been established by the findings of a retiring board might find no vacancy awaiting him on the limited list when the findings of the board in his case had received the approval of the President. But as the state of the limited list is known to the Department at all times, the case could hardly occur in which a board would be convened for the examination of an officer without a vacancy existing to which, in the event of his retirement, he could be assigned. For this reason it is believed that the sections of the Revised Statutes which govern in matters of retirement have not lost their automatic quality in the operation of the amendatory legislation of the past twenty-five years.

Very respectfully.

GEO. B. DAVIS,
Judge-Advocate-General.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PARSONS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2210. An act to increase the salary of the United States district judge for Porto Rico.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 6515. An act for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. LONG, and Mr. MARTIN as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I listened with a great deal of interest to the beautiful tribute paid to the country and to all sections of it by my distinguished friend from Iowa in the closing part of his remarks. I have heard these beautiful tributes to what some people unexpectedly found to be the loyal condition of the minds and hearts of the people of the South in 1898. I have heard them around the festive board, as orators say, when noble and generous sentiments were more or less inspired by the rich wines of France and Spain, and bursting forth on Monday morning, as this does, and without any special provocation I was able to discover, makes me suspect that my friend had still lingering with him the memory of a good dinner on Saturday night and its generous sentiments. I could not believe, of course, that he would have done such a thing as to commit a violent assault upon the Sabbath by indulging in a dinner of that sort on Sunday.

Mr. Chairman, speaking seriously, I want to protest in the name of every citizen of my section against the suggestion that the South was not loyal to the Union prior to this little episode known to history as the Spanish-American war. There has been no time since 1870 when, if we were not being treated as stepchildren, the people of the South were not prepared to rally to the flag and defend its honor and, if necessary, to lay down their lives in the defense of the integrity of the country. And I think that before I get through with you I will be able to prove by some figures I shall submit that we have even gone a step further in the process of reconstruction—that we are not only now absolutely loyal and ready to defend the country, but that, like a great many others of our fellow-countrymen, we have our eyes fixed on the pay rolls and the pension lists. But before doing so, Mr. Chairman, I want to invite the attention of the committee for just a moment to the statement of the United States Treasurer, issued on the 21st day of February of this year, the last of these statements that has reached me.

It shows that upon that date, or up to and including that date, the expenditures had exceeded the receipts for the current fiscal year by $25,119,756.09, and that upon that day the expenses were in excess of the receipts by $953,347.49. Now, this statement of the 21st of February is very like many others that have reached Members within the last three months. It has shown an unfavorable daily balance. It has shown a state of affairs that if it prevailed in any business house on earth would indicate that that commercial establishment was going at a breakneck pace toward the bankruptcy court.

Mr. BOUTELL. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. BOUTELL. Would the gentleman from Texas also place right in that connection the figures at the bottom of the first page of that daily report, showing the available cash balance on that date?

Mr. SLAYDEN. Yes, Mr. Chairman. I have no doubt that we had a large cash balance upon that day, and that we have also got an enormous reserve capital in the resources of the people, but I am speaking now of the current business of the country. I am endeavoring to show, and I can establish it, I think, by the documents issued by the Government itself, that the receipts are far behind the expenditures for the current fiscal year.

Mr. BOUTELL. Mr. Chairman, will the gentleman yield again right there?

Mr. SLAYDEN. Certainly.

Mr. BOUTELL. I would like to call attention to the vast difference, right at this point, that there is between national and private financiering, and to ask the gentleman whether, with an available cash balance subject to draft of over $260,000,000, there is anything serious in a monthly deficit?

Mr. SLAYDEN. Mr. Chairman, I do not anticipate the bankruptcy of the Government unless we go on indefinitely making expenditures exceed receipts, but it is as certainly true of the Government as it is of an individual, that if you keep on taking out of your money chest and fail to replace as much as you take out, you will ultimately find yourself with an empty chest. That is true.

Of course, Mr. Chairman, there is no proper parallel between a private business house and the great Government of the United States, which has all the vast wealth of the people to draw from for its necessities, which has systems of taxation that not only enrich thousands of private individuals, but also pile up an enormous surplus out of the people's savings in the Treasury. It is there. Everybody knows it.

Mr. BOUTELL. Right on that point, the distinction between private and public financiering, is there any way in which this $260,000,000 available cash balance can be reduced to a normal point, which, in my opinion, should not be over $50,000,000, except by allowing the expenditures to exceed the revenues? Or, in other words, by refraining from raising additional revenues until we have reached that point?

Mr. SLAYDEN. Mr. Chairman, I think the gentleman may dismiss his apprehension. We are likely to reduce it to the normal point very soon, to his $50,000,000, let us say.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. FITZGERALD. Will the gentleman read the excess of revenues over receipts for the corresponding day last year, for the information of the committee, where instead of being a deficit of $25,000,000 there was a surplus of about $36,000,000 or $37,000,000?

Mr. SLAYDEN. Does the gentleman mean the fiscal receipts for that day or for the month?

Mr. FITZGERALD. The gentleman said that up to that time we had this year a deficit of $25,000,000. Will he now read the surplus of last year up to that day, which in my judgment was about $36,000,000 or $37,000,000.

Mr. SLAYDEN. On the corresponding date last year the receipts were $2,911,000, the expenditures $2,540,000, the difference being an excess of receipts over expenditures of $371,938.40. Is that what the gentleman wants?

Mr. FITZGERALD. I mean for the entire year.

Mr. SLAYDEN. And for the year, to the corresponding date, the receipts were $424,684,143.08, and the expenditures $387,787,450.22, being a difference in favor of the Government of $36,896,692.86.

Mr. BOUTELL. Mr. Chairman, with the permission of the gentleman, the surplus for the entire fiscal year last year was about $85,000,000. That, of course, does not show on that statement. The only point, Mr. Chairman, with the gentleman's permission, I was trying to make, was that the use of that word "deficit" sometimes creates a misapprehension when discussing public finance. In other words, we could now run behind $50,000,000 a year for four years before there would be any of that misapprehension which would occur to a private business house.

Mr. SLAYDEN. Mr. Chairman, beyond all doubt a country so swollen as the United States can live on its own fat for several years.

Mr. FITZGERALD. They could not do that and apply the amount to the sinking fund under the law.

Mr. SLAYDEN. Now, Mr. Chairman, what I was about to ask is, Is there any particular law of business that will protect the Government and hold it harmless in practices that would mean disaster to the citizen? I have never heard of one, and despite the suggestions that have been made, I do not believe that one exists. The path of wisdom for the individual is undoubtedly in the matter of income and expenses, the same that should be pursued by the Government, and that is to live within your income.

In this connection I want to submit some figures to the Members of this House. They are so large and so important that I feel that they should command their attention and that of the country.

I do so because only a limited number of the Members of this body appear to realize the stupendous total of appropriations that have been asked of Congress by the heads of the various administrative Departments. Plus the extravagant demands of these Bureaus that we are in duty bound to examine are also certain private and special interests that are vociferous in their demands for large appropriations. If we were to yield to all these pretensions we would soon be forced to double all rates of taxation and in the end would bankrupt the Government and the people. We are now almost, if not quite, a $2,000,000,000 Congress, and permanently so, I fear. At the rate we are traveling we will soon have $2,000,000,000 sessions, or a $4,000,000,000 Congress. How long such a scale of extravagance can continue without bringing disaster to the country is more than I can tell.

There is only one way to correct this gross outrage, and that is to reduce expenses. It is plainly and urgently our duty as the representatives of the people and the guardians of their treasure to let none of these measures become law without the most critical inspection and the clearest warrant in justice, and for that reason I earnestly beg your attention to the facts I shall submit.

PENSIONS.

We have on the Calendar now and ready for consideration by the House of Representatives the annual pension appropriation bill. If enacted as reported from the committee, it will take out of the Treasury $150,869,000.

In the judgment of the Commissioner of Pensions, Mr. Warner, the widows' bill that lately passed this House and is now pending in the Senate, and sure to be enacted, will require an additional appropriation of about $15,000,000 a year.

Add these items and you will find that we have an annual pension charge of $165,869,000, a remarkable total that may well make the richest nation in the world "sit up and take notice."

We have the most liberal pension laws of any nation on earth. I think I am safe in saying that we have the most liberal pension laws that any nation on earth ever had. We prodigally provide for every class in the country that can by any interpretation of history or stretch of the imagination be thought entitled to the gratitude of the Federal Government. Yet all of you know that both Pension Committees are fairly overflowing with private bills that provide for original pensions and for liberal increases for pensioners already on the rolls. You also know that the Calendar is choked with this personal legislation favorably reported from the committee, and that on certain Fridays in each month, under the presidency of our most expert, rapid-fire pension speaker, my highly esteemed friend from Rhode Island, these bills, being duly considered and perfectly understood by the Committee of the Whole, are reported to the House with the recommendation that they do pass, and they invariably do at the rate of two a minute. Under the parliamentary fiction we indulge in, they are read, considered, read a third time, voted on, and laid aside with a favorable recommendation at the rate of thirty seconds per bill.

That is not all. From Congress to Congress, in a continuous and everswelling chorus, we are urged to provide old-age pensions for civil employees in Washington who have been too improvident to look out for themselves. With each succeeding Congress it is harder to resist their appeal, and I do not doubt that in the end it will be yielded to. Then like the rings made by a stone dropped into a pool this civil-pension system will gradually spread until it will cover the entire country, for what is fair to the servants of the Government in Washington can not be decently denied to those in other places. And just think where it will land us. After a while, when we shall have Government ownership of railways, telegraphs, coal mines, waterworks, and bake shops, all among the necessities of modern life, and all vehemently urged by certain earnest men who have not thought out the consequences, we will have a condition that will make government of, for, and by pensioners not only possible but probable, for all these civil employees will finally have to go on the pension rolls.

Where, in God's name, it is all to end I can not even guess. Let us hope that if this madness can not be arrested it will soon complete the circle and develop to a stage where everybody will be on the rolls at the same liberal rate and the plane of equality reestablished.

ARMY PAY BILL.

The bill for the pay of the Army as reported carries an appropriation of $85,007,566.56.

The text of the bill provides that the pay of enlisted men shall be increased by about 35 per cent, but does not appropriate the money to meet the increase. It is estimated with approximate accuracy that the increased pay of the enlisted men will amount to $5,000,000. Thus, as you see, the total of this bill should be $90,007,566.56 instead of the sum that it appears to appropriate.

The Committee on Military Affairs of the House did not report an increase for the commissioned officers, for whose particular benefit the agitation for more pay was really started, and which, as things go, I am not prepared to say is an unreasonable demand. However, it is sure to be added somewhere under this roof, and that will mean at least $2,000,000 more.

What other increases will be made I am not prepared to say, but you may put it down as a fact that the Army bill will take as much as $92,000,000 out of the Treasury.

THE NAVAL BILL.

Although the naval appropriation bill has not yet been printed and so made available for the Members of the House, it is said to carry $103,967,518.43.

It provides for the construction of two battle ships that will cost $20,000,000, but fails to appropriate for them. It authorizes the purchase of eight submarine boats that will cost some millions, if they are not meantime sunk in a sea of scandal.

Mr. MANN. They ought to rise from that.

Mr. SLAYDEN. With additions to be made, it is quite certain that the naval budget this year will not be less than $125,000,000.

VOLUNTEER RETIRED LIST.

Pending, but not yet submitted, pressed by a lobby that appears to be resistless, and certain to emerge from the committee some day with a draft on the Treasury that will startle the country, is the volunteer officers' retirement bill.

That bill originally proposed to place certain volunteer officers of the civil war who reached the rank of general on the retired list of the Army, with the pay and emoluments of the rank they held at the time of discharge from the service.

It was suggested by officers of lower rank that they also, while not so distinguished, did creditable service to the Union and should not be discriminated against. They even hinted that there were more of them than there are of the officers of the higher rank, and you may be sure that their protest was heard and that they were taken into camp.

But there is another class, even more numerous, that had not been reckoned with. They were the enlisted men, who found ready champions in my friends, General SHERWOOD, of Ohio, Colonel BRADLEY, of New York, and others who reached high rank in that great war. These enlisted men, in person and through their friends, protested that on them had fallen the brunt of battle, the marches through mud, coarser fare, and greater hazard.

They insisted that they had fought as hard, were in as great danger, and served for less pay, and they even appeared to have the foolish notion that they could suffer the same pangs that officers do. They seemed to say with Shylock:

> Hath not a private eyes? Hath not a private hands, organs, dimensions, senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a general is?

Arguments like that backed by such numbers are irresistible. As one Member significantly said in my presence, "There are more privates in my district than there are officers."

After working over the bill for months the committee found that it could not tell whether the cost of such legislation would be $25,000,000 a year, as put by one conservative man, or $65,000,000, as estimated by another.

It was generally thought by the committee that it would cost about $35,000,000 a year for men who had served in the field for eighteen months. Later, beyond all doubt, the men who served one year or six months, or even ninety days, would surely demand a similar benefaction, and who is there that can doubt that an organized pressure would fail to get it. This $35,000,000 is, I believe, the figure that the late President Garfield, while a Member of this House, fixed as the ultimate maximum annual cost of all probable pension legislation.

Now, it is worth while noticing, Mr. Chairman, in this connection—and some gentlemen near me say that I have the figures above those stated by Mr. Garfield—it is worth while noting that we are now appropriating in the pension bill a sum nearly five times as great as Mr. Garfield thought would ever be necessary to meet the maximum demands on account of pensions, and the end is not in sight.

Mr. BURKE. Mr. Chairman, will the gentleman from Texas yield for a question?

Mr. SLAYDEN. Certainly.

Mr. BURKE. As I understand the tenor of the gentleman's remarks, which have been very instructive to me, at least, his complaint is that these increases in the expenditures through the channels of pensions are a general evil; that is, that he regards the increase as an evil.

Mr. SLAYDEN. I do not think the gentleman could so understand me, for I did not say it. I have simply stated certain facts and leave the House to draw its own conclusions.

Mr. BURKE. Well, the gentleman's remarks would seem to discourage that.

Mr. SLAYDEN. If a mere statement of the truth discourages them, perhaps so.

Mr. BURKE. My purpose was to inquire of the gentleman regarding the increases.

Mr. SLAYDEN. I am stating the facts, letting the gentleman and the House draw their own conclusions from those facts. At the beginning of my remarks I observed that I would, without comment or expression of opinion, state certain facts. I do not object to saying to the gentleman, if he wants my personal opinion, that I do regard national extravagance as an evil and a great evil.

Mr. BURKE. The gentleman indicated that these increases that are now going on were intensified by the possibility of Government ownership of water and railroads.

Mr. SLAYDEN. I did not quite catch the gentleman's question.

Mr. BURKE. The gentleman has further indicated that these evils would be intensified when we come to acquiring title as a Government to the waterworks and the railroads of the country, which would to that extent increase and possibly make necessary a civil pension list. If that be so, I want to ask the gentleman what is his attitude toward the only gentleman in this country who has advocated the public ownership of railroads?

Mr. SLAYDEN. Mr. Chairman, out of courtesy to the gentleman nominated the other day on the floor of the House I take it that the nominations are closed. [Laughter.] I thought that the gentleman from Illinois had settled that matter, and I shall not discuss the matter my friend has in mind.

Mr. BOUTELL. It was unanimous in this House.

Mr. SLAYDEN. Mr. Chairman, these figures seem to disturb my friend from Pennsylvania so much that he would like to switch the discussion off to personalities and reopen the Presidential convention. I am not going to permit it to be done, but I am going to conclude my remarks by giving a brief summary of the figures I have submitted.

First, let me say that I am also informed that the Committee on Militia will bring in an increased appropriation bill. As to what amount I am not informed.

Mr. MANN. Not an appropriation bill?

Mr. SLAYDEN. Yes.

Mr. MANN. The Committee on Militia does not make an appropriation bill.

Mr. SLAYDEN. I am also informed that this Committee on Militia had a proposition—formulated by the National Guard, for the purpose of being offered by the committee—which is intended to set up a bureau in the War Department, officered and directed by members of the National Guard, which would have been the entering wedge that would ultimately have led to an appropriation that no doubt would have gone up into scores of millions each year. And think what a plea the friends of the measure could make. How plausible would the argument be that the real defense of this country rested upon the National Guard—the volunteer soldiers!

How reasonable would the argument be, in view of the importance of the National Guard, that a paltry million or two appropriated for them, in comparison with the hundred or more millions appropriated for the Regular Army, was illogical and inadequate, and how effective would be an appeal to the friends of the militia? It would bring to the support of their measure the local influences from your district and from mine and from every district in this country. Once started upon that line of legislation, there is no telling where it would end or how much money it would take out of the Treasury. Now, let me give you—and I invite the particular attention of my friend from Pennsylvania [Mr. BURKE] to these figures—a summary, and I beg him to take it home with him and consider overnight and see if he does not agree with me that these are rather big sums of money to be taken from the taxpayers. There is the pension bill, $150,869,000; the widows' pension, estimated, $15,000,000; the Army pay bill, with an estimate of increases, $92,007,566.56, and naval bill, $103,967,518.43, with battle ships authorized in the bill, but not provided for by appropriation, $20,000,000; making a sum total of $381,844,084.49.

Now, let us add the volunteer retired officers' bill, and taking a low estimate of $25,000,000, which I think my friends who served with me on that committee will admit is rather below than above the mark, and we have a grand total of $406,844,084.49. Divide the first of these sums by the number of days in the year and you will find that the taxpayers of this country are now paying more than a million dollars a day for military purposes and for the consequences of war. No government on earth, not even the great military kingdoms of Europe, expend anything like as much for this purpose as we do. Then take this grand total of $406,844,084.49 and divide it in the same way, and you will find that it will cost over $1,100,000 a day to pay the military expenses of the Government. I ask my friends

from the rural districts to consider what these figures mean. It will take 22,000 bales of cotton at 10 cents a pound to pay the daily military expenses of the country; it will take 8,000,000 bales a year at the same rate to pay them; and it will take 400,000,000 bushels of wheat at $1 a bushel to pay the annual military charges of the nation. Whether $1 is above or below the average value I am unable to say, but I have dimly floating in my mind an idea that it is a fair market price. I need not suggest to Members of this House that if they want their rivers and harbors improved, if they want their commerce developed, if they want public buildings in their districts, they should call a halt to this military extravagance. One will benefit your constituency, the other is a burden to them. One spells construction, the other destruction. One will add to the sum of human happiness, the other to its miseries. It is your opportunity and it is your duty to make a choice. [Applause.]

Mr. HAY. Mr. Chairman, I now yield forty-five minutes to the gentleman from Iowa [Mr. HAMILTON].

Mr. HAMILTON of Iowa. Mr. Chairman, it is with some little temerity that I rise to address the House at this time. Perhaps, being a new Member, it may be an assumption on my part to undertake to tell the older Members what sort of legislation we ought to enact, but when I consider the interests that the constituency which I represent have in the legislation that is being and ought to be considered by this House, I will certainly be excused for inflicting myself upon you for a brief time. We have during the general debate at this session heard considerable discussion with reference to the President's message, some criticising and some eulogizing. I may, perhaps, during the course of my remarks either criticise or eulogize the President of the United States. I shall agree with him where, in my judgment, he agrees with me. Some of the doctrines which he promulgates in his message, and especially the second message, are the doctrines that I have been taught from my boyhood, and understand to be the doctrines of genuine Democracy. There is no question but that at this time our country is in sore distress for some cause or other. Out in my part of this great country along last fall when the people were exceedingly prosperous, when the granaries were full and prices were good and the bank deposits were exceedingly large, they went to bed on Saturday night feeling happy and awakened Monday morning with the banks of my State, in many places, practically closed, and they were unable to withdraw their own money that they had deposited in them.

They at once asked the question, and the people of this country are asking the question to-day, What is wrong? Many remedies are suggested to relieve this condition of affairs. Among others we have been told upon the floor of this House, we have been told throughout the length and breadth of this country, that we are much in need of an elastic currency, of more currency, but when we contemplate the conditions that, in my judgment, brought about the panic which is now upon this country, we need less elasticity in the consciences of the high financiers of the country rather than elasticity in our currency. [Applause on the Democratic side.] Whether I am agreeing with the President or he with me, I contend that one of the first remedies that ought to be applied is that, so far as the National Government has the power, it ought to prevent stock gambling, watering of stock, and the illegitimate conditions which exist in the great money centers of this country that are withdrawing from the legitimate business of the country the money that ought to be engaged in taking care of the products of the land. I contend that if this sort of legislation were placed upon our statute books, so far as we have the power to place it there, and the doors of these institutions that are but little less than gambling houses were closed, the capital which seeks investment there would seek investment in the honest business enterprises of the country, and it is a question whether under such conditions we have not a sufficient amount of currency to carry on the legitimate business of the country. You can not prevent capital from seeking legitimate investment if you will close the doors of the houses of gambling and speculation.

Capital is greedy, and if there is an opportunity presented whereby it thinks it may obtain 100 per cent profit, it will pass by the legitimate enterprise where there is only a promise of 5 or 10 per cent profit and take its chances in the speculative or gambling institutions. But if you will close them, if it is possible for it to be done by national legislation, that capital which seeks investment in those institutions will at once seek investment in the legitimate enterprises of the country. I hope that the prophecy made by my colleague from Iowa [Mr. HEPBURN] upon the floor of the House a few days ago will come true and that before this session closes there will be measures brought upon the floor and passed by this House proceeding as far as possible to the protection of the people from the gambling and speculative institutions of the country. I contend that it is not paternalistic legislation; it is only legislation that throws a protection around the party who by his labor and his intelligence produces the wealth of the country. The industrious citizenship of the United States is not asking for any paternal legislation. The people are not asking for legislation that will put a dollar in their pocket that is not placed there by the production of their hands, because they know, as all of us know, that there is only one way of legislating a dollar in any man's pocket, and that is by legislating it out of another man's pocket. [Applause on the Democratic side.]

They are not asking for such legislation. They are only asking for such legislation as will protect the wealth of this country in the hands of the industrious and intelligent individual who produces it and prevents its being diverted from its legitimate channels by the so-called "captains of industry" of this country. [Applause on the Democratic side.] I stand here as measure, whether it comes from that side of the Chamber or a Democrat, but it makes no difference to me who proposes the from this, I, as a Representative of my constituents, will heartily support measures that I believe will bring about this result. We have heard considerable upon the floor of this House, and all over the country, with reference to the power of the corporations, trusts, and combinations, and how they have imposed upon the rights of the people. Legislation has been proposed by the introduction of bills by Members on both sides of this Chamber looking toward the protection of the people from the impositions of these great trusts and combinations. The President of the United States has sent two messages to this Congress concerning some of these questions, and I desire now to read from the first message delivered to this House upon the question of tariff legislation. I read from his message as follows, speaking of the revision of the tariff:

> The question should be approached purely from a business standpoint, both the time and the manner of the change being such as to arouse the minimum of agitation and disturbance in the business world, and to give the least play for selfish and factional motives. The sole consideration should be that the sum total of changes represents the public good. This means that the subject can not with wisdom be dealt with in the year preceding a Presidential election, because, as a matter of fact, experience has conclusively shown that at such a time it is impossible to get men to treat it from the standpoint of the public good. In my judgment the wise time to deal with the matter is immediately after such election.

That is the statement from this message, and it is conceded by gentlemen upon the other side of this Chamber that tariff reform is needed at this time. It is advised that we must revise the tariff, yet we are told that it is unwise to do so preceding a Presidential election. I call attention again to the second message of the President of the United States, which was sent to this House at a time when the financial conditions in this country were in a turmoil; sent to this House at a time, if there ever was a time, when men should be conservative and not attack the financial interests of the country, when these great financial institutions were trembling to the very foundation—the President of the United States sends a message to this House impressing upon us the importance of some legislation that he considers it necessary in order to prevent the "malefactors," as he terms them, from robbing the people.

I say here, whether it be a eulogy upon the President or not, when he wrote this last message to this House I believe he did right in calling our attention to the financial conditions of the country and in calling our attention to the dishonesty in some of the places of high finance. But the reason I have called your attention at this time to the two messages is to now say to you that if the President was right and logical when he wrote the last message, attacking some of the great business interests, and I contend he was, then it is utterly impossible for him to have been logical when he wrote the first message to Congress and said that we should not revise the tariff at this session. [Applause on the Democratic side.]

There was much more reason for not sending the last message, upon the logic that he gives for putting off the revision of the tariff until after election in the first message. The tariff ought to be revised, and I believe we all publicly concede that it ought to be revised. I do not think there is any Member of this House upon either side of the Chamber who contends publicly that the tariff ought not to be revised. Even the gentleman from New York [Mr. PAYNE] a few days ago said to us upon the floor of this House that the next Republican platform would declare for a revision of the tariff. Why revise it? Revise it because under and by reason of the present schedules of the Dingley tariff law the corporations and trusts of this country are permitted to extort from the people more than they should of the production of honesty, industry, and intelligence, and, as long as it is only attacking them, why not revise it at

this time? What business will it interfere with? No other business in the world except the business of robbing the people. [Applause on the Democratic side.] Then why put it off until after the Presidential election? Not only we upon this side of the Chamber are contending that by reason of the present schedules the people are being robbed annually, but I have here and will read to you from a newspaper clipping what a gentleman said who was in the city of Washington a few days ago trying to get a measure through this House for the appointment of a tariff commission, and I give you his figures. This gentleman was Mr. Van Cleave, president of the National Association of Manufacturers. He says:

From one-half to two-thirds of the stuff made under this tariff bears to the consumer an unjust and unreasonable price because of the tariff. It is estimated by competent authorities that the graft overcharge and wrong done the American public because of the present tariff reaches $3,000,000 a working day. We have the facts, schedule by schedule, and are prepared to make the details public should we receive opposition to our demand for a permanent tariff commission, through the appointment of which a proper adjustment of the tariff can be procured.

We are not agitators or reformers. We are mostly Republicans, and all protectionists.

If the statement made by this eminent gentleman is true, then by reason of the present duties of the Dingley tariff law the people of this country, the consumers, if you please—the common people who use the articles that are manufactured by these trusts and combinations and sold to them under trust and combination prices—are annually paying $900,000,000 more than they ought to pay. Why not revise that now? Why permit these trusts and corporations to have this $900,000,000 a year of the people's money until after the next Presidential election? [Applause on the Democratic side.]

Yes, they tell us that there will be a plank in the Republican party platform for a revision of the tariff. It is not stated whether that revision will be up or whether it will be down. We do not know anything about it. There have been measures introduced upon the Republican side of this House at this session of Congress placing certain articles upon the free list, among them petroleum, wire, lumber, and so forth. We do not anticipate a report of any bills by the Ways and Means Committee that were introduced by Democrats, but if you will report out of the committee the bill introduced by the gentleman from Wisconsin [Mr. KÜSTERMANN], putting petroleum on the free list, we will all vote for it. It is right. Why not do it?

The President, in his second message, refers to the Standard Oil Company as one of the great malefactors. We find that a fine of $29,000,000 was assessed against the Standard Oil Company, which has not been paid. But there is an opportunity for us, the representatives of the people, the servants of 80,000,000 people, to inflict a fine upon the Standard Oil Company which will amount to something and one which the manipulators of the Standard Oil trust can not by a simple twist of the wrist compel the people of the country to pay, and which we may do by placing petroleum upon the free list, as called for in the bill of the gentleman from Wisconsin. Why not do it? If we are after the Standard Oil Company, let us not content ourselves by fining them for violation of the laws of the land, but let us say to them, "You have violated the laws of this country; you have imposed upon the people, and we will take away from you the protection afforded you under the Dingley tariff law." Let us not be content with compelling them to pay a fine, but compel them to leave millions of dollars of money in the hands of the poor people who have to use their products. [Applause on the Democratic side.] Other measures have been introduced at this session looking toward tariff revision. No Member will arise upon the floor of this House and proclaim that some of the measures introduced by gentlemen upon that side of the Chamber are not just, the only contention being that they should be postponed until after the next election.

I ask that *this* House *this* session of *this* Congress pass some of these measures that will in some way show the good faith of the powers who control this House. I want some Members who think, as has been stated, that the convention which meets at Chicago is going to place in its platform a tariff-revision plank to do something to show the good faith of that plank. I want some earnest money. Pass some of these bills introduced by gentlemen on the other side of the Chamber in order that we may have something by which we can avoid the statute of fraud after the next Presidential election. [Applause.]

Let me say to my friends on the other side of the Chamber that you can not go before the people of this country at another election and rely upon the fact that you have introduced measures in this House tending to tariff revision under the conditions that now exist. It is true that you have introduced bills to place petroleum and other articles on the free list, and you can go back to your constituents and say to them: "Why, I introduced this measure. That shows we are in favor of tariff revision. The bill died in the committee; consequently we could not get it passed." But let me say to you, and say it in all candor, before a single one of these measures was introduced you had voluntarily and of your own will placed it absolutely beyond your power to have them considered. You tied your hands securely by the adoption of the present rules of the House and in selecting your Speaker. Under the conditions that exist you have done, to illustrate, the same as the man who went out to fight his adversary and before entering the ring had his hands tied behind him. He voluntarily and of his own will secured a referee to referee the fight who he knew did not want his adversary touched.

That is the condition that prevailed when you introduced these measures. Therefore I contend that now is the time, because of the necessity, that these schedules ought to be revised; and we ought now, and we have the time at this session, to take up these matters, look into them, and do something to protect the people from the enormous amount of money that is annually being paid, as the figures have been shown to you that we are paying, in excess of what we should to these corporations.

These great corporations may submit to legislation that will only trim off the rough edges. But when you come to lay the ax at the root of the tree, when you come to strike at the evil, to strike at the thing that enables them to control the markets of this country, you will find them all standing together. Therefore, I contend, as a representative of my constituents, that the thing we ought first to do is to strike at the very root of the power of the trusts of this country and take away the power to drive out competition.

I have heard it asserted upon the floor of the House that the duty upon a certain article was too insignificant to afford the trust or combination power to raise the price to the place where they are maintaining it. I desire to give you my idea of how they do this with this sort of a tariff.

To illustrate: I live in the State of Iowa; my friend here [Mr. HAMMOND] lives in the State of Minnesota, just across the line. He is manufacturing an article that he can sell in the State of Iowa for $10. I am manufacturing the same article in the State of Iowa. I secure an act of the legislature of my State, conceding they have the power to pass such a law, placing a duty of $2 upon that article. I place it upon the market at $11.50. My friend from Minnesota has to leave the State of Iowa, because he can no longer compete with me. After he has gone back home and sought other markets, I raise the price of my article to $15, $18, or $20. Why, you say, it is not the tariff that permitted that rise in price. Why? Because the price has gone up so much higher than the original price of the article and the duty added. The reason is, my competitor knows that the minute he comes back to the State of Iowa, if he knows enough to transact business, I can put it down again to where he can not compete with me. That settles it. I, by combination and trust methods, control the market within my State limits, and I can sell the article at any price consumption will stand. [Applause.] That is the way the tariff works for the trusts and combinations of this country; that is why it ought to be reduced and save the people annually, according to the figures I have given you from the statement of Mr. Van Cleave, $900,000,000, an amount sufficient to pay all the expenses of the Government for one year. The people are not opposed to paying any tax that may be necessary for the support of the Government economically administered.

Their patriotism will lead them to make any sacrifice that is necessary to support the Government. The only thing they complain of is that, under the guise of supporting the Government, you have made the schedules so high that these corporations are permitted to take from them more for the domestic article than they should by rights receive.

Therefore, I repeat it again. Let some of these measures come out of the Committee on Ways and Means, let them be passed, and show to the people of this country our good faith.

And I want to say to my friends upon the Republican side of the House that with all of the abuse that you are heaping daily upon the head of John D. Rockefeller you have fooled the people for a long time in making them believe that there is no duty upon petroleum; but when the intelligent people of this country thoroughly understand the condition of this matter I say that you will be held responsible for not passing the bill introduced by the gentleman from Wisconsin [Mr. KÜSTERMANN] or some other measure of that kind. [Applause on the Democratic side.] And you can not avoid it. You can not take consolation from the old maxim, "We must all hang together or we will hang separately." [Laughter.] But I want to say to you

that the American people are aroused, not like a mob, not like a rabble, but an intelligent people moving steadily forward, and they are not going to be disappointed any more. You will have to suffer the consequences of the new maxim, "Either separate or you will all hang together." [Applause on the Democratic side.]

I desire again to call attention to the last message of the President of the United States, and I do hope that some of the things he has advocated in that message may become a law at this session. I should like to have an opportunity of sitting in my seat in this House and voting for them. And again, if the facts are true, as stated by the President in his last message, it is the most scathing indictment that was ever written against the statesmanship of this country for the last twenty-five years. If conditions exist as is there claimed, and I admit they do, who is responsible? Why is it that the malefactors and the high financiers of this country have been permitted to impose on the innocent citizenship of the nation? Who has had charge and control of every branch of the Government—legislative, judicial, and executive—practically for the last forty years? It is that statesmanship, I care not of what political party, that is responsible for the conditions of which the President of the United States speaks. I say that if it is not true, it is the duty of every man who is a Member of this House to rise in his place and declare it to be untrue, and to oppose the President of the United States upon these propositions. The indictment is written, and you must either plead guilty to it or you must fight back. There is no defense except to show that the allegations of this message are untrue. We ask you today, What are you going to do about it? Are you going to admit that the party that has had control of this Government for the last twenty-five years has been derelict in its duty and has failed properly to care for the interests of the people? You can not plead ignorance, because from one end of this land to the other the Democratic party has been telling you for these many years that just such a condition as now exists would come to pass unless there was some legislation to prevent it.

While this corruption that is now complained of was attaining the stage that it has reached, while it was springing from the fertile soil of industry and prosperity in this country, you were told that unless certain legislation was placed upon the statute books it would finally become so powerful and grow to such wonderful stature and would extend its branches and ramify to every part of the Government and business interests of the country until it controlled them. You did not listen, but you sat beneath its protecting shade and told the people of the country simply to have confidence in you and you would protect them. It seems to me that when this second message was read, which so thoroughly attacked the tree of corruption that has grown up and sheltered many statesmen of this country for the last twenty-five years, some one certainly would have the gratitude to rise up and say:

Woodman, spare that tree!
Touch not a single bough!
In youth it sheltered me,
And I'll protect it now.

[Laughter and applause on the Democratic side.]

The people of this country are intelligent. The patriotic American citizen has come to the condition where he thinks, where he reasons, and there is no other logical conclusion to be arrived at, except to hold responsible for the conditions that now exist the party that has been in control of the affairs of the nation and to demand that that party surrender control. You contend that some legislation has been enacted which is beneficial to the people of the country. You cite us to the rate bill and several other measures. We concede that some measures have been passed which are beneficial to the people and that perhaps others may be passed at this session of Congress; but remember there has not been a measure along the line of reform passed by this House or the last House, and there will not be a measure passed by *this* House that has not been wrung from you by compulsion from the White House; and you had as well say to me that you can conduct a religious crusade with men who have been compelled to confess their Christ at the muzzle of a gun as to conduct a political reform by the men who are compelled to pass legislation because they are afraid of losing their office. [Applause on the Democratic side.]

There are a host of statesmen in this country who for twenty-five years have been preaching the doctrine of the President's message. They are honest. They are not spasmodic. They have preached it because they believe it is right. They are determined to carry this measure to the line of absolute justice, and the people are not going to longer trust it in the hands of those who have either been incompetent or negligent as to the interests of the people. They are determined to have men without entangling alliances or former condition of servitude. [Applause.]

No one can logically maintain that if the conditions exist which the President in his message says do exist, they could exist without incompetent statesmanship or negligent statesmanship which permitted them to reach the point they now occupy. These are facts which you must meet. These are facts upon which the people want clear declarations. They are not longer content with the proposition that after the next Presidential election we will revise the tariff. Some one is going to be fooled about that plank in the platform. I do not know who that fellow is. They are going to say, "We are in favor of revising the tariff, but we do not know whether it is the fellow who wants it revised up or the one who wants it revised down that is going to be satisfied when the revision comes;" and I say with all candor that I do not believe that the profession in that platform that they intend to revise the tariff is an honest profession. I believe they want to deceive somebody, or else they would revise it before election.

They want to say to some fellow over here who wants the schedules raised, "Why, we have not said which way we will go; we will probably put your commodity up." And then in the State of Iowa, where the people want a revision, they will say, "We are going to revise the tariff as soon as the Presidential election is over." The people can not, the President claims in his message, be cool and deliberate just before Presidential elections. He claims they can be cool and be deliberate enough to enact legislation affecting the most critical financial condition that ever existed in the country, but not to revise the tariff. I maintain that he is right in the first instance, and therefore, as a matter of fact, wrong in the last.

But the people are going to demand something to show them that they may be satisfied, that they may know that when the tariff is revised it is going to be revised in the interest of the consumers of this country once at least, and that is what we desire. [Applause.]

It does not make much difference what you place in the platform, either at Chicago or at Denver. The people have awakened; they have not lost confidence. No; it is not the lack of confidence on the part of the people, but the people have come into an actual knowledge of conditions. [Applause.] They are determined to remedy them. Their platform is made and they are going to stand upon that platform, and it is sufficient by which to measure every principle or every problem for solution in this country to-day. It is the Democracy of Jefferson, "Equal justice to all men and special privileges to none" [applause]; the Republicanism of Lincoln, "A government of the people, by the people, and for the people." [Applause.]

Mr. HULL of Iowa. I now yield fifteen minutes to the gentleman from Indiana [Mr. HOLLIDAY.]

Mr. HOLLIDAY. Mr. Chairman, I propose to devote a few moments to the consideration of that portion of the Army bill which deals with the pay of the enlisted men of the Army. I realize that I am breaking all precedents when I get up and talk about an appropriation bill and address myself to a feature of that bill, but I will take that risk, and I want to call your attention briefly to that measure herein proposed.

The Committee on Military Affairs recognize the fact that something must be done to keep the ranks of the Army complete and full. It is necessary that better inducements should be held out to men to enlist. We must realize that men in going into the ranks of the Army and binding themselves to serve three years are entitled to something more than the wages they can earn at home. If a man is working at a job and he does not like his job, he can quit it and hunt another. If an officer of the Army gets tired of his employment, he can resign and go home, but when an enlisted man gets tired and goes home before his time is out he gets into serious difficulty.

That matter ought to be considered in fixing the pay of the private soldiers, and therefore the committee, after giving the matter careful consideration, was of the unanimous opinion that something should be done and unanimously agreed upon what that should be. Mr. Chairman, the world has been made up of hero worshippers ever since it existed. We hear through all ages and all times the praises of the great leaders of men in military campaigns, but we hear comparatively little or nothing of the men who actually win the battles. The great war heroes of history—Alexander, Cæsar, Charlemagne, Napoleon, Frederick the Great, Von Moltke, Oyama—won their victories, not because of their transcendant military genius, but because of the magnificent quality of the fighting men who were in the ranks of their respective armies at that time. [Applause.] I believe that when the future history of our country is written the historian will not find that in the late Spanish

war any great amount of military strategy was displayed. We will search the pages of future history to see where any one man particularly distinguished himself, but the historian of the future will say to the world that the fact was demonstrated that the American Regular Army, for its size, was and is the best fighting machine in the world. And I think that these matters should be considered, and I think here and now in this great forum of the people somebody should pay a tribute to the men behind the guns.

Mr. Chairman, I sometimes visit the great graveyard over the river, that Valhalla of America, and I like to gaze upon those magnificent monuments erected there. I like to read and contemplate the great historic names inscribed there, but my profoundest reverence is moved when I come to the monument inscribed to the unknown dead, the monument erected to the memory of men of whom the world knows nothing except that they gave the free full measure of their lives that the country they loved so well might live. No artist, no sculptor, has made marble effigies of these men. The poets have not sung their praises, nor have writers sounded their virtues, but they did their duty, silently, unobtrusively, gallantly, they gave up their lives that the country might applaud whom? Simply the men who led them! And so, Mr. Chairman, while I would not remove one laurel from the wreaths that encircle the brows of the great heroes of our own country or any other country, I think the time has come when at some place and in some manner—and no other place could be more fitting than this great forum of the people—somebody should pay some tribute to the gallant men behind the guns and in the trenches. [Applause.] The inquiry may be made why we did not in this bill provide for an increase in pay of the army officers. I recognized, and I think every member of the committee recognized, that the junior officers of our Army are underpaid, that their pay ought to be increased, but there is not the same present demand for it, and the explanation of that is very simple. We can not get the men that we want, and we can get every officer that we want without any trouble at all; and so while we believe there is an emergency requiring the increase of pay for the officers, we do not believe that that emergency is so great that it will justify us in increasing it on an appropriation bill.

I would like to see this House at this time pay the usual tribute to the gallant enlisted men of our nation by passing this bill without a single dissenting voice, without a single question being raised as to our right to put it here. It would be a splendid tribute to these men, and they have had little enough of it. We have listened for days and hours and almost weeks in the committee to the troubles of the men who wear swords, as to whether some man should be a quartermaster, as to how this man should be assigned, and how the situation should be arranged, and how many more or less of officers should be here in Washington, but it is very rarely that our attention has been called to the men who will have to win our battles in the last analysis, if we ever have any battles. So, I say to you, my friends, without regard to politics, without regard to feeling in this matter, let us pay this tribute to the men. Let it be said that when the question was raised of doing tardy justice to the gallant men who fill our ranks, every man in the American Congress stood as a unit in his behalf. [Applause.] I do not believe you can do it on any other bill. I am generally opposed to legislating upon an appropriation bill, but I believe that this should be made an exception, and I hope it will be made an exception and I hope that no man will arise in his place and prevent us from doing now and at once what we ought to have done a good many years ago.

Just now there is a great deal of public sentiment aroused in regard to these matters. The people are getting clearer light about it; we are getting clearer light about the men, the enlisted men, the world all over. In other words, the time has come when the great leaders of men, the Napoleons of finance and others, must be laid aside for a few minutes while we consider the plain, common American with whom we have to deal. As Lincoln once said: "God must have loved them or he would not have made so many of them." I desire here to state in my place in the House and everywhere else, whenever the question comes up of lifting up the whole mass of humanity in the United States, I lend my voice and my vote and my influence to it, and whenever the question comes of doing something for these modest, quiet, uncomplaining men, who serve their country day and night and who have practically parted with their liberty in order to help the country, then I am glad to have an opportunity of saying and doing something in their behalf. [Applause.] I think few men realize, who have never passed through it, just what it is for a man to say by a little stroke of the pen, "for three years I am not my own master. I go where I am ordered, I eat what I can get, I wear the clothes prescribed for me; in war or in peace, in cold or in heat, by night or by day, I hold myself ready and pledged to obey orders given me whether I like them or not." We ought to consider that, and I hope we will do it. There is no question of politics embraced in this, there is no question of antagonism to the higher officers embraced in it. If anybody imagines from what I have said here on this occasion that I feel any resentment toward the men who command our Army, I want to disclaim it here and now. The only point I want to urge is that they have plenty of men to look after them at both ends of this Capitol; especially at the other end they are competent to take care of those gentlemen day and night, but it is seldom we hear of a proposition to take care of the men who have no representatives or lobbyists here and who could not get here and talk to us unless they left their posts of duty, for which they would be sent to jail or made to wear a ball and chain. Let us remember them, gentlemen, let us do them substantial justice, and let us do it now and do it quickly. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Chairman, I desire to read a copy of certain resolutions adopted by the executive committee of the National Editorial Association of the United States at its recent meeting held in this city on January 27. I respectfully invite the attention and consideration of this committee while these resolutions are being read, assuring you that this memorial voices not only the sentiments, but the will and the wish of the entire fraternity of newspaper publishers of this country, if I am correctly advised, and I believe I am. The publishers of 10,000 newspapers, both large and small, of this great nation most justly ask and demand, Mr. Chairman, that the tariff on wood pulp be removed; for by the operation of this tariff not only are our forests being devastated, but competition has been stifled and the cost of print paper has been practically doubled within a very short time. The tariff on wood pulp is not therefore a protection to our rapidly disappearing forests; it is not a protection to the people or to labor. Can anyone tell why or what the tariff on wood pulp does protect except the trusts? And I might add this is also true in very many of the protected articles. I do not care to enter into any discussion of the tariff question at this time, for many of the publishers, no doubt a majority of them, who make up this great editorial association are of political faith opposite to mine, and for sundry reasons would not care or desire to have so humble an instrument chop at the rotten roots of our protective system. The fact remains true, nevertheless, that both the Republican and Democrat publisher alike is dead against this wood-pulp duty and the promise to remove the tariff at some future time does not sound good in his ears.

We talk of the power of the press; we tell the editor when we are running for office of the great influence he wields for good and civic righteousness, and what wonders the printing press has accomplished. We tell him how it has made opssible our present high standard of civilization; but whether you are sincere or not, my fellow-colleagues, when you give utterance to such sentiments you tell the truth, and the exact truth, too. Without the press the Bible to-day would be found only on high spots, in sacred sanctuary, a roll of parchment here and there. Where only a small per cent of our 80,000,000 of people are to-day unable to read, without the newspapers and the press only a small per cent could read. All of these facts you well know. What, then, is the duty of Congress? Is it right to make this powerful agency for good—and the pulpit and the press go hand in hand to lift up humanity and to elevate and better the condition of all mankind—pay tribute to a greedy few? Must we wait until a few in control of this House conclude, in their great wisdom, the conditions are ripe? Do you say to the newspaper publishers, "When we get ready we will attend to this wood-pulp business?" No; in words you do not; you would not dare to say this, but by act you do. A good Republican colleague has introduced a bill to place oil on the free list. He is a friend of the people. He means well, but he is a new Member, like myself, and has not learned that this is neither the time nor the place to do anything for the people. He does not know that this can only be done in the presence and by the consent of John D., king of petroleum; Harriman, king of the rails, and the party leaders. But listen, at least, to the petition sent to you by the newspapers from every Congressional district and from every State in the Union:

MEMORIAL.

To the honorable Senate and House of Representatives of the United States of America:

Whereas it has been established beyond controversy that the forests of the United States that afford pulp for the manufacture of print paper are being rapidly exhausted and are under control of a combination that prevents fair business competition; and

Whereas the labor in paper mills of the country amounts to only $4,200,000 per annum, and the condition of manufacture of paper is such as to make successful competition possible with the markets of the world without protection; and

Whereas the labor employed by newspapers effected by the existing combinations and the tariff is forty times as great as that employed in the paper mills, and is entitled to consideration and protection against the results arising from the demolishing of our forests, and against a movement that has taken advantage of tariff legislation to oppress and tax a purely American industry; and

Whereas a tax upon news print, or the material entering into the manufacture of the same, is a tax upon knowledge and upon the education of the people: Therefore be it

Resolved, That the executive committee of the National Editorial Association of the United States, representing 10,000 daily and weekly newspapers of this country, respectfully memorialize the honorable Senate and House of Representatives of the Congress of the United States to remove all duties on printing paper, wood pulp, and all materials entering into the manufacture of printing paper.

The people are impatient for a revision of the tariff, but the newspaper publishers are even more impatient that this wall of protection be removed; that all materials used in the manufacture of printing paper be permitted to enter this country free of duty. They ask this, Mr. Chairman, not some time, not at some convenient season, but at this session of this Congress. I therefore earnestly entreat you that their demands may have your speedy and favorable consideration, and permit me to add that it strikes me that this distinguished body has time to burn, time to kill, that ought to be employed for the betterment of all the people and cease to be what it appears to a new Member to be—a stand-pat, do-little bunch. [Loud applause.]

Mr. PARKER of New Jersey. Mr. Chairman, on behalf of the chairman of the committee, I yield forty-five minutes, or such time thereof as he may desire, to the gentleman from Massachusetts [Mr. WASHBURN].

The CHAIRMAN. The gentleman from Massachusetts [Mr. WASHBURN] is recognized for forty-five minutes.

Mr. WASHBURN. Mr. Chairman, I send to the Clerk's desk and ask to have read a communication, which, in common with the Senators and other Representatives from New England, I have received from the Boston Wholesale Grocers' Association.

BOSTON WHOLESALE GROCERS' ASSOCIATION,
Boston, January 29, 1908.

To the honarble Senators and Representatives of Massachusetts and the New England States:

The following resolutions with regard to the Sherman antitrust law were unanimously passed at a meeting of this association held January 9, 1908, and by the Executive Association of the Wholesale Grocers of New England, January 14, 1908:

"Whereas the wholesale grocers as well as merchants in other lines of business throughout the country are confronted with serious obstacles as to trade agreements; and

"Whereas his excellency the President has declared that there are good agreements as well as bad agreements, but unfortunately the Sherman antitrust law makes no distinction between them; and

"Whereas the Sherman antitrust law prohibits all agreements and such as we believe are beneficial to society and necessary to the success of all business; and

"Whereas there is a difference between an agreement that amounts to a conspiracy to extort exorbitant prices, and an agreement which only seeks to secure the existence of the dealer, customary forms and terms, uniform prices, and a reasonable margin for service rendered the manufacturer in the distribution of his product in detail; and

"Whereas what we should have is a law that will enable us to protect ourselves from dishonest, deceptive methods in business, graft, discrimination, and criminal competition, by having reasonable agreements between ourselves and the manufacturer, in no way injurious to the public and beneficial to all, and with the power and right to enforce them; such agreements not to be operative until indorsed by the Interstate Commerce Commission:

"*Resolved*, That the Sherman antitrust law, in so far as it prevents agreements not injurious to the public, is detrimental to the interests of merchants, and tends to stifle and prevent organization and cooperation among trade associations, which seek only to preserve their commercial existence in the face of the efforts of powerful and selfish monopolies to gradually eliminate the individual dealer.

"*Resolved*, That if a proper legal construction of antitrust laws embodies a prohibition of cooperation among merchants, said laws are fundamentally wrong in their conception, enactment, and operative effect and require amendment.

"*Resolved*, That we earnestly request the Senators and Representatives of Massachusetts and New England to use their best efforts to have the Sherman antitrust law amended so as to be agreeable and consistent with the sentiments and suggestions of the preamble and resolutions contained herein, or its supersedure by a new law which shall make a distinction between good agreements and bad agreements.

"*Resolved*, That the law should give a clearer, more definite definition of what shall constitute illegality in trade agreements and the conduct of associated effort. It should contain provision that the Interstate Commerce Commission shall give hearings to such business interests as desire to make trade agreements not inimical to the public good, and said Commission shall decide whether such agreements are legal or illegal."

WM. J. SEAVER, *Secretary.*

Mr. WASHBURN. In his first message to Congress, in December, 1901, the President of the United States, in speaking of trusts, said:

There is a widespread conviction in the minds of the American people that the great corporations known as "trusts" are, in certain of their features and tendencies, hurtful to the general welfare—it is based upon sincere conviction that combination and concentration should be not prohibited, but supervised.

In speaking of the same subject in his message of December, 1905, he said:

It is generally useless to try to prohibit all restraint on competition, whether this restraint be reasonable or unreasonable; and where it is not useless it is generally hurtful.

And again, in the message of December, 1906:

The actual working of our laws has shown that the effort to prohibit all combinations, good or bad, is noxious where it is not ineffective.

And finally, in his recent message to Congress, the President said:

The antitrust law should not be repealed, but it should be made more efficient and more in harmony with actual conditions. It should be so amended as to forbid only the kind of combination which does harm to the general public, such amendment to be accompanied by or to be an incident of a grant of supervisory power to the Government over these big concerns engaged in interstate business.

The present construction of the Sherman antitrust law works a hardship in that it prohibits reasonable as well as unreasonable agreements in restraint of trade, and its amendment is urgently demanded. The history of this piece of legislation is most instructive, illustrating as it does the difficulty in always reaching by legislation the evil which it is sought to remedy. It may fairly be said of the Sherman Act, which became a law in 1890, that at first it entirely failed of its purpose; that it was successfully invoked against combinations of labor which it was never intended by its framers to affect, and that when so construed by the Supreme Court as to become completely effective it almost compelled the formation of the modern trust as we have known it for the last ten years, and worked a great hardship upon the business community in forbidding all agreements in restraint of trade, whether reasonable or unreasonable.

The objection to combination is, in general terms, this:

That the great aggregations of capital which now exist in various branches of business are harmful to the people in that they make possible a monopoly of many articles necessary to our comfort and well being and leave in the hands of the few the regulating of prices at which such articles shall be sold, and that by the stifling of competition thus effected prices are unduly enhanced and that the few profit at the expense of the many.

This question has been agitated for hundreds of years. The freedom of the labor contract was not recognized during some centuries, and as long ago as 1349 and 1350 the famous "Statutes of Laborers" was passed in England, by reason of a scarcity of laborers caused by the great plague, which provided substantially both that laborers might be compelled to work and that the rate of wages should be legally limited. This statute was passed to prevent laborers from combining against their employers. In the reign of George I an act, known as the "Bubble act," made it a crime punishable with death and confiscation of goods to form voluntary associations and to issue transferable shares, and the courts declared that the clubbing together of numbers of persons with transferable shares for the purpose of carrying on trade is calculated to put down individual industry and competition. In the reign of George III two statutes were enacted—one to prevent combinations by partnership or otherwise in the purchase or sale of bricks, and another declaring it unlawful for five or more persons to unite in covenant or partnership to purchase coals for sale.

These three statutes, it will be noticed, are intended to prevent combinations to govern prices for certain commodities. In England in the seventeenth century four-fifths of the common people were employed in agricultural pursuits; their wages averaged from 4s. to 6s. a week, and every laborer who received more and every employer who gave more than the authorized sum was liable to punishment. Manufacturers complained that English mechanics exacted a shilling a day, and the cry of labor against capital was as bitter as it has ever been in our day.

Some of our own early legislation is of the same character. In 1633 a statute enacted by the general court in Massachusetts Bay limited the wages of carpenters, masons, and other mechanics to 2s. a day, and several instances occurred where men were fined for receiving 2s. 6d. a day.

The authorities fined merchants for too high prices for their wares, and in 1634 the general court limited the rate of profit at 4d. in the shilling.

One of the colonial acts entitled "An act against oppression" punished by fine and imprisonment such indisposed persons as may take the liberty to oppress and wrong their neighbors by taking excessive wages for their work or unreasonable prices for merchandise or other necessary commodities as may pass from man to man. Another act required artificers or handicraftsmen meet to labor to work by the day for their neighbors in mowing, reaping of corn, and in the inning thereof.

Some of our town records show that under the power to make

by-laws, the towns fixed the price of labor, provisions, and several articles of merchandise as late as the time of the Revolutionary war. Experience and increasing intelligence led in time to the removal of all such restrictions and to the establishment of freedom in all branches of labor and business.

A monopoly has been defined as a grant by the sovereign power of the exclusive right to make or deal in anything, and, of course, strictly speaking there is no such thing as a monopoly in this country; but they did exist in the early history of England, and so great did this abuse become that, upon his accession, in 1623 James I voluntarily rescinded all the exclusive privileges by which his predecessor had attempted to restrict domestic commerce. The foreign trade, however, still remained under the control of the great merchant companies, comprising in all about 200 citizens of London, who, by combining among themselves, raised or lowered prices at their pleasure. By the "statute against monopolies," passed in 1623, all past monopolies were abolished and the power of the Crown to grant them in the future was explicitly denied, excepting in the case of patents for inventions. Inventors of new manufactures were to have conferred upon them the exclusive privilege of practicing such inventions for a limited period of time.

I have stated that the English statute of monopolies, so-called, was confined to domestic commerce, while the foreign trade remained under the control of the great merchant companies, a conspicuous example of which was that incorporated by Queen Elizabeth in 1599 under the name, "Governor and Company of Merchants of London, Trading in the East Indies." The East India Company was in the hands of a few merchants who through it became enormously wealthy, and was a sort of monopoly which would not be tolerated at the present day.

Everyone understands that at common law monopolies and contracts in restraint of trade, although not misdemeanors or indictable offenses, have always been held to be void, but in addition to this many statutes have been passed of a restrictive nature, and probably the members of our State legislatures, who have been passing bills in such profusion in recent years against combinations of various sorts, would be surprised to know that as long ago as 1844 the English Parliament repealed almost as many laws against badgering, ingrossing, forestalling, and regrating as have been passed in this country in the last twenty years. This act of 1844 abolished eighteen English, ten Scotch, and eight restrictive Irish statutes.

The only point that I would make here is that this evil of combinations had long been recognized, and had long been legislated against, but that such legislation was found to be of little avail. I referred a moment ago to the fact that at common law monopolies and contracts in restraint of trade were void. The common law, so-called, of England, that is to say, to adopt the definition of Chancellor Kent: "Those rules of action which do not rest for their authority upon any positive declaration of the will of the legislature," was early adopted and is the basis of jurisprudence in America in all the States, excepting Louisiana, so that without regard to any statutes it has always been the law in this country that monopolies and contracts in restraint of trade are void. As all lawyers and most laymen know, there are two grounds for the doctrine that such contracts, as applied for example to the individual, are against public policy; one is the injury to the public by being deprived of the restricted party's industry, and the other the injury to the party himself by being precluded from following his occupation and thus prevented from supporting himself and his family. Take a very simple example: If a shoemaker were to agree that he would never again prosecute his business, this would be a contract in restraint of trade which would be void for the reasons which I have given, but there is the important limitation which governs such contracts, and it is that a contract which is only in partial restraint of trade is good if not unreasonable and supported by a consideration.

It is not always true that competition is the life of trade, for it often may be the ruin of business, and this fact has been recognized by the courts.

This, then, was the law in this country from the earliest times, and it may be briefly stated as follows:

That the validity of contracts restricting competition was to be determined by the reasonableness of the restriction. If the main purpose or nature and inevitable effect of the contract was to suppress competition or create a monopoly, it was illegal; if a contract imposed a restriction that was unreasonably injurious to the public interest or a restriction that was greater than the interest of the party in whose favor it was imposed demanded, it was illegal; but contracts made for a legal purpose which were not unreasonably injurious to the public welfare and which imposed no heavier restraint on trade than the interest of the favored party required had been uniformly sustained, notwithstanding their tendency to some extent to check competition. Under this construction of the law there had grown up a habit, particularly among manufacturers and merchants, of forming associations, the rules of which fixed the prices of the products, which all the members of the association were supposed to adhere to, and these associations were commonly spoken of as combinations, and as time went on the prices of a large variety of products were regulated in this way. To be sure they were not strictly adhered to, but the general results were thought to be advantageous to the producers. These so-called "combinations" were popularly considered to be inimical to the public interests, and since 1888 a large number of States, at least thirty-seven, have passed "antitrust laws," designed to prevent combinations of this sort. Some of these statutes were very drastic.

As a rule, legislation of this sort was not effective, either because it did not go far enough or went so far as to be unconstitutional. Furthermore, as practically all our large business operations are interstate in their character some national legislation was clamored for.

This led to the passage of the so-called Sherman Act of July 2, 1890, which was passed with a view, as it was then stated, to extend the provisions of the common law to interstate commerce, over which Congress has control, and to enforce that principle by a suitable penalty. Consequently the act recites that every contract of combination in restraint of trade or commerce among the several States or foreign nations is illegal, and that every person engaged in such combination or a party to such a contract shall be punishable by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both. This act was thought to be in the interests of the people in that it would prevent combinations which might unduly enhance the prices of articles. That this was the intention of the framers of the law is very clear from an examination of the debates in Congress, in the course of which Senator Hoar said:

> We have affirmed the old doctrine of the common law in regard to all interstate and international commercial transactions.

Senator Sherman said:

> It does not announce a new principle of law, but applies old and well-recognized principles of the common law to the complicated jurisdiction of our State and Federal Government. Similar contracts in any State in the Union are now by common or statute law null and void.

It is clear enough from the debates in Congress that all that this act was intended to do was to extend the provisions of the common law to interstate commerce.

Labor organizations were evidently not thought of, and indeed this legislation, if it were passed in the interests of any class, must be presumed to have been passed in the interest of wage-earners. It is instructive, therefore, to examine the cases which arose under this act and to observe how uniformly the act failed to prevent the alleged abuses which it was supposed to remedy—how almost invariably it was held to apply to combinations of labor which it was not framed to reach and, finally, how its construction by the Supreme Court has led directly and of necessity to the formation of the great trusts of the present day. One of the early cases that arose under this act was in 1892. It appeared that a distilling and cattle-feeding company, organized under the laws of Illinois, obtained control of seventy other distilleries by purchase, renting, or lease, and controlled 75 per cent of the entire product in the United States, and were thus able to control the price at which they would sell to dealers and at which dealers should sell. The company also promised that, if purchasers would buy all their supplies from the company's agents and would not sell below the list price, they would receive a rebate.

Now, this would appear upon its face a contract of the nature intended to be reached by the Sherman Act, but this was not the opinion of the court, which held (52 Fed. Rep., 104; 1892) that this was not a monopoly, because there was no exclusive right to engage in the business of distilling and others were not prevented from engaging in the business and was not of the general character necessary to constitute an unlawful contract in restraint of trade.

The same reasoning was applied by another court in a case which arose in the same year, in which it appeared that the dealers in lumber had combined and raised the price 50 cents a thousand. The court said (52 Fed. Rep., 646; 1892) that this contract was not in contravention of the Sherman antitrust act, because it did not involve absorption of the entire traffic in lumber and was not entered into for the purpose of obtaining the entire control of that traffic, so that—and it is unnecessary to mulitply the examples—the act, so far as it affected the trade combinations, was almost entirely futile, but, curious to relate, this act was successfully invoked against combinations of labor.

We all well remember that in 1894 there was a strike at the

works of the Pullman Palace Car Company, the operatives having been refused an advance in wages, whereupon Debs and his associates, members of an organization known as the "American Railway Union," endeavored to compel the Pullman Company to yield by preventing the railroads from using Pullman cars, and strikes for this purpose were incited among the employees of some of the railroads. The plan of the boycott, as shown by the evidence, was this: The members of the American Railway Union, whose duty it was to handle Pullman cars, were to refuse to do so, with the hope that the railway companies, fearing a strike, would decline further to haul them in their trains and inflict a great pecuniary injury upon the Pullman Company. In case the railway companies failed to yield to the demand, every effort was to be made to tie up and cripple the doing of any business whatever by them, and particular attention was to be directed to the freight traffic, which was known to be their chief source of revenue.

As the lodges of the American Railway Union extended from the Allegheny Mountains to the Pacific coast, it will be seen that it was contemplated by those engaged in carrying out this plan that in case of a refusal of the railway companies to join the union in its attack upon the Pullman Company there should be a paralysis of the railway traffic of every kind throughout that vast territory traversed by lines using Pullman cars. It was to be accomplished, not only by the then members of the union, but also by procuring through persuasion and appeal all employees not members, either to join the union or to strike without joining, by guaranteeing that if they would strike the union would not allow one of its members to return to work until they also were restored.

The court held (62 Fed. Rep., 801; 1894) that such a combination, with the purpose of paralyzing the interstate commerce of the country, was an unlawful conspiracy, and was within the act of July 2, 1890. An injunction was issued against Debs and his associates, and this and other kindred cases aroused much discussion of the subject of "government by injunction."

As one judge put it:

> The primary object of the Sherman Act was undoubtedly to prevent the destruction of legitimate and healthy competition in interstate commerce by individuals, corporations, and trusts grasping, engrossing, and monopolizing the markets for commodities, but its provisions are broad enough to reach a combination or conspiracy that would interrupt the transportation of such commodities from one State to another.

But by the judgment rendered by the Supreme Court March 22, 1897 (17 S. C. R., 540), the Sherman Act received a construction very different from any that had been given to it in the lower courts. It appeared that some eighteen railroad companies had formed an association known as the "Trans-Missouri Freight Association," and were engaged in transporting freight among the several States and had certain agreements touching the rate of freight, etc., such as are common in similar associations, and a bill was brought against the association for the purpose of dissolving it, the contention being that the association was in direct contravention of the provisions of the Sherman Act, but the lower courts held that the agreement on which this association was based could not be held to be a contract or conspiracy in restraint of trade under the antitrust act, that the contract was reasonable, and that the tendency had been to diminish rather than to enhance rates. (58 Fed. Rep., 58.)

When this case got up to the Supreme Court, however, not only was this opinion reversed, but the whole law on this subject was changed, and it was held that contracts declared by the Sherman Act to be illegal included all combinations in restraint of trade, whether they were such as were held legal or illegal at common law and whether the restraint proposed was reasonable or unreasonable. The court referred to the fact that it was claimed that Congress had passed this act merely to restrain such trusts as the beef trust, Standard Oil trust, steel trust, barb fence-wire trust, sugar trust, cordage trust, cottonseed oil trust, whisky trust, and others, but said that the results of combinations of all kinds have an essential similarity and have been induced by motives of individual or corporate aggrandizement, as against the public interest; that such combinations, by dictating the price at which the article shall be sold, have a tendency to drive out of business all the small dealers; that it is in the power of such combinations to deprive the country of the services of a large number of small but independent dealers, and that such a transference of the independent business man into a mere servant or agent was not for the interests of the country, and that the Sherman Act applied to all contracts in restraint of trade, whether they be reasonable or unreasonable.

It followed from this decision that all contracts affecting interstate commerce which in any way restrained trade, whether reasonable or unreasonable, were invalid.

This decision in the Trans-Missouri case had a powerful influence in hastening the formation of the great consolidations or trusts with which we are familiar.

The decision of the Supreme Court has, as a matter of course, been followed by the lower courts. The trade combinations, which before that decision had been held to be legal, were by it made illegal. It became impossible, therefore, for manufacturers and others safely to enter into any agreement, however reasonable, for the maintenance of prices, and hence they were driven to the conclusion that if they could not combine they must unite; in other words, it being illegal for A, B, and C to agree together to maintain reasonable prices for their products, they were compelled to consolidate their interests to get the protection they needed.

The packing-house consolidation was the direct result of the interpretation of the law by the Supreme Court, to which I have called your attention. The packing houses, prevented by the law from agreeing upon a scale of prices, consolidated the competing industries into one great corporation.

Mr. Knapp, chairman of the Interstate Commerce Commission, has said:

> I believe the most mischievious piece of legislation in the history of the country is the Sherman antitrust law, as interpreted by the United States Supreme Court. It is intolerable and strikes a blow at development and progress.

The Sherman antitrust act should be amended so that contracts not illegal at the common law—that is, contracts made for a legal purpose, not unreasonably injurious to the public welfare, and which impose no heavier restraint on trade than the interests of the favored party require—should not be forbidden by the Sherman antitrust act. [Loud applause.]

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, 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. 17288) and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 406. An act granting a pension to Calesta Clark—to the Committee on Pensions.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.

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."

CHANGES OF REFERENCE.

By unanimous consent, change of reference of the following bills was made from the Committee on Mines and Mining to the Committee on Public Lands:

A bill (S. 206) to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo fork of the Bitter Root River.

A bill (S. 129) to validate the location of mineral claims heretofore made by deputy mineral surveyors during their incumbency in office.

A bill (H. R. 15443) to authorize the exploration and purchase of mines within the boundaries of private land claims.

By unanimous consent, reference of the bill (H. R. 17824) for preventing the manufacture, sale, or transportation of adul-

terated or unlabeled paint, turpentine, or linseed oil, was changed from the Committee on the District of Columbia to the Committee on Interstate and Foreign Commerce.

CHANGE OF CALENDAR.

By order of the Speaker, under the rules, reference of the bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company, was changed from the Union Calendar to the Private Calendar.

ADJOURNMENT.

Mr. HULL of Iowa. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting report as to cost of lighting certain public buildings in Washington and recommendations in regard thereto, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KIMBALL, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16643) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1059), which said bill and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16644) to ratify and confirm an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Wailuku, on the island of Maui, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1060), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15444) extending the time for the construction of a dam across Rainy River, reported the same with amendment, accompanied by a report (No. 1061), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17227) to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth, reported the same without amendment, accompanied by a report (No. 1062), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (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., reported the same without amendment, accompanied by a report (No. 1063), which said bill and report were referred to the House Calendar.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16078) providing for second desert-land entries, reported the same with amendment, accompanied by a report (No. 1065), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON, from the Committee on Militia, to which was referred the bill of the House (H. R. 14783) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, reported the same with amendments, accompanied by a report (No. 1067), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7545) for the organization of the militia in the District of Columbia, reported the same with amendments, accompanied by a report (No. 1068), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16770) granting land to Anna Johnson, reported the same with amendments, accompanied by a report (No. 1064), which said bill and report were referred to the Private Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band, reported the same without amendment, accompanied by a report (No. 1066), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 17795) granting a pension to Sarah A. Harl—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1274) granting an increase of pension to Luther Lively—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. CURRIER: A bill (H. R. 17869) to amend section 4886 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. BENNET of New York: A bill (H. R. 17870) providing for the payment of salaries or wages to all Government employees who may be injured in the line of duty or may be required to absent themselves from duty as the result of quarantine measures—to the Committee on Reform in the Civil Service.

By Mr. GODWIN: A bill (H. R. 17871) to improve and protect Fort Johnson, in the town of Southport, N. C.—to the Committee on Appropriations.

By Mr. GARDNER of New Jersey: A bill (H. R. 17872) to provide for the purchase of a site and the erection of a public building thereon at Millville, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. BROWNLOW: A bill (H. R. 17873) to provide for the appointment of an additional district judge in and for the middle and eastern districts of Tennessee—to the Committee on the Judiciary.

By Mr. SULLOWAY: A bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 17875) to provide for the free importation of wire fencing, and for other purposes—to the Committee on Ways and Means.

By Mr. DAVENPORT: A bill (H. R. 17876) for the removal of restrictions on the alienation of lands of certain Indians of the Quapaw Agency, Okla., and the sale of all unallotted tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of the said Quapaw Agency, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 17877) appropriating money for the maintenance and establishment of public schools for all children of scholastic age in the Quapaw Agency, Ottawa County, Okla.—to the Committee on Indian Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 17878) appropriating $50,000, or so much thereof as may be necessary, for the improvement of the Kanawha River, in West Virginia—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17879) making appropriation for an elevator in the post-office and court-house at Huntington, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. SAUNDERS: A bill (H. R. 17880) for the relief of tobacco growers—to the Committee on Ways and Means.

By Mr. ANDRUS: A bill (H. R. 17881) to provide for the erection of a public building at Peekskill, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 17782) to authorize the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 17883) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: A bill (H. R. 17884) to authorize the sale and disposition of the surplus and unallotted lands in the Cheyenne River Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. GILL: A bill (H. R. 17885) empowering the Secretary of War to dispose of the transport *Ingalls* by sale to the Baltimore and Carolina Steamship Company, of Baltimore, Md.—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 17886) authorizing and directing the Adjutant-General of the United States Army to furnish to the adjutant-general of the State of Florida copies of the muster rolls of certain military organizations filed or deposited in the War Department or other Departments of the Government—to the Committee on Military Affairs.

Also, a bill (H. R. 17887) authorizing the State of Florida to make an efficient survey of all unsurveyed lands patented by the United States to the State of Florida—to the Committee on the Public Lands.

By Mr. GAINES of Tennessee: A bill (H. R. 17888) to aid the Ladies Hermitage Association to care for the "Hermitage," the home of Gen. Andrew Jackson, former President of the United States, and collect and purchase the remainder of the Andrew Jackson relics—to the Committee on the Library.

By Mr. CLAYTON: A bill (H. R. 17889) to provide for the further regulation of interstate commerce—to the Committee on the Judiciary.

By Mr. ACHESON: Joint resolution (H. J. Res. 143) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution (H. Res. 266) requesting the Immigration Commission to make investigation of the work of immigrants in the Mississippi Delta, etc.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ALLEN: A bill (H. R. 17890) to refund customs taxes illegally assessed and collected of John B. Keating, of Portland, Me.—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 17891) for the relief of Nathan Bibo, sr.—to the Committee on Claims.

By Mr. ANSBERRY: A bill (H. R. 17892) granting an increase of pension to George Wait—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17893) granting an increase of pension to Peter Mansfield—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 17894) granting a pension to Mrs. Charles O. Murray—to the Committee on Pensions.

By Mr. BRICK: A bill (H. R. 17895) for the relief of William H. Richart—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 17896) granting an increase of pension to Henry Bauman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17897) to remove the charge of desertion from the military record of Celestin Truehill, alias Celestin Troide—to the Committee on Military Affairs.

Also, a bill (H. R. 17898) for the relief of the heirs at law of Etienne Chappuis, deceased—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 17899) granting a pension to Ann Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17900) granting a pension to William Estes—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 17901) granting an increase of pension to Sarah J. Paynter—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 17902) granting an increase of pension to Martin Hart—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 17903) granting an increase of pension to Martin B. Pope—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17904) granting an increase of pension to Jacob Weaver—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 17905) granting an increase of pension to Edward W. Fitch—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 17906) granting an increase of pension to Francis Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17907) granting an increase of pension to Hugh Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17908) granting a pension to Margaret F. Bell—to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 17909) to pay Charles L. Gallaher the sum of $215—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 17910) granting an increase of pension to Nathan W. Yoder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17911) granting an increase of pension to James R. Fluent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17912) granting an increase of pension to Philip Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17913) granting an increase of pension to Josiah Thomas—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 17914) to reimburse Thomas P. Tobin for excess postage paid on the Indiahoma Union Signal—to the Committee on Claims.

By Mr. FLOOD: A bill (H. R. 17915) for the relief of J. D. Rodgers, deputy United States marshal for the western district of Virginia—to the Committee on Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 17916) granting arrears of pension to William H. Willett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17917) for the relief of the estate of J. H. Frith, deceased—to the Committee on War Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 17918) granting an increase of pension to William H. Fonda—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 17919) granting an increase of pension to John Newton Hunt—to the Committee on Invalid Pensions.

By Mr. HACKETT: A bill (H. R. 17920) to correct the military record of Hezekiah A. Wood—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 17921) granting an increase of pension to William T. Sims—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 17922) granting an increase of pension to Edgar M. Quick—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 17923) granting an increase of pension to Charles S. Molen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17924) granting an increase of pension to Leonhart Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17925) granting an increase of pension to Jesse Nye—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 17926) for the relief of Elizabeth J. Bishop, widow, and the heirs of Samuel A. Bishop, deceased—to the Committee on War Claims.

By Mr. HENRY of Texas: A bill (H. R. 17927) for the relief of Nancy E. Wright, heir of Melvil Wilkerson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17928) for the relief of W. A. White—to the Committee on War Claims.

By Mr. HILL of Connecticut: A bill (H. R. 17929) granting an increase of pension to Wesley J. Horton—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 17930) for the relief of the heirs of Madison Turner—to the Committee on War Claims.

By Mr. HUBBARD of Iowa: A bill (H. R. 17931) granting an increase of pension to Lambert Meyers—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 17932) for the relief of Charles G. Jones—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17933) granting a pension to James Allen—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 17934) granting a pension to Clara M. Travis—to the Committee on Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 17935) granting an increase of pension to Henry Stichter—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17936) granting a pension to James Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17937) granting a pension to John W. Faulkner—to the Committee on Pensions.

Also, a bill (H. R. 17938) granting a pension to John Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17939) to correct the military record of Stephen Burk—to the Committee on Military Affairs.

By Mr. LEGARE: A bill (H. R. 17940) for the relief of the heirs of Sarah Watts—to the Committee on War Claims.

By Mr. MACON: A bill (H. R. 17941) for the relief of Lucy Moore, widow, and the heirs of W. P. Moore, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 17942) granting an increase of pension to William W. Jenkins—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 17943) granting an increase of pension to John A. J. Snyder—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 17944) granting an increase of pension to Edson Newbury—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 17945) to correct the military record of Reginald Woollett—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 17946) granting a pension to Sophia E. Hartsock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17947) granting a pension to Hattie V. Tall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17948) granting an increase of pension to John Mills—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 17949) granting an increase of pension to James M. King—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 17950) granting a pension to Bridget M. Perry—to the Committee on Pensions.

Also, a bill (H. R. 17951) granting a pension to Alberta E. Fleming—to the Committee on Pensions.

Also, a bill (H. R. 17952) for the relief of John W. McKibben—to the Committee on War Claims.

By Mr. SHEPPARD: A bill (H. R. 17953) for the relief of H. Polkinhorne, jr., or his heirs or legal representatives—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 17954) for the relief of Mrs. S. E. Underwood, formerly widow of Samuel Ward, and the heirs of Samuel Ward, deceased—to the Committee on Claims.

Also, a bill (H. R. 17955) for the relief of Elizabeth De Graffenreid, widow, and the heirs of Jasper N. De Graffenreid, deceased—to the Committee on Claims.

Also, a bill (H. R. 17956) for the relief of the heirs of William Stansbury, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17957) for the relief of J. W. Hedrick—to the Committee on Claims.

Also, a bill (H. R. 17958) for the relief of the heirs of A. H. Redus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17959) granting an increase of pension to Isaac N. Greer—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 17960) for the relief of Marcellus Butler—to the Committee on Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 17961) granting an increase of pension to Zalmon B. Allee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17962) granting an increase of pension to Frank E. Watrous—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 17963) granting a pension to Emily I. Moss—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 17964) granting a pension to James S. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17965) granting a pension to George Warren Sawyer—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 17966) granting an increase of pension to Martin Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17967) for the relief of the heirs of J. L. W. Bullock, deceased—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 17968) granting a pension to Almon H. Stoner—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. ASHBROOK: Petition of Etna, Ohio, Grange, No. 1681, asking for creation of a national highway commission—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Dr. R. W. Pyle—to the Committee on Pensions.

By Mr. BATES: Petition of L. P. Howard, of Louisville, Pa., as to rights of railroad telegraph operators—to the Committee on Interstate and Foreign Commerce.

Also, petition of secretary of Business Men's Exchange of Erie, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Layman Felheim, Erie Foundry Company, American Stoker Company, Reed Manufacturing Company, and National Foundry Company, all of Erie, Pa., against eight-hour bill—to the Committee on Labor.

Also, petition of Lowell Manufacturing Company, of Erie, opposing Gardner eight-hour bill—to the Committee on Labor.

Also, petition of W. E. Marsh, of Corry, Pa., favoring national registration of automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. T. Campbell, of Hookstown, Pa., in favor of parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Marcus Cohen, protesting against Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Lake Shore Rubber Company, of Erie, Pa., opposing eight-hour law—to the Committee on Labor.

Also, petition of Central Labor Union of Erie, Pa., favoring building of battle ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. BARTLETT of Georgia: Petition of Manufacturers and Merchants' Association of Georgia and Retail Merchants and Business Men's Association of Brunswick, Ga., favoring improvement of the rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. BROUSSARD: Paper to accompany bill for relief of heirs of Jean Baptiste Mellini—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of E. W. Clark et al., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. CALDER: Petition of American citizens of Polish birth, on behalf of their unfortunate compatriots—to the Committee on Immigration and Naturalization.

Also, petition of the National Guard Association of the State of New York, approving S. 4316 and H. R. 14783—to the Committee on Militia.

Also, petition of Chamber of Commerce of Buffalo, urging that additional clerks for the census of 1910 be selected after open competitive examination under civil-service rules—to the Committee on the Census.

By Mr. CAPRON: Petition of Edmund Lyons et al., of Peace Dale, R. I., in favor of the copyright bill—to the Committee on Patents.

Also, petition of Board of Trade of Providence, R. I., favoring improvement of the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of Woonsocket (R. I.) Central Labor Union, for building of at least one battle ship at Government yard—to the Committee on Naval Affairs.

By Mr. CHANEY: Paper to accompany bill for relief of Sarah J. Paynter, of Bedford, Ind.—to the Committee on Pensions.

By Mr. DAWSON: Petition of Arsenal Lodge, No. 81, International Association of Mechanics, of Rock Island, Ill., favoring building of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. DUNWELL: Petition of American Free Art League, for removal of duty on art works—to the Committee on Ways and Means.

Also, petition of chamber of commerce, against the Crumpacker census employee bill—to the Committee on the Census.

Also, petition of Polish organizations and Polish press, against the Polish expropriation bill of the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of Bishop Potter and many other clergymen of New York City, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Will County German-Ameri-

can Republican Club and Anna Fruit Growers' Association, of Anna, Ill., favoring a parcel-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of Michigan: Paper to accompany bill for relief of William H. Fonda—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Dr. William H. Willett, of Adams, Tenn.—to the Committee on Pensions.

By Mr. GRANGER: Petition of William N. McVicker, bishop of Rhode Island, and 18 other ministers of religion, of Providence, R. I., against multiplication of battle ships—to the Committee on Naval Affairs.

Also, petition of Edmund Lyons, of Peace Dale, R. I., and 5 others, in favor of copyright bill—to the Committee on Patents.

Also, petition of New England Butt Company, of Providence, R. I., protesting against H. R. 15651—to the Committee on Labor.

By Mr. GRONNA: Petition of Woman's Christian Temperance Union of Casselton, N. Dak., for the passage of the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HAMILL: Petition of G. A. Hollinger, of West Hoboken, N. J., relative to Aldrich currency bill—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of Charles O'Sullivan—to the Committee on Pensions.

By Mr. HENRY of Texas: Paper to accompany bill for relief of Mrs. Mary E. Wright—to the Committee on Claims.

By Mr. HILL of Connecticut: Petition of Business Men's Association of the State of Connecticut, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumber Dealers' Association of Connecticut, with regards to forest reservations—to the Committee on Agriculture.

By Mr. KELIHER: Petitions of Alpha Gamma Society, of Malden; Young Men's Association of Malden, and Hebrew Immigrant Aid Society, of Boston, all in the State of Massachusetts, against enactment of legislation of an educational test, increase of head tax, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Benoth Israel Sheltering Home, of Boston, against enactment of educational test, head tax, etc.—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Petition of Local Union No. 117, Journeymen Plumbers, Gas Fitters, and Steam Fitters, of Watertown, N. Y., favoring the building of battle ships in the Government navy-yards—to the Committee on Naval Affairs.

By Mr. LAW: Paper to accompany bill for relief of Thomas Allen (War Veterans and Sons, United States of America, supporting H. R. 5793)—to the Committee on Pensions.

Also, petition of Rev. H. C. Potter and many other clergymen of New York City, against increase of Navy—to the Committee on Naval Affairs.

Also, petition of citizens of Polish birth, protesting against treatment by the Prussian Government—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for restoration of the canteen—to the Committee on Military Affairs.

Also, petition of American National Live Stock Association, for an adequate supply of cars for live-stock shipment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Metropolitan Association of Retail Druggists, favoring S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of 132 clergymen of Boston and vicinity, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. MANN: Petition of Chicago Historical Society, in representation of Indian language of Great Miami Nation—to the Committee on Indian Affairs.

Also, petition of Illinois State Horticultural Society, favoring a parcels-post and savings-bank system—to the Committee on the Post-Office and Post-Roads.

Also, petitions of telegraphers in Chicago, Ill., favoring nine-hour law as it now stands; also Chicago City Council in regulation of affairs of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John A. J. Snyder, of Chattanooga, Tenn.—to the Committee on Invalid Pensions.

By Mr. MURDOCK: Petition of Commercial Club of Topeka, Kans., for additional powers in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Petition of citizens of Corbin, Kans., against removal of the motto, "In God we trust," from coins—to the Committee on Coinage, Weights, and Measures.

Also, petition of Kansas City (Kans.) Board of Trade, for uniform grain inspection—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wichita, Kans., for building war ships in Government yards—to the Committee on Naval Affairs.

Also, petition of Council of Parsons, Kans., United Commercial Telegraphers, against proposed change in postal service—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Mayfield, Kans., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Grain Dealers' Association of Kansas, for uniform inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: Paper to accompany bill for relief of Edson Newbury—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Chamber of Commerce of San Francisco, Cal., for enactment of H. R. 4407—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of San Francisco, for a hearing before the Interstate Commerce Commission before a change in rate can be made (favoring S. 423)—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of citizens of Republican City, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of citizens of Underwood, McLean County, N. Dak., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET: Paper to accompany bill for relief of Nelson F. Overmyer (H. R. 3632)—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of executive committee on the nautical school, in favor of appropriation to support nautical school—to the Committee on Appropriations.

Also, petition of Musicians' Protective Association, in favor of H. R. 103—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, favoring Appalachian and White Mountain reservations—to the Committee on Agriculture.

Also, petition of National Association of Retail Druggists, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of American clergymen, protesting against additional expenditure for war vessels—to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: Petition of members and congregation of Eckington Presbyterian Church, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SPARKMAN: Petition of James F. Scott and others, Plumbers' Local No. 111, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. SPERRY: Petition of Company B, First Infantry, Connecticut National Guard, favoring passage of S. 4316—to the Committee on Militia.

Also, petition of State Business Men's Association of Connecticut against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Petition of Trades and Labor Assembly of Bloomington, Ill., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. WASHBURN: Petition of Lyman Stowe and others, asking for payment of fees in pension cases—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Acme Rubber Manufacturing Company, of Trenton, N. J., against passage of the eight-hour law (H. R. 15651)—to the Committee on Labor.

Also, petition of Lawrenceville, N. J., Grange, No. 170, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Baptist Ministers' Association of Trenton, N. J., against repeal of the anticanteen bill—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Board of Allied Printing Trades, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Pastors' Union of Detroit, for the Littlefield original-package bill—to the Committee on the Judiciary.