

Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of William Johnson and others, of Elmdale, Minn., for postal savings bank—to the Committee on the Post-Offices and Post-Roads.

Also, petition of W. P. Brady and Mr. E. Reichmann, of Brainerd, Minn., for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

By Mr. McHENRY: Petitions of Granges Nos. 1330, 1339, 1025, 31, 539, 56, 1181, and 1308, of Pennsylvania, favoring H. R. 12682, to safeguard people's savings against bank failures—to the Committee on Banking and Currency.

By Mr. MADDEN: Petition of Division No. 260, Amalgamated Association of Railway Employees of America, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Petition of citizens of Hamilton County, for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

By Mr. MURDOCK: Petition of ex-commissioned officers of the civil war resident in Sedgwick County, Kans., for H. R. 6288—to the Committee on Military Affairs.

Also, petitions of citizens of Leon, Kans., and Western Retail Implement and Vehicle Dealers, of Kansas City, Mo., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Walnut Valley Lodge, No. 369, of Wichita, Kans., for H. R. 19795—to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Labor Union and affiliated organizations of Wichita, Kans., for construction of vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Wichita Credit Men's Association, of Wichita, Kans., for amendment to national bankruptcy act—to the Committee on Banking and Currency.

Also, petition of Kansas State Federation of Labor, against any constitutional amendment to extend the right of naturalization—to the Committee on Immigration and Naturalization.

Also, petitions of Local No. 20, Journeymen Tailors' Union of America, and working people and their sympathizers, of Wichita, Kans., for H. R. 94 and 20584—to the Committee on the Judiciary.

Also, petitions of 33 members of the International Brotherhood of Leather Workers in Horse Goods, trade unionists, with indorsement of Central Labor Union, and Local No. 44, Brotherhood of Leather Workers in Horse Goods, all of Wichita, Kans., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. NYE: Petition of committee on organized labor of Minneapolis, Minn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of A. R. Manning, favoring enactment of the Crumacker bill (H. R. 19420) for a judicial review of law and facts in fraud-order cases, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Clarence Gaumer, against extension of naturalization rights and for enactment of exclusion law against all Asiatics except students, merchants, travelers, etc.—to the Committee on Immigration and Naturalization.

By Mr. PEARRE: Petition of Division No. 7, Ancient Order of Hibernians, of Frostburg; Robert Emmet Club, of Lonaconing; Celtic Club, of Cumberland; Sarsfield Club, of Frostburg, and Wolf Tone Club, of Midland, all in the State of Maryland, against any treaty of arbitration between United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Department of Maryland, Grand Army of the Republic, against change of the location of the U. S. Grant Memorial—to the Committee on the Library.

By Mr. PRAY: Petition of American Bison Society, favoring creation of national bison range in northwestern Montana, as per S. 6159—to the Committee on Indian Affairs.

Also, petition of Miners' Union of Red Lodge, Mont., for amendment proposed to Sherman antitrust law, for the Pearre

bill regulating issuance of injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. REID: Petitions of United Mine Workers' Association of Ozark; International Union of United Brewery Workmen, of Little Rock; Local Union, No. 989, United Mine Workers, of Denning, and United Mine Workers' associations of Spadra, Clarkeville, and Coal Hill, all in the State of Arkansas, for modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. RHINOCK: Petition of citizens of Ludlow, Newport, and Covington, Ky., asking for amendment to Sherman antitrust law—to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of citizens of Stapleton, N. Y., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. RUSSELL of Missouri: Petitions of citizens of Sikeston, Crane, Charleston, and Cape Girardeau, and Carpenters and Joiners' Unions of Poplar Bluff and Charleston, all in the State of Missouri, for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of citizens of Lawrence, Kans., for concurrent resolution No. 28, against outrages practiced by the Russian Government—to the Committee on Foreign Affairs.

By Mr. SIMS: Petition of citizens of Jackson, Tenn., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. WEEKS: Petition of Carpenters' Union No. 438, of Brooklyn, Mass., for amendment to the Sherman antitrust law, for the Pearre bill limiting injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. WOOD: Petitions of Typographical Union No. 71, of Trenton, N. J.; Local Union No. 781, Carpenters and Joiners of America, of Princeton, N. J., and William W. Reid, of Trenton, N. J., for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

## SENATE.

FRIDAY, May 8, 1908.

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

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

The VICE-PRESIDENT. The Journal stands approved.

### COMMODITY CLAUSE OF INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 6th instant, certain information relating to the compliance of railroads engaged in interstate commerce with paragraph 5 of the amended section 1 of the act to regulate commerce, commonly known as the "commodities clause," which, with the accompanying paper, was ordered to lie on the table and be printed.

### DELAWARE FORCES IN THE REVOLUTION.

The VICE-PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting, in response to a resolution of the 5th instant, copies of all the accounts, papers, and documents relating to Henry Fisher, of Delaware and the Revolutionary forces, which, with the accompanying papers, was ordered to lie on the table and 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 a bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, in which it requested the concurrence of the Senate.

### ENROLLED BILL AND JOINT RESOLUTION SIGNED.

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

S. 29. An act to provide for registration of all cases of tuber-

culosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District; and

H. J. Res. 179. Joint resolution amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Louisiana, which was referred to the Committee on Privileges and Elections and ordered to be printed in the Record, as follows:

Joint resolution making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore be it

*Resolved by the general assembly of the State of Louisiana:*

SECTION 1. That the legislature of the State of Louisiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

Sec. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

J. W. HYAMS,

*Speaker of the House of Representatives.*

J. Y. SANDERS,

*Lieutenant-Governor and President of the Senate.*

Approved November 25, 1907.

NEWTON C. BLANCHARD,

*Governor of the State of Louisiana.*

JOHN T. MICHEL,

*Secretary of State.*

A true copy.  
[SEAL.]

The VICE-PRESIDENT presented a memorial of the Indiana Bridge Company, of Muncie, Ind., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of the Indiana State Federation of Women's Clubs, of Elkhart, Ind., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Local Union No. 12, International Brotherhood of Paper Makers, of Fitchburg, Mass., and a memorial of the American Paper and Pulp Association, of New York, remonstrating against 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. CULLOM presented petitions of sundry citizens and labor organizations of Sycamore, Peoria, Chicago, Champaign, Bloomington, and Kewanee, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented petitions of sundry citizens of Albany and Syracuse, in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented the memorial of George A. Haskell, of New York City, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. MARTIN. I present a joint resolution of the legislature of Virginia, which I ask may be read and referred to the Committee on Coast Defenses.

There being no objection, the joint resolution was read and referred to the Committee on Coast Defenses, as follows:

Joint resolution.

*Be it resolved by the house of delegates of the State of Virginia (the senate concurring), That the representatives of the State of Virginia in the Senate and the House of Representatives of the Congress of the United States, now in session at Washington, D. C., be, and they are hereby, requested to urge the passage of H. R. bill No. 4848, introduced by the Hon. H. L. MAXNARD, to provide for acquirement, by condemnation, of lands at Cape Henry, Va., for the purposes of fortifications and coast defenses, and that said fortifications may be provided as speedily as possible.*

Agreed to, general assembly of Virginia January 15, 1908.

JOHN W. WILLIAMS,

*Clerk House of Delegates and Keeper of Rolls of Virginia.*

Mr. MARTIN. I present a joint resolution of the legislature of Virginia, which I ask may be read and referred to the Committee on Commerce.

There being no objection, the joint resolution was read and referred to the Committee on Commerce, as follows:

Joint resolution.

Whereas the question of an inland waterway along the Atlantic coast for the passage of large vessels and ships of war is being agitated, and the fact that such route would be of great advantage from a strategic standpoint in case of war, as well as of great importance from a commercial standpoint, and would permit safer water transportation south, avoiding the dangerous coast off Hatteras, which is of such a menace to commerce, causing high insurance for valuable cargoes, thereby increasing freight rates, etc.; and

Whereas upon the completion of the Panama Canal an inland waterway will be essentially necessary to afford quick transportation under all conditions of weather, and will be of great benefit, especially to the farmers of the country in transporting their produce through this route, thence through the Panama Canal to the Far East to new and larger fields of trade: Therefore, be it

*Resolved by the house of delegates (the senate concurring), That our Senators and Representatives in the Congress of the United States be, and they are hereby, requested to use their influence and vote for the passage of a bill embracing a liberal appropriation for an inland waterway along the Atlantic coast; and that before any route is finally selected through this State, our Representatives in Congress are further directed to request the Secretary of the Navy to appoint a board of naval officers to ascertain, upon inspection, the best route, in their opinion, from a naval standpoint, taking into consideration all the advantages other than from an engineering standpoint, which is fully covered by the report of the Army engineers, and this report to be submitted to Congress by the Secretary of the Navy for its information and guidance in dealing with the question.*

It is directed that the clerk of this house forward certified copies of these resolutions to the President of the United States, the Secretary of the Navy, the presiding officers of both Houses of Congress, and to each of Virginia's representatives in the Congress of the United States. Agreed to by the general assembly of Virginia January 14, 1908.

JOHN W. WILLIAMS,

*Clerk House of Delegates and Keeper of Rolls of Virginia.*

Mr. MARTIN presented sundry papers to accompany the bill (S. 5242) for the relief of Genevieve Griswold Kennon, which were referred to the Committee on Claims.

He also presented a petition of the Chamber of Commerce of Richmond, Va., praying that an appropriation be made for the erection of a suitable monument over the grave of ex-President John Tyler, of Virginia, which was referred to the Committee on the Library.

Mr. HEMENWAY presented petitions of sundry citizens and labor organizations of Wabash, Muncie, Midland, Madison, Newburg, Elkhart, Fort Wayne, Ayshire, Washington, Peru, Brazil, Kokomo, East Chicago, Cayuga, Milltown, Evansville, Bedford, Indianapolis, Montgomery, Richmond, Jasonville, South Bend, and Terre Haute, all in the State of Indiana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Indianapolis and West Indianapolis, in the State of Indiana, 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. du PONT presented sundry petitions of citizens of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented petitions of sundry citizens and labor organizations of Kalamazoo, Houghton, Traverse City, Grand Rapids, South Haven, Menominee, Bay City, Detroit, Adrian, and Muskegon, all in the State of Michigan, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting of sundry Polish citizens of Detroit, Mich., expressing their disapproval of the Polish expropriation law enacted by the Prussian Diet, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Trades Council of Bay City, Mich., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. DEPEW presented petitions of sundry citizens of Plattsburg, Kingston, Glens Falls, Yonkers, Albany, New York City, Troy, Buffalo, Flushing, Olean, Syracuse, Ithaca, Utica, Oneonta, Batavia, Elmira, Cohoes, Brooklyn, Watertown, Tonawanda, Newburgh, Corinth, and Schenectady, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., and a petition of sundry citizens of Bryson

City, N. C., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SIMMONS presented a petition of sundry citizens of Bryson City, N. C., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CURTIS presented petitions of sundry citizens and labor organizations of Atchison, Horton, Leavenworth, Topeka, and Osawatimie, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the American Society of Equity of Lewis, Kans., praying for the enactment of legislation providing for the inspection and grading of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented petitions of sundry citizens and labor organizations of Charlestown, Springfield, Lee, and Roxbury, all in the State of Massachusetts, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens and labor organizations of Belleville, Kewanee, Urbana, Beardstown, Ottawa, Freeport, Bloomington, and Chicago, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented petitions of sundry citizens and labor organizations of Sandpoint and Boise, in the State of Idaho, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the enactment of legislation to discontinue the transmission of mails through the tunnel service in that city, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Audubon Society of Chicago, Ill., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TALIAFERRO presented petitions of sundry citizens and labor organizations of Tallahassee, Key West, Tampa, and Pensacola, all in the State of Florida, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. STEWART presented a petition of sundry citizens of Barre, Vt., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented petitions of sundry citizens and labor organizations of Denver, Grand Junction, and Lafayette, all in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Wilton Improvement Association, of Wilton, N. H., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented the memorial of Dr. George B. Heinecke, of Brightwood, D. C., remonstrating against the enactment of legislation to change the name of Brightwood avenue, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Northeastern Suburban Citizens' Association, of Washington D. C., praying for the enactment of legislation granting supervisory powers to the Commissioners of the District of Columbia over street railway companies operating in the District of Columbia, which was ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Seattle, Tacoma, Aberdeen, and the American League of Independent Workmen, of Spokane, all in the State of Washington, praying for the adoption of certain amendments to the so-called "Sher-

man antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a paper to accompany the bill (S. 1521) for the relief of Julius A. Kaiser, which was referred to the Committee on Naval Affairs.

#### REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 6849) to remove the charge of desertion from the record of Alvah B. Doble, reported it with an amendment and submitted a report (No. 628) thereon.

He also, from the same committee, to whom was referred the bill (S. 563) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America, reported it with amendments.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 6523) granting a patent for land to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, reported it without amendment, and submitted a report (No. 629) thereon.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, reported it with amendments and submitted a report (No. 630) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 4542) to authorize disbursing agents of the Indian Service to deposit Indian moneys in national banks, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4735) to fulfill treaty stipulations of the treaty of June 28, 1862, and other treaty agreements with the Kickapoo Indians, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4110) to place on the citizenship roll of the Cherokee Nation the names of certain Cherokee families omitted by the Commission to the Five Civilized Tribes on account of certain technicalities of application and dates of residence, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4291) to remit further payments by purchasers of lands within the limits of the Fort Sill Military Wood Reservation, in Oklahoma, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 5944) for the relief of John F. Wingfield, reported it without amendment, and submitted a report (No. 632) thereon.

#### BILLS INTRODUCED.

Mr. DIXON introduced a bill (S. 7026) granting a pension to Mary Etta Wittich, which was read twice by its title and referred to the Committee on Pensions.

Mr. BOURNE introduced a bill (S. 7027) granting an increase of pension to Robert Starkey, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BROWN (by request) introduced a bill (S. 7028) for the relief of the heirs of David W. Dodson, deceased, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. PAYNTER introduced a bill (S. 7029) for the relief of the State Street African Baptist Church, of Bowling Green, Ky., which was read twice by its title and referred to the Committee on Claims.

Mr. OVERMAN (for Mr. SIMMONS) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7030) granting an increase of pension to P. C. Monteiro;

A bill (S. 7031) granting an increase of pension to Henry Ipock (with the accompanying papers); and

A bill (S. 7032) granting a pension to James Carroll (with an accompanying paper).

Mr. FORAKER introduced a bill (S. 7033) to prohibit importation of opium into Hawaii except by the Government for medicinal uses only, which was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

Mr. BURKETT introduced a bill (S. 7034) to prevent discriminations in interstate telegraph and telephone rates and fixing requirements governing the receipt and preservation of such

messages, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. GALLINGER introduced a bill (S. 7035) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

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

A bill (S. 7036) granting an increase of pension to Hobert B. Doolittle;

A bill (S. 7037) granting an increase of pension to Francis Hale;

A bill (S. 7038) granting an increase of pension to Judson A. Potter; and

A bill (S. 7039) granting a pension to Anna H. Scofield.

Mr. GUGGENHEIM introduced a bill (S. 7040) granting an increase of pension to Thomas Fox, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 7041) for the relief of the legal representatives of W. B. Long, deceased;

A bill (S. 7042) for the relief of heirs or estate of John R. Bain, deceased; and

A bill (S. 7043) for the relief of heirs or estates of Sarah E. Wedelstedt and Nimrod Berk, deceased.

Mr. CLAY introduced a bill (S. 7044) for the relief of William Reed, which was read twice by its title and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 7045) making appropriation for expenses incurred under the treaty of Washington, which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. PENROSE introduced a bill (S. 7046) for the relief of J. Howard Mitchell, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 7047) to provide officers and enlisted men of the Navy and Marine Corps with facilities for the remittance of sums of money by means of postal money orders, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7048) for the relief of Serapio Romero, which was read twice by its title and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

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

A bill (S. 7049) granting an increase of pension to Henry K. Dean;

A bill (S. 7050) granting a pension to Susan A. Graden; and

A bill (S. 7051) granting an increase of pension to George Searles.

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

A bill (S. 7052) authorizing the appointment of Maj. John S. Bishop, United States Army, retired, on the retired list of the Army with the rank of brigadier-general;

A bill (S. 7053) to remit the sentence of general court-martial against Milton Ostheim, late a private of Company H, Twelfth United States Infantry, and grant him an honorable discharge; and

A bill (S. 7054) to authorize inscriptions to be made on the tombstones of officers or enlisted men of the United States Army, Navy, or Marine Corps of the regular or volunteer forces who may be buried in any of the national cemeteries, using the highest lineal and brevet rank held in the militia, Naval Militia, or National Guard of any of the States, Territories, or District of Columbia.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment proposing to appropriate \$30,000 to enable A. H. Emery to complete the gun carriage that he is making for the Government, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FULTON submitted an amendment proposing to appropriate \$3,000 for the construction of a launch for the use of the

customs service at and in the vicinity of Portland, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$100,000 for necessary repairs to the dredger *Chinook*, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NIXON submitted an amendment proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Nevada, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate \$214,335.25 to pay the unpaid expenses of the constitutional convention of Oklahoma, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Territories and ordered to be printed.

He also submitted an amendment proposing to appropriate \$214,335.25 to pay the unpaid expenses of the constitutional convention of Oklahoma, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Territories and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate \$20,000 for the extension of the public-land surveys over the area embraced within the exterior limits of the Fort Keogh Military Reservation, in Montana, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Lands and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$70,000 for the purchase of private lands embraced within the boundaries of the Sequoia National Park, California, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment providing for the recording hereafter in the division of dead letters all dead letters and parcels containing valuable and salable articles of merchandise, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

He also submitted an amendment proposing to appropriate \$78,500 for one shop building for manufacture of artillery ammunition, including its equipment, at the Frankford Arsenal, at Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 to pay the city of Albuquerque, N. Mex., for expenses incident to the international exposition to be held in that city in September, 1908, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$17,000 to defray the cost of printing and binding a new edition of Street Directory of the Principal Cities of the United States, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

He also submitted an amendment proposing to appropriate \$178,500 for the enlargement of Frankford Arsenal, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### WITHDRAWAL OF PAPERS—WILLIAM G. GLASGOW.

On motion of Mr. BURKETT, it was

*Ordered*, That there may be withdrawn from the files of the Senate all papers relative to the bill (S. 1099) granting a pension to William G. Glasgow, Sixtieth Congress, first session, there having been no adverse report thereon.

#### ACCIDENTS AT RAILWAY MAIL CATCH STATIONS.

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

*Resolved*, That the Postmaster-General be, and he is hereby, directed, if not inconsistent with the public interest, to furnish for the information of the Senate of the United States on or before January 1, 1909, the causes of injuries to persons, and damage and destruction of mail and mail equipment from accidents resulting from delivering and receiving mail to and from moving trains at what are known as "catch stations," and what such damage and destruction of mail or mail equipment costs the United States annually.

#### HOUSE BILL REFERRED.

H. R. 21260. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30,

1909, and for other purposes, was read twice by its title and, on motion of Mr. ALLISON, was referred to the Committee on Appropriations.

PENSION LEGISLATION—PENSION AGENCIES.

Mr. McCUMBER. I ask to be relieved from further service as one of the conferees on the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and also on the bill (S. 2420) granting an increase of pension to Margaret K. Hern, and that the junior Senator from New Hampshire [Mr. BURNHAM] be substituted in my place. I will state that my reason for asking the substitution is that I must leave to-morrow for a short absence, and I think the conferees should go on.

The VICE-PRESIDENT. The Senator from North Dakota asks to be excused from service as a conferee on the part of the Senate upon the bills he has indicated, in conference between the two Houses.

The Chair appoints the Senator from New Hampshire [Mr. BURNHAM] as conferee on the bills mentioned by the Senator from North Dakota [Mr. McCUMBER] and in place of said Senator. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCUMBER. Mr. President, I think it proper at this time to make a very brief statement of our progress in the consideration of the pension appropriation bill. I do this because we seem to be in more or less of a deadlock upon a single proposition; and as the bill passed the Senate without the slightest consideration in the matter of debating any of its provisions, and as the conferees are not informed entirely as to the sentiment of the Senate upon that one provision, I wish that the conferees could receive some information by some method from the Senate touching the particular point in difference.

It will be remembered that the appropriation bill passed the Senate without any debate whatever. As the bill passed the House it provided for the salary of one agent for the payment of pensions at \$4,000. The Senate amended this item by providing for eighteen agencies at \$72,000. The bill as passed by the House carried for clerk hire in the pension agency \$335,000; the Senate amendment provided for \$435,000 for all the agencies, or a difference of \$100,000.

The Commissioner of Pensions in testifying before the House Committee on Appropriations stated that the appropriation to start with could be reduced about \$100,000 for clerk hire, in case there should be an abolition of seventeen of the eighteen agencies; that that would be the amount which would probably be deducted the first year; and that after things were adjusted and running in good shape there could be a considerable further reduction. There would, of course, be the reduction, as the Senate can understand, of \$65,000 for the seventeen agencies.

On page 9 of the hearings before the House subcommittee of the Committee on Appropriations the Commissioner of Pensions states that he thinks it would be safe to cut clerk hire \$100,000.

On the same page he states:

We will have room in the event that we are allowed the entire Pension building for pension purposes; that is, if they surrender us the whole building. We have the board of appeals in there now, of the Secretary's office, and one room is occupied by the Indian Office.

I ask to have the testimony of Commissioner Warner, on pages 5 to 11, inclusive, inserted in the RECORD as a part of my remarks, so that it will present concisely and briefly the grounds relied upon for abolishing these agencies.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

CONSOLIDATION OF PENSION AGENCIES.

Mr. GARDNER. In case of consolidation, has an estimate been made including the saving in stationery and other necessary expenses?

Mr. KEIFER. I would suggest that Commissioner Warner state specifically his plan of consolidation and the estimates that would be required in case of the consolidation. We will hear you, Mr. Commissioner, in your own way about that.

Commissioner WARNER. If there is a consolidation here in Washington we should be given time to effect it, though we would call the agencies in as fast as possible. In the case of the agencies which make payment on the 4th day of next April, we would wait until after that April payment had been made by the agencies, and then we would immediately call them in, bringing here their books, their clerks, and all that would be necessary to bring, so as to have them here in time to issue for the next payment, in July, from this Office. For those agencies that pay in May we would wait until the May payment had been made, and then we would call them in, so that they would be ready to make their next payment from here. That would enable us to effect the consolidation without any delay or inconvenience. We could simply keep the matter going, keep step, without any trouble. It would be necessary to bring some clerks from each agency, possibly all of them to start with, until we could get matters adjusted. The appropriation, to start with, could be reduced \$100,000 on the item of clerk hire for the first year, anyway, and it would be more than that after

we got the thing adjusted and running in good shape. There would also be a reduction of \$72,000 on account of the salaries of agents; but it would be necessary, unless you required the Commissioner of Pensions to sign vouchers, to have a disbursing officer do that and to give bond. As far as I personally am concerned, it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor; but looking at it from a business point of view and as if it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government, and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the records be kept in better shape.

Mr. KEIFER. What have you to say on the subject of delay, if there would be any, in the matter of paying pensioners?

Commissioner WARNER. There would be very little delay. There would be some delay on the first payment, for instance, for the pensioners living in California, or on the Pacific coast. The first payment might be delayed a few days, but in my opinion not to exceed five. That is, they would get their first payment five days later than if the payment had been made from San Francisco. But after the first payment is made, they will receive their money every ninety days, that is, with an interval of ninety days between the payments, just as at present; so that there will be no delay excepting in the places on the Pacific coast, and at great distances, and then only in the first payment. Otherwise there would be no delay at all.

Mr. KEIFER. You say, Mr. Commissioner, that there would be no delay excepting on the first payment. Would there not be some delay in sending in the voucher after pay day came; that is, after the voucher was passed upon here, would there not be delay in sending the check back?

Commissioner WARNER. That is true; it would take time to send in the voucher, that is true; but there would be the same interval between the payments after the first payment. They would then receive their pay every ninety days.

Mr. KEIFER. But there would be a delay. The pensioner would have to send his pension voucher on a certain date, and it would have to come here and be passed upon, and the check sent back. The delay would be the difference between the two different times occasioned by the time consumed in the mails.

Commissioner WARNER. Yes; but only for the first time. After that he would receive his pension every ninety days. The first payment would be postponed about ten days on the Pacific coast—that is, he would receive it ten days later than he would otherwise receive it; but after that he would get it just ninety days from that time.

Mr. GARDNER. What delay would there be to pensioners living east of the Mississippi River?

Commissioner WARNER. The mail east of the Mississippi River would arrive in twenty-four hours, and then it would take twenty-four hours to get the check back. There would also be twenty-four hours consumed each way at Chicago. There would be one more day consumed to Milwaukee, Chicago, Detroit, Indianapolis, Louisville, and New York would require twenty-four hours.

Mr. GARDNER. All New England could be reached in twenty-four hours.

Commissioner WARNER. Oh, yes; that is my understanding.

Mr. GARDNER. Substantially all places in New England could be reached in twenty-four hours, though there might be some remote places where it would take longer. How would it be for Texas?

Commissioner WARNER. That is west of the Mississippi River.

Mr. THOMPSON. The naval pensioners in Texas are now paid from this city.

Commissioner WARNER. Yes; and we have never had any complaint from the naval pensioners.

Mr. BOWERS. As I understand it, the result of that delay would be the initial delay on the first payment, and it would establish a new ninety-day period.

Commissioner WARNER. Yes; that is it.

Mr. GARDNER. And the first delay east of the Mississippi River would hardly be perceptible?

Commissioner WARNER. No.

Mr. KEIFER. Is there anything further that you want to say on the subject of these agencies?

Commissioner WARNER. I have nothing to say; they have been running very satisfactorily and the agents have been taking care of the business in good shape. We have no fault to find with any of them.

Mr. GARDNER. Your idea, in case of the consolidation, is to use as many of the clerks now employed by the several agencies as would be necessary to conduct the business.

Commissioner WARNER. Oh, yes. We will want the same clerks. We would bring the majority of them from each agency here with their records, so as to have them go right to work. In the Pension Bureau proper we have no more clerks than we need, and we have no one to spare to put in the agencies to do that work. I do not expect to have any clerks to spare as I never fill any vacancies in the Bureau. If there is a vacancy by death, resignation, or dismissal for cause, I do not fill that vacancy. I have complied with the provisions of every appropriation act without being compelled to dismiss a single clerk, and yet our force is 312 less than it was when I took charge of the office. There have been no dismissals except for cause. If I filled vacancies, I would be compelled to dismiss. Under this arrangement the clerks feel better, they feel more secure in their places, and they are more happy and contented.

Mr. KEIFER. Do you think it will be practicable to remove the clerks from San Francisco, Topeka, and Knoxville, for instance, to Washington to do this work?

Commissioner WARNER. Oh, yes; they would be glad to come.

Mr. KEIFER. At least as many of them as you need.

Commissioner WARNER. Yes. We ask for an appropriation of \$10,000 to effect the transfer of the property and the clerks. We will have to have an extra appropriation of \$10,000 for that purpose, but we reduce our appropriations \$172,000 on account of agents and clerk hire.

Mr. GARDNER. How long, in case it should be decided to make this consolidation, would it be before the consolidation could be made complete?

Commissioner WARNER. I should think that we ought to have it complete in six months.

Mr. THOMPSON. Take the first group; they pay in April. As the Commissioner has stated, we would bring those in here immediately after the April payment and get ready for the July payment, which could be made from the Bureau. The next group would pay in May, and we would bring them right in and get ready for the next payment from here.

Mr. BOWERS. Then the whole transfer would practically be complete before this appropriation went into effect.

Commissioner WARNER. But we could not commence making the payments until July, when the act would go into effect.

Mr. THOMPSON. The agents draw their salary up to the 1st of July. We would have to get the agencies in here and be ready at that time.

Mr. KEIFER. But it is probable that it would take some months after the beginning of the new fiscal year to effect the consolidation.

Commissioner WARNER. If you make the \$10,000 appropriation immediately available, then we could commence consolidation at once.

Mr. BOWERS. The transfer would then be completed earlier and the reorganization would be carried for some months in this year. I should think that the reorganization could be cared for out of the appropriation made for clerk hire.

Mr. KEIFER. Would there be any other incidental expenses in transferring the agencies here?

Commissioner WARNER. Nothing that I know of.

Mr. THOMPSON. No expense, excepting the shipment of the records in here from the different cities, though we would probably have to buy some furniture, because the furniture has been furnished by the Treasury Department to agents that are located now in Government buildings, and it belongs to that Department.

Commissioner WARNER. But I think that would not amount to much.

Mr. KEIFER. Mr. Commissioner, will you make a summary of what you think would be necessary to put in our appropriation bill for the next year, or to be made immediately available; and also the appropriation that will be necessary to carry out the plans that you advocate? If you will make such a summary, we will incorporate it in the record.

Commissioner WARNER. We can do that.

Mr. BOWERS. On the first page of Document No. 352, regarding the proposed consolidation, the following language is used: "The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers, checks, is approximately \$550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order, all pensioners should be paid by the Commissioner of Pensions or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, \$350,000, a saving of 20 cents per annum per pensioner, or \$200,000. After the first year of the consolidation I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least \$25,000 more."

Mr. KEIFER. What I was after, Mr. Commissioner, and Mr. BOWERS'S inquiries are in the same direction, is this: Would we make any mistake if we undertook to provide for your plan of consolidation? We should have all of this in the form of a memorandum.

Commissioner WARNER. We have an amendment already drawn.

Mr. THOMPSON. Yes; you asked me to prepare something showing what would be necessary to add to this bill to make it effective.

Commissioner WARNER. I will read this amendment that we have prepared. [Reads]:

"And provided, further, That on and after July 1, 1909, all sums appropriated for the payment of Army and Navy pensions and fees of examining surgeons shall be disbursed by the Commissioner of Pensions, through a disbursing clerk to be designated by him, with the approval of the Secretary of the Interior. The disbursing clerk thus designated shall be required to give bond, with good and sufficient surety, for such amount and in such form as the Secretary of the Interior may approve.

"The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups, as he may think proper; and may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change so as to properly adjust all payments as herein provided.

"In case of sickness or unavoidable absence of the disbursing clerk from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such disbursing clerk.

"And with the approval of the Commissioner of Pensions and the Secretary of the Interior, the disbursing clerk may designate and authorize the necessary number of clerks to sign the name of the disbursing clerk to official checks.

"The official bond given by the disbursing clerk shall be held to cover and apply to the acts of the person appointed to act in his place.

"The sum of \$10,000 is hereby appropriated, to be immediately available, to meet the expenses of carrying into effect the changes herein provided for."

Mr. BOWERS. You have not suggested, Mr. Commissioner, just exactly how much, in case this consolidation goes into effect, this estimate for clerk hire and so forth can be safely cut.

Commissioner WARNER. I think it would be safe to cut it \$100,000. I think possibly it could be cut much more, but that is safe.

Mr. BOWERS. You have the expense of the reorganization, of course, to bear out of the clerk hire appropriation.

Commissioner WARNER. Yes.

Mr. THOMPSON. And there is also the extra work involved in making the consolidation.

Commissioner WARNER. I think it would work smoother than you imagine; that is, I think in the work of bringing the agencies in, and changing the location, everything would go smoothly.

Mr. GARDNER. Will you have plenty of room in the Pension building?

Commissioner WARNER. Thank you for that suggestion. We will have room in the event that we are allowed the entire Pension building for pension purposes—that is, if they surrender us the whole building. We have the Board of Appeals in there now, of the Secretary's office, and one room is occupied by the Indian Office. If those rooms were restored to us, we would have plenty of room.

Mr. KEIFER. That could be done without any legislation.

Commissioner WARNER. Yes; I think the Secretary would do that.

Mr. KEIFER. I notice that there has been some effort made to secure part of that building for the purpose of storing away old patent models. Do you think that they ought to be there?

Commissioner WARNER. I do not want them in there, but if the Secretary wants them, then I do. Anything he wants I am for.

Mr. GARDNER. Your thought is that everything strictly connected with the operation of the Pension Bureau should be put under one roof?

Commissioner WARNER. All under one roof.

Mr. GARDNER. So that the Bureau would have ready access to all of the papers in case questions arise.

Mr. WARNER. Yes. It will be a great convenience to have all of the pensions paid from that building. In case we want to know anything about a change of residence of a man who has been paid from a San Francisco agency, or any change regarding his condition whatever, we would be able to get that information at once. As it is now we have to write a letter, and wait for the reply, for we must first communicate with San Francisco. We would be able, in the event of the consolidation, to get any information in regard to any of these cases within a few minutes, no matter whether it related to a pensioner on the Pacific coast, in Iowa, or anywhere else.

Mr. GARDNER. Besides the New York office, where you rent rooms, is there any complaint about any of the quarters in other places where these agencies are now located?

Commissioner WARNER. Occasionally we hear some complaint about the amount of room that they have, the conveniences, and so forth, though I could not specify the agencies at this time.

Mr. THOMPSON. The Columbus agency was very much crowded. Congress has made an appropriation for a new building there, and pending the completion of that building, the Treasury Department has rented a building and is giving us sufficient room.

Commissioner WARNER. I would like to say that there is not a more pleasant or a more healthful office building in the United States for clerical work than the Pension building here in Washington. Every room has an outside exposure, we have large corridors inside, with a very large court, making substantially two outside exposures. It is the healthiest and pleasantest office for clerical work that I know of.

Mr. GARDNER. Your judgment is that this consolidation would be ideal for handling the whole pension business, for the adjustment of pensions, the concentration of the correspondence, and everything connected with them? You believe that putting it all in that building is the best possible arrangement?

Commissioner WARNER. Yes, sir.

Mr. GARDNER. You could not suggest anything more perfect for the operation of the whole pension machinery?

Commissioner WARNER. No; it would all be in a nutshell instead of being scattered all over the United States, as it is now, with eighteen different agencies. The pensions would all be paid from here the same as the interest on the public debt.

Mr. BOWERS. And would there not be some saving in the matter of duplication of records? As it is now a record has to be kept in both the central Pension Office and in the branch offices.

Commissioner WARNER. A great saving, yes. As it is now, the certificate is recorded here, then it is sent out to the pension agency, and it is recorded there, and there is considerable duplication all the way through. Under the consolidation arrangement we would have it all in one office, and that would be the end of it. It would save clerk hire, time, and labor. If this were a private business, no business man would hesitate ten seconds in coming to a decision as to what he would do. He would consolidate it. While, with an official like myself, in the Government service, and for whom it is going to make additional work, he would not be very anxious for it, and personally I do not care anything about the consolidation, yet in the interest of the Government I think it would be a very good thing.

Mr. KEIFER. Are all naval pensions paid from here, from the Washington office?

Mr. THOMPSON. The Washington agency pays the District of Columbia, Maryland, Delaware, Virginia, West Virginia, and all pensioners residing in foreign countries. In addition to that it pays the naval pensioners from the Knoxville district, which comprises all of the Southern States as far west as Texas. Naval pensions are also paid by the Chicago, the San Francisco, Boston, New York and Philadelphia offices.

Mr. KEIFER. But the other pension agencies do not pay naval pensions?

Mr. THOMPSON. No.

Mr. McCUMBER. Secretary Garfield substantiates the statement that is made by the Commissioner of Pensions. He also testifies that he could get rid of these agencies as fast as possible, and he thinks that he could dispose of all of the seventeen in about six months. The Senate will therefore see that it would be necessary, in any event, to appropriate, we will say, for about half of them, for at least three months.

It is stated that there will be \$100,000 clerk hire saved. That is assuming that the clerk hire would practically be the same in the city of Washington as it is elsewhere, and that the same number of clerks would perform exactly the same amount of business. Every man acquainted with the Government service knows, first, that the amount of service performed by each clerk generally is about one-third more outside of the city of Washington than in the Departments here in Washington. We all understand also that the amount paid for clerk hire is nearly 50 per cent higher here in the city of Washington than it is in other cities in the United States. So I think when we consider those matters it will be found that it will neutralize to a great extent the statement concerning the saving of \$100,000.

The Commissioner also says that he would take practically all the clerks now engaged in the several agencies and transfer them to the Washington agency. If he did that he would have to add about 50 per cent for salaries and deduct about 25 per cent for work, and this would materially reduce the saving.

The Commissioner also says, on page 8, that after consolidation has been completed and is in perfect working order all pensioners could be paid by the Commissioner of Pensions or the disbursing officer located in the city of Washington with an annual expenditure of at most \$350,000, saving \$200,000, and he is of the opinion that after the first year of consolidation the appropriation for the expenses of paying the pensions could be safely reduced \$25,000 more.

It is safe to say also that while under the present distribution no post-office requires a larger number of clerks on account of the pension business, if we consolidate all of them in the city of Washington, meaning the handling of about a million letters, at least, or more every month, there would be a considerable increase in such clerk hire in the post-office, which has not been taken into consideration whatever; and there would be, undoubtedly, an addition of service in other respects.

Now, the House conferees stand upon the position that the undisputed evidence shows the fact that the services could be performed just as well for at least two or three hundred thousand dollars less, and that the interests of economy demand that these extra agencies should be abolished.

Mr. President, as one of the Senate conferees, I think, for the reasons I have mentioned, the savings are overestimated. I will assume that possibly the service could be economized by abolishing the agencies to some extent, but what we would gain in economy, in my opinion, would be more than made up in certain other losses. I can not help but feel that it is for the interest of all of the people of the United States that the functions of government should be performed as much as possible, when it can be done without detriment to the service, away from the seat of government. This is an immense country, Mr. President, and the nearer we can bring the public in contact with the Government and with the functions of government the better it will be for the Government, and for the people as well.

As a matter of education, I believe that the people should be brought into as close proximity with every arm of the public service and into an acquaintanceship with the functions of the public service as near as it is possible to do so without detriment. The majority of the people of the United States have little better understanding of the mode by which they are governed and by which government functions are exercised than they have of the same matters in foreign countries. I do not believe it is a healthful condition to concentrate everything possible in the city of Washington, even though it may be done with a little greater economy.

I have no doubt that it would add very materially to all our great industrial concerns if they were consolidated under one great control, and the cost of production would be less than it is to-day. But to the same extent that the cost of production would be less the individual opportunity would also be lessened. The expense that you would save by concentrating everything in the city of Washington you would lose by divorcing the public from the business of the country. So my view has been that it is better, even though there be a little extra cost, that we perform just as many of the functions of government as we possibly can among the people and all over the United States.

Mr. President, I make this statement simply to give the Senate the view I believe to be that of the Senate conferees, and to receive through argument or by instructions the sentiment of the Senate upon the same question, as it has not had an opportunity to express itself before.

Mr. HALE. I do not understand, Mr. President, that the Senator submits any conference report or anything upon which perhaps the Senate could take formal action. If the conference report had been presented, the Senate could put itself on record by yeas and nays, and I should hope the feeling would be nearly or quite unanimous; but the Senate can by expression here show to the House what is the attitude of this body.

It is not, Mr. President, a question of the saving of a few thousand dollars, but there are no offices of the Government that are so popular with the people, that are so near to them and to the old pensioners as the pension offices throughout the United States. I do not know of a single fault that is found with the management of one of them. I do not know of any scandal that has ever arisen as to the course of business pursued in a single one of those agencies. They are run economically and frugally, with a comparatively small force, and every pensioner knows that the drafts coming to him will be sent to these offices and he can have them at once forwarded to him near by or he can go to the office and get them and can visit the office as pensioners do frequently.

I know in the State of Maine the present agent was a veteran soldier of the Army of the Republic in the war, a man of distinguished service, who lost the use of a leg in one of the great

battles of that conflict, and who was afterwards honored by the State of Maine in being selected and serving for several terms as governor of the State. He is to-day in charge of the agency in Maine, and there is no day that some pensioner does not appear there, and his kindly way of treating them and greeting them and hearing their stories all contribute to the comfort and satisfaction of the pensioners.

With such considerations, the mere matter of saving a few thousand dollars is a bagatelle, and I hope the Senate will not consider it. I hope the conferees in this matter will stand pat. The law is good as it is now. Its operation is good. The movement is made from the House to change the existing administration. Everybody knows that in conference the burden is upon the side which seeks to change existing statutes and administration; and all that the Senate conferees need to do is to stand upon that ground, and in the end there can be but one result.

Mr. HOPKINS. Mr. President, I trust that the conferees on the part of the Senate will pursue the course that they have already adopted and insist that the amendment that was placed upon the bill by the Senate in making provisions for the salaries of the eighteen agents shall become a part of the bill. I sympathize entirely with the statement of the Senator from Maine [Mr. HALE].

I have had occasion since my attention was called to the action of the House to look into the question as to whether there is any economy in the suggestion of the House. My judgment, Mr. President, is that there is no economy in the proposition that is made by the House on this question. I find on looking the matter over that the Secretary of the Interior and the Commissioner of Pensions do not agree. In the letter that the Secretary of the Interior sent to the Speaker of the House he thinks that there might be a saving of \$200,000 per annum. I find in the hearings that were had before the House committee the Commissioner of Pensions thinks that there could be a saving of \$100,000 per year for clerk hire and the \$72,000 a year that is provided for the pension agents and rental in New York City.

In that estimate he does not take into consideration that some provision would have to be made for higher salaries than the average clerk to fill the position that is held by the eighteen pension agents. No provision is made for that, and no suggestion is made that the cost of clerk hire is any greater in the city of Washington than it is in the various cities where the pension agencies are located.

I find from a statement that was made by Colonel Mulholland, of the Philadelphia agency, that the average clerk hire in the Pension Office here at Washington is \$1,280.72, and the average salaries paid at the various agencies aggregate only \$977.99, making a difference of \$302.73 per clerk each between the salaries paid in the various agencies and the salaries paid to the clerks in the Pension Office.

Now, there are 432 clerks in these eighteen agencies and the difference in salaries aggregates \$125,425.60. So it seems to me, Mr. President, that instead of being a reduction in the expenses in paying old soldiers, the amount that is provided for by the Senate in the bill, there will be an actual increase.

There is another item that I desire to call to the attention of Senators that has not been taken into consideration. With the exception of the New York agency all these other agencies are housed in Government buildings. In Chicago, Detroit, Milwaukee, Des Moines, and other cities provision is made in the public buildings. So there is no rent for these agencies. If the consolidation is to take place, as is proposed by the Secretary of the Interior, some provision must be made for the clerks who are to be brought here to do the business in the city of Washington.

I find in the hearings that were had before the House committee the Commissioner of Pensions says that if they will remove from the Pension building the board of appeals of the Secretary's Office, and the Indian Office, there may be room here.

Mr. WARREN. Mr. President—

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

Mr. HOPKINS. Certainly.

Mr. WARREN. I do not want to interrupt the flow of the Senator's remarks, but as this seems to be a move toward a final settlement of the question whether the eighteen agencies shall be continued or not, I want to suggest that if they are to be continued, there should be a redistribution or that some should be added. Take the State that I, in part, have the honor of representing. The pensioners there are compelled to get their pension business through San Francisco. Everything goes from Washington directly through Wyoming to San Francisco, and

from San Francisco it is twelve, thirteen, or fourteen hundred miles back to Wyoming; and I think also the same applies to Montana and other States.

Now, that is a matter which ought to be corrected. Possibly we have gone too far now to correct it on the pending bill which is being considered in this conference, but the matter ought to be taken up soon and settled more satisfactorily than the conditions now existing present.

Mr. HOPKINS. Mr. President, I agree entirely with the statement of the Senator from Wyoming, and a little later in my remarks I propose to touch upon that subject and show that instead of consolidating the agencies in Washington we should have more of them, so as to benefit the pensioners, especially in the Western States.

The point I was making when I was interrupted is that there is no economy in the proposition that is made by the Secretary of the Interior, because it is shown that if we consolidate these agencies in Washington, of necessity we must have more space in some other building for the various offices that are now in the Pension building. We must hire offices for the board of appeals, the Secretary's Office, and for the Indian Office. So there would be an additional expense that is not touched upon in the letter of the Secretary of the Interior or by the Commissioner of Pensions.

Another point which has not been considered by them is that it is estimated that nearly 1,000,000 letters per month, if there is a consolidation of the agencies in the city of Washington, will pass through this office to the various sections of the country where these pensioners live that are now handled through the post-offices at the 18 different pension agencies. The consolidation of the agencies at Washington will, therefore, require additional postal service in the Washington post-office to care for this extra work that will be imposed upon the office in this city; and it may be that this extra work which will require an additional clerical force will require additional space, which may entail extra expense upon the Government.

No consideration has been given to any of these questions by the conferees upon the part of the House or by the Secretary of the Interior, who has suggested that the agencies be consolidated.

Mr. McCUMBER. Mr. President—

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

Mr. HOPKINS. I do.

Mr. McCUMBER. I call the attention of the Senator to the fact that the Commissioner testified that if certain offices were removed—the board of appeals and Indian Office—now occupying space, he then would have room enough, but if they are removed it will necessitate that some other place be secured for them.

Mr. HOPKINS. That would be an additional expense to the Government of the United States.

Here is another question to which I desire to call the attention of Senators. Mr. HALE, a Member of the House of Representatives from the State of Tennessee, stated, when this matter was discussed in the House, that on the 7th of February, 1908, he procured a statement from the Commissioner of Pensions showing the expense per capita at these eighteen agencies. This is his statement:

That the public may know that my figures are correct and my statements based upon facts, I submit the following figures furnished me by Commissioner Warner on February 7, 1908, showing cost per pensioner for paying pensioners at each agency in the United States:

Topeka	\$. 425
Columbus	. 458
Chicago	. 518
Knoxville	. 509
Indianapolis	. 495
Boston	. 511
Philadelphia	. 530
New York City	. 644
Washington	. 631
Des Moines	. 534
Milwaukee	. 544
Buffalo	. 564
Pittsburg	. 562
San Francisco	. 548
Detroit	. 582
Louisville	. 638
Augusta	. 761
Concord	. 776

(CONGRESSIONAL RECORD, March 19, 1908, p. 3611.)

Now, take the pension agency at Topeka, where, under existing conditions, the agent pays 111,508 pensioners. They are paid there at a per capita expense of 42½ cents; at Chicago for 51 and a fraction cents, and here in Washington, where there is an agency, it is 63 and a fraction cents. I have made a computation, and I find that if we were to remove the agency from Topeka, Kans., to the city of Washington on the present basis it would cost for paying the pensioners who are paid at Topeka,

Kans., \$23,310 per annum more than it does now. If we were to remove the Chicago agency to the city of Washington and have the pensioners who are provided for at that agency paid here in the city of Washington, it would cost the Government of the United States \$9,000 more than it does at the present time. If we should remove the Louisville agency here, it would cost the Government of the United States eight thousand and some hundred dollars more than it does at the present time. I will state that the same applies to San Francisco, Philadelphia, Detroit, Milwaukee, Buffalo, Pittsburg, and many of the other agencies. So, from the figures that have been given to us, the consolidation of the agencies here in the city of Washington would be an actual added expense to the Government of the United States.

But, Mr. President, as the Senator from Maine said, we should not be governed by a few dollars one way or the other when we are considering the rights of the old soldiers. The purpose of this legislation was to aid and protect them, and not to save the Government a few thousand dollars one way or the other. The law which provides for these agencies was passed by Congress February 5, 1867, and I call to the attention of Senators the language of the statute which provided for the establishment of the agencies which are now sought to be consolidated in this city. It is section 4780, and reads as follows:

The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interests and the convenience of the pensioners require.

So one of the salient facts that was in the minds of the legislators at that time was to provide legislation for the convenience of pensioners. Then the balance of the section reaches the question that has been raised by the Senator from Wyoming. It reads as follows:

But the number of pension agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall not have exceeded the sum of \$500,000.

This shows that it was the intention of Congress at that time to provide agencies enough so that the agent would not be required to disburse much over \$500,000 per annum. The intention was to bring the agency home to the old soldiers, so that they could go to the agent and meet him personally and talk with him regarding any question in which as pensioner they might be interested.

Mr. WARREN. Has that plan been carried out, or has any move been made toward carrying it out?

Mr. HOPKINS. I will say to the Senator that it has not, I am sorry to say. I agree with the Senator from Wyoming that the Senate should not only insist that the present agencies should not be consolidated in an agency in Washington, but that there should be a largely increased number of agencies established, especially in the Western States.

Take the Topeka agency. That agency is required under existing law to provide for 111,508 pensioners. Instead of distributing \$500,000 per annum, as provided in the law of 1867—a law that was passed by the comrades in arms of those old soldiers who are now pensioners—that one agency in the last fiscal year was required to distribute \$15,807,638.24.

Mr. President, take the agency at Chicago. That agency is required to provide for over 75,000 soldiers. Over 60,000 of them live in the State of Illinois. That agency disbursed during the fiscal year 1907 over \$10,000,000.

Mr. CURTIS. Mr. President—  
The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Kansas?

Mr. HOPKINS. I do.

Mr. CURTIS. I should like to interrupt the Senator from Illinois just a second to state that if we paid all pensions at the Washington agency as cheaply as they are paid at the Topeka agency it would save the Government \$132,000 a year.

Mr. HOPKINS. Yes, Mr. President, I had that fact to develop later, but I am very much obliged to the Senator from Kansas for bringing it out now, so as to show that the pension agencies in the different States are conducted much more economically than is the agency here in the city of Washington. At least it so seems from figures furnished us.

I will state, in passing, that when this law of a year ago providing for extra pensions to widows, and so forth, was passed, it was charged that the Washington agency, for less than half the work that was imposed upon the other agencies, required seven additional clerks; an additional clerical force not granted to any of the other agencies located in the different States.



Mr. WARREN. Mr. President—

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

Mr. HOPKINS. Yes.

Mr. WARREN. Mr. President, I want some assurance from the Senator from Illinois, and from other Senators, regarding this plan of procedure as to whether we shall pay all pensioners from Washington, or pay all from the various pension agencies now existing, or those we may create, according to the argument that they can be paid cheaper from Topeka because of the great amount there paid, or cheaper from Washington or some other place, and solely on the ground of economy. This does not agree with the proposition which is laid down by the Senator as one that was first proposed in 1867 to accommodate the pensioners themselves in the establishment of these agencies.

The pensioners in the Rocky Mountain States—there may not be millions of money to pay, but they were just as valiant in arms as any others, and they have been living out there for forty years or more, and have been receiving their pensions a number of days or weeks later than others have received them, and from an office out on the Pacific coast, anywhere from 1,200 to 1,600 miles away from their homes, while the papers and money goes from Washington right by their doors to San Francisco, and is then brought back.

What I want to know is, whether the plan upon which we are to proceed is to be economy only, or whether it is to be to accommodate the various localities? If the latter, it seems to me that we ought to have some assurance from those who wish to continue these eighteen agencies that that Rocky Mountain country, which has been settling up so rapidly in past years, shall have some care, and agencies established there for the accommodation of her veteran soldiers.

Mr. HOPKINS. Mr. President, the whole drift of my remarks are in harmony with the position of the Senator from Wyoming.

One reason why the Topeka agency is conducted more economically than the agency here is because the salaries of the clerks there are less than the salaries in the agency here, and they work a greater number of hours than they do or are required to do here in the city of Washington.

Mr. WARREN. The Senator thinks, then, there should be others besides?

Mr. HOPKINS. I do.

Mr. GALLINGER. I want to ask the Senator from Illinois if I understood him correctly in reading the law that the President of the United States establishes these agencies under the law?

Mr. HOPKINS. Under the law of 1867 the President of the United States establishes the agencies.

Mr. GALLINGER. So that the Senator from Wyoming would have to go to the White House if he desired to have an additional agency established, would he not?

Mr. HOPKINS. Yes; under this law, unless Congress saw fit by legislative enactment to redistribute these agencies, divide them up, and make a larger number than we have at present.

Mr. GALLINGER. I want to ask the Senator one further question, and that is whether it is not a fact that the President can increase, reduce, or abolish all the pension agencies in the United States by Executive order?

Mr. HOPKINS. I am inclined to think that the Senator from New Hampshire is correct.

Mr. McCUMBER. Mr. President—

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

Mr. HOPKINS. I do.

Mr. McCUMBER. If the Senator from Illinois will excuse me, I tried to look the matter up so as to ascertain when the first agencies were established. The earliest law that I can find, that of 1866, I think is practically in the same wording as this law; but that law was based upon the assumption that some agencies already existed which were created by Congress. If Congress created any by act, then it follows that the President could abolish only those that he had himself under the law created and none that Congress had created.

Mr. GALLINGER. But that, I think, Mr. President, would not apply to the bulk of existing agencies.

Mr. McCUMBER. I do not think it would.

Mr. GALLINGER. Then I understand there have been pension agencies abolished by Executive order.

Mr. WARREN. Mr. President, if I may be permitted to ask the chairman of the Committee on Pensions a question, I wish to ask, is it his understanding that the President to-morrow or the following day may establish pension agencies without legislation?

Mr. McCUMBER. I think under the law he has absolutely that authority and has absolutely the authority to abolish any one that has been created by him under that law.

Mr. WARREN. From what fund would such an agent be paid, unless Congress should provide?

Mr. McCUMBER. There would be no provision for payment until Congress should appropriate, of course.

Mr. WARREN. Then it amounts to this, that until Congress makes some provision toward appropriating, it is a question whether the President could or, if he could, whether he would establish new agencies.

Mr. McCUMBER. The President may establish an agency, and then Congress, either in a deficiency bill or otherwise, would be supposed to appropriate for the appointee.

Mr. BEVERIDGE. So that amounts, in the last analysis, to the practical fact that he can not.

Mr. WARREN. Has that been the mode of the establishment of these agencies as they now exist?

Mr. McCUMBER. I think all of those established since 1866, at least, have been established by order of the President.

Mr. WARREN. How many were established before that time?

Mr. McCUMBER. I have been unable so far to ascertain the number and what ones were established, and I do not know that a single one exists that was established prior to that time.

Mr. HOPKINS. Mr. President, there is another suggestion that I desire to make to Senators on this proposition, and that is, that while we have over 900,000 pensioners, as I understand, there is not one of them that has petitioned for this consolidation which is proposed by the Secretary of the Interior. I know that in the State of Illinois almost every Grand Army post has sent me letters and protests against this consolidation. What is true of the State of Illinois I think is true in all the different States where we have these Grand Army associations. They believe that the spirit of the law as it was enacted by the legislators here nearly forty years ago should be carried out and that these agencies should be placed where the soldiers, who are the pensioners, can see the agents and converse with them upon the various subjects relating to the payment of their pensions.

The pension agent at Chicago tells me that in the city of Chicago, where there are perhaps 20,000 or 25,000 pensioners, when they come to make these payments every pay day to the pensioners, they pay at the pension office more than 4,000 of these pensioners. They come there and talk with the agent; and the pension agent himself goes out over the State to the various Grand Army posts and talks with the soldiers, so that they feel that the Government, through the agent, is interested in them. But if these local agencies are to be abolished and a central office is to be established here in the city of Washington, instead of having agencies where five hundred thousand or a million dollars are distributed we shall have one agency that is required to distribute the \$162,000,000 provided for in this bill.

Mr. BEVERIDGE. Mr. President—

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

Mr. HOPKINS. I yield to the Senator from Indiana.

Mr. BEVERIDGE. Just for two questions: First, can the Senator from Illinois tell of any practical questions which the pensioners would have to discuss with the pension agent concerning their pensions?

Mr. HOPKINS. I can tell of many of them. One of them is in respect to errors that the pensioners make in preparing their papers. The pension agent at Chicago tells me that over 18 per cent of those old pensioners who do business with him make errors and have to have their papers corrected. Many of these old soldiers come and talk with him, or with the clerks in his office, with respect to such matters. When the agent goes out among the various Grand Army posts, these questions that are raised in correspondence are discussed, and the pensioners get a more intelligent view as to their duties in preparing papers upon which they are paid their pensions.

Mr. BEVERIDGE. About how many pensioners are there in Illinois?

Mr. HOPKINS. There are over 60,000 in the State of Illinois, and there are over 75,000 pensioners who are paid by the pension agent at Chicago.

Mr. BEVERIDGE. That is 140,000 pensioners yearly.

Mr. HOPKINS. I meant 15,000 in addition to the 60,000 I have named.

Mr. BEVERIDGE. Seventy-five thousand. Now, if a very small percentage of that number were to discuss with the pension agents questions relating to their pensions—and, frankly, I can not see how any would arise—of course it would take

several pension agents to answer their questions. It is perfectly clear that, as to making out their papers, they should become very familiar with the law. They have that attended to in their own towns.

Another question is this: I am not against the position of the Senator, but the point I have heard advanced here as to the petitions from the Grand Army post does not seem to be very sound. Is it not pretty clear that a mere request by letter or, especially, by a personal visit would elicit these petitions from the Grand Army post?

Mr. HOPKINS. There has been no letter, I will say to the Senator from Indiana, written by me or by my colleague.

Mr. BEVERIDGE. No. The Senator misunderstands me. I understand that. The Senator must acquit me of that. I mean by the pension agent himself. Suppose the pension agent did not want the agency abolished, a mere request to the Grand Army post of course would elicit those petitions.

Mr. HOPKINS. I will say to the Senator that, judging from the communications I have received from different Grand Army posts in Illinois, these communications came to me and to my colleague from them and were not inspired by the agent.

Mr. BEVERIDGE. I know, not from the agent.

Mr. HOPKINS. The agent has shown the objections that exist to consolidating all of these agencies in the city of Washington.

Mr. McCUMBER. The Senator will allow me right here. I have within the last two years not only been present at the annual encampment of the old soldiers, but at a large number of their meetings, and where it has been expressed to me, the sentiment in favor of continuing these agencies has been universal. I have found no man that has ever suggested the idea of reducing the number, but many hundreds, I will say, who have written to me and spoken to me at these meetings—not by petitions—have asked that the agencies be retained. I simply give that as the sentiment of the soldiers themselves.

Mr. GALLINGER. Mr. President—

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

Mr. HOPKINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I am in full sympathy with the contention of the Senator from Illinois, I will say, and shall vote to have these agencies retained, but I want to suggest to the Senator that the old soldiers do not go to the pension agencies to discuss matters relating to the payment of their pensions. That is a matter fixed by law. They are paid by check. They do like to go there and talk about the question of getting an increase or of having a bill submitted to Congress, and all those matters, but so far as the payment of the pensions is concerned, all of that is an automatic thing. They are paid by check and the pension agent even hires a girl to stamp his name on the checks.

Mr. HOPKINS. I will say to the Senator that the pension agent at Chicago says that in preparing the necessary papers upon which the pensioners receive their checks over 18 per cent of them contain errors that have to be corrected.

Mr. BEVERIDGE. Mr. President—

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

Mr. HOPKINS. Certainly.

Mr. BEVERIDGE. The Senator from New Hampshire [Mr. GALLINGER] has stated this matter precisely as I have thought it was. Now, with reference to talking to the pension agents about their bills—private pension bills, and things of that kind—of course I think the experience of everybody in both Houses of Congress is that the pensioners do not talk to the pension agents about that question, but they talk to their Representatives or their Senators. So the subjects of conversation are very limited between them.

Mr. HOPKINS. But they send in their applications for increase, and a hundred and one other questions that interest the old soldiers are discussed at these pension agencies. But, as I have stated—

Mr. BULKELEY. Mr. President—

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

Mr. HOPKINS. Certainly.

Mr. BULKELEY. I merely want to interrupt the Senator for a moment to confirm, so far as my own State is concerned—and there are several thousand pensioners in Connecticut—every suggestion the Senator from Illinois has made in regard to the feeling of the members of the Grand Army in their respective posts concerning this matter. They are very anxious about it, and endless communications come to me from the old soldiers in Connecticut who are now pensioners asking that the present method be continued as a matter of great convenience to them. They desire to have an agency located somewhere near their

vicinity. I think if the number could be increased, so that each State would have a pension agency, it would be better than to attempt to concentrate all of the agencies in Washington.

Mr. HOPKINS. Mr. President, I have already shown that the law that provides for the establishment of the pension agencies was so framed that the agencies should be numerous enough to meet all the requirements of the soldiers. This legislation is in entire harmony with the law that prevails in administering other departments of the Government. Why, Mr. President, do we have free-delivery service of mails in the cities? It is to benefit the people. Why did we establish the rural free delivery? The farmers for a hundred years were accustomed to go to the post-office to get their mail, and they could for the next hundred years go on in that manner. It was believed, however, to be in the interest of the Government itself to bring this mail service as close to the farmer as it is to residents of cities. The appropriations have increased from year to year since the establishment of the rural free delivery, until we are now appropriating from \$30,000,000 to \$35,000,000 per year for this service alone. In bringing this service close to the people in the rural districts we did not count the cost in dollars and cents. It was believed that it was in the best interests of the Government to do this. Nobody now in this Chamber or in the House of Representatives would be bold enough to oppose making proper appropriations for the rural free-delivery service.

The same principle that has caused Congress to make appropriations for the rural free-delivery service is the one that should govern and control us in caring for the defenders of the flag during the years from 1861 to 1865.

I think, Mr. President, it would be a great injustice to the old soldiers who are now pensioners to consolidate the pension agencies in Washington. It would delay the payment of their pensions and put them to unnecessary and vexatious trouble in securing their quarterly payments. I trust when this question comes to a vote in the Senate that every Senator here will support the action of the conferees on the part of the Senate.

Mr. McCREARY. Mr. President, the necessity of retaining the pension agencies as they now are has been made so clear by the Senator from North Dakota [Mr. McCUMBER] and the Senator from Illinois [Mr. HOPKINS] that it seems unnecessary for me to say anything; but it has been suggested by several Senators that as I am a member of the Committee on Pensions and voted to retain the pension agencies as they now are, I should briefly give some of the reasons that control me.

Mr. President, I find that forty years ago the Congress of the United States enacted a law declaring—

The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interest and the convenience of the pensioners require.

At that time there were about 100,000 pensioners in the United States. Now there are 967,000 pensioners. If it was proper at that time and if it has been proper for forty years since that time to provide for these agencies, I think that is a strong argument in favor of continuing them. If we abolish the eighteen pension agencies that are now established in the various States and have one pension agent here at Washington, it is claimed that we will economize. It is said that by doing that we will dispense with the services of seventeen pension agents and thereby save \$68,000.

Mr. President, when I hear—not in this Chamber, but elsewhere—men talking about economy in regard to pensions, talking about saving \$100,000, I do not think it is appropriate. The bill carries on the face of it \$163,000,000. The great addition made to it this year was for the benefit of widows, to allow widows to obtain pensions and increases of pensions amounting to \$12 per month. That action added about \$12,000,000 to the bill. I am not criticising the pension appropriation bill as reported here at this session; but I am taking exception to the argument in favor of alleged economy, of saving \$100,000. I do not believe there is any economy in abolishing eighteen pension agencies located in various States and concentrating the pension business at Washington. The Commissioner of Pensions has stated that the average amount of salaries of pension clerks is about \$1,200, and the average annual salaries of clerks at the various pension agencies is about \$900; and when other expenses connected with having our pension agent at Washington are considered, I believe there will be but little difference between the present cost and the cost if the payment of pension claims is made at Washington.

This Government ought to grant pensions for the worthy, and if we give pensions we ought to arrange their payment in such a manner as to reach the pensioner as quickly as possible. Under existing law within a week after the pension becomes due nearly every pensioner is paid. If you concentrate here at Washington all the business connected with the payment of

pensions, it may be that those who reside in California, in North Dakota, in Oregon, and in other remote States will not get their pensions for a month or more.

The act of Congress under which for forty years pensions have been paid declares that the convenience of the pensioners shall be considered. I think there is no doubt that the convenience of the pensioner requires that the pension agencies should be retained where they are at present.

I was impressed with the statement made by the Senator from Wyoming [Mr. WARREN] that, instead of reducing the number to one, and that to be located here at Washington, we should increase the number, as the President has the power to do under the law.

There is another point, too, that impressed me. I am not in favor of centralizing power at Washington any more than we can help. In all of the years that have passed since the civil war we have not deemed it necessary to centralize at Washington the payment of pensioners, and I am opposed now to doing it. If we pay money to pensioners, we ought to give them every advantage and every convenience. I believe we should act justly to all men, whether they be soldiers or civilians.

While I was not in the Federal Army, I have always been in favor of doing justice to Federal soldiers. I know what it is to be a soldier, and I want to do justice to every soldier. There is nothing that makes our Government and our country more conspicuous than our liberality to those who fought in the Federal Army and to their widows and their minor children.

I hope, Mr. President, that every Senator in this Chamber will support the conferees in the position they have taken and that the provision for eighteen pension agencies will be kept in the pension bill.

Mr. LODGE. Mr. President, only a single word. It seems to me, as we spend \$163,000,000 in pensions and their disbursement, that to haggle over a possible saving of \$150,000 in the expense in dealing with that vast expenditure is rather a small matter. It is a great comfort and convenience to the old soldiers—whether it ought to be so or not is of no consequence—to have these local agencies. It is not apparent that any saving would be made by abolishing them; but even if it were certain that a saving would be effected, it seems to me that we ought to retain the present number of pension agencies. If we are going to distribute these great sums in pensions, we ought to do it in the way that is most agreeable and most convenient to those who receive them. I merely took the floor to say that I am in entire sympathy with the position of the Senator from North Dakota, and I hope the Senate conferees will not think of yielding on the matter.

Mr. WARREN. Mr. President, has the morning business been closed?

The VICE-PRESIDENT. It has not been closed.

Mr. CURTIS. Mr. President—

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

Mr. CURTIS. I should like to say a few words on the matter which is under discussion.

Mr. WARREN. Mr. President, of course I have no wish to cut off the Senator from Kansas. I believe there is no business, however, before the Senate.

Mr. CURTIS. I will agree to occupy no more than three or four minutes. I live in a city where there is the largest pension agency in the United States, and I should like to tell the Senate what we think about this proposition.

Mr. TELLER. Mr. President—

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

Mr. TELLER. If I may take the floor on the pending question I will yield to the Senator from Kansas to say what he wants to say. That will be in order.

Mr. GALLINGER. Morning business is not closed.

The VICE-PRESIDENT. Morning business is not closed. This debate is proceeding entirely by unanimous consent.

Mr. TELLER. Excuse me; I thought morning business had closed.

The VICE-PRESIDENT. It has not closed. The Senator from North Dakota [Mr. McCUMBER] took the floor to withdraw as a member of conference committees on pension bills and then to make a statement. The Senator from Kansas [Mr. CURTIS] is recognized.

Mr. WARREN. Then I understand that this debate is all by unanimous consent?

The VICE-PRESIDENT. The debate is proceeding by unanimous consent.

Mr. WARREN. I have no objection to the Senator from Kansas proceeding, but I hope that after he has finished we may be able to proceed with the regular order.

Mr. CURTIS. Mr. President, there are 967,000 pensioners on the rolls. They are paid from eighteen agencies, located in different parts of the United States. The amount paid out each year is about \$140,000,000. It requires, under the present plan, 432 clerks to make the payments. The average annual salary of the clerks at the pension agencies outside of the city of Washington is \$977.99, while the average annual salaries paid clerks in the Bureau of Pensions in this city is \$1,280.72. The pension agents, eighteen in number, are paid \$4,000 each per annum.

The new plan, which I oppose, is to consolidate all the pension agencies, and in the future make the payments from the city of Washington.

#### THE QUESTION OF EXPENSE.

It is claimed by those who advocate this change that it would be less expensive to pay the pensioners from the city of Washington than it is under the present plan, but it is evident that they have not carefully considered the question. The only saving they can point out is the reduction in the appropriation for seventeen pension agents, which would amount to \$68,000, and the amount of \$4,500 a year paid in rent for the agency at New York; this would amount to \$72,500, and this is all that can be counted on. What would be the extra expense? The increase in the salary of each clerk would be \$302.73. This would amount to \$125,425.60. Then the increase in the mail would be not less than 8,000,000 letters to be handled at the Washington post-office. The expense of handling this extra mail at the post-office would be at least \$10,500 a year, and it is more than likely to amount to \$15,000. On this point I desire to have inserted in the RECORD a letter I have received from the Department, advising me that it would cost \$10,500 to handle the additional 8,000,000 letters. I will not take up the time of the Senate to read it, but I should like to have it printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The letter referred to is as follows:

POST-OFFICE DEPARTMENT,  
FIRST ASSISTANT POSTMASTER-GENERAL,  
Washington, April 1, 1908.

Hon. CHARLES CURTIS,  
United States Senate.

MY DEAR SENATOR: With reference to your telephonic inquiry of the postmaster of Washington, D. C., relative to the additional clerical assistance that would be required in his office to handle 4,000,000 additional incoming and the same number of outgoing letters per year for the Bureau of Pensions, also the average salary of the clerks employed, I beg leave to state that from the information furnished by the postmaster as a result of his conversation with you, this additional work, occurring only once each month and probably for a short period, would in all probability be handled by an auxiliary force paid at the rate of 30 cents per hour. It is estimated that this auxiliary service would cost approximately \$10,500 a year.

Very truly, yours,

C. P. GRANDFIELD,  
First Assistant Postmaster-General.

Mr. CURTIS. Mr. President, this makes a total increase of \$135,925.60, and if you deduct from this the \$72,500 saved in salaries of agents and rent, you have an increased expense of at least \$63,425.60 each year, to say nothing of the inconvenience to the pensioners and the great delay which the proposed change would cause in making the payments. I ask you to look a little further into the cost of paying pensioners from the city of Washington as compared with the cost of paying them from the city of Topeka, Kans. It costs in clerk hire to pay each of the 111,508 pensioners who are paid from the Topeka agency just 33.2 cents, while it costs to pay each of the 53,640 paid from the Washington agency just 51.9 cents, and if you include the expense of paying the 4,709 examining surgeons from the city of Washington and the contingent expenses, all of which should be charged and considered against the Washington agency, the expense of paying each pensioner and examining surgeon from the Washington agency is just 58 cents or nearly 20 cents more than its costs to pay each pensioner from the Topeka, Kans., agency, and 6 cents per capita more than it costs to pay from the Concord agency, which is next highest to Washington in the cost to make pension payments. If it is a question of economy, then you should pay all the pensioners from Topeka; by so doing \$132,529.18 would be saved each year, but if the convenience of the soldiers is to be considered, then the payments should be continued under the present plan, but each agency should be raised to the high standard of the Topeka agency, which would result in the work being done with more speed and less expense than at present. Each clerk at the Topeka agency handles the papers of 2,859 pensioners, while each clerk at the Washington agency handles the papers for only 2,235 pensioners.

To change the present plan and make all payments from Washington would be to subject 99 out of every 100 pensioners to delay and inconvenience. The delay would be at least from

three hours and twenty-five minutes to those who now receive their pensions at Philadelphia to one hundred and four hours for those who receive their pensions at San Francisco. Another question of delay and inconvenience which has not been considered is the return of the vouchers on account of defects in execution. There are errors in at least 5 per cent of the vouchers executed.

There is another thing which should be considered, and that is the clerks at the various agencies own their own homes and are comfortably situated, and it would be unfair to compel them to come to Washington, where the expense of living is much higher. The homes and friends these men and women have made are dear to them, and they should not be compelled to give them up just to help swell the pay rolls of Washington, and that is what consolidation means, no more and no less.

There is another point, and that is thousands of old soldiers live in the cities or adjoining the cities where the pension agencies are located, and they call in person at the agency, or at the post-office, for their checks and so receive them on pension day, each quarter. To bring the agencies to Washington would compel these men to send their vouchers in by mail and in some cases to wait for days for their return. The greatest objection, however, is that the Government is already trying to do too much business from bureaus in this city, business that should be done in various sections of the country. It would be much better to have the pension agencies where they are and distribute the business of some of the other bureaus out among the States than to consolidate everything in the city of Washington. The change would cut down the expenses of the Government and the people would know more about our institutions and the workings of our great Departments.

Mr. President, I hope the Senate will vote against the consolidation of pension agencies when the question comes up.

#### MOTHERS' DAY.

Mr. BURKETT. I offer a resolution, and ask unanimous consent for its present consideration.

The resolution was read, as follows:

*Resolved*, That Sunday, May 10, 1908, be recognized as Mothers' Day, and that it be observed as such by the Members and officers and employees of the United States Senate wearing a white flower in honor of their mothers.

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

Mr. GALLINGER. Let the resolution go over.

Mr. KEAN. Let it be read again.

Mr. LODGE. It has gone over.

Mr. KEAN. No matter, if the resolution has gone over.

The VICE-PRESIDENT. The resolution will again be read.

The Secretary again read the resolution.

Mr. CLAPP. I rise to an amendment.

Mr. KEAN. Let the resolution go over.

Mr. CLAPP. I desire to amend it by adding—

The VICE-PRESIDENT. Objection has been made to the present consideration of the resolution.

Mr. CLAPP. Very well.

Mr. BURKETT. Who made the objection, Mr. President?

The VICE-PRESIDENT. The Senator from New Hampshire asked that the resolution go over.

#### JAMES KANE.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1159) to correct the military record of James Kane, to submit a favorable report (No. 631), and I ask unanimous consent that the Senate consider the bill.

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

The Secretary proceeded to read the bill.

Mr. WARREN. I ask that the bill go over. It may be called up later.

The VICE-PRESIDENT. The bill will go over.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask that the Senate take up the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. TELLER. Mr. President, yesterday the senior Senator from Georgia [Mr. BACON] called my attention to a certain matter which I had not intended to present or consider, and I

replied as I understood the facts to be. This matter that I refer to was published some time ago, and last evening a gentleman called my attention to an extract from a paper of this city, containing a statement from the President; and I think, in justice to the President, it ought to be inserted in the RECORD, as it is explanatory of the President's action. As I do not care to read it, I will ask that the Secretary read from the slip of paper all that follows the heading "The President's reasons."

Mr. CLAPP. What paper is it from?

Mr. TELLER. I think it is from the Washington Star, but I am not quite certain. It was handed to me last night. I never saw it before. It is evidently an authentic statement from the President, and I think it ought to be read.

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

The Secretary read as follows:

In signing the proclamation the President added the following memorandum explaining his action:

"These forest reserves were determined upon and the preparation of the necessary papers ordered some months ago—in two-thirds of the cases some years ago—in the exercise of the duty imposed upon me by act of Congress of March 3, 1891. The utmost care and deliberation have been exercised in deciding upon the boundaries of the proposed reserves; in all but a very few cases long-continued and detailed field examinations have been made, and in the remainder examinations amply sufficient to justify the proposed action.

"The necessary proclamations under existing law now come before me, and the question is presented whether I should refrain from acting under the existing law because there is now under consideration by Congress a proposal to change the law so as to require Congressional action upon the establishing of such forest reserves. If I did not act, reserves which I consider very important for the interests of the United States would be wholly or in part dissipated before Congress has an opportunity again to consider the matter, while under the action which I propose to take they will be preserved; and if Congress differs from me in this opinion it will have full opportunity in the future to take such position as it may desire anent the discontinuance of the reserves by affirmative action, taken with the fullest opportunity for considering the subject by itself and on its own merits.

"If by any chance land were valuable for other purposes than for forest reserves is shown to have been included in these reserves, I shall forthwith restore it to entry.

"Failure on my part to sign these proclamations would mean that immense tracts of valuable timber would fall into the hands of the lumber syndicates before Congress has an opportunity to act; whereas the creation of the reserves means that this timber will be kept in the interest of the home maker; for our entire purpose in this forest-reserve policy is to keep the land for the benefit of the actual settler and home maker, to further his interests in every way, and, while using the natural resources of the country for the benefit of the present generation, also to use them in such manner as to keep them unimpaired for the benefit of the children now growing up to inherit the land. This is the final and exclusive object not merely of our forest policy, but of our whole public-land policy.

—THEODORE ROOSEVELT.

"THE WHITE HOUSE, March 2, 1907."

Mr. TELLER. Mr. President, I accept the President's explanation as correct, of course.

Yesterday there was some question as to the expenditures out of the lump sum, and I presented what I supposed to be the correct figures. I have since looked over the publication of the Government, and I find that I did not make any mistake.

Mr. WARREN. Mr. President—

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

Mr. TELLER. Certainly.

Mr. WARREN. I may say that when the Senator from Colorado presented the figures yesterday, as they differed from those I had before me, I asked him if he was sure about them, without of course presuming to differ with him. Afterwards I informed myself. The provisions appear in different places in the report. The Senator is undoubtedly correct. He was correct practically yesterday in the figures.

Mr. TELLER. I will repeat the figures, so that Senators may have them. I could not put my hand on them yesterday.

On page 296 of the Statement of Expenditures of the Department of Agriculture you will find for the Forest Service statutory salaries, \$112,133.16, that is what I gave yesterday; lump-fund salaries, in Washington, \$259,657.58; outside of Washington, \$817,199.89. Those are the figures I gave yesterday, and I now present them from the report of the Government. I find them in another sort of a reduced account.

Mr. President, I do not exactly understand this, and while I do not want to open up a discussion over it, I desire to call attention to it, and when some Senator who has greater knowledge comes to speak to the Senate I hope he will speak about it. I have before me Document No. 420, being Estimates of Expenditure for Department of Agriculture. On page 55 I find this:

General expenses, Forest Service, \$3,051,900.

Then come the items:

Salaries in Washington, \$403,095.

Salaries outside of Washington, \$1,946,140.

I am not going to attempt to reconcile these two statements. I find myself quite incapable of reconciling the statistics of this Government as a general thing. I find in one statistical abstract one thing and I find in another publication of this Government an entirely different statement of what ought to be the same facts.

Mr. President, yesterday after I had concluded the Senator from Massachusetts [Mr. LODGE] presented a statement of lump funds. He said:

Mr. President, I have listened with interest this afternoon to a great deal of indignant eloquence about the wrongs of lump sums and sums left in the control of officers of the Departments to spend as they please.

And so forth.

He then cites a large number of lump sums. For instance, he says:

Bureau of Entomology, the statutory salaries are \$19,443, and the lump-fund salaries, spent at the discretion and pleasure of the head of the Bureau, are \$164,644; Bureau of Soils, statutory salaries \$35,384, lump fund \$83,178.

And so forth.

Mr. President, those are very different appropriations from this. For instance, you have a lump sum for the railway mail service and you have a lump sum for the rural delivery service and all that. But the lump sum we complain of here is left absolutely to the discretion of the head of the Department. Because we have been doing these illegal and improper things is no reason why we should continue them. For one, I have lifted my voice for several years against lump funds. They are virtually in violation of the Constitution of the United States, and if they are not, they are certainly not good administration.

Mr. President, yesterday the distinguished Senator from New York [Mr. DEPEW] addressed the Senate on this question, and I want to call attention to his conclusion. On page 6110 of the RECORD of this morning I find he made this statement:

Sir, I trust that the amendment of the Senator from Idaho, prohibiting the transportation of wood out of any State, will be voted down, and that this appropriation, paid for already without taxation and without cost, will be passed as it came in the recommendation from the Secretary of Agriculture.

I wonder if the Senator from New York supposes that any money gets into our Treasury without taxation of somebody, except a small amount of money that gets in on the sale of property which we have already appropriated for a special and specific purpose. Every appropriation made here is made out of the tax money of this country.

The Senator also stated that this service had been managed with so much skill that it was self-supporting, or words to that effect. The bill here before us will show that that is not true, for there is a very large expenditure of money derived from the taxpayers of this country appropriated in this bill.

The Senator from New York also called attention to the great danger of the country going to the bad because of the loss of timber, and I notice he is the author of a bill for the purpose of establishing a national forest reserve on the Hudson River, a section of the country that has been settled for a couple of hundred years or more—two hundred and fifty years—and I suppose now, notwithstanding his eulogy of New York for what it has been doing in the forest business, he expects Congress to appropriate money to establish a reservation in the State of New York. But if the Government can do it in other sections, I suppose it can do it in New York.

I was struck with one statement the Senator made, and in looking over some of the forest-reserve literature last evening I found it repeated in several cases. Undoubtedly in the history of the world there was a country in Asia, of which Babylon was the capital for a time at least, and there were other large cities in the same neighborhood. The country was very thoroughly populated, and considering the time of the world in which the people lived, it was a very advanced civilization, the highest probably on the earth; and in some respects it was a very good civilization.

The Senator says that that country was turned into a desert—that the Arabian desert resulted from the fact that they had cut off the timber. I claim to be something of a student of history. I have spent all the time I reasonably could give in an examination of the history of that section of the world, and have read all the histories extant with respect to it. It is a very interesting thing. It is the cradle of the race, and it is somewhat interesting to a student of history to know that at least forty-five hundred years before the birth of Christ there was a civilization there that had reduced the relations of men to a code, and had determined practically what they should do and what they should not do, even to the extent of inheritance.

I find that at least forty-five hundred years before Christ there was, in that country, a law with relation to the in-

heritance by the wife that was practically that of the State of New York when I was 21 years old. I do not know what the New York law is now. It has been said that civilization could be measured by its treatment of women; and here, way back in the dark ages, as we have supposed, a wise provision, as wise as now exists in many of the States, was in operation with respect to inheritance by women. The woman took practically the same relation to the property that the woman took in New York in 1840 and in 1850. And her property rights were better protected by law than it was in New York.

Mr. President, there is not a scrap of evidence anywhere that that was ever a timbered country. It may have been, but if so the timber had been removed before there is any history of that country at all. I do not know how far back history will go. We thought a few years ago that three or four or five hundred years before the Christian era—a thousand years at the most—was as far as we would ever get. Within the last twenty years there have been unearthed, in that section of the country, tablets of two kinds, that which they call the cylinder tablet, which is rolled up, and that which is just in the shape of that book [exhibiting] when I lay it down. The tablets are made of clay, and they are practically indestructible. The only difficulty the scientists have now is to determine when the tablets were made and when they were deposited.

The learned people of the world have concluded that they can go back forty-five hundred years before the Christian era; and as early as twenty-eight hundred years before the Christian era you can know just as much about Babylon and its affairs as you can know about old Rome five hundred years before the Christian era. You can go back to the very earliest notice of mankind in these tablets and you will find that that was a country of irrigation. The exploits of kings are recorded in these tablets, because the tablets were largely inscribed by the kings themselves or their secretaries, and more frequent than are notes of their exploits in war are the statements of services in opening up canals or cleaning out old ones or fixing up the banks when they were destroyed, in order to aid the irrigation of the country. It was not a timbered country then; and when the highest civilization that ever existed in Babylon or any other part of the Asiatic world existed in its greatest strength and glory there were no forests within 500 miles of that country.

That has been repeated ad nauseam by these people who are attempting to alarm the people of the United States about the water of this country. The Tigris and the Euphrates and a half a dozen other rivers that may be named are just as good to-day in all probability as they were five thousand years ago. The mountains that furnished the water then furnish it still. They do not now furnish to the unfortunate inhabitants of that country water for irrigation. Why? Because in the course of time, with the destruction of the settlements by war and by bad government, the canals have gradually filled up until almost all of them are full of debris, first, I suppose, by the silt that naturally came down from the rivers, and later by the drifting sands, and the lack of attention. Every man who has lived in an irrigating country, whether it is in Egypt or Colorado, knows that every few years you have to clean out your ditches. If you do not, they will fill up with the sediment that is found in the water.

An English officer, really an engineer, recently made a report on that country, and he stated that with \$20,000,000 he would put it in the same fruitful condition that it was in the days of Babylon's glory, and there is now being considered in England that very question, whether it would pay for that country to be seized and old canals to be opened and new ones dug. They would undoubtedly find as much water in the Euphrates and the Tigris and those other rivers as was ever found in them. At all events, the engineer says there is an abundance of water now, if it were only spread over the land.

Mr. President, it is not worth while for anybody to go into hysterics over the question whether we are going to use up the forests so that we will not have any water, or whether we are going to use up the coal so that we will not have any heat. In the history of the world until recently coal was not a very important item of value. It is only when the use of steam in producing power was discovered that coal came into any great value. It might have been used in a few kitchens and a few homes in England before that time, but it was of no earthly consequence, and wood was the fuel, of course.

To-day we are mining an immense amount of coal in this country. I think we are mining about 300,000,000 tons a year, as I recollect, of bituminous coal, and about 60,000,000 tons of anthracite coal. I believe that is about right, although I am speaking from memory and not from looking it up, which I

usually do. It is my habit when I am going to make a statement to look at the record, but I have it not before me, and so I do not bother with it.

Mr. President, that is a great deal of coal, but when some man stands up and tells you that in a few years the supply of coal will be exhausted in the United States he either does not know the amount of coal we have here or he does not intend to be fair in his statement. I find the statement in these publications that the coal will in a few years be exhausted. I made a calculation of the coal in Colorado a few years ago from the number of acres that I believed then it was possible to be mined. I took only a single vein of coal, and I know that much of Colorado has five veins of coal in it, and the same probably is true of other sections of the country.

I could figure it up and show that at the rate we were using coal in Colorado that will furnish Colorado with coal for more than two thousand years, and by that time we will have learned some method of getting along without coal, I am pretty sure. At all events, I do not think the present generation should refrain from using coal for fear that the supply might be exhausted in the next two thousand years.

Mr. President, I have disposed of some of these statements that I call "hysterical." I do not mean to be offensive to anybody. I am not referring to the Senator from New York [Mr. DEPEW], of course, but to the hysterical statements made in these publications. They go out and the people read them and the people become frightened. I can remember that twenty-five years ago there was a fright in England, and a great fright, over the fear that the supply of coal would be exhausted in a few years, and they are still mining coal in England.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

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

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

Mr. TELLER. Mr. President, I want to say a word or two about power in this country. In my judgment the time is not far distant when the power in this country will not be steam, but it will be electricity. Of course electrical power has been long coming. It was predicted away back in the forties that electricity would be the final power. It met with many reverses. Away back in the first settlement in Colorado—or, at least, as early as 1866 or 1867—it was attempted to use electricity in the city of Denver to run street cars. It was attempted in other sections of the country, and it was a practical failure. They did not find how to do it. It was too expensive, and it was somewhat dangerous. Now, there is not a large city in the United States that is not running street cars by electricity. There is not a city in the United States that is not running machinery by electricity. It is found to be cheaper everywhere than coal. It is cleaner and safer and, what is the main thing to be considered in securing power, it is cheaper.

If we were to harness the rivers in this country, as we are now beginning to do, in a few years nobody would use coal except for heating in houses, and I prophesy that it will not be twenty-five years before the cities of this country will not only be as they are now lighted by electricity, but they will be heated by electricity, and electricity, in most cases, will be created not by coal, but by water power.

On the great rivers of this country, especially in the mountain regions, you can create electricity so that it will not cost more than 25 per cent of what it will cost to create it with coal. That will give a great opportunity for the manufacturing and productive enterprises of the country. Up in New England a very large number of factories are now run by water. It will be only a few years before water will be used to create electricity, and they will be run by electricity and not by water. Last year, in the State of Colorado, a company organized somewhere back East—because they have more money there than we have; I do not know that I have ever known exactly where it was organized—came into our country and attempted and are now going on with an enterprise to establish a great electric power. They are using one of our rivers that is running to the sea without any benefit to mankind, and they have a plant laid out that will probably cost them fifteen or twenty million dollars. They expect to send electricity not only all over Colorado, but into the adjoining States.

There has been recently discovered, within the last ten or fifteen years, at least, by a certain method that I am not scientific enough to explain to the Senate, a method by which you can send electricity so far, and then, by what they call a "relay," you can send it so much farther, and you can certainly send the power from Niagara to New York City, 400 miles, at least.

Mr. SMOOT. Mr. President—

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

Mr. TELLER. I do.

Mr. SMOOT. In answer to the Senator from Colorado, I wish to say that there is no question but electricity can be and is now transmitted 400 miles.

Mr. TELLER. Yes; I think that is done now.

Mr. SMOOT. We have a circuit in our State of nearly 300 miles, and the electricity is used for lighting purposes from almost the northern limit of our State to the southern end of Utah County.

Mr. TELLER. I do not pretend to know about the development in the neighboring States, but I do know that Utah is rich in water power. I know that Utah can create more electricity than she will ever use, and she will have it to sell to other sections where they are not as favorably situated as they are in Utah, because the mountain streams furnish the best power that there is.

Mr. President, I tried to demonstrate the other day that the control of the water of a State is absolutely in the State and not in the General Government, and I am brought to that because the General Government now is asserting the right to control the water. When we had a land convention last summer the President of the United States sent a letter to the convention which I could read here. I have it, but I do not care about taking the time to read it. I will simply make the statement.

The President said it had been charged that the Government through its Forest Service and Reclamation Service was going to attempt to control the water power, the irrigating power, and all that. The President rather denied that, and I have never charged that the President ever had an idea of that until recently when we got a message the other day, a letter I believe written to the chairman of the committee, saying that hereafter when we dam a river, we should provide that the dam should be put up within a certain time and then we should provide some charge for the use of the water.

Mr. President, it is very proper and appropriate for the State to make such a charge if it wants to do so. I do not myself know of any State that has ever attempted to charge for water power. If they have done so I do not know where it is. They do not do it in New England. They do not do it in New York, unless they have done it within the last two or three years.

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

Mr. TELLER. I yield to the Senator.

Mr. FULTON. I simply want to ask the Senator for his views on the proposition as to the existence of any power in the General Government to exact rental or payment for the use of water. In other words, my understanding of the relations between the States and the General Government is that the States own the water absolutely for all and every purpose, except subject to the right of the General Government to regulate commerce.

Mr. TELLER. On the water.

Mr. FULTON. On the water.

Mr. TELLER. I went over that the other day and I do not care to go over it extensively now except to say—

Mr. DEPEW. Mr. President—

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

Mr. TELLER. I yield to the Senator from New York.

Mr. DEPEW. In regard to the suggestion the Senator made about New York having taken no action in reference to a charge for water rights by way of franchise or otherwise, there is no law in our State on the subject, but Governor Hughes announced at the commencement of the present session of the legislature that he would sign no bill granting water rights or franchises for the use of water unless there was a clause in it that the State should be paid.

Mr. TELLER. Mr. President, I would not have said positively that New York had not provided a tax, but I knew New York had not unless recently, and I do not believe any State in the Union has provided a tax on water power.

I presented, I think, twenty-five or thirty cases—I could pre-

sent as many more—where the Supreme Court have said without any question that the water of a State belongs to the State, even of navigable streams, and the land under the river belongs to the State.

Mr. HEYBURN. Mr. President—

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

Mr. TELLER. I yield to the Senator.

Mr. HEYBURN. It is not generally known that the Forest Service claims the right to appropriate the waters of the streams in the State. So I will ask the indulgence of the Senator from Colorado that I may read a telegram received this week from the State engineer of Idaho setting forth the position which the Forest Service takes. It is as follows:

[Telegram.]

BOISE, IDAHO, May 2, 1908.

W. B. HEYBURN,

United States Senate, Washington, D. C.:

Forest Supervisor Grand-Jean February 6 last filed applications on following creeks: Huckleberry, Greenhorn, Shake, Long Guich, Paradise, Dear, Dooley, Lick, Beaver, Wilson, Boulder, Iron, Garfield, Eight Mile, Silver, Warm Spring. Also on North Fork of East Fork and North Fork of Wood River. Quantities claimed vary from 1 to 3 second feet, apparently to be used for irrigation of small tracts near ranger stations in Boise, Blaine, Elmore, and Custer counties. Grand-Jean said it was not desired applications should be treated as in ordinary cases, but should simply be considered as formal notice that the Forest Service intended to appropriate the waters. It was insisted by this department that they pass through usual routine, and February 13 they were returned to Grand-Jean for completion and fees. He was still doubtful whether State water law must be complied with, and said would take matter up with his superior, Mr. Pollock, at Salt Lake. Since then have heard nothing from applications, although State law requires return here in sixty days to hold right.

JAS. STEPHENSON, Jr.,  
State Engineer.

My intention in calling the telegram to the notice of the Senate at this time was to indicate the fact that the Forest Service is beginning to assert the right to control the waters in the streams of the State of Idaho, either through the process of making application on behalf of the Government of the United States or, as the Forester suggests, in a merely formal way, without feeling that they are called upon to comply with the laws of the State at all.

Mr. WARREN. Will the Senator from Colorado permit me to ask a question of the Senator from Idaho?

Mr. TELLER. I yield to the Senator from Wyoming.

Mr. WARREN. I suppose the Reclamation Service make their water filings in Idaho in such public work as they are doing in the way of reservoirs, and so forth?

Mr. HEYBURN. They have no right under the laws of Idaho to locate water at all. The Government of the United States is not given the right to locate water in the State of Idaho.

Mr. WARREN. The Senator misunderstands me, I think. They have the same rights as an individual or corporation to come in and locate and apply for water under the State laws, have they not?

Mr. HEYBURN. No; they have not. No municipal corporation, no government is given the right under either the constitution or the laws of Idaho to locate the streams or the water in the streams of Idaho under any circumstances at all.

Mr. WARREN. Is the Senator prepared to say either that there are no irrigation works going on or being constructed by the Government there, and water appropriated therefor, or, on the other hand, that his State has refused to recognize them and accord them the rights of water the same as it would accord to other people?

Mr. HEYBURN. I will not interfere with the Senator from Colorado, but I can answer that from the constitution of the State.

Mr. WARREN. I do not wish to interrupt the Senator from Colorado further at this time.

Mr. TELLER. I should like very much to have the Senator answer it and then I will resume the floor.

Mr. WARREN. I was about to say I assume the Forestry Service could negotiate with the State as to the water the same as the Reclamation Service has done, but if the Senator says they have not been recognized there, I accept his statement. Other States, however, have recognized them, and they do business in other States regarding water rights the same as individuals and corporations do.

Mr. HEYBURN. Idaho has not raised the question against the reclamation project for the use of the water, because Idaho has such a surplus of water that it has not been necessary. There is now, however, a threatened contest between persons who have located water rights on the Snake River under the laws of the State and those who are claiming it for reclamation purposes. I do not care to anticipate it, but I should like—

Mr. WARREN. Is the Government engaged in reclamation service work in Idaho?

Mr. HEYBURN. Yes.

Mr. WARREN. Now, have they made any application to secure any water rights therefor?

Mr. HEYBURN. That is a question the court is going to be called on to determine should there be a scarcity of water. Should there not be a scarcity of water—

Mr. WARREN. Have they made any application for it?

Mr. TELLER. I think I will allow the Senator from Idaho to read his authority, and then I will resume the floor. Otherwise I will not get through to-day.

Mr. HEYBURN. This is the water law. I read from Article XV of the constitution of the State of Idaho.

Mr. WARREN. The Senator does not answer yes or no, whether the Government has or has not negotiated with the State in securing water.

Mr. HEYBURN. I am not advised as to the steps that the Government has taken as to the reclamation project, and I have not found it yet necessary to take that up for consideration.

Article XV of the constitution of Idaho provides that—

The use of all waters now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution; also of all waters originally appropriated for private use, but which after such appropriation has heretofore been, or may hereafter be, sold, rented, or distributed, is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

That is section 1. There are a number of decisions of the Supreme Court that have construed it. That can not be controverted. We have no power to change that; it is the constitution of the State.

Mr. NELSON. I wish to call the attention of the Senator from Idaho to the fact that that does not bear on the question where the United States Government owns the land, whether a forest reserve or anything else, and there is a stream in it. The Government of the United States stands in the position of a riparian proprietor and has all the rights of a riparian proprietor.

Mr. HEYBURN. I can answer the question in a minute. By the constitution it is expressly declared that riparian rights are abolished in Idaho.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER (Mr. Dixon in the chair). Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. TELLER. I want the Senator to finish. I have the floor and I want to go on.

Mr. HEYBURN. I do not want to intrude on the time of the Senator.

Mr. TELLER. I do not want other Senators to take the Senator's place just now.

Mr. HEYBURN. If it is agreeable, I will finish reading the section of the constitution of Idaho.

Mr. TELLER. Go on.

Mr. HEYBURN. It is as follows:

The right to collect rates or compensation for the use of water supplied to any county, city, or town, or water district, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose. And those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling purposes connected with mining shall have preference over using the same for manufacturing or agricultural purposes. But the usages by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in section 14 of Article I of this constitution.

Whenever any waters have been or shall be appropriated or used for agricultural purposes under a sale, rental, or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use.

Then it provides that it can not shut off after the right has attached. Then it goes on to provide for the distribution of the water. That is the law which abrogates the old rule of riparian ownership, and the supreme court of Idaho has held in express terms that riparian ownership is abolished by virtue of those provisions of the constitution, and the title of water is only by appropriation in that State.

The PRESIDING OFFICER. The Senator from Colorado will proceed.

Mr. TELLER. Mr. President, I should like to proceed with some regularity if I can and get through. I can submit to questions and discussions, but if I do, it will be another all-day trip, and I do not want to do it.

Now, Mr. President, I want to answer the Senator from Minnesota [Mr. NELSON]. He says the Government of the United States has riparian rights. It does not have them in Colorado, nor do I think it has them in Idaho. The Supreme Court of the United States declared in the last important case, in *Kansas v. Colorado*, that the State has an unquestioned right to determine whether the riparian rights exist or do not. The Supreme Court has said again and again that the Government of the United States does not hold its land as a sovereign, but as a proprietor, and the Government of the United States must submit to the control of the State except as the State has declared it would not exercise certain powers—that is, the power of taxation, and would not interfere with the sale of land. Otherwise the Government is a proprietor just the same in the State of Colorado as I am on my farm, precisely.

Mr. BEVERIDGE. Except in navigable streams.

Mr. TELLER. The Senator from Indiana says, "Except in navigable streams." Mr. President, the Government owns nothing in a navigable stream. The Supreme Court has said again and again that the Government has an easement over it. An easement does not convey a title. An easement is the right to occupy, to use. That is all the Government has, and in at least four or five cases the courts have said the United States has an easement over the water—that is, the right to control the navigation of it—and with that right goes what everybody will see was a proper right—to see that no one should destroy the navigation of the stream.

Mr. BEVERIDGE. The only reason I made the remark—

Mr. TELLER. I did not find any objection about it.

Mr. BEVERIDGE. I know; but the Senator used the words "Federal Government," and said the Federal Government has no control over the streams. Of course I merely wanted to put in the exception. The Senator is quite right about it. We have absolute—

Mr. TELLER. If I said no control I did not mean to say that. I meant to say no right in the stream. The Government does have control of the navigable part of the stream.

Mr. BEVERIDGE. Absolutely.

Mr. TELLER. Absolutely. You can not obstruct it.

Mr. President, I said one day here, and I think it is the law, that the State of Colorado can not obstruct a navigable stream. The United States can not do that either. It has been held in England that though the King owned the water and the soil, he could not interfere with navigation.

Now, Mr. President, I want to get back to the question raised by the Senator from Idaho. In the first place, if the State has the title to the water and the right to use it as it sees fit, provided it does not interfere with the navigation, then it follows, I think, beyond question, that if you use it for any purpose, for power or anything else, it is still under the control of the State. I have no doubt the State of Colorado could provide that any man using the water of the State for power purposes should pay a rental or a price for it, but the State has never done it. I repeat what I said before, no State ever did do that, because it is thought to be more beneficial to the State to have the powers created and the water used than it is to get a revenue from it. Besides, a revenue from the water used will always be a tax upon those using it. If you want to manufacture, it will add so much to the cost of manufacturing.

I believe the people of New England who are using the water from the Merrimac and other rivers would resent it any day if the State in which they find themselves should put a tax upon the water. They would not agree to it. It would to that extent hamper them in their efforts to produce.

But, Mr. President, I get back now to the question, Is the Government attempting to control the waters of the States? I do not know. I do not think the Government is doing it, in the proper sense of the term. I do not myself recognize the Executive as the Government. Mr. President, I am restive under it when some man tells me the Government of the United States does this because the President does it. I understand the Government of the United States consists of the legislative, the executive, and the judicial power, and the three bodies comprise the Government. The legislature is and has always been in all the history of the world the most important branch of any and every government where there were a free people attempting to administer a government.

This body and the other House might be said properly to be the Government—not in the full, technical sense, but in the common use that mankind makes of it. We are the people who make the laws; we are the people who declare the policies; we are the people who by our legislation encourage industries and protect them; and I want to say here it has been always an idea of mine that we have a right to do that according to our best judgment, within the Constitution.

Here is the statement made in 1907 by the Forest Bureau of the Government, and this I copied verbatim:

Area of forest reserves November 27, 1906, 127,000,000 acres—

That has been enlarged to about 151,000,000 acres—

Stumpage value of 330,000,000 feet of timber, at \$2 per thousand, \$660,000,000.

Statement of the present capitalized value of the forest reserves—to be found in the Record of February 18, 1907, page 3279:

*Area forest reserves November 27, 1906, 127,078,658 acres.*

1. Stumpage value of 330,000,000 feet of timber, at \$2 per thousand	\$660,000,000
2. 110,000,000 acres, capable of producing commercial forest, at \$1 per acre	110,000,000
3. 110,000,000 acres of range for grazing live stock, at 1½ cents per acre (capitalized at 5 per cent)	30,000,000
4. 83,000,000 acre-feet of water for irrigation purposes, at 10 cents per acre-foot (capitalized at 5 per cent)	166,000,000
5. 3,000,000 horsepower, capable of being developed from water in reserves, at \$10 per horsepower (capitalized at 5 per cent)	600,000,000
6. Estimated value of occupancy and use of reserve land, products, and resources additional to the above	5,000,000
7. Permanent improvements now on the reserves, roads, trails, cabins, telephones, etc.	5,000,000
Total	1,576,000,000
Less 10 per cent for private holdings	157,600,000
	1,418,400,000

I have no doubt it is worth it, but I do not believe it can be an asset to the Government of the United States, except so far as the public land goes.

One hundred and ten million acres capable of producing commercial forests at a dollar per acre. That is, when the Government has planted 110,000,000 acres it may be worth \$110,000,000. One-third, I believe, of this great forest reserve has no timber on it. We had in Colorado for years, and I do not know but we yet have, whole townships of reservations upon which I would guarantee, with a four-horse team, to carry away every stick on it. There is not even brush there, Mr. President.

Mr. BEVERIDGE. Mr. President, may I ask the Senator from Colorado a question?

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

Mr. TELLER. I yield; yes.

Mr. BEVERIDGE. I want to ask the Senator whether it is not a fact that on the reservation of which he speaks there was originally timber, and that it has been burned off or cut off or otherwise destroyed?

Mr. TELLER. Mr. President, on the ground of which I speak there never was any timber in the history of mankind. If there was any timber there, it was before the settlement of the American continent. No. What I refer to is not ground from which the timber has been cut off or burned off, but ground that never grew any timber and never will, unless it is planted and cared for by the hand of man.

I have had some experience in timber raising. I am somewhat given to fads, I confess. When our farmers used to say to me, "We can not raise timber on the prairies under the timber-culture act," I would say, "I think you can; but you are too indolent or too careless; you do not try."

I would not state this if it did not exactly illustrate what I am going to say, because I do not believe in bringing in personal matters. Having some land on the Arkansas River, I went down there and took up a timber claim—the only claim—not for gain, but to prove my theory as to raising trees without irrigation. Under the law I was to cultivate 5 acres of that land the first year; then 5 acres perhaps two years later—I do not remember—and then, when I should have succeeded in cultivating 10 acres for five years, I would be entitled to the land by paying \$1.25 an acre for it. I could have bought it for \$1.25 an acre. When I took it up it had been offered for sale and had been returned. But I wanted to try the experiment. I plowed 10 acres; I fenced it with a good pine board fence; I made some ditches, so that when the water on the sides of the hills ran down after a storm, as it would do, it would run in on the 10 acres. I not only plowed it, but I cross-plowed it. I then set out 700 trees per acre, as the law requires. I had a man who was a Scotchman, a tree man, to take care of them. In June he wrote me that the trees were doing finely; that they were in fine shape; but about August he wrote me that every tree on those 5 acres was dead.

That was rather a setback to my theory. When I returned the next spring I went down there. I plowed the land over again. I plowed it, and cross-plowed it. I dug 700 holes to the acre—I hired men to do that—and I went down with a wagon to the river bottom and pulled up the little trees,



of which there were millions growing along where it was moist near the river—little cottonwood trees, native trees. I took them up, put them in the ground, put barrels in a wagon, hauled water, and put a pail of water into every hole where I put a tree; and I would have guaranteed against anybody in the world that I would secure a forest in that way. At first the trees grew beautifully, but when September came and I got home, I went down to look at them, and found there was not a live leaf on any one of the trees. Then I abandoned the experiment.

I do not like to put in personal matters of this kind, but I wanted to illustrate this. As I have said, you can not raise trees in that region without water.

I ought to add one other word. I figured up what the experiment cost me, and I found that I was out \$1,100, and I did not have a bush. That is the condition under which the Government is going to raise trees. It is possible there may be other sections where the conditions may be more favorable, but I doubt it.

Mr. FRYE. What is the reason why the trees would not grow?

Mr. TELLER. They would not grow because of the burning sun and the dry winds that swept all the moisture out of the land. They did grow and they would grow beautifully along the river where the seepage of the river came, and they would grow along the stream from which I took them. I got them on a little stream. Later I planted a good many thousands of trees along the stream; but I planted them where there was seepage along the river, and there they grew and are still growing on that piece of land, and higher up on the land, that I happened to own.

When the Government comes to planting trees it is opening up a great expense, but if it could make trees grow that did not cost more than three or four dollars apiece, I do not know that I should complain. I have planted trees and have them growing that cost me a good deal more than that. I have on my farm a beautiful ash grove, one of the finest that there is in the State; but it cost me more money than ten times what the trees are worth. So it will be with the Government. You can not raise trees there except you have irrigation.

Mr. BRANDEGEE. Mr. President—

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

Mr. TELLER. I will yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wish to ask the Senator from Colorado as to what he attributed the failure of his experiment? Did he have the soil examined chemically to find out its composition?

Mr. TELLER. I did not examine the soil. If I had had an irrigation ditch to put water on the land the trees would have grown. That soil is of such a character that you can raise anything upon it that can be raised in that climate—corn, wheat, oats, barley, and beets. Plenty of land is of the same character, which under irrigation ditches would raise great crops. It is simply that you can not get water enough out of the sky. We are supposed to have in the State of Colorado in a year 14 inches of rain. There are places in Colorado where the rainfall is but 4 inches, instead of 14 inches.

Now, if the 14 inches should be spread out at the proper time, you could raise a crop, but if the 14 inches of water come in December and you did not get any more until the following December, of course you could not raise a crop under such conditions. When you raise a crop in Colorado without irrigation, it depends upon the season. Some seasons you can raise a fine crop. I have myself raised in Colorado 45 bushels of wheat to the acre with water. Of course without water I could not have raised a bushel, and would not have had any. The whole crop might be burnt up the next year if that did not happen to be a fortunate year.

That brings me back to the question of the inclusion of these forest timber lands. Every act that I know of has been for the reservation of land upon which trees were growing, and I deny the right to-day of the Department to include in such reservations any nontimber lands.

I want to read, in connection with this question, the statutes. Here is an act of Congress which may be found in the statute approved June 4, 1897, volume 30, page 36. After providing for forest reservations, it reads:

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. *Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful pur-*

*poses, including that of prospecting, locating, and developing the mineral resources thereof: Provided, That such persons comply with the rules and regulations covering such forest reservations.*

On February 1, 1905, we made this provision in the act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, approved February 1, 1905 (Stat. L., vol. 33, p. 628):

SEC. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated.

Will any lawyer here assert that when that grant was made to the people of Colorado the executive power in this country was given the right to charge them for running a right of way across a forest reserve? Was not that an absolutely free grant? It was so understood by those who passed it, and it was so understood by the people for whom it was enacted.

In every section of the country the Department is claiming that they must secure the right of way across these lands, and the Department insists on charging whatever it pleases. I have a letter before me showing that a man who desired to run a pipe line for water was required to pay \$100 to the Government every year before he was allowed to do it. I want to call attention to this extract:

Eighty-three million acre-feet of water for irrigating purposes, at 10 cents per acre—

Now, there is a declaration on the part of the Forest Service that the right to charge 10 cents an acre for water for watering the land in the arid regions is one of the assets of the Government of the United States.

The other day a question arose between the Senator from North Dakota [Mr. McCUMBER] and myself as to the provisions of the reclamation act. I did not have it at hand then, but I have it now, and I want to read the seventh section. I asserted that under that law the Department could not irrigate private land nor interfere with it. It provides:

SEC. 7. That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property—

That is, in carrying out the provisions of this act—

That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States upon every application of the Secretary of the Interior, under this act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

That is for the purpose of condemning the right of way over private land. I do not believe that the Government of the United States, even in connection with reclamation projects, has the right to do that. We have a State law under which the Government can proceed if it becomes necessary. There is no authority given to purchase land for the purpose of irrigating under this act.

Mr. WARREN. It would, of course, include reservoir sites with ditch rights.

Mr. TELLER. I presume so; yes, reservoirs. The eighth section of this act is somewhat instructive. It was put in the act by the Western people, and those who know the history of the act and how it was drawn know very well that it was put in by those who represented the arid regions. I want to say here that if it had not been in that bill would never have become a law, for we would never have accepted it without this provision:

SEC. 8. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

That last proviso was put in in the Senate of the United States. It is absolutely useless and worthless, because the States will determine whether the water is attached to the land or not; and the States have determined that, some of the States saying it is attached to the land, and some saying it is not. So far as I am concerned, I should always be glad to see it attached to the land; but that does not change the State law. In Colorado

it is not attached to the land by the State law and by the decision of the supreme court of the State.

I know it is not very popular for a man to complain, and I do not want to weary the Senate with complaints. I recall the first few lines of an old hymn that they used to sing when I was a boy:

He who has nothing to give but tears,  
Will weep alone.

He will not find any sympathy or help, but he will weep alone. I know that complaints generally tire and weary, but that they are sometimes necessary.

I called attention yesterday to a case where the Department was requiring a man after he had proved upon his land under the law to further prove. In looking over his letter to me this morning, I thought I would read just a word or two in it. It is from Mr. Roller, who is a prominent citizen of my State and a gentleman whom I have known for many years. He is a man of as high character as any State can produce, a man of means, and of great intelligence. He complains that after he had complied with the law, a sheepherder came around, who did not know a mine from a well, and went with him and looked over the work on ground where they were applying for a patent, and told him it was all right.

The herder went back and made a report, and the Government notified Mr. Roller that the report was adverse to his patent. Thereupon he applied, as I said yesterday, for a copy of the report, which they declined to give. They did say to him that the herder said he thought there was not enough work done on the claim, although all the law requires is \$500 on a claim. Then I applied to the Department for a copy of this report, which they declined to give me, although I offered to pay for it. It was not the custom and usage of the Department to give out such reports. This is what Mr. Roller writes me:

The question at issue, as to whether myself and associates are to have patents or not, is a very serious one, as it involves not only the group of claims named in our present case, but two other groups in the same locality and but a short distance away. Upon these three groups some 12,000 feet of shaft, tunnels, and drifts have been run—

I will guarantee that is a correct statement—representing an expenditure of nearly \$100,000 in labor and cash, said three groups being worth at least \$300,000, and the one directly in question at least \$120,000.

It is incomprehensible to us how the Department or the officials of the Land Office can claim these lands are not mineral, in the face of such facts as these, for it is hardly reasonable to suppose that mining men in Colorado would expend such an amount of labor and cash on ground not mineral.

The work is there and shows for itself.

The man who locates his land will probably know, as well as one of the forest rangers, whether it will pay him to spend a large amount of money upon it.

I think I have wearied the Senate, but I want the Senate to understand that this is a matter of grave concern to the people of the West. It means, if this system is adopted and persisted in, that practically all the land in Colorado, except the dry, arid plains, will be withdrawn from occupation and use. Many acres of these forest reserves, I know, can not be made into homes. Many acres of them are on the mountain tops; but one-fourth of all the State is now—and it is one of the largest States in the Union—in a forest reserve, and not an acre of it was ever brought into a forest reserve at the request of the officials of that State.

Mr. CARTER. Mr. President—

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

Mr. TELLER. I do.

Mr. CARTER. I inquire of the Senator from Colorado if he has presented an amendment prohibiting any question by the forest ranger or supervisor as to the bona fides of any mining claim unless where it is manifest that the purpose of securing title to the claim is to obtain the timber?

Mr. TELLER. I have not offered such an amendment, but I shall be glad to see it offered by somebody; but any opposition to the administration of these forest reserves is held all over the country as opposition to the principle of the reserve itself. While I do have opposition to many of the reserves, the principle I have not been combating at all, except in so far as it has been abused.

Mr. CARTER. Mr. President, I think the effort of the forest rangers to question the judgment of a miner as to either the value of his claim or its prospects when developed imposes upon the Government a useless burden of expense, and likewise constitutes a severe punishment to the miners seeking title to mining ground. There are cases, no doubt, where placer claims, or, in some instances, even quartz claims, may be located with the obvious purpose of securing title to timber growing upon the surface of the claim rather than with any purpose of developing minerals, but those cases are very few in number and easily detected.

Mr. FLINT. Mr. President—

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

Mr. TELLER. I do.

Mr. FLINT. Mr. President, I simply want to say that I am in entire accord with the views expressed by the Senator from Colorado and the Senator from Montana in reference to the plan now carried on by forest reserves of examining mining claims. I think it has been altogether too technical. On the other hand, I want to call the attention of Senators to the fact that in one case in California some 10,000 acres of the best timber lands in that State were taken up under placer-mining claims, and would have been acquired by a combination of men purely for the timber, and not for the minerals, if it had not been for the management of the forest reserve in investigating those claims and showing that they were fraudulent.

Mr. CARTER. Mr. President, in the case cited by the Senator from California there was an effort made, which was very clear on the face of the record, viewed in connection with the appearance of the land, to perpetrate a fraud on the Government of employing the placer-mining law for a purpose not intended by the law. I would not deprive the forest supervisors or the rangers or the managers of the right, but would rather impose upon them the duty of detecting and preventing frauds of that kind; but the present view of the management is that the forest ranger or supervisor is in duty bound to contest the application of every miner for a mining claim within a forest reserve.

Mr. SMOOT. Mr. President—

Mr. CARTER. I am not prepared to say—

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

Mr. CARTER. Certainly.

Mr. SMOOT. As I understand, Mr. President, the Forest Service does not pass on the title to mining claims. That is done by the Interior Department.

Mr. CARTER. That is where the matter should be attended to.

Mr. SMOOT. And that, Mr. President, is where it is finally passed upon.

Mr. CARTER. Mr. President, the Department of the Interior, through the General Land Office, is the proper jurisdiction in which the matter of a man's right to a mining claim ought to be settled; but, under pay of the Government and at Government expense, it seems to be the determined purpose of the Forest Service to contest the application of every man who applies for a title to a mining claim within a forest reserve and thus put the individual to the expense of procuring witnesses, paying their expenses, having testimony reduced to writing, and preparing a large record upon an issue raised by the Government against a claimant who is required under existing law and rules and regulations to make an ample showing before the General Land Office, as it is.

What I insist upon is that where there is no timber growing upon a mining claim, thus making it clear that the purpose of securing the title to the mining claim can not be to secure title to the timber, it should be no part of the duty of a forest supervisor to question the judgment or good faith of the individual whose labor and toil give the highest evidence of good faith in the performance of the requisite \$500 worth of mining before he can secure a patent.

Mr. TELLER. Especially if he has done \$100,000 worth of work.

Mr. CARTER. I know of many cases that have been called to my attention, where long controversies have been provoked upon the claim by forest reserve rangers bringing on contests with persons who had applied under the law for patents to their claims, without any possible benefit to the forest and without any possible benefit to the Government of the United States, because the individual getting title to 20 acres of land on the side of a bleak mountain, upon which he hopes at some time to develop a mine of value, paying \$5 per acre for the surface, is certainly a matter of no great loss to the Government, but it may prove of some benefit to the individual.

Mr. SMOOT. I undertake to say—

Mr. TELLER. I think I will resume the floor and finish my remarks and let the Senator go on after that.

Mr. SMOOT. I do not want to interfere with the Senator from Colorado in any way.

Mr. TELLER. My experience yesterday leads me to think that if I am to get through within any reasonable time I ought to go on now.

I do not object to the suggestion made by the Senator from Montana—that I should offer an amendment to this bill. I have named only two or three cases. I could load up the RECORD with them. I could produce the affidavits of men who

have been complaining. As the Senator from Montana says, there seems to be a determined effort to make it just as distressing as possible for the man who is on a forest reserve, and that exists whether he is a settler or a miner.

A mining claim in most of the districts in my State is 300 feet wide by 1,500 feet long. In some of the new counties it is 600 by 1,500. I think in this county it is 300 by 1,500. There can be no claim that the applicant is trying to get the timber. I will venture to say that if there ever was any timber on the claim it was cut off and put into the mine long ago.

I would not have detained the Senate on this matter, but I know that Senators who have no connection with the mining section know nothing about the trouble we are having. There have been no frauds on the Government in mining claims, so far as I know, and I am fairly familiar with every mining camp in the State of Colorado, which has an area of a hundred thousand square miles. There is not a camp in the State in which I have not been; there is not a camp in the State where I do not know some of the people. I have had a large experience in mining matters, both as a miner and as an attorney at law.

When a man gets a mining claim upon which he spends ten or fifteen or twenty thousand dollars—I know it, because I have in my mind many people who have done that—and gets practically to the end of his own bank account, he wants to call upon somebody to assist him. Then he wants a patent. He can not get a patent with all this red tape. The law is clear and explicit. He must prove that he has a shaft on a vein. I am not speaking now of placer claims, because we worked those out years ago. He must prove he has a vein. He must then prove he has done a certain amount of work—\$500 worth—on the claim. He does that by Government officials—engineers—who are licensed to determine those questions. I do not believe anybody could find in the State of Colorado a mining claim that did not have a vein in it, unless it was located by somebody too ignorant to know a vein when he saw it. People do not take mining claims for any ulterior purpose. The land is not valuable enough and the timber is not valuable enough to justify a man in expending the three or four hundred dollars which it costs to survey it. They never do it. Thousands of men never yet have been able to get patents for their claims because they have not been able to get enough out of the mine to pay for working it.

The Department now holds—and that is one of the things it insists upon—that the mine must be a paying mine. Many of the best mines in the State of Colorado were patented before they ever paid a dollar, and they never would have been patented if their owners had to establish the fact that they were paying mines before they got the patents. They got their patents and then they were prepared to go on and put in their money, and not risk it without a patent. Then they found the ore.

Almost everybody who gets into the mining business wishes to get out of it, but it is very attractive so long as the prospect of a good mine is held out. But I have no doubt there are a hundred mines in Colorado that have not paid where there is one that has paid any considerable amount of money. Of course when you find a mine which turns out immense fortunes within a few days it stimulates everybody else. There was a mine in the neighborhood of Leadville which at one time was ready to be abandoned, and the people who were working it would have abandoned it if they had not been men of means, and it produced in ten hours' work \$118,000. I have known a mine in Colorado to produce \$10,000 a day for every working-day for ten days. I know a mine in the State of Colorado at Cripple Creek—and it can be proved by the records of the mine—which had produced gold in quantities, not a little, but in a large quantity, that did not cost them 5 cents an ounce, and the mint was ready to pay \$20.67 an ounce for it. Those are the exceptions. Most miners never have the fortune to drop on a mine of that kind. They can not do it. But such a strike will stimulate thousands of people to work; and sometimes a man will get but little out of a mine, but it is property and he hopes some time to make it a paying mine.

I recall two men from the State of Illinois whom I happened to know who came to Colorado in 1861. They were two common laboring men. They went on the side of a mountain, and opened a vein, and they took a wheelbarrow and wheeled the ore down to the stream and washed it; and when they went home they had made, from their summer's work, enough to buy each of them 160 acres of good Illinois land. That mine has practically paid no money since.

I am afraid that much I have said will fall on deaf ears and will be received with a good deal of question, but I speak from actual knowledge about these affairs, as did the Senator from

Idaho [Mr. HEYBURN] when he addressed us on this subject. We have been residents of this Western mining country for a long time. We have both been in the same business—practicing law, and I have mined more or less.

There are a few other things I wish to say before I sit down, in the interest, as I think, of our Western people. Sometimes I hear people say "the Government has been very liberal with you folks;" and you might think so if you knew some of the cases. A man came into my office one day last summer and said, "Senator, I have sold my farm." He was an old man. "I took it up as a timber claim. I have sold it." I said, "What did you get for it?" He said, "\$150 an acre, and got the cash." That was a great gift to him, but he had complied with all the requirements of the law, and then he got his claim. There are thousands of men who were not able to do that, and there are thousands of men with claims who make a bare living. The man I refer to happened to locate near a town, and he sold his property at a great price.

The common farmer in our country at the present time is making money if he is in the vicinity of the cities, on farms where they raise beets. But there are thousands of men on these outside farms who are living, if not in poverty, at least not luxuriously. I think myself the time has come when we ought to be somewhat interested in seeing that the common man, the laboring man, the man who lives by his toil, shall have an opportunity, and so I object, and I object as strongly as I can, to these provisions.

I object because I feel the injustice of them. When there is a piece of land upon which a man can go and make a home, I think every interest in this nation demands that he shall be allowed to make that home. We are filling up our cities with a population that ought to be on the farms, and we are withholding from the people the opportunity to go on farms. I need not say how much better it would be to have settlements than to have forests.

There are in the history of the world many instances where the common people have occupied the land in great numbers, and they made a living, and in all history it is the common people who furnish the wealth; it is the common people who, when the Government is in distress, furnish the soldiers; it is the common people who hold up the banner of every country in the world; and it always has been so. It is not the rich men. It is the poor.

When Rome had her citizens on farms, averaging only 12 acres, that was the day of Rome's greatest glory. And when these farms had been aggregated in great estates and the farmer had become a tenant and a serf, then Rome lost the vigor and the influence that it had before, and the Romans would not fight for a government that did not protect them. Some writer has said, and said it truthfully, too, and it ought to be impressed upon every government in the world: "Patriotism only arises from protection. If you do not protect the people, you will have no patriotism." You may talk about love of the flag. No man loves a flag unless it stands for everything that is good to him. It must stand not for power, but for benefit to him.

Mr. President, we are a great nation. We are the greatest nation in the world, it is said. We have been for many years in that category. We are now probably richer in wealth and poorer in men than ever before in the history of this country. I do not mean by that that our men are less honest or less good or less faithful to the country, but we have filled up the country with people who are foreign to our Government, foreign to our principles, and foreign to our flag. We have not always treated the common man as we ought to have done.

It is true we have opened up great areas of country by the citizens. I have before me a statement from the Land Office showing that under the homestead act alone, passed in 1862, 904,674 patents have been issued. In the last eleven years 100,000,000 acres were taken under that act. There are millions and millions of acres yet that ought to be taken under that act. There are a million entries now that have not been patented, not of mineral land, but of agricultural land. There are 1,073,837 patents yet withheld.

Yesterday or the day before a Senator from one of the Western States said to me, "I have a friend who has taken a piece of coal land in Colorado. He paid \$20 an acre for it, and he paid for it three years ago. He has not yet got the patent." There are many people in the United States who have paid for coal land in Colorado and who have not got a patent, although years have passed since they paid for it, and they are not men who would be indicted in any court for stealing coal lands or anything else.

I measure my words when I say that for the last five years there has been no encouragement by Government officials to any man to make a home on the public land. There have been

obstructions, hindrances, and annoyances thrown in their way, and while last year there were 13,900,000 acres of homesteads entered, it was because of the inordinate anxiety on the part of our people to make homes.

I said the other day, and I repeat it now, that more than 100,000 men from Iowa, Minnesota, and Wisconsin alone have gone into British Columbia within the last three or four years. They ought to have been kept here and would have been kept here if we had been as liberal with them as the Canadian Government is with the people who go there.

Mr. President, we gave to the railroads 300,000,000 acres of land. There has been great complaint about it. The Government of the United States never lost a dollar by that. You put that charge upon the settlers of the great West. When you did that you raised the price of the land from \$1.25 to \$2.50, and they are the people who built these railroads, not the United States or the capitalists of the East. They are the people who built the great West.

Mr. GALLINGER. Mr. President—

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

Mr. TELLER. I will listen to the Senator.

Mr. GALLINGER. I have been attracted, I think for a second time, by what the Senator from Colorado says about the people who have left the agricultural States of the West and gone over into British Columbia. I am somewhat familiar with that exodus. I have seen some of those people. My information is that most of them are men who took up land at \$1.25 an acre, and perhaps some of them at a higher price, in those agricultural States, which has become worth \$50 or \$75 or \$100 an acre, and they have sold that land and gone into British Columbia, where they can get virgin land at \$8 or \$10 an acre, and that it is simply a good business proposition on their part. They have made their fortune practically in the advance in the price of their lands in Iowa and Minnesota and have now gone into a magnificent agricultural region in British Columbia, where they can buy land for a very small proportion of what they sold their farms for. I think a great many of them are of that class.

Mr. TELLER. I do not know much about them personally. I do not think any considerable number have gone from my State, because the opportunities, not to get land, but to better their condition, are perhaps as good in Colorado as elsewhere. But it certainly would have been better to have kept those people at home.

Mr. GALLINGER. There is no question about that.

Mr. TELLER. And we could have kept them at home if we had reserved this land for them instead of giving it to the railroad companies. It is too late to complain, I know.

But when people talk about the great aggregation of land in individual hands you can trace it to those grants. There are men in the West who own 100,000 acres, every acre bought of a railroad company, not an acre from the Government, not an acre from individuals.

Every little while somebody says all the lands are being absorbed by the great capitalists. I have taken occasion to inquire into that by looking at the statistics of the Government. In 1850 there were about 55 acres more land in every farm than there are to-day. In most of the States there has been a reduction in the size of farms since 1850, and the aggregate now is 147 against 202 in 1850. But for the fact that we have allowed the railroad companies to take the lands and sell them out in great quantities there would have been a still greater difference. Take the State of Wyoming. It has more acres in its farms than any other State in the Union. It has an average of about 1,000 acres to a farm, and many of the farms in the older-settled country are less than 100 acres. I am sure no great harm will come to the country because the farms in Wyoming have 1,000 acres. When a neighbor comes from the East and wants to buy, they will sell him half of the land.

The coal lands have passed, it is said, into the hands of large interests. In thirty-three years the Government has sold 406,000 acres of coal lands at from \$10 to \$20 an acre. It is said that large amounts of land were acquired that had coal in it. If the State of Colorado I can show you lands the surface of which is worth \$150 an acre for agricultural purposes, and underneath is coal which makes it worth more than twice as much as the surface value. They were all entered as agricultural lands when there was not a law in the United States that recognized the difference between agricultural lands and coal lands.

There are thousands of acres of land in the State of Illinois—just as good on the surface as any other land in the State—that have value underneath in coal greatly exceeding the surface

value, all taken as agricultural lands, and all taken under the law when they could not take land in any other way.

Mr. President, I have detained the Senate long enough. I have not said a great many things which I ought to have said, and I am afraid I may have said some things which I might have left unsaid. But I have said them from a sense of duty. I have not desired to attack anybody. I have not desired to unreasonably complain. I have restrained my feeling on many questions because of the place where I stand. I should like to have said and would have said in some arenas what I have not said here.

Mr. OVERMAN. Will the Senator from Colorado yield to me for an inquiry?

Mr. TELLER. I yield to the Senator from North Carolina.

Mr. OVERMAN. I notice on page 291 of this statement of expenditures of the Agricultural Department that there was paid to the State of California \$8,183.61, to the State of Colorado \$12,526.45, to the State of Idaho \$6,520.57, Montana \$5,767.90, Nebraska \$790.37, Nevada \$24, South Dakota \$3,595.36, Utah, \$9,003.50, Washington \$1,922.23, and the State of Wyoming \$6,777.95. It makes in all some forty thousand dollars out of this lump sum which has been paid to those States. I should like to have the Senator explain to me why they paid those sums to these States out of this fund, derived from the sale of timber.

Mr. TELLER. I think I can tell the Senator. If I am wrong, some special friend of the Department can correct me.

Two years ago, I think, we passed a bill here by which we provided that 10 per cent of all the proceeds from the sale of timber and the granting of grazing privileges should be turned over to the States.

Mr. OVERMAN. What States?

Mr. TELLER. The States where the timber was produced or the grazing took place.

Mr. OVERMAN. Why are those particular States entitled to this fund? It all belongs to the Government of the United States. Why should it not go into the Treasury as a part of the general fund?

Mr. TELLER. I did not originate that bill and I did not vote for it. Somebody can tell why, I suppose. I do not pretend to know; and, not being overfriendly toward the administration of this Service, I will not undertake to say.

Mr. CARTER. Mr. President—

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

Mr. TELLER. I yield to the Senator from Montana.

Mr. CARTER. The payments to the State, to which the Senator from North Carolina refers, are made upon a very logical basis, and I think the payments allowed are inadequate. It must be borne in mind that in the State of Idaho a considerable percentage of the surface of the entire State is embraced within forest reservations. I do not recall the exact percentage; but probably one-fifth of the State in which I live is embraced within the areas of these forest reserves. The States are unable to collect any taxes within this area, permanently withdrawn from settlement and sale. But at the same time the State is burdened with the expense of maintaining the public roads, of executing the criminal laws, and all that appertains to a police jurisdiction over that region.

Mr. WARREN. Especially the schools.

Mr. CARTER. Of course there are schools within the area, established by the few citizens abiding there. Suddenly the property surrounding is withdrawn from settlement and sale and permanently dedicated to forest-reserve purposes. In connection with the forest-reserve purposes is the sale from time to time of timber matured. Instead of leaving the entire burden of police regulation over that area upon the State without any compensating benefit, Congress thought proper to authorize and direct that a certain percentage of the receipts from the sales of timber and other things should be paid over to the States in order to compensate them for the expense incident and unavoidably incident to the administration of the local law.

Mr. OVERMAN. What expense has the State in policing the forest reserves? I see from this statement that the General Government spends a good deal of money in policing and taking care of the reserves and in executing the criminal laws of the country in this particular territory. What expenditures are made by the States in the protection of these forests?

Mr. CARTER. The forest-reserve agent only executes the law of Congress by protecting the timber from devastation, either by individuals or by the elements, by fire. Where, however, a homicide is committed in the remotest part of one of these forest reserves, the county in which the reserve is located must pay the police officers to make arrests, must stand the

burden of the expense incident to impaneling a jury, and the trial of the case just as though the forest reserve did not exist.

The jurisdiction of the United States over the forest reserve does not at all conflict with the local police jurisdiction, nor does the Federal Government assume to bear the burden of sustaining the public schools or the public roads extending through the forest reserves, except to the extent that the forest-reserve people build roads and maintain them for their own use or convenience.

Mr. WARREN. Will the Senator also add that had this land not been reserved for forestry purposes it would have been open to sale, and that 5 per cent of the receipts of the sales would have gone to the States?

Mr. CARTER. Not only the proceeds from the sale of the land, but from the sale of timber as well would go to the State under existing law. I think, upon mature reflection, the Senator from North Carolina will perceive the entire justice of this. My contention is—

Mr. OVERMAN. I inquired only for information, I will say to the Senator. I saw these items here and I could not understand why receipts from the sale of timber should be paid to any particular State.

Mr. CARTER. For the purpose I have indicated such payments are made, and I reassert that I believe the payments allowed to the States are not adequate to compensate for the expense of executing the local laws.

Mr. WARREN. They are not. The amount ought to be double.

Mr. FULTON. Mr. President—

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

Mr. TELLER. Yes.

Mr. FULTON. I beg pardon; I thought the Senator had concluded.

I only wish to say in this connection that a couple of years ago members from the Pacific coast States asked that it be increased to 25 per cent, and it should have been increased to 25 per cent, because that amount will not compensate the State for what they lose in taxes by having these vast areas withdrawn from settlement, and consequently withdrawn from the possibility of entering into private ownership and thereby contributing to the building up and development of the industries of the State and to paying revenue toward meeting the charges of the State government.

Mr. OVERMAN. How does the State lose any taxes? The land is not open to settlement.

Mr. FULTON. It is withdrawing the territory which properly should go in and become a part of the revenue of the State, and become a part of the property of the State.

Mr. OVERMAN. In other words, the State would have received some revenue if somebody had settled on it?

Mr. FULTON. How does the Senator say that nobody would settle on it?

Mr. OVERMAN. I do not say that and I would not say it. I say it is only anticipating that somebody will settle on it and thus revenue will be produced to the State.

Mr. FULTON. I imagine when the first settlers went to North Carolina and South Carolina they rather supposed there would be other people there and that a community would grow up and develop into a State, and that the property would be enhanced by reason of the opportunity which would be given to individuals to enter the public land. Does the Senator not know that when the pioneers went out to Oregon and to Washington they expected that the public land there would be open to settlement and that other people would come and help pay the cost of building up their school systems and all the institutions that go to make a great Commonwealth? Does not the Senator know that that can not be brought about to the fullest extent unless the populations are there to enter and homestead the land and to have homes built?

Mr. OVERMAN. I agree to all that; but the State has not actually lost anything by reason of the land being put into a forest reserve, because it derives no revenue from this territory, as it might have done if there was a settlement there.

Mr. FULTON. If the Senator thinks there is nothing in that, of course there is no use for argument.

Mr. OVERMAN. I ask the Senator how he arrives at the proportion of 10 per cent?

Mr. FULTON. I am trespassing on the time of the Senator from Colorado.

Mr. HEYBURN. Mr. President—

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

Mr. TELLER. I will yield for a very brief period.

Mr. HEYBURN. I think I can add something to the suggestion of the Senator from Oregon as well as that of the Senator from North Carolina.

In Idaho just after or about the time of our admission we entered upon the construction of a north and south road throughout the State. That was before we had certain railroads that have been built since. We expended two or three hundred thousand dollars in building those roads, and under an act of the legislature we issued bonds to raise the money to pay for it. We have paid those bonds. We built those roads at a cost, I think, of about \$230,000.

The Forest Service has sequestered those roads. They have taken possession of the greater portion of them and included them within the forest reserves and they are no longer open to travel except under the rather embarrassing rules of the Forest Service. Now, I think it would take some time for the State to be remunerated for that loss alone.

Mr. TELLER. Mr. President, the statement made by the Senator from Idaho is somewhat surprising and somewhat terrorizing. What right has the Government of the United States to take possession of a road in the State of Idaho, no matter by whom it was built? It has no right to build a road there unless it wants gratuitously to turn it over to Idaho. Idaho, under the police powers of the State, has the absolute control of its roads. McLean said, away back years ago, that the right of a State to build roads over the national lands could not be controverted. It never had been, he said, and had always been exercised. McCrary, who for many years was a Member of the House and afterwards circuit judge in the eighth circuit, made the same statement in a case which I have already cited to the Senate. He said a State has a right to build its roads if it wanted, and could condemn its roads. The State of Illinois asserted that right, the State of Indiana asserted it, and Iowa asserted it. Every State in the Union having public lands asserted it. The right belongs to the State to build roads. The United States can not take possession legally of a road, nor can it build one unless the State agrees that it may do so.

Mr. President, I say that is an astonishing statement, and it is a terrorizing statement, Mr. President, when you think that the Government of the United States invades a State and determines where its road shall be and who shall travel on it. It is an assumption of sovereignty that the United States can not maintain. I can find a hundred cases in the courts of the United States against that assumption on the part of the Government. It is not on the part of the Government that the assumption is made. It is made by the irresponsible employees of the Forest Service.

Mr. President, the State of Idaho ought to drive them out of that road and take possession of it; and the time will come when the question must be settled between the States and the Government, whether we are without right and these employees in the Forest Service are so omnipotent as the Senator the other day showed they claimed to be in Idaho. They have never made any such assertion in Colorado. They did assert in one of the counties that when the road built by the county touched the forest reserve, upon which there was not any more timber than there is upon any vacant lot in this city, they must give a bond that they would not disturb the forest reserve.

Mr. HEYBURN. Mr. President—

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

Mr. HEYBURN. I do not like to interrupt the Senator from Colorado, except where I feel that it would help to carry out his idea.

Mr. TELLER. Go on.

Mr. HEYBURN. Not only did they take possession of those roads, but, more startling still, they took more than thirty schoolhouses and included them within the forest reserves, representing more than thirty school communities. They included them within the forest reserves, and they have surrounded them, in many instances, with a solid line of forest reserves.

Mr. WARREN. What have they done with the schoolhouses? What use did they put them to?

Mr. HEYBURN. Those little stranded communities that hoped to be the nucleus of a growing, prosperous, community are staying there and praying that the Government may become rational once again.

Mr. SMOOT. Mr. President—

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

Mr. TELLER. I think I will conclude. The Senator can take the floor in his own right after I get through.

Mr. SMOOT. I did not want to interfere with the Senator from Colorado. I merely wanted to ask a question of the Senator from Idaho.

Mr. BACON. Before the Senator from Colorado resumes his seat, as he is speaking about arbitrary measures, I wish to ask him to let me read something. It was alluded to yesterday in his speech. A good deal has been said here about arbitrary power and the irresponsible exercise of power. The Senator quoted from the constitution of Massachusetts, which was apt and appropriate, and I took the liberty at the time of calling his attention to another clause in the constitution of Massachusetts which I endeavored to quote from memory. Since then, the Senator from Massachusetts [Mr. LODGE] has handed me a copy of the constitution of Massachusetts, and in order that the provision may be correctly quoted, I ask leave now, before the Senator closes his remarks, that I may read it. It is the thirtieth article of the constitution of Massachusetts. The language of it is this:

In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men.

That is a principle, Mr. President, which I think is equally as important in the Federal Government as it is in the State government of Massachusetts, and I think there are some officers of the Federal Government who would do well to regard the injunction and obey the injunction which is contained in that article of the constitution of Massachusetts.

Mr. TELLER. Mr. President, I was about stating what interference had been made on State rights. The county of Mesa, in the State of Colorado, undertook to build a road. It went across one corner of a reservation upon which there was absolutely no timber or never had been any. It was incorporated into the reserve, I suppose, for the purpose of raising timber on it some time, but they have not yet commenced raising timber. The ranger notified the county officers that they must give bond that their roads should not interfere with the reserve, and thereupon the county executed its bond and signed it and sent it to Washington. Then they came back with a statement that they could not accept it without two individual signers.

The county did not feel very much like going out and asking some citizen to sign its bond that they would not interfere with the reservation; and as the road did not interfere with it except to allow people to pass over it, and it was not fenced, the district attorney of the county sent it to me. I wrote him what I have been familiar with, because I lived in Illinois in an early day and knew something about what had been the custom there about roads; that the State had the right to pass over roads in public lands, and that the reservation of forests did not come within that constitutional provision where we were expected to refrain from exercising any power by ceding to the Government the sovereignty over it.

I said in my judgment the thing for the county to do is to proceed and build the road and pay no attention to this man. If the Government thinks it is worth while to bring a suit, then you will try the question whether you are entitled to do it or not. The result was that the county went on and built the road. The Government did not bring a suit, as I knew it would not, because I knew whenever they submitted it to the Attorney-General here he would have sense enough to know they could not maintain it.

That brings me to say we have been for four or five years trying to get the Government of the United States to bring a suit against some of our citizens to test some of these questions, and we have, I believe, got an agreed case that is probably going to get to the Supreme Court in the next three or four years, when these questions will be settled. It will probably take that time to get it through.

There can not be any question about these things. They have been settled again and again by the Supreme Court of the United States. The Supreme Court is not going to change its ruling of forty and fifty years and in forty and fifty cases, not even at the suggestion of the Executive that the time has come when you must give to the executive department more power.

Mr. President, if the executive department need more power, which I do not think they do, there is only one way to get it, and that is by an amendment to the Constitution.

Mr. FULTON. Mr. President, I simply wish to make a suggestion in connection with what the Senator from Colorado [Mr. TELLER] has said in regard to the administration of the forest reserves, the taking possession of highways that have been laid out by the counties, of schoolhouses that have been constructed by school districts, and so forth.

I think it is perhaps not sufficiently clearly understood that the objection of the people of the West to the forest reserves, speaking broadly, is not to the maintenance of reserves proper, but to the manner of the administration, more particularly, of

those reserves and to the inclusion within them of lands that are valuable for agricultural purposes and for home building.

We recognize and appreciate the fact that it is important that the timber resources of the country should be conserved, and, indeed, that the water power and the water supply of the country should be conserved; but those who are charged with the administration of these reserves seem to have imbibed the idea and to be moving under the conviction that they are absolute law unto themselves, and that the people of the communities in the region of the reserves have no rights that they are bound to respect.

For instance, I spoke yesterday of a practice they have of impounding cattle from the ranches and the small farms lying in the vicinity of the reserve. Those people have feed enough for their stock during the severe winter months when they are required to feed, but it is important to them to be permitted to turn out their stock as early in the spring as possible. To compel them to keep their stock up beyond the usual feeding time is imposing upon them a very great hardship. Yet if they turn their stock at large, as they are permitted to do under the laws of the State, and the stock wander on the reserves and pasture there, these rangers assume the authority, without a single letter of law to support it, to arrest the stock, impound them, and impose fines and penalties on the owners.

Mr. BACON. Will the Senator from Oregon permit me to ask him a question?

Mr. FULTON. Certainly.

Mr. BACON. I am not familiar with the public-land laws, there not being any public land in my State and none having ever been there, I have never investigated these questions. I want to ask the Senator, as a lawyer and as one living in a State where there is a large amount of public lands, whether, outside of the mere matter of exemption from taxation, when the Government owns land in a State, it has any other relation to that land than any other owner of land has in the State?

Mr. FULTON. None whatever. It is just that proposition I wish to present, because it does seem to me that we ought by legislation to impress that fact on the minds of the people who are charged with the administration of these reserves. The Supreme Court of the United States has held over and over again exactly the proposition which the Senator from Georgia announced, namely, that the only interest, the only title, the only right, the Government had in and over those lands is that of a proprietor. It has been announced in many cases, but I happen to have here the case of Fort Leavenworth Railroad v. Lowe (114 U. S.), where Justice Field announced the decision. The question there was concerning one tract of land that had been reserved for a military station, and the court, in discussing that question, said:

The land constituting the reservation was part of the territory acquired in 1803 by cession from France, and, until the formation of the State of Kansas, and her admission into the Union, the United States possessed the rights of a proprietor, and had political dominion and sovereignty over it. For many years before that admission it had been reserved from sale by the proper authorities of the United States for military purposes, and occupied by them as a military post. The jurisdiction of the United States over it during this time was necessarily paramount. But in 1861 Kansas was admitted into the Union upon an equal footing with the original States; that is, with the same rights of political dominion and sovereignty, subject, like them, only to the Constitution of the United States. Congress might undoubtedly, upon such admission, have stipulated for retention of the political authority, dominion, and legislative power of the United States over the reservation, so long as it should be used for military purposes by the Government; that is, it could have excepted the place from the jurisdiction of Kansas, as one needed for the uses of the General Government. But from some cause, inadvertence, perhaps, or overconfidence that a recession of such jurisdiction could be had whenever desired, no such stipulation or exception was made. The United States therefore retained, after the admission of the State, only the rights of an ordinary proprietor; except as an instrument for the execution of the powers of the General Government, that part of the tract which was actually used for a fort or military post was beyond such control of the State, by taxation or otherwise, as would defeat its use for those purposes. So far as the land constituting the reservation was not used for military purposes, the possession of the United States was only that of an individual proprietor. The State could have exercised with reference to it the same authority and jurisdiction which she could have exercised over similar property held by private parties. (114 U. S., pp. 526-7. Fort Leavenworth R. R. Co. v. Lowe.)

Mr. BACON. I understand, though that decision relates only to Kansas, it applies in its principle to all States having public lands.

Mr. FULTON. Certainly.

Mr. TELLER. There are twenty-five or thirty cases of the same kind.

Mr. FULTON. There are many of them. I could get at least a dozen cases.

Mr. NEWLANDS. I wish to inquire of the Senator upon what theory, then, the public lands belonging to the United States are exempt from taxation by the States? Is that expressly stipulated?

Mr. FULTON. The State always stipulates that. The States stipulate, when they are admitted, to except public lands and public property from taxation.

Mr. NEWLANDS. Has that always been done?

Mr. FULTON. I think it has always been done.

Mr. TELLER. That has been done in the admission of every State in which the Government had public lands. Both Judge Sawyer and Judge Field, in the California reports, declared that but for that stipulation the States might have taxed the lands. In the Alabama case the court, speaking on it, said it was a contract only not to tax; that that was all there was of it, and any greater stipulation on the part of the State could not have been of any value to the Government, because the United States had not the authority to exercise any municipal power.

Mr. FULTON. The United States Supreme Court has held time and again that the property which is held by the Federal Government is subject to the right of eminent domain, the same as the property of a private individual is subject to the right of eminent domain, to lay it out into roads or to devote it to any public purpose. And yet, notwithstanding this fact, these people presume to ignore the laws of the State in which the reserves are located and to annul them by arresting the stock of the residents there running at large in obedience to the laws of the State.

Mr. DIXON. Mr. President—

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

Mr. FULTON. Certainly.

Mr. DIXON. In this connection I called the Senator's attention yesterday to the decision of the Federal court in Montana, in which they held that stock running on a forest reserve was subject to be put off for trespassing, notwithstanding the State law against fencing. I have made some inquiry since that time, and I find that case was appealed to the circuit court, sitting at San Francisco, and that the contention of the forest reserve official was sustained in a decision of the circuit court some time last February, holding that they did have the right.

Mr. FULTON. I have been unable, I will state—

Mr. NEWLANDS. Mr. President—

Mr. FULTON. Just one second, if the Senator will allow me. I will state to the Senator from Montana [Mr. Dixon] that I have looked very carefully for that decision, and I have been unable to find it. I should be very glad if the Senator will find it for me. Of course I would not pretend to say that the Senator is incorrect in his statement, but I think it is possible he is mistaken.

Mr. DIXON. No.

Mr. FULTON. If the Senator will get the report, I shall be glad to see it, so as to ascertain on what proposition it went off.

Mr. DIXON. The Senator from Utah [Mr. Smoor] has the decision on his desk. It has not yet been printed in the court reports; but the Senator from Utah, I think, has the decision on his desk.

Mr. NEWLANDS. Mr. President—

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

Mr. FULTON. If the Senator will wait until I complete the statement I was about to make, I will then yield. I do know it has been held by at least two district judges that there is no authority of law for such a holding as the Senator from Montana says was made in the circuit court of appeals, and in the nature of things any such decision must be in violation of the rule announced by the Supreme Court quite recently, which was really only a reiteration of what it has announced time and again, namely, that no Department can by a rule which it makes fix a penalty; and there certainly is no law enacted by Congress making it an offense for cattle to be found at large on a reservation. I will defy any man to point out an act of Congress that makes that an offense.

Mr. NEWLANDS. Mr. President—

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

Mr. FULTON. I promised to yield to the Senator from Colorado, but, with his consent, I will yield to the Senator from Nevada.

Mr. TELLER. Very well.

Mr. NEWLANDS. I wish to inquire of the Senator from Montana [Mr. Dixon] whether the decision to which he refers was based upon an assumption that the United States, by reason of its sovereignty, was exempt from the control of a State law of Montana, or whether it was based upon the proposition that the law of Montana was violative of all rights of

property, in that it permitted trespass upon private property generally; for, as I understand, the law of that State permitted cattle owned by parties to run at large.

Mr. FULTON. In the State of Montana?

Mr. NEWLANDS. In the State of Montana.

Mr. FULTON. I do not know what the State law is.

Mr. NEWLANDS. I could well understand how the decision might have been based upon the latter proposition—that is, the taking of private property for public use without compensation—it being practically a confiscation of private property to provide by law that the owner of cattle may run his cattle upon the land of another, whether that land belonged to the United States or to some private proprietor.

Mr. CARTER. Mr. President—

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

Mr. FULTON. If the Senator will excuse me, I promised to yield to the Senator from Colorado [Mr. Teller].

Mr. CARTER. Very well.

Mr. TELLER. Mr. President, I should like to say to the Senator from Nevada [Mr. Newlands] that I have made an examination, and, so far as I have been able to go—I have not seen, of course, the statutes of all the States—I find that in Massachusetts, in Connecticut, in New Hampshire, and other New England States; in Illinois, in Indiana, and in New York, they all have laws of that kind; that in order to charge a man with trespass of his cattle, the party bringing the suit must have a field inclosed with a fence of a certain kind and character, and the Supreme Court has sustained that as good law.

Mr. President, as to eminent domain, I want to call the attention of the Senate to the case of the Union Pacific Railway Company *v.* The Burlington and Missouri River Railroad Company in Nebraska, in 3 Federal Reporter, 106. I do not know whether that case ever went up or not. Judge McCrary, of the circuit court, in that case said:

It is now well settled that the right of eminent domain is a right inherent in every government, and that it belongs alike to the States and to the United States. Each within its own sphere of governmental action may exercise it. (*The United States v. Chicago*, 7 How., 185; *Kohl v. The United States*, 91 U. S., 367.)

Again, he says:

Land owned by the United States, as a mere proprietor, and not used for any of the purposes of the National Government, may be taken by the State for public use. (*United States v. Railroad Bridge Company*, 6 McLean, 517.)

Again, on page 111, he says:

That the condemnation of a right of way in the exercise of the power of eminent domain is a public matter, within the rule, is not only clear, under the authorities, but also upon principle, since the proceedings can be justified only upon the ground that the land should be taken for public use and for the public interest. (*In the case of The United States v. Chicago*, 7 Howard, 194-5.)

The court said:

It is not questioned that land within a State purchased by the United States as a mere proprietor, and not reserved or appropriated to any special purpose, may be liable to condemnation for streets or highways, like the land of other proprietors, under the rights of eminent domain.

But that was not the condition of this quarter section, being a part of the land originally ceded to the United States as the Northwest Territory, and afterwards specially set apart for their use for military purposes. Here the opening of these streets would also injure, if not destroy, the great objects of the reservation. Nor was any compensation proposed or made, as in other cases, for condemning this land and damaging the building thereon. It seems, too, that, though land purchased within a State for ordinary purposes by the General Government must yield to the local public demands, yet land, when held like this, at first by an original cession to that Government and afterwards appropriated for a specific public object, can not easily be shown liable to be taken away for an ordinary local object, though public, and especially one under another government and by mere implication. (*United States v. Ames*, 1 Woodb. & Min., 88.)

In that instance the law did not apply to that case, because that had been specifically set apart for a governmental purpose, for a court, or something of that kind, I have forgotten what.

In the case of *Illinois Central Railroad v. Illinois* (146 U. S., p. 434) the court said:

The State of Illinois was admitted into the Union in 1818 on an equal footing with the original States in all respects. Such was one of the conditions of the cession from Virginia of the territory northwest of the Ohio River, out of which the State was formed. But the equality prescribed would have existed if it had not been stipulated. There can be no distinction between the several States of the Union in the character of the jurisdiction, sovereignty, and dominion which they may exercise over persons and subjects within their respective limits. (Art. IV and sec. 3 of the United States Constitution.)

On page 435, in the same case, the court said:

It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tide waters within the limits of the several States belongs to the respective States, within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the water, subject always to the para-

mount right of Congress to control the navigation, so far as may be necessary, for the regulation of commerce with foreign nations and among the States.

The court adds:

This doctrine is applicable to the lands covered by the Great Lakes.

In the same case above cited the court declares that:

The States hold the title to such lands and the water over them in trust for the people, and can not dispose of the same except in the proper discharge of such trust. (See p. 453.)

And that property so held by the State—

can not be placed entirely beyond the direction and control of the State (p. 454).

Again:

Such property is held by the State, by virtue of its sovereignty, in trust for the public.

In this case the court quotes from *Martin v. Waddell* (16 Peters) and cites the case in support of its opinion. (See pp. 456-457.)

See *Weber v. Harbor Commissioners* (18 Wall., p. 57 et seq.). Also *Hoboken v. Pennsylvania Railroad* (124 U. S., pp. 656-657).

Mr. President, I have here—and I think I can put my hand on it—the opinion of Chief Justice McLean. It will be found in *G. McLean*. It must have been forty-five or fifty years ago when that case was decided—I do not remember exactly—where this question of the right of a State to put a road across Government national land, land belonging to the Government, was fully held to belong to the State, and the judge said that always from the time the Government was organized it had been, without any special law, exercised by the States and conceded to them by the General Government.

Mr. FULTON. The Senator from Montana—

Mr. SMOOT. Mr. President—

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

Mr. FULTON. Just for a question.

Mr. SMOOT. I was going to call the attention of the Senator from Oregon to the fact that the case cited by the Senator from Montana [Mr. Dixon] is not the only case in which that question has been decided. I see that there are five or six other cases that have been decided by the circuit court of appeals in this country touching that very subject.

Mr. FULTON. Has the Senator from Utah the cases there?

Mr. SMOOT. I have the cases here.

Mr. FULTON. I should be glad to see them.

Mr. SMOOT. In due time I shall furnish them.

Mr. FULTON. If the Senator only rose to tell me that there are such cases without producing them, of course that is his privilege.

Mr. DIXON. Will the Senator permit me?

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

Mr. FULTON. I do.

Mr. DIXON. I have here the original opinion of the district Federal judge in the Montana case—the *United States v. Shannon*—where he sustains an injunction forbidding Shannon to trespass; and also the opinion of the circuit court of appeals at San Francisco sustaining the decision of the district court of Montana upon this very point.

Mr. FULTON. Yes; but we were discussing criminal prosecutions. The Senator comes forward with a civil suit, a decree in a civil suit granting an injunction, which, I submit to the Senator, only sustains my contention that the right of the Government is that of a proprietor. It may maintain, of course, a civil suit to protect its right of property; but that is a vastly different proposition from assuming to make a penalty and to enforce the penalty for trespass upon property. It has the same rights, it can exercise the same powers that an individual can exercise concerning the property he owns; but has the Senator ever heard that the individual had a right to prescribe a penalty and to enforce it?

Mr. SMOOT. Mr. President—

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

Mr. FULTON. Certainly; if the Senator has the decisions he referred to.

Mr. SMOOT. I wish to call the Senator's attention to the fact that the act of Congress of June 4, 1897, authorized the Secretary of the Interior to make rules and regulations governing the occupancy and use of the national forests—

Mr. FULTON. Exactly.

Mr. SMOOT. Wait a moment—and to preserve the forests from destruction. The same act of Congress expressly made the violation of such rules and regulations a crime and prescribed the punishment.

Mr. FULTON. Where is the act of Congress that does that?

Mr. SMOOT. The act of June 4, 1897.

Mr. FULTON. Will the Senator show me where the act of June 4, 1897, made it a crime to trespass upon these lands?

Mr. SMOOT. If the Senator will read the act he will find out where that is.

Mr. FULTON. The Senator is citing the act. I say there is no such provision in the act.

Mr. SMOOT. All I can say is that I shall be glad to have the Senator read the act.

Mr. BACON. The Senator might very safely say that if there is any such provision in the act it is absolutely void.

Mr. FULTON. And I should supplement it by the statement of the Senator from Georgia [Mr. Bacon]. But, Mr. President, there is a wider question and a greater one than that. Suppose it has been held by some of these inferior courts that the regulations of the Secretary or of a Department officer may have the validity and dignity of law. I would not believe that to be the law until the Supreme Court of the United States had said so, because it is so utterly at war with my convictions as to what the constitutional rights of the States and of the individual are.

But, as I was saying, above all that do we want it to be the law? Do we want the acts of Congress to invade the States and to invalidate the laws and regulations of the States in their domestic affairs? If there is one thing more than another, I take it, which the States ought to be allowed to regulate it is the question of whether or not its farms should be fenced and stock should be allowed to range free on the common lands unless the lands should be fenced. That is a most ordinary and simple matter, usually and customarily left to the State. If we have the power, do we want to exercise it? Was it ever the intention of Congress to exercise such a power? I do not believe there can be found a statute that would indicate that it was the purpose of Congress at any time to exercise such a power.

Mr. TELLER. Congress can not do it under the Constitution.

Mr. FULTON. That is my contention, and it is my firm conviction that we can not do it; but I say, if we could do it, do we want to do it? Has Congress ever indicated a purpose to do such a thing? If the General Government does not want stock that is running at large in a State pursuant to the laws and the policy of the State to go upon its domain, why should it not do as every other proprietor of land in that State is compelled to do—fence its land, or station guards there who would protect the land against trespass?

So I again say, Mr. President—I had not intended to take up time to discuss this question—that it is not that we object to the forest reserves, but it is that we object to the arbitrary and oppressive rules and regulations adopted and enforced in the administration of the reserves. I think the committee charged with providing for these reserves and their administration should bring in a bill that will restrict the officials in the administration of these arbitrary rules.

I do not think that a poor farmer who has gone upon a piece of land within half a mile of a reserve should be subjected to the hardship and the expense of putting a herder in charge of his cattle or his sheep to keep them off the lands of the United States, when he does not have to do it to keep them off the lands of any other proprietor within the State.

If this were really doing an injury to the public lands, there would be an equity in the proposition that would perhaps militate against the propositions that I advance; but it is not doing an injury; it is simply that the Government wants to farm its lands out for so much per acre to the stockmen, and if stock are allowed to range on the land without paying for it, it interferes with the business of leasing the range. I have never had much sympathy with the proposition that the Government of the United States should go into the farming business or the stock business or the leasing business. It has always seemed to me that that is a business that were far better left to the individual; and whatever charge is made for stock going upon the range under the regulation of the Department should only be such charge as is necessary to meet the additional expense by reason of the stock being there, and no more. The Government ought not to seek to profit by it. Such has always been my contention.

Mr. President, I apologize for taking up so much time as I have. I had not intended to discuss this matter at all.

Mr. NELSON. Mr. President, I intend to submit a few remarks in reference to this subject-matter, but they will be of a general character. There is no one whom I desire to attack, and no one whom I care especially to defend, unless it is the Federal Government of the United States. I have no grievance in this matter to vent here before the Senate.

In the first place, is there any justification or necessity for



embarking upon this forest policy? I ask Senators to look at the map of the United States hanging on the wall there. The dark-brown and light-brown parts of that map on the Eastern side of the country represent what was the timber country, much of it what we call "hard-wood timber," and the remainder of it along the ranges of the Alleghenies down through the Southern States represents the pine belt. On the Pacific coast there is, as the map shows, a little more of that brown area near the coast; but all that white expanse of land that you see there between the colored portions of the map is a vast prairie or a vast treeless plain.

The Eastern timber country was settled up many years ago. When the settlers came in there they had to cut down the timber. That was the only way they could open farms and get their meadows. They have been carrying on that work ever since that country was first settled up. Then the vast regions of the Mississippi Valley, the great States on both sides of the Mississippi River, were settled, and then west of that comes an immense arid belt, sparsely settled and with no trees of consequence, except in what you might call the trough of the Rocky Mountain range. The streak of green fragments that you see on the map represents the forest reserves. They are in the trough of what we may call the main range of the Rocky Mountains. You see another strip of green fragments representing forest reserves. They are in the Coast Range. Outside of that all that great white space there [indicating] is a treeless country.

We have settled up the land immediately adjoining the Mississippi River on both sides, and as we move westward we come to an arid and semiarid belt. In this belt it was attempted years ago, under a Federal law, to embark in the raising of trees—"timber culture," it was called. We passed a law, commonly known as the "timber-culture law," that was in force for a number of years. Under that law most of those who sought to profit by its provisions had the same experience and came to the same conclusion as the Senator from Colorado [Mr. TELLER] did in respect to his timber claim. The law, as a rule, proved almost an absolute failure. There were comparatively few timber claims, proved up by pretty doubtful evidence, and finally, to save some of them who were unable to comply with the law, they were afterwards allowed to purchase the land, and then subsequently we totally repealed the law. It is exceedingly difficult, as the Senator from Colorado described it, in that arid belt to raise trees. The soil may be all right, but the water is lacking. Without irrigation you can not raise any trees in that country.

In those troughs in the Rocky Mountains we have a region where timber grows in its natural state. It is at a high altitude. That country has considerable moisture, snow in the winter and rain in the summer; and hence there is a supply of timber there.

The Government of the United States, seeing that the supply of timber in the country was gradually diminishing, embarked upon this policy in order to promote the settlement and build up all that semiarid region, which constitutes to-day over a quarter of the total area of the United States within its continental boundaries.

What is the necessity for it? I can remember when I was a boy, in 1849, when the harbor of Chicago was full of vessels loaded with pine lumber from the State of Michigan. You do not find there to-day a single schooner with pine lumber from the State of Michigan, nor have you for the last ten or fifteen years.

Then the next body of pine timber was in Wisconsin; and that, my friend from Wisconsin [Mr. STEPHENSON], whom I do not see in the Chamber at this moment, knows very well, is utterly gone. The pine timber that was on the Fox River, on the Menominee River, on the Wisconsin River, on the Chipewewa River, on the Eau Claire River, and the Big Black River is practically gone to-day. There are just a few fragments that are used for pulp and inferior purposes, but not for real lumber.

My own State of Minnesota, next to the States of Michigan and Wisconsin, had the finest body of white pine timber in this country. In 1871, when I went to the State of Minnesota, most of our pine was a virgin forest, and it was a magnificent forest. But from that day on the lumbermen have been playing havoc with it, until within perhaps ten or a dozen years there will scarcely be any merchantable pine left in the State of Minnesota.

How has all this been brought about? These lumbermen, under our extremely loose and liberal land laws, would in times past secure this most valuable pine for a mere bagatelle. A dollar and a quarter an acre was the maximum. They oftentimes purchased large quantities of it with college and other scrip at a much less price. Years ago Congress gave to the

different States an agricultural-college grant, and those States that had public lands within their borders selected the lands, and the other States sold their rights out by the wholesale. I know a number of States that sold that scrip at 40 and 50 cents an acre to lumbermen who entered this valuable pine land, which did not cost them on this scrip more than 50 or 60 cents an acre.

Mr. HEYBURN. Mr. President—

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

Mr. NELSON. Certainly.

Mr. HEYBURN. I should like to inquire, Has the Government any lands remaining in Minnesota?

Mr. NELSON. Yes, sir.

Mr. HEYBURN. Has it occurred to the Senator that perhaps they should be replanting the timber upon the Government lands?

Mr. NELSON. I want to say for the information of the Senator from Idaho that we have a forest reserve in Minnesota and we hope to get another, and the State has a forest reserve.

Mr. HEYBURN. I will inquire if they are planting trees in them?

Mr. NELSON. Yes; they are planting trees.

Mr. HEYBURN. Then I would merely make a closing suggestion. Would it not be just as well for the State of Minnesota to furnish the land upon which to grow its own timber, rather than to borrow the lands of Idaho upon which to plant a new forest?

Mr. NELSON. We are not borrowing from Idaho. We are not using the lands of the United States to raise timber on. As I said, these lumbermen got this valuable pine land for a mere bagatelle, and then, in embarking on their lumber operations, they carried them on in a most destructive manner. They did not go in, as is done where they have a proper forestry system, and take the dead and down timber and the mature timber. They established their camps and sent in their choppers and, to use an expression that the lumbermen use in that country, they "skinned" it, taking everything—big and little. The worst of it was that after they had taken every possible stick of timber off of a tract of land they would leave the tops and the limbs and everything there to rot and be subject to fires, so that the timber lands that were stripped by the lumbermen in that way were all burned over, and instead of becoming reforested with pine, as they would have been but for the fires, they have grown up in jack oak, grown up in poplar, and grown up in everything under the sun except being reforested as pine lands.

We have lost all that timber, and now our main supply of pine timber is in the Southern States and on the Pacific coast. After we had lost all that timber, it finally dawned upon our Government that we had to do something to stop the destruction of timber; that we ought to take a broad view of it and preserve our forests, not only for our own people and our own children, but for the generations to come. The preservation of this timber, out in the troughs of the Rocky Mountains, is not only good in itself; it not only keeps up the supply of lumber for a much longer period than would be possible without it, but it aids in the settlement and development of the great arid country which is contiguous to that mountain range and to that body of reserves that you see on the map.

What has the Government done? It has done what every other intelligent country on the face of the earth has done. Observing that the supply of timber was gradually diminishing, noticing that we had a great area of treeless country, arid country, that could not be settled without irrigation, the Government said by its legislation in 1891:

We must make provision for the future; we must take some steps to reserve some of our forests for the future use of the American people.

So, in 1891, the first forest-reserve law was passed. It was amended in 1897. The first forest reserve that we had in this country, Mr. President, was established under the Administration, as I recall, of Grover Cleveland.

There is no use making an imaginary forest reservation on the map or on paper in one of the Departments. If you have a forest reservation you must take care of the forest and protect it, so that it will become of some use and value to the public.

So it came to pass that in 1899 the Government for the first time appointed at the head of the Forestry Service a Forester in the person of Mr. Pinchot. I wish to say about Mr. Pinchot that while in some respects I think he has been a little too radical, has gone a little too hastily and too far, yet I recognize the fact that in that line of work he is an expert of the very highest order, and that he is actuated by the highest and best possible sentiments—sentiments that every public man in this

country could well be proud of. There never was a man who more faithfully went to work at a big task; and he himself had to blaze the way. There had been no beginning. As far as I know, there was no system of forestry in any of the older States. The Federal Government had nothing. He had no prototype, and he had to delve into the archives and study the systems of the old country. He had to establish the system for this country; and, considering the drawbacks he has had to contend with, I think, on the whole, he has done remarkably well.

I can see the nervousness of some of our friends from the West. I do not refer to Senators in this body, but I mean outside gentlemen from the West. Before the Government adopted the policy of forest reservations those men were in the habit of using the lands now embraced in forest reserves according to their sweet will.

They would go and strip off the timber. I remember some years ago riding on the cars from Helena to Butte. I think the Senator from Montana was with me. As we reached the neighborhood of Butte I could see the mountain sides stripped of timber for miles and miles and the stumps black. The stumps indicated that the timber had been chopped off, and there was nothing there but a burned-over waste. They absolutely stripped the country.

Unless the Government had intervened, all these timber reserves out there would in a few years have been entirely stripped and entirely destroyed; and so, Mr. President, to my mind, the Government has moved none too soon in this matter. If, in my own State—Minnesota—the Government had intervened thirty-five years ago and established a forest reserve of our magnificent pine lands, in what a happy condition our great State, with its more than 2,000,000 people, would have been to-day. We have now a small forest reserve in Minnesota. Four years ago I succeeded in getting an act passed through Congress giving the State 20,000 acres of land up in the northeastern corner, up in the iron country, back of Duluth, for forestry purposes; and the Government is about to establish, I think, one or two other reservations, and I wish the Government Godspeed in the matter.

We have a good deal of prairie country still in Minnesota. Most of it is settled up; but we need that timber, and all our farmers need it; and unless the Government intervenes in the matter, I am afraid our supply of timber will soon disappear.

But, Mr. President, the most surprising thing to me in this discussion is the attitude Senators have assumed toward the Federal Government in respect—

Mr. FULTON. Mr. President—

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

Mr. NELSON. Certainly.

Mr. FULTON. I ask the Senator if he does not believe that the States in which there are these large reserves, valuable lands withdrawn from entry and private use, contributing in no way to the revenue of the State, should receive a larger proportion of the receipts than 10 per cent?

Mr. NELSON. The Senator knows I was in favor of that in committee.

Mr. FULTON. I know that.

Mr. NELSON. The Senator knows I favor that.

Mr. FULTON. I do; and the Senator will pardon me for asking the question, but in view of his high standing and influence I was anxious to have it on record.

Mr. NELSON. I should be very glad, speaking for myself only, to see the States, instead of getting 10 per cent, as they do now, for the benefit of the counties and the schools, get 25 per cent. That is not the point, Mr. President—as to how you distribute the proceeds of the pasture and the timber. The point is to preserve the timber.

But what has surprised me—and but for it I do not know that I should have said anything—is the tenor, the spirit, of this discussion, which has been to the effect that the Government in its efforts to establish these forest reserves in the manner it has been doing, has been an interloper, a trespasser, acting outside of its rights. Mr. President, those forest reserves are the public lands of the United States, the property of all the people of this country; and under the Constitution of the United States our Federal Government has control of those lands until it finally disposes of them. The Government has as much control over the timber on those lands as a private proprietor has over his land. It has complete control of it, to the same extent that any owner would have for purposes of use. The Constitution provides it. So far as I now recall, all acts admitting new States into the Union provide that the State admitted shall not interfere with the primary disposal of the soil.

The timber on those lands is part of the land in law, as every lawyer knows. If the Government has the right to sell the land, as is indisputable, manifestly it has the right to sell the timber or do anything it sees fit to do with it.

Mr. PERKINS. And the pasturage.

Mr. NELSON. And dispose of the pasturage, too. It has exactly the same right over its lands, both in respect to the grass and in respect to the timber, that any private owner has as to his lands.

Coming to the matter of pasturage, let us look at it in a fair and candid way. Everybody who has had anything to do with sheep and cattle knows that if you allow sheep and cattle in excessive numbers to range and pasture in a body of timber, they will kill it, especially sheep, and to some extent cattle.

It was out of the question for the General Government, in carrying on its Forest Reserve Service, to protect its growing timber unless it took some steps to regulate and control pasturage. On my own farm when I have had a small piece of brush land that I wanted to clear, I would fence it in by itself and turn in a lot of sheep and cattle and hogs and in a year or two every little brush or tree would be dead and gone. So with our forest reserves. If there was the unlimited right of pasturage in the forest reserves, it would prove utterly destructive to the growth of timber.

Mr. TELLER. Mr. President—

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

Mr. NELSON. Certainly.

Mr. TELLER. Then, I suppose, the Senator would not allow pasturage at all on the forest reserves?

Mr. NELSON. Oh, no; the Senator misunderstood me. I said that the matter of pasturage should be regulated, so that an excessive number of cattle and sheep should not be allowed to range there—a number that would prove destructive to the forests.

Mr. TELLER. The forest ranger determines that for the Department, and he generally puts in as many cattle as he can get in. It is a question of dollars and cents. It is a question of making it pay expenses.

Mr. NELSON. If the Senator from Colorado will allow me, that is a question of mere detail, which I will not argue or discuss with him.

Mr. TELLER. Let me say—

Mr. NELSON. It may be as the Senator says, that sometimes they let in too many cattle. That is a matter of administration. But it does not go to the general principle of the policy that the Government is aiming to carry out.

Mr. TELLER. If the forest reserves are of so much importance and so useful, they ought not to be pastured at all. If you are going to raise—

Mr. NELSON. I have been in the Senator's State. Let me explain it to him. There are many of these troughs or basins, in what is called the "Rocky Mountain Range," where the timber—the pine, the spruce—is scattering and limited. There are trees only here and there. They are not against forests such as the pine forests of Minnesota or Michigan or Wisconsin at an early day. They are straggling, scattered trees, and in between these trees there is a lot of grass and vegetation; and a limited amount of pasturage in that kind of a forest is helpful, because it takes away the dead grass that would otherwise accumulate and might lead to destruction by fire. Cattle grazing there destroy the surplus of grass, and it is not left to be caught by fire, as it would be in many instances.

Mr. TELLER. I want to say to the Senator that there has been no complaint amongst the people of overpasturing in the country in which I live. That comes from the Department. There have been some quarrels with the sheep men and the cattlemen, and sheep have sometimes, perhaps, eaten up the pasture too close. Cattle do not, as I understand.

Mr. WARREN. Has not the complaint been that the Department has not admitted enough cattle and sheep to satisfy the people?

Mr. NELSON. I want to say to the Senator from Colorado, if he will allow me—and I do not want to cut him off in his statement—that I have myself in times past discussed the matter with Mr. Pinchot and told him that I thought that in some instances he was pasturing the land a little too freely; that if pastured less it would be better; but he explained to me the conditions, and last summer I noticed, for the first time, when I was out in the Senator's State that the conditions in the forests in that country are entirely different from those in my country. In the forests in my country there is a dense body of timber. There is no grass at all. The soil is almost bare. But you go into the straggling, scrubby forests of the mountain

ranges and you will find there are big strips and bodies of land and there is no underbrush, while there is a large amount of grass, and I can readily see what advantage it is to have that kind of land pastured.

Mr. FULTON. Mr. President—

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

Mr. NELSON. I really owe an apology to the Senator from Colorado [Mr. TELLER].

Mr. FULTON. I merely want to suggest to the Senator from Minnesota that I hope he will be more specific in naming the States concerning which he is talking when he speaks about scrubby forests. I suppose the Senator meant Minnesota, of course.

Mr. NELSON. I want the Senator to feel that I am in this mood; and he will pardon me if I illustrate it. They tell of a noted prelate in the Northwest who was a great temperance man. He preached against saloons all the time. Finally one day he wanted to raise some money for the church, and he called on one of the leading saloon keepers in town, who had an elegant saloon, with mirrors all around the interior. The reverend gentleman said "Tim, I should like to get \$50 from you to-day for the church." "But, Father," said Tim, "you ought not to ask any money of me, when you are all the time running down my business." "Oh, well," said the priest, "Tim, I am not making war on such elegant places as yours. It is the low grogeries." [Laughter.]

Mr. FULTON. I will say that the explanation is quite satisfactory. [Laughter.]

Mr. NELSON. One sometimes can bring an argument home by an illustration. I now yield to the Senator from Colorado.

Mr. TELLER. I am somewhat reluctant to continue this debate, but since I sat down there has been a question raised as to how the Government holds its property. I quoted one authority. I want to put in another. It is the case of the United States *v.* The Railroad Bridge Company, decided in 1855 by John McLean. Everyone who is familiar with court proceedings remembers John McLean, one of the great judges of the United States Supreme Court. I want to read just briefly what he said. It is a long case, and I have picked out the points most important:

Within the limits of a State, Congress can, in regard to the disposition of the public lands and their protection, make all needful rules and regulations. *But beyond this it can exercise no other acts of sovereignty which it may not exercise in common over the lands of individuals.* (P. 532.)

Again:

It is a fair implication, that if the State were not restrained by compact, it could tax such lands. In many instances the States have taxed the lands on which our custom-houses and other public buildings have been constructed, and such taxes have been paid by the Federal Government. This applies only to lands owned by the Government as a proprietor, the jurisdiction never having been ceded by the State.

The proprietorship of land in a State by the General Government, can not, it would seem, enlarge its sovereignty or restrict the sovereignty of the State. This sovereignty extends to the State limits over the territory of the State, subject only to the proprietary right of the lands owned by the Federal Government, and the right to dispose of such lands and protect them, under such regulations as it may deem proper. (P. 533.)

The State organizes its territory into counties and townships, and regulates its process throughout its limits. And in the discharge of the ordinary functions of sovereignty, a State has a right to provide for intercourse between the citizens, commercial and otherwise, in every part of the State, by the establishment of easements, whether they may be common roads, turnpike, plank, or railroads. The kind of easement must depend upon the discretion of the legislature. And this power extends over the lands owned by the United States as to those owned by individuals.

This power, it is believed, has been exercised by all the States in which the public lands have been situated. It is a power which belongs to the State, and the exercise of which is essential to the prosperity and advancement of the country. State and county roads have been established and constructed over the public lands in a State under the laws of the State, without any doubt of its power, and with the acquiescence of the Federal Government. In this respect the lands of the public have been treated and appropriated by the State as the land of individuals. These easements have so manifestly conduced to the public interest that no objection from any quarter, has hitherto been made. And it is believed that this power belongs to the State. (P. 534.)

He died rather too soon to settle this question, perhaps.

The right of eminent domain appertains to a State sovereignty, and it is exercised free from the restraints of the Federal Constitution. The property of individuals is subject to this right, and no reason is perceived why the aggregate property, in a State, of the individuals of the Union, should not also be subject to it. The principle is the same, and the beneficial result to the proprietors is the same in proportion to their interests. These easements have their source in State power and do not belong to Federal action. They are necessary for the public at large and essential to the interests of the people of the State.

The powers of a State to construct a road necessarily implies the right, not only to appropriate the line of the road, but the materials necessary for its construction and use.

Mr. NELSON. I will say to the Senator from Colorado that it is not necessary to read from the decision. That part of the law no one will dispute. It simply relates to the right of eminent—

Mr. TELLER. This is a part of the law they do dispute.

Mr. NELSON. I mean nobody in this Chamber disputes it. It is not disputed here. The State may have the right of eminent domain to lay out public roads. I am not disputing that. But does the Senator from Colorado dispute that the Government has the right to take care of these forests on its own land? Has it no right to build for its use a road over its own land?

Mr. TELLER. The United States has the rights given to it by the Constitution, and none other.

Mr. NELSON. That is very indefinite. It does not answer the question.

Mr. TELLER. No; it is not, and it has been well settled by the Supreme Court that it extends to the care and preservation of its land; not to its use for any purpose, only its preservation. The court continues:

Whether we look to principle or the structure of the Federal and State governments or the uniform practice of the new States, there would seem to be no doubt that a State has the power to construct a public road through the public lands. (United States *v.* Railroad Bridge Company, p. 535, 6 McLean, Ill.)

Mr. NELSON. There is no dispute about that. I have not taken that stand, and there is no occasion for the Senator to inject that in my remarks, because I have not disputed that proposition.

Mr. TELLER. I am not injecting it into the Senator's remarks, and he can leave it out. I am presenting it here because that has been denied by the forest-reserve people. That is why I am presenting it.

Now, I want to say—and the Senator need not incorporate this in his remarks—that I have never doubted that the Government of the United States could take any measures necessary to protect its property by Congressional act, but I do deny that an individual executive officer of the Government has any right to legislate as to how the lands shall be preserved.

Mr. NELSON. Mr. President, in the act of June 4, 1897, the Secretary of the Interior was given full power to take care of the forest reserves. The Forestry Bureau was at that time, and for some years continued, under the Interior Department. It has since been transferred to the jurisdiction of the Agricultural Department. By legislation—and I will not take up the time to read it, for any Senator can consult the statutes of Congress on the subject—Congress has given full jurisdiction and authority to the Department of Agriculture, through its Forestry Service, to conserve and take care of the timber lands. Those lands are lands of the Government. If the Government deems it wise, for the interest of the people of this country, to preserve those forests, it has the right to take all the necessary steps to carry out that policy. If it is necessary to build roads through its own lands, it has the same right to build a road through its own lands as I have to construct a road through my land. If it desires in an extensive forest reserve to have telephone and telegraph lines, by which its men who are watching the reserve from one side to the other can communicate with each other, it has a perfect right to construct them. If it has men there who have charge of the forest reserves and who have to watch them and stay there, it is proper for the Government to furnish them with a place in which to live. If for the preservation of the forests it is necessary to regulate the pasture in those forests, it is simply a necessity that goes with the subject-matter and pertains to it.

The same principle applies in that matter as in the matter of interpreting the Constitution. Given the power, as Chief Justice Marshall said, to be exercised in a given direction, Congress or the Government has a right to exercise all reasonable and rational means to carry it out. Given the power to the Federal Government to establish a forest reserve on its own lands, and the Government of the United States must inevitably have the power to take all necessary steps for the purpose of protecting the timber on its reserves.

Now, another proposition. The Senator from Idaho read from the constitution of that State, and I undertook to set him right on one point, and the Senator from Colorado thought I was wrong. I said that in respect of water courses and streams in a forest reserve, the Government of the United States stood exactly in the position of a riparian owner. By that I do not mean that a riparian owner has a larger right than the State. I simply mean that in one of the States or Territories, be it a State where they have the doctrine of prior appropriation or a State where they have the common-law doctrine as to riparian rights, in either case the Government of the United States with a stream flowing through its lands has exactly the same

rights in the waters of that stream that I would have if I owned the land. I can refer—

Mr. BORAH. Will the Senator yield for a question?

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

Mr. NELSON. If the Senator will allow me to finish this part of my remarks I will yield.

I want to call attention to the decision of the Supreme Court in 174 United States, the title of the case being "The United States v. The Rio Grande Irrigation Company." Here is what the court says, the opinion being rendered by Mr. Justice Brewer.

Mr. TELLER. I call the attention of the Senator from Minnesota—

Mr. NELSON. Let me first finish this quotation, and then I will yield.

Mr. TELLER. That was a case in a Territory, and if the Senator reads it he will find that it is confined entirely to the Territory of New Mexico—absolutely.

Mr. NELSON. Here is the doctrine. Let me quote it, and if the Senator thinks the court is wrong, he can correct the court. Here is what the court says:

Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of lands bordering on a stream, to the continued flow of its waters, so far, at least, as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country even against any State action. (174 U. S., p. 703; United States v. Rio Grande Irrigation Company.)

Mr. FULTON. Will the Senator allow me?

Mr. NELSON. Will the Senator permit me to finish this part, and then I will yield.

I agree with the Senator from Colorado to this extent: That where the Government has parted with the title to land within a State, land on the borders of a navigable stream, the title to the water in that stream is either in the State or in the riparian owners, or in both, and not in the Federal Government, except for purposes of navigation. But where in a given tract the Government of the United States still owns the land on both sides through which a stream flows, the Government of the United States, in respect of that stream, stands in the position that any other proprietor in any of the States of this Union would, and it would be a strange doctrine if it did not—if the United States could not have the rights and privileges in respect to the water of that stream that an ordinary proprietor or owner would have.

Mr. FULTON. I ask the Senator if he understands from the authority he has read that the United States has any right to the water on land that it owns superior to what a private individual in the same State would have to the water on land that he owns?

Mr. NELSON. If the Senator had listened to my remarks, he would have understood me. I say the Government of the United States, in respect to its own land, stands exactly in the position of any other riparian proprietor and has the same rights under the laws of your State, or in all the Western States, that any private proprietor has. You can no more divest the United States of its right in the water on land that it is the proprietor of than you can divest any other owner.

Mr. FULTON. I agree with the Senator, but it is not a governmental right; it is a mere property right. It is simply the right of property, that is all.

Mr. NELSON. It is a right appurtenant to the land. The rule laid down by the Supreme Court of the United States is that after the Government has parted with the title to the land bordering a stream the rights of the riparian owner are governed by the laws of the State, and those laws are different. Some States hold that the riparian owner's land extends only to high-water mark, some to low-water mark, and some to the thread of the stream; but whatever the rule may be in any State, it is governed by the laws of that State after the Federal Government has parted with the title.

Mr. FULTON. I am sure that I agree as a matter of State policy, but while the Government still owns the land through which the stream flows, its rights are subject to regulation by the laws of the State the same as the rights of the individual who owns the land.

Mr. NELSON. Exactly the same. It stands in the same position with any other riparian owner. I have never contended for anything else.

Mr. TELLER. Mr. President—

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

Mr. NELSON. Certainly.

Mr. TELLER. Naturally and originally the Government of the United States had a right to the water that an individual had. It had no more and no less. In 1866 the Government of the United States passed an act that took away from the Government riparian rights, because it passed an act for the use of the water.

Mr. NELSON. Oh, no; the Senator is mistaken. I can give you the law. In 1866 the United States Government, by Congress, recognized the doctrine of what was known as that of the "prior appropriation of water" prevailing in the arid and mining States. It recognized what the courts and the custom of miners had tolerated and recognized for years; that is all.

Mr. TELLER. The Government ceased to have any riparian rights after the act of 1866; but if it did have them, in 1876, when the State of Colorado was admitted, it provided in its constitution that there should be no longer the doctrine of riparian rights in that State. That constitution was approved by the Government of the United States, and it became the law of the land; and in the Kansas case the court plainly recognized the doctrine that the Government has no right as a riparian owner in that land.

Mr. President, I do not know that I care to carry on this discussion. I have a brief on that subject, but I will not present it to-night.

Mr. NELSON. I have a brief in my head on that subject.

Mr. TELLER. Repeatedly after 1866 the Government recognized by acts of Congress the right of the prior proprietor of water to the use of it under the State law. It recognized it in the act of reclamation under the State law. There can not be any question about it.

Mr. NELSON. I have already stated to the Senator that that was recognized by the act of 1866. The law that prevails in the State of Colorado, incorporated in the constitution, and which prevails in all the arid and mining States, is simply changing the doctrine of the common law in respect to the rights of riparian proprietors. Under the bald principles of the common law the rule was that the riparian owner on a running stream could not use or divert the water so as to diminish the supply or deteriorate it to the lower owner. In your State and the other mining States you have the doctrine of prior appropriation. That doctrine affects private owners and the Government of the United States. I do not contend that there is any different rule. I simply say that in respect to the water courses on its own land in your State the United States stands exactly as any private citizen, exactly as I or the Senator from Colorado would stand if we owned the land.

I am unwilling to take up the time of the Senate too much, but I can not help referring to a part of the grievance of the Senator from Idaho [Mr. HEYBURN]. I do not see him in his seat. He spoke of the fact that the Government was pasturing this land, and there were school sections in it. He said the Government had been collecting money for pasturing the school land within the reserve and had paid it to the State.

Now, that is not the case at all. The Senator is in error. Under the last two appropriation acts, at the first session and the second session of the Fifty-ninth Congress, we provided that 10 per cent of all that was realized from forest reserves, whether from timber or from pasturage, should go to the State for the benefit of the county in which the forest reserve was situated. In the last act on the subject we provided that there should be an apportionment in case the forest reserve was in two States. The fund the Senator from Idaho referred to was the proceeds that came from that source, and not from the pasturage of school lands.

Mr. BORAH. Mr. President—

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

Mr. NELSON. Certainly; and I owe the Senator an apology for not yielding as soon as he rose.

Mr. BORAH. That is all right. I simply wish to say the position my colleague takes is that the Government exercises control and dominion over these school sections and leases them; that is to say, it leases a certain portion of territory and takes the sheep upon that territory, and, as my colleague says, the sheep have not yet been able to distinguish the line between the sections which relate to Government ownership and those which relate to the State. So the result of it is that the Government gets the benefit of pasturage over the entire domain, including the school sections.

Mr. NELSON. That may be so, but the Senator can see how it works and how it is difficult practically to obviate it.

The Government establishes a considerable forest reserve. Inside of that forest reserve there may be some school sections. The school lands can not exceed over two sections to the township, that is one-eighteenth of the land within a township. The Government in taking in cattle and sheep to pasture on its forest reserve can not very well segregate the school lands from the other. They let in so many cattle. I presume the State would have a right to ask something for the pasturage of this land. The Government is not leasing the land. It charges so much a head for the privilege of letting the stock come on the reserve, and because of the fact that the land can not be segregated I can see how some of the school sections may be pastured.

There was another matter the Senator was in error about, and that is that the State had no right to relinquish the land. If any of those school lands are within a forest reserve and the State of Idaho sees fit it can relinquish its right to those lands and under the statute of 1891, which I have here on my desk, a general statute, it can select other lands. Certain it is that the Federal Government has no right to interfere with the timber on the school sections, and I do not think it will be shown that that has been the case.

I can very well see how our friends out West in the forest-reserve States feel, and probably I myself would feel just the same way. Before the Government established these forest reserves and took charge of them, the settlers could pasture their cattle, they could go there and take timber, and do anything under the sun except to kneel down and ask for the grace of God.

But now the Government intervenes for the conservation of the timber. They say to these settlers, "We can only allow a limited amount of cattle and sheep in here and you must pay a little something to cover the expenses of maintaining the forest reserve."

In respect to the sale of timber, the Senator from Idaho said the Government was owning the lumber industry. The Government is doing nothing of the kind. It sells the dead and down timber and the mature timber. If the sale amounts to less than \$50, it can be sold by a subordinate without advertising. I believe a ranger can sell \$50 worth and no more without an advertisement of the dead and down and mature timber. The supervisor, the one next above him, can sell to the amount of \$100. But when it comes to an amount in excess of that it must be advertised and sold to the highest bidder. So the Government is well and amply protected.

Now, it may be (and I will not dispute the Senators on that point) that some of these little lordlings dressed in pea green, as the Senator from Idaho describes them, with a green plume in their hats, and so forth, may have been a little rude, may have put on a little assumed dignity; but Senators know that that is not a thing which occurs only on a forest reserve. We see here in the city of Washington, right at our elbow, every day, some fellow with a little brief petty authority putting on a more lordly air than a United States Senator. [Laughter.] If the Senator from Idaho wants my cooperation to prevent those rangers from wearing pea-green suits, or from wearing plumes, or from putting on so much dignity, he has my hearty sympathy, and I will help him to the best of my ability. But beyond that, Mr. President, I can not go.

I feel that the Government has embarked upon a policy that in connection with the Reclamation Service will populate the big arid regions you see there [indicating] at the foot of the Rocky Mountains on the east side. I am a little selfish and a little patriotic. I want that country settled up as rapidly as possible with good American citizens, even though they are Norwegians. [Laughter.]

But, Mr. President, if we want to settle up that country rapidly and make it productive, as prosperous and as happy as the lands in the immediate Mississippi Valley, the way to do it is not only to give them the land and the water, but to have timber close by, so that they will have something to supply them in the early days of their venture on their claims. I can excuse some of the Senators. I can myself imagine if I lived in the State of Idaho with the great green place shown there on the map I would feel a little nervous and nettlesome about having so much green around me. [Laughter.]

But, Mr. President, in this matter we will have to disabuse ourselves of the spirit of our environment. We will have to look after the general welfare of the country and to the good of the American people. If we have that end in view (and I think the Senator from Idaho and the Senator from Colorado will be as happy to take that view of it as any of us), we can not help but say, Godspeed to the Forestry Service. It is now established. Mr. Pinchot has done a great work. He has organized that service. He has it on a good footing. If there is

anything in it that needs pruning, that needs correcting, I am ready to join any one of the Senators. I do not want any tyranny or any arbitrary power in this country, but I just want enough of it Mr. President, to protect that fine body of timber, the only remnant that the Federal Government has left.

Mr. DOLLIVER. Mr. President, I do not desire at this hour to enter upon an elaborate discussion of the agricultural appropriation bill, and I would not speak at all if it were not for the fact that earlier in the week I felt moved in that direction, and I have been waiting with such patience as I could command until others better entitled to address the Senate upon this subject and that infinite variety of subjects which have been found kindred to it had delivered their observations.

I have served ever since I have been here upon the Committee on Agriculture, and I have been troubled in my mind at every session by the fact that around these appropriations made for the American farm and those objects which are associated with modern agriculture practically all the debates about our appropriations have circled. The great appropriations pass peacefully through this body, almost without explanation, and practically without debate. Yet every year, for some reason that I have never been able to understand, when an appropriation for the maintenance of the Department of Agriculture comes before the Senate the spirit of free speech seems to run riot in this Chamber, and days and weeks are consumed in a criticism which I have sometimes thought not altogether friendly not only to the provisions which we are debating now, but to practically the whole scheme of the agricultural appropriation.

I am one of those who not only have confidence in the administration of the Department of Agriculture, but I have a very definite confidence in the wisdom and skill with which the estimates for that Department are made and with which the appropriations are passed by Congress.

It has been said that the Department of Agriculture asks these vast sums of money without deigning to give to the Senate an estimate of its needs. The only trouble about a statement of that sort is that it is wanting in those elements of truth which give substance and dignity to our remarks, even in the Senate of the United States.

The estimates for the Department of Agriculture are regularly made upon the suggestion of the Department through the Secretary of the Treasury and are a part of the literature of this session of Congress. They are not only made in gross or in bulk, but if anybody will examine the estimates it will be found that they are made in detail, as the law requires, not possibly in so perfect detail as is the case in other Departments, because much of the work of the Department is in the very nature of things incapable of being resolved in that way into particulars.

That is no uncommon thing in the appropriations of Congress. There is no great appropriation bill considered in this Chamber in which a vast bulk of appropriations are not made without any designation either in the estimates or in the appropriation act itself as to the details and the specific application of specific sums of the money appropriated.

Take the building of a ship. Millions of dollars are appropriated to that without a word further. Take the building of a great public edifice. Millions of dollars are appropriated for that purpose without going further into details. When you come to the Post-Office Department, the vast enterprises of that Department are provided for in appropriations that carry not millions but tens of millions of money appropriated in bulk and applied, so far as particulars are concerned, altogether within the discretion of the Post-Office Department.

In the case which we have been debating here, in the very nature of it, the appropriation could not be in more definite detail than the pending bill presents. This is an enterprise in which the Department of Agriculture is engaged. It is a great business, for which Congress is making provision. The bulk appropriation that has been estimated for and which is carried by this appropriation bill is the working capital of a business of infinite variety that could not be divided into particulars and brought in detail to the attention of the Congress of the United States.

It is perfectly evident to those of us who have followed the hearings, as I trust some of us have at least, both in the House and in the Senate, what this appropriation is for. We made an appropriation similar in amount last year, and by direction of the Congress the Secretary of Agriculture has given us a detailed statement of the expenditure of every dollar of it. Every man's name who drew a dollar by way of salary or day's work pay from the Treasury on the credit of that fund is put down here, and every dollar of it that was paid is recorded in strict detail in accordance with the suggestion of the act of Congress.

And yet, whether it has been intended or not, the atmosphere

of this Chamber, never altogether perfect, has been infected at least by a suspicion that there are loose business methods, that there are faulty administrations, that for aught we know there may be peculations and defalcations, and all these evil things covered up by this bulk appropriation. I deny it in toto in every particular. All these items have been fairly accounted for; the exact use to which these moneys have been put is set down in this report; and no man has taken a dollar of it without a strict accounting by the Department of Agriculture.

I myself think that the appropriation which we make in this bill is not sufficient. I would be glad to see the sum doubled, because I have taken the pains to find out that vast savings have already been made by the care with which the Department has guarded these vast properties of the Government of the United States. We ought not to forget that we have now isolated from the public domain nearly 200,000,000 acres of this forest land scattered in many States and in many latitudes.

Mr. NELSON. One hundred and fifty millions.

Mr. DOLLIVER. My own calculation makes it nearly 200,000,000 acres, but if the acreage is less and the project proceeds, as I hope to see it proceed, it will certainly ultimately reach 200,000,000 acres of land.

Here is an empire, the property of the United States, and the object of this appropriation is to enable the Government of the United States to take care of it. If any man thinks that a million dollars per year for the care and protection of this vast domain, infinite in its resources and in its actual commercial value, is excessive, he has a rather queer notion of what constitutes business prudence in a world like this. By the care and diligence of the Government more millions of dollars were saved by the stopping of fires in these forests last year than will be spent within our lifetime in the defense and protection of these forests.

I undertake to say that there must underlie this debate some secret enthusiasm which is not patent upon the face of the record or upon the transactions which have been had by our Government toward the forests. I have been trying to understand as well as I could what motive there is behind the opposition to the forestry policy of the United States. I have noticed one thing, that very few people come forward affirmatively and deny the wisdom of the policy. The attacks upon it are usually accompanied by apologies and suggestions that they are not inspired by any unfriendly motive or feeling toward the policy itself; and yet if these attacks had no other motive than hostility to the whole policy they could hardly be more elaborate, and certainly they could not be more damaging than they have already been.

The forestry policy has survived the indifference and ignorance of its friends. I hope it will be able to survive the malice of its enemies. I am less hopeful that it will be able to survive these underhand, sidewise insinuations coming from all directions against the wisdom of the system.

For myself I have no doubt about the wisdom of it. I have made a practical study as a traveler and observer of our country, not only of what has happened to us in the past, but of what is now happening to us in the present day. I have traveled as a patient student of the forestry question over the burned districts of Wisconsin, over the burned districts of northern Michigan, over the burned districts of northern Minnesota, and I have seen spread out there, where every man could read it, an indictment against our wisdom and prudence as statesmen and lawmakers which would convict us before the public opinion of the whole world.

There has never been in the history of human society as completely organized a crime against the human race as the destruction of the American forests in Pennsylvania, in New York, in Michigan, in Wisconsin, in Minnesota; and to make the crime all the more ignoble, it was based upon greed and avarice and the love of money, which we are taught is the root of all evil. So it has proved in that vast public domain. It was despoiled by the spoilers who violate the land laws of the United States, and the witnesses still stand there in the burned trunks of great trees, in this pathetic tangled mass of burned logs and vegetable matter scattered over square miles of territory that, if it had been administered with wisdom and patriotism, might to-day be the permanent source of a lumber supply to us and to our children's children.

I for one do not want to see that mistake, that crime against mankind, repeated in the Rocky Mountain region; and I am glad that on the Pacific coast and in the intermountain region men have come forward to speak in the Senate and in the House of Representatives with a farsighted vision not only of these days of which we are a part, but of times after we have passed off this scene of action. I have studied the Forest Service in practically all the Rocky Mountain regions.

I especially found pleasure in studying it in the great State of Oregon, stopping at nearly every town of importance in the State. I have wandered up into the mountains and come in contact with forest rangers and with painted signs with which the Government control of the forest reserves is marked. I was not insulted by anyone; I was met with kindness and friendly interest upon all hands. I saw the signs on great trees: "Forest Reservation. Beware of Fires;" and a recitation of the regulations against setting out fires and against certain other violations of the police regulations which had been established in those reservations. I found there an organized scheme to do for Oregon and for Idaho and for that far-off Western coast of ours what, if it had been done for the Eastern States, would have been an infinite blessing from generation unto generation; and yet, side by side with these magnificent forests, I found this same petulant atmosphere of complaint, hostility arising from one source and another. I found that it was attributable in the main part to the disappointment of gentlemen—good people, I have no doubt—who had enjoyed for many years an undisturbed range for sheep and for cattle on these public domains, and in many cases an undisturbed opportunity to steal from the public forests whatever they needed either for the comfort of their families or for the prosperity of their business. I found those gentlemen gathered around in the villages at the foot of these mountain gorges complaining to me that this forest business was the worst fraud that the Government of the United States has ever embarked in. I do not take that view of it; but I found intelligent stockmen in those mountains who took the very opposite view of it, and I had the privilege, as a member of the Committee on Agriculture, to cross-examine scores of representatives of the live-stock interests of the United States who appeared before the committee; and I made up my mind that it is just as well to put the live-stock business in this intermountain region upon a solid and legitimate basis as it is to leave it as it has been left for so many years to the diligence and to the avarice of individual stock breeders and stock growers.

Why should not the use of our public domain be regulated? Everybody familiar with the pasture lands of the United States knows that they have been practically destroyed by overgrazing; that they have been tramped until the very roots of the grasses have been destroyed; and what controversies have arisen between the people trying to pasture sheep and the people pasturing cattle, which have resulted in chaos and anarchy over whole sections of the country, in civil war in some sections of the United States, as graphically described by a reliable witness before the Committee on Agriculture at the last session of Congress. He said the cattlemen got up on top of the hills with loaded guns and cannon, and as the sheep came up from the valleys, as the great herd appeared in sight, he said, "they dealt them misery," using his exact language—that is to say, killed not only the sheep, but the shepherds. In the midst of that riot of practical civil war the cattle and sheep business of a great section of the United States has been conducted for nearly a generation.

Now, then, the Government owns this land. It has a right to take care of it, to say the least about it; and it is proposed to lease these pasture lands in the forest for two reasons: First, in order that they may not be overgrazed, and in the next place, that a little revenue may be derived from them to maintain the forest policy upon which we have entered.

I favor all that. I want to see it indorsed, and I should like to see it not only applied to forest reservations, but applied to all the public pasture lands of the United States. I should like to see the cattle and sheep business put upon a legitimate and substantial basis.

I know from conversation upon the ground with those interested, that at present it is the rule of the strongest, and that the poor people, without means to press their claims, are kept out altogether, while the cattle barons, with their vast herds, practically occupy and monopolize the domain that ought, at least, to be divided with all the settlers interested in the cattle and in the sheep business. For that reason I hope to see the time come when Congress, taking counsel of the distinguished Senators who represent that section of the country, will in some practical way put these lands at the disposal of the live-stock interests in an orderly way, at a nominal rental, so that the lands themselves may be preserved and the business of producing live stock may be made to prosper all through that section of the country.

Mr. TELLER. Mr. President—

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

Mr. DOLLIVER. Certainly.

Mr. TELLER. I wish the Senator from Iowa would give me a list of all the cattle barons who are not in favor of his system. I do not know a cattle baron in the West who is not in favor of leasing the public lands, and I do not know a farmer in the West who is in favor of it.

Mr. DOLLIVER. Mr. President, I will call the attention of the Senator from Colorado to the hearings had at the last session before the Committee on Agriculture, where names and arguments are recorded in a supply at least equal to the Senator's demand.

Mr. TELLER. I presume some of those people said they were not in favor of it; but the great cattle barons and the great cattle organizations of Oregon have declared for it and passed resolutions in favor of it.

Mr. DOLLIVER. I have no prejudices on the subject of cattle barons. I think a man who does a big live-stock business may be as respectable as a man who does a little live-stock business. My notion is that the business itself ought to be placed upon a substantial basis, so that a man's right to pasture and the maintenance of his flocks and herds might be regulated by law and not by force.

Mr. TELLER. I called the Senator's attention to that because he seemed to be making an argument that we who do not agree in the leasing are governed by the cattle barons.

Mr. DOLLIVER. I beg the Senator's pardon.

Mr. TELLER. I want to say that 90 per cent of the cattle barons are with the Senator.

Mr. DOLLIVER. Such an imputation as that was very far from any purpose of mine. I understand perfectly well that the Senator from Colorado in this matter, as in all other matters, is governed by the highest motives and by his own sense of what is right; and yet I am afraid that he and some other friends of mine, against whom I would be the last man to utter even a suspicion, have been colored in their prejudices by the clamors of surrounding populations and have expressed rather a temporary and shortsighted view of a question that really includes all generations to come in the United States.

Mr. SMOOT. Mr. President—

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

Mr. DOLLIVER. Certainly.

Mr. SMOOT. I rather think, perhaps, that there is a great majority of cattle barons in favor of the proposition of forest leasing, while, on the other hand, I think there is a great majority of sheep owners who are opposed to it.

Mr. TELLER. Mr. President, I did not speak of the sheep men, because I do not know anything about the sheep men, and I do not pretend to; but I do know about the cattlemen. Colorado is not a sheep country, except in the extreme southern part, on the New Mexican border. I know very little about the sheep business compared with what I know about the cattle business.

Mr. DOLLIVER. Now, a word further. What is this \$500,000 asked for? It is asked by the Chief Forester upon the estimate of the Department, because he has to have a working capital to carry on the business that he is engaged in—the necessary business incident to the administration of the forests. Originally he could take the proceeds of the pastures he rented and of the timber which he sold and use them to pay the current expenses as a substitute for capital stock for the transaction of this business. But very properly, I think, Congress now requires every dollar that he takes in to be covered directly into the Treasury; and, therefore, without this appropriation he would be without means to take any steps toward caring for or protecting these vast property interests. I do not believe for a moment that any Senator will leave the Government of the United States in a position of being charged with the responsibility of nearly 200,000,000 acres of these valuable lands without an adequate appropriation to enable the Department of Agriculture to take care of them and to protect them with at least a partial care.

It requires a good deal of money to take care of them economically. These lands are scattered far and wide. In the nature of the case only a few rangers can be placed upon them. If fires break out, it is important that there should be means of instantaneous communication from one part of the reserve to another, so that the rangers may gather their forces and all appear at the place of danger. That can be provided for only by an elaborate system of telephone wires and poles throughout the forest domain. There must be places for the rangers to live. They can very cheaply construct houses in the forests for their homes, or, at least, for their headquarters. There must be bridges. Often a fire will occur miles away from the place where the ranger's hut is. If he could have a direct route to it, he would be possibly within a mile, but by reason of the canyons, the unfordable streams, and the impassable marshes in the

interim between his position and the place of the fire, it becomes impossible for the ranger to reach it. So that the economical administration of the forest requires roadways. It requires oftentimes bridges; it requires the removal of obstructions in footpaths that follow through the mountains. It is for these reasons that this money is absolutely necessary.

I would a good deal rather a man would stand up and say "This forest policy is unnecessary; I am against it; it is a wrong policy," than to leave the Forester without means to take care of these vast interests after the United States has taken them under its protection.

I am not one of those disposed to criticize the Chief Forester. I know him with only a very limited acquaintance, but I have taken a little opportunity to study some of his history and his biography. I regard him as a providential man for the United States. We maintain a good many schools and colleges here, but it was not until he came on the scene that we produced anybody that was willing to turn aside from the emoluments of the great professions and from the opportunities of business in all departments of life to take up an obscure and misunderstood scientific pursuit and stick by it until he arrived at a position to be of service to the whole community of the United States. I confess I rather like the biography of that man, and I am not without a certain sense of irritation when he is referred to as a man calculated to encourage the actions of foresters which have been complained of here. On the contrary, unless I have altogether mistaken his character, if Senators would take the same pains to bring to his attention or to the attention of the Secretary of Agriculture the offensive actions which have caused irritation in the minds of so many of our colleagues here, I think they would get them corrected without the slightest difficulty in the world; for, if I have not misunderstood this man, he is a typical American gentleman, a man who would not encourage or tolerate on the part of the employees under him conduct unbecoming to an official of the United States.

And if I have not misunderstood altogether that fine old Scotchman who presides over the Department of Agriculture, you could not present to him a case of hardship arising in the matter of a homestead settler such as was referred to by my friend from Idaho [Mr. HEYBURN] without at once arousing an indignation in his mind that would result in more reforms than are likely to be produced by these speeches in the Senate. So that to my mind these are incidental matters that can be corrected without noise or clamor or vituperative criticism of any sort; and I do not believe they have any place in this debate.

I think the question is greater than all this. I know of no question with which we of our generation have to do greater than this question—the question of preserving the natural resources for the use of the people, not only for the present, but for future generations. I am not alarmed as some are about the ruin of the forests, being likely to destroy the building material of the United States. I inherited a very comfortable theology, the general central principle of which is, that God made this world that we are living in and made it well and administers it in a general way; and I, for one, do not believe that He ever made a permanent world with a temporary supply of fuel or light or building material or any other necessity of human life. On the contrary, when an estimate was made not so many years ago by an American scientist that within one hundred and fifty years the coal supply of the whole world would be destroyed, the most famous English student of practical natural science answered that within one hundred and fifty years the use of coal will be unknown in the world because it will be superseded by other means of power and heat and light.

I feel the same way about the timber supply of the United States. I think that scientists are now at work that have already written the doom of the American lumber yard. I believe the time is within sight when the use of lumber in the construction of houses to dwell in or in the construction of the great buildings that constitute the pride of our mighty cities, will be practically unknown. In the capital of my State the most costly residences are now being builded without the use of lumber at all.

Granolithic cement, which is a distinct step of progress in building construction in our time, is gradually abolishing the use of lumber even for the ordinary outbuildings that surround the American farm. Already our lumber sidewalks are gone, and in five years our lumber barns and outbuildings on farms will be gone, and every one of us is likely to live to see the total disappearance of the use of lumber in the domestic architecture of the people of the United States. Therefore I am not one of those interested in preserving the forests from destruction for this reason alone, but my reading leads me to believe that this

world is somewhat on an equilibrium. You can not destroy the forests of the country without interfering with its climate and with its other natural forces. I have lived in a country that since it was plowed, since the sloughs were drained, and since the surface vegetation has been converted to the uses of agriculture has seen a gradual drying up of its rivers. The city of Pittsburg is every spring overflowed by a river that in the summer time is practically without water, although once a great highway of American commerce; and there is not a practical student of the question that does not understand that it arises from the destruction of the forests in the mountains of West Virginia, those mighty water supplies that for generations and for centuries and millenniums have been the Divine method of carrying down the floods to those rivers. To-day the rains fall, the floods descend, our cities are buried, and our commerce is interrupted, and we are at the very beginning of these perils in the valley of the Ohio River.

I do not want to see the same thing done in the valley of the Mississippi River. I was glad to hear the Senator from Minnesota [Mr. NELSON] say that, in cooperation with the National Government, the State of Minnesota is protecting by modern scientific methods the headwaters of the Mississippi River. I have visited the headwaters of the Missouri River, and I want to see preserved the forests that were put there for the purpose of safeguarding the sources of that great river. I went by slow stages three summers ago down the valley of the Sacramento River, in California.

I found lumbermen huddled around the base of Mount Shasta with contracts to cut hundreds of millions of feet of those mighty forests that God Himself put there to guard the source of the Sacramento River, and I said to myself and to everybody that I talked with out there, "Unless the people take more interest in their children and in the future of their community than they do in their sawmills, that mighty country, now prosperous and hopeful for the future, will become a desert within three generations."

And yet we have men introducing the forest ranger with his bad manners, the sheep herder with his desire to get in among these trees for nothing, the cattleman unaccustomed to pay for what he gets on the public domain, and a dozen other trifling circumstances to prejudice and even to put a stop to the policy which, in my humble judgment, lies at the basis of any intelligent foresight for the future of the great populations that are to live in the intermountain and coast country of the United States.

I stand for this bill. I wish the appropriation was larger. If a motion is made to make it larger, I shall have no hesitation in voting for it. But I ask the Senate not to make it less, because it certainly is bad business as well as questionable patriotism to require the Department of Agriculture to care for and protect 200,000,000 acres of forest land, and then take away from it the money that is necessary even to enter upon an intelligent discharge of the duties which the law imposes upon it.

Mr. WARREN. Mr. President, there are other large appropriation bills which I understand are ready to follow the one we are considering. I desire to get through with this as early as possible, and to that end I ask unanimous consent that when we adjourn to-day it be until 11 o'clock to-morrow, and that then we may take up this bill immediately after the reading of the Journal.

Mr. BURKETT. I desire to ask the Senator from Wyoming if that is intended to do away with the morning hour to-morrow?

Mr. KEAN. It is.

Mr. WARREN. I had so intended, because during the morning hour sometimes a debate springs up that involves one or two hours, and takes up the time until 2 o'clock, so that I might not be sure of any time before 2 o'clock.

Mr. FORAKER. I suppose if we meet at 11 o'clock the morning hour will expire at 1 o'clock.

Mr. WARREN. Yes.

Mr. BURKETT. To-morrow is Saturday, and it seems to me we ought to have a morning hour. I have no objection to meeting at 11 o'clock.

Mr. WARREN. I have no desire to cut off any particular business that the Senator may have. I wish, however, in some way we might have an agreement to take up the appropriation bill as early as possible.

Mr. CARTER. I suggest to the Senator that a motion be made that when the Senate adjourns to-day it adjourn to meet at, say, half past 10 or 11 o'clock to-morrow, and that the morning hour extend not beyond the hour of 12 o'clock.

Mr. WARREN. Perhaps unanimous consent would be given to that. I will ask it in that way, then.

The VICE-PRESIDENT. The Senator from Wyoming moves that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. WARREN. I ask unanimous consent that the morning hour to-morrow extend not beyond 12 o'clock.

The VICE-PRESIDENT. The Senator from Wyoming asks that the morning hour to-morrow shall not extend beyond 12 o'clock.

Mr. FORAKER. At the hour of 12 o'clock the unfinished business will be laid before the Senate.

Mr. KEAN. The appropriation bill.

Mr. FORAKER. I mean the unfinished business.

Mr. WARREN. I presume the Senator wishes that the unfinished business shall retain its place. There is no objection to that.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the morning hour to-morrow close at 12 o'clock.

Mr. CARTER. I suggest as an amendment that the morning hour close not later than 12 o'clock. It may close before that time.

Mr. HEYBURN. I should like to inquire whether or not under the rules we can not do that by motion? We can do it by unanimous consent, but I doubt if we can change the rule as to the morning hour—

Mr. WARREN. I have put it in that form. I have asked unanimous consent.

Mr. HEYBURN. Oh. A motion was suggested by the Senator from Montana.

Mr. WARREN. The Senator from Montana suggests that it be not later than 12 o'clock.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the morning hour to-morrow shall close not later than 12 o'clock and also that the pending bill be taken up for consideration immediately upon the conclusion of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I desire to give notice that I shall ask the Senate to proceed to the consideration of the post-office appropriation bill after the Senate shall have disposed of the pending appropriation measure.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 9, 1908, at 11 o'clock a. m.

### HOUSE OF REPRESENTATIVES.

FRIDAY, May 8, 1908.

[Continuation of the legislative day of Monday, May 4, 1908.]

The recess having expired, the House, at 11 o'clock and 30 minutes a. m., was called to order by the Speaker.

#### SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The question is on suspending the rules on the pending motion and passing the bill.

Mr. CRUMPACKER. Mr. Speaker, I suggest that there is no quorum present.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] suggests there is no quorum. The Chair will count. [After counting.] There are fifty-six Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as are in favor of the motion will, as their names are called, answer "yea," and as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 214, nays 44, answered "present" 14, not voting 115.

YEAS—214.

Acheson	Beale, Pa.	Burgess	Chaney
Adair	Bede	Burleigh	Chapman
Adamson	Bell, Ga.	Burnett	Clayton
Alexander, Mo.	Bennet, N. Y.	Burton, Del.	Cocks, N. Y.
Alexander, N. Y.	Birdsall	Burton, Ohio	Conner
Allen	Bonyng	Calder	Cook, Colo.
Ames	Boutell	Calderhead	Cook, Pa.
Andrus	Bowers	Caldwell	Cooper, Pa.
Ashbrook	Boyd	Campbell	Cooper, Wis.
Bannon	Bradley	Candler	Cox, Ind.
Barchfeld	Brantley	Capron	Craig
Barclay	Brodhead	Carlin	Cravens
Bartholdt	Brownlow	Carter	Crumpacker
Bartlett, Nev.	Brundidge	Caulfield	Currier



Dalzell	Hall	Lindbergh	Rauch
Davenport	Hamilton, Iowa	Littlefield	Reeder
Davidson	Hamilton, Mich.	Loud	Reid
Davis, Minn.	Hammond	Loudenslager	Robinson
Dixon	Harding	Lovering	Rodenberg
Douglas	Haskins	Lowden	Rothermel
Draper	Haugen	McCall	Sherley
Driscoll	Hawley	McDermott	Sims
Dwight	Hayes	McGavin	Slemp
Edwards, Ga.	Heflin	McKinlay, Cal.	Smith, Cal.
Ellis, Mo.	Higgins	McKinley, Ill.	Smith, Iowa
Ellis, Oreg.	Hill, Miss.	McKinney	Smith, Mo.
Englebright	Hinshaw	McLain	Sperry
Esch	Holliday	McMorran	Spight
Fitzgerald	Howell, N. J.	Macon	Stafford
Focht	Howell, Utah	Madison	Sterling
Fornes	Howland	Malby	Stevens, Minn.
Foss	Hubbard, Iowa	Mann	Sturgiss
Foster, Ill.	Hubbard, W. Va.	Moon, Pa.	Sulloway
Foster, Ind.	Hughes, N. J.	Moon, Tenn.	Sulzer
Foster, Vt.	Hull, Iowa	Morse	Tawney
Foulkrod	Humphrey, Wash.	Mouser	Taylor, Ohio
Fowler	Jenkins	Murdoch	Thistlewood
French	Jones, Wash.	Murphy	Thomas, N. C.
Gaines, W. Va.	Kahn	Nelson	Thomas, Ohio
Gardner, Mich.	Kelfer	Nicholls	Tirrell
Gardner, N. J.	Kennedy, Iowa	Norris	Townsend
Gilhams	Kennedy, Ohio	Nye	Underwood
Gillett	Kimball	O'Connell	Volstead
Godwin	Kitchin, Claude	Olcott	Waldo
Goebel	Knapp	Olmsted	Wanger
Goldfogle	Knopf	Overstreet	Washburn
Gordon	Küstermann	Padgett	Wheeler
Goulden	Lafean	Parker, N. J.	Wilson, Ill.
Graff	Laning	Payne	Wilson, Pa.
Greene	Law	Pearre	Wood
Griggs	Lawrence	Perkins	Woodyard
Gronna	Leake	Pollard	Young
Hackney	Lee	Pray	
Hale	Lewis	Pujo	

NAYS—44.

Alken	Fulton	Henry, Tex.	Richardson
Beall, Tex.	Garner	Hull, Tenn.	Rucker
Booher	Gill	Johnson, Ky.	Russell, Mo.
Clark, Mo.	Gillespie	Johnson, S. C.	Russell, Tex.
Cooper, Tex.	Glass	Jones, Va.	Sabath
Denver	Gregg	Lassiter	Shackelford
Ellerbe	Hackett	Lloyd	Sheppard
Favrot	Hamlin	Moore, Tex.	Slayden
Ferris	Hardy	Page	Stanley
Finley	Hay	Rainey	Stephens, Tex.
Floyd	Helm	Randell, Tex.	Tou Velle

ANSWERED "PRESENT"—14.

Burleson	De Armond	Lamb	Taylor, Ala.
Cary	Flood	Moore, Pa.	Watkins
Cockran	Haggett	Roberts	
Cousins	Houston	Sherman	

NOT VOTING—115.

Ansberry	Gaines, Tenn.	Legare	Prince
Anthony	Gardner, Mass.	Lenahan	Ransdell, La.
Bartlett, Ga.	Garrett	Lever	Reynolds
Bates	Graham	Lilley	Rhinock
Bennett, Ky.	Granser	Lindsay	Riordan
Bingham	Hamill	Livingston	Ryan
Broussard	Hardwick	Longworth	Saunders
Brumm	Harrison	Lorimer	Scott
Burke	Henry, Conn.	McCreary	Sherwood
Butler	Hepburn	McGuire	Small
Byrd	Hill, Conn.	McHenry	Smith, Mich.
Clark, Fla.	Hitchcock	McLachlan, Cal.	Smith, Tex.
Cole	Hobson	McLaughlin, Mich.	Snapp
Coudrey	Howard	McMillan	Southwick
Crawford	Huff	Madden	Sparkman
Cushman	Hughes, W. Va.	Marshall	Steenerson
Darragh	Humphreys, Miss.	Maynard	Talbott
Davey, La.	Jackson	Miller	Vreeland
Dawes	James, Addison D.	Mondell	Wallace
Dawson	James, Ollie M.	Mudd	Watson
Denby	Kelher	Needham	Webb
Diekema	Kinkald	Parker, S. Dak.	Weeks
Dunwell	Kipp	Parsons	Weems
Durey	Kitchin, Wm. W.	Patterson	Weisse
Edwards, Ky.	Knowland	Peters	Wiley
Fairchild	Lamar, Fla.	Porter	Willett
Fassett	Lamar, Mo.	Pou	Williams
Fordney	Landis	Powers	Wolf
Fuller	Langley	Pratt	

The following pairs were announced:  
Until further notice:

- Mr. WATSON with Mr. WOLF.
- Mr. VREELAND with Mr. WEISSE.
- Mr. SMITH of Michigan with Mr. WEBB.
- Mr. SCOTT with Mr. TAYLOR of Alabama.
- Mr. REYNOLDS with Mr. WALLACE.
- Mr. PRINCE with Mr. SPARKMAN.
- Mr. PORTER with Mr. SHERWOOD.
- Mr. PARSONS with Mr. SAUNDERS.
- Mr. PARKER of South Dakota with Mr. RHINOCK.
- Mr. NEEDHAM with Mr. RANSDELL of Louisiana.
- Mr. MOORE of Pennsylvania with Mr. POU.
- Mr. MILLER with Mr. PETERS.
- Mr. MARSHALL with Mr. PATTERSON.
- Mr. McMILLAN with Mr. McHENRY.
- Mr. McLAUGHLIN of Michigan with Mr. LINDSAY.

Mr. McGUIRE with Mr. LEVER.  
Mr. LONGWORTH with Mr. LENAHAN.  
Mr. LANGLEY with Mr. LEGARE.  
Mr. LANDIS with Mr. LAMB.  
Mr. KNOWLAND with Mr. KIPP.  
Mr. ADDISON D. JAMES with Mr. KELIHER.  
Mr. HUFF with Mr. OLLIE M. JAMES.  
Mr. HILL of Connecticut with Mr. HITCHCOCK.  
Mr. HENRY of Connecticut with Mr. HARRISON.  
Mr. GRAHAM with Mr. HARDWICK.  
Mr. FAIRCHILD with Mr. HAMILL.  
Mr. DUREY with Mr. GRANGER.  
Mr. DENBY with Mr. GARRETT.  
Mr. DAVES with Mr. GAINES of Tennessee.  
Mr. DARRAGH with Mr. DAVEY of Louisiana.  
Mr. CUSHMAN with Mr. CRAWFORD.  
Mr. COLE with Mr. COCKRAN.  
Mr. BURKE with Mr. ANSBERRY.  
Mr. FORDNEY with Mr. SMALL.  
Mr. CARY with Mr. LAMAR of Missouri.  
Mr. McCREARY with Mr. HOWARD.  
Mr. COUDREY with Mr. HOBSON.  
Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
Mr. POWERS with Mr. PRATT.  
Mr. DUNWELL with Mr. WATKINS.  
Mr. HEPBURN with Mr. LIVINGSTON.  
Mr. FULLER with Mr. BYRD.  
Mr. MUDD with Mr. TALBOTT.  
Mr. MADDEN with Mr. BURLESON.  
Mr. HUGHES of West Virginia with Mr. MAYNARD.  
Mr. DIEKEMA with Mr. WILEY.  
Mr. DAWSON with Mr. CLARK of Florida.  
Mr. SOUTHWICK with Mr. SMITH of Texas.  
Mr. BATES with Mr. WILLIAMS.  
Mr. FASSETT with Mr. RYAN.  
Mr. ROBERTS with Mr. BROUSSARD.  
Mr. BINGHAM with Mr. LAMAR of Florida.  
Mr. SNAPP with Mr. WILLETT.  
For the session:  
Mr. LORIMER with Mr. HUMPHREYS of Mississippi.  
Mr. COUSINS with Mr. FLOOD.  
Mr. SHERMAN with Mr. RIORDAN.  
Mr. BUTLER with Mr. BARTLETT of Georgia.  
The SPEAKER. On this question the yeas are 214; the nays, 44; answering "present," 14—a quorum; the Doorkeeper will open the doors; the ayes have it, and the bill is passed.

ADDITIONAL AIDS TO NAVIGATION.

Mr. MANN. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 20784 as amended.  
The bill, as amended, was read as follows:  
A bill (H. R. 20784) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.  
*Be it enacted, etc.,* That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following additional aids to navigation in the Light-House Establishment under the Light-House Board in the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded:

FIRST LIGHT-HOUSE DISTRICT.

A tender for use in the first light-house district and elsewhere as may be directed, at a cost not to exceed \$200,000.

THIRD LIGHT-HOUSE DISTRICT.

A light and fog-signal station at or near Negro Point, on Wards Island, Hellgate, East River, New York, at a cost not to exceed \$10,000.  
A light and signal or whistling buoy fitted with submarine bell off Point Judith, Rhode Island, at a cost not to exceed \$9,000.  
A light and signal or whistling buoy fitted with submarine bell, to be placed at or near the entrance to the dredged channel at Greenville, N. J., in New York Bay, at a cost not to exceed \$9,000.  
A new spar shop, at a cost not to exceed \$3,000, and a wooden dump scow, at a cost not to exceed \$7,500, at the general light-house depot, Tompkinsville, N. Y.  
A storehouse and dock at San Juan, P. R., at a cost not to exceed \$15,000.

FOURTH LIGHT-HOUSE DISTRICT.

The limit of cost for a light and fog-signal station on Elbow of Cross Ledge, Delaware Bay, New Jersey, authorized by an act approved April 28, 1904, is hereby increased by the sum of \$21,500, so as to make the limit of cost \$96,500 instead of \$75,000, as heretofore authorized.

The Schooner Ledge range lights, Delaware River, Pennsylvania, may be moved, so as to comply with the change in position of the dredged channel of the Delaware River, at a cost not to exceed \$10,650.

Range lights, Reedy Island, Delaware River, Delaware and New Jersey, at a cost not to exceed \$25,000 in addition to the amounts heretofore appropriated.

A temporary light at Goose Island Flats, Delaware River, Delaware, at a cost not to exceed \$15,000. And the Secretary of the Treasury shall cause the unexpended balance of the appropriation for the establishment of a light and fog-signal station at Goose Island Flats, Delaware River, in the act of March 3, 1905, to be carried to the surplus fund and covered into the Treasury.

Post lights on Delaware River between Bordentown and Trenton, N. J., at a cost not to exceed \$500.

## FIFTH LIGHT-HOUSE DISTRICT.

One buoy to be placed off Cape Henry; one buoy to be placed to the northward of the Middle Ground near the entrance to Chesapeake Bay, and one relief buoy, all to be light and signal or whistling buoys, each fitted with submarine bell, at a cost for the three buoys not to exceed \$27,000.

For a post-lantern light, at or near the mouth of Lower Broad Creek, North Carolina, at a cost not to exceed \$500.

The limit of cost for a light and fog-signal station at Ragged Point, Potomac River, Virginia, authorized by the act approved June 20, 1906, is hereby increased by the sum of \$5,000, so as to make the total limit of cost \$35,000 instead of \$30,000, as heretofore authorized.

## SIXTH LIGHT-HOUSE DISTRICT.

A tender for the use of the engineer in the sixth light-house district and elsewhere, as may be directed, at a cost not to exceed \$30,000.

A light and signal or whistling buoy, to be placed off the entrance to St. Johns River, Florida, and a relief buoy for same, at a cost not to exceed \$18,000.

## EIGHTH LIGHT-HOUSE DISTRICT.

A light and fog-signal station at or near the end of Sabine Pass Jetty, at a cost not to exceed \$40,000.

The limit of cost for light and fog-signal station at or near the outer end of one of the jetties at Galveston Harbor, as fixed by the act of June 11, 1896, is hereby increased by the sum of \$10,000, so as to make the total limit of cost \$45,000 instead of \$35,000, as heretofore authorized.

A buoy wharf and depot shed at Fort San Jacinto, Tex., Military Reservation, Galveston Harbor, at a cost not to exceed \$10,000.

## NINTH LIGHT-HOUSE DISTRICT.

A light vessel at Milwaukee Bay, Wisconsin, at a cost not to exceed \$75,000.

A fog-signal station at Grand Point au Sable, Michigan, at a cost not to exceed \$11,000.

## TENTH LIGHT-HOUSE DISTRICT.

A light station at each of the east and west breakwater pierheads, entrance to Cleveland Harbor, Ohio, at a cost not to exceed \$45,000.

## ELEVENTH LIGHT-HOUSE DISTRICT.

The limit of cost of the relief light vessel for the ninth and eleventh light-house districts, authorized by the act approved March 3, 1903, is hereby increased by the sum of \$20,000, so as to make the total limit of cost \$50,000 instead of \$30,000, as heretofore authorized.

The Light-House Board shall make survey and estimate the cost and report upon the feasibility and need of establishing a light and fog station on Gull Island, or the easterly end of Michigan Island, Apostle Group, and whether when said station is established the existing station on the westerly end of Michigan Island can be safely closed, such survey and report to cost not to exceed the sum of \$2,000.

## TWELFTH LIGHT-HOUSE DISTRICT.

A light and fog-signal station at or near Four Mile Creek, near Punta Gorda, Cal., at a cost not to exceed \$60,000.

A light and fog-signal station at some point on the northerly or westerly coast of Kaula Island, Hawaii, at a cost not to exceed \$75,000.

## THIRTEENTH LIGHT-HOUSE DISTRICT.

The Light-House Board shall survey and estimate the cost and report upon the feasibility and need of establishing a light-vessel or light station at or near Orford Reef, off Cape Blanco, Oregon, such survey and report to cost not to exceed the sum of \$2,000.

SEC. 2. That the Secretary of Commerce and Labor is hereby authorized to enter into contract or contracts for any or all of the items provided for in section 1 of this act within the limits of cost therein respectively provided.

SEC. 3. That the Secretary of Commerce and Labor is hereby authorized to establish and provide in the Light-House Establishment at such places as shall, in the opinion of the Light-House Board, be for the best interests of the Light-House Service, two oil houses, at a cost not to exceed \$1,500 for each one.

SEC. 4. That it is hereby made the duty of the Light-House Board to care for and maintain the anchorage buoys in New York Harbor and Philadelphia Harbor heretofore placed there by the United States.

SEC. 5. That any person, firm, company, or corporation required by law to maintain a light or lights upon any bridge or abutments over or in any navigable waters, who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$100 for each offense, and each day during which such violation shall continue shall be considered as a new offense.

SEC. 6. That it shall be unlawful for any person to obstruct or interfere with any aid to navigation established or maintained in the Light-House Establishment under the Light-House Board, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$500 for each offense, and each day during which such violation shall continue shall be considered as a new offense.

SEC. 7. That the Secretary of Commerce and Labor shall annually cause the Light-House Board to make a report to him for transmission to Congress of all aids to navigation in service which may be discontinued without distinct injury to the interests of navigation.

SEC. 8. That the Light-House Board is authorized to employ temporarily at Washington, not exceeding three craftsmen, to be paid at current rates, to prepare plans for the tenders and light vessels authorized by this act and to be paid from the respective appropriations therefor, such employment to terminate on or before the date when the plans for such tenders and vessels shall be finished and proposals for building them respectively are invited by advertisements.

SEC. 9. That every light-house keeper and assistant light-house keeper in the Light-House Establishment of the United States shall be entitled to receive one ration per day or, in the discretion of the Light-House Board, commutation therefor at the rate of 30 cents per ration.

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

The SPEAKER. Under the rule a second is considered as ordered. The gentleman from Illinois [Mr. MANN] is entitled to twenty minutes, and the gentleman from Georgia [Mr. ADAMSON] is entitled to twenty minutes.

Mr. MANN. Mr. Speaker, this is a bill providing for additional aids to navigation for the Light-House Service, running

from Maine to California, including one light-house in the Hawaiian Islands, and an additional provision for a light-house station in Porto Rico. The total authorization carried by the bill is \$759,650; but the bill provides for one temporary light station at a cost of \$15,000 in place of a light station heretofore authorized at a cost of \$85,000 upon the Delaware River, so that that temporary light station is estimated will last for some considerable time.

In addition to the authorization for the general aid to navigation, there is a provision for a ration of 30 cents a day for the light-house keepers. That is practically an increase in the pay of the light-house keepers. Under the existing law the average pay of the light-house keepers can not exceed \$50 per month. In some places the keepers are paid more than \$50 a month, and in other places less; but the law provides an average of not exceeding \$50 a month. As an actual fact, the average pay is \$46 per month. We have recently increased the pay of the Life-Saving Service by a ration and by other provisions. This bill to that extent increases by the ration per day, or, where the Light-House Board shall authorize, a commutation of the ration. In some places it is undoubtedly more desirable to supply the ration in kind, because the light-house tender can deliver the ration without difficulty, and to the keeper it is a great matter of expense to obtain the ration.

Now, Mr. Speaker, if any gentleman desires to make further inquiry, I will be glad to do the best I can to reply.

Mr. UNDERWOOD. I desire to ask the gentleman a question or two about the bill. I am not posted on it. I see in section 5 of the bill—

That any person, firm, company, or corporation required by law to maintain a light or lights upon any bridge or abutments over or in any navigable waters, who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same, shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$100 for each offense, and each day during which such violation shall continue shall be considered as a new offense.

Now, I want to ask the gentleman this: Does that provision contemplate punishment for the violation of a rule now in force or a rule to be enacted hereafter?

Mr. MANN. I may say to the gentleman that where we pass bills for bridges over navigable streams—and of course they can only be located by direct or indirect consent of Congress—it is the practice to put in the bill and in the general bridge law a provision that these lights shall be maintained by the persons erecting the bridge in accordance with the rules and regulations to be promulgated by the Department or by the Light-House Board. Now, I think this provision will apply to the rules and regulations hereafter put in force, if they can lawfully be put in force.

Mr. UNDERWOOD. That is what I desire to call the gentleman's attention to. It seems to me clear that we can not delegate to the Light-House Board our legislative authority to create a penal offense, and if we authorize them in the future to make rules and regulations that by virtue of their making becomes a crime, it is clearly unconstitutional; and if that is the construction of the provision, does it not jeopardize all of section 5, because it is all in the same provision? And could the Supreme Court separate what is constitutional and what is not constitutional?

Mr. MANN. It seems to me, and I am frank to say so, that in order to make the provisions of the bill effective at all, it was necessary to refer to the rules and regulations, because the laws that we passed heretofore provide for rules and regulations. I thought it was advisable not to take the unlimited chance of providing for rules and regulations. If the rules and regulations are lawful, we have a right to say that a violation of those rules and regulations shall be a misdemeanor.

Mr. UNDERWOOD. I am satisfied the gentleman will find—I can not now refer to the authority, because I have not got it—that we can not pass a bill providing for rules and regulations to be made hereafter and make a violation of those rules and regulations a misdemeanor.

Mr. MANN. I think the gentleman is mistaken in his recollection. The principal case on the subject is the case involving the cattle quarantine regulations in which the Supreme Court of the United States held that we could not delegate to the Secretary of Agriculture the power to make regulations and then punish. But that case does not go to the extent which the gentleman from Alabama would suggest and which we all thought it should. We have had the matter up constantly in our committee. It is a common thing in these discussions to raise that question, and we have endeavored to guard against it in this bill.

Mr. UNDERWOOD. I would like to know if the gentleman can cite a case which overcomes the decision of the cattle case.

Mr. MANN. I think the decision in the cattle case does not affect this bill.

Mr. UNDERWOOD. If there is no decision, it seems to me clearly along the same line, that we can not delegate our legislative authority.

Mr. MANN. Clearly we could not delegate our legislative authority.

Mr. UNDERWOOD. And allow this Light-House Board by the adoption of a rule to make the violation of it a criminal offense.

Mr. MANN. I do not think there is any question whatever but that we can say to a man when we give him the right to build a bridge that he shall do certain things in accordance with rules and regulations to be prescribed by the Light-House Board, and that we can say if he does not follow those rules and regulations which the Light-House Board have provided it shall be a misdemeanor.

Mr. UNDERWOOD. I agree to that.

Mr. MANN. And when he accepts the provision of law giving him the right to build a bridge, I think he is estopped from raising any question about it.

Mr. UNDERWOOD. I agree with the gentleman that, if the regulation is made in advance, then of course it applies to that regulation. I do not agree with him, if the regulations or rules or law prescribing the crime and fixing the penalty is made after the passage of the bill; I contend that would be unconstitutional and it would be a delegation of legislative authority.

Mr. MANN. I think it is plain that if it is a lawful rule, we can punish the violation of it, and that is all we attempt to do here.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask the gentleman a question. I could find out by reading the bill, but it will be quicker to ask the gentleman from Illinois. Will the gentleman tell me what rate of commutation is provided for rations?

Mr. MANN. Thirty cents a day.

Mr. HULL of Iowa. The same as the Military Academy.

Mr. SULZER. Mr. Speaker, in my opinion, this is a good bill—a meritorious measure—and ought to be passed. It is along the lines of progress and in the interest of good government. Among the most honest, efficient, and industrious men in the service of the Government are the light-house keepers of the country. They are honest and sober, brave and courageous. They do a great work. They should be well paid. I wish the bill went very much further in this regard. Their pay at present is entirely inadequate. They do not receive the recognition to which they are entitled for the long hours of their arduous labors—for the heroic work they so zealously render in season and out of season.

Now, sir, another matter in this connection of much interest to all the people of this country. We have a splendid light-house service and excellent light-houses on the Atlantic and the Gulf coasts. I am sorry I can not say as much for our Pacific coast. We must do something speedily to remedy the lack of light-houses on the Pacific. We are away behind Mexico and Canada out there, and it is very much to our discredit and to our disadvantage. The Light-House Board should wake up, and Congress should take immediate action to build more light-houses on the Pacific—especially in and about Alaska—in the north Pacific and in Bering Sea. We have too few light-houses and a most inadequate light-house service on the Pacific coast, especially in Alaska. There ought to be more light-houses in Alaska. Requests and demands come frequently from people doing business up there to the Government for additional light-houses. Why are they ignored? Some one is blundering. The Canadian government in its possessions on the north Pacific has built splendid light-houses, for which the Canadians are justly entitled to great credit. In recent years very few wrecks have occurred in the waters of the Canadian possessions on the Pacific. We have had some very bad wrecks along our north Pacific possessions, and it is due very much to the fact that in and around Alaska we have very few light-houses. We must remedy this, and the sooner we do so the better.

I am in favor of this bill, because I believe the light-house keepers and their assistants do not receive adequate compensation for the arduous duties they perform, and I want to see the committee which has this legislation in charge give us more light-houses and a better light-house service on the Pacific coast, especially in the waters of Alaska.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Illinois a question.

Mr. MANN. I yield to the gentleman.

Mr. GAINES of Tennessee. The gentleman from Illinois and the gentleman from Alabama [Mr. UNDERWOOD] were talking about these rules a few moments ago, giving some officer a right to make rules and making a disobedience of those rules a misdemeanor. Is that a correct statement of the proposition?

Mr. MANN. In a way, yes; but that is not the point.

Mr. GAINES of Tennessee. If it is not the point, then I want to know what the point is.

Mr. MANN. We provide in the bill that a person who refuses to maintain a light on a bridge that is required by law, or shall refuse to obey any of the lawful rules and regulations relating to the same, shall be guilty of a misdemeanor.

Mr. GAINES of Tennessee. I was just going to make this statement: That a rule made by a Department officer within the limits of the law is perfectly valid and justifiable, and disobedience of it should be punished; but a rule made in excess of the law would be, of course, no rule at all, and punishment for disobedience of it could not be enforced.

Mr. MANN. The gentleman will notice that we have corrected that in the bill. I reserve the balance of my time.

Mr. ADAMSON. Mr. Speaker, as I understand the motion made by the gentleman from Illinois [Mr. MANN], it includes the amendment to strike section 10 out of the bill.

Mr. MANN. That is correct. Section 10 was not read. An amendment provided for the passage of the bill with section 10 out.

Mr. ADAMSON. That eliminates the only ground of opposition that I had to the bill, because I conceived that it proposed to initiate a civil pension list. I have no objection to the bill now. I believe all of the projects carried in it are meritorious ones. I do not care to oppose any of them. We have done the best we could in the preparation of the bill, and think now that it ought to be passed as it is presented with the amendment. If any gentleman is opposed to any part of the bill I will cheerfully yield him time if he desires. Otherwise, I yield to the gentleman from North Carolina [Mr. THOMAS] five minutes.

Mr. THOMAS of North Carolina. Mr. Speaker, I do not wish to detain the House, as the House is now ready to vote on this bill. I am very heartily in favor of it and I regard it as a meritorious bill. It is the usual bill for providing aids to navigation, light-houses, and beacon lights throughout the United States, on the Atlantic coast, on the Pacific coast, and on the Gulf coast and Lakes. The amount carried by the bill is comparatively small. According to the report of the committee, for the whole country, it is about \$700,000. I am very glad to see, Mr. Speaker, that the committee has incorporated in the bill, in addition to the provisions for light-houses and beacon lights throughout the United States, a provision for some slight additional compensation to light-house keepers.

I think they are a very meritorious and worthy class of men. Representing as I do in part a coast district, I have been very much interested in some increase of the salaries of this very worthy class of American citizens. Some time ago I addressed a letter to the Light-House Board asking if something could not be done toward an increase of their compensation, and I received the following reply:

DEPARTMENT OF COMMERCE AND LABOR,  
LIGHT-HOUSE BOARD,  
Washington, February 19, 1908.

HON. CHAS. R. THOMAS, M. C.,  
House of Representatives, Washington, D. C.

SIR: In reply to your inquiry relative to the appropriation "Salaries of keepers of light-houses," the Board has the honor to state that the amount appropriated for salaries of keepers for the present fiscal year is \$950,000; for the next fiscal year \$1,100,000 has been asked. The increase is intended to pay keepers appointed for lights to be established and to provide for an increase in keepers' salaries.

Section 4673 of the Revised Statutes provides that light-keepers shall not exceed an average of \$600 a year each. The Light-House Board in its Annual Report for the fiscal year ended June 30, 1907, page 16, recommended that this average be increased from \$600 to \$700 a year each, in order that the salaries of all keepers might be increased, provided sufficient funds should be appropriated by Congress for the purpose.

The Board does not find that the Department has taken any action looking to a change in the above-named section 4673, and is under the impression that special legislation changing this statute will be necessary before an increase in the salaries of light-keepers can be accomplished.

Respectfully,

J. H. HELM,  
Captain, United States Navy, Naval Secretary.

Following up that letter, Mr. Speaker, I introduced a bill to amend section 4673 of the Revised Statutes of the United States, so as to provide for an increase in the average salaries of this worthy class of men from \$600 per year to \$700. That bill is now pending before the Committee on Interstate and Foreign Commerce.

Mr. MANN. What is the number of the bill?

Mr. THOMAS of North Carolina. I have not the number here. That bill was referred to by Captain Helm, naval secretary, and connected with the Light-House Board, in his statement made before the Committee on Appropriations, in the following language printed in the hearings:

The Board has recommended, and the Secretary of Commerce and Labor has approved, that the average allowed by law be raised from \$600 to \$700. The Light-House Board prepared a bill to this effect by request of Representative THOMAS, and we are under the impression

that he has introduced same. At any rate, the Board is anxious for a recommendation from your committee and an act of Congress providing for same.

I did introduce, Mr. Speaker, such a bill as stated by Captain Helm, providing for a slight increase of salary to light-house keepers. My bill has not been reported as yet, and I am informed by the Committee on Interstate and Foreign Commerce that one of the reasons why it has not been reported is the fact that the Committee on Interstate and Foreign Commerce has put in this bill a provision, section 9, which gives some additional compensation to light-house keepers. Section 9 of this bill provides:

That every light-house keeper and assistant light-house keeper in the Light-House Establishment of the United States shall be entitled to receive one ration per day or, in the discretion of the Light-House Board, commutation therefor at the rate of 30 cents per ration.

That provision in the bill, Mr. Speaker, will give about \$9 per month additional compensation to light-house keepers, and as the Committee on Interstate and Foreign Commerce, in its judgment, has not seen fit to report my bill—I hope they will do so—I am at least glad to see that they have included this slight additional increase of compensation to light-house keepers in the pending bill. This class of men, in my judgment, living as they do, Mr. Speaker, a solitary life upon the coast in the midst of storm and of constant danger, and separated as they are from their families, in view of the increased cost of living, are justly entitled to this slight increase in compensation. I wish it could be made more. I wish my bill could be passed, increasing their average compensation from \$600 to \$700 a year, but if, in the wisdom of the committee and of the Congress, no more can be done than simply to give them the increase of one ration a day, I shall, with the other friends of the light-house keepers in the House of Representatives, rest content now with this slight increase. I hope in the future that something more can be done. The present sundry civil bill only carries \$1,000,000 for salaries of light-house keepers, so that there is no fund provided, now, from which, if my bill was favorably reported, their salaries could be paid, and as section 9, which I have read, gives some aid to them I am very glad to see it incorporated in the pending bill, which I hope will pass without a dissenting voice.

Mr. MANN. Mr. Speaker, the gentleman's bill was a pretty good bill, but the increase we have proposed is more than was carried by the gentleman's bill, and while he talks about this bill being a slight increase, and he wishes we would report his bill, I will say that the smallest amount is increased \$108 a year, and at the greatest, his bill only increases \$100 a year, so I suspect the gentleman is fairly well satisfied.

Mr. THOMAS of North Carolina. Mr. Speaker, I am very glad to have that statement made by the gentleman from Illinois.

Mr. ADAMSON. Mr. Speaker, I desire to yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this is for the benefit of the life-saving crews of the United States. They are upon the bosom of the mighty deep saving lives. Now, I would like to ask this great body when are we going to pass a bill here to help save the lives of the miners, who are constantly losing their lives in carrying on the mining of this country? I am gratified to give this increase of salary to these life-saving men—a service so necessary. They are entitled to it, and the committee has reported the bill in their favor. Now, they are all right; they have what they want; their lives are made safe and their wages increased. Now, let us aid by our vigorous and patriotic imagination, our strong arm, and our love of the fair thing the bill that the friends of the miners are trying to pass here, which will protect the heroes who delve in the bowels of the earth and lose their lives in digging up the commodity that makes us warm at our firesides, that builds up and turns the wheels of our commerce and our trade. I have heard it said here, and hence I speak this morning, that since we discussed this mining-bureau proposition here a day or two ago that perhaps the proposition covering this evil will be taken up here in a day or two. I have inquired this morning, and I hear nothing more of it, and I hope—I sincerely hope—that before another week passes over our heads we will have a bill passed in this body and sent over to the Senate, and that it will receive favorable action there. These miners we know are suffering; we know we have the constitutional power to go into the mines in our Territories, in every district, into all public lands within the jurisdiction of the United States and compel obedience to the laws of our great country. There is no just excuse for delay in this matter. [Applause.]

Mr. ADAMSON. Mr. Speaker, I have no other request for time. I will reserve the balance of my time.

Mr. MANN. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. ADAMSON. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 268, nays 3, answered "present" 10, not voting 106, as follows:

YEAS—268.

Adair	Douglas	Huff	Olcott
Adamson	Draper	Hughes, N. J.	Olmsted
Aiken	Driscoll	Hull, Iowa	Padgett
Alexander, Mo.	Dwight	Humphrey, Wash.	Page
Alexander, N. Y.	Edwards, Ga.	James, Ollie M.	Parker, N. J.
Ames	Ellerbe	Jenkins	Patterson
Andrus	Ellis, Mo.	Johnson, Ky.	Payne
Ansberry	Ellis, Oreg.	Johnson, S. C.	Peatre
Anthony	Englebright	Jones, Va.	Perkins
Ashbrook	Esch	Jones, Wash.	Pollard
Bannon	Fassett	Kahn	Porter
Barchfeld	Favrot	Kelfer	Pou
Barclay	Ferris	Kennedy, Iowa	Pray
Bartholdt	Finley	Kennedy, Ohio	Prince
Bartlett, Nev.	Fitzgerald	Kimball	Pujo
Beale, Pa.	Floyd	Kinkaid	Rainey
Beall, Tex.	Focht	Kipp	Randell, Tex.
Bede	Fornes	Kitchin, Claude	Rauch
Bell, Ga.	Foss	Knopf	Reeder
Bennet, N. Y.	Foster, Ill.	Küstermann	Reid
Birdsall	Foster, Vt.	Lafean	Richardson
Bonyng	Foulrod	Lamb	Robinson
Booher	Fowler	Landis	Rodenberg
Boutell	French	Lassiter	Rothermel
Bowers	Fulton	Lay	Rucker
Boyd	Galnes, Tenn.	Lawrence	Russell, Mo.
Bradley	Gardner, Mich.	Leake	Russell, Tex.
Brantley	Gardner, N. J.	Lee	Eabath
Brodhead	Gilhams	Legare	Shackleford
Brownlow	Gill	Lewis	Sheppard
Burgess	Gillett	Lindbergh	Sherley
Burleigh	Glass	Littlefield	Sims
Burnett	Godwin	Lloyd	Slayden
Burton, Del.	Goebel	Longworth	Slomp
Burton, Ohio	Goldfogle	Loud	Smith, Cal.
Calder	Gordon	Loudenslager	Smith, Iowa
Calderhead	Goulden	Lovering	Smith, Mich.
Caldwell	Greene	Lowden	Smith, Mo.
Campbell	Gregg	McCall	Sparkman
Candler	Griggs	McDermott	Sperry
Capron	Hackett	McGavin	Splight
Carter	Hackney	McHenry	Stafford
Caulfield	Hale	McKinlay, Cal.	Stirling
Chapman	Hall	McKinley, Ill.	Stevens, Minn.
Clark, Mo.	Hamilton, Iowa	McKinney	Sturgiss
Clayton	Hamilton, Mich.	McMorran	Sulloway
Cockran	Hammond	Macon	Sulzer
Cocks, N. Y.	Harding	Madison	Tawney
Cole	Hardwick	Malby	Taylor, Ala.
Conner	Hardy	Mann	Thomas, N. C.
Cook, Pa.	Haskins	Maynard	Thomas, Ohio
Cooper, Pa.	Haugen	Miller	Tirrell
Cooper, Tex.	Hawley	Mondell	Tou Velle
Cooper, Wis.	Hay	Moon, Pa.	Underwood
Craig	Hayes	Moon, Tenn.	Volstead
Cravens	Heilin	Moore, Pa.	Vreeland
Crumacker	Henry, Tex.	Moore, Tex.	Wanger
Dalzell	Hepburn	Morse	Washburn
Darragh	Higgins	Mouser	Watson
Davenport	Hill, Conn.	Murdock	Wheeler
Davidson	Hill, Miss.	Murphy	Wilson, Ill.
Davis, Minn.	Hinshaw	Needham	Wilson, Pa.
Dawson	Hitchcock	Nelson	Wolf
De Armond	Houston	Nicholls	Wood
Denby	Howland	Norris	Woodyard
Denver	Hubbard, Iowa	Nye	Young
Dixon	Hubbard, W. Va.	O'Connell	

NAYS—3.

Garner Hamlin Helm  
ANSWERED "PRESENT"—10.

Burleson Flood Hull, Tenn. Small  
Cousins Gillespie Roberts  
Cox, Ind. Graff Sherman

NOT VOTING—106.

Acheson	Fairchild	Lamar, Fla.	Rhinock
Allen	Fordney	Lamar, Mo.	Riordan
Bartlett, Ga.	Foster, Ind.	Langley	Ryan
Bates	Fuller	Lanig	Saunders
Bennett, Ky.	Galnes, W. Va.	Lenahan	Scott
Bingham	Gardner, Mass.	Lever	Sherwood
Broussard	Garrett	Lilley	Smith, Tex.
Brumm	Graham	Lindsay	Snapp
Brundidge	Granger	Livingston	Southwick
Burke	Gronna	Lorimer	Stanley
Butler	Haggott	McCreary	Steenerson
Byrd	Hamill	McGuire	Stephens, Tex.
Carlin	Harrison	McLachlan, Cal.	Talbot
Cary	Henry, Conn.	McLain	Taylor, Ohio
Chaney	Hobson	McLaughlin, Mich.	Thistlewood
Clark, Fla.	Holiday	McMillan	Townsend
Cook, Colo.	Howard	Madden	Wallace
Coudrey	Howell, N. J.	Marshall	Watkins
Crawford	Howell, Utah	Mudd	Webb
Currier	Hughes, W. Va.	Overstreet	Weeks
Cushman	Humphreys, Miss.	Parker, S. Dak.	Weems
Davey, La.	Jackson	Parsons	Welss
Dawes	James, Addison D.	Peters	Wiley
Diekema	Kelher	Powers	Willitt
Dunwell	Kitchin, Wm. W.	Pratt	Williams
Durey	Knapp	Ransdell, La.	
Edwards, Ky.	Knowland	Reynolds	

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:  
Until further notice:

Mr. SCOTT with Mr. WEBB.  
Mr. TOWNSEND with Mr. WEISSE.  
Mr. THISTLEWOOD with Mr. STEPHENS of Texas.  
Mr. TAYLOR of Ohio with Mr. STANLEY.  
Mr. MARSHALL with Mr. RANDELL of Louisiana.  
Mr. HUGHES of West Virginia with Mr. PETERS.  
Mr. HOWELL of New Jersey with Mr. McLAIN.  
Mr. GRONNA with Mr. OLLIE M. JAMES.  
Mr. CURRIER with Mr. HULL of Tennessee.  
Mr. COOK of Colorado with Mr. HARRISON.  
Mr. BURTON of Delaware with Mr. GARRETT.  
Mr. BURKE with Mr. GILLESPIE.  
Mr. GAINES of West Virginia with Mr. LENAHAN.  
Mr. ALLEN with Mr. CARLIN.  
Mr. HOLLIDAY with Mr. COX of Indiana.  
Mr. McMILLAN with Mr. LIVINGSTON.  
Mr. KNAPP with Mr. DAVEY of Louisiana.  
Mr. JENKINS with Mr. CLARK of Florida.  
For balance of this day:

Mr. GRAFF with Mr. BRUNDRIDGE.

The result of the vote was announced as above recorded.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 179. Joint resolution amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6987. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain dependent relatives of such soldiers and sailors.

S. 4453. An act to aid in the erection of a monument to Pocahontas at Jamestown, Va.

The message also announced that Mr. McCUMBER, at his own request, was relieved from further service as one of the conferees on the bills H. R. 16268, making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, and S. 2420, granting an increase of pension to Margaret K. Hern, and that the Vice-President had appointed Mr. BURNHAM in his place.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4453. An act to aid in the erection of a monument to Pocahontas at Jamestown, Va.—to the Committee on the Library.

S. 6987. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

REPRINT OF REPORT.

Mr. BRANTLEY. Mr. Speaker, I ask unanimous consent for reprint of Report No. 1514 with views of Judiciary Committee, with permission for certain members of the committee who have not filed views to file them as a part of such reprint.

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

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move to suspend the rules and adopt the conference report on the bill making appropriation for the Army for the ensuing fiscal year, and pending that, Mr. Speaker, I desire to ask unanimous consent that the debate may be extended to one hour on a side.

The SPEAKER. Is there objection?

Mr. SULZER. We have no objection to that.

The SPEAKER. Is there objection to the request as to debate? [After a pause.] The Chair hears none.

The gentleman from Iowa [Mr. HULL] moves to suspend the rules and agree to the conference report on the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

Mr. HAY. Mr. Speaker—

The SPEAKER. Does the gentleman from Iowa desire to ask that the statement be read?

Mr. HULL of Iowa. I ask unanimous consent that the statement may be read in lieu of the report.

Mr. HAY. Mr. Speaker, before that is done—

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

Mr. HAY. Mr. Speaker, I ask that there be some understanding as to who shall control the time. I demand a second.

The SPEAKER. If there is no understanding, recognition would be in the hands of the Chair. Does the gentleman desire to submit a request?

Mr. HAY. I demand a second, and I think that will give me control of the time.

Mr. HULL of Iowa. Mr. Speaker, it is too late to demand a second now, I should imagine, on that. The second is ordered under the rules anyhow, but my idea was that I would take the floor and control one hour, and I assume that the gentleman from Virginia [Mr. HAY] or the gentleman from New York [Mr. SULZER] will take the floor and control the other hour.

Mr. HAY. As I am on the conference committee, I presume I would have control of the time.

Mr. SULZER. I ask that my colleague on the committee, who is opposed to the conference report, control the time in opposition to it.

The SPEAKER. And the gentleman from Iowa [Mr. HULL] the other hour. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT 1608.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, 28, 31, 40, 41, 60, 73, 74, 77, 78, 79, 80, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 35, 36, 37, 38, 42, 43, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 75, 76, 82, 84, 85, and 86, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "thirty-five" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 4 of said amendment, strike out "thirty-five" and insert "twenty;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"That hereafter the annual pay of officers of the Army of the several grades herein mentioned shall be as follows: Major-general, eight thousand dollars; brigadier-general, six thousand dollars; colonel, four thousand dollars; lieutenant-colonel, three thousand five hundred dollars; major, three thousand dollars; captain, two thousand four hundred dollars; first lieutenant, two thousand dollars; second lieutenant, one thousand seven hundred dollars. And the pay of cadets at the Military Academy shall hereafter be six hundred dollars a year. That hereafter the United States shall furnish mounts and horse equipments for all officers of the Army below the grade of major required to be mounted, but in case any officer below the grade of major required to be mounted provides himself with suitable mounts at his own expense, he shall receive an addition to his pay of one hundred and fifty dollars per annum if he provides one mount, and two hundred dollars per annum if he provides two mounts. Section twelve hundred and sixty-seven of the Revised Statutes of the United States is hereby amended to read as follows: 'In no case shall the pay of a colonel exceed five thousand dollars a year; the pay of a lieutenant-colonel exceed four thousand five hundred dollars a year, or the pay of a major exceed four thousand dollars a year.' *Provided*, That nothing in this section is intended to increase or change or shall be construed as increasing or changing the present pay or allowances of any officer in the United States Navy; and section thirteen of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March third, eighteen

hundred and ninety-nine, shall not be construed as changing the pay of any naval officer by reason of the provisions of this act.

"That hereafter, immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.

"That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, seventy-five dollars; engineers, sixty-five dollars; sergeants first-class Hospital Corps, fifty dollars; regimental sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, sergeants-major senior grade coast artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance-sergeants, battalion quartermaster-sergeants of engineers, electrician-sergeants first class, sergeants first class Signal Corps, and first sergeants, forty-five dollars; battalion sergeants-major of infantry and field artillery, squadron sergeants-major, sergeants-major junior grade coast artillery, battalion quartermaster-sergeants field artillery, and master gunners, forty dollars; electrician-sergeants second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color-sergeants, thirty-six dollars; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, stable-sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, thirty dollars: *Provided*, That mess sergeants shall receive six dollars per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics, coast artillery, twenty-four dollars; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, twenty-one dollars: *Provided*, That not to exceed one blacksmith and farrier in each troop of cavalry and one mechanic in each battery of field artillery shall receive nine dollars per month additional for performing the duty of horseshoer; privates first class of engineers, ordnance, Signal Corps, and Hospital Corps, eighteen dollars; privates, Hospital Corps, sixteen dollars; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance, fifteen dollars.

"That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: For those whose initial pay as provided herein is thirty-six dollars or more, an increase of four dollars monthly pay for and during the second enlistment, and a further increase of four dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is eighteen, twenty-one, twenty-four, or thirty dollars, an increase of three dollars monthly pay for and during the second enlistment, and a further increase of three dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is fifteen and sixteen dollars, an increase of three dollars monthly pay for and during the second and third enlistments each, and a further increase of one dollar for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than

half of his enlistment shall be considered as having served an enlistment period within the meaning of this act; that the present enlistment period of men now in service shall be determined by the number of years' continuous service they have had at the date of approval of this act, under existing laws, counting three years to an enlistment, and the former service entitling an enlisted man to reenlisted pay under existing laws shall be counted as one enlistment period: *And provided further*, That hereafter any private soldier, musician, or trumpeter honorably discharged at the termination of his first enlistment period who reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

"That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive two dollars per month; as sharpshooters, three dollars per month; as expert riflemen, five dollars per month; as second-class gunners, two dollars per month; as first-class gunners, three dollars per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, seven dollars per month; as plotters, observers first class, and casemate electricians, nine dollars per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

"That increase of pay for service beyond the limits of the States comprising the Union, and the territories of the United States contiguous thereto, shall be as now provided by law.

"That hereafter the monthly pay during the first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

"Chief musicians, seventy-five dollars; principal musicians and chief trumpeters, forty dollars; sergeants and drum-majors, thirty-six dollars; corporals, thirty dollars; and privates, twenty-four dollars; and the continuous-service pay of all grades shall be as provided in this act: *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.

"That sections twelve hundred and eighty, twelve hundred and eighty-one, and twelve hundred and eighty-four of the Revised Statutes be, and are hereby, repealed, and so much of section forty-eight hundred and nineteen as pertains to the deduction of twelve and one-half cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

"That section six of the act entitled "An act for the better organization of the line of the Army of the United States," approved April twenty-sixth, eighteen hundred and ninety-eight, be amended so as to read as follows:

"Sec. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

"That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army; and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed;"

And the Senate agree to the same.

Amendment numbered 34. That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert the following:

"The specific appropriations hereinbefore made for officers and enlisted men in the line of the Army and in the several staff corps and departments, enlisted men in the Hospital Corps, officers and enlisted men in the Porto Rico Provisional Regiment of Infantry, and officers in the Philippine Scouts, being based upon former rates of pay, said specific appropriations are hereby increased to the amounts necessary for payment of such increase of pay at the rates established in this act: *Provided*, That the sum of seven million dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to provide for such increases in the said specific appropriations, and for the purpose of paying officers and enlisted men, including enlisted men of the Hospital Corps, at the rates provided for in this act;"

and change the location of the amendment so that it will precede the paragraph which it now follows, viz: The paragraph reading "All the money hereinbefore appropriated," etc.; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert \$300,000 (making the total for regular supplies, Quartermaster's Department, \$9,300,000); and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert \$3,750,000; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "including the cost of packing and crating; for transportation;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert \$11,250,000; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert:

"Provided, That the trophy and medals herein authorized shall be contested for only by officers below the rank of major and by enlisted men of the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia."

And the Senate agree to the same.

J. A. T. HULL,  
RICHARD WAYNE PARKER,  
*Managers on the part of the House.*  
F. E. WARREN,  
H. C. LODGE,  
JAS. P. TALIAFERRO,  
*Managers on the part of the Senate.*

The statement was read as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 1 grants \$25 per month in addition to regular compensation to chief clerk of division for superintendence of the War College building, and the House recedes.

Amendment No. 2 provides for \$5,000 for entertainment purposes at military posts in the United States, and the Senate recedes.

Amendment No. 3 simply provides for the acceptance by the United States of a lot in the town of Fairbanks, Territory of Alaska, and the House recedes.

Amendment No. 4 is for increase of post telephone systems at interior posts, and the House recedes from its disagreement and agrees to the Senate amendment striking out "thirty-five" and inserting "fifteen," leaving the amount \$15,000.

Amendment No. 5 provides for the installation of post telephone systems, and the House recedes from its disagreement to the Senate amendment and agrees to the same with an amendment striking out "thirty-five" and inserting "twenty," leaving the amount \$20,000.

Amendment No. 6 is an increase of appropriation for officers of the line, and the Senate recedes.

Amendment No. 7 is an increase of appropriation for the enlisted men of all grades, and the Senate recedes.

Amendment No. 8 provides for and increase compensation to officers and enlisted men of the Army of all grades, and the House recedes from its disagreement and agrees to the same with an amendment fixing the pay of officers of the line from major-general to second lieutenant, at an increase of about \$500 for each grade, and agrees to the pay of enlisted men by which hospital sergeants first class will receive \$50 a month in place of \$45, putting in stable sergeants and acting cooks of the Hospital Corps at \$30 and giving horseshoers and farriers \$9 per month in addition to their regular pay, and striking out the

bonus for enlistment, except granting privates, musicians, and trumpeters a bonus of \$3 per month for the first enlistment. Also, by adding, in the provision for expert marksmen, etc., the words, "under such regulations as the Secretary of War may prescribe," and by the reinstatement of the section repealing sections 1280, 1281, and 1284 of the Revised Statutes and so much of section 4819 as refers to the 12½ cents per month deduction of the pay of the regular soldiers for the support of the Soldiers' Home in the District of Columbia.

Amendments Nos. 9, 10, 11, 12, 13, 14, 15, 16, and 17 are made necessary if the increase in pay of the Army shall be adopted by both Houses, and the House recedes as to all of them.

Amendments Nos. 18 and 19 provide for the promotion of lower-grade clerks to higher salaries, and the House recedes.

Amendment No. 20 reduces the number of clerks receiving a thousand dollars each per annum from one hundred to eighty-four, and the House recedes.

Amendment No. 21 simply refers to the totals, and the House recedes.

Amendment No. 22 relates to pay of officers in the Medical Department made necessary by the passage of the medical bill, and the House recedes.

Amendment No. 23, additional pay for length of service, occupies the same position, and the House recedes.

Amendment No. 24 is simply verbal, and the House recedes.

Amendment No. 25 inserts the word "(female)" after the word "nurses," and the House recedes.

Amendments Nos. 26 and 27 are simply verbal, and the House recedes.

Amendment No. 28 relates to extra pay to enlisted men as switchboard operators, and the Senate recedes.

Amendment No. 29 increases the amount of extra pay of the enlisted men of the Signal Corps in the Territory of Alaska, and the House recedes.

Amendment No. 30 increases the amount of mileage, and the House recedes.

Amendment No. 31 changes the mileage provision allowing actual expenses in certain cases, and the Senate recedes.

Amendments Nos. 32 and 33 simply change the provision for increased pay to enlisted men on foreign service, making it follow the provision to increase the pay of officers in place of preceding it, and providing that it shall apply to officers serving on transports in the Philippine Archipelago, and the House recedes.

Amendment No. 34 is an appropriation for \$7,000,000, added on account of the increase of pay of the officers and enlisted men provided in this bill, and the House recedes from its disagreement and agrees to the same with an amendment, striking out three months' bonus for reenlistments and changing its language so as to make the appropriation specific for only \$7,000,000.

Amendment No. 35 provides \$1,000,000 for encampments and maneuvers for the organized militia, and the House recedes.

Amendment No. 36 increases the amount for rations for the Army for the fiscal year covered by the bill, and the House recedes.

Amendment No. 37 is verbal, and the House recedes.

Amendment No. 38 relates to fuel and lights for enlisted men and is simply a reinstatement of present law in different language, and the House recedes.

Amendment No. 39 relates to the amount appropriated for regular supplies of the Quartermaster's Department, and the House recedes from its disagreement and agrees to the amendment by striking out "nine hundred and thirty-seven thousand" and inserting "three hundred thousand," making a net increase over amount allowed by the House of \$300,000.

Amendment No. 40 relates to incidental expenses for the Quartermaster's Department, and the Senate recedes.

Amendment No. 41 is a provision for remounts, and the Senate recedes.

Amendment No. 42 strikes out the words "relating to heavy and permanent furniture for officers' quarters," and the House recedes.

Amendment No. 43 removes suspension of accounts of the purchase of heavy furniture for two fiscal years, and the House recedes.

Amendment No. 44 relates to barracks and quarters; the Senate struck out the limitation of the House bill on expenditure at any one post and increased the amount to fifteen hundred thousand dollars and added a proviso that no part of the same should be used for the construction of officers' quarters at the Army War College, and the House recedes from its disagreement to the Senate amendment and agrees to the same by fixing the amount at three million seven hundred and fifty

thousand dollars and retaining the proviso as to construction of officers' quarters at the Army War College.

Amendment No. 45 includes heating and light for buildings erected at private cost, and the House recedes.

Amendment No. 46 is verbal, and the House recedes.

Amendment No. 47 relates to transportation of the Army and its supplies, and the House recedes from its disagreement and agrees to the same with an amendment retaining so much of the Senate amendment as relates to the cost of packing and crating.

Amendment No. 48 refers to transportation on land-grant railroads. Under the construction of the language of the bill as it passed the House it would not protect the rights of the Government sufficiently, and the House recedes from its disagreement and agrees to the Senate amendment, which simply states the law heretofore carried in the appropriation bills.

Amendments Nos. 49, 50, 51, and 52 are simply verbal, and the House recedes.

Amendment No. 53 strikes out the total on account of a consolidation of three items by the Senate, and the House recedes.

Amendment No. 54 is simply verbal, and the House recedes.

Amendment No. 55 inserts the words "and other vessels," and the House recedes.

Amendment No. 56 relates to the amount appropriated for transportation, and the House recedes from its disagreement and agrees to the Senate amendment with an amendment striking out "eighty-six" and inserting "fifty."

Amendments Nos. 57, 58, and 59 are intended to make more plain what is covered by the provision, and the House recedes from its disagreement to all three amendments.

Amendment No. 60 increases the total appropriation, and the Senate recedes.

Amendments Nos. 61, 62, and 63 are verbal, and the House recedes.

Amendment No. 64 inserts a provision for repairs to water and sewer systems and for hire of employees, and the House recedes.

Amendment No. 65 increases the total for these purposes, and the House recedes.

Amendment No. 66 enlarges the power for the purchase of additional military reservations in the Philippine Islands, and the House recedes.

Amendment No. 67 increases the amount for construction and repair of hospitals and makes specific appropriation, practically as originally reported to the House by the Committee on Military Affairs, and the House recedes.

Amendment No. 68 increases the amount for shooting galleries and ranges, and amendment No. 69 provides for purchasing additional land for a rifle range in order that the range at Fort Des Moines may be used this year, and the House recedes from the two amendments.

Amendment No. 70 provides for a permanent water supply for Fort William Henry Harrison, in Montana, and the House recedes.

Amendment No. 71 makes a provision for the care of insane natives in the Philippine Islands serving in the Army of the United States, and the House recedes.

Amendment No. 72 relates to the purchase of special apparatus and supplies for field medical equipment, strongly recommended in a supplementary estimate from the War Department, and the House recedes.

Amendment No. 73 relates to the library in the Surgeon-General's Office, and the Senate recedes.

Amendment No. 74. Senate amendment struck out the prohibition of double salaries to any employee of the Engineer School, and the Senate recedes, leaving the language in the bill.

Amendment No. 75 is verbal, and the House recedes.

Amendment No. 76 authorizes the issue of old ammunition for target practice to certain institutions. It was originally reported to the House by the House Committee on Military Affairs, struck out on a point of order, and the House recedes.

Amendment No. 77 provides for machine and automatic guns, including carriages, etc., to the organized militia, and the Senate recedes.

Amendment No. 78 increases the amount appropriated for field artillery for the organized militia, and the Senate recedes.

Amendment No. 79 is for the purchase, manufacture, and test of machine and automatic guns, and the Senate recedes.

Amendment No. 80 is an increase for the amount of manufacture of arms, and the Senate recedes.

Amendment No. 81 is a limitation on those competing for trophies and medals at national shoots. The Senate struck out all the limitation. The House recedes from its disagreement and agrees to the same, with an amendment limiting the competition to officers below the grade of major.

Amendment No. 82 simply provides that the Federal Government may, in time of war, call in all equipment issued to sea-coast State artillery organizations.

Amendment No. 83 provides for sale of arms to heads of Executive Departments and Members of Congress, and the Senate recedes.

Amendment No. 84 authorizes the Chief of Ordnance to purchase articles of such nature that the interest of the public service would be injured by publicly divulging them, in such manner as he may deem most economical and efficient, and the House recedes.

Amendment No. 85 provides for the construction of an iron fence about the monument erected on the Big Hole battlefield, and the House recedes.

Amendment No. 86 provides for the construction at Fort Bayard, N. Mex., of necessary quarters for officers and army nurses, and the House recedes.

J. A. T. HULL,  
RICHARD WAYNE PARKER,  
JAMES HAY,

*Managers on the part of the House.*

Mr. HULL of Iowa. Mr. Speaker, the bill as it passed the Senate carried appropriations of \$98,840,469.12; as agreed to by the conference committee, there will be dropped from the amount of increase by the Senate \$3,463,162.51. There was restored in conference, on account of library in the Surgeon-General's office, the sum of \$5,000, making the bill carry, as submitted by the two Houses, \$95,382,240.61, if the conference report shall be adopted.

The main point of disagreement, as I apprehend, will cover but two items in the bill. The House passed an amendment giving an increase of pay to all the enlisted force in the Army. It made a very large increase in the pay of the noncommissioned force of the Army and a reasonable increase for the privates, but provided for an increased pay for each enlistment. The Senate practically adopted the provision of the House amendment, so far as it relates to the enlisted force. They changed it in very few particulars, one office only being substantially increased, that which we always called "hospital steward," but, as it is now called, "hospital sergeant of the first class."

During my service in the Volunteer Army we had no hospital sergeants; they were all hospital stewards, and I am sorry they changed the name. In the bill we passed we gave them \$45; under the Senate amendment their pay was increased to \$50 a month. That is the only change in the increases except for farriers and blacksmiths, when they perform the duty of farriers or blacksmiths, in addition to their pay of the rank as sergeant the Senate amendment gives them \$9 per month for such service.

Mr. GOLDFOGLE. How many officers are there whose pay is increased, and what is the amount of the increase of pay?

Mr. HULL of Iowa. There are about 16,000 noncommissioned officers.

Mr. GOLDFOGLE. How much increase does that make?

Mr. HULL of Iowa. For the enlisted force the increase will be about \$5,000,000.

Mr. GOLDFOGLE. Over and above what it is now?

Mr. HULL of Iowa. Over and above what it is now.

Mr. GOLDFOGLE. About \$4,000,000?

Mr. HULL of Iowa. More than that.

The Senate added to this amendment of ours—and you will find it as amendment No. 8 in the bill as printed with the Senate amendments—by an increase of pay of all the officers of the Army. They had their proposition on a percentage increase, starting with the Lieutenant-General, granting him 5 per cent, major-generals and brigadier-generals 10 per cent, colonels, lieutenant-colonels, and majors 15 per cent, captains and lieutenants, as I remember now, 25 per cent. The House conferees were opposed to any percentage increase. It meant an increase, even with a smaller per cent, of a much larger sum to the higher officer than it did for the lower officer, while we believed the highest officers were fairly well paid now and the lower officers absolutely inadequately paid. So that in conference we agreed to eliminate the Lieutenant-General, and give no increase on that grade. In fact the grade expires with the expiration of the active service of the officer now holding that commission. Major-generals are now getting \$7,500 a year, and we make their flat pay \$8,000 a year. The brigadier-general gets \$5,500 a year and we make his flat pay \$6,000 a year. There is no increase pay for length of service of general officers; but there is an allowance to general officers that increases their pay. I want to be entirely frank with the House.



Mr. GOLDFOGLE. Does the bill increase the allowance, also?

Mr. HULL of Iowa. Not at all. The allowance of a major-general of the Army or a rear-admiral of the Navy is \$108 per month for rent. They only get that in the event of the Government not furnishing quarters. It is largely expended in the cities where there are headquarters, such as at Washington, Chicago, San Francisco, and New York. I think every gentleman here familiar with the conditions of the city will realize that the officers would be better off if the Government would furnish them quarters than the officers are with the commutation of quarters; in other words, that they pay more for rent than the Government pays them in lieu of the house the Government should furnish.

Mr. GAINES of Tennessee. Does the gentleman think when the Government has paid the officers \$108 that they should pay for rooms for them to live in?

Mr. HULL of Iowa. The Government gives them rooms, or pays for so many rooms. It is graded by rank.

Mr. GAINES of Tennessee. How many rooms do they get?

Mr. HULL of Iowa. A major-general is allowed nine rooms for himself and family.

Mr. TAWNEY. Which would aggregate \$1,296 a year.

Mr. HULL of Iowa. Certainly. It only goes to the man that is not furnished quarters. The Government contracts with every officer either to furnish quarters or commutation for them while he remains in service. I can say to the gentleman that I have in mind one officer he probably knows, General Humphrey, who, when quartermaster-general, refused to accept commutation, and traveled to Fort Myer and returned each day because he could not hire a suitable house for the amount that the Government furnished, and preferred to take Government quarters to receiving the commutation.

A brigadier-general or a rear-admiral of the second class gets \$96 a month for commutation. Colonels in the Army or captains in the Navy get \$84 a month. Lieutenant-colonels in the Army or commanders in the Navy get \$72 a month. Majors of the Army and lieutenant-commanders of the Navy get \$60 a month; captains in the Army or lieutenants in the Navy \$48 a month; first lieutenants in the Army or lieutenants of the junior grade in the Navy (the second grade I am reading all the time refers to the Navy, I will say, corresponding to the grade in the Army) get \$36 a month; second lieutenants in the Army or ensigns in the Navy get \$24 a month, and officers of any rank occupying one room as quarters get \$12 a month.

Mr. GOLDFOGLE. Do they get this commutation while they occupy Government quarters?

Mr. HULL of Iowa. Oh, no; not at all; not a penny. They only get it where the Government does not furnish the quarters.

Mr. GAINES of Tennessee. How much of this money goes to the retired officers—how much of this increase?

Mr. HULL of Iowa. None of this. Retired officers get no allowances.

Mr. GAINES of Tennessee. Do we increase their pay?

Mr. HULL of Iowa. I will come to that in a minute.

Mr. GAINES of Tennessee. You have not reached that yet?

Mr. HULL of Iowa. No, sir.

Mr. TAWNEY. Will the gentleman state how much the additional allowances aggregate in addition to the quarters?

Mr. HULL of Iowa. There are no additional allowances.

Mr. TAWNEY. Light, heat, and fuel, \$576 a year, to a major-general.

Mr. HULL of Iowa. There is no commutation in that. They get nothing unless they use the fuel. A man in Florida who does not need the fuel gets no money for not using it. A man in Alaska that has to use it simply gets fuel to keep him warm. I think every gentleman will see the fairness of that. If you did not have a uniform allowance, the officer in Alaska could hardly live on his salary and buy fuel to keep him warm, while a man in Porto Rico or the Hawaiian Islands or Cuba would not need it at all for that, and if he drew it would get it as profit. He gets not one penny of commutation of fuel and light. He only gets the fuel and light where he uses them.

Mr. RICHARDSON. Will the gentleman allow one question for information?

Mr. HULL of Iowa. Certainly.

Mr. RICHARDSON. I understood the gentleman to say just now what was the compensation, for instance, of a first lieutenant or captain.

Mr. HULL of Iowa. A captain is allowed four rooms at \$12 a month each.

Mr. RICHARDSON. What pay does he get?

Mr. HULL of Iowa. It depends upon the branch of the service he is in.

Mr. RICHARDSON. Suppose he is in the Army? What I want to get at is this: What does the Government require that officer, captain or lieutenant, to pay out to supply himself with clothing annually?

Mr. HULL of Iowa. I think a captain's uniform costs about \$1,100. I do not suppose he has to buy it every year, but his outfit costs \$1,100, and he must keep it up to date all the time.

Mr. RICHARDSON. He must keep it up out of his salary, if he has no other source of income?

Mr. HULL of Iowa. He gets it out of his salary, unless he marries a rich girl or has private means.

Now, I want to come to the retired officers for one minute. There is a flat increase in this provision of about \$500 to the grades from major-general down to second lieutenant, with the exception that under this conference report a captain will get \$2,400 a year, while a captain of infantry to-day gets \$1,800 a year and a captain of cavalry or a captain of artillery gets \$2,000. In the increase which we have made we have equalized that, giving the one \$400 and the other \$600. Then we provide that where the Government furnishes the mount for a mounted officer he shall have no additional compensation for that; but where he furnishes his own horse and equipment, he gets \$150 a year extra for one horse or \$200 a year where he keeps two horses, and it is limited to that, so that it equalizes the pay. As it is to-day the Government furnishes all the mounts for everybody who goes to the Philippine Islands. The Government furnishes mounts for all the light artillery, and in many cases in this country to the different branches of the service required to be mounted, and the men are paid extra besides. Your committee felt that that was absolutely wrong, and cut it off, except where a man provides his own mount, and that is limited to officers below the grade of major. Majors, lieutenant-colonels, colonels, and generals are now required to be mounted, and the Government pays them nothing extra for their mounts. The flat pay covers the mount as well.

Mr. BUTLER. That is, no increase is provided by this bill for the mount?

Mr. HULL of Iowa. No, sir; not for officers above the rank of captain.

Mr. TAWNEY. The gentleman has stated what is the pay of officers, and also the commutation for quarters. What is the amount of the longevity pay which officers receive in addition to these things?

Mr. HULL of Iowa. Forty per cent of their pay for twenty years' service; but we have limited that in the case of colonels, so that it can not exceed \$5,000 a year. The law now gives a colonel \$4,500 as a limit. We have limited it in the case of lieutenant-colonels so that it can not exceed \$4,500 a year. It is now limited to \$4,000. In the case of a major we have limited it to \$4,000, and it is now limited to \$3,500. So that longevity and all never increases a man beyond the \$500 more than what he is getting to-day. So you will see that it is safely guarded.

Mr. GAINES of Tennessee. The gentleman undertook to state something about the pay of retired officers, and then he diverted to active officers going to the Philippines, and backward and forward. I should like to get at the lump sum you are paying retired officers that are doing nothing. The retired officer is practically out of the Army, practically a civilian, and it seems you are increasing his pay.

Mr. HULL of Iowa. We are.

Mr. GAINES of Tennessee. Can you give it to us in a lump sum and then give it to us in detail?

Mr. HULL of Iowa. You will have to figure it up on the number of officers. I have not the lump sum. We have the lump sum of the pay as it is to-day, and I can give the gentleman the number of officers on the retired list.

Mr. FITZGERALD. Will the gentleman make a statement justifying the proposed increase of \$17,000,000 in the cost of maintaining the Army next year over this, without adding a single man to the service?

Mr. HULL of Iowa. I think I can. I will do my best to satisfy my friend from New York, and if I can only succeed in doing that I know that I shall have accomplished a great deal.

Mr. FITZGERALD. I would be glad to hear a statement that would satisfy me on that.

Mr. GOLDFOGLE. Approximately, what is the increase per annum in the pay of retired officers?

Mr. HULL of Iowa. I would say the approximate increase in the pay of retired officers would be about \$200,000 a year, or a fraction over that, certainly not over \$225,000.

Mr. GOLDFOGLE. What particular reason is there for increasing the pay of retired officers, who are rendering no service to the Government?

Mr. HULL of Iowa. This bill does not deal with the retired officers at all; there is a law now on our statute books which provides that every officer retired shall receive three-quarters of the pay of his grade on the active list. For instance, if a major is retired he gets three-quarters of the pay of a major serving on the active list, without any allowances. So by increasing the pay of a major on the active list we increase the pay of a major on the retired list, because he will receive three-fourths of the pay of a major on the active list.

Mr. GOLDFOGLE. That is the effect of this legislation?

Mr. HULL of Iowa. Absolutely.

Mr. OLMSTED. When a man goes into the Army, under the act of 1861, does he not go in under a contract that if he spends forty years in the service he will be retired on three-quarters of the amount of pay he would get if he was on the active list?

Mr. HULL of Iowa. Yes; but we could abrogate that if we wanted to by law.

Mr. OLMSTED. That would be hardly honorable, would it?

Mr. HULL of Iowa. There is this trouble about it: Of course a man on the retired list gets no allowance and gets nothing but his three-quarters flat pay. To make up for that he can live where he pleases, in any style he pleases, although to a certain extent he can never forget the fact that he does represent the Government.

Mr. OLMSTED. The cost of living is increased just as much for an officer on the retired list as on the active list?

Mr. HULL of Iowa. Possibly. Now, it has been contended that if those on the retired list should not have any benefit of this bill and the pay should not be increased, then the men that were to be retired to-morrow—this is their argument—would have one class of pay, and another officer living right beside him would have another class of pay. Of course there is some weight to that, but it is not conclusive.

Mr. SLAYDEN. Is it not true that they have an executed contract and that a man that is retired is retired under that contract?

Mr. HULL of Iowa. Yes; the Secretary of War took that ground. I am not arguing that point, but I do want to call attention of the House to this point that seems to me will appeal with force to any man who has had any experience in it. The very minute you undertake this discrimination—and that is what they would call it—life would not be worth living to any Member of Congress. [Laughter.]

Mr. BUTLER. Except in the skies.

Mr. HULL of Iowa. Well, I do not want to go to the skies just now. The total number of officers on the retired list today is 942.

Mr. RICHARDSON. Let me ask the gentleman: An officer on the retired list is liable to be called into active service of the Government at any time?

Mr. HULL of Iowa. That is the theory, but practically, no. They are allowed to do certain work and they get the whole pay of their rank while discharging those duties. It is a very remote contingency that officers on the retired list will be called upon for active service.

Now, I want to call the attention of the House to the fact that a great deal of objection is made to the increase because there are 268 retired brigadier-generals on the list. That looks like a tremendous number. But, gentlemen, remember this fact, that every one of them, almost without a single exception, are retired because of civil-war service; nearly every one of them. They have been ground through Congress and through the Executive Mansion, confirmed by the Senate at a rate that is now impossible to keep up. Since the 1st day of January nine of these brigadier-generals have passed beyond. Almost without exception every man on that retired list above the grade of major had civil-war service, and every man that had civil-war service has passed beyond the meridian of his life and has but a few years left him.

Mr. TAWNEY. What rate of pension do they receive?

Mr. HULL of Iowa. They receive no pension, only three-quarters of the pay of their rank. Three-quarters of \$5,500 is all that any brigadier on the list receives. After a man has served his country and retired for old age—and many of them bear the wounds received in battle in saving the Union—I would not care if it was increased beyond what we have increased it, and I would not vote to take one dollar away from them.

Now, as to the criticism of the number of brigadier-generals. The fact that nine have died since the 1st of January makes it almost a certainty that in less than five years the list will be reduced over three-quarters, and so I am not alarmed about that.

Mr. DRISCOLL. How much of a pension does the widow of a brigadier-general get?

Mr. HULL of Iowa. Thirty dollars a month if he dies as a result of wounds received in the service. Nothing if he does not.

Mr. CONNER. Is it a fact that the brigadier-generals get no pension?

Mr. HULL of Iowa. The general gets no pension and the widow none unless the husband dies as a result of wounds received in the service or disease contracted in service. I know a widow of a brigadier-general here in town whose husband died of old age, and she does not get a cent of pension. They can get nothing unless it is by special act of Congress.

Mr. GAINES of Tennessee. Does the gentleman mean to say that the widow of a brigadier-general has no pension?

Mr. HULL of Iowa. Not at all, unless her husband died as the result of service.

Mr. RICHARDSON. And the gentleman knows that the trouble must have originated in the service?

Mr. HULL of Iowa. It had to originate in the service, or he would not die as a result of the service. In a volunteer officer, it has to originate in the service in time of war. You eliminate the civil-war men from your retired list, and you have not more than 265 on the retired list who did not have civil-war service, and they are all below the grade of major.

Mr. BUTLER. Will the gentleman please repeat that statement?

Mr. HULL of Iowa. I think there are but 265 that have no civil-war record that are on the retired list.

Mr. BUTLER. Of all grades?

Mr. HULL of Iowa. Yes.

Mr. BUTLER. Below the grade of major?

Mr. HULL of Iowa. Yes. I know men that are retired as lieutenants and captains on the retired list that have a civil-war record, but I am not counting them in so as to offset anybody that might be above that grade who did not have a civil-war record.

Mr. RICHARDSON. What is the mortality of those retired men that had service in the civil war?

Mr. HULL of Iowa. I have given you one grade of brigadier-general. They are dying off so fast that in a very little while there will be a very few of them left. The gentleman from New Jersey [Mr. PARKER] calls my attention here in the Army and Navy Register to one page on which there are eight, and the youngest of those is 83 years old. I am not finding fault with the fact that we give any increase to the major or brigadier generals. There are seven major-generals, and there will be only six when General Ainsworth retires. There are seven now on the active list, and at \$500 apiece that is \$3,500 a year. There are twenty-seven brigadiers, fifteen of the line only, and with \$500 apiece a year it is a mere bagatelle.

I did not feel that I was justified in tying up a great appropriation bill here indefinitely simply to try to save less than \$15,000 a year in this way. It is true these men have extra expense. It is true they are not as hard up as men of the line. But what I wanted above everything was to increase the pay of the field and line officers. I will volunteer this proposition: That there is not a man in the Army to-day of the rank of major or below the grade of major who, if he has not private means of his own or if he has not married a rich wife, is not in debt. And they are compelled to be in debt by the exigencies of the service. They ought all to be compelled to marry rich wives—but that would be foreign to our theory of marriage.

Mr. COCKRAN. We should make them competitors with foreign dukes.

Mr. HULL of Iowa. Yes. We increase the pay of the cadets at the two academies \$100 a year each. Their flat pay now at each academy is \$500. Congress some few years ago equalized the Military Academy with that of the Naval by granting one ration a day or a commutation at 30 cents, making the pay of each of the academies for each cadet \$609 a year. We gave them in this agreement \$100 increase on that, making it \$709 a year, in place of \$609.

Mr. TIRRELL. Are the parents or guardians of these cadets or midshipmen allowed to furnish them any money while they are there?

Mr. HULL of Iowa. They are not. Of course, when they graduate the man whose parents are well to do can help him all they want to so far as his uniform is concerned, but the man who has not anything, or whose parents have nothing, has to save that from his pay, or go in debt for his uniform. The theory of both of these academies, I think, is a splendid one for our country—that all cadets must be on an exact equality, while cadets, at least, and no cadet is allowed to have money to expend from the private funds of his parents or from his own private funds, but must live in the same way that every other

cadet does. In other words, the son of a washerwoman and the son of a millionaire stand upon the same equality, and I want it to always be that way, and so do you, gentlemen. [Applause.]

There is another feature of this amendment No. 8 that I desire to call attention to, that we have agreed to, and that is that the widow or next of kin of an officer who dies from wounds received in battle or disease contracted in active service gets six months' pay of his rank, and the widow or next of kin of a private soldier will get six months' pay of his rank. It is a new proposition. It will cost the Government probably money in time of war. In time of peace it will cost very little, because the man has to die in active service as a result of the service either from wounds or disease. We now take charge of the burial under a construction of the law in the appropriations for the Quartermaster's Department, a construction only. This makes it positive that the Government will give the widow six months' pay of the rank her husband held, retaining for an officer \$75 for immediate funeral expenses and for a private soldier \$35 for immediate funeral expenses.

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

Mr. HULL of Iowa. Yes.

Mr. DAWSON. Will that in any way change the pensionable status of that widow?

Mr. HULL of Iowa. Not a bit; not a bit.

Mr. KAHN. That simply carries it for the Army practically what is done now in the case of a United States minister or consul abroad, or Member of the House.

Mr. HULL of Iowa. Yes. We now give to the widow of every Member of Congress who dies a year's salary; I think I am not wrong in that, and to every employee of the House six months' pay.

Mr. KAHN. That is very true.

Mr. HULL of Iowa. It simply extends to the Army, and will to the Navy and Marine Corps, this recognition, that when a man is called away and his family may be left dependent and need something at once, to care for them.

Mr. PADGETT. Might I ask the gentleman a question?

Mr. HULL of Iowa. Oh, certainly.

Mr. PADGETT. I notice in the amendment to which the gentleman is speaking it says:

Shall cause to be paid to the widow of such officer or enlisted man or to any other person previously designated by him.

Mr. HULL of Iowa. Yes; previously designated—

Mr. PADGETT. And the question I wish to put is, Suppose he has no next of kin at all? Can he designate an entire stranger and the Government give to that stranger six months' pay? Ought not it to be limited to the widow and next of kin; or, if he wants, let him designate some one as a recipient for the benefit of the widow or next of kin?

Mr. HULL of Iowa. I think anyone he designated could receive it.

Mr. PADGETT. This will allow him to give six months' pay to an entire stranger, would it not?

Mr. HULL of Iowa. Well, if you go on the theory that you may find a man who has neither relatives nor family, yes; but it is a very remote possibility that any man would not have some relative, widow, or next of kin.

Mr. PADGETT. Suppose he has a widow and children and he designates that an entire stranger is to receive the benefit of this six months' pay?

Mr. HULL of Iowa. That he can not do.

Mr. PADGETT. It does not say so here.

Mr. HULL of Iowa. It is to go to the widow and children first, and it is to be under regulations to be prescribed by the Secretary of War.

Mr. PADGETT. It says here "to the widow of such officer or enlisted man, or to any other person previously designated by him."

Mr. HULL of Iowa. But it says later on, "The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person."

Mr. PADGETT. Suppose he designates not the widow and the children, but an entire stranger.

Mr. HULL of Iowa. I do not believe that would be a proper person at all, and I do not believe—

Mr. PADGETT. It does not say so here. It says it shall go to any person designated by him.

Mr. HULL of Iowa. No; it says the Secretary of War shall make regulations for the designation of a proper person.

Mr. PADGETT. It says, "The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army." Now, it does not say he shall designate some one for the benefit of the

widow or children or next of kin, and the objection I have to the qualification is not that the widow would get it or the next of kin or the children, but he might designate an entire stranger to pay some debt.

Mr. HULL of Iowa. Mr. Speaker, of course—

Mr. PADGETT. Is it possible to amend it?

Mr. HULL of Iowa. You can not amend it; you will have to take it as it is or reject it.

Mr. KEIFER. I think the suggestion is a good one.

Mr. HULL of Iowa. If such a construction could be held—

Mr. PADGETT. It is the language in the bill, and I am willing for the widow and children to have it, but I do not think it is proper for an entire stranger to have it.

Mr. HULL of Iowa. That is a mere construction, something I think will never happen. It can not be amended now.

Mr. PADGETT. It is not only a mere construction, but it is the express language, and it says it shall be paid to anyone whom he designates.

Mr. KAHN. Is not it a fact that when a man enlists either in the Army or in the Navy he designates his parents or somebody next of kin, so in case of an accident to him the Department knows with whom to communicate? Is not that the fact?

Mr. HULL of Iowa. I have very little time, but the point I want to bring out is that the only way to change this is to vote down the conference report. I do not know it would be changed in conference. It can not be amended, and I want to say right here that if there is any danger of such a state of affairs happening as that to which the gentleman refers that Congress meets next December and the House will be unanimous in placing such a limitation on it, so that no evil can come from it between now and next December, and no harm can come to the Government by this action.

Now, I want to reserve the balance of my time, Mr. Speaker, because it may be necessary for others to speak and for me to say something more.

The SPEAKER pro tempore (Mr. CAPRON in the chair). The gentleman from Iowa [Mr. HULL] reserves the balance of his time.

Mr. HAY. Mr. Speaker, I have always admired the skill and ingenuity with which the gentleman from Iowa [Mr. HULL] manages the Army bill on this floor, and I have been very much struck with the skill with which he has diverted the attention of the House from the question which we ought to consider and has undertaken to appeal to their patriotism about civil war veterans, whose increase of pay is really a very small portion of the money appropriated in the bill.

Now, the Army bill of the current year carries \$78,000,000. This bill under consideration carries \$95,000,000, an increase of \$17,000,000. Of that increase \$7,000,000 is proposed for the increase of pay, \$2,000,000 being set aside for the increase of the pay of the officers, and \$5,000,000 for the increase of the pay of enlisted men. A calculation of the number of officers on the active list of the Army will show that it will take \$2,071,000 to pay them; so that that is not enough to pay the officers of the Army. It would take \$50,000 more to pay the increase to cadets. It will take something over \$500,000 to pay the increase of the officers on the retired list. So that the bill does not provide money enough for the increase of pay carried in the bill. Therefore, when you say that \$7,000,000 is carried for the increase of pay, you do not tell exactly what the increase of pay will be.

The \$5,000,000 set apart for the increase of pay of enlisted men will not, in my judgment, do it—certainly not after the first year. So that a fair statement of the case will show that this increase of pay will carry not less, after the first year, than \$6,000,000. Now, apart from the increase of pay, this bill increases the expenses of the Army \$10,000,000 more than last year, while there has not been added to the Army a single man; while, so far as I am informed, there has not been added to the expenses of the military establishment anything more than they had last year. And why this increase of \$10,000,000? The gentleman from Iowa [Mr. HULL] said he was going to explain it to the gentleman from New York, but I observed that he did not make any explanation of that increase. Now, as to this increase of pay, I want to say that in five years, when it comes into operation, the Government will have to appropriate every year not less than \$25,000,000 as a result of this increase of pay, as much as the Army was costing at the beginning of the Spanish war.

So, you see, we are embarking upon a very considerable expenditure of the public money, and we are not sure that that will be the end of it.

Now, I want to call attention to the fact that we have been increasing the pay of the officers of the Army almost every year. It was only year before last that we increased their commutation for quarters; it was only year before last that

we gave them fuel and light in addition to their pay, and we have been adding one thing and another until the mere flat pay which you hear about is not the actual pay which an Army officer gets. This bill carries about \$1,000,000 for heavy furniture for the officers of the Army—\$949,000, I think, is the exact figure.

Mr. HULL of Iowa. Will not the gentleman in that connection, because I know he wants to be as fair in the House as I do myself, state that the furniture belongs to the Government and is expected to save its cost to the Government in transportation?

Mr. HAY. Of course it belongs to the Government, and the officer gets the benefit.

Mr. HULL of Iowa. The Government saves, however, the transportation as an offset for the purchase.

Mr. HAY. It saves some transportation, but it is an increase of the officer's emoluments, and it is an allowance that they have never had before, and while something may be saved in transportation, yet I am talking about what the officer gets.

Mr. HULL of Iowa. The officer does not get it.

Mr. HAY. Well, he uses it.

Mr. COCKRAN. Would the gentleman allow me to ask him a question just for the information of the House? To what extent is the officer compelled now to supply his own furniture? To what extent does the Government furnish it?

Mr. HAY. Now he is compelled to furnish all of his furniture.

Mr. COCKRAN. Out of his pay?

Mr. HAY. Out of his pay. Now the Government proposes to put in all necessary furniture of the kind that we call heavy furniture, which includes tables, sideboards, and chairs, and all the beds, and so forth.

Mr. COCKRAN. Does it include chairs?

Mr. HAY. I think so; yes.

Mr. HULL of Iowa. No.

Mr. COCKRAN. It would be difficult to understand what it would be like if—

Mr. HAY. I understand that chairs were in the list published by the War Department.

Mr. HULL of Iowa. I do not understand that the chairs are included—only the large furniture.

Mr. HAY. Well, I will give up the chairs, then.

Mr. GAINES of Tennessee. You do not expect them to stand all the time.

Mr. LANDIS. Will the gentleman permit me to interrupt him?

Mr. HAY. Certainly.

Mr. LANDIS. Has the gentleman ever moved himself?

Mr. HAY. Oh, yes; "the gentleman" has moved.

Mr. LANDIS. Does not the gentleman know that, coupled with the proposition of moving furniture and other household effects, as a general rule, the loss is from 25 to 50 per cent?

Mr. HAY. That is true; but heretofore the Government has been paying for the moving and not the officers.

Mr. LANDIS. But the wear and tear is great, and the gentleman knows the adage that "three moves is equal to a fire."

Mr. HAY. That is true; but I do not see how that affects the proposition of giving the furniture which the officer will find in his quarters when he gets there.

Mr. LANDIS. I would say, coupled with these frequent removals and the fact that we recognize that the salary is not extravagant, that it would be curtailing the pay of these officers if we did not stand some part of the expenses.

Mr. HAY. That is a matter of opinion. As I was going on to say, for instance, a captain of cavalry gets a flat pay of \$2,000. Now, quite many captains in the Army have served twenty years; and you must remember that every Army officer's pay, including the colonel, gets longevity or "fogy" pay. When he has served five years he gets 10 per cent additional; when he has served ten years he gets 20 per cent additional; when he has served fifteen years he gets 30 per cent added, and when he has served twenty years he gets 40 per cent added. So that a captain of cavalry, instead of getting \$2,000 only, when he has served twenty years gets \$2,800. In addition to that he gets his fuel and lights and other benefits. He gets his furniture; he gets his quarters given him when he is at a post or commutation of quarters when not stationed in any Army post. Now, all these things added up make not less than \$3,200 or \$3,300 a year; so that it seems to me, in the present condition of the Treasury and the expenses in which we are placed, it is not the proper time to increase the pay of these Army officers.

Mr. BEALE of Pennsylvania. Will the gentleman permit me to ask him a question?

Mr. HAY. Certainly.

Mr. BEALE of Pennsylvania. I would like to ask the gentleman whether he does not know that a man who has the

ability to serve as an officer in the United States Army, if he were employed by any corporation of any size in this country, would receive a greater compensation as an increase than would be ten times the cost of this little bit of furniture?

Mr. HAY. Well, I do not know about that.

Mr. BEALE of Pennsylvania. I do; and I know that that is the case.

Mr. HAY. I decline to yield further.

Mr. GAINES of Tennessee. Mr. Speaker, I had in my mind the furniture proposition when the gentleman was interrupted. Now, does the gentleman think it is altogether fair to charge up as part of the officer's salary, or-so-called "emoluments," the furniture that is bought by the Government, which is owned by the Government, not by the officer at all, except, for the time being, that he uses it for the purpose of the Government? Is it exactly fair to charge that up to the officer's salary?

Mr. HAY. I do not say so. I say it is part of the perquisites pertaining to the office, just as this furniture at the Office Building is part of your perquisites and mine—

Mr. GAINES of Tennessee. Not at all.

Mr. HAY (continuing). And which we would have to pay for or pay for its use.

Mr. GAINES of Tennessee. I paid for mine for the past ten years and my office, too, in which I did the public's work.

Mr. HAY. So did I.

Mr. GAINES of Tennessee. We ought to have been furnished offices twelve years ago.

Mr. HAY. That may be so; but still we get it, and I am relieved and you are relieved to just that extent.

Mr. GAINES of Tennessee. Yes, that is true; but I do not think that ought to be charged up to me.

Mr. HAY. Oh, well, you know it will be charged.

Mr. GAINES of Tennessee. It is a Government investment for official purposes.

Mr. DAVIS of Minnesota. Will the gentleman allow me to ask him a question or two?

Mr. HAY. Certainly.

Mr. DAVIS of Minnesota. I appreciate what the gentleman says about furniture, and that while it does not belong to the officer, still he gets the benefit of it in its continuous use. But I would like to ask the gentleman, he having made a study of the Army and Navy officers, perhaps, and I am somewhat interested myself, if he thinks that the officers, especially the line officers, are now receiving adequate compensation?

Mr. HAY. I do.

Mr. DAVIS of Minnesota. You stated, furthermore, that you did not think, owing to the condition of the Treasury, that this was the proper time to raise the salaries. Is that the substance of it?

Mr. HAY. Yes.

Mr. DAVIS of Minnesota. Has there been heretofore, in the opinion of the gentleman, any time that he thought was a better time to raise these salaries than at the present, when prices of living are high?

Mr. HAY. Yes; I think when the country was prosperous and the Treasury was overflowing and the revenues of the Government were very much larger than they are now, that would have been a very much better time.

Mr. DAVIS of Minnesota. Does the gentleman think there is any prospect of any better time coming in the future to raise these salaries than now?

Mr. HAY. I hope so. If the Democratic party can get control of the Government, I hope they will bring better times. [Laughter and applause on the Democratic side.]

Mr. DAVIS of Minnesota. I appreciate the gentleman's fond but delusive hope, yet I simply wanted to know what the gentleman thought about the increase of these salaries—whether the time had gone by when we ought to have raised them, or whether there will be a better time in the future than the present to do so.

Mr. HAY. I think a better time may come, when it might be done. I want to say to the gentleman that I have the very highest regard for the officers of the Army. I have personal relations with a great many of them, and it is not a pleasant task for me to antagonize this legislation.

Mr. DAVIS of Minnesota. Does the gentleman not know, if he has personal relations with a good many Army officers, that a majority of them can hardly meet their legitimate expenses at the present time.

Mr. HAY. No; I do not know that. I know that some of them say they can not do it, and some of them do it. I suppose it depends largely upon the individual.

Mr. DAVIS of Minnesota. But as to the majority of them, do they not have a hard time to pay expenses under present conditions?

Mr. HAY. I do not know that. It depends upon what their expenses are, and what they make their expenses.

Mr. HITCHCOCK. Is it not a fact that one of the chief hardships of military officers, and one of the causes that makes it difficult for them to make both ends meet, is the constant moving from post to post, incurring traveling and moving expenses, and is there any justification for that?

Mr. HAY. I imagine that with the small Army we have it is necessary to move the Army and the different commands in it very frequently. Otherwise you would keep some men in the Philippines, for instance, for years and keep other men here for years. You have got to shift them about. Part of the Army is in Cuba, part in the Philippines, and part in Alaska, and one command ought not to be kept in the Philippines, for instance, all the time. They must be shifted about. I do not see how you are going to obviate that.

Mr. HITCHCOCK. I do not deny that some change is necessary, but it seems to me preposterous that officers should be bankrupted and the Government put to heavy expense by shifting them every six months, or a year or two years, from one place to another.

Mr. HAY. Well, the Government is put to a heavy expense. The officer himself is not put to any personal expense, because he gets 7 cents a mile when he travels on duty. Of course if he moves his family, that is an expense; but his personal travel expense is provided for by the Government.

Mr. HITCHCOCK. The Government is taxed heavily, and many of these officers are almost bankrupted by this constant moving, and I have never been able to find any justification for it.

Mr. HAY. I do not see how the officer can be bankrupted, because the Government not only pays him mileage, but it also pays for the transportation of his baggage.

Mr. HITCHCOCK. Many of these officers have families.

Mr. HAY. Oh, well; that is true.

Mr. HITCHCOCK. And many of them have furniture.

Mr. HAY. That is true.

Mr. HITCHCOCK. And, as the gentleman from Indiana said, three moves are equivalent to the total destruction of the furniture.

Mr. HAY. We are providing for that, so that they will not be compelled to move the furniture. They will have furniture provided for them.

Mr. HITCHCOCK. I think that is wise.

Mr. COCKRAN. I do not know that I have understood the gentleman's position correctly. Does he claim that officers of the Army are sufficiently paid now, or does he claim that the pay is inadequate but the condition of the Treasury such as to make it unwise at this time to give them adequate compensation?

Mr. HAY. I think that certainly all officers above the rank of captain are now adequately paid.

Mr. COCKRAN. Does the gentleman include captains in that?

Mr. HAY. I said above the rank of captain.

Mr. COCKRAN. Then the gentleman admits that captains and those below that grade are inadequately paid?

Mr. HAY. It is possible that there should be additions to the pay of second and first lieutenants and captains, but I do not think this is a good time to do it.

Mr. COCKRAN. I understand the gentleman's position is that this additional compensation should be made, but that it would be too expensive to do it now?

Mr. HAY. Well, no; the gentleman did not understand me to say that.

Mr. COCKRAN. I should like to know the gentleman's position.

Mr. HAY. The gentleman understands me to say that I consider the pay of officers above the rank of captain to be adequate.

Mr. COCKRAN. I understand that. How about the others?

Mr. HAY. It may be that the other officers should be paid more. I am not prepared to say that they should be. For instance, take a second lieutenant. He gets \$1,400 a year now. He comes out of West Point and he is credited with four years' service, and at the end of one year's service he has 10 per cent added to his pay, which makes \$1,540, besides other perquisites. It does seem to me that a young man who has just come out of college, educated at the expense of the Government, who has been given everything that can be given to a young man in the way of advantages of every sort, that after being out one year in the world receives \$1,540 a year, together with other perquisites, that for the time being that is an adequate compensation. I do not know of any other case of any man in the world who has equal advantages.

Mr. COCKRAN. Does the gentleman know what a bookkeeper is paid in New York City?

Mr. HAY. How old is the bookkeeper?

Mr. COCKRAN. Twenty-one or 22; and what does the gentleman suppose he gets; would he think that such a man was overpaid at \$1,500 a year?

Mr. HAY. I do not know what pay he gets, but I know that it does not cost an Army officer as much to live where he does live as it would in New York.

Mr. COCKRAN. Does the gentleman think there is any comparison in the preparation of each man for his work?

Mr. HAY. I do not; and I think a man educated by the Government is much better qualified.

Mr. COCKRAN. But do I understand the gentleman from Virginia to say that because a second lieutenant is peculiarly qualified for work of an exceptional value, that he should be paid less?

Mr. HAY. I do not say anything of that sort. The gentleman from New York can not put words into my mouth.

Mr. COCKRAN. I beg to assure the gentleman that I do not wish to put words into his mouth; I want to get the view of the gentleman.

Mr. HAY. I do not presume the gentleman from New York cares very much what my views are.

Mr. COCKRAN. I do care very much, indeed; the gentleman does himself faint justice.

Mr. HAY. The gentleman from New York wants to muddy the water. I have stated repeatedly what my views were.

Mr. COCKRAN. If the gentleman will allow me to remind him, a few moments ago he stated that all the officers under the rank of major were underpaid.

Mr. HAY. I did not say anything of the sort, and the gentleman can not put words into my mouth. I decline to yield further.

Now, I want to call attention to what the Army is costing or will cost in the event of the adoption of this conference report. This bill, as I said, carries \$95,000,000. The fortification bill carries \$10,000,000. The sundry civil bill carries \$4,000,000 for purely Army purposes, and the permanent appropriation for the Army which is made every year is \$4,000,000 more, which makes \$113,000,000 that the Army will cost the country after the passage of this bill.

Now, if gentlemen think that we are justified in voting for the bill, adding this burden to the country, of course it is their lookout. I have endeavored, as best I could, to show the conditions about this increase of pay and about other increases, and I believe that the House should vote down the conference report.

Mr. DAWSON. Can the gentleman tell the House what the lump sum would be both in the active and retired list for the two highest grades in the Army, brigadier-general and major-general?

Mr. HAY. The increase on the active list of a major-general is \$500.

Mr. DAWSON. I mean the lump sum, showing how much the total would be.

Mr. HAY. I can not give you that, for I have not the figures. I can give you the increase on the retired list of a major-general, which is \$375; and there are twenty-five major-generals, which would be an increase of \$9,375. The increase of a brigadier-general is \$375 a year, and the increase would be \$99,750 for all of them.

Mr. GAINES of Tennessee. Does the gentleman think it would be more just to increase the pay of the retired Army officer than to increase the pay of those on the active list?

Mr. HAY. No; I do not.

Mr. GAINES of Tennessee. We are doing both in this bill.

Mr. HAY. Yes.

Mr. GAINES of Tennessee. If we could not do both, which does the gentleman think would do more justice to the Treasury?

Mr. HAY. I think the men on the active list should be increased before those on the retired list, undoubtedly.

Mr. GOULDEN. Will the gentleman please tell us just how much the increase is on the rank beginning with the second lieutenant and ending with major?

Mr. HAY. It is \$500.

Mr. GOULDEN. All the way through?

Mr. HAY. All the way through.

Mr. GOULDEN. Including the second lieutenant?

Mr. HAY. No; I think it is \$300 to the second lieutenant.

Mr. GOULDEN. How much to a cadet at West Point?

Mr. HAY. One hundred dollars.

Mr. GOULDEN. What is the lump sum for these grades, beginning with the cadet and ending with the rank of major, how much is required to raise their salaries as proposed?

Mr. HAY. It will require, I suppose, a little under a million dollars.

Mr. GOULDEN. I think the gentleman is in favor, perhaps, of that increase?

Mr. HAY. Not at this time.

Mr. GOULDEN. I am, most heartily.

Mr. GOLDFOGLE. Mr. Speaker, the gentleman from Virginia has been a very active member of the Committee on Military Affairs and is of course familiar with all these matters. I would ask the gentleman whether he has received any light in the committee from the hearings or in any other place as to why the increase is at this time demanded or requested?

Mr. HAY. Well, this is not the first time that it has been demanded or requested. The increase has been demanded and requested repeatedly for years back. It has just now culminated.

Mr. GOLDFOGLE. Is it not a fact that in almost every one of the Congressional districts the requests for appointments for cadets are very much in excess of the number that can be filled?

Mr. HAY. Unquestionably.

Mr. GOLDFOGLE. And all are willing to go in at the present rate?

Mr. HAY. Undoubtedly. Mr. Speaker, I reserve the balance of my time.

Mr. HULL of Iowa. Mr. Speaker, I yield ten minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, in my opinion this conference report is fair and just and ought to be adopted. As a member of the Committee on Military Affairs I shall vote for it. We have a very small Army, and I am in favor of making it just as practicable and just as efficient as possible. We all know that within recent times there have been a great many desertions from the Army, because the enlisted men are not treated as they should be treated, and because their pay is entirely inadequate. I want the enlisted men treated better and paid more.

This matter was carefully considered in the committee, and the committee agreed to the increase of pay of the enlisted men. If I had my way, I would be willing to make the pay of the soldiers more than is provided for in this conference report. The committee of the House did not touch upon the increased pay of the officers. It was thought advisable to pass the bill in the House with the increase of pay only for the enlisted men, but the Senate in the meantime passed a bill increasing the pay of the officers, and that bill is now pending. When the House appropriation bill went over to the Senate it was amended and the whole matter went to conference. The increased pay for the officers is a very small item. It gives cadets at West Point \$100 a year more. It gives colonels, brigadiers, and major-generals \$500 a year more. Their salaries have not been increased in forty years, whereas the expense of living during that time has very materially increased. It was represented to the committee by the officers of the Army that the increased cost of living in the city of Washington and other places throughout the country was at least 35 per cent, and their salaries for forty years had remained practically the same. They appealed to us to give them a very material increase. The best they can get at present it seems is this increase of about \$500 a year. Now, I do not think that is too much. I do not think this small increase is going to be a great burden on the taxpayers of the country.

These officers are most efficient men. They do a great work for the Government in various lines of usefulness—especially engineering work. They have got to live in accordance with the positions they occupy. They are cultivated, accomplished gentlemen. They have to entertain more or less. They have to dress well. They have families. They can not live as they are expected to live on the pay they are now receiving, and I am willing for one, as a Member of this House, and as a member of the Committee on Military Affairs, to pay the officers decent salaries to live on, and to pay the soldiers of the Army adequately, justly, and fairly, because I want to see in the American Army the best men we can get in the country, and we are not getting the best men at present, and the reason is because we do not pay them enough wages.

The officers of the Army have been educated at West Point, have gone into the Army and remained in the Army; they are the men who do our great engineering work from one end of the country to the other, great work of which we are all proud, and for which we appropriate millions and millions of dollars every year; and I am willing to pay them decent wages, so that they can live in accordance with the positions they are expected to occupy. These men do not have the opportunities to make money other men have in other walks of life. They

can not go into various enterprises to make money. They are entirely dependent on their salaries. The opportunities of money-making are all closed to them, and they are compelled to depend, not only themselves but their families, upon the pay they get as Army officers. This small increase is not too much. In the opinion of many it is not enough.

Mr. GAINES of Tennessee. What per cent do we increase the salaries of these officers?

Mr. SULZER. We increase them about \$500 a year.

Mr. GAINES of Tennessee. But what per cent?

Mr. SULZER. Less than 10 per cent. An officer getting \$6,000 a year, \$500 increase would be less than 10 per cent, whereas the necessities of life, as I pointed out, have gone up over 35 per cent, and I know myself from investigations I have made that the statements of the officers of the Army who appeared before the Committee on Military Affairs and submitted the data, which is a matter of record, are absolutely true so far as the increased cost of living is concerned—

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Speaker, I ask for a few minutes more. I want to answer any questions submitted.

Mr. HULL of Iowa. How much time does the gentleman desire?

Mr. SULZER. Just a few minutes more.

Mr. HULL of Iowa. I yield five minutes additional to the gentleman.

Mr. GAINES of Tennessee. Since you answered my question a minute ago that the raise was about 10 per cent, the gentleman from Virginia [Mr. HAY] informs me that they are raised about 40 or 50 per cent.

Mr. HAY. In the lower ranks.

Mr. SULZER. That is for the enlisted men.

Mr. HAY. No; first and second lieutenants.

Mr. SULZER. The gentleman from Virginia, as I understand it, has no objection to the increase in pay for the enlisted men.

Mr. HAY. I said to the gentleman from Tennessee the lieutenants were increased about 40 per cent under the provisions of this bill.

Mr. GAINES of Tennessee. Is it not true that when they move, say from Fort Myer, out here, to some other station the Government gives them mileage and pays for carrying their furniture? Is that correct?

Mr. SULZER. Not for carrying their furniture.

Mr. SLAYDEN. Three thousand pounds to each officer.

Mr. GAINES of Tennessee. That amounts to nothing.

Mr. SULZER. Not much in moving.

Mr. GAINES of Tennessee. Now, the increased cost of living, according to the evidence before your committee, is how much?

Mr. SULZER. In the last ten years or so it is about 35 per cent.

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

Mr. SULZER. Certainly.

Mr. GOULDEN. I would like to ask the gentleman if he considers the increase recommended by the conference committee or the Senate as commensurate with the increase in the cost of living?

Mr. SULZER. Not at all, not at all; entirely too little.

Mr. GOULDEN. You think the cost of living is much larger in proportion than the advance made along the line of increase?

Mr. SULZER. The cost of living has increased at least 35 per cent, and we are giving the officers an increase of salary of less than 10 per cent.

Mr. GAINES of Tennessee. Does the gentleman think it fair to charge up to these officers, because we give them a furnished room to live in—that is the short of the proposition, the furniture, and so forth—does the gentleman think that should be taken into consideration in fixing their pay?

Mr. SULZER. Oh, yes; that is taken into consideration.

Mr. GAINES of Tennessee. Does the increase in compensation in one sense take that into consideration?

Mr. SULZER. Yes. It is part of the compensation that is always taken into consideration, of course. But, as a matter of fact, I want to say that if we want an army of which we can be proud, we have got to pay the enlisted men decent wages, and we have to pay the officers of the Army living salaries.

Mr. SLAYDEN. What do you call decent wages for an enlisted man?

Mr. SULZER. Enough to live on decently and save a little for a rainy day. The enlisted men, I think, have been pretty fairly dealt with in this bill. I would be willing, however, to give the enlisted men a little more than they will get under this proposed amendment, but I am satisfied, and I understand the

enlisted men of the Army are pretty well satisfied, with the increase pay carried in this bill. However, I think the officers of the Army ought to receive more pay than they get now or will get under this proposed increase. I would be willing to vote for more. I believe in economy, but I believe in practical economy. I do not want to be penny wise and pound foolish; and the commentary I would make on the legislation of this Congress is that when it comes to appropriating millions of dollars for some matter in which very few people are interested it is done unhesitatingly, but when it comes to appropriating money for the men who are really entitled to it we quibble about it. We strain at a gnat and swallow a camel. It is everything for the few, very little for the many.

We do not legislate fairly and justly for the best interests of all concerned, but that is what we should do.

Now, sir, I believe that this conference report is the best report that the House can get. I believe that the conferees have done the best they could to come to an agreement, and, having reached this agreement, I am in favor of the House adopting the conference report. I shall vote for it, and I hope it will be adopted. If it is adopted and these increases of pay become law, we will find that the personnel of the Army will be very much improved in all respects. [Applause.]

Mr. HULL of Iowa. Now, Mr. Speaker, I hope the gentleman can use some more of his time. I have very little remaining, and I must reserve that largely.

Mr. HAY. I yield fifteen minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, when the Army appropriation bill was before the House and that paragraph increasing the pay of the enlisted men was under consideration I reserved the point of order, and the merits of the proposition were discussed. The gentleman from Iowa [Mr. HULL] informed the House that he was not in favor of increasing the pay of the officers of the Army and did not feel that we were justified in doing that at this time.

Mr. HULL of Iowa. I will yield to the gentleman time, if he will allow me to correct him. I did not state anything of the kind. I stated that no doubt the Senate would put it on and a proper increase should be made, instead of saying what the gentleman says I did.

Mr. TAWNEY. My recollection is that the gentleman not only said that, but said that he would resist the proposition to increase the pay of the officers of the Army.

Mr. HULL of Iowa. Mr. Speaker, I challenge that absolutely. There is not a word of truth in it.

Mr. TAWNEY. The proposition was then before the committee as to whether or not the proposed increase for the enlisted men should be carried in the Army appropriation bill.

I took the position upon that occasion to say that if we carried the provision, which I was in favor of, to increase the pay of the enlisted men, in the Army appropriation bill, it would afford an opportunity for the Senate to increase also by amendment the pay of the officers of the Army. And at that time the sentiment of the House was universally opposed to the proposed increase of the pay of the officers of the Army, either on the active or the retired list.

Mr. SLAYDEN. Mr. Chairman—

Mr. TAWNEY. Just a minute. Now, another proposition that was considered by the Committee of the Whole House on the state of the Union and voted down was \$1,000,000 for maneuvers of the Army, the "grand maneuvers," as they are called, during the next fiscal year. That proposition the gentleman from Iowa [Mr. HULL] himself made a speech against, and it was rejected by the committee. That amendment has gone into the Army appropriation bill in the Senate and has been agreed to by the House conferees.

Mr. HULL of Iowa. I was opposed to it.

Mr. TAWNEY. And the gentleman stated to the House what is the fact, that the Military Committee in reporting this bill to the House, instead of appropriating \$1,000,000 for these maneuvers, had given to the Secretary of War power and authority to send the regular troops to the State encampments, and that the necessary expenditures for that purpose had been provided for in the bill, and would be made for the purpose of giving to the State troops the benefit of this participation in maneuvers with the Regular Army troops. The Senate amended the House bill, putting in the \$1,000,000 for the maneuvers, and the bill also carries the appropriation to defray the expense of sending the regular troops to the State encampments in addition to that.

Now, he informs us that the increase in the pay of the enlisted men of the Army is \$5,000,000 as carried in this bill. When the bill was before the Committee of the Whole House on the state of the Union he stated that that would not be the

maximum increase; that it would be the minimum increase, because this increase would encourage additional enlistments; the aggregate, he said, would be \$8,000,000 or \$9,000,000. Now, Mr. Speaker, to that has been added over \$2,000,000 for increase of the pay of the officers of the Army.

The total increase carried by the bill over the amount the bill carried when it went to the Senate is \$10,000,000.

Mr. Speaker, there has nothing been said as yet as to what the items are that go to make up the greater portion of the \$10,000,000 increase. The increase in the pay of the enlisted men was authorized in the bill that passed the House. The addition of \$2,000,000 or over is for the increase of pay of the officers.

Then, in addition to that, there is \$1,000,000 for maneuvers that has been added. Now, what items go to make up the balance of the \$10,000,000 I do not know. I submit, Mr. Speaker, in all fairness the gentleman from Iowa—in view of the action of the House in respect to the appropriation of \$1,000,000 for maneuvers, and in respect to the sentiment of the House on the subject of the increased pay of the officers of the Army—ought to have brought that bill back so that the House would have had an opportunity to consider the several increases, particularly those on which the House had previously expressed an adverse opinion. Instead of that, the report comes back here in the form of a complete agreement, with no opportunity for the House to vote specifically on any one of these items, it matters not what its judgment might be as to the advisability of making the increases proposed by the Senate. When you propose to increase the expense of the Army above the amount appropriated for the current year to the extent of \$17,000,000, I submit that the House is not only entitled to know the several items of increase, but to have the right to a separate vote on some of them—at least the most important—and especially those regarding which the House had previously given an adverse vote.

Mr. GOLDFOGLE. Why would it not be well to modify the special rule so that we could give justice to these particular items?

Mr. TAWNEY. The rule under which we are operating does not change the situation. If we were operating under the ordinary rules of the House, the conditions would be exactly the same. This report is a complete agreement and is not subject to amendment. This is a complete report—a complete agreement—so if there is any item in the report which the House does not approve of, the only recourse the House has is to reject the report and send the bill back to conference.

Mr. HULL of Iowa. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. Suppose this report is voted down. If the gentleman's argument means anything, then he proposes to take up these items specifically and pass upon each where there is a difference of opinion?

Mr. TAWNEY. I am not in favor of that.

Mr. HULL of Iowa. That is what you would do.

Mr. TAWNEY. But I am in favor of giving to the House further opportunity to insist upon its disagreement to the Senate amendments, and that the gentleman from Iowa may take the bill back to conference. I am satisfied that if that is done, he will bring the bill back here carrying a less amount than it carries now, or that the House will be given an opportunity to give specific instructions regarding items that it does not agree to.

Now, Mr. Speaker, this matter of war expenses is one that the House is quite familiar with. But the rate of increases this year in Army and Navy expenditures is greater than it ever has been in the sixteen years that I have served in this House, greater than it has ever been since the gentleman from Iowa has been chairman of the Military Committee, except in time of war. I submit, Mr. Speaker, that when we are confronted, as we are to-day, with decreasing revenues, with a large deficit, there is no man that can justify increasing the pay of the Army officers or increasing the pay of the 900 officers, I think the gentleman from Iowa said, on the retired list, aggregating in all for the retired officers over \$500,000, as stated by the gentleman from Virginia [Mr. HAY]. I say that in view of our present situation, in view of the condition of the Treasury of the United States, no man can justify before the American people this enormous increase in war expenses when we have not got the money to meet them and when there is no imminent danger threatening our Government or our country requiring these enormous additional war expenditures.

In all fairness to the House, I submit that this committee of conference ought to have brought back this bill so as to give the House an opportunity to express its judgment in regard to the items that it voted down when the bill was before the House on a former occasion, and that in regard to the increase in the pay of the officers, this House ought to have an oppor-

tunity to express itself specifically upon that proposed increase. But in the parliamentary situation as it is now no man can have a separate vote on any item in this report. We must vote it up or vote it down; no matter how objectionable some of these items may be, we have no opportunity to express by our vote our dissent to those propositions.

Now, Mr. Speaker, if the report is voted down or rejected, the House would then further insist upon its disagreement to the Senate amendments and ask for another conference; and I believe that I am not stating that which the gentleman from Iowa would disagree to when I say that if this bill is sent to conference again it will be brought back here with a less amount authorized, or afford the House the opportunity to express its judgment on these two important items, items that can not be voted upon unless the report is rejected. I therefore hope the report will be rejected in order that we may have an opportunity to express our further disagreement to the Senate amendments in order that the conferees may continue their conference with a view to reducing these expenditures, or at least with a view of giving to the House an opportunity of voting on the most important items in disagreement. I yield back the balance of my time.

Mr. HULL of Iowa. I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. I have listened with much interest to this debate, and I must confess with some surprise at the attitude of the gentleman from Virginia [Mr. HAY], who, appearing to recognize in at least part of his speech that some of our Army officers are underpaid, yet seemed to feel that the condition of our finances would justify the country in refusing to meet its obligations to this very deserving class of public servants.

Now, Mr. Speaker, it seems to me that if we are to have an Army at all—I am one of those who gladly welcome a reduction in it—it is incumbent upon us to provide against one condition which has resulted in every country that undertakes to maintain a standing army. In every other country where a standing army of any size exists the officers are composed entirely of men with independent fortunes. Officers are underpaid for the express purpose of excluding from that number all men who are not possessed of private means. Now, if this House declines to provide adequate compensation for officers of our Army, there can be no alternative except either to be content with the service of inferior men, men of inferior equipment and preparation, or else to depend entirely upon men able to support themselves independently of the pay allowed by the Government.

The gentleman from Virginia [Mr. HAY] described the compensation of a young man leaving West Point as adequate. He said it was some \$1,400 a year when the young man joined the regiment, and that one year afterwards he becomes entitled to an increase of 10 per cent, which allows him about \$1,500. The gentleman did not state that under the rules of the service the officer must provide himself with an outfit costing some \$800. That outfit must be maintained, which means that in some respects it must be renewed from year to year. The cost of providing and maintaining that outfit is a reduction in the amount of his pay that leaves him less than \$1,000 a year. It is idle to expect that any man of the abilities and preparation which are qualifications for entry into the United States Army and for remaining in it will be content to accept a career where, according to the gentleman himself, at the end of twenty years' service, he can hope to attain as a captain the munificent compensation of \$2,800 a year and supply his own equipment out of that.

Mr. Speaker, I believe that these officers of our Army are the best qualified in all the world for the discharge of military duties. There is no other military service which exacts such thorough preparation from persons seeking commissions as the United States Army. The standard of qualification required, not merely for admission, but for remaining in the Army, is higher than anywhere else in the world. And if we are to maintain this Army as a citizen force, representative of the entire citizenship of our country, we must be satisfied to make sufficient provision for reasonable compensation to the men drawn from all walks of life who officer it.

Sir, when I realize that Members of this House increased their own compensation 50 per cent but one year ago; that we are now the highest-paid legislators in all the world—for there is not in all civilization a nation that pays its legislators, if my recollection is correct, one-half what we receive—it is little short of scandalous that we should be urged on the score of economy to leave officers of our Army, especially those of the inferior grades, grossly underpaid, when we come to consider the cost of living throughout the country. When a proposal is made here in this House to provide them with nothing beyond

the necessary means of securing the absolute necessities of life, to pay them a smaller compensation by one-half than any man would receive in any other walk of life with qualifications equal to theirs, we are met with the statement that this being an inauspicious season, we can not afford to be just; and this declaration of poverty is made on this floor at the same moment that are own pockets are bulging out with a compensation for public service generous beyond parallel in the experience of mankind.

Mr. Speaker, I hope the House will not assume an attitude so little creditable to its dignity, its patriotism, or its sense of justice. [Applause.] I trust this very moderate provision for reasonable pay to our officers will prevail.

Mr. SLAYDEN. Mr. Speaker, I shall only ask the attention of the House to one feature of the conference report, and if there were no other reasons for opposing the adoption of it, that one provision would determine me to vote against it. The amended bill as brought in with the conference report has this paragraph:

And the pay of cadets at the Military Academy shall hereafter be \$600 a year.

A large number of the Members in this House do not know, I take it, what the real compensation of cadets at the Military Academy is.

Mr. HUGHES of New Jersey. Does that include equipment?

Mr. SLAYDEN. If the gentleman from New Jersey will possess himself with patience I will endeavor to explain these points. In 1902, on June 28, the Military Academy bill for the succeeding fiscal year was approved. It contained this paragraph:

That hereafter the pay of cadets shall be fixed at \$500 per annum and one ration per day, with commutation thereof, such commutation to be at 30 cents per day.

So that by the act of June 28, 1902, the compensation of cadets at the Military Academy was fixed at \$609 per year. Now, the proposition brought in by the conference committee is that we shall pay the cadets at the Military Academy \$709 per year. I concede every virtue and every high quality that gentlemen claim for them, but to pay them \$709 a year to go into the most comfortable quarters that any school on earth, as far as I know, possesses, to receive education at the public expense, to be provided with a profession for life, is preposterous in my judgment. It is excessive overpayment.

Mr. FOSTER of Vermont. Is it not a fact that every cent of this alleged compensation is charged up against them by the institution known as the "academy?" The gentleman does not mean to say that at the end of the year they have any of it left?

Mr. SLAYDEN. I have not meant to say anything of the kind. The cadets are compelled to buy their clothing; they are compelled to pay for their food—

Mr. FOSTER of Vermont. And they pay for blacking their boots.

Mr. SLAYDEN. But they get both at cost. They are housed and educated; they are furnished with clothing at cost, they are furnished with food at cost, and both of the very highest quality. Let us contrast their situation with that of other Government servants. Only a few days ago the gentleman from New York [Mr. PERKINS] called attention to the case of a lighthouse keeper within his own personal knowledge, the head of a family, a man doing valuable public service, a man who had a wife and two children dependent upon him, whose compensation was \$520 per year.

I dare say that except, perhaps, in that locality known as the "island of Manhattan," where everything seems to be pitched upon a high and, I believe, artificial scale, where men possess more talent, where bookkeepers earn fortunes each year, where they receive a compensation altogether out of proportion to that paid men of equal ability for the same service in other parts of the country—these cadets are paid more to receive an education and to take a commission providing them with an honorable profession and a certain living for the balance of their lives than the majority of the heads of families throughout the country—always excepting New York—receive for their services.

Mr. GOLDFOGLE. Will the gentleman kindly inform us what percentage of cadets after graduation leave the Army and enter civil life?

Mr. SLAYDEN. I can not tell the gentleman what percentage leaves the academy or the Army and enter civil life. I think it is a very small percentage.

Mr. SULZER. I was going to say very few.

Mr. SLAYDEN. I can not yield, Mr. Speaker, for the gentleman's interruption. The suggestion has been made that a cadet necessarily has to pay \$800 for uniforms on graduation. That is not so. The statement has been made that it has to be re-



newed every year. I dare say except for an occasional fop in the military service, just as we find an occasional fop in civil life, who is in possession of a large income, that there are not half a dozen officers in the United States Army who pay \$800 a year for uniforms. [Applause.] This paragraph alone, which incites to extravagance, will justify the rejection of the report.

Mr. HAY. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I shall vote to disagree with this conference report. It seems astounding that in a time of profound peace, without any threatening clouds of war, without proposing to add a single man to the Army of the United States, the proposed appropriation for the next fiscal year for the Army should exceed the appropriation for this year by more than \$17,000,000. It is immaterial to me whether this is due to an increase in the compensation of the officers and men or whether it is due to other items in the bill. It can not be justified, even if the Treasury were overflowing, instead of facing a tremendous deficit. This day last year the receipts exceeded the expenditures of the Government by \$60,480,121.33. To-day for the present year the expenditures exceed the receipts by \$54,130,538.28, a difference in the condition of the Treasury to-day and this time last year of \$114,610,659.61. It has been repeatedly pointed out here that this year, despite the prediction of the Secretary of the Treasury that there would be in this fiscal year a surplus of about \$42,000,000, there will be a deficit of from \$70,000,000 to \$85,000,000. In the coming year the deficit will be much greater. The gentleman from Minnesota [Mr. TAWNEY] at the opening of this session called the attention of the country to the fact that the estimates for the public service for the coming fiscal year were \$118,000,000 in excess of the anticipated revenues. He then stated that it would be possible to appropriate \$100,000,000 less than the administration asked without interfering in the slightest degree with the efficiency of the administration. Within a week he has called the attention of the country to the fact that this House has reported appropriation bills carrying \$99,000,000 less than the estimates of the administration, and that if the bills were enacted as reported by the House committees the efficiency of administration of the public service would not be impaired.

The Army bill passed the House carrying \$84,000,000, about \$5,000,000 less than the estimates. The Senate has added \$11,000,000, making it \$6,000,000 more than the estimates. How long do Members of this House believe that the Congress can continue, not only to appropriate up to the estimates this year, \$118,000,000 in excess of the anticipated revenues, but 15 per cent in addition to the estimates, which are so much in excess of the anticipated revenues?

Mr. Speaker, I have had some experience in the city of New York within a not very distant period. I know somewhat of the compensation that men are able to earn there. Seventeen years ago I was graduated from college, and after spending two years in a law school I was admitted to the bar, just fifteen years ago this month. I was like all—if not, 90 per cent—of the 220 young men in my class in the law school. I was glad to take a position as a law clerk at \$10 a week, and I undertake to say that not only then, but now, unless the average graduate of the law schools, who has been admitted to the bar, has been greatly favored by fortune or has rich connections or associations who are ready to pay him out of all proportion to the services that he is able to render, the young man is lucky to-day to receive \$10 a week in any law office upon being graduated from a law school.

Mr. COCKRAN. Would the gentleman have accepted at that time any compensation that would have limited him to earning \$2,800 a year after forty years' service in his profession?

Mr. FITZGERALD. Mr. Speaker, I should have welcomed the opportunity to have entered some profession at that time which would have guaranteed to me at the end of a life of activity and usefulness a support for the rest of my life out of the Public Treasury of the United States. [Applause.] That is what these young men in the Army have. No man in civil life can expect that some great and beneficent government will provide for him when he is incapacitated, but he must depend upon his own exertions to put by the competency upon which he can live during the declining years of his life.

Mr. LANDIS rose.

The SPEAKER. The time of the gentleman has expired.

Mr. LANDIS. I will ask the gentleman from Iowa to grant me half a minute in which to ask a question.

Mr. HULL of Iowa. I yield half a minute for that purpose.

Mr. LANDIS. I want to make this statement, which I consider a great tribute to opportunity in New York and a complete answer to the argument of the gentleman from New York [Mr.

FITZGERALD]. Col. J. B. Curtis commanded a battery in the Spanish-American war. There were 175 men in that battery. After service in Porto Rico the regiment landed in New York City and Colonel Curtis and a number of the members of the battery located there instead of going back to Indiana. He told me recently that he had kept track of all of them and that seventeen of them were now enjoying salaries in excess of \$5,000 per year. Not one of them could have hoped for such compensation had they remained in the service.

Mr. FITZGERALD. Oh, Mr. Speaker, everybody living in the city of New York has not been so fortunate as to have been born in the State of Indiana. [Laughter.]

Mr. MANN. It is a wonder there is any population left in Indiana.

Mr. LANDIS. While I question their judgment and wisdom in leaving Indiana, I submit that that is a complete answer to the argument advanced by the gentleman from New York [Mr. FITZGERALD].

Mr. MANN. If it were, the gentleman would have no constituents. [Laughter.]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, a few moments ago I referred to the debate on the provision increasing the pay of the Army which occurred when the Army appropriation was under consideration in the House. At that time, as all the Members of the House who were present will recall, the only question before the House was the question of increasing the pay of the enlisted men, which I favored. I read from the RECORD of the first session of this Congress, page 2617. I was addressing a question to the chairman of the Committee on Military Affairs, and I said:

Is it not also a fact that the pressure for increasing the compensation of the officers of the Army is even stronger, and that there is an organized effort in that direction much greater than there has been to increase the pay of the enlisted men?

Mr. HULL of Iowa. Mr. Chairman, there has been, of course, an effort to increase the pay of the officers, and I think in a sense it is a proper question to be discussed.

Then, again, on page 2617, the gentleman from Iowa said:

Then the question of increase would also be determined somewhat by whether that provision would apply to those on the retired list (referring to officers). If it did not, you would reduce it by \$250,000.

Then, again, he went on to say:

I want to say to my friend that there has been a tentative talk among the members of the committee of an increase which would commence with a brigadier-general and give him \$500 a year additional salary, which would make his pay the same as the pay of a rear-admiral of the junior grade in the Navy.

Then he goes on and enumerates what was embraced in this tentative talk among the members of the Committee on Military Affairs on the subject of increasing the pay of officers, and he said:

That is a matter that should be taken up if the measure is brought before us and fully debated and discussed. The proposition here is simply to increase the pay of the enlisted force of the Army.

Then, again, Mr. HULL said:

I would like to ask the gentleman a question right there. That is one of the points; the committee believed it was better to put it on here, and we could control it better than we could if it was in a separate and independent measure. Is it not always the rule that the House making the amendment, if the other House will not agree to it, must recede?

Now, Mr. Speaker, this shows that this whole question of the increase of the pay of the officers of the Army when the matter was before the House was conceded to be a matter that should be fully discussed and considered. That statement was made by the gentleman from Iowa himself. Now, it is proposed to smuggle this proposition through the House in a conference report and deprive the Members of the House of the opportunity of expressing their opinion by their vote on this proposition, and the same is also true of the proposition that this House voted down an appropriation of a million dollars for maneuvers, and I submit under all the circumstances, this being an important proposition, involving an increase of several millions not only for the next year, but a permanent charge upon the revenues for years to come. Mr. Speaker, this we are asked to do without an opportunity to consider or vote upon the proposition. If this is not abdicating our legislative function to a conference committee of the House, then I know of no way whereby this House can surrender that important prerogative. I submit, Mr. Speaker, that it is not fair to this House to ask the House to vote on the proposition without an opportunity for consideration and without an opportunity for a separate vote. I yield back whatever time I may have remaining.

Mr. HULL of Iowa. I yield two minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, as a member of the conference committee I had not thought that it was necessary to say anything in support of the very modest increase given, after forty years of increase of values and prices in this country, to the officers as well as to the men of our Army. I am forced to do so by the words of the gentleman who has just sat down and of his predecessor, who said they did not understand the increases in this bill. Four-fifths of the \$7,000,000 is given to the men. They served in the civil war at \$16 a month and they serve now at \$13 a month, and we can not fill our Army in these days without paying them more. Part of it is for the noncommissioned officers, because in order to have a good army there must be good noncommissioned officers who will stay in that army. The pay of commissioned officers was thought worthy of consideration, and the chairman of this committee so stated in the House, but he thought then that we had to make one step at a time. Mr. Speaker, it is likely that we can not make any step at all unless we take both steps now, because it is thought fair and insisted that a small increase should be made to the salaries of the officers. There are about 4,000 officers of the American Army, and of these there are 3,350 and odd who are captains, or of lower grade than captains. It would take a man, therefore, out of the average forty years' service in time of peace, five-sixths of that forty years, or certainly over twenty-five years, to get above the pay of a captain.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. HULL of Iowa. I hope the gentleman will now conclude. I desire to finish in one speech.

Mr. HAY. Is the gentleman going to conclude his remarks in one speech?

Mr. HULL of Iowa. I am.

Mr. HAY. I do not care to use any more of my time.

Mr. HULL of Iowa. Mr. Speaker, the gentleman from Minnesota has not treated this question with the fairness that a man occupying his great position in this House should have exhibited. In his first statement of my position on the increased pay to officers he misstated it absolutely, as the small portion of my remarks at the time this bill was before the House that he read conclusively proves. He did quote one statement of mine correctly, that it was understood in my mind at that time that where the one House would not agree to an amendment of the other the House proposing the amendment must recede. But I desire to read what the gentleman from Minnesota [Mr. TAWNEY] said on that when I made the statement.

He said:

No. If it is an amendment to an appropriation, but that rule does not obtain if it is an amendment to legislation.

This he held was an amendment to legislation, and therefore the Senate had just as much right to amend to put in the officers as the House had the right to amend to increase the pay of the men. In this he was right.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. Do you think that gave the conferees the power or authority to legislate on a subject that had not even been brought to the attention of the House?

Mr. HULL of Iowa. We legislated on an appropriation bill, and I stated to the House in all frankness at that time, directly and positively, that this was laying the foundation for an amendment on the part of the Senate to increase the pay of officers; that it had been discussed by the Military Committee of the House, and that we had determined to put in, first, the men, and then consider the other when it came up.

Now, Mr. Speaker, the gentleman lays great stress upon this idea of the separate consideration of all these amendments treated in conference. He will not bring in during this Congress any conference report that will open to discussion each individual amendment of his report. The idea will be in his case, as in all others, to get a full agreement, if possible, and dispose of it with one vote. If this report is voted down, as he hopes it will be, it will not lead to a discussion of each individual amendment, and the gentleman from Minnesota [Mr. TAWNEY] would himself oppose any proposition of that kind. We must either reject all or accept all.

I want to say a word as to the maneuvers. He lays great stress on the fact that there is \$1,000,000 here for maneuvers this year, and he also lays stress on the fact that I opposed this proposition. I did oppose it then, and I opposed it in conference, and I am not in favor of it now. I do not believe we ought to have it. I believe it is a million of dollars that could be better expended in many other ways.

But what did the House do on that? On a test vote this House voted by just one majority to keep from inserting it in the bill—just one majority on tellers—and they voted us down on the rising vote. And at least four Members that voted with me at that time stated that they were opposed to my position, did not want to see the committee turned down on it, but they hoped the Senate would put it in. When it came back here they gave notice they would vote to concur in the amendment, and I have no doubt on earth that if it was a separate proposition, to be determined on its merits on the roll call of this House, the pressure from the National Guards of the different States would insure the adoption of that amendment of a million dollars by a large majority. The gentleman talks about an increase of \$17,000,000 made by the Senate in this bill. The bill as it passed the House carried in round numbers \$85,000,000.

Mr. TAWNEY. Seventeen million dollars is over the current law. If I said that the increase was above the amount carried as the bill left the House, it was an error, and I subsequently corrected it.

Mr. HULL of Iowa. We passed the bill in the House that in round numbers carried \$85,000,000. It came back from the Senate carrying in round numbers \$98,000,000, an increase of \$13,000,000. In conference this amount was reduced to \$95,000,000. But over \$5,000,000 of this was provided for when this House increased the pay of the enlisted men of the Army. We did not increase the amount appropriated, because, as I stated at that time, it was impossible to tell what would be the final agreement as to the pay of the enlisted men of the Army, and when we reached that agreement, we could then fix the amount. But the House remembers that I gave notice at that time that the increase would be, approximately, \$5,000,000. So that disposes of half of the amount. Then we put the \$1,000,000 back for maneuvers. I was not in favor of it. The conferees on the part of the House, and a majority of this House, is in favor of this. We recommended an increase of at least \$300,000 more for transportation of the Army and its supplies on account of maneuvers than would otherwise have been given. We increased the ration allowance \$500,000, because they have increased the value of the ration.

They increased, in addition to that, \$200,000 for medical supplies, to prepare a reserve amount that had been estimated for, but not considered by the committee on the part of the House and not submitted to the House. They increased also the different lines of transportation of the Army and its supplies, coming up not much beyond what the current law carries, when you consider what was given by the Military Committee and the deficiencies that were added by the Committee on Appropriations.

The SPEAKER. All time has expired.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to put in my remarks exactly what this increase is for the different grades of officers:

668 officers, majors and above, \$500 each.....	\$334,000
2,500 officers, captains and first lieutenants, \$500 each.....	1,250,000
828 officers, second lieutenants, \$300 each.....	248,400
Total.....	1,832,400

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the motion to suspend the rules and agree to the conference report.

Mr. HULL of Iowa. Division!

The House divided, and there were—ayes 17, noes 61.

Mr. HAY. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 141, nays 92, answered "present" 15, not voting 139, as follows:

YEAS—141.

Acheson	Chapman	Fornes	Hill, Conn.
Alexander, N. Y.	Cockran	Foss	Hinsbaw
Allen	Cocks, N. Y.	Foster, Ill.	Howard
Ames	Conner	Foster, Vt.	Howell, Utah
Andrus	Cook, Colo.	Foulkrod	Howland
Anthony	Cook, Pa.	French	Hubbard, Iowa
Barchfeld	Cooper, Pa.	Gaines, W. Va.	Hubbard, W. Va.
Barclay	Craig	Gilhams	Huff
Bartholdt	Crawford	Gill	Hull, Iowa
Bartlett, Nev.	Currier	Godwin	Jenkins
Beale, Pa.	Dalzell	Gordon	Jones, Wash.
Birdsall	Darragh	Goulden	Kahn
Bonyng	Davidson	Greene	Keffer
Boutell	Davis, Minn.	Gregg	Kennedy, Iowa
Bradley	Dawson	Gronna	Kennedy, Ohio
Brownlow	Denby	Hale	Kipp
Burleigh	Draper	Hall	Knopf
Burton, Del.	Dwight	Hamilton, Mich.	Küstermann
Calder	Ellis, Mo.	Haskins	Lamb
Calderhead	Englebright	Haugen	Landis
Caldwell	Fassett	Hawley	Lassiter
Capron	Floyd	Henry, Conn.	Lee
Caulfield	Focht	Hepburn	Legare

Longworth	Murdock	Reid	Taylor, Ohio
Loud	Needham	Richardson	Tirrell
Loudenslager	Nicholls	Robinson	Townsend
McCall	Norris	Rothermel	Vreeland
McGuire	O'Connell	Slemp	Waldo
McLachlan, Cal.	Olcott	Smith, Mich.	Washburn
McMorran	Olmsted	Sparkman	Watson
Macon	Overstreet	Sperry	Wood
Malby	Parker, N. J.	Steenerson	Woodyard
Maynard	Parker, S. Dak.	Sterling	Young
Miller	Pearre	Sturgiss	
Moon, Tenn.	Pollard	Sulloway	
Mouser	Prince	Sulzer	

## NAYS—92.

Adair	Favrot	James, Ollie M.	Rauch
Alken	Ferris	Johnson, Ky.	Reeder
Alexander, Mo.	Finley	Johnson, S. C.	Russell, Mo.
Ansberry	Fitzgerald	Jones, Va.	Russell, Tex.
Ashbrook	Fulton	Kimball	Sabath
Beall, Tex.	Garner	Kinkaid	Shackleford
Booher	Garrett	Kitchin, Claude	Sheppard
Bowers	Gillespie	Lloyd	Sherley
Boyd	Glass	Mann	Sims
Brantley	Griggs	Mondell	Slayden
Burgess	Hackett	Moore, Tex.	Smith, Mo.
Burton, Ohio	Hackney	Morse	Spight
Carlin	Hamilton, Iowa	Murphy	Stafford
Clark, Mo.	Hammond	Nelson	Stephens, Tex.
Clayton	Harding	Nye	Tawney
Cole	Hay	Padgett	Thomas, N. C.
Crumpacker	Heflin	Page	Thomas, Ohio
Davenport	Helm	Patterson	Tou Velle
Denver	Henry, Tex.	Payne	Volstead
Dixon	Hill, Miss.	Perkins	Watkins
Douglas	Houston	Rainey	Williams
Edwards, Ga.	Hughes, N. J.	Randell, Tex.	Wilson, Ill.
Ellis, Oreg.	Hull, Tenn.	Ransdell, La.	Wilson, Pa.

## ANSWERED "PRESENT"—15.

Adamson	Cary	Goebel	Roberts
Burleson	Cousins	Goldfogle	Small
Butler	Cox, Ind.	Hayes	Stanley
Candler	Flood	McKinney	

## NOT VOTING—139.

Bannon	Fordney	Langley	Powers
Bartlett, Ga.	Foster, Ind.	Laning	Pratt
Bates	Fowler	Law	Pray
Bede	Fuller	Lawrence	Pujo
Bell, Ga.	Gaines, Tenn.	Leake	Reynolds
Bennet, N. Y.	Gardner, Mass.	Lenahan	Rhinord
Bennett, Ky.	Gardner, Mich.	Lever	Riordan
Bingham	Gardner, N. J.	Lewis	Rodenberg
Brodhead	Gillett	Lilley	Rucker
Broussard	Graff	Lindbergh	Ryan
Brumm	Graham	Lindsay	Saunders
Brundidge	Granger	Littlefield	Scott
Burke	Haggett	Livingston	Sherman
Burnett	Hamill	Lorimer	Sherwood
Byrd	Hamlin	Lovering	Smith, Cal.
Campbell	Hardwick	Lowden	Smith, Iowa
Carter	Hardy	McCreary	Smith, Tex.
Chaney	Harrison	McDermott	Snapp
Clark, Fla.	Higgins	McGavin	Southwick
Cooper, Tex.	Hitchcock	McHenry	Stevens, Minn.
Cooper, Wis.	Hobson	McKinlay, Cal.	Talbot
Coudrey	Holliday	McKinley, Ill.	Taylor, Ala.
Cravens	Howell, N. J.	McLain	Thistlewood
Cushman	Hughes, W. Va.	McLaughlin, Mich.	Underwood
Davey, La.	Humphrey, Wash.	McMillan	Wallace
Dawes	Humphreys, Miss.	Madden	Wanger
De Armond	Jackson	Madison	Webb
Diekema	James, Addison D.	Marshall	Weeks
Driscoll	Kelber	Moon, Pa.	Weems
Dunwell	Kitchin, Wm. W.	Moore, Pa.	Weisse
Durey	Knapp	Mudd	Wheeler
Edwards, Ky.	Knowland	Parsons	Wiley
Ellerbe	Lafean	Peters	Willitt
Esch	Lamar, Fla.	Porter	Wolf
Fairchild	Lamar, Mo.	Pou	

So the rules were suspended, and the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. THISTLEWOOD with Mr. UNDERWOOD.  
 Mr. STEVENS of Minnesota with Mr. WOLF.  
 Mr. SCOTT with Mr. TAYLOR of Alabama.  
 Mr. RODENBERG with Mr. STANLEY.  
 Mr. MARSHALL with Mr. RHINOCK.  
 Mr. MCKINLEY of Illinois with Mr. PUJO.  
 Mr. MCGAVIN with Mr. CLARK of Florida.  
 Mr. LOVERING with Mr. McDERMOTT.  
 Mr. LAWRENCE with Mr. LEWIS.  
 Mr. LAW with Mr. LEVER.  
 Mr. ESCH with Mr. LEAKE.  
 Mr. DUNWELL with Mr. HARDY.  
 Mr. BURKE with Mr. DE ARMOND.  
 Mr. BATES with Mr. CRAVENS.  
 Mr. BARTHOLDT with Mr. BURNETT.  
 Mr. BANNON with Mr. BRODHEAD.  
 Mr. DIEKEMA with Mr. GOLDFOGLE.  
 Mr. WEEMS with Mr. RYAN.  
 Mr. GARDNER of Michigan with Mr. CARTER.  
 Mr. MCKINNEY with Mr. HAMLIN.  
 Mr. MOORE of Pennsylvania with Mr. ELLERBE.

Mr. SMITH of Iowa with Mr. BELL of Georgia.  
 Mr. LAFEAN with Mr. RUCKER.  
 Mr. BENNET of New York with Mr. HARDWICK.  
 Mr. MOON of Pennsylvania with Mr. COOPER of Texas.  
 Mr. LOWDEN with Mr. CANDLER.

For this session:

Mr. WANGER with Mr. ADAMSON.

For the balance of the day:

Mr. GILLET with Mr. HITCHCOCK.

On this vote:

Mr. HAYES (against) with Mr. GAINES of Tennessee (in favor of).

Mr. COOPER of Wisconsin (against) with Mr. WILEY (in favor of).

The result of the vote was then announced as above recorded.

## PORTO RICO PROVISIONAL REGIMENT.

Mr. HULL of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk, with the amendments recommended by the committee.

The Clerk read as follows:

A bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry.

*Be it enacted, etc.,* That on and after the 30th day of June, 1908, the Porto Rico Provisional Regiment of Infantry shall be designated the Porto Rico Regiment of Infantry of the United States Army. It shall be composed of the two existing battalions of the Porto Rico Provisional Regiment of Infantry.

SEC. 2. That the field officers of said regiment shall be one lieutenant-colonel and two majors, who shall be detailed for four years by the President from officers not below the rank of captain of the Army.

SEC. 3. That the present captains and lieutenants of the Porto Rico Provisional Regiment of Infantry who have had not less than five years' service therein, and who were reappointed after a mental, physical, and professional examination, may be recommissioned as officers of the Porto Rico Regiment of Infantry.

SEC. 4. That the lieutenants, natives of Porto Rico, now holding provisional commissions, may continue to serve until the expiration of such commissions, when, after an examination as to their mental, physical, and professional fitness, they may be recommissioned as officers of the Porto Rico Regiment of Infantry.

SEC. 5. That vacancies in the grade of second lieutenant may be filled by the President, in his discretion, by the appointment of citizens of Porto Rico whose qualifications for commissions shall be established by examination.

SEC. 6. That promotions to the grade of first lieutenant and captain shall be according to seniority within the regiment, subject to the examination provided by law. All appointments and promotions herein provided for shall be made with the advice and consent of the Senate. Officers of the Porto Rico Regiment of Infantry shall have the same rank, pay, rights, and allowances provided by law for officers of similar rank in the Army of the United States, except as herein provided with regard to promotion. Any of the officers provided for by section 3 who may have become incapacitated for active service by reason of disability incident to the service shall be placed upon the retired list with the rank to which they would otherwise be entitled.

SEC. 7. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

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

The SPEAKER pro tempore (Mr. OVERSTREET). Under the rule the second is considered as ordered. The gentleman from Iowa [Mr. HULL] is entitled to twenty minutes and the gentleman from Texas [Mr. SLAYDEN] is entitled to twenty minutes.

Mr. HULL of Iowa. Mr. Speaker, I think I can explain the bill to the House in a few words. The House is familiar with the question, I think, especially the older Members, that at the conclusion of the Spanish war, when we acquired sovereignty of Porto Rico, in an appropriation bill there was a provision made for a provisional regiment. Under that provision the colonel, lieutenant-colonel, major, and all the captains were appointed from the United States; the lieutenants were largely appointed from the noncommissioned force of the Regular Army. That has been gradually broadened, until to-day the lieutenants are largely citizens of Porto Rico. There are two battalions there. It is proposed to make that force permanent in place of carrying it for each period of four years in an appropriation bill. It is a question, Mr. Speaker, whether it is not now permanent under the provision adopted four years ago in the appropriation bill. At that time, I will frankly say to the House, I did not believe in this regiment, and I did not really intend to concede its permanence under the provision agreed to by the Senate and the House; but the Judge-Advocate-General has declared it was a permanent continuance of the regiment.

Mr. CLARK of Missouri. I would like to ask the gentleman a question or two.

Mr. HULL of Iowa. I yield to the gentleman.

Mr. CLARK of Missouri. Four years ago, when we first had this talk about this Porto Rican battalion, did you not promise or intimate that just as quick as their term of service expired that you would join me and others in shaking that Porto Rican establishment from the service?

Mr. HULL of Iowa. I think that is true, substantially, though it is a little strong.

Mr. CLARK of Missouri. How would you reconcile that with now getting it in as a permanent force?

Mr. HULL of Iowa. I was trying to say that when that bill was up in the House the gentleman will remember we refused the appropriation in the House, but the Senate put on a certain legislative enactment for it, and in the conference we agreed to a certain provision that provided for it absolutely for four years, and then provided for recommissioning the officers for periods of four years, and the Judge-Advocate-General declares that that makes it permanent.

Now, I want to say to my friend that I believe that I know more to-day than I did four years ago.

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

Mr. HULL of Iowa. And I am inclined to think that my friend from Missouri, if he was expressing his honest views, would admit that his opinions have changed somewhat on this subject.

Mr. CLARK of Missouri. Of course they have. Now, I want to ask you another question. Do you know of any way of getting rid of conferees or conference reports in general? If you do, I should like to have you state it.

Mr. HULL of Iowa. No; I do not. I can see no way on earth of accomplishing anything of that kind.

Mr. CLARK of Missouri. How many men does this battalion carry?

Mr. HULL of Iowa. This regiment carries two battalions of four companies each.

Mr. CLARK of Missouri. One hundred and nine men in a company?

Mr. HULL of Iowa. No; this is not an artillery company. It is a company of 100 men, when on a war basis, with the company at full strength, 96 enlisted men besides the officers. But, Mr. Speaker, this will make it permanent, and on a peace basis provide for 65 enlisted men to the company.

It abolishes the grade of colonel. It creates the highest office in the regiment, a lieutenant-colonel, whose command is two battalions. But this officer is detailed from officers now in the Regular Army.

Mr. HAY. There never was a colonel of this regiment.

Mr. HULL of Iowa. There was in the first place, I think. This provides that up to the grade of captain the Porto Ricans who can pass the examination may be promoted. It releases the captains that are there from the Regular Army, if any, as this promotion comes up. It makes them permanent officers of the Army, and the only difference, as I have already stated, is that these Porto Ricans may be promoted, and it gives them a status on the retired list. That is the effect of this bill.

Mr. CLARK of Missouri. The Porto Ricans are said to be the most peaceable people living under our flag, are they not?

Mr. HULL of Iowa. Yes.

Mr. CLARK of Missouri. Why do they want this regiment at all, then?

Mr. HULL of Iowa. We want it because it is a splendid education for these people, and if a war ever comes on the Isthmus we have a trained force of enlisted men going back among the people on the expiration of their enlistment educated in military science, and also educated to the love of the flag. There is no one thing that we have ever done for Porto Rico that is so highly appreciated by all of the people of the island as the establishment of this regiment of Porto Rican troops.

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

Mr. HULL of Iowa. I should prefer that the gentleman take his own time.

Mr. SLAYDEN. I want information from the gentleman.

Mr. HULL of Iowa. The gentleman from Texas is full of information.

Mr. SLAYDEN. I can not give the gentleman from Iowa any information.

Mr. HULL of Iowa. I reserve the balance of my time.

Mr. WILLIAMS. I should like to ask the gentleman a question.

Mr. HULL of Iowa. I yield, of course, to my friend for a question.

Mr. WILLIAMS. This regiment as it stands is a sort of Porto Rican national guard regiment, is it not?

Mr. HULL of Iowa. It is a Porto Rican regiment that serves in that island, but that could be sent to the Isthmus or any place that we wanted to send it. It is the understanding that it is largely for the benefit of the islanders at home.

Mr. WILLIAMS. Its relations toward the service are those of a regiment in the National Guard?

Mr. HULL of Iowa. Oh, not at all. The National Guard does not stay in the service. This is for all practical purposes a regiment of the Regular Army, or two battalions, two-thirds of

a regiment of the Regular Army. The men are not engaged in any civil employment during their time of enlistment.

Mr. WILLIAMS. I did not ask the gentleman what this regiment would be after the passage of this bill.

Mr. HULL of Iowa. We do not change its status at all.

Mr. WILLIAMS. I asked the gentleman what it was now.

Mr. HULL of Iowa. Just the same exactly as it will be after this bill passes.

Mr. WILLIAMS. Is not the object of this bill to make this regiment a part of the Regular Army?

Mr. HULL of Iowa. No; it is to make permanent what is now questionable, whether it is permanent or not, and, to be entirely frank with the gentleman, this regiment to-day is entirely engaged in the duties of drilling and policing, or whatever duty would come to that many regulars if they were there. The members of it have no civil employment. They are not permitted to do anything else outside of their military duties.

Mr. WILLIAMS. I understand that.

Mr. HULL of Iowa. The only thing this bill does is this: It makes permanent what is now a four years' term. It limits, however, the promotion of officers to the grade of captain, all above that grade being detailed from the line of the Army.

Mr. WILLIAMS. What does it do in regard to the rank, pay, and retirement of officers; does it put them on the status of Army officers?

Mr. HULL of Iowa. It does not, for this reason—a second lieutenant of the Regular Army can be promoted to all grades in the Regular Army, while the first and second lieutenants of this regiment are limited to promotion to the grade of captain, and never can go beyond it.

Mr. KEIFER. And they can only be promoted in this regiment and not in the general Army?

Mr. HULL of Iowa. There can be no promotion except in the regiment.

Mr. WILLIAMS. Who is the lieutenant-colonel of this regiment?

Mr. HULL of Iowa. He is a lieutenant-colonel of the Regular Army.

Mr. WILLIAMS. He is not a Porto Rican?

Mr. HULL of Iowa. No, sir; the majors belong to the Regular Army, and this bill does not affect them at all.

Mr. WILLIAMS. A Porto Rican, under the bill, can not become a lieutenant-colonel?

Mr. HULL of Iowa. No.

Mr. WILLIAMS. No Porto Rican can ever become commander of a regiment?

Mr. HULL of Iowa. Not unless they go and graduate at West Point, and then they could have the same promotion as any other officer in the Regular Army. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. SLAYDEN. Mr. Speaker, in response to the question submitted by the gentleman from Mississippi to the gentleman from Iowa, I will say that this bill adds thirty-two commissioned officers to the Regular Army of the United States. There are eight regimental captains, eight regimental first lieutenants, and eight regimental second lieutenants. For the battalions there is a quartermaster, a commissary, and adjutant—altogether eight more. That increases the official personnel of the Army of the United States by thirty-two men, conferring upon them all the privileges of retirement, giving them the advantages of the increase of pay and allowances that were adopted by this House a few minutes ago.

Mr. WILLIAMS. Is there, in the gentleman's opinion, any greater reason why this should be done with regard to this regiment in Porto Rico than why it should be done in regard to any regiment of a National Guard in Texas or Mississippi?

Mr. SLAYDEN. Yes; there is, I will say to the gentleman, some distinction, but I believe there is no more reason why this should be done in Porto Rico with reference to this regiment than why it should be done with the very considerable body of men in the Philippine Islands known as the "constabulary;" and I rather expect that before another Congress shall have come and gone the large body of men in the Philippine Islands, not in the Army and not out of it, occupying to some extent a similar position that this Porto Rican regiment has hitherto occupied, will also be incorporated with the Army of the United States.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. SLAYDEN. I will yield to the gentleman from Indiana.

Mr. CRUMPACKER. This is the only military organization of the Army in Porto Rico?

Mr. SLAYDEN. We have some regular artillery down there.

Mr. CRUMPACKER. How many?

Mr. SLAYDEN. I do not know; I have the report of the Secretary of War that gives it.

Mr. CRUMPACKER. It is not necessary to look it up. This is the only effectual military organization that can do ordinary duty throughout the islands?

Mr. SLAYDEN. Yes.

Mr. CRUMPACKER. The islands contain a million and a half in population, and if the regiment was disbanded would it not require the United States to send a regiment of regular troops down there and keep them there?

Mr. SLAYDEN. If the reports of the pacific nature of these people be true, if what the Commissioner from Porto Rico [Mr. LARRINAGA] tells me is true about their character and history, I should say no. He says in all their long political union with the Kingdom of Spain they never had such an important political division as to compel a resort to arms.

Mr. CRUMPACKER. Would the gentleman discriminate against Porto Ricans because they are ordinarily a peaceful people and deny them this badge of confidence that we have in them as American citizens?

Mr. SLAYDEN. I am grateful to the gentleman from Indiana for the use of the word "discrimination." I would not discriminate against the people of Porto Rico, but I would not add by one single man to the size of the United States Army, nor by one single dollar to the already great burden borne by the American people. He speaks of discrimination against the Porto Ricans. The Commissioner from the island of Porto Rico, Mr. LARRINAGA, who I regret to say is not present, spoke to me to-day about the discrimination in this bill against his people; he charges that sections 3 and 4 are a rank discrimination, and the language of the bill sustains the charge. He says it is a discrimination against the native officers, in that it compels them to submit to an examination, compels them to gain an admission to the regiment under conditions not imposed on other officers, and limits their promotion to the rank of captain, restrictions not applicable to Americans. He hopes to be here before this bill shall be put upon its passage, and will ask that it be amended by striking out sections 3 and 4.

Then, if I can have my way about it, we will strike out all the other sections.

Mr. YOUNG. Will the gentleman permit me to ask him a question?

Mr. SLAYDEN. Yes.

Mr. YOUNG. Is it not a fact that the pay of this regiment will go on just the same, whether this bill passes or not?

Mr. SLAYDEN. I think that is doubtful. My own impression is that under the specific terms of the law the regiment will cease to be an organization after the 30th of June.

Mr. HULL of Iowa. We have continued the appropriation.

Mr. YOUNG. We have continued the appropriation already for this purpose on the other bill.

Mr. SHERLEY. When did having an army get to be a benefit to the people? Most people think that it is an evil.

Mr. SLAYDEN. Just after we began having insular possessions and pro consuls whose glory was to be contributed to by military display.

Mr. KAHN. Is it not a fact that this regiment has been in existence for many years, probably several hundred years; that it has simply been continued down from the time of the Spanish possession?

Mr. SLAYDEN. No; it is not a fact. This regiment was created by act of the American Congress, and, please God, we have not had that sort of thing for several hundred years.

Mr. KAHN. Haven't they had the same regiment for many hundred years?

Mr. SLAYDEN. I dare say that all military organizations are similar in character, and I dare say that the Kingdom of Spain maintained a military organization in its colony just as we are doing now.

Mr. Speaker, I will not be able to yield to any more interruptions, because I want to give the balance of my time to the gentleman from Virginia [Mr. HAY]. But before yielding I do want to call attention to one or two statements made by the Secretary of War in his argument in support of this bill.

I think it hardly necessary to remind the House, as I have already done so on two or three previous occasions, that when the eminent man who now presides over the State Department was the Chief of the Department of War he recommended that it was not necessary to any longer continue the Porto Rican regiment. The people were peaceful. The Army of the United States was big enough to keep the peace, and therefore the burden of the support of this additional organization need not be further borne. However, another gentleman now presiding over the War Department and the Philippines and the Isthmus,

and sundry other places in Ohio and Massachusetts and elsewhere, holds a different opinion. In a speech recently made at Columbus, Ohio, he frankly stated that the Army of the United States was not big enough, and I assume this is one of his ways of increasing the size of it. But I want to give the House the benefit of his statement as to the practical service rendered by this Porto Rican regiment. Mr. Secretary Taft says:

I doubt if there is any one thing that makes the Porto Ricans feel so much like a part of our country as to have that regiment there, parading, drilling, maneuvering, and the only defense that the island has, substantially.

Parading, drilling, and maneuvering! Great stress is laid upon the fact that the people of Porto Rico delight to hear the band play in the plaza, that the people of the island of Porto Rico are pleased to have processions occasionally through their streets, that they were entranced with the military music, that they are persuaded that the military tread of these mighty heroes is an inspiration to heroic deeds on the part of the mixed population in our valuable gem of the Antilles. If there is any other argument that has ever been advanced anywhere by any gentleman that will justify the continuance of the appropriation and the maintenance of the regiment, I have never heard it. It is all summed up in that paragraph of the hearings before the committee, and in the statement of the Secretary of War, that it is the pomp and circumstance, the music, the banners, the plumes, the gorgeous uniforms that are attractive to the people and justify a continuance of the appropriation.

I now yield the balance of my time to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I am not especially concerned as to whether or not the Republicans vote or do not vote for the passage of this bill, but I am concerned that the Democratic party shall not put itself on record as being in favor of adding any more officers or men to the Army of the United States. [Applause on the Democratic side.] That is what this bill does. It adds forty-one officers to the Regular Army of the United States, and gives them the same status as officers in the Regular Army. As my colleague from Texas [Mr. SLAYDEN] has said, there has been no argument advanced for this except that it will be pleasing to the people on the island of Porto Rico. That is no reason at all.

Mr. WILLIAMS. The gentleman from Virginia forgets that the gentleman from Iowa [Mr. HULL], the chairman of the committee, said that this regiment was there as an education to the Porto Ricans. Precisely what education he did not state, but I would not have the gentleman from Virginia leave out any of the arguments.

Mr. HAY. Yes; to educate them up to the militarism which is prevailing in some parts of this country, I presume. I do not care to make any extended remarks about this bill. I do trust that we will vote against it. I call attention to the fact that the Senate has passed a bill adding 612 officers to the Army of the United States. I do not know whether that bill is to be brought here and passed under suspension of the rules or not, but it simply shows the tendency to increase the Army, to multiply expenses of the American people for military purposes in times of peace, and I think the time has come at least when the Democratic party can solemnly call a halt to this sort of legislation. [Applause on the Democratic side.]

Mr. HULL of Iowa. If the gentleman does not desire to use all of his time, I would be glad if he would yield part of it to the gentleman from Porto Rico.

Mr. SLAYDEN. I reserved the balance of my time. How much does the gentleman want?

Mr. HULL of Iowa. He wants all he can get.

Mr. SLAYDEN. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. SLAYDEN. Mr. Speaker, I want to ask the gentleman from Iowa a question. A while ago I was diverted by the question of the gentleman from Mississippi.

The SPEAKER pro tempore. The Chair wishes to know if the gentleman is using his own time.

Mr. SLAYDEN. I am, Mr. Speaker. I desire to ask the gentleman what is the object of this language in section 6:

Any of the officers provided for by section 3 who may have become incapacitated for active service by reason of disability incident to the service shall be placed upon the retired list at the rank to which they would otherwise be entitled.

I will be glad if the gentleman will answer that.

Mr. HULL of Iowa. I will say that if any officer is incapacitated for active service by reason of disability incident to the service it is competent to retire him.

Mr. SLAYDEN. In other words, this is to provide for some individual now.

Mr. HULL of Iowa. Yes; that is my understanding.

Mr. SLAYDEN. Who is the individual?

Mr. HULL of Iowa. I do not know; I do not know any of their names. I would not remember their names if I knew them.

Mr. SLAYDEN. That is the "nigger in the wood pile"—

Mr. HULL of Iowa. This is to provide for men being incapacitated. As soon as officers in the provisional regiment become incapacitated they may be placed on the retired list for incapacity.

Mr. SLAYDEN. The great objection we have to legislation for this regiment is that it has from the beginning been personal. The regiment would have gone out of existence long ago if officers with friends in Congress and throughout the country had not come here and urged that they be allowed to retain their commissions. I now yield the balance of my time to the gentleman from Porto Rico [Mr. LARRINAGA].

Mr. LARRINAGA. Mr. Speaker, I do not care to take up the sections of the bill in detail; I do not believe it is my place, and the details have already been discussed here; but I want to improve the opportunity, which the kindness of the gentleman from Texas gives me, to submit a few words about the convenience of the continuance of the regiment. I do not know whether it is so that the existence of the Porto Rico regiment is due to some officers having friends in Congress, as the gentleman from Texas has said, but if anything concerning Porto Rico is kept because it does good to somebody on this side, I am not at all surprised, because that has always been the rule in matters concerning Porto Rico. [Applause.] But be it as it may, I want to say a few words about the utility of this regiment. As I had occasion to say once before when speaking on this same matter, the Porto Ricans have proved their capacity to defend their country against foreign attacks from the seventeenth century on many occasions. The discontinuance of this regiment, I believe, would be a very unfair thing to do; its efficiency will only be doubted by those who have not taken the trouble to study the military history of Porto Rico. As I said before, we repelled the attacks of the English, of the Dutch, and of the French.

The Spanish army is full of Porto Rican officers from the rank of general, now living, to that of captain in that army. All the military academies of Spain were open to Porto Ricans. They have fought in all the wars which Spain has had for the last several centuries and they have never been discriminated against. They were free as soon as they passed the mental and physical examinations to go into any of the military academies of Spain, the artillery academy at Segovia, the infantry academy at Toledo, the military academy at Guadalajara, and so forth. In the ten years' war in Cuba many Porto Ricans went there, and a great many died on the battlefield helping the Cubans to fight for their independence. When in the last stage of the last Cuban war, right before the American declaration of war to Spain, General Maceo, commander of the department of the western part of the island, was killed, and Gen. Rius Rivera, a Porto Rican, had to take command of the army and fight every day, for there are no woods in the western part of Cuba, but he never surrendered. He was only taken prisoner when shot through his head and through one of his legs.

Mr. Speaker, the Porto Ricans as soldiers have a good record. Now, to those gentlemen who have said in the Philadelphia Press that they doubted the efficiency of the Porto Ricans as fighters I will say that standing right in front of Morro Castle there is a monument commemorating the action of the commander in chief of the Morro forces. That monument commemorates the signal victory achieved by a Porto Rican general commanding that fort.

Mr. Speaker, as I said before, the Spanish army is full of Porto Rican officers. It just happened that on the 12th of May, when the North Atlantic Squadron shelled the city of San Juan for four hours, which we all think was an error, the three commanders of the three forts of San Juan—the Morro, the San Cristobal, and Escambron—were three native Porto Rican captains. For four hours they answered shell by shell and shot by shot to the fleet. Of course they had nothing but 6-inch cannon and they did no harm. I am rather glad they did not. But, Mr. Speaker, I believe it is a most unkind campaign—the one that they are always waging against the Porto Ricans.

The press of the United States is full of slanders. The gentleman from Texas [Mr. SLAYDEN] the other day asked unanimous consent to put in the RECORD a letter published in the New York World that contained a good many inaccurate statements about Porto Rico and very wrongly interpreted a speech made by our leader in the house of delegates. Mr. Chairman, I have

here a translation of that speech, and I ask unanimous consent of the House to have it inserted in the RECORD, so that the two papers may be compared.

The SPEAKER. The gentleman from Porto Rico asks unanimous consent to insert in the RECORD certain papers mentioned by him. Is there objection?

There was no objection.

Mr. LARRINAGA. The gentleman from Texas, who is a fine Spanish scholar, can compare the original Spanish speech with the translation.

Mr. KIMBALL. Will the gentleman yield for a moment for a question?

Mr. LARRINAGA. Certainly.

Mr. KIMBALL. What is the attitude of the people of Porto Rico toward this regiment? Do they favor its continuance and maintenance under its present status? Do they favor the legislation proposed by this bill, or do they not? What do the people think about it?

Mr. LARRINAGA. The people of Porto Rico are unanimous to a man that the regiment should be made permanent as per the bill. One of the most unfair things to the people of Porto Rico was the abolishment by the Spanish Government of the seven Porto Rican militia regiments. So when the United States established this regiment the Porto Ricans took it as a token of friendship, consideration, and confidence.

Mr. SLAYDEN. Does the gentleman approve of this bill in all particulars? Does he indorse the bill throughout?

Mr. LARRINAGA. As the question is put to me, I will say that I observe some discrimination between officers here, and this should not be. I have spoken to different officials here in Washington, and they are of the opinion that there should not be any discrimination.

Now, in its third section, the bill says:

That the present captains and lieutenants of the Porto Rican Provisional Regiment of Infantry who having had not less than five years' service therein, and who were reappointed after a mental, physical, and professional examination, may be recommissioned as officers of the Porto Rico Regiment of Infantry.

Section 4 reads:

That the lieutenants, natives of Porto Rico, now holding provisional commissions, may continue to serve until the expiration of such commissions, when, after an examination as to their mental, physical, and professional fitness, they may be recommissioned as officers of the Porto Rico Regiment of Infantry.

Here I see that the five years' service line is traced to leave out the Americans in the question of examination. The Porto Rican officers are willing to be again examined and as often as required, but why should not the American also be examined? [Applause.]

The speech to which I referred, and asked to have inserted in the RECORD, is as follows:

Messrs. Delegates, we followed yesterday with extraordinary interest the brilliant report of the Speaker in his journey from Porto Rico to Oyster Bay, and from Oyster Bay to Porto Rico, stopping at New York, Washington, and Jamestown. I asked for a vote of gratitude for Mr. De Diego; the House unanimously and enthusiastically agreed to it. In commenting afterwards my ideas, somebody may have thought that there were disagreements and discrepancies between my illustrious compatriot who rendered the country such eminent services and myself. There are no such disagreements; there are no discrepancies. Mr. De Diego and I are going together in the same direction, and to-day, as well as yesterday, and to-morrow as well as to-day, we were always and will always be, in perfect accord in the idea and in absolute conformity in the procedure.

President Roosevelt, Secretary Taft, and Speaker CANNON came one day to Porto Rico. The three of them as if moved by the same impulse, declared that the people of Porto Rico were not prepared for self-government. In answering such statements which the people of Porto Rico find to be offensive to their dignity we drew and we sent our memorial. Mr. De Diego was the bearer of that extensive document; he delivered it personally to President Roosevelt; he accompanied it with eloquent periods; he strengthened it with his genial argumentation, and, gentlemen, he received in exchange the affirmation that the status was but only temporary.

New Mexico has lived under the régime for sixty years, and when it asks to be admitted as a State of the Union, the press answers it—I have read it in the New York papers—that New Mexico is not prepared; that New Mexico speaks Spanish, and does not yet possess the American spirit. If we are to wait sixty years for our autonomy, the present generation will have passed away, two more generations after us will pass, and we shall have gone not only through suffering and anguish, but we will have suffered, also, humiliation and shame. A people with dignity does not resign itself to this, but it arises and protests. When the lash is raised, the people protest in the same act—the same as I now protest, at this very moment, in the name of the people of Porto Rico. We saw the American Army land on our southern coast; we saw them advance through the roads of the interior; we heard the promises of General Miles; we knew the history of the United States, and this country almost unanimously—and I say "almost unanimously" because I never shared this mirage—believed that we were to be granted the liberties enjoyed in North America, and that there was to be a place for our country in the community of the free peoples of the world. Military rule was established. We understood it, and we accepted it. Such a transitory condition was imposed by the circumstances, and it was our duty to facilitate their work. We afforded such facilities. And after that came the civil régime, in which we put high and noble confidence. Governors arrived on our shores, there remained, and then left; but under them all a grave injustice

was committed. The Porto Ricans, the natives of the island, were always placed under the Americans, the strenuous in the island.

It is the Venezuelans who rule in Venezuela, the French in France, the Teutons in Germany, and thus in all the other places of the globe. In Porto Rico the Porto Ricans do not govern; on the contrary, it is the will of a few functionaries, to whom the mission of civilizing and administering them is given, who rule. And it is not possible to suffer in silence that such a system should continue, and, at any price, it is necessary to speak the naked truth of our profound sorrow. The crudest argument used to refuse the recognition of our personality is the never-ending ritornello that we are not prepared. This is the eternal reason given by the strong who oppress the weak. Gentlemen, we must always bear in mind that in the opinion of the masters the servants are never prepared to come out of servitude. Thus in the opinion of the colonizing nations it never happened that they should consider their colonies prepared to enjoy the splendors of liberty. Such a phrase should not be allowed to a stranger; it is an insult. Much less should it be on the lips of a Porto Rican. And it is really very hard that a very few of our compatriots should also give utterance to it. There is no such thing as a slave country before God and nature. God and nature made free all countries on earth.

As to the Dominicans, and to the Cubans—and I cite them because they are our nearest neighbors—ask them if they are prepared to govern themselves, and one single cry will answer the question from one end to the other of our sister islands; you will hear that single cry resounding in the highest mountains and in the seas. "We are free men; we want to be free men." Unfortunately the Porto Ricans are not, and it is for this reason that in struggling against a personal tyrannical government, there should rise at every step in our public life the acknowledgment of our sorry vassalage. But if it was given to open the breast of every one of the Porto Ricans, if it was possible to see into the collective soul of this million of human beings inhabiting this forgotten rock, we would find therein written in indelible characters, the word "Independence." [Continued applause.] This magnificent word has not yet been pronounced in this chamber as an energetic demand. Only my illustrious friend, Dr. Zeno Gandia wrote it in the declaration of principles of the Union of Porto Rico. Only my other illustrious friend, Mr. De Diego, supported it in brilliant periods in the convention of Olimpo amidst the most resounding applause as that which is now heard here. It is a confirmed idea; it is a sentiment which has been ratified. It is a sentiment and the opinion of the popular masses; condensed in the pen of the writers in the voice of their tribunes. It is the Porto Rican conscience taking real existence and going up to heaven as a complaint against our cruel destiny.

It is necessary for me to analyze and destroy the theory of our lack of preparation. The people of Cuba have our same origin, our own education, the same customs, but the people of Cuba were formed in the fight against tyranny. Cuba is in possession of the spirit of war; Porto Rico in the spirit of mansuetude and peace. The Congress of the United States recognized that Cuba deserves her independence and denies to Porto Rico self-government. And while Cuba expects that her ties should be broken, Porto Rico is less than a tribe, for tribes struggle and fight for their honor and existence. Porto Rico is but a pack of illards, submissive to the hard caprice of its masters. And maybe some one will wonder that a citizen may pronounce these words in this chamber. For those who may so think I have only my most generous pity.

Another reason, which they find of great weight, is given by our governing masters to prove the native inaptitude. This is the reason of our illiteracy. True it is that there are about 700,000 natives who do not know the first elements of learning. But what could we say of Syracuse and Alexandria, of Athens and Rome, which in the highest period of their progress barely had 5 per cent of learned men? Diffusion of learning began only shortly before the conquest of America, when Gutenberg discovered the art of fixing ideas on printed paper.

And yet the great civilizations of China and India had had their development; that civilization had gone over to the Greek and the Roman, had propagated through Gaul and Germany; nationalities arose, and in the somber centers of the middle ages the modern spirit was taking shape. With that 95 per cent of illiterates the Roman Empire reaches its great power and its splendid glory, the civil republic, in which the multitudes climbed to the Aventine Mountain and the czars went down to the Tarpeian Rock. We, the descendants of that cyclopean effort, having inherited Latin culture, and having 30 per cent of literates, are doomed to see how the aptitude for self-government is denied to us.

One more argument which is used against us is the mixture of races in our country. The same exists in Cuba; in the United States there are 9,000,000 of colored people; and nobody would ever think that the Cubans and the Americans are not prepared for the self-government they enjoy. In Abyssinia there is a negro government; in Hayti the government is also of negroes; in Liberia, a creation of the American genius, the government is also of negroes. All nations established in Africa are constituted by negroes. Go and propose to them that they should renounce their liberties, and that they should submit to a master. They live happy in their homes, and their only misfortune is that every now and then the European thinks of them to go and enslave them.

And when this thing happens, the Sulus fight against the English, and the Abyssinians of Menelik rout the Italians of Baratiere. And when those people succumbed something in nature protests against the abuse of those who with their guns carry out their method and their plans. The colored people of Porto Rico, who fraternize with us, who jointly with us are in the struggle, show their aptitude for the exercise of political functions. And in this particular point we are superior to the United States, where the negro lives like a pariah in isolation and in the inferiority imposed by the white man.

I maintain that there is no reason to withhold from us the administration of our own business, of our own affairs.

The argument used by Spain in her colonies of America; that England used for her colonies of Africa; that France uses in Madagascar, and Russia in Finland and Poland, is a false argument that does not resist examination. Japan affirms that Korea is not prepared; the United States thinks that the Philippine Islands are not prepared. Ah, Mr. Delegates, we know that a country that one day was not prepared according to its masters, the next day was found to be prepared when it took hold of the sword and the gun and vindicated for itself by its right and its force. Thus, it seems to appear that there is no other road than the roads leading to the woods, if such a preparation is to be effected.

It is necessary that the victims should raise their voices and give vent to their sufferings. I raise my voice in the name of those

victims. If I were alone, if I were to be left alone in the undertaking, I would live and die satisfied of having done my duty. [Great applause.] We Porto Ricans had a hundred causes of affection toward Spain. She gave us her blood, her laws, her language, and the pride of her legendary traditions and of her remarkable claims. The Madrid press received us fraternally when we went to claim firmly our rights; and yet we were called rebels. I was born in 1859. Spain retired from our shores in 1898, and although in my spirit the Spanish spirit was firmly rooted, never from my lips there came the hail of "Long live Spain!" Neither from the balconies of my home was a Spanish flag seen to wave, because more than a Spaniard I was a Porto Rican, and before the sovereignty of the nation I defended the autonomy of my country. In 1897 we went to Madrid and said: "Here comes the daughter to demand justice at the hands of the mother. Here comes Porto Rico to claim for the last time the recognition she deserves. If what we demand is not given to us, we shall return to Porto Rico; but we shall return by the way of New York."

To return by way of New York, Messrs. Delegates, meant open rebellion, with guns in our hands. Our rights were recognized, and we returned directly to Porto Rico, and right after us came a system of government more complete and more dignified than that of Canada and Australia.

Our hard feelings were turned into sincere love, because servitude had disappeared, because liberty was dawning. The same would occur in regard to the Americans. Before 1898 and after 1898 they had the confidence of our fellow-citizens. Their tricolor flag was hailed with respect and fondness. They arrived, and our sympathetic friendship continued, because we thought that the freedom enjoyed by the United States would be extended to Porto Rico, no longer in the form of the Latin autonomy of Moret and Sagasta, but in the shape of Anglo-Saxon autonomy prevailing in the British colonies. Instead of that we had the military government first and afterwards the civil government, with the Foraker Act, within which we see its autonomic and independent petty kings arising. This is the only kind of autonomy, the only kind of independence, that we have in Porto Rico. It would seem impossible that a people, speaking of our aptitude, would create bossism so absurd.

The statesmen at Washington thought that they had reached the limit of aptitude, and, in fact, they reached incredible anarchy. Those petty kings constitute a six-headed government; there is no government rule here, but misrule. The insular house, the only legitimate organism representing the people, carries out a useless labor, always wrecked on that perpetual reef, the executive council, formed of six Americans from the continent and six Americans from the island, appointed by the President of the United States.

The office of governor of the island is not a desirable one. The governor, in his relations to the system, lacks force and prestige, because as powerful as he, and even more so, are the heads of the departments, and the governor, in fact, is the one who governs the least; the direct power, the administrative functions are concentrated in the six offices which often act at variance with the governor. And in this way it is impossible to establish a fixed criterion, or a fixed policy. The leaders of the parties must confer with the governor, and with the six secretaries who are equal to the governor, and it often happens that in the executive mansion and in the various departments there are seven different opinions. It is a perfect gamut, with all the different tones, without the baton or the conductor being able to bring the whole orchestra into unison. [Great applause interrupts the orator.]

The inventors of this labyrinth find pleasure in repeating that we are not prepared. I wish to return this charge word for word, affirming here and repeating that the American statesmen are not prepared to govern foreign colonies so different in character and of such peculiar civilization. [Continued applause.] Four petitions did our house of delegates send to the President of the United States. None of them had the good fortune or the honor of an answer. President Roosevelt recommended to Congress that we should be made American citizens. Congress ignored the benevolent recommendation. I would say to Speaker CANNON, to that gentleman who, in our own house of delegates, reminded us of our so-called inferiority, I would tell Mr. CANNON that if American citizenship is going to be granted to us without the full rights of an American citizen; if it is only to consist in a mere formula, we prefer our Porto Rican citizenship. They may be proud of what belongs to them. I fully understand it, since there does not exist in the world a greatness superior to the greatness of the United States. But here we are proud of what belongs to us, that although poor and rachtie, it is our own. [Great applause.]

Mr. De Diego, my dear friend, and the worthy speaker of this house, gave us an account of his excursion through the United States in phrases admirable for their patriotism and rhetorical forms; that excursion was perhaps the most fruitful of all that have been carried out in representation of Porto Rico. I had the honor to go and plead the cause of my country in 1899. I accomplished nothing. Delegates from the Republicans, from the Federals, from the commerce and the agriculture, were later sent there. They accomplished nothing. In 1900 and 1902 the Republican party won the elections in the island, and sent to Washington one of our most competent men, my good friend and affectionate opponent, Mr. Degetau. He accomplished nothing. In 1904 and 1906 the Unionist party sent to Washington a man of exceptional energy and of very high intellect, Mr. LABRINAGA. It is already four years that he has been exerting himself to obtain a change, a reform. He has assiduously struggled. I have received his letters every week. As I read them I feel as though a cold wave would pervade my soul.

The intelligence and push of our Commissioner is powerless to make us advance one single step. It was necessary for us to send to Washington, as it was more direct, if possible, and we sent the speaker of our house of delegates. He went, talked, struggled, until he lost his health. He returned sick in health, and was only told that our régime was merely temporary. In spite of all this, I shall not advise my country to prepare for a fight with the machete and the gun in the mountains. I shall reach my speech to the point when I shall offer my own solution. I regret that at this very moment the ghost of Betances and Baldorioty, Acosta Celand Vizcarrondo, and Ruiz Velvis, and a hundred other illustrious dead can not rise from their sepulchers and lend me their energies, so as not to feel discouragement and bend under the weight of despair. It is necessary that the Porto Rican people should defend themselves with a Spartan resolution against injustice. By submitting oneself it is not possible to reach a bright future. We must yet rally the remnants of our confidence, the last stitch of our faith; but before all we must resist with patriotic fortitude. We are small, but we shall be great; we are weak, but we shall be strong; if we unite shoulder to shoulder in this up-hill Calvary through which we go. Union

will save us, and for that purpose and in order to save ourselves, the union of Porto Rico was formed, which stretches out around and opens her doors to all Porto Ricans.

I am talking politics, gentlemen; I wish, and I have a right, to speak politics. I am a member of a legislative body in which the people of Porto Rico placed its faith, and in which we are working with our faculties and with our decisions. We occupy a position in which politics is in its own domain, although we may be told that the function of this chamber is purely legislative. The cry of the people will be heard here in a more resounding manner. Let it be heard near and afar, gentlemen; let it be known everywhere that the sons of this country, although compelled to suffer, at least know how to protest with dignity.

I now come, gentlemen, to the study of local political affairs, not so high but not less important than national politics. And all at once I stumble on the executive council. This is the greatest obstacle and, without any doubt, is the supreme hindrance to our insular aspirations. It is next to us and, by misfortune, is above us. There are bills here in our desks which are wise and practical. But, ah, gentlemen, these bills will never crystallize, they will never be presented to the House, because we know beforehand that it would be useless to develop them, to present them, to defend them, and to put them through in this house. They will then go to the other house, and there they will find the "requiescat in pace." We passed a hundred bills last year. This year there are already a hundred read by the clerk, and they will amount to 200 in the course of this legislature. Twelve or sixteen at the most will become law. This is the limit fixed by the executive council.

And do you know where all the work of the Porto Rican delegates can be found? You will find it in the wastebasket of the executive council. All this we must endure, and we have only the right to express our complaint, our indignation, in the face of such absurdity. Only one legitimate representation of the people there exists in Porto Rico, and this is the house of delegates. The house is a concentration, a condensation, of the will of the people. The house is the only one that has a right to speak and to vote for the country. The executive council is but a bureaucratic body; its members are the employees of President Roosevelt, imposed upon us without being heard by the organic act enacted for us by the Congress of the United States. In every country the lawmakers are the natives of the nation, or of the colony for which they enact laws. In Ireland, which is oppressed as we are, it is the Irish who make their laws; in Canada, more free than we are, it is the Canadians; in Budapest, under the despotic rule of Austria, it is the Hungarians who form the Hungarian Diet. In Porto Rico the members of the Porto Rican senate are Americans, and we are given the laws of Montana, of California.

The honor of establishing such a liberal and wise system belongs, gentlemen, to the American people, to the more democratic people and the more just people ever known in the annals of history. Now, a fact that has been often repeated, members of the executive council arrive here who, with astonishing lack of apprehension, legislate within twenty-four hours after their arrival for the people of Porto Rico without any knowledge of our language, without having looked at our laws, without having studied the wants and the customs of the country. In speaking of the members of the council I refer to the present as well as to the past ones. Both are the most ardent proclaimers of our meager preparation for self-government. And it becomes necessary to answer such a propaganda, not in the shadow of private and confidential reports, but in plain light and in a parliamentary session. It is necessary to prove in this legislative assembly that some are not prepared, but that such are not the natives of our country, nor their representatives. Please, gentlemen, lend me your attention. There are yet remaining thirty Republican independencies of the department of charities, health, and corrections, which is presided over by insular statesmen. The chief of the department had full authority to dismiss them before the 31st of December and appoint others in their places. He did not dismiss them, because their chief did not choose to stain by an abuse the law of civil service voted by both houses, and there are the thirty Republicans under a Unionist chief. Meanwhile, other chiefs of departments, other American chiefs, took advantage of the last moments of the expiring of the old law to arbitrarily dismiss employees.

And we are not prepared. It is only that we have respect for our own resolutions, while others have no respect for their own. They are the dominant ones; they fix the rule, and that rule is always favorable to them. They always have the favorable and we the unfavorable side of the question. And in this way things are going. But if in going in such a way, I can tell those gentlemen of the other House that they want that it is convenient for them to learn the lessons, the eloquent lessons of our local patriots. There in the office of the consolidated departments a venerable Porto Rican, a man without a blot in his conduct, full of prestige on account of his great intellect and his prudence, competent and energetic, if there ever was one, is constantly working.

If that gentleman had dismissed many of his employees forty-eight hours before the civil-service law went in force, we would have heard a clamor and the commentaries of all the other gentlemen chiefs, affirming that Mr. Acuna was not prepared for the exercise of self-government. There is a gentleman now in the executive council whom I have not the pleasure to be acquainted with. It is reported that he is a great authority in pedagogy. It is affirmed that he devoted his whole life to public teaching, and in fact that he is a real instructor. And I have here before me, gentlemen, the programme for the examination of the rural teachers in Porto Rico. They are given out in English, without any Spanish translation, and it is asked that the teacher should answer on anatomy and physiology such questions as the following ones:

"Name of the principal organs of the human body and description of their functions.

"Which are veins, arteries, capillary. Which arteries have valves.

"Express opinion about tissues. Principal tissues of the human body.

"Describe the composition of the bones. Use of the same.

"Describe the nervous system. Discuss the influence of stimulants and narcotics."

Messrs. Delegates, these are very useful points of human knowledge. But the programmes ought to have been given to the candidates in Spanish. How can we ask a professor with \$30 per month that he could be conversant with a foreign language and that without previous advice he should pass an examination on elemental physiology and anatomy? I am quite sure that the members of this house, excepting those who by their technical studies know thoroughly the scientific points, could not pass an examination; they could not become rural teachers with \$30 per month.

I for one confess, my friends, that I could not, right now and without any preparation, take the risk of such a programme as this I am pre-

senting to you, in which I see questions on hygiene, history, arithmetic, geography, and the Spanish language. [Laughter and applause through the house and the galleries.]

We now come to the great injustice, to a monstrous injustice. We have here in Porto Rico a department genuinely insular, and six other departments genuinely continental; a clerk, a director of sections, an employee whatsoever if he is an American, has a higher salary than the clerk, than the director, than the same employee with the identical work if he is a Porto Rican.

So that, in this also, the native inferiority is apparent as compared with the exotic superiority. And there is no such inferiority; such a superiority does not exist. The employees from here are as capable as the employees from abroad. And this obtains for the last ten years. I do admit that Americans may come to our office, although I think that they ought to be natives. What I do not admit is that Americans should have the higher salaries. This is unfair, it is abusive and offensive, Messrs. Delegates. I have the honor to be the chairman of the committee on ways and means; I here express frankly my opinion, which is not offhand, as the words of my speech are, but is the result of reflection and meditation. And I here tell you that I will take to the committee on ways and means this criterion which I now express before the house. [Applause.] I accept the cooperation, but not the superiority. I enthusiastically approve of the Americans building our system of roads with our money, but for the benefit of the island; I enthusiastically approve of the maintenance of our schools, with the enormous appropriations voted by this house, and for the progress of the country. In these two points they really carry out a good work, in which some deficiencies may be found, but which in the end are fruitful. I pay to them my tribute of sympathy, and I encourage them to go on.

But this house is not going to permit for a day longer that anybody should try to raise himself above us. There, in the North, it is very well for them to think themselves superior to the rest of the world; in fact, they are so. They give to humanity a gigantic impulse; they improve methods, they broaden ideas, they realize the progress, which nobody denies or tries to discuss, a progress for which they get recognition and for which they are glorified. No Porto Rican ever went, he will never go, and will never be permitted to go to dispute the supremacy in politics or administration to Wisconsin, Rhode Island, or Massachusetts. Here in our own country we do not permit anybody to stand above us. [Prolonged applause.] And the Americans themselves, if they are real Americans, after the fashion of Washington and Jefferson, will understand the attitude, which is not the result of pride or vanity, but which is the natural impulse of the heart and the serious promptings of reason.

The Porto Rican government ignores the opinion of the Porto Rican people, and ignores it not unconsciously, but in a deliberate and systematic manner. The affairs of the country are acted upon after consultation with some private friends, and not with a political organization. And thus during the American régime the same clique (camarilla) which worked in the Spanish time has been formed. Against that clique I always stood; against this new clique I stand to-day. In this country of ours there is a Republican party and a Unionist party. They are the only representatives of the 1,000,000 human beings inhabiting our cities and our country districts.

Now, gentlemen, the government ignores both of these factors, and only has an ear to eight or ten favorites (they are no more than ten) which sometimes emerge from half obscurity. Nobody knows who they are, what they have accomplished, what is their meaning, or what they advise. And it is necessary to speak out very clearly; those men do not represent anything; they are nobody; their advice does not mean anything in the problems of our forgotten island and the problems of this poor island symbolically represented by a lamb.

It is for this reason, gentlemen, that I said before that the greatest error of the government consists in ignoring the organized factors of this community, factors that are organized not to oppose that government, but to help it if it goes on the right path and correctly. Porto Rico has a million inhabitants, five hundred thousand of which are males. Amongst those five hundred thousand, one hundred and fifty thousand voted at the polls from the one hundred and seventy thousand who had the right to do it at the last election of 1906, and I would like, gentlemen, to see also the Porto Rican women having a vote in our country. Out of this one hundred and fifty thousand one hundred and two thousand belonged to the Unionist party and fifty-one thousand to the Republican party. The government having at hand this powerful nucleus of public opinion, ignores it and slights it.

I wish that at this present moment a Republican minority would be occupying those seats. I would then appeal to the loyalty and sincerity of that minority, asking of them to declare clearly if my affirmations are not true. When my cordial opponents had the majority in this house, when they sent their representation to Washington, when they said they were in power they were no power at all. They were entirely ignored, as we were ignored; everything that represented here an active force was ignored; the country itself was ignored. I am a member of the central directing committee of the party of which I am proud to form a part. Many times did I discuss within that honorable committee this important question. Many times I visited the executive mansion, and I presented these problems to the governors of the island. Sometimes I left that palace with the conviction that the demand of the country was to be listened to. But afterwards I was convinced of the absolute incompatibility which existed, and that we should never reach a point of mutual transactions without very strenuous efforts. The Union party of Porto Rico made great sacrifices to come to a compromise with the government. The central directing committee maneuvered with dignified ability and encomiums and with tact to avoid a rupture. And it yet continues to work in that direction. It has continued to do so as long as the common dignity and decorum will permit it. I initiated and defended for two years such policies; I defended them in my speeches in the legislature in 1907; I yet stand for them. I believe that we should go with the government, with those governments which deserve it. We wish to be sincerely with the government, working to come to an understanding with established power; not with those governments if it is necessary to be unconditionally servile.

We can yield a good deal if a good deal is granted to us; we must be in a reciprocal attitude. In a word, we ought to pay the Government in the same coin that the Government pays us. [Applause.] I am of the opinion, and I advise, to place the independence of the insular house face to face with the independence of the insular government. We are not going systematically to oppose just as Machiavelli and quietly we are combated. We are not going to refuse or to defeat the good laws of the executive council, as we are not going to approve or vote down the bad laws coming from that body. Our attitude is noble, but firm. We are not here to serve a power that mal-



treats us, but to a people who elect us and sustain us. If that power stands in opposition to the country, we will be very sorry for him, and for us we will be sorry for Porto Rico. It is convenient for everyone concerned a harmonious tendency and good will. But it should not be asked of us that while cooperating to that harmony we should give it all, while others are not willing to give anything. We demand that the will of the people should be listened to; that within this régime mistaken and bad officials called to apply it should not go even further. We demand that in our country the prime interest shall be the interest of the country. I have already explained my opinion, gentlemen, an opinion which is personally my own and the one which I feel should be the opinion of the Union of Porto Rico.

I have not ascertained the opinion of the central directing committee. I speak from my own personal account, without involving anybody else in my declarations. If any glory or profit comes from this opinion, let them be for my party and for my country; if they develop hatred and rancors, let them be for myself alone. I calmly accept them, after the satisfaction I experience in expressing the bare facts, as I think is necessary to express them, and as they are not frequently expressed in our public life. [Prolonged applause.] This is, gentlemen, my issue and the local policy. After many bitter sacrifices, after a series of efforts to keep silence, I am convinced that such a silence is of no avail. Would that the policy in the highest sphere should change. If this happens, I shall always stand by those who do justice, with those who are convinced that tyranny, though veiled, is always odious and intolerable. The path to right doing is broad and luminous. The path to evil is narrow and dark. It is necessary to choose between the two. By the first one the Union will willingly go; by the second, those who will prefer it will go alone.

I end, gentlemen, by explaining my meaning in what relates to our relations to the national policy. Our duty is to ask for, to claim, to demand that the political status of Porto Rico should be determined upon—either with a conditional State within the community of the other States, either with a form of a frank autonomy with a community of the other American colonies. The task will be a hard one. The demand will have to be energetic and continuous. And if at the end we lose all hope, if at the end we exhaust our last effort without being heard and without our rights being recognized, then will rise in our consciences the fifth plank of the union of Porto Rico, and we shall call for independence of the island. It will then be heard—our constant hammering on the anvil, our constant energy, until the links of our servitude are broken to pieces. [Applause stifled the voice of the orator. The whole house applauds. The people in the galleries stand on their seats, and the ovation lasts for several minutes.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. Ten minutes.

Mr. HULL of Iowa. I yield three minutes to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I have just voted to return the Army appropriation bill to conference, and I would not vote for the present bill if I thought, as the gentleman from Texas [Mr. SLAYDEN] has asserted, that it would add a dollar to the military expenses of this country. But it does not. It simply continues this regiment permanently instead of provisionally, and there are two excellent reasons why that should be done, reasons which I am sure appeal to gentlemen upon that side of the aisle just as strongly as to gentlemen upon this side.

The first is this: Certainly anyone who knows the island of Porto Rico knows that we have an island there containing over a million of people. Now, no matter how peaceable these people may be; no matter how pacific their disposition may be, they are a people of mercurial and somewhat uncertain temperament. Therefore to leave that island without any military force whatever, facing as it does the Panama Canal, I can not believe any of us will agree. But, second, and to my mind the more important reason, is this: Anyone who has been to Porto Rico and knows the real temper of the public mind there, knows there is not at present a friendly feeling for the American flag in Porto Rico, unjust and unwarranted as this feeling may be. Now, this regiment of Porto Rican soldiers, in which the Porto Rican people take the greatest pride, is a veritable school—

Mr. WILLIAMS. Will the gentleman allow me to ask him a question?

Mr. DOUGLAS. I will in a moment. What I was going to say is that anyone who has been there knows this to be the fact, that this regiment of Porto Ricans is a nucleus of patriotism among the Porto Ricans toward this country. The officers and men are substantially all of them loyal Porto Ricans, and they inculcate throughout the island a spirit of loyalty to us and to our flag greater than any other one influence abroad in that island; so that I sincerely hope we will continue this regiment.

Mr. WILLIAMS. Does not the gentleman think that we could produce a feeling of patriotism toward America and love of the American flag very much less expensively and very much more rightly by simply giving to Porto Rico a delegate upon this floor?

Mr. DOUGLAS. I do not; and I shall embrace the very first opportunity upon this floor of stating why I do not.

Mr. HULL of Iowa. I yield three minutes to the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Speaker, for one I am in favor of this bill, and I believe it ought to pass by the united Repub-

lican vote at least. It is a matter of a great deal of importance in the administration of affairs in the island of Porto Rico. The political status of that island in its relation with the United States has been considered as somewhat anomalous, and I know that natives of the island have felt somewhat uncertain about their rights under the American flag. This military organization is the only movable military organization in the island. It is the successor of that old Porto Rican regiment that is surrounded with such splendid traditions as was just described by the gentleman representing that island on this floor. As a matter of sentiment alone, as a token of recognition of the inhabitants of the island as citizens of the United States, as members of the great American family, it is worth all it costs.

But, Mr. Speaker, that island has a population of between a million and a million and half people. It is three or four days' travel from continental United States to the island; and if this regiment should be disbanded, that island, with its population, would be absolutely without any military protection. There is no national guard, as we call it, on the island. I undertake to say that there is no territory, no section, no locality, in the United States with a similar population that would be as far from a military organization as the island of Porto Rico would be if this regiment should be disbanded. For the purpose of aiding in the police protection of the island it is of great importance. It ought to be continued; it ought to be made permanent, I repeat, as a recognition of the Americanism of the people of the island. I believe in enacting other legislation that would recognize the inhabitants of the island of Porto Rico as full citizens of the United States in a practical and effectual manner.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. Can the gentleman yield me any time?

Mr. HULL of Iowa. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has three minutes.

Mr. WILLIAMS. Can you not yield me one minute or a minute and a half?

Mr. HULL of Iowa. I want very briefly to explain the situation, as far as this regiment is concerned, in addition to what I have already said. I do not think the Porto Rican regiment will be disbanded if we do not pass this bill. We have already provided in the appropriation bill for the recommissioning of the officers for terms of four years. We have provided for the continuance, so far as the expense is concerned, of the regiment, and to the extent of this bill, in giving this additional status to the officers, giving recognition of the right to retired pay.

Mr. SLAYDEN. I would like to ask the gentleman this question: You admit that if this bill does not pass it will prevent addition to the personnel of the officers of the Army?

Mr. HULL of Iowa. On the retired list.

Mr. SLAYDEN. On the retired list.

Mr. HULL of Iowa. It does not make any addition to the officers on the active list, but it does make an addition to the retired list when the time comes for them to retire. And whether the gentleman from Texas or myself shall be in Congress when they reach the age of 64 years, Congress will pass special acts to put them on the retired list, in my opinion, as an act of justice. But this regiment is a great educational factor to the people of Porto Rico. We provide that there shall be only one term of enlistment. When that term expires the men are scattered over the island; and I claim that that is one of the most efficient means of cultivating a love for the United States and its flag that you could have in Porto Rico.

I do not agree with the gentleman from Virginia [Mr. HAY] when he says that he wants the Democratic party not to vote for one additional man in the Army of the United States. So far as I am concerned—and I speak for myself only in this—I want the Republicans to vote for any man or any measure that is necessary for the dignity, safety, and prosperity of the United States of America. [Applause on the Republican side.]

Mr. HAY. The gentleman does not want to put me in a false position—

Mr. HULL of Iowa. I do not want my party to be afraid of voting for what is right, with the idea that if they do somebody may criticise them on the stump this fall. I have fought this battle out in my State, and I am known there as a friend of the Army, and the people I represent are willing to do whatever is necessary to safeguard the rights and interests and dignity and prosperity of the country.

Mr. HAY. The gentleman can not make me say I would not vote for anything that is necessary. I never said anything of that sort.

Mr. HULL of Iowa. I understood you to say you did not want your party to go on record in favor of an increase of any officers of the Army.

Mr. HAY. Because I do not think it is necessary.

Mr. HULL of Iowa. Well, I think it is, and therefore I hope our side will all vote for it. But this does not increase the number of officers a single man. It does increase the retired list.

Mr. HAY. Yes; but the gentleman will admit that the Comptroller of the Currency will probably not pay these officers unless this bill is passed.

Mr. HULL of Iowa. That has been construed, and the Comptroller will pay just as long as Congress appropriates for them.

Mr. HAY. Not when the law provides that they shall go out of office on the 30th of June.

Mr. HULL of Iowa. As long as Congress appropriates they will be paid. I think there is absolutely nothing in that, and as long as conditions are as we believe them to be now, Congress will appropriate separately for them. There is nothing in the question of expense except the ultimate expense of the retired list. I want to say that every one of these line officers who serves until he is 64 years of age, and every one of them who serves until he becomes disabled in the line of duty will be placed on the retired list by the Congress of the United States whether you pass this bill or not.

Now, Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. All time has expired. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill with the committee amendments.

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

The yeas and nays were ordered.

The question was taken, and there were—yeas 129, nays 80, answered "present" 4, not voting 174, as follows:

YEAS—129.

Adair	Driscoll	Hull, Iowa	Parker, S. Dak.
Alexander, N. Y.	Dwight	Jenkins	Payne
Ames	Ellis, Oreg.	Jones, Wash.	Perkins
Andrus	Englebright	Kahn	Pollard
Bannon	Esch	Kimball	Pray
Barchfeld	Fassett	Kinkaid	Rauch
Bartholdt	Focht	Knopf	Reeder
Birdsall	Fornes	Küstermann	Rothermel
Bonyng	Foss	Lafan	Slemp
Bradley	Foster, Vt.	Landis	Smith, Cal.
Brownlow	French	Lawrence	Sperry
Burleigh	Gardner, N. J.	Longworth	Steenerson
Burton, Del.	Garrett	Loudenslager	Sterling
Calderhead	Gilhams	Lovering	Sturgiss
Campbell	Gill	McKinley, Ill.	Sulloway
Capron	Goulden	McKinney	Sulzer
Caulfield	Graf	McLachlan, Cal.	Taylor, Ohio
Chapman	Greene	McMorrin	Tirrell
Cocks, N. Y.	Hale	Madison	Townsend
Cole	Hall	Mondell	Volstead
Cook, Colo.	Hamilton, Mich.	Morse	Yreland
Cook, Pa.	Harding	Mouser	Waldo
Cooper, Pa.	Haskins	Murdock	Wanger
Cooper, Wis.	Haugen	Murphy	Washburn
Crumpacker	Hawley	Needham	Watson
Currier	Hayes	Nelson	Wheeler
Dalzell	Henry, Conn.	Norris	Wilson, Ill.
Darragh	Hill, Conn.	Nye	Wood
Davis, Minn.	Hinshaw	Olcott	Woodyard
Dawson	Howell, Utah	Olmsted	Young
Denby	Howland	Overstreet	
Douglas	Hubbard, Iowa	Padgett	
Draper	Hubbard, W. Va.	Parker, N. J.	

NAYS—80.

Adamson	Edwards, Ga.	Henry, Tex.	Patterson
Alken	Ferris	Hill, Miss.	Rainey
Alexander, Mo.	Finley	Houston	Randell, Tex.
Ansberry	Fitzgerald	Howard	Robinson
Ashbrook	Floyd	Hughes, N. J.	Russell, Mo.
Bartlett, Nev.	Foster, Ill.	Hull, Tenn.	Russell, Tex.
Beall, Tex.	Garner	James, Ollie M.	Sabath
Bell, Ga.	Gillespie	Johnson, Ky.	Shackleford
Booher	Glass	Johnson, S. C.	Sheppard
Bowers	Godwin	Jones, Va.	Sheryley
Burgess	Gordon	Kitchin, Claude	Slayden
Burnatt	Griggs	Lamb	Smith, Mo.
Candler	Hackett	Lee	Sparkman
Clark, Fla.	Hackney	Lloyd	Stanley
Clark, Mo.	Hamilton, Iowa	Macon	Stephens, Tex.
Clayton	Hammond	Maynard	Thomas, N. C.
Crawford	Hardy	Moon, Tenn.	Tou Velle
Davenport	Hay	Moore, Tex.	Underwood
Denver	Heflin	O'Connell	Watkins
Dixon	Helm	Page	Wilson, Pa.

ANSWERED "PRESENT"—4.

Burleson	Butler	Cox, Ind.	Richardson
Acheson	Bennett, Ky.	Burke	Cockran
Allen	Bingham	Burton, Ohio	Conner
Anthony	Boutell	Byrd	Cooper, Tex.
Barclay	Boyd	Calder	Coudrey
Bartlett, Ga.	Brantley	Caldwell	Cousins
Bates	Brodhead	Carlin	Craig
Beale, Pa.	Froussard	Carter	Cravens
Bede	Crumm	Cary	Cushman
Bennet, N. Y.	Brundidge	Chaney	Davey, La.

NOT VOTING—174.

Davidson	Higgins	Lorimer	Riordan
Dawes	Hitchcock	Loud	Roberts
De Armond	Hobson	Lowden	Rodenberg
Diekema	Holliday	McCall	Rucker
Dunwell	Howell, N. J.	McCreary	Ryan
Durey	Huff	McDermott	Saunders
Edwards, Ky.	Hughes, W. Va.	McGavin	Scott
Ellerbe	Humphrey, Wash.	McGuire	Sherman
Ellis, Mo.	Humphreys, Miss.	McHenry	Sherwood
Fairchild	Jackson	McKinlay, Cal.	Sims
Favrot	James, Addison D.	McLain	Small
Flood	Keifer	McLaughlin, Mich.	Smith, Iowa
Fordney	Keifer	McMillan	Smith, Mich.
Foster, Ind.	Kennedy, Iowa	Madden	Smith, Tex.
Foulkrod	Kennedy, Ohio	Malby	Snapp
Fowler	Kipp	Mann	Southwick
Fuller	Kitchin, Wm. W.	Marshall	Spight
Fulton	Knapp	Miller	Stafford
Gaines, Tenn.	Knowland	Moon, Pa.	Stevens, Minn.
Gaines, W. Va.	Lamar, Fla.	Moore, Pa.	Talbott
Gardner, Mass.	Lamar, Mo.	Mudd	Tawney
Gardner, Mich.	Langley	Nicholls	Taylor, Ala.
Gillett	Laning	Parsons	Thistlewood
Goebel	Lassiter	Pearre	Thomas, Ohio.
Goldfogle	Law	Peters	Wallace
Graham	Leake	Porter	Webb
Granger	Legare	Pou	Weeks
Gregg	Lenahan	Powers	Weems
Gronna	Lever	Pratt	Weisse
Haggott	Lewis	Prince	Wiley
Hamill	Lilley	Pujo	Willett
Hamlin	Lindbergh	Ransdell, La.	Williams
Hardwick	Lindsay	Reid	Wolf
Harrison	Littlefield	Reynolds	
Hepburn	Livingston	Rhinock	

So the motion to suspend the rules and pass the bill was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LOUD with Mr. HARRISON.

Mr. MANN with Mr. SIMS.

Mr. FOULKROD with Mr. SPIGHT.

Mr. KENNEDY of Iowa with Mr. PUJO.

Mr. TAWNEY with Mr. WILLIAMS.

Mr. THOMAS of Ohio with Mr. LASSITER.

Mr. SMITH of Michigan with Mr. REID.

Mr. MALBY with Mr. RANDELL of Louisiana.

Mr. MCGUIRE with Mr. NICHOLLS.

Mr. KEIFER with Mr. LEGARE.

Mr. HUMPHREY of Washington with Mr. KIPP.

Mr. HUFF with Mr. GREGG.

Mr. GOEBEL with Mr. GAINES of Tennessee.

Mr. FOSTER of Indiana with Mr. FULTON.

Mr. ELLIS of Missouri with Mr. FAVROT.

Mr. DAVIDSON with Mr. CRAIG.

Mr. CHANEY with Mr. COCKRAN.

Mr. CALDER with Mr. CARLIN.

Mr. BOUTELL with Mr. CALDWELL.

Mr. LOWDEN with Mr. BRODHEAD.

Mr. SMITH of Iowa with Mr. BRANTLEY.

Mr. ALLEN with Mr. WILEY.

For the balance of the day:

Mr. HEPBURN with Mr. RICHARDSON.

The result of the vote was then announced as above recorded.

BOARD OF MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HULL of Iowa. Mr. Speaker, I move to suspend the rules and pass House joint resolution No. 178, for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the joint resolution, as follows:

*Resolved, etc., That Thomas J. Henderson, of Illinois; Walter P. Brownlow, of Tennessee; Edwin P. Hammond, of Indiana, and Joseph S. Smith, of Maine, be, and the same are hereby, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States—Gen. Thomas J. Henderson to succeed himself, his term of service having expired April 21, 1908; Col. Walter P. Brownlow to succeed himself, his term of service having expired April 21, 1908; Col. Edwin P. Hammond to succeed himself, his term of service having expired April 21, 1908, and Gen. Joseph S. Smith to succeed Gen. J. Marshall Brown, whose term of service would have expired on April 21, 1908, but who died on July 20, 1907.*

The SPEAKER pro tempore. Is a second demanded?

Mr. UNDERWOOD. I demand a second.

The SPEAKER pro tempore. Under the rule a second is considered as ordered. The gentleman from Iowa [Mr. HULL] is entitled to twenty minutes and the gentleman from Alabama [Mr. UNDERWOOD] to twenty minutes.

Mr. HULL of Iowa. Mr. Speaker, there is nothing in this resolution except what is made necessary by the present laws governing the National Homes. There are twelve members of the Board of Managers of National Homes, and the offices of four expire every two years. This Congress has not filled these new places as promptly as they should have been, for the reason that it seemed impossible to get an opportunity to put

in a resolution like this, which has always been passed heretofore by unanimous consent. I reserve the balance of my time, for I have no desire to take the time of the House to discuss it any further.

Mr. UNDERWOOD. Mr. Speaker, I yield such time as he may desire to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, a moment ago when the question of the Porto Rican regiment was up, I desired to say a few words, but the time on this side was exhausted and the time on that side was needed.

The gentleman from Indiana [Mr. CRUMPACKER], in the course of his remarks, said that this regiment ought to be kept up in Porto Rico for the purpose of "teaching Americanism" there. It is to that remark that I desire to address myself.

Porto Rico has become a part of the United States. It is going to remain permanently a part of the United States. Unlike the Philippines, very much unlike in every respect, it is destined to be for all time a part of our country. It is very important that Americanism should be taught in Porto Rico, that the people there should learn to love American institutions and to feel a fellowship with American citizens. The right way to teach them the lesson is not to give them a regiment, the highest office in which that can be held by a native Porto Rican is a captaincy. To expect to gain them this way is to take them for fools or children. The right way to give them an education in Americanism is not to educate them to the sound of the fife and drum, to military parade, "the pomp and circumstance of glorious war," and all that, but to realize now and to act upon the realization that the Porto Rican people ought to be made Americans whether they speak a foreign language or not, and the right way to make Americans of them, to teach them Americanism and a love of American institutions, is to give them American institutions. Nobody can have a taste for a thing unless he first have a taste of that thing.

Porto Rico ought to be made a Territory of the United States; it ought to have a Delegate upon this floor. We ought no longer to keep the people of Porto Rico in the status where they are now, where they are adjudged to be neither foreigners nor citizens, neither fish, flesh, nor fowl; something like Mohammed's coffin, hanging unfix'd between high heaven and the earth—nowhere a fixed status.

If the Porto Ricans are to honor and love the flag which hangs above your head, they are to love it because that flag benefits them, brings brotherhood and fraternity to them, brings American institutions to them, and the only way in which American institutions can be brought to them is in the manner I have stated.

Mr. DOUGLAS. Does the gentleman doubt that the flag has brought benefits of all sorts to them?

Mr. WILLIAMS. I will answer the question which the gentleman has asked, although he has asked it without permission to interrupt. I do not doubt that the flag has brought benefits to them, but I do deny, and the gentleman himself will not assert, that the flag has brought all the benefits to them that the flag ought to have carried. The flag can not carry all the benefits that it ought to carry until these people are recognized as part and parcel of the body politic of the United States and given the right that the people of Arizona and New Mexico are given. Their case is not like that of the Filipinos. We hope some day to be rid of the Filipinos, because they are an alien and nonassimilable race. These Porto Ricans are not nonassimilable, and there is no reason why they should not become just as all American citizens are in everything except in the language which they speak, and perhaps gradually they will even assume the English language.

I tell you now that if you keep them in the status in which you have them now, within ten years from now there will not only be, as the gentleman says there is now, an "unfriendly feeling toward Americans in Porto Rico," but there will be a hatred equal to that which the Irish feel for England. You have not even given them as much recognition as England has given Ireland. The Irishman is nearer a fellow-subject of the Englishman than the Porto Rican is a fellow-citizen of the American today. [Applause on the Democratic side.] You can not teach men to love you by providing them with a regiment, with the innuendo "If you are not good, the regiment is here to make you good." You can make men a part of your national household only in one way, and that is to admit them into your household. You can not make people love the family by treating them as stepchildren. You have got to treat them as children.

And one of the things that history will charge up against this Republican party is the fact that instead of teaching these people to love American institutions, you are teaching them to hate them and Americans with them. They came into the Union not unwillingly, they welcomed our American troops;

"tossing their caps high in air," with huzzas when the American troops landed. Now, already it is confessed upon the floor by one of your own body that "an unfriendly feeling toward America is general" over the island. Whose fault is it except our own?

Mr. DOUGLAS. Mr. Speaker, I can answer the question if the gentleman will give me an opportunity.

Mr. WILLIAMS. When I say our own, I mean those in control of the country. I did not hear the gentleman, and if the gentleman from Ohio [Mr. DOUGLAS] has a question to propound, if he would pursue the usual course I would then be able to understand his question. I now yield to the gentleman.

Mr. DOUGLAS. I say the gentleman pointed at me and asked a question and I am willing to answer it.

Mr. WILLIAMS. I did ask the gentleman no question. What question did I, in his opinion, ask the gentleman?

Mr. DOUGLAS. The question is as to why the Porto Rican people are not more friendly to the flag.

Mr. WILLIAMS. I will yield to the gentleman to tell me why.

Mr. DOUGLAS. The reply is in one word. It is due to the peculiar character of the Porto Ricans.

Mr. LARRINAGA. Will the gentleman yield to me for a moment?

Mr. WILLIAMS. Mr. Speaker, I can not yield further. There is one thing that I think I know. There are not many things in this world that I am cocksure about, but one thing I think I know. I think I know that human nature in the Caucasian race, in the white race, is pretty much the same all over this world. I have known it upon the banks of the Tiber, the Thames, the Seine, the Avon, the Rhine, the Mississippi, the Ohio. The white man's human nature is nearly everywhere the same, just as the Chinaman's human nature is, whether he is in Hongkong or New York, and the negro's human nature, whether he is in Timbuctoo or New Orleans. They differ on broad racial lines, but within racial lines men are subject to identical motives and influences. There is no white man living upon the surface of this earth that can be made to love another white man and honor him by fear, by arrogance, by assumption of superiority, or except in one way, and that is by receiving justice and respect and honor.

And whenever you give the Porto Ricans that they will love your institutions and love you, and as long as you keep them as you are trying to keep them now, in a sort of unconscious arrogance of superiority, as inferiors to yourselves, they not only will necessarily distrust you, but that distrust will grow. They not only, necessarily, will be unfriendly to you, but that unfriendliness will gradually become hostility, enmity, deep-seated hatred, almost ineradicable. Porto Rico is represented here by a Commissioner. What man upon the floor who knows him does not honor him just as much as any other man here? [Applause.] Why should he not have the same right upon this floor that a Delegate from Arizona or New Mexico has? Why should you pronounce beforehand that the white people of Porto Rico are unfit to be citizens of an American Territory? I am not speaking of statehood for them, because they have, perhaps, neither the population nor the wealth nor as yet the political training, but they have at least the right to be admitted into the preparatory school of the great college of Americanism, the great college of American patriotism—a Territorial condition. [Applause on the Democratic side.]

All that I said that has any reference to the gentleman from Ohio was this, that he had himself admitted that there was in Porto Rico a feeling of unfriendliness toward America. I myself do not know whether his admission be founded on fact or not, because it is my misfortune not to know the Porto Ricans, never to have been among them. But if it be true—and for the sake of argument I am admitting it to be true—then I deny that it can grow out of any "peculiarity" of the white people of Porto Rico. I deny that it can grow out of anything except that rock-bottom fact, which is based in all white human nature, that "you that have friends must show yourselves friendly." Solomon said that in a little bit different phraseology, and it is true and has been true always.

Mr. DOUGLAS. Will the gentleman yield?

Mr. WILLIAMS. When you are dealing with a race that is alien and nonassimilable, a race whose blood fraternity with yourselves you can not admit—and all fraternity is based upon actual or potential relationship in lawful wedlock—lawful blood kinship—then you have a different problem altogether. There fraternity is impossible, there assimilability is impossible, there common and equal citizenship is impossible, there genuine equality is impossible, because genuine equality is based upon genuine fraternity. But when you are dealing with a people with whom you can assimilate, a people of your own race—a white peo-

ple—then all you have to do, if you want them to love the household, is to admit them into the household as children and not as stepchildren.

Mr. DOUGLAS. Will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. DOUGLAS. I desire to state to the gentleman I have introduced a bill in this House to give citizenship to the people of Porto Rico; what has the gentleman done?

Mr. WILLIAMS. The gentleman from Mississippi welcomes the knowledge of the fact hitherto not known to him that the gentleman from Ohio has introduced such a bill. Not only the gentleman from Mississippi but his party have been standing upon the Committee on Insular Affairs and the Committee on Territories and elsewhere for making a Territory of Porto Rico and giving it a Delegate upon this floor. In the Fifty-eighth and Fifty-ninth and this Congress we have stood without division for it. We are opposed to crown colonialism in Porto Rico.

Mr. COOPER of Wisconsin rose.

Mr. WILLIAMS. I did not wish to mention the party question, but the gentleman from Ohio has forced it.

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Wisconsin?

Mr. WILLIAMS. I yield to the gentleman from Wisconsin always.

Mr. COOPER of Wisconsin. I desire to inform the gentleman from Ohio that the Committee on Insular Affairs in the last Congress unanimously reported a bill to confer citizenship upon the people of Porto Rico, and that in the present Congress it reported such a bill, and it is now upon the Calendar.

Mr. WILLIAMS. And can not obtain a hearing.

Mr. COOPER of Wisconsin. I did not say that. [Laughter and applause on the Democratic side.]

Mr. WILLIAMS. I did, and I repeat, "and can not get a hearing."

Mr. DOUGLAS. If the gentleman from Wisconsin will permit, I will say, if that is the case, he is more entitled to indulge in glittering generalities upon Porto Rico than the gentleman from Mississippi—

The SPEAKER pro tempore. The gentleman from Wisconsin has not the floor; the gentleman from Mississippi has the floor.

Mr. WILLIAMS. I am not dealing in glittering generalities, but am thrusting home a concrete instance of manifest right.

Mr. Speaker, I thought it well to say thus much, because I did not have the opportunity at the right time to say it, as my desire to interrupt could not be granted, so that what I said, or attempted interrogatively to interject in the matter, was "left up in the air" and unexplained. I wanted, when I attempted to interrupt the gentleman from Indiana and the gentleman from Iowa, to say that if we really desire to "educate" the people of Porto Rico in "Americanism" and the appreciation and love of Americanism, the right way is to educate them in the primary school, in the preparatory school, the Territorial school, and then in the course of time they will be Americans all right. I am not afraid of white men anywhere undertaking the duties of American citizenship after primary training, but you had better begin now and give them the primary training. But "regiments" do not do it; drums and trumpets do not do it; epaulets do not do it, and the idle pomp and circumstance of holiday warfare do not do it; the turning of a national-guard regiment into a Regular Army regiment, with a retired list, does not do it. All that is idleness and puerility. It may appeal to the vanity of individual Porto Ricans here and there, but it does not reach the heart of Porto Rico, and that is what I want to reach. I now yield back whatever time I may have remaining to the gentleman from Alabama. [Applause.]

Mr. HULL of Iowa. Mr. Speaker, I am perfectly willing to rest the joint resolution which is now before the House to elect managers of the National Home on the argument made by the gentleman from Mississippi. [Applause.] I now surrender all of my time and I call for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the resolution.

Mr. PAYNE. Mr. Speaker, pending that I move that the House do now take a recess until to-morrow at 11.30 a. m.

The SPEAKER pro tempore. Pending that the gentleman from New York moves that the House now take a recess until 11.30 to-morrow morning.

Mr. UNDERWOOD. Mr. Speaker, on that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—ayes, 137, nays 77, answered "present" 9, not voting 164, as follows:

## YEAS—137.

Adair	Denby	Hubbard, W. Va.	Parker, S. Dak.
Allen	Douglas	Huff	Payne
Ames	Draper	Humphrey, Wash.	Perkins
Andrus	Driscoll	Jenkins	Pollard
Bannon	Dwight	Jones, Wash.	Pray
Barchfeld	Ellis, Oreg.	Kahn	Rainey
Barclay	Englebright	Kennedy, Iowa	Rauch
Bartholdt	Esch	Kennedy, Ohio	Reeder
Bennet, N. Y.	Fassett	Kinkaid	Rodenberg
Birdsall	Focht	Knopf	Slomp
Bonyngue	Foss	Kuftermann	Smith, Cal.
Brownlow	Foster, Ind.	Lafean	Smith, Mich.
Burleigh	French	Landis	Sperry
Burton, Del.	Gaines, W. Va.	Laning	Steenerson
Calderhead	Gardner, N. J.	Lawrence	Sterling
Campbell	Gilhams	Longworth	Sturgiss
Capron	Goebel	Lowden	Sulloway
Caulfield	Graff	McKinlay, Cal.	Sulzer
Chaney	Greene	McKinley, Ill.	Tawney
Chapman	Hale	McKinney	Taylor, Ohio
Cocks, N. Y.	Hall	McLachlan, Cal.	Tirrell
Cole	Hamilton, Iowa	McLaughlin, Mich.	Volstead
Conner	Hamilton, Mich.	McMorran	Vreeland
Cook, Colo.	Hammond	Madison	Waldo
Cook, Pa.	Haskins	Mondell	Wanger
Cooper, Pa.	Haugen	Morse	Washburn
Cooper, Wis.	Hawley	Mouser	Watson
Crawford	Hayes	Needham	Wheeler
Crumpacker	Higgins	Nelson	Wilson, Ill.
Currier	Hill, Conn.	Norris	Wood
Cushman	Hinshaw	Nye	Woodyard
Dalzell	Howell, N. J.	Olcott	Young
Darragh	Howell, Utah	Olmsted	
Davidson	Howland	Overstreet	
Dawson	Hubbard, Iowa	Parker, N. J.	

## NAYS—77.

Adamson	Edwards, Ga.	Henry, Tex.	Rothermel
Alken	Ferris	Hill, Miss.	Russell, Mo.
Alexander, Mo.	Finley	Houston	Russell, Tex.
Ansberry	Fitzgerald	Hull, Tenn.	Sabath
Ashbrook	Floyd	James, Ollie M.	Shackelford
Bartlett, Nev.	Fornes	Johnson, Ky.	Sheppard
Beall, Tex.	Foster, Ill.	Johnson, S. C.	Sherley
Bell, Ga.	Garner	Lee	Small
Boeber	Garrett	Lloyd	Smith, Mo.
Bowers	Gill	Macon	Stanley
Brantley	Gillespie	Maynard	Stevens, Tex.
Burgess	Godwin	Moore, Tex.	Thomas, N. C.
Burnett	Gordon	Murphy	Tou Velle
Candler	Griggs	O'Connell	Underwood
Clark, Fla.	Hackett	Padgett	Watkins
Clark, Mo.	Hackney	Pase	Williams
Clayton	Hardy	Patterson	Wilson, Pa.
Craig	Hay	Pujo	
Denver	Heflin	Randell, Tex.	
Dixon	Helm	Robinson	

## ANSWERED "PRESENT"—9.

Burleson	Goulden	Moon, Tenn.	Roberts
Cox, Ind.	Hull, Iowa	Moore, Pa.	Sherman
Goldfogle			

## NOT VOTING—164.

Acheson	Fairchild	Kitchin, Wm. W.	Pearre
Alexander, N. Y.	Favrot	Knapp	Peters
Anthony	Flood	Knowland	Porter
Bartlett, Ga.	Fordney	Lamar, Fla.	Pou
Bates	Foster, Vt.	Lamar, Mo.	Powers
Beale, Pa.	Foulkrod	Lamb	Pratt
Bede	Fowler	Langley	Prince
Bennett, Ky.	Fuller	Lassiter	Ransdell, La.
Bingham	Fulton	Law	Reid
Boutell	Gaines, Tenn.	Leake	Reynolds
Boyd	Gardner, Mass.	Legare	Rhinoek
Bradley	Gardner, Mich.	Lenahan	Richardson
Brodhead	Gillett	Lever	Riordan
Broussard	Glass	Lewis	Rucker
Brumm	Graham	Lilley	Ryan
Brundidge	Grainger	Lindbergh	Saunders
Burke	Grogg	Lindsay	Scott
Burton, Ohio	Gronna	Littlefield	Sherwood
Butler	Haggott	Livingston	Sims
Byrd	Hamill	Lorimer	Slayden
Calder	Hamlin	Loud	Smith, Iowa
Caldwell	Harding	Loudenslager	Smith, Tex.
Carlin	Hardwick	Lovering	Snapp
Carter	Harrison	McCall	Southwick
Cary	Henry, Conn.	McCleary	Spakman
Cockran	Hepburn	McDermott	Spirit
Cooper, Tex.	Hitchcock	McGavin	Stafford
Coudrey	Hobson	McGuire	Stevens, Minn.
Cousins	Holliday	McHenry	Talbot
Cravens	Howard	McLain	Taylor, Ala.
Davenport	Hughes, N. J.	McMillan	Thistlewood
Davey, Ia.	Hughes, W. Va.	Madden	Thomas, Ohio
Davis, Minn.	Humphreys, Miss.	Malby	Townsend
Dawes	Jackson	Mann	Wallace
De Armond	James, Addison D.	Marshall	Webb
Diekema	Jones, Va.	Miller	Weeks
Durwell	Keifer	Moon, Pa.	Weems
Durey	Kelher	Mudd	Weisse
Edwards, Ky.	Kimball	Murdock	Wiley
Ellerbe	Kipp	Nichols	Willett
Ellis, Mo.	Kitchin, Claude	Parsons	Wolf

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. SMITH of Iowa with Mr. LAMB.

For this vote:

Mr. DAWES with Mr. GREGG.

Mr. PARSONS with Mr. BRODHEAD.

Mr. BURTON of Ohio with Mr. SPARKMAN.

Mr. BRUMM with Mr. MOON of Tennessee.

Mr. BEDE with Mr. CLAUDE KITCHIN.

Mr. BEALE of Pennsylvania with Mr. KIMBALL.

Mr. ALEXANDER of New York with Mr. JONES of Virginia.

Mr. HARDING with Mr. HUGHES of New Jersey.

Mr. FOSTER of Vermont with Mr. GLASS.

Mr. MURDOCK with Mr. DAVENPORT.

Mr. HULL of Iowa with Mr. SLAYDEN.

#### CHANGE OF CONFEREES.

The SPEAKER pro tempore. Pending the announcement of the vote the Clerk will read the following request of a Member. The Clerk read as follows:

Mr. LIVINGSTON has requested that he be relieved from serving as a manager of the conference on the legislative bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair will appoint the gentleman from Texas [Mr. BURLISON] in the place of the gentleman from Georgia [Mr. LIVINGSTON]. Is there objection?

There was no objection.

#### RECESS.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 19 minutes p. m.) the House took a recess until 11.30 a. m. to-morrow.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the chief clerk of the Court of Claims submitting an estimate of appropriation for contingent expenses, Court of Claims (H. R. Doc. 921)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriations for repairs, etc., in Chickamauga and Chattanooga national parks (H. R. Doc. 922)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an additional estimate of appropriations for salaries in the office having charge of the national-bank currency (H. R. Doc. 923)—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. CARTER, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4289) for the relief of the people of Hartshorne, Okla., reported the same without amendment, accompanied by a report (No. 1620), which said bill and report were referred to the Private Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4809) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts, reported the same with amendments, accompanied by a report (No. 1621), which said bill and report were referred to the House Calendar.

He also, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3345) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla., reported the same with amendments, accompanied by a report (No. 1622), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21591) regulating salaries of district attorneys and United States marshals in Oklahoma, reported the same without amendment, accompanied by a report (No. 1623), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21632) to provide for circuit and districts courts of the United States at Florence, Ala., reported the same without amendment, accompanied by a report (No. 1624), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21736) to provide for holding terms of United States courts at Clarksdale, Miss., reported the same without amendment, accompanied by a report (No. 1625), which said bill and report were referred to the House Calendar.

Mr. MOON of Pennsylvania, from the Committee on the Judiciary, to which was referred the resolution of the House (H. Res. 257) relative to impeachment of Lebbens R. Wilfey, judge of the United States court for China, recommending that no proceedings be taken on the resolution, reported the same without amendment, accompanied by a report (No. 1626), which said report was referred to the House Calendar.

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 552) amending section 553 of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 1627), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1628), which said bill and report were referred to the House Calendar.

Mr. LAW, from the Committee on Patents, to which was referred the bill of the Senate (S. 3969) to amend the laws of the United States relating to the registration of trade-marks, reported the same without amendment, accompanied by a report (No. 1629), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 21644) to restore the name of Lieut. George K. McGunnegle to the pension roll, and the same was referred to the Committee on Military Affairs.

#### 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. GILLETT: A bill (H. R. 21731) to improve the navigation of the Connecticut River between Hartford and Holyoke, and to develop water power in connection therewith—to the Committee on Rivers and Harbors.

By Mr. SMITH of Michigan: A bill (H. R. 21732) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902—to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 21733) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader—to the Committee on the Judiciary.

By Mr. SIMS: A bill (H. R. 21734) for the relief of the State of Tennessee—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes—to the Committee on Indian Affairs.

By the Judiciary Committee of the House of Representatives: A bill (H. R. 21736) to provide for holding terms of United States courts at Clarksdale, Miss.—to the House Calendar.

By Mr. OLMSTED: A bill (H. R. 21737) granting to the borough of Carlisle, Pa., the right of way for a sewer pipe through and under lands owned by the United States and now used in connection with the United States Indian Industrial School—to the Committee on Indian Affairs.

By Mr. MCGUIRE: A bill (H. R. 21738) appropriating the receipts from the sale and disposal of public lands in Oklahoma to the construction of works for drainage of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. HALL: A bill (H. R. 21739) to provide for the establishment of a fish-cultural station at Lake Kampeska, Codington County, S. Dak.—to the Committee on the Merchant Marine and Fisheries.

By Mr. FURNES: A bill (H. R. 21740) to amend an act entitled "An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia," approved February 25, 1831—to the Committee on the District of Columbia.

By Mr. CRAIG: A bill (H. R. 21741) to amend an act authorizing the construction of dams and power stations on the Coosa River at Lock 2, Alabama—to the Committee on Rivers and Harbors.

By Mr. GILL: Resolution (H. Res. 410) requiring information from the Secretary of War as to bids for supplying semibituminous coal for the Panama Railroad Company and other information in relation thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNLOW: Resolution (H. Res. 411) to pay the clerk of the late Representative Campbell Slep for services from October 1 to October 13, 1907—to the Committee on Accounts.

By Mr. FOWLER: Resolution (H. Res. 412) for payment of extra clerical and stenographic services rendered to the Committee on Banking and Currency—to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ADAIR: A bill (H. R. 21742) granting a pension to John Umensetter—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 21743) granting an increase of pension to Edwin Snyder—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21744) for the relief of the estate of John R. Colvin, deceased—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 21745) granting a pension to Susan J. Rose—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 21746) granting a pension to Mary Muller—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21747) granting a pension to Allen Kirk—to the Committee on Pensions.

Also, a bill (H. R. 21748) to correct the military record of Henry M. Roberts—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 21749) granting an increase of pension to John W. McCullough—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 21750) for the relief of George Kingsland—to the Committee on Claims.

By Mr. KIPP: A bill (H. R. 21751) for the relief of Loron W. Forrest—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 21752) to amend the military record of Thomas Greene—to the Committee on Military Affairs.

By Mr. McLAIN: A bill (H. R. 21753) for the relief of heirs of Moses J. Ferguson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21754) for the relief of the heirs of James F. Wooley, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 21755) granting an increase of pension to Evi T. Nichols—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21756) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 21757) granting a pension to C. A. M. Yarbra—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 21758) to correct the military record of and grant to Louis F. Upwright, alias Ludwig F. Rupprecht, an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 21759) to correct the military record of William D. Garner, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 21760) to remove the charge of desertion from the record of James Orange—to the Committee on Military Affairs.

By Mr. WEEMS: A bill (H. R. 21761) granting an increase of pension to George D. Moore—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 21762) granting an increase of pension to James A. Roche—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21763) granting an increase of pension to Hugh J. Magee—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of general conference of the Methodist Episcopal Church, praying for the enactment of the so-called "Littlefield interstate liquor shipment bill"—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Local Union No. 51, N. B. of O. P., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of many citizens of New Castle, Pa., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of Jefferson County (Kans.) Veterans' Association, urging that each public building be designated by the words "United States of America" or some other appropriate insignia—to the Committee on Public Buildings and Grounds.

By Mr. BARCLAY: Petition of citizens of Bradford, Clearfield, and Hawk Run, Pa., for the enactment of H. R. 94 and 20584—to the Committee on the Judiciary.

By Mr. CALDER: Petition of James Reagan, jr., for remedial legislation excluding labor organizations from the provisions of the Sherman anti-injunction law—to the Committee on the Judiciary.

Also, petition of H. Krantz Manufacturing Company, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of George and John McKee, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

Also, petition of the Knox Hat Manufacturing Company, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of citizens of Chicago, Ill., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. CAPRON: Petition of Business Men's Association of Pawtucket, R. I., favoring the Vreeland bill and for a currency commission—to the Committee on Banking and Currency.

Also, petitions of National Founders' Association and Master Printers' Association of Providence, against any anti-injunction legislation—to the Committee on the Judiciary.

Also, memorial of sundry citizens and labor organizations of Rhode Island, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. CARLIN: Papers to accompany bill for the relief of John R. Colvin, deceased—to the Committee on War Claims.

By Mr. CARY: Petition of Glass Bottle Blowers' Association of Milwaukee, for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, petition of citizens of Buffalo, N. Y., for H. R. 15123 and S. 4395, for regulation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. CAULFIELD: Petitions of E. F. Knepper and F. S. Holton, Painters' Union No. 115, and Mailers' Union, all of St. Louis, Mo., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of Post B, Pennsylvania Division of Travelers' Association, against H. R. 17520—to the Committee on Ways and Means.

Also, petition of Master Builders' Exchange, against Hepburn amendment to Sherman antitrust bill and H. R. 15651, limiting hours of daily service for laborers on Government works—to the Committee on the Judiciary.

Also, petition of citizens of Pennsylvania, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COUSINS: Petitions of Detroit (Mich.) Review Club; Christian Endeavor Society of Presbyterian Church of Marengo, Ill.; and citizens of Kentucky; Sheldon, Iowa; Stoughton, Mass.; Allegan, Mich.; Mount Vernon, Iowa; Sterling, Ill.; New York City; Auburn, Me., and Boston, Mass.,

for concurrent resolution 28, against atrocities practiced by the Russian Government upon her own subjects—to the Committee on Foreign Affairs.

By Mr. DALZELL: Paper to accompany bill for relief of Chauncey F. Mitchell—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of T. E. Behrens and many other citizens of Davenport, Iowa, for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of citizens of Troy, N. Y., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of Order of Railway Telegraphers, for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petitions of Music Engravers' Union; Labor Lyceum; National Lodge, No. 556, International Association of Machinists, and others; citizens of Third Congressional district and Kings County, and Bernard O. Rouke and others, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. FOCHT: Paper to accompany bill for relief of Henry Sheaffer—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of citizens of New York City, for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

Also, petition of National Board of Fire Underwriters, of New York City, favoring appropriation for Geological Survey—to the Committee on Appropriations.

By Mr. FOSTER of Illinois: Petition of labor union of Odin, Ill., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Division No. 308, Amalgamated Association of Street Railway Employees of America, of Chicago, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of organized laborers of Bethel, Vt., for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: Papers to accompany bill for relief of John R. Bain, of Davidson County, Tenn.—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Chamber of Commerce of Los Angeles, Cal., favoring legislation extending the Sierra Forest Reserve—to the Committee on the Public Lands.

Also, petition of citizens of New York, for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, petition of Fargo (N. Dak.) Council, No. 782, Knights of Columbus, for H. R. 7559, for making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of National Lodge, No. 556, International Association of Machinists, for legislation to amend the Sherman antitrust law, etc.—to the Committee on the Judiciary.

By Mr. GRAFF: Petitions of Tinnners' Union of Peoria, Ill.; Peoria Trades and Labor Assembly; Peoria Street Car Men's Union; Elmwood (Ill.) labor unions; union laboring men of Peoria; union men of Peoria and vicinity; Boiler Makers' Union of Peoria; Amalgamated Association of Street Railway Employees of America, of Peoria; Bricklayers' Union of Pekin, Ill.; trades and labor unions of Peoria, Ill., and Labor Union No. 2711, of Cherry, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. GRANGER: Petitions of State Federation of Women's Clubs; the Current Topics Club, of Newport; the Sarah E. Doyle Club, of Providence; the Sorosis, of Providence; the Providence Section Council of Jewish Women, and others, all of the State of Rhode Island, in favor of passage of H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Providence Lithograph Company; Henry A. Carpenter, of Providence, and Narragansett Machine Company,

against anti-injunction legislation—to the Committee on the Judiciary.

Also, petitions of Providence (R. I.) Local, United Brotherhood of Leather Workers on Horse Goods, and Pavers and Rammers' Union, of Providence, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Pawtucket (R. I.) Business Men's Association, favoring a currency commission to settle the currency question—to the Committee on Banking and Currency.

By Mr. GRONNA: Petition of citizens of Grand Forks, N. Dak., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HAMILTON of Iowa: Petition of citizens of White City, Iowa, for passage of H. R. 20584—to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petition of Cassopolis (Mich.) Woman's Club, favoring concurrent resolution 28, protesting against the atrocities of the Russian Government toward its own people—to the Committee on Foreign Affairs.

By Mr. HARRISON: Petition of National Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of National Lodge, No. 556, International Association of Machinists, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HASKINS: Petitions of Lumber Dealers' Association of Connecticut; National Wholesale Lumber Dealers' of New Jersey; G. C. Leary, of Russell, Mass.; Charles N. Betts Lumber Company, of Philadelphia, Pa.; E. B. Delabane, of Providence, R. I.; Crete Nurseries and Orchards, of Crete, Nebr.; Orange Judd Company, of Springfield, Mass.; Herbert C. Sakin, of 49 Wall street, New York; Lumberman's Exchange of Philadelphia, Pa.; Vassar College, New York; The Marsh & Bingham Company, of Chicago, Ill.; Pacific Mills and other companies of Massachusetts; Society for protection of New Hampshire Forests; Campbell Art Company, of New York; Smith College, Massachusetts; Charleston (S. C.) Chamber of Commerce; A. A. Tenny, of New York City; Massachusetts Institute of Technology; Colorado Federation of Women's Clubs; B. M. Carson, of San Francisco, Cal.; S. K. Humphrey, of Boston, Mass.; Trades League of Philadelphia, Pa.; City Club of Chicago, Ill.; New England Shoe and Leather Association, of Boston; H. Humphry & Co., of Camden, N. J.; Edmond A. Souder & Co., of Philadelphia, Pa.; the Universalist Church of Haverhill, Mass.; Louisiana Federation of Women's Clubs; Massachusetts State Federation of Women's Clubs; Woodcroft, Cleveland, Ohio; Whitman College, Walla Walla, Wash.; the Greater Charlotte Company, of Charlotte, N. C.; Frank A. Cutting, of Boston; Tuft's College, Massachusetts; Weston Underhill & Co., of Philadelphia, Pa.; John P. King Manufacturing Company, of Augusta, Ga.; Rice & Lockwood Lumber Company, of Philadelphia, Pa.; North Carolina Geological and Economic Survey; Samuels, Cornwells & Stevens, of New York; Eastern States Retail Lumber Dealers' Association, of New Haven, Conn.; Illinois Manufacturing Association, of Chicago; John S. Durand, of New York; Philip P. Calvert, of Philadelphia, Pa.; National Association of Manufacturers, of New York; Alumni Association of Randolph-Macon College, of Lynchburg, Va.; Virginia Federation of Women's Clubs of Alexandria, Ashland, Danville, Bedford City, and Lynchburg; Boston Merchants' Association of Massachusetts; Riverside Cotton Mills, of Danville, Va.; Commercial Association of Danville, Va.; and Leander Club College, of Toledo, Iowa, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HAYES: Petition of citizens of San Francisco, Cal., favoring amendment proposed to the Sherman antitrust law, Pearre bill limiting issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

Also, petition of Association of Machinists, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HINSHAW: Paper to accompany bill for relief of John W. McCullough—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of meeting of working

people held at Ogden, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HULL of Iowa: Petition of citizens of Des Moines, Iowa, for legislation to modify the antitrust law, to regulate and limit the issuance of injunctions, for employers' liability, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. HUFF: Petitions of W. H. Rankin, A. L. Bauer, F. G. Canan, L. M. Connery, A. S. Shimel, E. E. Gunter, W. G. Drum, R. M. Jaunstem, D. J. Davis, H. A. Barto, A. B. McDowel, and Frank Smith, citizens of Pennsylvania, for exemption of labor unions from the Sherman antitrust law; for the Pearre bill regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. JENKINS: Petition of citizens of Glenwood, Wis., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. JONES of Washington: Petitions of citizens of Aberdeen, Walla Walla, Seattle, and Spokane; Local Union No. 78, of Tacoma, and Central Labor Council of Seattle and vicinity, all in the State of Washington, for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

Also, petition of the American League of Independent Workers, opposed to any change in the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. JONES of Virginia: Petition of Old Dominion Lodge, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Playground Association of America, favoring appropriation for playgrounds in the District of Columbia—to the Committee on Appropriations.

Also, petition of National Lodge, No. 556, International Association of Machinists, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Watson Flagg Engineering Company, John Williams (Incorporated), Edwin Outwater, Master Carpenters' Association, National Bridge Works, Hatzel & Buehler, R. H. Casey, E. Bartalcius, Hopkins & Co., Richey, Brown & Donald (Incorporated), William J. Olvany, Hecla Iron Works, Michael Power, J. Odell Whitenack, the Norcross Brothers Company, Employers' Association of Architectural Iron Workers, Edgar P. Reynolds, Nimis & Nimis, and Building Trades Employers' Association, against any anti-injunction legislation—to the Committee on the Judiciary.

By Mr. LLOYD: Petitions of laborers of Hannibal, union laborers of Noringer, laborers of Connelsville and Bevier, and union laborers of Hannibal, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LOWDEN: Petition of Freeport Trades and Labor Council, of Freeport, Ill., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MCKINNEY: Petition of citizens of Chicago, for the amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and an eight-hour law—to the Committee on the Judiciary.

By Mr. McMILLAN: Petition of Iron Molders' Union No. 50, of Poughkeepsie, N. Y., for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of William F. Anderson, of James County, Tenn.—to the Committee on Invalid Pensions.

By Mr. PRAY: Petition of N. T. Harnaday and American Bison Society for a bison range in northwestern Montana—to the Committee on Indian Affairs.

Also, petition of United Brotherhood of Carpenters and Joiners, of Billings, Mont., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Mr. SABATH: Petition of United Bohemian Building and Loan Association of Illinois, for an amendment to H. R. 18525—to the Committee on Ways and Means.

Also, petitions of the Switchmen's Union of Chicago; working people and their sympathizers, of Danville; Division No. 200, Amalgamated Association of Street and Electric Railway Employees of America, of Chicago, and working people and their sympathizers, of Chicago, all in the State of Illinois, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. SMITH of California: Petition of C. B. Cone and other citizens of California, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. SULZER: Petitions of Master Carpenters' Association, Edwin Outwater, Michael Power, Nimis & Nimis, Employers' Association of Architectural Iron Workers, the Norcross Brothers Company, R. H. Carey, William J. Olvany, E. Bartolcius, Hopkins & Co., Hatzel & Buehler, Building Trades Employers' Association, John Williams (Incorporated), all of New York City, and Edgar P. Reynolds, against all anti-injunction legislation—to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petition of U. N. W., of Pickneyville, Ill., for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. WHEELER: Petition of Committee on Organized Labor of the Twenty-eighth Congressional District of Pennsylvania, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: Petitions of W. E. Smith, W. C. Weir, and William Shoves, of International Association of Mechanics, of Galeton, Pa., for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

## SENATE.

SATURDAY, May 9, 1908.

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

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

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McCUMBER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

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

H. R. 18618. An act fixing the status of the Porto Rico Provisional Regiment of Infantry; and

H. R. 20784. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

The message further announced that the Speaker of the House had appointed Mr. BURLISON as a conferee on the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, vice Mr. LIVINGSTON, relieved.

### PETITIONS AND MEMORIALS.

Mr. TELLER presented petitions of sundry citizens and labor organizations of Colorado Springs, Grand Junction, La Junta, Brownfield, Durango, Pueblo, Denver, and Las Animas, all in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. McCUMBER presented a petition of sundry citizens of Grand Forks, N. Dak., and a petition of sundry citizens of Enderlin, N. Dak., praying for the adoption of certain amend-