

By Mr. ROTHERMEL: Petition of Isaac Spang, for appointment of persons other than Members of Congress to serve on currency commission—to the Committee on Banking and Currency.

By Mr. SHERMAN: Petitions from various councils of Knights of Columbus, favoring the bill making October 12 in each year a legal holiday (H. R. 7559)—to the Committee on the Judiciary.

By Mr. SULZER: Petition of a committee of 300, for legislation looking to more competent management of Soldiers' Homes—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Norristown (Pa.) Council, No. 772, Knights of Columbus, for H. R. 7559, making October 12—date of discovery of America by Christopher Columbus—a legal holiday—to the Committee on the Judiciary.

Also, petition of Father Bally Council, No. 1192, for H. R. 7559, in favor of making October 12—date of discovery of America by Christopher Columbus—a legal holiday—to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: Petition of Austin Council, No. 693, Knights of Columbus, favoring H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

Also, petition of Millport Grange, No. 1248, of Sharon Center, Pa., for H. R. 12682, for securing the savings of people in case of bank failures—to the Committee on Banking and Currency.

SENATE.

SATURDAY, May 23, 1908.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

THE JOURNAL—WAR CLAIMS.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. FORAKER (at 12 o'clock and 20 minutes p. m.). I ask that the further reading of the Journal be suspended.

Mr. ALDRICH. Mr. President, I object to the further reading being suspended.

Mr. FORAKER. I asked unanimous consent that it might be suspended because I am compelled to leave the Chamber, and I wanted to offer some business out of order. Then the reading may be resumed.

Mr. ALDRICH. I will not object to the Senator offering his proposition.

Mr. GALLINGER. During the reading of the Journal, can anything be done?

Mr. FORAKER. I wished to give notice that I intend, at the conclusion of the routine morning business, to call up Senate resolution 91.

The VICE-PRESIDENT. The Chair will put the Senator's request. The Senator from Ohio asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. ALDRICH. I object.

The VICE-PRESIDENT. Objection is made. The Secretary will proceed with the reading of the Journal.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 12 o'clock and 30 minutes p. m.). Mr. President, I ask that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that the further reading of the Journal be dispensed with.

Mr. ALDRICH. I object.

The VICE-PRESIDENT. Objection is made. The Secretary will proceed with the reading of the Journal.

The Secretary resumed and (at 12 o'clock and 51 minutes p. m.) concluded the reading of the Journal.

Mr. ALDRICH. Mr. President, I do not object to the approval of the Journal, but I feel bound to state the reasons which have led me to ask for its reading.

I desire to emphasize to the Senate and to the public the constantly increasing number of war claims which are now being presented to Congress. The Journal contains the names of hundreds upon hundreds of claims for injury to or for use of churches and other similar claims growing out of operations in the civil war. I wish to supplement the statement I made yesterday that in some way consideration of this constantly increasing number of claims should be limited, and we ought to pass some legislation to this effect.

I do not object to the approval of the Journal.

Mr. McLAURIN. Mr. President, I will not at this time detain the Senate from the transaction of morning business, but I wish at some time during the day, if I can get the floor, to

make a suggestion, which I was proceeding to do yesterday when the hour of 2 o'clock arrived, that I had in mind, and which will probably, if enacted into law, dispose in a very short time of all these cases and give an opportunity to everyone who has a just claim to present it and have it adjudicated, and then at the expiration of the time a statute of limitations will prevent the presentation of any other cases.

Mr. HOPKINS. Mr. President, in harmony with the suggestion made by the Senator from Rhode Island, I desire to call to the attention of the Senate and the country the fact that immediately after the war the Southern Claims Commission was authorized by Congress. Commissioners were appointed and they took evidence touching all the claims of people who lived within the limits of the so-called "Confederate States" so as to do full justice to all those parties. That Commission was extended from time to time—

Mr. FULTON. Mr. President—

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

Mr. HOPKINS. In a minute I will yield. The Commission was extended from time to time. A large volume of evidence was taken. Claims to the amount of nearly \$60,000,000 were filed with the Southern Claims Commission, and of that vast amount, immediately after the war, when the witnesses were alive who knew the facts, when the evidence was such as could be received and properly analyzed by the Commission, \$55,000,000 of those claims were rejected and judgments for less than \$4,000,000 allowed.

Mr. OVERMAN. May I interrupt the Senator? I think the report—

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

Mr. HOPKINS. I have observed, Mr. President, that since that time many of the claims that were rejected by the Southern Claims Commission have found their way into Congress by separate bills either in the Senate or in the House.

Mr. OVERMAN. Will the Senator allow me a moment?

Mr. HOPKINS. In a moment I will be through. And I have observed that claims that were rejected at a time when the Commission had the evidence as to whether they were proper claims to be allowed have been allowed by Congress. I think that the suggestions made by the Senator from Rhode Island are pertinent, and should cause Senators to pause in the consideration of such claims.

Mr. FULTON. Mr. President—

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

Mr. FULTON. Mr. President, I wish to say to the Senator that if he will investigate the record as carefully as the members of the Committee on Claims have investigated it, he will discover that we are not reporting any claims that were rejected by the Southern Claims Commission. On the other hand, we studiously and persistently exclude all claims that were presented to the Southern Claims Commission and rejected. Every claim that was presented to and rejected by the Southern Claims Commission has been rejected by the Committee on Claims. The Senator can not find a single claim in this bill or elsewhere which has been reported by that committee to the Senate which had been presented to the Southern Claims Commission and rejected.

Mr. HOPKINS. I will state, Mr. President, to the Senator from Oregon that my remarks are not intended as any criticism upon his committee. The claims which have been allowed by the committee which have been reported in this bill are claims that I have not, up to date, had time to investigate.

Mr. FULTON. The Senator will allow me to correct him in another respect. The Senator says that the Southern Claims Commission was authorized to hear and determine all of this character of claims. I call the Senator's attention to the fact that that Commission distinctly held and continuously ruled that it was without authority to entertain any claim based on the use of real estate or churches or rent for churches or of other buildings or anything of that character.

Mr. HOPKINS. I will say to the Senator that on church claims and matters of that kind—

Mr. BEVERIDGE. Regular order, Mr. President.

Mr. HOPKINS. While I have opposed many other classes of claims, I have always voted for those; and I will say, in passing—

Mr. SCOTT. Will the Senator from Illinois yield to me?

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

Mr. HOPKINS. I yield to the Senator from West Virginia.

Mr. SCOTT. Mr. President, West Virginia, fortunately or unfortunately, happened to be in the very midst of the civil war. Our churches and school buildings were taken for hospitals, and the floors of our churches ran red with the best

American blood. This bill only does justice to a large number of our churches and schools in West Virginia, where the army marched and countermarched and where our churches and our school buildings, I repeat, were taken for hospital purposes. I am sure that there is not a dollar in this omnibus claims bill, so far as West Virginia is concerned, that is not absolutely accurate and should be allowed; and there are many more claims not embraced in the bill which should be allowed.

Mr. BEVERIDGE. Regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded. The regular order is the approval of the Journal of yesterday's proceedings.

Mr. HOPKINS. Mr. President, in answer to the Senator from West Virginia [Mr. SCOTT], I desire to say again that I have steadily voted for appropriations for churches and all claims of a kindred character; but I might say, in passing, that when we consider the amount that we have voted to the people of West Virginia for such purposes, they must have more churches according to population than almost any other section of this or any other country.

Mr. McCREARY. Mr. President—

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

Mr. HOPKINS. I yield the floor, Mr. President.

Mr. McCREARY. Mr. President, the Senator from Rhode Island, as well as the Senator from Illinois, referred to church claims. I desire to say that there are no claims in this omnibus claims bill that are more meritorious than the church claims. The State of Kentucky was occupied by Federal soldiers during the entire war. There were a number of battles there. Whenever a regiment or a brigade came near a town or a city they used churches for their hospitals. When a battle occurred, the wounded were put into the churches. The Government has not paid those claims as promptly as they should have been paid; the Government owes that money because the churches, I repeat, were occupied as hospitals; in many instances permanently damaged, and in all instances very severely damaged.

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

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

Mr. McCREARY. In a moment.

We have now in this bill a number of church claims where the members of the respective churches have proven their claims properly. Those cases went to the Court of Claims; they have been carefully examined there; and the Court of Claims has decided in their favor.

Now I will yield to the Senator from Rhode Island.

Mr. ALDRICH. Can the Senator from Kentucky tell me what proportion of the churches in Kentucky have already been paid for?

Mr. McCREARY. No; I can not tell how many churches have been paid for.

Mr. ALDRICH. Or how many are to be paid for in the future?

Mr. McCREARY. I can tell the Senator from Rhode Island that a great many churches that to my knowledge were occupied as hospitals by Federal soldiers have not been paid. Many of these claims are in my immediate neighborhood, because the central part of Kentucky was occupied by Federal soldiers during nearly the entire war, and in nearly every county seat in central Kentucky there are claims of churches. No claims, I repeat, are more just and no claims should be paid more promptly than such church claims.

Mr. BEVERIDGE. Mr. President, it is now 1 o'clock. For the first time this session from the hour of 12 o'clock until the hour of 1 the time of the session has been consumed with the reading of the Journal and debating the question of its approval. What the Senator from Rhode Island [Mr. ALDRICH] stated a moment ago startlingly emphasizes what I stated yesterday when the omnibus claims bill was taken up instead of the Senate proceeding to the consideration either of the amendment to the meat-inspection law or of the bill now before us for the compensation of injured Government employees.

I pointed out, Mr. President, at that time to the Senate—and what the Senator from Rhode Island says emphasizes it so much that I am impelled to rise and call attention to it—that the omnibus claims bill, if it were taken up by the Senate, could not possibly pass unless we should prolong the session many, many days or perhaps weeks, on the one hand, and that, on the other hand, it would prevent the consideration of any other measure, no matter how much the interest of the people might demand it.

Mr. President, the Journal has been read, and even upon the discussion of the question involved in the omnibus claims bill we will now, perhaps, take up another fifteen minutes of the two precious hours of the morning business during which other seriously important bills demanded by the people might be considered. I think that no greater reason, no more powerful demonstration, could be made of the practical unwisdom, as a matter of legislation, of substituting the omnibus claims bill, the discussion of which, merely upon the reading of the Journal, will practically occupy the entire morning hour of the Senate, than what has now occurred. I think we have a demonstration before us that—since the Senator from Rhode Island said he wanted to call the attention of the Senate and the country to his reason for asking for the reading of the Journal, and that he has called the attention of the Senate and the country to the omnibus claims bill being loaded down with these matters that are bound to create much discussion—the omnibus claims bill should not longer be considered, because if we do consider it, we do it knowingly, we do it upon the statement of the Senator from Rhode Island, who has called the attention of the country to it, that we can not pass that bill without prolonging the session, on the one hand, and that we shall prevent the consideration of other great measures which are now pressing upon our attention.

Mr. FULTON. Mr. President, in answer to the statement of the Senator from Indiana, I call his attention to the fact that it was by a vote of the Senate that the claims bill was taken up on yesterday. It is very evident that the Senate preferred to consider that bill to the bill which the Senator himself was endeavoring to bring before the Senate.

Mr. BEVERIDGE. Or any other bill.

Mr. FULTON. No; the question was between those two propositions.

Mr. GALLINGER. I ask for the regular order, Mr. President.

Mr. FULTON. I call the attention of the Senator from Indiana to the fact that the Senate gave preference to the omnibus claims bill.

Mr. BEVERIDGE. Mr. President, will the Senator permit me an interruption? I will put it in the form of a question.

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

Mr. FULTON. Certainly.

Mr. BEVERIDGE. Did I not, when the Senator so courteously withheld his motion, call the attention of the Senator and of the Senate to the fact that not only would it prevent the passage of the bill to which I was just asking the attention of the Senate, but also the bill which the Senate had been considering the day before, and which is now before us, to wit, the bill concerning compensation for injured Government employees, and also every other bill, because did I not say to the Senator and to the Senate what now is demonstrated—that it would take all the time of the Senate, and result not in the passage of the Senator's own bill or in anything else?

Mr. FULTON. All of which is in the form of a question.

Mr. BEVERIDGE. Yes; put it in the form of a question.

Mr. FULTON. Well, Mr. President, I care nothing about all that. What I rose for was to repel the insinuation, not of the Senator from Indiana, but that which was carried by the remarks of the Senator from Rhode Island [Mr. ALDRICH] on the conduct of the Committee on Claims in reporting the resolution containing bills of the character to which he referred and items in the omnibus claims bill. I do not say that the Senator from Rhode Island intended that criticism; but nevertheless his remarks in fact were capable of that construction, and therefore I think it is incumbent on me to say that the bills which we have reported in the resolution referring them to the Court of Claims constitute only a very small fraction of the bills of this character which are pending before the committee. The committee has been very earnestly endeavoring to hold down the number of bills of this character which shall be brought to the attention of Congress. Let me say, Mr. President, that just so long as the law authorizes their consideration, just so long as it is the policy of Congress to provide for their payment, just so long will Senators be compelled to introduce them at the request of their constituents and the committee will be compelled to take them into consideration.

I do not think there is a very wide difference of opinion touching the wisdom of repealing that provision of the Tucker Act which provides for the reference of this character of claims to the Court of Claims. I think that a provision to repeal that portion of the Tucker Act would be adopted, but it can only be done at the present session by taking up the omnibus claims bill, putting that bill through, and attaching an amendment of that character to it.

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

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

Mr. FULTON. Certainly.

Mr. BEVERIDGE. I wish to know from the Senator whether, as chairman of the Committee on Claims, it is his judgment that if, as he says, we are in the closing days of the session, the omnibus claims bill can by any possibility be passed?

Mr. FULTON. Yes; I think the omnibus claims bill can be passed. I think if it shall be taken up and given consideration for one day it will be disposed of. I say, in all courtesy to the Senator from Indiana, that, in my judgment, it will be passed in immeasurably less time and a long time before he will succeed in getting the Committee on Agriculture discharged from the consideration of his measure.

Mr. BEVERIDGE. The bill providing for the putting of dates on cans?

Mr. FULTON. Yes; the dates on cans.

Mr. BEVERIDGE. I am very glad to hear that statement from the Senator.

Mr. FULTON. That is my judgment, and the claims bill will lead to less discussion, not perhaps because Senators are opposed to putting the dates on cans, but the Senator will find it difficult to get the committee discharged from the consideration of his bill.

There is another thing: The discussion of the claims bill does not involve any constitutional question, and therefore I think that we can dispose of it in a day. Of course if these modern constitutional problems shall be injected into it, I admit that the debate will be unlimited and probably will not be concluded with this session. The bill has already passed the House, has been before the committee, and reported to the Senate.

Mr. President, it would be also a mistake to permit the Senate to understand that this bill is confined solely to claims of the character which Senators have been criticising. There are a vast number of claims outside of what we term "war claims" provided for in this bill as honest and just claims against this Government as any obligation it owes. Now, the question is whether or not the Senate is going to postpone the consideration of a bill that carries just claims, just obligations, and provides for no obligation that it is not the duty of the Government, under the conditions and under the policy of the present time, to provide for.

Mr. FRAZIER. Mr. President—

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

Mr. FULTON. Certainly.

Mr. FRAZIER. Is it not a fact that the claims bill which is now presented to the Senate carries about \$4 of other kinds of claims to \$1 of claims of churches and individuals growing out of the war?

Mr. FULTON. I think the Senator is mistaken in the proportion. I think the proportion of war claims is much larger than that; but there is a vast number of other claims, and in the aggregate they make a vast amount; for instance, there are the French spoliation claims. No more just claims against this Government exists; no stronger obligation rests upon the Government than to provide for the payment of the French spoliation claims. We have withheld the money from the claimants for a century and over, and now they are compelled, session after session, to knock at the doors of Congress and implore it to provide for claims that everybody admits are just and equitable.

Mr. LODGE. If the Senator will allow me—

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

Mr. FULTON. Certainly.

Mr. LODGE. If the Senator will allow me, I will say that part of those claims have been paid.

Mr. FULTON. Part have been paid.

Mr. LODGE. And to pay part of them and not to pay the others is gross injustice.

Mr. FULTON. It is gross injustice. A large portion of them have been paid. The rest are based absolutely on the same facts and contain absolutely the same equity; and yet the unfortunate claimants have not been successful, and are prevented from securing what is justly their due at the hands of a great and powerful and rich Government.

Mr. HOPKINS. I should like to ask the Senator from Oregon—

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

Mr. FULTON. Certainly.

Mr. HOPKINS. I should like to ask the Senator what amount in the bill is represented by the French spoliation claims?

Mr. FULTON. As I recall it, speaking offhand—I gave the figures yesterday—I think it is some \$700,000; but I may be mistaken. It is in the neighborhood of that amount.

Mr. HOPKINS. I desire to say, Mr. President, that of course these claims would not have been reported unless the chairman of the committee believed in their justice; but for nearly a hundred years there has been opposition to the payment of those claims, and some of the best men who have served in the Senate and House of Representatives during all this time have believed that there is no justice or equity in allowing claims of that kind. I remember some years ago, in the House, the late Speaker of the House, Mr. Henderson, of Iowa, presented to the House an able argument against the legality of those claims.

Mr. FULTON. Let me ask the Senator a question. Does not the Senator have in mind the claims of the insurance companies?

Mr. HOPKINS. No.

Mr. FULTON. There are two classes of French spoliation claims.

Mr. HOPKINS. Yes; I understand that. I understand that these claims have been before Congress time out of mind; but I simply rose to say that there is a divided sentiment on the question as to whether the French spoliation claims should be allowed.

Mr. FULTON. Does the Senator know what the character of the investigation has been to secure approval or disapproval?

Mr. HOPKINS. Volumes have been written on the subject, and many speeches have been made.

Mr. FULTON. I call the attention of the Senator to the fact that none of these claims are being provided for that do not rest in judgments of the Court of Claims. Now, would the Senator, after these parties have proceeded to judgment and established their claims in the Court of Claims as just and equitable, have the Government deny them?

Mr. HOPKINS. I would say to the Senator on the question of claims that have been allowed by the Court of Claims, that some years ago when I was a Member of the other House of Congress, investigation showed that claims were allowed there that never ought to have been allowed; and that in the investigations made by that court claims had gone through and judgments been rendered where the claimants had no right in law and equity to the amounts in the judgments awarded them.

Mr. FULTON. I have before heard unfortunate suitors make that plea.

Mr. TELLER. Mr. President—

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

Mr. FULTON. I will in just a second.

Every one of these claims is based on a judgment of the Court of Claims. The Senator says that frequently, even when approved by the Court of Claims, he has discovered that they are baseless and inequitable. That may be true, but if it is true, it is the fault of the legal representatives of the Government. They are there. The Government is defended by attorneys from the Department of Justice.

Mr. HOPKINS. Mr. President—

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

Mr. FULTON. In just a second. It does not become the Congress of the United States to question the action of the court to which it has referred these questions for findings.

Mr. HOPKINS. Mr. President—

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

Mr. FULTON. I promised to yield to the Senator from Colorado.

Mr. HOPKINS. In connection with that, I may say that this question was raised in Congress, many Congresses ago, and it does not stand with me alone, but investigation has shown that these claims have been passed where in justice and equity they should not have been allowed.

Mr. FULTON. That may be the judgment of the Senator from Illinois. I do not think it is or will be the judgment of Congress.

Mr. TELLER. Mr. President—

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

Mr. TELLER. Had we not better proceed with the regular order?

Mr. FULTON. I had supposed that the Senator from Colorado was very much interested in my remarks.

Mr. TELLER. I was.

Mr. FULTON. But I am pleased to say I am through. I felt it incumbent upon me as chairman of the Committee on Claims to make this statement.

Mr. TELLER. I indorse what the Senator from Oregon has said. I was chairman of that committee for a number of years and a member of it for a great many years.

Mr. CLAPP. Mr. President—

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

Mr. CLAPP. I simply want to suggest that until the Journal of yesterday's proceedings is approved we can not receive messages from the House involving conference matters. It seems to me we ought to approve the Journal and receive the messages so as to allow the conferees to get to work.

Mr. TELLER. I move that the Journal as read be approved. The motion was agreed to.

LANDS IN WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President and in response to a resolution of April 28, 1908, certain information concerning the tide-land claims of the Puyallup tribe of Indians in the State of Washington, which was referred to the Committee on Indian Affairs and ordered to be printed.

DISBURSEMENT OF INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 18th instant, a statement of amounts in the Treasury to the credit of various Indian tribes on June 28, 1898, additions thereto and disbursements therefrom, and balances in the Treasury May 20, 1908, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had 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. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes.

The message also 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. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy.

The message also announced that the House had disagreed to the amendments of the Senate to the 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; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. KNAPP, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 20112) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, prohibiting fraud in registrations and elections, and providing data for the apportionment of Representatives among the States, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to correct the enrollment of the District of Columbia appropriation bill by transposing the word "hereafter," in the second proviso of the matter inserted by the conference report in connection with Senate amendment No. 141, so as to follow and not precede the word "teachers," in which it requested the concurrence of the Senate.

The message further 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. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. DICK presented a petition of sundry citizens of Greentown and Vienna Cross Roads, in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented a petition of the Watch Case Engravers' International Association of America, American Federation of Labor, of Canton, Ohio, 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.

He also presented petitions of sundry labor organizations of Gallon, Cleveland, Bellevue, Middleport, Massillon, and Columbus, all in the State of Ohio, praying for the passage of the so-called "Rodenberg anti-injunction and the Hemenway-Graff safety ash-pan bills," which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Cincinnati, Coshocton, Hicksville, East Toledo, Toledo, Conant, St. Marys, Killbuck, Fredericktown, Bellefontaine, Kansas City, Zanesville, Mount Vernon, Laura, Wheelersburg, Chagrin Falls, Hamilton, Lewistown, Norwalk, Cambridge, and Dayton, all in the State of Ohio, and of Washington, D. C., remonstrating against the passage of the so-called "Johnston Sunday rest bill," which were ordered to lie on the table.

Mr. DEPEW presented sundry memorials of the New York Clothing Trade Association, 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 were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Syracuse, Rochester, and Plattsburg, all in the State of New York, and of Columbus, Ohio, praying for the passage of the so-called "Rodenberg anti-injunction and the Hemenway-Graff safety ash-pan bills," which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Schenectady and Binghamton, 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. LONG presented petitions of sundry citizens and labor organizations of Atchison, Horton, Leavenworth, Weir, and Wichita, 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.

Mr. KNOX presented a petition of 423 citizens of McSherrystown, Pa., 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.

He also presented a memorial of sundry manufacturing companies of Erie, Pa., and a memorial of the Minnesota State Association of Builders' Exchanges, of St. Paul, Minn., remonstrating against the passage of the so-called "Rodenberg anti-injunction bill," which were referred to the Committee on the Judiciary.

He also presented petitions of Local Council No. 467, Knights of Columbus, of Johnstown; Local Council No. 954, Knights of Columbus, of Monessen, and of the State Council, Knights of Columbus, of Cambridge Springs, all in the State of Pennsylvania, praying for the enactment of legislation providing that October 12 be declared a national holiday in honor of the anniversary of the discovery of America by Columbus, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge No. 593, Brotherhood of Railroad Trainmen, of Dubois; Local Lodge No. 250, Brotherhood of Locomotive Firemen and Engineers, of Wilkes-Barre; Local Lodge No. 94, Brotherhood of Railroad Trainmen, of Carbondale; Local Division No. 293, Brotherhood of Locomotive Engineers, of Allegheny; Local Lodge No. 7, Brotherhood of Railroad Trainmen, of Pittsburg; Local Division No. 108, Brotherhood of Locomotive Engineers, of Pittsburg; Local Lodge No. 219, Brotherhood of Locomotive Firemen and Engineers, of Pittsburg; Local Lodge No. 561, Brotherhood of Railroad Trainmen, of Clearfield; Local Lodge No. 220, Brotherhood of Locomotive Firemen and Engineers, of Sunbury, and of Local Lodge No. 694, Brotherhood of Railroad Trainmen, of Marysville, all in the State of Pennsylvania; praying for the passage of the so-called "Rodenberg anti-injunction bill" and the "Hemenway-Graff safety ash-pan bill," which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the National Business League of America, 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. BURKETT presented a petition of Local Division No. 288, Amalgamated Association of Street Railway Employees, of Omaha, Nebr., 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. STEPHENSON (for Mr. LA FOLLETTE) presented a memorial of the Central Labor Union, American Federation of Labor, of Sheboygan, Wis., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

He also (for Mr. LA FOLLETTE) presented a petition of sundry citizens of Sheboygan, Wis., and a petition of sundry citizens of Stevens Point, Wis., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also (for Mr. LA FOLLETTE) presented petitions of sundry citizens and labor organizations of Green Bay, Oshkosh, and Ashland, all in the State of Wisconsin, 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. GAMBLE presented the petition of C. H. Englesby, of Watertown, S. Dak., praying for the enactment of legislation to promote the efficiency of the militia, which was ordered to lie on the table.

Mr. CURTIS presented a petition of Local Lodge No. 461, Brotherhood of Railroad Trainmen, of Argentine, Kans., praying for the passage of the so-called "Rodenberg anti-injunction and the Hemenway-Graff safety ash-pan bills," which was referred to the Committee on the Judiciary.

He also presented a memorial of the Shawnee Building and Loan Association, of Topeka, Kans., remonstrating against the passage of the so-called "Hepburn bill," relating to the public revenue, which was referred to the Committee on Finance.

Mr. HOPKINS presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented petitions of sundry labor organizations of Streator and Rock Island, 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. FULTON presented petitions of sundry citizens of Portland, Oreg., 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. ANKENY presented a petition of sundry citizens of Spokane, Wash., 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. BURROWS presented a memorial of Local Union No. 52, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Kalamazoo, Mich., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Credit Men's Association, of Detroit, Mich., praying for the enactment of legislation providing for the appointment of an additional judge of the United States district court for the eastern district of that State, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Owosso, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Lansing, Saginaw, Battle Creek, and Escanaba, all in the State of Michigan, praying for the passage of the so-called "Rodenberg anti-injunction" and the "Hemenway-Graff safety ash-pan" bill, which were referred to the Committee on the Judiciary.

He also presented a petition of the faculty of the Michigan State Normal College, of Ypsilanti, Mich., praying for the enactment of legislation to establish public playgrounds in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens and labor organizations of South Haven, Adrian, Detroit, Bay City, Kalamazoo, Port Huron, Boyne City, Houghton, Grand Marais, Ford River, Albion, Jackson, Marquette, Saginaw, St. Charles, Gladstone, Sault Ste. Marie, and Grand Rapids, 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.

MILITARY POSTS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SCOTT, April 13, 1908, to report it favorably without amendment.

There are several amendments to the resolution reported by the Committee on Military Affairs. I report it without further amendment and as it came from the Committee on Military Affairs.

By unanimous consent, the Senate proceeded to consider the resolution.

The VICE-PRESIDENT. The resolution has heretofore been referred to the Committee on Military Affairs, and was reported back with amendments. The amendments of the Committee on Military Affairs will be stated.

The SECRETARY. On page 1, line 4, after the word "military," it is proposed to insert "reservations," and in the same line, after the word "posts," to insert "and stations," so as to make the resolution read:

Resolved, That the Committee on Military Affairs be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such military reservations, posts, and stations of the United States as in the committee's judgment should be examined, in order to ascertain existing conditions at such posts, the necessities for legislation, and any other and further information bearing upon military posts as may seem important and of value in the consideration of future proposed military legislation. And the committee is further authorized to send for persons and papers, to subpoena witnesses and administer oaths, and to employ a stenographer to take notes or testimony and to do clerical duties; the expenses incurred to be paid out of the contingent fund of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

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

A bill (S. 7218) granting an increase of pension to Edwin Snyder; and

A bill (S. 7219) granting an increase of pension to Jonathan Emert (with the accompanying papers).

Mr. GORE introduced a bill (S. 7220) to reimburse the Chickasaw, Choctaw, Cherokee, Creek, and Seminole Indian tribes for the lands of said tribes which were allotted to freedmen, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. CARTER introduced a bill (S. 7221) punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. GAMBLE introduced a bill (S. 7222) granting an increase of pension to Peter Schang, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PAYNTER introduced a bill (S. 7223) granting a pension to Carlos Sharp, which was read twice by its title and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 7224) for the relief of John Geabhart Abbott, which was read twice by its title and referred to the Committee on Claims.

PATENTS TO INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments and accede to the request for a conference, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. CLAPP, Mr. CURTIS, and Mr. PAYNTER.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That the Clerk be authorized in enrolling the District of Columbia appropriation bill to transpose the word "hereafter" in the second proviso in the matter inserted by the conference report in connection with Senate amendment No. 141, so as to follow and not precede the word "teachers."

Mr. GALLINGER. I move that the Senate agree to the resolution of the House of Representatives.

The resolution was agreed to.

JERRY MURPHY.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, 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 disagreement to the amendment of the House to the Senate amendments, and agree to the same with amendments as follows:

On page 6 of the House amendment, line 23, strike out the word "thirty-five" and insert in lieu thereof the word "fifty."

On page 7, line 24, strike out the word "fifteen" and insert in lieu thereof the word "twelve."

On page 11 strike out lines 10, 11, and 12.

On page 12 strike out lines 8, 9, 10, 11, and 12.

On page 13 strike out lines 8, 9, and 10.

On page 15 strike out lines 12 and 13.

HENRY E. BURNHAM,

REED SMOOT,

H. M. TELLER,

Managers on the part of the Senate.

H. C. LOUDENSLAGER,

WM. H. DRAPER,

WILLIAM RICHARDSON,

Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

H. R. 20112. An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, prohibiting fraud in registrations and elections, and providing data for the apportionment of Representatives among the States was read twice by its title and referred to the Committee on Privileges and Elections.

RIGHTS OF THE STATES.

Mr. TELLER obtained the floor.

Mr. NEWLANDS. I ask the Senator from Colorado whether he will yield to me for the purpose of making a motion that the Senate proceed to the immediate consideration of a bill which has passed the House, which has been reported with amendments from the Committee on Commerce of the Senate, namely, the bill (H. R. 21899) providing for the appointment of an Inland Waterways Commission with the view to the improvement and development of the inland waterways of the United States.

Mr. TELLER. On the 25th of April I introduced a resolution and left it to lie on the table, with the statement that I would call it up when I saw fit. I desire to call it up now and to make a few remarks on it. I can not yield for the purpose suggested by the Senator from Nevada.

I ask that the resolution submitted by me be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. TELLER April 25, 1908, as follows:

Resolved, That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution are essential to the preservation of our republican institutions, and that the Federal Constitution, the rights of the States, and the union of the States must be preserved.

That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.

Mr. TELLER. Mr. President, ordinarily in the closing hours of a session I should feel like apologizing for taking any of the time of the Senate with anything I might be able to say, but in view of what has occurred in the Senate during the last month or six weeks, and particularly in view of what occurred yesterday, I think we may profitably spend a little time in examining what our relations may be as a General Government to the States and of the States to the General Government.

Mr. President, I have quoted once before, and I want to quote again, a provision from the constitution of Massachusetts. I understand it has been in the constitution of Massachusetts since the first constitution was made, and in all of the revisions and correction they have never left this out. It was read here by the Senator from Georgia [Mr. BACON] the other day because of my making an allusion to it. The provision is as follows:

A frequent recurrence to the principles of the constitution is one of the things absolutely necessary to preserve the advantages of liberty and to maintain a free government.

Mr. President, I think I may say without any disrespect to the Senate that we have very largely ceased to discuss constitutional questions in this body, and when we did discuss one yesterday there seems to have been a contrariety of opinion and some confusion of ideas, and when we got through I am pretty sure nobody, unless he had the RECORD before him, could determine exactly what conclusion Senators had come to.

I do not know that I can throw any light upon the Constitution except by reference to the decisions, and that is what I desire to do. I shall not attempt to put forth my views, except as they are supported by the decisions of the Supreme Court of the United States. In my early experience in this body, almost a generation ago, it was a common thing to discuss the Constitution of the United States. It was discussed in those days by men learned in the law, by men who had national reputations as lawyers and who were known in the communities in which they lived as great legal lights. And while there was a contrariety of opinion, as there always will be as to some provisions of the Constitution, there are some things that do not admit of controversy and do not admit of interpretation and do not admit of a question.

I think it may be said that the relation existing between the States and the General Government has been practically settled. I know that the doctrine which prevailed at one time as to the relation of the States with the Government has entirely changed, or has entirely, I may say, been abandoned. And so I come to this question with no special ideas to put forward, but simply to declare what the Constitution, I think, in express terms does declare and what the Supreme Court on many occasions has declared.

This Government, if I may be permitted to repeat an old and trite saying, is one of three departments—the legislative, the judicial, and the executive. And the greatest of all must be the legislative, because that is the body which determines what shall be the policy, what shall be the system, what shall be the laws under which we live. Of course in making these laws we have to comport to the Constitution itself, to see that we do not invade it, and, secondly, we must proceed in such a way as to meet the various views of the membership here; and when we have crystallized our views here and in the other body we run the gantlet of Executive examination.

The President of the United States, under our Constitution, has the power of veto. He can say, when the wisdom of this body has been exercised to its fullest extent, that he does not think it is wise to enact that law. Then we have the power to say that we will, in spite of his objection, create a law of that character.

It has been said, and I heard it said within a few days, that the legislative department of this Government consists of the House of Representatives, as representing the people, and this body, as representing the States, and that the President is also a part of the legislative department of the Government. This I deny. He is not a part of the legislative department of the Government, because against his veto and without his approval we may enact laws that become binding upon him, as upon all the other people of this country. So he is not a part.

The judiciary department of this Government is unique. I know of no government in the world that has such a system as we have. I do not believe there ever existed in the history of the world a government where the legislative department of the government submitted its action to the criticism and consideration of another body. But the fathers of the Republic, the men who created our Constitution, knew that the thirteen States—now forty-six—would have different views as to what their powers were, would have different views as to what the powers of the General Government were, and that there must be in the nature of things some arbitrator to whom these controversies should be sent; and finally they were sent to the judiciary of the United States. We may differ with the judiciary. We may frequently believe, when the judiciary of the United States declares that we have exceeded our constitutional power in the enactment of a law, that it is an erroneous decision, but it becomes binding upon us from the time the judgment is entered.

Mr. CLAPP. Mr. President—

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

Mr. CLAPP. Does the Senator care to be interrupted by any question as he proceeds, or would he prefer not?

Mr. TELLER. This is a matter about which I should be glad to be interrupted, in order to receive any suggestion that may help in the determination of the question.

Mr. CLAPP. Does the Senator understand that in the inception it was ever the intention of the founders of the Government that the judiciary should exercise this authority over the legislative department of the Government? It is not my understanding. It is something that has grown up since.

Mr. TELLER. I admit that has been a controverted question. I admit there has been a good deal of controversy on that point by early writers, and that there is some reason for supposing that the fathers of the Republic did not expect it to go to the extent it has gone. But it seems to me to be a legitimate conclusion from the provisions of the Constitution itself—

Mr. CLAPP. I think Chief Justice Marshall, who perhaps did more to establish this condition than any other one man in the history of this country, declared only about a year before he took his seat as Chief Justice, that the court did not have the authority to override an act of the legislature upon the ground that the act transcended the constitutional authority of the body. I quite agree with the result. The final establishment of the tribunal was a natural outgrowth.

Mr. FULTON. I call the attention of the Senator from Minnesota to the fact that of the Virginia convention for the purpose of ratifying the Constitution Marshall was a member; and on the floor, in debate, distinctly stated that the Supreme Court did, under the Constitution, have the power to declare that a law was in contravention of the Constitution. The argument was put forward that, under the Constitution, the Federal Government would encroach on the rights and powers of the States. Marshall said if any such attempt was made, it certainly was the province of the Supreme Court, and it would unquestionably exercise such power, to declare such legislation void.

Mr. TELLER. That is not pertinent to what I am saying. We all admit it is too late to question that power now. The people have accepted it. I believe that a careful examination of the debates in the Constitutional convention and of the authorities of that age will show that that was the intention; that all controversies existing between the States and the Government or between one State and another or the people and the States should be submitted to that tribunal, and it resulted that after it had been submitted there was some criticism of it and some fears expressed that they had given too much power to that body.

Mr. NEWLANDS. Mr. President—

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

Mr. TELLER. I would rather not yield for a minute or two, until I have finished this subject.

The fear was expressed also, inasmuch as the President of the United States appointed these officers, that there was danger that there would be too much Federal or too much Executive control over the court. After the court commenced its work there were severe criticisms of some of its conclusions. Jefferson and Madison and practically all of the early patriots and creators of the Constitution at times questioned the conclusions of the court. But time after time we have had the court settle these questions, until to-day it is not a question controverted by anybody that the conclusion of the Supreme Court upon a legal question is binding upon all of us. I know that General Jackson said it was not binding on him. It may not be binding on the conscience of any man, but it is binding upon his acts when he comes to act.

I am going to proceed upon the theory that that is settled, that that is admitted, in American politics by every party that ever lived or ever will live. It was the theory of the founders of the Government that the three departments of the Government should be kept absolutely distinct from each other.

Mr. NEWLANDS. Mr. President—

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

Mr. NEWLANDS. I understood the Senator a moment ago, in replying to the Senator from Minnesota, to say that he invited questions.

Mr. TELLER. No. I shall be glad to have any Senator interrupt me who may throw any light on the subject. I did not mean to say that I invited interruptions, because they really, except in rare cases, disturb the line of a man's thought, and

especially if he is undertaking to make a legal argument. But I will hear what the Senator has to say. I will not agree to answer him.

Mr. NEWLANDS. I should not have interrupted the Senator except for what I understood to be an invitation. Whilst he was discussing the power of the legislative department it struck me perhaps that he was too broad in his statement that Congress was the lawmaking power. I wish to call his attention to the provision of the Constitution which gives the President the power—

From time to time [to] give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

Mr. TELLER. That is not an executive power.

Mr. NEWLANDS. I will take only a moment, if the Senator will permit me. I say it is not executive power.

Mr. TELLER. It is not legislative power.

Mr. NEWLANDS. It is one of the powers, however, relating to legislation. In addition to that, the President has power to veto a measure.

Mr. TELLER. I have called attention to that.

Mr. NEWLANDS. So it strikes me that the Executive may well be called a part of the legislative power just as the Senate is a part of the treaty-making power.

Mr. TELLER. I think I can make a distinction between the veto power and the treaty-making power, and if I am allowed I shall try to do so before I get through. I will stop now to say that the President can not make a treaty without the consent of the Senate and the Senate can not make a treaty without the consent of the President. That, as I have said about another thing, is unique. The King of Great Britain and the king of practically every country that I know anything about can make a treaty to suit themselves. I know there has been some controversy in England as to how far a treaty could be made without the concurrence of Parliament, where appropriations had to be made; but the right of the King to make a treaty without the consent of either the House of Lords or the Commons is not questioned in these days, and I do not know whether it has ever been questioned. But I suppose it is two hundred years since the King of Great Britain ever vetoed an act of Parliament, and he would no more think of doing it than he would think of resigning his position of King.

But I have said once or twice, and I want to repeat, there is no precedent for us, and later I intend to speak of the care and wisdom with which I think the Constitution proceeded. There is no pattern in the history of the world for this Government of ours. There have been leagues and confederacies, but there never has been a combination of sovereignties such as ours in which there is one general ruling body over so many sovereign powers.

It is difficult sometimes, I know, to separate these so that there will not apparently be a necessity for interference on the part of the nation in the affairs of the State and sometimes an interference by the State in the affairs of the nation; but I think you may lay it down as a fundamental principle which has been settled by the courts that in all things appertaining to national affairs the Government of the United States is absolutely supreme. It has plenary powers, full powers, complete power to do everything that has been delegated to it or left to it.

Whenever it can do a single thing by Congress, it may do it as emphatically and perfectly and absolutely as if it was a government like Great Britain. That was settled by Marshall in *Gibbons v. Ogden*, a case decided very early in our history. But it has not minimized the States; it has not interfered with their rights. As was said in that case, the local affairs are still left to the States.

Mr. President, I want to say that in my judgment there is not any twilight division, either. There is a clean-cut provision what the States may do and what they can not do, and what the Government may do, and all this talk about there being a shadowy condition between the two is simply not born of the Constitution of the United States.

Mr. President, I said I was not going to advance my own theories. I am not, and I am not going to bring a number of cases here that will sustain *Gibbons v. Ogden*. I am going to assume that that was the law and that it has been adhered to by the Supreme Court ever since. What I find there I assume to be the law of this land and controlling Congress and the Executive and the judiciary as well, because they are bound by the Constitution as much as any other branch of the Government.

Mr. President, it may be a little tedious to read the opinion of Judge Marshall in *Gibbons v. Ogden*. Yesterday, as I said, we had a controversy in the Senate, and the controversy seems to have grown out of the question how far the provision which gave Congress control over the commerce of the country extends,

and whether there is a distinct difference between foreign commerce and State commerce. There were several views expressed here yesterday. Exactly what they were it was a little difficult in the conclusion to understand; but I propose to read from this authority, which settles that question beyond a doubt. I will venture to say as to the authority laid down by Marshall that, much as he has been criticised, much as has been said about his being an expansionist and wanting to extend the Constitution, and being a liberal constructionist and all that, nevertheless as he laid down the law, so has it been laid down by the Supreme Court whenever they have come to determine the identical questions that he determined there.

I have not a written speech, but I have some memoranda that I want to call attention to. Let me repeat, although it may be repeated ad nauseam, and I fear it is sometimes, that this is a Government of delegated, limited, and enumerated powers, with all that that means. Delegated by whom, Mr. President, and from whom? From the States? No, Mr. President; delegated by the people of the United States through their State agencies in part; but it is a delegation from the people, the source of all power under our form of Government. It is so declared in the Constitution, and so it has been declared a hundred times by the courts. So it has been declared by every political party that ever lived in this country. There has never been a political party which denied that power to the people. That power is provided for in the Constitution. It is provided that whenever they are displeased with it they have two different methods of amending the Constitution whenever they see fit. And until they do amend it, it is the supreme law of the land, anything in States or communities or anywhere else to the contrary.

Mr. President, it may be a little bit burdensome to the Senate for me to read it, as I am not a first-class reader, yet I prefer to read it myself rather than to let the clerks read it, who usually feel that they are performing a perfunctory service and do not enter into the spirit of it very much. I suppose everybody knows what this case was. The State of New York granted certain privileges to certain shipowners to run their ships exclusively on the Hudson River through the New York waters. That was sustained so far as it could be sustained by the legislature of New York, by the governor, and by the courts. So when this controversy came up it had back of it the State of New York, the biggest State in the Union, with the greatest men in it. The case came to the Supreme Court of the United States in the year 1824, and it was natural that Judge Marshall should take it up and examine it carefully and decide it as he had examined it. If anyone will take the case and examine it and see who were the attorneys who appeared before the court, he will realize that the brains and intellectual strength of the bar and of the country were at that trial. I have not time to go over the names, and it is not worth while. Most of them to us now are unknown, and yet the records of the State of New York and its courts will show that they were the prominent and influential lawyers of the age. The court took up the case. Let me read this part of Judge Marshall's opinion:

The State of New York maintains the constitutionality of these laws; and their legislature, their council of revision, and their judges, have repeatedly concurred in this opinion. It is supported by great names—by names which have all the titles to consideration that virtue, intelligence, and office can bestow. No tribunal can approach the decision of this question without feeling a just and real respect for that opinion which is sustained by such authority; but it is the province of this court, while it respects, not to bow to it implicitly; and the judges must exercise, in the examination of the subject, that understanding which Providence has bestowed upon them, with that independence which the people of the United States expect from this department of the Government.

That is a prelude to the decision, and there is much in it to commend itself to the people of the United States and to the world.

Mr. BRANDEGEE. What is the name of the case?

Mr. BEVERIDGE. Gibbons v. Ogden.

Mr. TELLER. Gibbons v. Ogden.

Mr. BRANDEGEE. To be found where?

Mr. TELLER. To be found in 9 Wheaton. In Wheaton, as published alone, it is in the first volume; and in Peters's Condensed Reports, which I happen to have here, it is published in volume 5:

As preliminary to the very able discussions of the Constitution which we have heard from the bar, and as having some influence on its construction, reference has been made to the political situation of these States anterior to its formation. It has been said that they were sovereign, were completely independent, and were connected with each other only by a league. This is true. But when these allied sovereigns converted their league into a government, when they converted their congress of ambassadors, deputed to deliberate on their common concerns and to recommend measures of general utility, into a legislature, empowered to enact laws on the most interesting subjects, the whole

character in which the States appear underwent a change, the extent of which must be determined by a fair consideration of the instrument by which that change was effected.

This instrument contains an enumeration of powers expressly granted by the people to their Government. It has been said that these powers ought to be construed strictly. But why ought they to be so construed? Is there one sentence in the Constitution which gives countenance to this rule? In the last of the enumerated powers, that which grants, expressly, the means for carrying all others into execution, Congress is authorized "to make all laws which shall be necessary and proper" for the purpose.

Mr. President, if I may be allowed to say a word personally, I was brought up under the theory of a strict construction of the Constitution. I still believe that the Constitution ought to be construed not strictly, but honestly. There should be no attempt to stretch it either one way or the other, either to curtail the power granted or to increase it. In my judgment, it is as offensive to good government to attempt to extend the power of the Constitution beyond its exact meaning as it is to do the other thing.

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. KEAN. I ask for a vote on the joint resolution.

The VICE-PRESIDENT. The unfinished business is before the Senate as in Committee of the Whole. The Senator from New Jersey asks that a vote be taken upon it.

Mr. TELLER. I hardly think that ought to be done now.

Mr. KEAN. Then let it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. KEAN. I should be very glad to have a vote on it, however, Mr. President.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Senator from Colorado will proceed.

Mr. TELLER. I will continue reading this opinion of Judge Marshall:

But this limitation on the means which may be used is not extended to the powers which are conferred; nor is there one sentence in the Constitution, which has been pointed out by the gentlemen of the bar, or which we have been able to discern, that prescribes this rule. We do not, therefore, think ourselves justified in adopting it.

Mr. President, considerable can be said on this question, but I think I have said enough on that point. Before I get through reading from the opinion it will be seen what Chief Justice Marshall's idea was:

If, from the imperfection of human language, there should be serious doubts respecting the extent of any given power, it is a well-settled rule that the objects for which it was given, especially when those objects are expressed in the instrument itself, should have great influence in the construction. We know of no reason for excluding this rule from the present case. The grant does not convey power which might be beneficial to the grantor, if retained by himself, or which can inure solely to the benefit of the grantee, but is an investment of power for the general advantage in the hands of agents selected for that purpose, which power can never be exercised by the people themselves, but must be placed in the hands of agents or lie dormant. We know of no rule for construing the extent of such powers other than is given by the language of the instrument which confers them, taken in connection with the purposes for which they were conferred.

The words are, "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes." The subject to be regulated is commerce, and our Constitution being, as was aptly said at the bar, one of enumeration and not of definition, to ascertain the extent of the power, it becomes necessary to settle the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling, or the interchange of commodities, and do not admit that it comprehends navigation.

Then he goes on at some length to show that it did include navigation. I have skipped some of the opinion. I believe if on some stated day we would do as we do with Washington's address, and read this opinion to the Senate and have attention paid to it, it might be useful to the Senate and quite as valuable as the reading of the address of the Father of the Country.

It is a rule of construction acknowledged by all that the exceptions from a power mark its extent, for it would be absurd, as well as useless, to except from a granted power that which was not granted—that which the words of the grant could not comprehend. If, then, there are in the Constitution plain exceptions from the power over navigation, plain inhibitions to the exercise of that power in a particular way, it is a proof that those who made these exceptions and prescribed these inhibitions understood the power to which they applied as being granted.

Then he goes on and argues it to some extent. I will read one clause here:

The ninth section of the last article declares that "No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another." This clause can not be understood as applicable to those laws only which are passed for the purposes of revenue, because it is expressly applied to commercial regulations.

The genius and character of the whole Government seemed to be that its action is to be applied to all the external concerns of the nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself.

But in regulating commerce with foreign nations the power of Congress does not stop at the jurisdictional lines of the several States. It would be a very useless power if it could not pass those lines. The commerce of the United States with foreign nations is that of the whole United States; every district has a right to participate in it. The deep streams which penetrate our country in every direction pass through the interior of almost every State in the Union and furnish the means of exercising this right. If Congress has the power to regulate it, that power must be exercised whenever the subject exists. If it exists within the States, if a foreign voyage may commence or terminate at a port within a State, then the power of Congress may be exercised within a State.

This principle is, if possible, still more clear when applied to commerce "among the several States." They either join each other, in which case they are separated by a mathematical line, or they are remote from each other, in which case other States lie between them. What is commerce "among" them, and how is it to be conducted? Can a trading expedition between two adjoining States commence and terminate outside of each? And if the trading intercourse be between two States remote from each other, must it not commence in one, terminate in the other, and probably pass through a third?

Commerce among the States must of necessity be commerce with the States. In the regulation of trade with the Indian tribes, the action of law, especially when the Constitution was made, was chiefly within a State. The power of Congress, then, whatever it may be, must be exercised within the territorial jurisdiction of the several States. The sense of the nation on this subject is unequivocally manifested by the provisions made in the laws for transporting goods by land between Baltimore and Providence, between New York and Philadelphia, and between Philadelphia and Baltimore.

We are now arrived at the inquiry, What is this power? It is the power to regulate—that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections are in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely solely in all representative governments.

Mr. President, this is a more interesting case than almost any case you can get, and while I believe I have read it a hundred times, I have never read it without new interest. I do not believe any lawyer can read it repeatedly without reading it with new interest and appreciating the wisdom in it, and the extent to which Marshall went and settled once and for all this question, which had been up to that time, 1824, disturbing all sections of the country.

Then he takes up the taxing power, and he then takes up the inspection laws. I want to read this particularly:

That inspection laws may have a remote and considerable influence on commerce will not be denied, but that a power to regulate commerce is the source from which the right to pass them is derived can not be admitted. The object of inspection laws is to improve the quality of articles produced by the labor of a country, to fit them for exportation, or, it may be, for domestic use. They act upon the subject before it becomes an article of foreign commerce or of commerce among the States and prepare it for that purpose. They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government, all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, etc., are competent parts of this mass.

No direct general power over these objects is granted to Congress, and consequently they remain subject to State legislation. If the legislative power of the Union can reach them, it must be for national purposes; it must be where the power is expressly given for a special purpose or is clearly incidental to some power which is expressly given. It is obvious that the Government of the Union, in the exercise of its express powers—that, for example, of regulating commerce with foreign nations and among the States—may use means that may also be employed by a State in the exercise of its acknowledged powers; that, for example, of regulating commerce within the State. If Congress license vessels to sail from one port to another in the same State, the act is supposed to be, necessarily, incidental to the power expressly granted to Congress, and implies no claim of a direct power to regulate the purely internal commerce of a State or to act directly on its system of police. So if a State in passing laws on subjects acknowledged to be within its control, and with a view to those subjects shall adopt a measure of the same character with one which Congress may adopt, it does not derive its authority from the particular power which has been granted, but from some other which remains with the State, and may be executed by the same means.

In our complex system, presenting the rare and difficult scheme of one General Government, whose action extends over the whole, but which possesses only certain enumerated powers; and of numerous State governments, which retain and exercise all powers not delegated to the Union, contest respecting power must arise. Were it even otherwise, the measures taken by the respective governments to execute

their acknowledged powers would often be of the same description, and might, sometimes, interfere. This, however, does not prove that the one is exercising or has a right to exercise the powers of the other.

Mr. President, that is all that I intend to read at this time. I believe that case, if rightly understood, settled very largely the controversy which existed here yesterday, and I understand it was quoted by those holding one opinion as well as by those holding a different opinion.

But, Mr. President, it is not fair to take a passage here and a passage there out of an opinion of the Supreme Court of the United States or any other court. You must take the whole case together. One part may explain what otherwise might be apparently inconsistent. The whole case, I think, settles clearly that there is an absolute distinction between the power of the States and the power of the General Government, and it is not left in a smoky condition. It is not left in doubt by this Constitution of ours, and certainly it is not left in doubt by this decision of the Supreme Court.

I heard something yesterday about some powers that Congress could exercise that are not included in the Constitution. Mr. President, I deny that for myself, and I deny it because the courts have declared that there is no such thing as inherent power in the Government of the United States. It is a government of delegated, limited, and enumerated powers, and it can not be spread out; there can be no construction given to it that is not consistent with the words of it and with the intent as gathered from its proper words.

Mr. MONEY. Will the Senator permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. MONEY. I should like to ask the Senator from Colorado if it can be shown and concluded that the United States has one inherent power, can it not be equally said that it has all inherent powers that belong to any sovereignty?

Mr. CLAPP. We can not hear the Senator from Mississippi.

Mr. MONEY. My question was this: If it is concluded anywhere that the United States Government has any inherent power of any sort over any subject, has it not all inherent power over all subjects which belong to all sovereign states; and if that is true, what is the use of having a Constitution at all?

Mr. TELLER. Mr. President, the Supreme Court has stated over and over again that there was no inherent power in this Government. This being a Government of delegated and enumerated powers, how could it have any power that was not enumerated? How can it have any powers that are not delegated? It is a Government of that kind and it derives its powers from delegation by the people, and the enumeration and limitation of those powers are found in the Constitution.

I will call attention to a recent case, the case of *Kansas v. Colorado*, where the Government went into court upon the theory of the Attorney-General or his representative that there were some inherent powers of the Government that had not been expressed. The court disposed of that summarily, every member of the court agreeing in the decision, and held that there were no inherent powers in the Government of the United States. I am almost ashamed, Mr. President, to discuss that question, it is so plain and so simple. How could there be any inherent powers not enumerated and delegated?

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER (Mr. BRIGGS in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I do.

Mr. FORAKER. If the Senator will allow me to interrupt him, I will state that another proposition of the Government counsel was that the General Government must have certain powers because they had not been reserved to the States—

Mr. TELLER. Yes.

Mr. FORAKER. And did not belong to the States, ignoring the fact that the powers not delegated were reserved to the States or reserved to the people.

Mr. TELLER. In that case the Attorney-General, or whoever represented the Government—I think it was not the Attorney-General himself, but some subordinate—made the proposition to the court that there were certain powers that ought to exist and that did exist, which most nations recognize as existing in them, and that those powers ought to exist in the United States, and if they were not expressed in the Constitution they must be found in the inherent powers of the Government. The court said in so many words, there is no such thing as inherent power. How could there be inherent power in a Government where all power was delegated? Where can you get inherent power that is not delegated? From whom would it come?

In the case of *Kansas v. Colorado*, to which I have referred, the court said:

We must look beyond section 8 for Congressional authority over arid lands, and it is said to be found in the second paragraph of section 3 of Article IV, reading: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

The full scope of this paragraph has never been definitely settled. Primarily, at least, it is a grant of power to the United States of control over its property. That is implied by the words "territory or other property." It is true it has been referred to in some decisions as granting political and legislative control over the Territories as distinguished from the States of the Union. It is unnecessary in the present case to consider whether the language justifies this construction. Certainly we have no disposition to limit or qualify the expressions which have heretofore fallen from this court in respect thereto. But clearly it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits. Appreciating the force of this, counsel for the Government relies upon "the doctrine of sovereign and inherent power," adding, "I am aware that in advancing this doctrine I seem to challenge great decisions of the court, and I speak with deference." His argument runs substantially along this line: All legislative power must be vested in either the State or the National Government; no legislative powers belong to a State government other than those which affect solely the internal affairs of that State; consequently all powers which are national in their scope must be found vested in the Congress of the United States. But the proposition that there are legislative powers affecting the nation as a whole, which belong to, although not expressed in, the grant of powers is in direct conflict with the doctrine that this is a Government of enumerated powers. That this is such a Government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act. It reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Mr. President, this Government did not spring up full armed, as Minerva is said to have sprung, from the brain of Jove. It came from the people of the several States, who passed upon this Constitution after it was framed; but nobody in that Constitutional Convention ever dreamt, Mr. President, that there would be any power exercised by either the legislative, judicial, or executive branch of the Government that was not defined and declared in that Constitution. Such power does not exist; and it is absolutely illogical and absurd to say that it does exist, unless you deny that this is a Government of delegated, limited, and enumerated powers.

Mr. President, I have said once or twice here some things about the Constitution and the necessity of adhering to it and some things about the relation of the States. I have read my resolution here, and that resolution, which I now hold in my hand, has been repeated over and over again by every political party that ever existed in this country.

The party that dominates this Senate to-day, Mr. President, commenced its life with the declaration contained in that first paragraph. In 1856, when the Republican party was organized in the State of New York, which finally became a national party, that first provision was in its platform. The first political speech I ever made I made upon that platform, and the second paragraph was enunciated from the platform at Chicago when Mr. Lincoln was nominated for President. I heard it proclaimed. It was the doctrine, not simply of the new party, but of all the parties that ever lived up to that time; and it has been practically, I believe, the doctrine of every party that has ever acquired any respectability in the country since then.

Mr. President, it is not a meaningless declaration. Think of this first provision! This was in 1856; and no man who does not remember what was the condition in 1856 can fully appreciate the importance of that declaration by that new party—a party made up of all other political organizations that had existed in this country, a party that was largely controlled by the men who had been in command of politics in this country for many years. The leading men there, Mr. President, had been men highly honored in the Democratic party and in the Whig party of those days. That provision reads:

Resolved, That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution are essential to the preservation of our republican institutions, and that the Federal Constitution, the rights of the States, and the Union of the States must be preserved.

Mr. President, we do not need now to express it with the same emphasis they did in 1856. There is no political organization anywhere in this country that is not absolutely loyal to

this Government of ours. There was at that time, in some sections of the country at least, a feeling that they were being improperly and unfairly treated, and that this enunciation would be of value. It was not needed in New York; it was not needed over the greater part of this country any more than, or as much as, it is needed to-day.

Mr. President, there never has been a stronger declaration of States rights made in this country than that contained in this last paragraph, and there could not be. The language used is explicit and positive.

That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.

There are two members of this body who were members of that convention in 1856. I was not a member of it, but I heard the platform read. That is the platform upon which that party acquired power in this country. That met the approval of the people of the United States, and it met their approval because it had been the doctrine theretofore.

There was a party at that time that was complaining and threatening that they would withdraw from the Union. This declaration was equivalent to saying to those people, "Much as we may dislike your domestic affairs, we do not intend to interfere with them, because we have no right to interfere." Mr. President, some people who helped create that party know very well what it cost to say again and again to the public, "We do not believe in interfering with the domestic affairs of any State; if the State desires to have slavery, let it have it; we have not the constitutional power to prevent it, and therefore we will not act, because we have not the legal authority to act, much as it may offend our ideas of morals, of propriety, or of economics."

Mr. President, is there any danger now threatening this country? There is not any party in this country that will openly deny the truth of the statement contained in that provision of the resolution. There is not a man here of any political party who would dare vote against it. Nobody will decry it, I do not care on which side of the Chamber he sits, nor do I care what his political faith may be.

I think I can turn in a moment to a sentiment uttered by Marshall. Marshall has been considered an extremist in the way of Federal power and in favor of a National Government. This is what he said in the very opinion I have been reading:

No political dreamer would ever be wild enough to think of breaking down the lines which separate the States and of compounding the American people into one common mass.

That was the language used in the case of *McCulloch v. Maryland*.

Mr. CLAPP. Will the Senator pardon me?

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

Mr. TELLER. I do.

Mr. CLAPP. While most Senators are familiar with these cases and know where they are found, yet I take the liberty of suggesting to the Senator from Colorado that, as he proceeds with his speech, he give the citations, so that they will appear in his speech in the Record.

Mr. TELLER. Very well. This quotation from Marshall is in *McCulloch v. Maryland*, in 4 Wheaton, and in *Gibbons v. Ogden*, in 9 Wheaton.

Is there anybody in this country now who proposes to change the Constitution of the United States, except in some immaterial matter? I believe the Senator from Oklahoma [Mr. OWEN] has a proposition to elect Senators by the people. I think I am not mistaken when I say that a majority of the States of the Union have declared in favor of that doctrine. That is a proposition that, instead of electing Senators by the legislatures of the States, they should be elected by popular vote. I am willing to subscribe to that. That does not in the slightest degree change the form of government. We should have the same Senate that we would have if Senators were elected by the legislatures. Possibly Senators might get a little nearer than they now are to the people if they were elected by them, but I have some doubt about that. I believe, however, there would be less danger of getting men into this body who ought not to come here.

But there are those who think we have not power enough and that we should have more power. I have not heard anybody demanding more power here in this body. I recollect no occasion when there has been an attempt to amend the Constitution of the United States to give more power to the legislative department. I understand the executive department wants more power. I understand the executive department has sometimes said that Congress ought to have more power.

The President of the United States made a speech at Harrisburg on October 4, 1906, in which he said:

In some cases the governmental action must be exercised by the several States individually. In yet others it has become increasingly evident that no efficient State action is possible, and that we need, through Executive action, through legislation, and through judicial interpretation and construction of law, to increase the power of the Federal Government. If we fail thus to increase it, we show our impotence.

That is the most remarkable declaration that ever came from a President of the United States. I wish and intend to treat with proper courtesy the President of the United States, and I think Senators will all bear me witness that I have never assailed him. I have been careful, because I have kept in mind the scriptural injunction, "Speak not evil of your rulers." But when the President of the United States asks that by executive, legislative, and judicial construction there shall be a change in the Constitution of the United States, it is not heresy to condemn that as a declaration that ought not to be made. If the people of the United States want to change their Constitution, they must take the steps provided in the Constitution to make such a change; and until they do that, the Executive of the United States ought to assume that at least it is satisfactory to them, whether it is satisfactory to him or not.

On the same occasion the President said:

I can not do better than base my theory of governmental action upon the words and deeds of one of Pennsylvania's greatest sons, Justice James Wilson. He developed, even before Marshall, the doctrine—absolutely essential not merely to the efficiency, but to the existence of this nation—that an inherent power rested in the nation outside of the enumerated powers conferred upon it by the Constitution, in all cases where the object involved was beyond the power of the several States and was a power ordinarily exercised by sovereign nations.

Mr. President, neither Marshall nor Wilson ever enunciated that doctrine anywhere. I have taken the pains to examine the matter and done everything I could to find whether Wilson ever made such a declaration, and I aver here that he never did. I know the doctrine of inherent power is an old doctrine. It was pretty rife until Marshall decided the case of *McCulloch v. Maryland*, and also the case from which I have been reading; and yet, from what the President said, one would suppose that Marshall had declared in favor of the doctrine of inherent power. I do not believe the President intended to say that, but certainly, if he did say it, he made a mistake.

Mr. BACON. Will the Senator pardon me for just one moment?

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

Mr. TELLER. Certainly.

Mr. BACON. I suppose the Senator recognizes and intends to draw the distinction between implied power and inherent power.

Mr. TELLER. I should think that it was rather a waste of time, in a Senate composed practically of lawyers, to attempt to go into an argument to show there was a distinction between implied and inherent powers. Implied powers, of course, come from something asserted.

Mr. BACON. The Senator, I am afraid, misunderstands me. I simply desired to emphasize what I understood the Senator to be saying and to call attention to the fact that possibly what was intended by many as a recognition of inherent power was but the recognition of implied power.

Mr. TELLER. An implied power can only be implied from something necessarily declared.

Mr. BACON. That is right.

Mr. TELLER. And I am dealing not with implied power, for which people contend, which is a different thing, but with the question of inherent power.

I want to quote from the Secretary of State. There is not anybody who does not recognize in the Secretary of State, Mr. Root, a man of great reputation as a lawyer. He has been at the head of the War Department and is now at the head of the Department of State. He said:

It may be that such control—

I only quote his conclusions—

It may be that such control would better be exercised in particular instances by the Government of the States, but the people will have the control they need, either from the States or from the National Government, and if the State fail to furnish it in due measure sooner or later constructions of the Constitution will be found to vest the power where it will be exercised—in the National Government.

Mr. President, had he stated that the people would find a way of changing their Constitution to meet their wishes, he would have stated the fact, but I do not believe the time will ever come when the people will submit to a construction of the Constitution that is not plainly warranted by the letter and spirit of that instrument.

Great power is wanted by the executive department of the Government in other respects. The President has asked at different times in his messages for an increase of power in one

way or another—usually indirectly. The President, in his message in December, 1906, referring to the practice of the courts in certain cases, said:

It would be well to enact a law providing something to the effect that:

"No judgment shall be set aside or new trial granted in any cause, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, in the opinion of the court to which the application is made, after an examination of the entire cause it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice." (Vol. 41, pt. 1, CONGRESSIONAL RECORD, 50th Cong., 2d sess., p. 23.)

Again, on page 29 (same RECORD), under the heading of "Marriage and divorce," he said:

Nevertheless in my judgment the whole question of marriage and divorce should be relegated to the authority of the National Congress. At present the wide differences in the laws of the different States on this subject result in scandals and abuses, and surely there is nothing so vitally essential to the welfare of the nation, nothing around which the nation should so bend itself to throw every safeguard, as the home life of the average citizen. The change would be good because it would confer on the Congress the power at once to deal radically and efficiently with polygamy, and this should be done whether or not marriage and divorce are dealt with. It is neither safe nor proper to leave the question of polygamy to be dealt with by the several States. Power to deal with it should be conferred on the National Government (p. 29).

If there is any one thing that the State is capable of doing, it is to manage and control the relation which we call the "marriage relation." They control the laws of inheritance and descent, and they have the right to provide, what we have not the right without a constitutional amendment to provide, as the President admits, who shall get married, how they shall get married, and so forth. This is one of the instances where somebody is reaching out for more power for the General Government, but it is not the only instance; there are dozens of them.

I do not believe the courts of the United States are above criticism. I have criticised them myself. I have seen coming from them decisions that I do not believe were good law, but when the decisions become the law of the land we all must submit to them. The President of the United States on various occasions has criticised the courts. I doubt whether it is a proper thing for one department of the Government to criticise another department in that way, except when there is a plain violation of constitutional obligation; and for that reason I have been careful, and I might say negligent, in not making some complaints which, I think, might have been made and ought to have been made.

Not long since a district court down in Tennessee made a decision which was criticised by the President of the United States. The President of the United States said the judge had rendered an opinion that ought not to have been rendered, and he made some suggestion of legislation on that line. I believe I have his very words, but I can not find them for the moment. I will say, however, that the President did not, I believe, suggest the removal of the judge or anything of that kind; but he did say to us by a message not long ago that he thought he ought to have the power to retire a judge when he deemed it was proper so to do. In accordance with that suggestion, perhaps—I am not certain about that—a Member of the House of Representatives introduced a bill providing that the President of the United States might retire a judge when he saw fit. I believe it never reached any stage beyond being presented, and you can readily imagine it would not get very far in any legislative body of any ability in this country.

I do not care about going into particulars. I only want to say that we know it is in the air that we have got to have some material change in the Constitution, a change that shall give either to the executive or the legislative department, or both, additional authority. From whom does this demand for power come? Does it not come from the people, the source of all power? Has any convention anywhere in this country, popular or otherwise, ever declared that there was not sufficient power in the executive or that there was not sufficient power in the legislative department? I do not know that they ever have. If they have, I am certain that party has not got any representative on this floor. It may possibly be that some political organization has so declared, but it never has been strong enough to send a man here, or at least it has not any here now, I am sure. We do not need any change in the Constitution upon the great fundamentals, and when we do need it the people will make it, and make it as the Constitution provides, and not otherwise.

Mr. President, it is not gracious to criticise the actions of either public officials or public bodies, but I think you will all agree with me to-day if I should make the statement that we have grown exceedingly careless, even in the Senate of the United States, as to the character of the legislation we allow to go through.

The other day, when the clearest possible invasion of the rights of a State that could be made was before the Senate, and when I objected to it, not being a representative from that State, some of my colleagues said, "Oh, that is a local matter; let it go." No violation of States rights can be local. Every violation of the rights of one State is a violation of the rights of all, and it is our duty here as the representatives of States not to minimize in any degree the National Government, but not to allow any invasion by the National Government of the rights of the States, which is as injurious to the National Government as it is to the State government. If we are to maintain, as I have said before, and I want to repeat it, the condition we are now in and this system of Government, we must do it by the maintenance of the States. The Supreme Court has declared that the Constitution of the United States was made not only for the National Government, but for the State governments and for the people alike.

Mr. President, there is a growing disposition to regard the Declaration of Independence as obsolete. A friend of mine from New York said to me, "You may go into good society in New York and quote from the Declaration of Independence, and they will laugh at you." I may say that the same thing is true in some sections when you quote from the Constitution. They laugh at you. I believe the Constitution of the United States has made a great Government, and yet as compared with what it will be it is still a little Government, a young Government. We have lived one hundred and twenty years. We hope to live a thousand. We hope to be an example for all the world. We hope to see all mankind taking advantage of our system of government and thus spreading abroad as far as possible human comfort and human liberty and human happiness. It is not a question to be turned down. As I said the other day, there will be no sudden departure here, no breaking up of this Government by any sudden act. It will come insidiously, little by little, until by and by the States will exist in name, but they will be of no value to maintain the General Government unless with it they carry the power to protect and take care in a proper stately manner of the people who reside within their borders.

Patriotism does not exist anywhere if there is not a corresponding protection and benefit arising from the Government to those who pay to it devotion. You may talk about your flag. That flag is but a rag when it does not float over freemen. It is but a rag when it does not stand for protection to every man in the community over which it floats. Its beauty does not consist in its lines nor in the color nor the shape, but it consists in the fact that it stands for the rights of men as declared by the Constitution of the United States, which is in accordance with divine law.

Mr. President, the Constitution of the United States, it is said, is not so valuable that we can always stand by it. The men who made it knew that the time would come when we would want to amend it. The first Congress that came thereafter made ten amendments, all in accordance with the theory and principle upon which the Constitution had been adopted, to carry out the very purposes and principles that had been proclaimed in it. They knew that sometime there would come a condition when it would need a change, and they provided how it could be changed, and they put no heavy burden upon us in that particular.

At the expense of keeping the Senate longer than I ought, I want to call attention to the Constitution and the way it was created. I do so because I find a growing disposition to underrate it. Every little while some man says: "Oh, the great Father of our Country was nothing but a common man." I heard such a statement made only a few days ago. I heard a Senator here say one day: "I do not believe all the wisdom of the world was included in the Constitutional Convention." Nobody asserts it. But in the history of mankind there never has been a constitution like unto that. There never has been a constitution, in my judgment, that was so wisely and carefully made. You want to stop and consider what the condition was when it was made. There were thirteen colonies, some big and some little; some with large territory, empires in extent, and others with practically nothing; Delaware no bigger than a county in Virginia; Virginia extending clear up as far as our Government extended, containing an area that has since been made into five great States. Delaware was necessary to the Union. Then there was Rhode Island, smaller still than Delaware, if anything, and with a very small population; New York with a great population; Massachusetts with a fair population; all these States having different interests and different ambitions. All of them had to be brought under one control, and how could it be done in such a way that they would all unite?

They devised the Senate. This was the crucial point. How could the little States have their voice in this Government of ours? Who devised it I do not know. Many men have had the honor claimed for them, but whoever did it did the wisest thing that ever was done. The Senate, representing the sovereignty of the States, representing in some degree also as it must the wishes of the people back of the State, is the only body of the kind that ever existed in the world. The Senate of Rome and of other countries that have had senates was entirely different from ours—different in the character of the elections, different in the character of the service, different in the character of its power. Will any man to-day say that he can create a better system? He would be exceedingly brave who would set out to do it. Even now, with the ambition of States for extra power, how long would a conference last between New York, Delaware, and Rhode Island, or even, perhaps, Colorado? But to-day the smallest State here has the same power as the largest, and sometimes even more power, but it is rightfully exercised, not because the Constitution gives it more power, but because its representatives perhaps are entitled to more consideration than the representatives of some of the larger States.

The President of the United States has a right to veto any bill that we may pass. The other day a member of this body received a letter from the President of the United States, saying that under certain conditions he would veto a bill, and laying down what he claimed to be the theory upon which we should legislate in that respect. It did not seem to make much impression in this body.

The King of England would not have dared, and at no time for two hundred years would he have dared, to send that kind of a letter to a member of Parliament. What would have been the result if he had? I can tell you what did happen when King George III, through one of his ministers, said to a member of Parliament, "if you vote for a certain bill introduced into the Parliament the King will consider it an offense against him and an unfriendly act." Within four days afterwards Parliament, by a vote of 153 to 80, declared it was a crime and a misdemeanor on the part of the King; and since that time no king has ever dared to do it; and he was the most popular King that England had had for two hundred years. The Parliament asserted their rights as the law-giving power to be free from dictation and from the King himself, popular as he was. To give the details, in 1783, Fox brought in his famous bill for the organization of the government of India. The King, George III, requested Lord Temple to let the members of the House of Lords know that any peer who should vote in favor of the bill would be regarded as an enemy of the King. Four days later the House of Commons, by a vote of 153 to 80, resolved that: "To report any opinion, or pretended opinion, of his Majesty upon any bill or other proceeding pending in either House of Parliament, with a view to influencing the votes of the members, is a high crime and misdemeanor, derogatory to the honor of the Crown, a breach of the fundamental principles of Parliament, and subversive to the Constitution of this country."

If that was the rule in Great Britain, it is equally the rule here to-day, or, at least, it ought to be, and heretofore I believe it has practically been the rule that the Executive shall not interfere, except as the Constitution provides he may, by advice to us in proper form.

I omitted to say some things I wanted to say about the President asking for power to dismiss an officer, and I will simply call attention to the President's message of December 5, in which he says:

I am convinced that the President should have the authority, upon his own initiative and responsibility, to dismiss any officer whom he thinks unworthy to remain in the service. I think there is no danger that this power would be abused, and, if such danger exists at all, it is so slight as to be altogether outweighed by the considerations of public policy which require this authority to be vested in the constitutional Commander in Chief of the Navy. I therefore strongly recommend that article 36, as heretofore given, be amended by omitting all of it after the words "general court-martial" where these words first occur therein, and that article 37 be repealed.

THE WHITE HOUSE, December 5, 1906. THEODORE ROOSEVELT.

I want to say a few words about the convention of 1787. I do not know that it will enlighten anybody, but I have been somewhat annoyed by and somewhat restive under the criticisms that I hear in present days about George Washington. A friend of mine said to me a few days ago that he was talking to a lady of culture and education, and she said to him, "Do you not think George Washington was greatly overrated?" He said, "I do not know. Have you taken any pains to look into his character or his history or the biographies of him?" She said, "I never read a word about him, but I have heard people say that he was not so great a man as some think." That probably is quite common.

I want to call attention to who were in the convention. Washington was president of the convention. He had been through the war. He had done for his country what no other man could have done, in my opinion, and I want just briefly to say a word on that point.

Benjamin Franklin, then 81 years old, was there. He had made a world-wide reputation for himself. Nearly all those who had been prominent in the affairs of the country between 1775 and 1787, except John Adams and Thomas Jefferson, both being abroad, were present. Of the fifty-five members in attendance forty had been Members of Congress; eight were signers of the Declaration of Independence; six of the Articles of Confederation; five were governors of their respective States and two of them became Presidents, one Vice-President. (Gerry), Langdon had been a Senator; Randolph, Attorney-General; Hamilton the first Secretary of the Treasury; Dayton was in Congress eight years and was Speaker of the House and afterwards Senator; Ellsworth and Johnson, of Connecticut, were the first Senators from that State, and Ellsworth subsequently Chief Justice of the United States. I may say in passing what I have not added here, that he left a record scarcely exceeded by anybody and by nobody, unless it was Marshall himself. Johnson, to whom probably must be given the credit of having suggested the creation of a Senate, with the number, to be selected by the legislatures of the States, became president of Columbia College. I believe that Johnson, of Connecticut, is entitled to that credit, but it is disputed, and I put it as probable.

Rutledge became associate justice of the United States Supreme Court; Rufus King a Senator from New York and minister to England. Sherman, of Connecticut, went to the House of Representatives and then into the Senate. Yates was chief justice of New York. Gerry, Strong, Paterson, Bassett, Spaight, Davie, Martin, and Charles Pinckney all became governors of their respective States, and some of them occupied that position more than once. Bassett, Dickenson, Martin, Blount, Butler, Few, all became Senators. Gerry, Fitzsimmons, Carroll, Spaight, and Williamson were Members of the House of Representatives under the Constitution. Edmund Randolph, delegate to the Continental Congress, who became a member of the Convention afterwards, served in the capacity of governor of Virginia, Attorney-General, and Secretary of State of the United States.

It will be seen from this hasty review that this was no ordinary convention. It has never been equaled in the character of its membership in the world's history.

I claim to be something of a student of the world's history. No man can put into a body of equal size an equal number of men of the same character and reputation.

It had a great task to perform, namely, the establishment of a government of the people and a government of thirteen sovereignties, each jealous of their rights and each desiring to yield as little as possible of their powers as States. By the plan proposed for the ratification of the Constitution, it must have the support both of the people and the States alike. Was a greater task ever set for men than this? I think not. Under this plan the States must each call a convention of its people to ratify the act of the national convention. In December, 1787, Pennsylvania, New Jersey, and Delaware had ratified. In January, 1788, Georgia and Connecticut did likewise, while Maryland, South Carolina, and New Hampshire postponed their ratification for some time, but all of them had acted by January 21, and there being a ratification by nine States, the Constitution became effective according to its terms.

New York, Virginia, North Carolina, and Rhode Island had not ratified. Would they do so? The result in New York and Virginia was doubtful, and when New York finally acted it was by a majority of only two, while Virginia gave a majority of ten for the Constitution. It was not until May 29 that the thirteen States had ratified the Constitution.

The whole number of delegates in the convention was sixty-five, but fifty-five was the greatest number that ever attended at one time, and of the fifty-five, forty afterwards became Members of Congress.

When nine States had ratified the Constitution, Congress determined to proceed to the organization of the new Government. In February the electors were elected, and on the 4th of March, 1789, Congress met, and the present Government was then born. But neither the House of Representatives nor the Senate had a quorum, and it was not until the 6th of April that a quorum of both Houses was obtained, and on April 30 the President was inaugurated.

Who were in the convention that made the Constitution?

Washington, the greatest man of American history and as

good as he was great. For eight years he had been at the head of the Revolutionary Army. An American writer says of him:

The most famous man alive; idolized at home, named by every tongue in Europe, praised by kings and great ministers, who compared him with Cæsar, Charlemagne, and Alfred the Great—his head snow white, but with steadfast heart and mind he moved in the simple pursuit of his country's weal.

Lord Brougham said:

Until time shall be no more, will be a test of the progress which our race has made in wisdom and virtue which will be derived from the veneration paid to the immortal name of Washington.

Gladstone said:

If among all the pedestals supplied by history for public characters of extraordinary ability and purity, I saw one higher than all the rest, and if I were required at a moment's notice to name the fittest occupant for it, my choice would light on Washington.

I have said he was great—he was great as a soldier, great as a statesman, great in virtue, great in his love of liberty preserved and supported by law. His eight years of warfare under the circumstances and conditions surrounding him finds no parallel in the history of the world. No military chieftain who preceded him or has followed has eclipsed his fame. It is as world-wide as it was the day he surrendered his commission to the people whose liberty he had won.

That he was proficient in all things I do not claim, but he was so near it that he stands to-day as he did in 1783—the most conspicuous American that ever lived.

If we may believe there is a Providence that cares for man, we may well believe that a power greater than human secured his selection to lead our forces in that great contest; and great as was his service during that eventful period between 1775 and 1783 it was none the less valuable in forming the first Constitution of the United States. By what I have said about Washington I do not intend in any way to underestimate what others did in the field of strife or the not less important field of statesmanship. A few days since I heard a gentleman state that he did not believe that the Convention that drafted our Constitution had all the wisdom of the world; but, Mr. President, that was a great Convention—not great in numbers, but great in wisdom. Who can recall another body of men with greater ability than the Convention which drafted our Constitution?

We will show our appreciation of that great man who first gave shape to this Government in its executive branch by our devotion to the principles established in our Constitution, and we should not let anything interfere with the maintenance in this body of the right of any State, because upon that rests, in my judgment, the foundation of this Government, and it will be maintained just as long as you can maintain the separate States in their statehood, and no longer.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, 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 1, 2, 3, 4, 5, 6, 36, 43, 44, 45, 51, 52, 54, 60, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 78, 79, 81, 82, 88, 89, 92, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 39, 40, 41, 42, 47, 48, 53, 55, 56, 57, 58, 59, 61, 62, 70, 76, 77, 80, 84, 86, 87, 91, 94, 95, 96, 97, and 98; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Page 5, line 15, strike out the words "And provided further" and insert in lieu thereof the word "Provided;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Page 10, line 16, strike out the words "and fifty-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Page 10, lines 15 and 16, strike out the words "four hundred and ninety-seven" and insert in lieu thereof the words "five hundred and forty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an

amendment as follows: Page 11, lines 12 and 13, strike out the words "twenty-nine million" and insert in lieu thereof the words "twenty-eight million seven hundred and twenty-six thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Page 13, line 21, strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Page 14, line 13, strike out the word "twelve" and insert in lieu thereof the word "eleven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Page 14, line 19, strike out the words "thirty-eight thousand six hundred" and insert in lieu thereof the words "thirty-seven thousand four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Page 18, after the word "actual," insert the word "simultaneous;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Page 20, after the word "annum," add the words "and to defray the expenses of said headquarters the sum of twenty thousand dollars is hereby appropriated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Page 25, after the word "national," insert the words "or State;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Page 25, strike out the amendment and insert in lieu thereof the following: "That section thirty-eight hundred and ninety-three of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

"And the term 'indecent' within the intendment of this section shall include matter of a character tending to incite arson, murder, or assassination."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 27, line 1, strike out the word "thirty" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

As to amendments numbered 63, 76, and 77 the conferees are unable to agree.

BOIES PENROSE,
J. C. BURROWS,
A. S. CLAY,

Managers on the part of the Senate.

JESSE OVERSTREET,
J. J. GARDNER,
JOHN A. MOON,

Managers on the part of the House.

The report was agreed to.

Mr. PENROSE. I move that the Senate further insist on its amendments numbered 63, 76, and 77, and agree to the further conference asked for by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. PENROSE, Mr. BURROWS, and Mr. CLAY.

RIGHTS OF THE STATES.

The Senate resumed the consideration of the resolution submitted by Mr. TELLER relative to the rights of the States, and especially the right of each State to order and control its own domestic institutions, etc.

Mr. BACON. Mr. President, I was forcibly struck with one thing among many others said by the Senator from Colorado [Mr. TELLER], about which I wish to say a little more. The Senator from Colorado alluded to the fact that a letter had been written by the President of the United States, according to common report, in which there had been a threat made by the President that he would veto certain legislation in case that that legislation should be enacted by Congress, and the Senator went on to say that he was surprised that the making known of that

threat had not seemed to create much of a stir in Congress or in the Senate. There was another thing which I think is still more remarkable. That information relative to the threatened veto did not come to us officially, but was simply a matter of well-founded report, about the correctness of which I suppose no one has any substantial doubt. But a more remarkable fact is that the President of the United States should have communicated to this body, as well as to the House of Representatives in an official message a threat of that kind, and that that official threat, officially communicated, has created no stir in Congress. On the 25th day of March of this year the President sent a message to Congress, addressed to the Senate and House of Representatives, in which there occurs this language:

Numerous bills granting water-power rights on navigable streams have been introduced. None of them give the Government the right to make a reasonable charge for the valuable privileges so granted. In spite of the fact that these water-power privileges are equivalent to many thousands of acres of the best coal lands for their production of power. Nor is any definite time limit set, as should always be done in such cases. I shall be obliged hereafter, in accordance with the policy stated in a recent message, to veto any water-power bill which does not provide for a time limit and for the right of the President or of the Secretary concerned to fix and collect such a charge as he may find to be just and reasonable in each case.

I will not stop to discuss the question as to whether the Government of the United States has any interest in the water power of a navigable stream entirely within the limits of a State. I have no doubt in my mind as to the fact that the Government of the United States has none whatever. It has only power over the navigation of the stream—nothing more. But conceding that it has power over the water power, that is not the point I am after. I am speaking of the question as to whether there is a breach of the privileges of the Senate in the President of the United States sending to us a message in advance stating that if certain legislation is enacted he will veto it.

The time will not permit me to elaborate it, but I simply desire to say, and I am glad of the opportunity to say, that I consider it a most gross breach of the privileges of the Senate for any such message to be sent to the Senate of the United States. I am unwilling that this session shall close without an emphatic protest by some Senator against this invasion of the prerogatives of the Senate. If the President of the United States can do so in one instance, he can do so in all; and he can take up the Calendar of the Senate and go seriatim through it and practically, so far as his power will enable him to do it, dictate to the Senate what legislation they shall enact and what legislation they shall not enact, by saying, "If you pass this bill, I will approve it; if you pass this other bill, I will veto it;" practically saying, "Do as I bid you." I do not consider, Mr. President, that there could possibly be any grosser breach of the privileges of the Senate short of actual personal constraint of a Senator.

Mr. President, we are not without precedents in regard to this matter and not without expressions of opinion of Senators on the subject. While the Senator from Colorado has been speaking, having had my attention now called to the subject by what he has said, I have sent and got some of the books which I have now before me, and from which I will read very briefly. There was a very learned and distinguished man, who sat here, I think, occupying the very chair the Senator from Ohio [Mr. FORAKER] is now temporarily occupying—Mr. Hoar, Senator from Massachusetts, who was not slow whenever there was a breach of the privileges of the Senate to assert what he conceived to be the privileges of the Senate, and to dispute the right of any power to encroach upon those privileges. I recollect the incident which occurred in the Senate when the then senior Senator from Massachusetts used the language which I am now about to read. It was a matter which grew out of some bill in which the then Senator from Kansas, Mr. Burton, was interested. I do not read the entire colloquy, because it is too long. This is what occurred on the 21st day of January, 1903:

Mr. BURTON. I am satisfied that if Senators will hear the bill read there will be no objection to it. There were no objections to it in our committee.

Prior to that the Senator from Kansas had made allusion to something which had been said by the President or by the head of a Department. Mr. Hoar then said this:

Mr. HOAR. I do not want to interfere with the Senator's bill, and I shall not, but I should like to be allowed to say that I do not fancy the practice which has grown up, and for which the Senator from Kansas is not in the least responsible (I dare say we are all alike responsible), of stating what is the opinion of any head of a Department or what is the opinion of the President of the United States himself about measures pending in this or the other House. There is a constitutional method by which the President conveys his approbation or disapproval of bills, and outside of that method I hold it to be contrary to the privileges of the Senate to have the opinion of the President of the United States stated in legislation. The House of Commons or the House of Lords always resent it, and have in history done so for a great many years, when that statement is made about the Crown.

Now, when the President has formally communicated to us a veto and has not under his right to communicate to us his opinion and recommendation said anything else, I do not think it is within the limits of Senatorial privilege to say that the head of a Department, or especially the head of a Bureau like the Land Office, thinks the President made a mistake and after all we ought to pass the bill.

I do not care so much about that, but the great newspapers all over the country are informing us that certain bills are Administration bills, and that certain Senators have been at the White House and have arranged with the President of the United States what the Senate shall do about a treaty or about a trust bill, or about some other important matter of legislation. It is nobody's business to be arranging with the President of the United States what the Senate shall do. We are an independent body.

And so on.

Mr. President, this matter has rested in my mind ever since the message was sent in by the President in March last. Since that time we have passed one of those bills without making the provision in regard to water power to which he alluded in that message, and he has vetoed it. But unfortunately the bill originated in the other House and the veto did not come to the Senate, so there has been no opportunity here for the expression of views upon this subject.

I want to say, Mr. President, that I had it very gravely in mind whether I should introduce a resolution raising the question whether the threat of a veto was a breach of the privileges of the Senate, and referring to the Committee on Privileges and Elections the question whether the particular language contained in the message of March 25 was not a breach of the privileges of the Senate. I have only been deterred from doing so because of the fear that if introduced by myself, belonging to the opposition party, the resolution might be construed into a partisan matter, a matter which I desired should be considered by the Senate in a nonpartisan manner, concerning, as it does, Senators of all parties, and not be degraded into a partisan contest. The question is way above party considerations. It concerns the highest prerogatives of the Senate. Therefore I have refrained. But I have hoped that some Senator of the dominant party would introduce that resolution.

Mr. President, it has not always been thus. In the elder day the time was when the suggestion of such a breach of the privileges of the Senate or of the House of Representatives met with prompt response from the members of either body concerned. I wish to call the attention of the Senate to a most noted instance of that. Of course we all recognize the fact that there was no President of the United States who, from character and from particular conditions of the time, was in a position to be treated with the utmost deference and consideration by Congress to such a degree as President Lincoln, and, further, that in time of war naturally there is, in practice, less stringent observance of the rules with reference to the trespassing of the executive department upon the prerogatives of the legislative department. Nevertheless, it is a fact that once during the civil war, at the very height of the pride and prestige and power of President Lincoln, the House of Representatives resented, and most pointedly and emphatically condemned, what they considered to be a breach by him of the privileges of the House.

In 1864 the House of Representatives passed a resolution condemnatory of the occupation of Mexico by the French forces. The French Government called the attention, through its diplomatic representatives, of the State Department to the fact that such a resolution had been passed by the House of Representatives, and took exception thereto, and correspondence ensued, in which the executive department of the United States practically disclaimed any responsibility for the act of the House of Representatives and, in effect, said to the French Government that the action of the House of Representatives was without practical force or effect. I will read, in order that it may go in the Record properly, the communication of the French Government accepting that practical disclaimer given by Mr. Lincoln through the State Department. It is found recited in a resolution which was introduced in the House of Representatives by Mr. Henry Winter Davis, of Maryland, a man not an opponent of the Administration, but a most zealous member of the party in power. This, which I now read, occurred on the 23d day of May, 1864:

Mr. DAVIS of Maryland. I ask the Clerk to read my resolution.

The Clerk read as follows:

"Whereas the following announcement appeared in the *Moniteur*, the official journal of the French Government—

The French is quoted in one column and the English translation in a parallel column, as follows:

The Emperor's government has received from that of the United States satisfactory explanations as to the sense and bearing of the resolution come to by the House of Representatives at Washington relative to Mexico.

It is known, besides, that the Senate had indefinitely postponed the examination of that question, to which in any case the executive power would not have given its sanction.

That was the assurance which had been given by the State Department here to the French Government. That is the quotation from the *Moniteur*, the official organ of the French Government. The resolution, as introduced by Mr. Davis, after quoting the above, proceeds:

Therefore,

Resolved, That the President be requested to communicate to this House, if not inconsistent with the public interest, any explanations given by the Government of the United States to the Government of France respecting the sense and bearing of the joint resolution relative to Mexico, which passed the House of Representatives unanimously on the 4th of April, 1864.

And then, in response to that request, follows in full the correspondence between the French Government and the American Government in relation to the matter.

Thereupon the matter was, by resolution of the House, referred to the Committee on Foreign Affairs of the House. I hold in my hand the report of the Committee on Foreign Affairs of the House in response to the requirement of the resolution of the House that it should make an examination and report the finding whether there had been a breach of the privileges of the House. After going through a full examination of the matter, citing precedents and making arguments to show the House had acted within its proper powers, and to show that there had been a trespass and breach of the privileges of the House, the committee submitted this report and the accompanying resolution to the House of Representatives. It is found in the same volume from which I read.

I can not read the entire report, because it is too long. I will, however, read the opening sentences of the report, which are as follows:

The Committee on Foreign Affairs have examined the correspondence submitted by the President relative to the joint resolution on Mexican affairs with the profound respect to which it is entitled, because of the gravity of its subject and the distinguished source from which it emanated.

They regret that the President should have so widely departed from the usage of constitutional governments as to make a pending resolution of so grave and delicate a character the subject of diplomatic explanations. They regret still more that the President should have thought proper to inform a foreign government of a radical and serious conflict of opinion and jurisdiction between the depositories of the legislative and executive power of the United States.

No expression of deference can make the denial of the right of Congress constitutionally to do what the House did with absolute unanimity other than derogatory to their dignity.

After reviewing in this report the whole case, the committee of the House of Representatives, replying to what the President had done, submitted this resolution to the House of Representatives:

The committee, in the conclusion of the report, recommend the adoption of the following resolution:

Resolved, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States, as well in the recognition of new powers as in other matters; and it is the constitutional duty of the President to respect that policy not less in diplomatic negotiations than in the use of the national force when authorized by law; and—

Mark the words!

and the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power.

Thus spoke, Mr. President, the House of Representatives, through its committee, to Abraham Lincoln—in personal popularity and in political and personal influence the most powerful President who ever occupied the White House. There was not one title of the breach of the privileges of the House of Representatives in the disclaimer which President Lincoln, through Mr. Seward, had made to the French Government that there is in the formal message from the President of the United States saying to the Congress of the United States—to the Senate of the United States and to the House of Representatives—that if they enacted certain legislation he would veto the bill.

Mr. President, it is a most significant thing that a committee of the House of Representatives in that day should have unanimously submitted to the House of Representatives such a resolution as that which I have just read, because, the Senate will mark the fact, the question was there whether the President of the United States, through the State Department, had or had not acted within his powers; whether he had or had not committed a breach of the privileges of the House of Representatives in making the explanation and disclaimer which he had made to the Government of France as to the action of the House of Representatives. The last two lines of the resolution are a direct condemnation of the fact that such had been done, in this language:

And such proposition—

That is, a proposition relative to foreign affairs in the particular matter, the Mexican affairs—

And such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power.

It has been made a topic of explanation with a foreign power and this resolution says that it was not a fit topic for explanation, thereby condemning it. I paraphrase, sir, the words of that resolution, and say that while a measure is pending in Congress it is an unfit thing to do for the President to send a message to Congress that he will veto the measure if enacted into law.

I say, Mr. President, it is remarkable that such a resolution should have been reported by that committee to the House of Representatives, but the most remarkable statement follows. When that resolution was submitted to the House of Representatives on the 4th day of April, 1864, it received the unanimous vote of every man in the House of Representatives, and among the names recorded I find on page 1408 of the Congressional Globe of April 4, 1864, the name of our honored, most distinguished, and in commission our eldest brother, the Senator from the State of Iowa [Mr. ALLISON], who now sits before me, and who was then a Member of the House of Representatives.

The vote, as given by yeas and nays, is as follows:

Mr. Davis of Maryland called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 109, nays 0, as follows:

Messrs. James C. Allen, William J. Allen, Alley, Allison, Ames, Ancona, Anderson, Arnold, Ashley, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Bliss, Blow, Boyd, Brooks, Broomall, James S. Brown, William G. Brown, Chanler, Ambrose W. Clark, Clay, Cobb, Cole, Cox, Cravens, Henry Winter Davis, Dawson, Denson, Denison, Dixon, Driggs, Eckley, Eden, Eldridge, Elliot, English, Finck, Frank, Grider, Grinnell, Griswold, Herrick, Higby, Holman, Hooper, Hotchkiss, Asabel W. Hubbard, Jenckes, Julian, Kalbfleisch, Francis W. Kellogg, Orlando Kellogg, King, Law, Lazear, Long, Longyear, Mallory, Marcy, McBride, McClurg, McKinney, Middleton, Samuel F. Miller, Moorhead, James R. Morris, Morrison, Amos Myers, Leonard Myers, Nelson, Norton, Charles O'Neill, John O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Pruyn, Samuel J. Randall, William H. Randall, Alexander H. Rice, Rogers, Edward H. Rollins, Scott, Shannon, Spalding, Stevens, Strouse, Thayer, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Whaley, Wheeler, Chilton A. White, Williams, Wilder, Wilson, Windom, Winfield, Benjamin Wood, Woodbridge, and Yeaman—109.

Nays—0.

So the joint resolution was passed.

Mr. President, I can not add to the force of that action and I will not now say anything more.

Mr. CLAPP. Will the Senator pardon a question?

Mr. BACON. With pleasure.

Mr. CLAPP. I suggest to the Senator if there is not a vast difference between the action of President Lincoln, after the House had taken action upon the matter, and the declaration of the Executive as to his purpose and policy, not with reference to what Congress had done, but his purpose and policy with reference to possible legislation? It strikes me that there is a vast difference.

Mr. BACON. I think the vast difference is in the grossness of the excess of the breach of privilege in this case over what there was in that case.

In the first place, Mr. President, the Senator's question is not predicated upon the facts as they exist, because the Senator will recognize that while Congress had given expression to its views there had been no determination, and the resolution expressly puts its condemnation upon that ground. It says:

And such proposition, while pending and undetermined, is not a fit topic of diplomatic explanation with any foreign power.

Mr. CLAPP. Mr. President—

Mr. OWEN rose.

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

Mr. CLAPP. If the Senator from Oklahoma will allow me a moment, I will not trespass long.

Mr. BACON. I do not feel justified in trespassing on the time of the Senator from Oklahoma, as I have really occupied the floor by his courtesy, and therefore I continue only with his permission.

Mr. CLAPP. I supposed the Senator from Georgia had finished.

Mr. BACON. I beg pardon. I thought you wished to ask me a question.

Mr. OWEN. I did not intend to interrupt the Senator from Georgia.

Mr. BACON. I understand the Senator from Oklahoma, but I came to an abrupt conclusion on purpose, while of course much more might be said on the subject, because I knew I was trespassing on what was the legitimate time of the Senator from Oklahoma. When I made the response to the Senator from Minnesota I was under a misapprehension, I thought the

Senator desired to propound an inquiry to me. But I have no desire to occupy the floor longer, and I will not trespass further upon the time of the Senator from Oklahoma.

Mr. CLAPP. Will the Senator from Oklahoma yield to me for a moment?

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. FORAKER. Mr. President—

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

Mr. CLAPP. The Senator from Oklahoma has yielded to me.

The VICE-PRESIDENT. The Chair did not hear the Senator from Oklahoma. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. CLAPP. If I can do so and retain the floor.

Mr. FORAKER. Mr. President, I wish to make an inquiry.

Mr. OWEN. I did not intend to yield the floor, but merely to give an opportunity to the Senator from Minnesota to make a comment, which I thought he wished to make.

Mr. FORAKER. I did not know that anyone had been recognized to succeed the Senator from Georgia, but if anyone has been recognized, I want to make an inquiry before we pass away from this subject. It is whether we can not be indulged to pursue this matter a few minutes longer.

The statement was made first by the Senator from Colorado and afterwards referred to by the Senator from Georgia that a letter had been received from the President saying that if we passed certain legislation, he would veto it; and there might have been added the statement that if we passed it over his veto, he would refuse to enforce it. The Senator who is supposed to have received that letter was absent from the Chamber. He is now present in the Chamber. I should like official and accurate knowledge with respect to that letter. I have heard about it. I have made some statements about it.

Mr. OWEN. I regret very much, but I do not feel willing to yield for that purpose.

Mr. FORAKER. Before we pass from it the Senator from Michigan might be given an opportunity to put that letter in the Record, if he is willing to do so.

Mr. OWEN. I do not feel willing to yield the floor for that purpose.

The VICE-PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. ALDRICH. Was the Senator from Oklahoma recognized by the Chair?

The VICE-PRESIDENT. The Senator from Oklahoma was recognized.

Mr. CLAPP. The Senator from Oklahoma yielded to me.

Mr. OWEN. I yield to the Senator from Minnesota for a question.

Mr. CLAPP. I will not trespass upon the time of the Senator from Oklahoma. I simply want to say that in the Lincoln case the House had not concluded its action. It had proceeded to act, and the matter was pending in the House. It does seem to me that there is a great difference between the two cases.

Mr. BACON. Will the Senator permit me to ask him a question in order that this matter may be settled, and other matters? The Senator belongs to the dominant party. Will not the Senator kindly have a resolution sent to the Committee on Privileges and Elections in order that the question between us may be settled?

Mr. CLAPP. No, sir; because I do not think that the matter warrants any such resolution. At the proper time, when I will not be trespassing upon the time of another Senator, I will state the reasons why I do not think so.

Mr. BACON. I hope the Senator will.

Mr. FORAKER. Mr. President—

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

Mr. OWEN. For a question.

Mr. FORAKER. Only for an inquiry of the Senator from Minnesota before he takes his seat. I should like to ask the Senator if he does not think the sending of a communication to a member of this body containing a threat that if the body sees fit to pass legislation, it will be vetoed, and if passed over the veto, it will be disregarded, is not a matter this body should take notice of officially in defense of its own dignity and its own honor and its own usefulness as well?

Mr. CLAPP. In the first place, Mr. President, it would depend at the very threshold upon whether that occurred. I know of no evidence before the Senate of that fact; nor do I think, at present at least, that the mere sending of a letter to a man because he is a Senator, unless it is addressed to the Senate, necessarily calls for any reply from the Senate.

Mr. FORAKER. Perhaps not from the Senate.

Mr. CLAPP. I think we have magnified this matter beyond all fair proportions.

Mr. FORAKER. Mr. President, it is possible that we have. It is to avoid any magnifying of it that I should like to get the exact fact. If we could have the exact fact and put it in the RECORD, then I think we all would know what to do about it.

Mr. BEVERIDGE. Mr. President—

Mr. FORAKER. I will not trespass longer on the time of the Senator from Oklahoma.

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

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

The VICE-PRESIDENT. The Senator from Oklahoma has the floor.

Mr. BEVERIDGE. Will the Senator yield to me for a moment?

Mr. OWEN. I do not wish to give up the floor.

Mr. BEVERIDGE. I do not ask that, but I ask the Senator to yield that I may ask a unanimous consent that will take only a moment and occasion no debate whatever. I wish to call up a bill relating to Territories, the omnibus Territories act, which has passed the House. I ask that it be taken up, considered, and passed.

Mr. HALE. What is the bill?

Mr. BEVERIDGE. It is a bill which the Senate has passed and which the House has passed and sent back to us, with amendments concerning many things, such, for instance, as authorizing the issuance of bonds for the building of a courthouse in a certain county of Arizona, another with regard to another public building, and two or three with reference to Hawaii, about which the Committee on Pacific Islands and Porto Rico have been consulted.

Mr. OWEN. Mr. President, if this leads to any debate, I shall not yield.

Mr. BEVERIDGE. I will not ask for it if it does.

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

Mr. BEVERIDGE. I shall be much obliged to the Senator from Oklahoma if he will yield.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. OWEN. I wish to call the attention of the Senate to joint resolution No. 91, which was laid upon the table several days ago, and which I now wish briefly to address the Senate upon. It is a joint resolution proposing certain amendments to the Constitution of the United States.

Mr. DEPEW. Mr. President—

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

Mr. DEPEW. I wish to ask a question of the Senator from Oklahoma. Has the joint resolution been read?

Mr. OWEN. It was presented to the Senate several days ago, and I want to have it read now.

Mr. DEPEW. I asked the question because I wish to present an amendment to it. Possibly the Senator might offer his remarks also to the amendment which I shall propose.

Mr. OWEN. I prefer to submit my remarks first, and have the amendment come in due order.

Mr. GALLINGER. Let the joint resolution be read.

Mr. OWEN. The Secretary will please read the joint resolution.

The VICE-PRESIDENT. The Secretary will read the joint resolution.

The Secretary read as follows:

Joint resolution (S. R. 91) proposing certain amendments to the Constitution of the United States.

Resolved, etc., That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which shall, immediately after passage of this resolution, be submitted by the President of the United States to the governors of the several States of the Union, and when ratified by three-fourths of the State legislatures such article shall be valid to all intents and purposes as a part of the said Constitution, namely:

"ART. 16. The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof for six years, and each Senator shall have one vote; and the electors in each State shall have the qualifications requisite for electors of Members of the House of Representatives. They shall be divided as equally as may be into three classes, so that one-third may be chosen every second year, and if vacancies happen, by resignation or otherwise, the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an elector of the State for which he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. The Senate shall choose their own officers, and also a president pro tempore in the absence of the Vice-President, or when he shall exercise the office of the President of the United States.

Mr. ALDRICH. Mr. President—

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

Mr. ALDRICH. I rise to a question of order.

The VICE-PRESIDENT. The Senator will state his question of order.

Mr. ALDRICH. I have no objection to the Senator from Oklahoma making a speech upon this subject, but it should be distinctly understood that this joint resolution is not before the Senate.

The VICE-PRESIDENT. It will not be before the Senate except upon unanimous consent or by motion.

Mr. OWEN. I have made no motion, Mr. President.

The VICE-PRESIDENT. The Senator from Oklahoma has made no motion.

Mr. ALDRICH. I have no objection to the speech of the Senator from Oklahoma being made.

Mr. OWEN. I repeat I have made no motion.

Mr. BEVERIDGE. Mr. President—

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

Mr. OWEN. I yield if the bill which the Senator desires to move will involve no debate.

Mr. BEVERIDGE. It will involve absolutely none. I am convinced of that. If it does, I will not push it. I made the same request a moment ago. It will only take about a minute and a half, I think, unless some Senator proposes an amendment or asks for the entire reading; and if that is done, I shall not ask that the bill be considered. I think, on the whole, however, I will not interrupt the Senator now, and I am very much obliged to him. He is very kind.

Mr. OWEN. Mr. President, this resolution proposes to submit to the States of the Union for their consideration, under Article V of the Constitution of the United States, a sixteenth amendment to the Constitution.

Article V provides that Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress.

The reasons for this proposed reform are thoroughly well understood—

First. That it will prevent the corruption of legislatures.

Second. That it will prevent the disturbance of the State legislation by contests over the Senatorship.

Third. That it will prevent men using money improperly to obtain a seat in the Senate.

Fourth. That it will make the Senate more responsive to the will of the people of the States.

Fifth. That it will compel candidates for the Senate to be subjected to the severe scrutiny of a campaign before the people and compel the selection of the best-fitted men, and so forth.

The joint resolution No. 91 provides the mode of ratification by "three-fourths of the State legislatures" of the proposed sixteenth amendment.

Mr. President, it is not my purpose to debate this resolution.

This matter has been debated by the American people and in the public press and in numerous assemblies, and the mind of the American people has been made up with regard to it. I therefore do now respectfully request the action of the Senate in favorable compliance with the well-established public opinion of over three-fourths of the States of this Union.

I call the attention of the Senators from Pennsylvania that that great Commonwealth, by its legislature, on the 13th day of February, 1901, passed a joint resolution in favor of the election of United States Senators by the direct vote of the people, which resolution was approved by Gov. William A. Stone.

I call the attention of the Senator from Indiana that that great Commonwealth, by its legislature, on the 11th of March, 1907, passed a joint resolution requesting suitable steps to be taken to provide for the election of Senators by the direct vote of the people, and I challenge the Senators from Indiana to give their cordial support to the will of the people of Indiana as expressed through the legislature of that State; that they now make effective the will of Indiana by cooperating with me in a demand for an immediate and favorable vote upon joint resolution 91.

I call the attention of the Senators from Michigan to the fact that that great State in like manner has passed a similar resolution.

I call the attention of the Senators from Illinois to the fact that on the 10th day of February, 1903, the legislature of that great State made the same demand in compliance with the will of the people of the State of Illinois, and I call upon the Senators from Illinois to vote with me for this resolution, in compliance with the expressed will of the people of that Commonwealth, and to hold up my hands in the passage of this joint resolution No. 91.

I call the attention of the Senators from Wisconsin to the fact that that great State in like manner has committed itself positively to this reform and has registered the demand of the people of that State in favor of this amendment, and I appeal to them to cooperate with me in the immediate passage of this resolution.

I call the attention of the Senators from Minnesota to the fact that on the 9th day of March, 1901, the legislature of that great Commonwealth passed a resolution requesting favorable action on this proposition.

I call the attention of the Senators from Iowa to the fact that on March 12, 1907, the legislature of that great State expressed the will of the people of Iowa, and I appeal to the Senators from Iowa to cooperate with me in making effective the wishes of the people of Iowa.

Mr. President, in Senate Document No. 454 I have submitted to the Senate copies of the resolutions passed by the various States, and I call the attention of the Senators of the several States enumerated by me to these resolutions and ask their loyal cooperation. I call the attention of other Senators to the fact that many of their States, not enumerated, which have not taken formal action upon this question are fully committed to it through the adoption of the principle of nominating primaries or mandatory primaries for the nomination of Senators, as Maryland, Mississippi, and other States.

In these various resolutions the reasons for this demand have been abundantly set forth.

I shall not, in the presence of this Senate, repeat them. I shall assume that they are thoroughly well understood and that this question is no longer debatable, and I ask the Senators to sustain me in the effort to get a vote now on this joint resolution and in the effort to prevent postponement or delay or evasion, even in the form of the proposed amendment of the Senator from New York [Mr. DEPEW].

Mr. President, I call the attention of the Senators from Nebraska, and of Missouri, and of South Dakota, and of Kansas, and of Montana, and of Idaho, and of Washington, and of Oregon, and of California, and of Nevada, and of Utah, and of Colorado, and of Wyoming to the fact that the legislatures of each and every one of those States have expressed the will of the people of those States in demanding the passage of this sixteenth amendment to the Constitution; and in view of this expression of the wishes of the people of your several States, I now appeal to you personally on this floor to hold up my hands in favor of an immediate vote without any postponement or delay.

I call the attention of the Senators from Arkansas, from Tennessee, from Texas, from Kentucky, from Louisiana, from North Carolina to the fact that the legislatures of their States have made the same demand as Oklahoma has made upon me as its representative on this floor; and I am responding to the will of the people of my State when I make this demand.

Mr. President, here are the legislatures of twenty-seven States of this Union who have requested this reform, and twenty of them have sent Republican Senators to this body. This is no Democratic movement, nor would I care to demand this important reform merely for political advantage. I want this resolution passed, and I call upon you, the dominant party in this nation, instructed, as you are, by the States of the Union to respond to the will of the people of this country, and more, to respond to the principles of righteousness which ought to prevail and which will prevail when the great people of this country are allowed a free expression of their will in electing Senators by a direct vote of the people.

Mr. President, a majority of the Senators representing the party in power have been instructed in this matter by the people of their States, and I ask a faithful compliance with the expression of the will of the people of this country.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. I do.

Mr. HALE. What is the trouble with all the Senators from these different States which have passed these resolutions whose Senators have been here much longer than the Senator from Oklahoma?

Mr. OWEN. I acknowledge the rebuke, Mr. President.

Mr. HALE. What is the trouble with these Senators that they have not brought this matter up?

Mr. OWEN. Mr. President, I give them an opportunity to do so now and the full liberty to explain themselves.

Mr. HALE. I know; but, Mr. President, those Senators have had this opportunity, some of them for six or seven years, and I wish the Senator would tell us what is the measure of the delinquency of those Senators whom he is prodding now who have for six or seven or eight years, in some cases, not done anything in this matter?

Mr. OWEN. The extent of that delinquency, if any, is what I am trying to find out.

Mr. HALE. I know; but will not the Senator tell the Senate what is the trouble with all those Senators?

Mr. OWEN. I think a vote will tell better than any of my arguments, Mr. President.

Mr. HALE. I think all of us had that feeling when the Senator referred to all these States which years ago had passed such resolutions, and the Senator has just come here and has found out the delinquency of these Senators. I wish he would tell the Senate what is the reason—

Mr. OWEN. I am responding to the instructions of my State, without commenting upon the delinquency of anybody.

Mr. HALE. No; but the Senator has commented upon them here, and he has appealed to these Senators to stand by him in putting this popular measure through. I wish he would state to the body here what he thinks is the reason these Senators have been so lacking in their duty all these years.

Mr. OWEN. Possibly the reason, Mr. President, is because it would require a very extraordinary effort to get any action by the Senate, and I am making an extraordinary verbal effort now. [Laughter.]

Mr. ALDRICH. Mr. President—

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

Mr. OWEN. Certainly.

Mr. ALDRICH. Does the Senator from Oklahoma understand that a Senator is bound to vote according to the instructions of his legislature?

Mr. OWEN. No, sir.

Mr. President, in Senate Document No. 454 of the present first session of the Sixtieth Congress I have submitted to the Senate for their convenience, so that they may not necessarily overlook it, copies of the resolutions on this subject passed by the various States, and I call the attention of the Senators of the various States enumerated by me to these resolutions, and I ask their cooperation. I do so without any reproach or blame whatever to them. I have a right to appeal to them without being rebuked by the Senator from Maine [Mr. HALE] because of my junior life in this body. The Senator from Maine is not called on to rebuke the Senator from Oklahoma because he did not arrive sooner. [Laughter.] He came as soon as he could. [Laughter and applause in the galleries.]

The VICE-PRESIDENT. The Chair must admonish the occupants of the galleries that applause is not allowed under the rules of the Senate.

Mr. OWEN. Mr. President, I call the attention of other Senators to the fact that many of their States, not enumerated, which have not taken formal action upon this question are fully committed to it through the adoption of the principle of nominating primaries or mandatory primaries for the nomination of Senators, as Maryland, Mississippi, and other States.

I shall assume that the Senate of the United States is not a kindergarten and needs no further discussion or any instruction whatever on this particular matter, and I respectfully urge and insist on the immediate compliance of the Senate with the wishes and the desires of the American people in accordance with the expression of that will in the various States.

Now, Mr. President, there are various ways to prevent my having a vote on this resolution. Ingenious amendments can be offered proposing to change representation in the Senate from the constitutional number of two for each State to a basis of population, as is contemplated by the Senator from New York [Mr. DEPEW], but I call his attention to the enthusiastic opposition to that proposition of New Hampshire and Vermont and Rhode Island and of every other small State.

Mr. DEPEW. Mr. President—

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

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

Mr. DEPEW. Mr. President, the Senator from Oklahoma misunderstands the amendment which I intend to propose.

Mr. OWEN. I am a mind reader, Mr. President.

Mr. DEPEW. Perhaps Oklahoma has not yet been long enough in the Union to read the mind of New York, although

for a new State its mind is very strong and its expression exceedingly vigorous. [Laughter.] But when the Senator permits me to offer this amendment, he will discover that the only object of it is that, if we are to elect Senators by the people, the people shall vote.

Mr. OWEN. Mr. President, I shall not make any mistake, and the American people will make no mistake, in the purpose of this proposed amendment. It is to prevent action. I have no manner of doubt about that, and I express that opinion without any doubt whatever of its real purpose.

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

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

Mr. OWEN. Certainly.

Mr. DEPEW. Is the Senator opposed to qualified citizens of the United States, 21 years of age, voting for United States Senators on a direct ballot?

Mr. OWEN. That is what I am for. I assert that right.

Mr. DEPEW. Then the Senator will be in favor of my amendment.

Mr. OWEN. Mr. President, this proposition can be defeated in a number of ways; and I have no power to prevent its being defeated if that be the will of the Senate; but I want that will recorded, and I want it recorded in such a manner that the people of this country shall have no doubt of its meaning. Now, Mr. President, I ask that the Senate proceed to the consideration of Senate joint resolution numbered 91.

Mr. LODGE. Mr. President, merely for a question of order, I ask if the joint resolution referred to is on the Calendar? Has it been reported from any committee?

The VICE-PRESIDENT. It is on the table Calendar.

Mr. LODGE. Yes, Mr. President; but I do not refer to the table Calendar. Has it been reported from any committee?

The VICE-PRESIDENT. It has not been reported from any committee.

Mr. LODGE. Then I do not see how a motion to proceed to its consideration would be in order.

Mr. ALDRICH. The Senator from Oklahoma asks unanimous consent.

Mr. LODGE. Oh, he asks unanimous consent. I beg the Senator's pardon.

Mr. OWEN. No; I do not ask unanimous consent. I move that the Senate proceed to its consideration. I ask for a vote of the Senate on that motion, and call for the yeas and nays.

Mr. KEAN. Does the Senator from Oklahoma occupy the floor for any such purpose?

The VICE-PRESIDENT. The Senator from Oklahoma has the floor.

Mr. OWEN. I had the floor, and have it now.

Mr. KEAN. But for no such purpose.

The VICE-PRESIDENT. The Senator from Oklahoma has the floor in his own right, and he has moved that the Senate proceed to the consideration of the joint resolution which he has been discussing.

Mr. OWEN. And on that I call for the yeas and nays.

Mr. DEPEW. Mr. President, I offer an amendment to the joint resolution.

Mr. OWEN. Do I understand the Senate has now proceeded to the consideration of the joint resolution?

The VICE-PRESIDENT. The joint resolution has not been by vote of the Senate taken up for consideration.

Mr. DEPEW. I offer a proposed amendment.

Mr. LODGE. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Massachusetts will state his question of order.

Mr. LODGE. I do not see how any joint resolution can be put before the Senate, except by unanimous consent, unless it has received two readings on separate days, as required by the rule.

Mr. OWEN. It has been read on two days, and I had it read this morning.

Mr. LODGE. It has never had a reading and a reference—never.

Mr. OWEN. The joint resolution was read twice on May 21 and laid on the table.

Mr. BEVERIDGE. Will the Senator from New York yield to me for a moment?

Mr. OWEN. The Senator from New York has not the floor.

Mr. BEVERIDGE. Then I will ask if the Senator from Oklahoma will yield to me, in order that I may ask the Senate to pass a bill now?

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

Mr. OWEN. With pleasure.

Mr. BEVERIDGE. I now renew my request for the immediate consideration of the bill which I send to the Secretary's

desk. It will occasion no discussion, and it will take only a moment for it to be read.

Mr. KEAN. Let us get through with this matter first.

Mr. BEVERIDGE. There will be no objection to this bill.

Mr. GALLINGER. I must object to the request. The bill has never been considered by the Senate in any way.

Mr. BEVERIDGE. Very well, I will withdraw the request.

The VICE-PRESIDENT. The Chair is of the opinion that the matter presented by the Senator from Oklahoma [Mr. OWEN] is for the Senate to determine.

Mr. OWEN. I call for the yeas and nays, Mr. President.

Mr. HALE. Mr. President, pending that motion I move that the joint resolution be referred to the Committee on Privileges and Elections.

The VICE-PRESIDENT. The Senator from Maine moves that the joint resolution be referred to the Committee on Privileges and Elections.

Mr. OWEN. On that I call for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. ALDRICH responded to his name.

Mr. GORE. I should like to make a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Oklahoma will state his parliamentary inquiry.

Mr. GORE. Would it be in order to move to amend the motion made by the Senator from Maine by coupling with it an injunction instructing the committee to report back the joint resolution forthwith in favor of its passage, or to report it back forthwith, although I should like to know how long that means?

The VICE-PRESIDENT. Under the rule, instructions may be added to a motion to commit.

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

The VICE-PRESIDENT. The Senator from New Hampshire will state his question of order.

Mr. GALLINGER. The name of the Senator from Rhode Island [Mr. ALDRICH] was called, and he answered to his name. Therefore the call must proceed.

Mr. ALDRICH. I voted "yea."

The VICE-PRESIDENT. The Chair did not hear the vote. No amendment to the motion would now be in order. The suggested amendment of the Senator from Oklahoma [Mr. GORE] comes too late. The Secretary will resume the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. CLARK of Wyoming (when his name was called). I am paired with the senior Senator from Missouri [Mr. STONE]. I will transfer that pair to the Senator from Nevada [Mr. NIXON] and vote. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the Senator from Iowa [Mr. DOLLIVER] and vote. I vote "yea."

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. McENERY]. I transfer that pair to the Senator from Delaware [Mr. DU PONT] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the Senator from Connecticut [Mr. BULKELEY] and vote. I vote "yea."

Mr. FOSTER (when his name was called). I have a general pair with the Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote. If he were present, I should vote "yea."

Mr. FRAZIER (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. KITTREDGE]. In his absence I withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent, and therefore I withhold my vote. If he were present, I should vote "nay."

Mr. DEPEW (when Mr. PLATT's name was called). I desire to announce that my colleague [Mr. PLATT] is paired with the Senator from Florida [Mr. MILTON].

Mr. SCOTT (when his name was called). I have a pair with the senior Senator from Florida [Mr. TALLAFERRO]. He is not in the Chamber, and I therefore withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I do not see him in the Chamber. I will transfer that pair to the junior Senator from Maine [Mr. FRYE], and vote. I vote "yea."

The roll call was concluded.

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON], and therefore withhold my vote.

Mr. SMITH of Maryland. I desire to announce that my colleague [Mr. RAYNER] is paired with the Senator from Indiana [Mr. HEMENWAY].

The result was announced—yeas 33, nays 20, as follows:

YEAS—33.

Aldrich	Clark, Wyo.	Hale	Richardson
Allison	Crane	Heyburn	Smith, Md.
Bacon	Cullom	Hopkins	Stewart
Bankhead	Depew	Kean	Warner
Brandegge	Dick	Knox	Warren
Briggs	Dillingham	Lodge	Wetmore.
Burnham	Foraker	Long	
Burrows	Gallinger	Nelson	
Carter	Guggenheim	Penrose	

NAYS—20.

Ankeny	Dixon	Newlands	Piles
Beveridge	Gore	Owen	Simmons
Borah	Johnston	Overman	Smith, Mich.
Brown	La Follette	Paynter	Stehenson
Clapp	McCreary	Perkins	Teller

NOT VOTING—39.

Bailey	Dolliver	Hansbrough	Platt
Bourne	du Pont	Hemenway	Rayner
Bulkeley	Elkins	Kittredge	Scott
Burkett	Flint	McCumber	Smoot
Clarke, Ark.	Foster	McEnery	Stone
Clay	Frazier	McLaurin	Sutherland
Culberson	Frye	Martin	Tallaferro
Curtis	Fulton	Milton	Taylor
Daniel	Gamble	Money	Tillman
Davis	Gary	Nixon	

So the joint resolution was referred to the Committee on Privileges and Elections.

Mr. DEPEW. I offer the amendment I send to the desk, and ask that it be read, printed, and referred to the Committee on Privileges and Elections.

Mr. HALE. The whole subject has been referred to the Committee on Privileges and Elections. The Senator, of course, by unanimous consent, can have his amendment read and referred to that committee.

Mr. DEPEW. Let it be referred with the joint resolution.

Mr. HALE. That is all right.

The VICE-PRESIDENT. The Senator from New York asks that the amendment proposed by him may be read. Without objection, the Secretary will read as follows:

The Secretary read as follows:

The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Without objection, the amendment will be referred to the Committee on Privileges and Elections.

Mr. DEPEW. I ask that it be referred with the joint resolution.

Mr. HALE. I call for the regular order.

Mr. PENROSE. I ask unanimous consent to offer an amendment to the joint resolution.

Mr. HALE. I yield to the Senator.

Mr. PENROSE. I offer an amendment to the joint resolution, which I ask to have read and referred to the Committee on Privileges and Elections.

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

The Secretary read as follows:

Article XVI. The Senate of the United States shall be composed of two Senators from each State, and each State shall have additional Senators in proportion to its population, based upon a proportionate excess of population beyond that of the State having the lowest population in the last decennial census, but no State shall have more than fifteen Senators.

The VICE-PRESIDENT. The amendment will be referred to the Committee on Privileges and Elections.

AFFAIRS IN THE TERRITORIES.

Mr. HALE, Mr. OWEN, and Mr. NEWLANDS addressed the Chair.

The VICE-PRESIDENT. The Senator from Maine.

Mr. HALE. I call for the regular order.

Mr. BEVERIDGE. Mr. President—

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

Mr. OWEN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Oklahoma?

Mr. HALE. I have yielded to the Senator from Indiana.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 21957) relating to affairs in the Territories. It will require no discussion, and it is necessary that the bill be passed now.

Mr. OWEN. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Oklahoma will state his parliamentary inquiry.

Mr. OWEN. Was the Senator from Oklahoma taken from the floor by the vote?

Mr. GALLINGER. He was.

Mr. HALE. Undoubtedly.

Mr. GALLINGER. The Senator and his joint resolution, both.

Mr. HALE. The Senator went with his joint resolution.

Mr. OWEN. He wants to follow the joint resolution—

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 21957) relating to affairs in the Territories.

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

The Secretary proceeded to read the bill.

Mr. ALDRICH. Mr. President, is the bill before the Senate?

The VICE-PRESIDENT. The bill is being read for the information of the Senate, at the request of the Senator from Indiana, who has asked unanimous consent for its present consideration.

The Secretary resumed the reading of the bill.

Mr. CLAPP. Mr. President, I submit that it is impossible to hear the reading of the bill. It is a long bill and it should be read carefully and should be heard.

Mr. GALLINGER. It is a good bill.

Mr. BEVERIDGE. I will say that practically all of this bill has been passed. I will simply say, in reply to the Senator from Minnesota about reading the bill carefully, that the bill consists of a number of bills which have heretofore passed the Senate, having been read three times.

The reading of the bill was resumed and concluded.

The bill had been reported from the Committee on Territories with amendments.

The VICE-PRESIDENT. If there be no objection to the consideration of the bill, it is before the Senate as in Committee of the Whole, and the amendments of the committee will be stated in their order.

The SECRETARY. On page 3, lines 6 and 7, strike out the words "a facsimile of;" and before the word "signature," in line 7, insert the word "written."

Mr. CLAY. I was not aware that unanimous consent had been given to consider the bill. Has unanimous consent been given?

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

Mr. CLAY. Is it a House or a Senate bill?

The VICE-PRESIDENT. It is a House bill.

Mr. CLAY. From what committee does it come?

The VICE-PRESIDENT. It was reported from the Committee on Territories.

Mr. ALDRICH. The Senator from Indiana [Mr. BEVERIDGE], who is now absent from the Senate, says the bill has passed the Senate in the form of various bills.

Mr. CLAY. It contains a good many different propositions.

Mr. ALDRICH. They have all been considered by the committee, I think.

Mr. CLAY. The Senator from Vermont [Mr. DILLINGHAM] is a member of the committee, I believe, from which the bill came. Is that correct?

Mr. DILLINGHAM. Yes.

Mr. CLAY. Was the bill unanimously agreed to by the committee?

Mr. DILLINGHAM. It was.

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

Mr. CLAY. I believe I will let it go through.

Mr. KEAN. A part of it was agreed to by the committee. The part relating to Hawaii was not agreed to by the Committee on Territories.

Mr. DILLINGHAM. Then I will modify my statement.

Mr. CLAY. May I ask the Senator from New Jersey what was the feature disagreed to?

Mr. KEAN. Several amendments were proposed to the bill in committee and the Secretary was beginning to report the committee amendments. Some of them are very proper. Others I do not think are so proper.

Mr. CLAY. Where everyone seems to be agreed about it, although it is a right serious matter to undertake legislation in the closing days of the session—

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

Mr. ALDRICH. The Senator from Indiana was called from the Chamber unexpectedly, and in his absence I hope the Senator from Georgia will not object to its present consideration.

Mr. CLAY. The most dangerous legislation we ever had in this country was passed in the last days of a session of Congress.

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

Mr. CARTER. Is any member of the committee prepared to give explanations concerning the bill? I heard that the Senator in charge of it left the Chamber.

Mr. ALDRICH. He was obliged to leave.

Mr. CARTER. I should like some explanation.

Mr. HALE. Of course, if the Senator objects, that is the end of it.

Mr. CARTER. I do not wish to be understood as objecting, but I should like to inquire what was the purpose of the committee in repealing section 1955 of the Revised Statutes, which authorizes the President of the United States to prohibit the importation of firearms into the District of Alaska. That section is of some use, I assume, so far as the Indian tribes are concerned, and there should be some restriction in that behalf permitted. As I understand it, that section is entirely repealed.

I observe also that on page 11 a portion of the act relating to the civil government for Alaska, approved in 1884, is likewise repealed, after the word "provided," in section 14. I do not find any word "provided" in section 14. Consequently the reference seems to be inaccurate.

Mr. HALE. The Senator from Indiana, in charge of the bill, was called away, stating that there would be no objection to the details of the bill, and it was understood when the Senate took it up. Of course if there are real objections to the bill and Senators interpose those objections, it can not be passed; but otherwise I think in good faith we are bound to proceed with the consideration of the bill until it is disposed of.

Mr. CURTIS. Mr. President—

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

Mr. HALE. Yes.

Mr. CURTIS. I have no desire to object to the bill, but I should like some explanation of the paragraph on page 5, where the word "white" is used before the words "male and female citizens over the age of 21 years," in reference to consent to the sale of intoxicating liquor.

Mr. HALE. Perhaps the Senator from Vermont [Mr. DILLINGHAM] can explain that. He is a member of the committee.

Mr. LONG. The Senator from New Jersey [Mr. KEAN] is also a member of the committee.

Mr. ALLISON. So is the Senator from Minnesota [Mr. NELSON].

Mr. HALE. And the Senator from Minnesota also.

Mr. NELSON. The chairman of the committee, after calling up the bill, left the Chamber. I supposed he would take charge of the bill, and for that reason I am not prepared to explain it.

Mr. HALE. The bill is in the hands of the Senate.

The VICE-PRESIDENT. Is there objection to its consideration?

Mr. KEAN. I am a member of the Committee on Territories. I had no idea that the bill repealed any of the statutes the Senator from Montana referred to, and I do not think the committee ever had it called to their attention. If that is the case—

Mr. CARTER. On further examination I find that the portion which repeals the act of 1884 repeals merely the proviso in the act which prohibited the importation of intoxicating liquors into the district. That, of course, will be in conflict with the terms of this bill, which seems to provide a local-option law in lieu of a prohibitory law. Section 1955, however, of the Revised Statutes permits the President to prohibit the importation of firearms into Alaska. I suppose that by virtue of that authority it would permit him to prescribe the conditions under which such arms might be taken into the country.

Mr. HALE. Undoubtedly.

Mr. CARTER. I understand it to have always been a useful provision of law to permit some officer to prevent the passage of firearms, without restriction, into the Indian country. Whether it is wise to repeal that provision entirely, it being the only provision of the kind applicable to Alaska, is a question which calls for the deliberate judgment of the Senate. I do not wish to object to the bill. I merely call attention to that feature.

Mr. CLAY. I wish to call attention to this feature of the bill. I do not want to object to it, but it ought to be explained.

Mr. HALE. It is simply a question, after the statement which has been made of the occasion of the Senator from Indiana

leaving the Chamber, whether any Senator objects to the consideration of the measure. If objection is made it will go over.

Mr. CLAY. I do not object to it, but I want to say—

Mr. HALE. The Senator may as well understand that there is nobody here who can explain it.

Mr. HOPKINS. I should like to ask the Senator from Maine, in view of the suggestions that have been made, whether he thinks it is advisable to press the bill to final consideration at this time?

Mr. HALE. That is for other Senators to determine. Any Senator by objecting can carry it over.

Mr. CURTIS. In order to save time I should like to object to the bill.

Mr. HALE. That ends it.

The VICE-PRESIDENT. Objection is made.

ORDER OF BUSINESS.

Mr. HALE. Mr. President, I want to make a statement as to the order of business, in which every Senator is interested. I am told that the conference committee on the public buildings bill has agreed to a final report. If that be so, the report can and will be presented early this evening.

Mr. WARREN. It will probably be here inside of fifteen minutes.

Mr. HALE. That is all the better. If that committee, and what the Senator says assures me of my statement, has finally agreed, the report can be submitted to this body either now or somewhat later in the evening. The great sundry civil appropriation bill has not been finally agreed to in conference. I think I may say that if the conference report on the public buildings bill is agreed to, with provisions which I am told are in it, the Senator from Iowa will be able later to report finally the sundry civil bill from the conference.

Mr. WARREN. May I interrupt the Senator?

Mr. HALE. Certainly.

Mr. WARREN. The conferees on the Military Academy bill are in full agreement and have just started to make their report, which, perhaps, would not come to-night, but it could come late to-night or early Monday morning.

Mr. HALE. I do not apprehend any difficulty with those bills. The reports of the conference committees will be agreed to in time. After that the bill yet to be disposed of is the deficiency appropriation bill.

Mr. CLAY. Will the Senator permit me to correct his statement?

Mr. ALDRICH. There is the post-office appropriation bill.

Mr. HALE. I am not speaking of all the bills in conference.

Mr. CLAY. I thought the Senator was referring to all pending between the two Houses.

Mr. HALE. When I come a little later to my proposition all those will be cared for. As to the deficiency bill, I may say there is an amendment in it adopted by the Senate giving entire control as to the appropriations to be made for the rest of the year for public buildings and grounds. The proposition which has been suggested from the House, and I think a wise and good one, is that the schedule and list of appropriations for the rest of the year under the public buildings bill, which has been agreed to, shall be incorporated in the deficiency appropriation bill under the amendment already put upon it by the Senate. That disposes of all these cases.

I wish Senators would bear in mind that the Committee on Appropriations in dealing with all these bills has spent days and Sundays and has not been obliged to ask the Senate what it has always done heretofore at the end of a session, to meet at night or at 11 o'clock. Neither of these things, under the course that the committee has taken, has been resorted to, nor has there been any need to have it resorted to. I have never known another instance in my experience where, in the last week, we have not met every day at 11 o'clock and that we have not had more or less night sessions.

If we have an evening session to-night, I believe this will be possible: To pass the public buildings bill, perhaps, before we take a recess; to pass the sundry civil appropriation bill and send it to the clerks for careful enrollment, upon which they must have twenty-four hours at least; to pass the deficiency appropriation bill before 9 o'clock, with the schedule and list of appropriations under the public buildings bill needed for the ensuing year.

Then, Mr. President, I think the Senate will be glad to agree unanimously to give the clerks an opportunity to enroll these bills, and the Senate may take a recess or adjourn to meet at 10 o'clock Monday, with an agreement that nothing but routine business, business between the two Houses and conference reports, shall be considered on Monday, and I will be willing to risk my reputation as a guesser that we could adjourn before 2 o'clock on Monday.

Now, I do not think that an unreasonable programme. I do not think it unreasonable to believe that it can be carried out. But, first, if the Committee on Public Buildings and Grounds is ready to report, we can take their report before we take a recess, and after that we can take a recess, and that will be the only evening session that will be asked for the first session of this Congress.

Mr. ALDRICH. Mr. President—

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

Mr. HALE. With pleasure.

Mr. ALDRICH. I suggest that there is some important executive business that ought to be transacted, and we might now go into executive session and then come out again and take up these matters.

Mr. HALE. I think that is a very good suggestion.

Mr. DILLINGHAM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Vermont?

Mr. HALE. I yield to the Senator.

MEMORIAL ADDRESSES ON THE LATE SENATOR PROCTOR.

Mr. DILLINGHAM. Mr. President, I wish to give notice that on Saturday, December 12 next, after the conclusion of the morning business, I will present resolutions of respect to the memory of REDFIELD PROCTOR, late a Senator from Vermont in this body, and ask that the other business of the Senate be laid aside to enable his associates to pay proper tribute to his character and distinguished public service.

PARLIAMENTARY PRACTICE OF SENATE.

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

Resolved, That the Chief Clerk be authorized to prepare a digest of the precedents and decisions on points of order in the parliamentary practice of the Senate, with a full index, and that 1,000 copies be printed and bound for the use of the Senate.

ELECTION OF SENATORS.

Mr. FORAKER. I ask that 20,000 copies of Senate Document No. 406, Fifty-seventh Congress, first session; Senate Document No. 323, Fifty-ninth Congress, second session, and Senate Document No. 232, Fifty-ninth Congress, first session, being papers relating to the election of Senators by direct vote of the people and containing the speech of Hon. George F. Hoar, of Massachusetts, in the Senate of the United States, Thursday and Friday, April 6 and 7, 1903, be printed as one document, to be entitled "Papers Relating to the Election of Senators by Direct Vote of the People."

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

Mr. GORE. In that connection I ask that a speech delivered on March 23, 1897, by the Senator from Indiana, Mr. Turpie, proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States, together with Senate Document No. 454, Sixtieth Congress, first session, being a memorial presented by my colleague [Mr. OWEN] relative to amending the Constitution of the United States, be printed as a document, and that 20,000 extra copies be printed.

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

INLAND WATERWAYS COMMISSION.

Mr. NEWLANDS. Mr. President, I ask the Senator from Maine to yield to me for a few moments to make a statement regarding House bill 21899, relating to the inland waterways. I have been for a week past in constant attendance in the Senate with a view to securing consideration of this bill. I have several times asked for unanimous consent for its consideration, but objection has been made. At one time I moved consideration, but a conference report on the public buildings bill was pressing for consideration, and many Senators who were favorable to the waterways bill voted against its consideration at that time lest it should postpone agreement on the public buildings bill. It has since been my constant purpose to move the Senate to immediately consider it, but conference and other privileged reports have prevented.

Mr. HALE. I can not yield to the Senator to make that motion now.

Mr. NEWLANDS. Will the Senator yield to me for a statement?

Mr. HALE. Yes; but I do not yield for any motion, because to carry out the real business before the Senate we have to go on with the appropriation bills. I yield to the Senator for a statement.

Mr. NEWLANDS. Mr. President, it is my purpose at as early a time as possible to move that the Senate proceed to the consideration of House bill 21899, providing for the appointment of an Inland Waterways Commission.

Mr. HALE. I did not yield for the Senator to make any motion.

Mr. NEWLANDS. I understand that. I understand that the Senator now simply yields to me for a statement, and I am simply stating what my purpose is.

I do not propose now to make a motion for the consideration of the bill. I wish, however, as there is some confusion in the minds of Senators regarding these various bills relating to waterways, to make a statement in reference to this particular bill, and it will involve a short history of the course of legislation upon this subject.

I will state, in the first place, that last spring a year ago the President, yielding to the request of numerous commercial organizations throughout the country, determined to appoint an Inland Waterways Commission, consisting of nine members, with a view to preparing a comprehensive plan for the development of the waterways of the country. In his letter to those whom he requested to serve upon the Commission he stated the great importance of the question, the pressing nature of the demand for legislation, and the desirability of having a broad and comprehensive plan upon this subject.

That Commission, of which I am a member, entered upon the discharge of its duties a year ago, and during the last summer visited every section of the country, either in entirety or through the action of part of its members. Last fall it met for the purpose of deliberating upon this question, with a view to making a recommendation. Before they had proceeded far in their deliberations I introduced in the Senate a bill, Senate bill No. 500, which represented simply my individual views upon this subject, and I am inclined to think that many Senators are of the opinion that that is the bill which I am now urging for the consideration of the Senate. That bill presented a full and comprehensive plan and proposed to provide a fund of \$50,000,000.

It gave the Commission ample powers, not only for the examination and survey of all various projects, but also for entering upon the projects. It provided for the coordination of the various scientific services of the United States relating to waterways and also provided for cooperation with the States, municipalities, corporations, and individuals.

That bill was referred to the Committee on Commerce and was by it referred to a subcommittee, and by that subcommittee referred to the Secretary of War for his opinion and to the Inland Waterways Commission for its opinion, and both the Secretary of War and the Inland Waterways Commission approved of the bill in its main features.

The letters of the Secretary of War and the Inland Waterways Commission were as follows, the essential part being quoted:

COMMITTEE ON COMMERCE, UNITED STATES SENATE—LETTERS OF THE SECRETARY OF WAR AND CHAIRMAN OF INLAND WATERWAYS COMMISSION RELATIVE TO S. 500.

WAR DEPARTMENT,
Washington, April 17, 1908.

Respectfully returned to the chairman of the Senate Committee on Commerce, inviting attention to specific suggestions as follows:

1. Certain provisions of this bill (S. 500, 60th Cong., 1st sess.) are in accord with the suggestion of an Inland Waterways Commission appointed by the President on March 14, 1907, of a plan for obtaining information concerning our waterways as related to the general welfare. The policies and general plans of this Commission were submitted to the President on February 3 last in the form of a preliminary report, which report was transmitted to the Congress on February 26 with a message approving the recommendations.

2. The bill carries the following provisions which render it worthy of careful attention.

(a) It provides for *coordination* between navigation and other uses of the waters in connection with their improvement for the promotion of commerce among the States. This provision is fully explained in the preliminary report of the Waterways Commission. It is recognized by the War Department as wise and necessary.

(b) The bill provides for *cooperation* with States, municipalities, communities, corporations, and individuals. This provision seems to be based on the constantly increasing utilization of the streams, not only for navigation, but for other purposes, which has accompanied extension of settlement and increase of population. With sparse settlement, largely confined along waterways, there was little overlapping or conflict of interests connected with the running waters; but with the present comparatively dense population not only all uses of the streams but all conflicting interests must be brought into harmony in order that the waterways may be made generally beneficial. This can not be done without careful regard for the interests of all the people and for all the lawful means that may be employed to protect them. The aim appears to be that of promoting union of interest through mutually beneficial cooperation, and thus meeting the requirements of our growing population and increasing industries. This feature is recognized by the War Department as highly desirable.

(c) The bill provides for *correlating* the existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor through certain powers vested in the President. The need for some such plan is sufficiently shown by the fact that while this country is better endowed with waterways than any other, our streams are less used for navigation and other public purposes than those of other countries. Since this provision touches duties placed on the War Department by law, it has received careful consideration. It does not appear that the measure would interfere with the functions of the War Department, or with the continuation and extension of the engineer-

ing work now performed there, but it is believed that the provision for administration would tend to promote the general welfare. Accordingly, this feature meets the approbation of the War Department.

(d) The bill provides for the utilization and control of water power available in navigable and source streams developed by works for improving navigation. Under statutory provisions for the granting of rights connected with navigable streams, which have been often repeated and sustained by the courts, the War Department has exercised the power to regulate the use of the water of navigable streams for power purposes developed incidentally by improvements intended to promote navigation. It is the policy of the Department to extend such control, and thereby protect the public interests by limitation of the term and manner of use of leases, by reasonable charges for the benefits conferred, and by any other means found requisite from time to time. A continuation of such control is essential to the policy of coordination and cooperation made necessary by the conditions that have arisen with the growth of population and increase of industries. Accordingly this feature of the measure is regarded as in accordance both with established custom and with current needs.

(e) The bill provides also for the initiation of projects by a board of experts. These provisions affect the work of the War Department and have had careful consideration. Suitable provisions for expert initiation and prompt execution are essential to the proper development of any system of river improvement. The chief defect in the methods hitherto pursued lies in the absence of executive authority for originating comprehensive plans covering the country or natural divisions thereof. The creation of an Inland Waterways Commission for the purpose of initiating plans for the improvement of waterways seems to me a more effective way of a general plan for the improvement of all the waterways in the country than under the present provisions of law. This would not dispense with the admirable machinery furnished by the War Department for the improvement of waterways when the plan has been determined upon and is to be executed. But it supplies what does not exist in the law now—a tribunal other than Congress charged with the duty of originating and developing a satisfactory plan.

(f) The present bill confers very great powers upon the Commission to be appointed, because it provides the money with which this Commission may execute the plans which it adopts. How far, if at all, this great power should be limited this Department expresses no opinion.

(g) In connection with the method of administration provided for the bill makes proper provision for guarding expenditures and reporting operations.

3. In its present form the bill might be construed to curtail indirectly certain functions of the War Department, which is now charged with large discretion in waterway affairs. Possible ambiguity on this point should be removed. The present arrangement began with the creation of the War Department, when the Federal Government was organized in 1789. It was not changed when the Navy Department was instituted nine years later nor when the civilian Department of the Interior was established in 1849; and the records pertaining to the administration of the waterways are kept in the War Department in the custody of the Chief of Engineers of the Army. Under the same long-standing arrangement it is the policy of the War Department to maintain a trained body of military engineers with a view to the national defense, and to keep these engineers in training in time of peace by detail to civil duty allied to their professional duty in time of war or military preparation; and it was carrying out this policy that the functions of the War Department pertaining to waterways have been more and more largely entrusted to the engineers of the Army during the one hundred and ten years since the Army and Navy were separated in distinct Departments. This policy has long been sustained by the Congress, although the military engineers have been prohibited from initiating projects or originating plans for meeting the growing needs of commerce. It is desirable to continue the policy of keeping the military engineers in training and at the same time rendering their skilled service available in work on waterways, although it is not necessary to vest them with the power of initiative, which they have not exercised in the past and which is, perhaps, inconsistent with their primary duty in connection with the military establishment of which they form a part. A provision that the Chief of Engineers of the Army shall be a member of the Commission proposed to be created, and a further provision specifically covering the detail of military engineers to the service of the Commission whenever such detail shall be consistent with their military duties, would remove any possible ambiguity and would be in accord with the custom and policy of the War Department.

4. I respectfully suggest certain changes in the form of the bill to meet constitutional and legal objections which have occurred to me. These relate to (a) the general authority of Congress over inland waterways in connection with navigation; (b) the specific authority over collateral works for purposes incidental to the improvement of navigation; (c) the reservation to the Government of the control over such collateral works now conferred upon it by law.

WM. H. TAFT,
Secretary of War.

UNITED STATES INLAND WATERWAYS COMMISSION,
Washington, D. C., April 20, 1908.

The COMMITTEE ON COMMERCE,
United States Senate:

The bill providing for the appointment of an Inland Waterways Commission, and for other purposes (S. 500, 60th Cong., 1st sess.), referred to the Commission on April 18, was taken under consideration at a session of the Commission on that date, and conclusions were reached as follows:

"1. Several of the leading provisions of the bill are in accord with the recommendations of the Commission in a report submitted on February 3 last and transmitted to the Congress by the President on February 26. Among these are (a) the provision for coordination of navigation with related uses of the waters; (b) the provision for cooperation between the Federal Government, States, municipalities, communities, corporations, and individuals; (c) the provision for correlating existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor in such manner as to secure effective administration; and (d) the provisions looking toward the control of running waters in such manner as to protect and promote navigation. In so far as these provisions are concerned, the bill has the unqualified approbation of the Commission.

"2. Another leading feature of the bill is the provision for a waterway fund. This is consistent with the recommendation of the Commission 'that the Congress be asked to make suitable provision for improving the waterways of the United States at a rate commensurate with the needs of the people as determined by competent authority; yet at this time, as at the time of preparing and submitting the report, the Commission is of opinion that the specific mode of providing means for improving and promoting navigation should be left to the wisdom of the Congress.

"3. The general purpose of the bill is in harmony with the comprehensive plan for improving and developing the waterways of the country framed by the Commission and approved by the President in his message of February 26 last."

Respectfully submitted.

THEODORE E. BURTON, Chairman.

W J MCGEE, Secretary.

UNITED STATES INLAND WATERWAYS COMMISSION,
Washington, D. C., April 21, 1908.

The COMMITTEE ON COMMERCE,
United States Senate:

In expressing the opinion of the Inland Waterways Commission concerning the Newlands bill (S. 500, 60th Cong., 1st sess.) yesterday the fact was inadvertently overlooked that Commissioner Alexander Mackenzie, brigadier-general, United States Army, Chief of Engineers, dissents from the views of the other Commissioners, both on general policy and on specific provision, his opinion being expressed in a minority report appended as a supplement to the preliminary report of the Commission submitted to the President on February 3 and transmitted to the Congress with the Executive approval on February 26.

Respectfully submitted.

THEODORE E. BURTON, Chairman.

W J MCGEE, Secretary.

The portion of the report of the Inland Waterways Commission (60th Cong., 1st sess., S. Doc. 325) referred to in the above letter of the Commission is as follows:

1. We recommend that the Congress be asked to authorize the coordination and proper development of existing public services connected with waterways; and we suggest that such enactment might provide that the President of the United States be authorized, with the advice and consent of the Senate, to appoint and organize a National Waterways Commission to bring into coordination the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service in so far as their work relates to inland waterways, and that he be authorized to make such details and require such duties from these branches of the public service in connection with navigable and source streams as are not inconsistent with law; the said Commission to continue the investigation of all questions relating to the development and improvement and utilization of the inland waterways of the country and the conservation of its natural resources related thereto, and to consider and coordinate therewith all matters of irrigation, swamp and overflow land reclamation, clarification, and purification of streams, prevention of soil waste, utilization of water power, preservation and extension of forests, regulation of flow and control of floods, transfer facilities and sites and the regulation and control thereof, and the relations between waterways and railways; and that the Commission be empowered to frame and recommend plans for developing the waterways and utilizing the waters, and as authorized by Congress to carry out the same, through established agencies when such are available, in cooperation with States, municipalities, communities, corporations, and individuals, in such manner as to secure an equitable distribution of costs and benefits.

The dissenting part of General Mackenzie's supplementary report is as follows:

5. I can not, however, agree with the recommendation for the establishment at this time of a permanent inland-waterways commission, vested with the authority indicated, in addition to or as a substitute for the existing Commission. Until this Commission shall have fully carried out the duties allotted to it and prepared a comprehensive plan for the improvement and control of the river systems of the United States, or at least until such work is more advanced and results more thoroughly considered, I believe a recommendation for so radical a departure in the methods of planning and executing the improvement of waterways as that proposed is at least premature.

6. Moreover, it is my belief that further investigation will demonstrate that when this Commission shall have completed its labors all necessary cooperation can be secured, and all work proposed for the permanent commission can be equally well provided for by the existing agencies of the Government, and that through such agencies, without the interposition of a permanent commission, improvement of waterways and attention to allied subjects will be more promptly accomplished. While fully appreciating the importance of having general principles and schemes considered and recommended by a commission, as is now being done and as will continue to be done, I have grave fear that the scheme of operations recommended in connection with the proposed permanent commission would be found to be impracticable.

A. MACKENZIE,
Brigadier-General, Chief of Engineers.

My individual supplementary report is as follows:

SUPPLEMENTARY REPORT OF COMMISSIONER SENATOR FRANCIS G. NEWLANDS.

I concur in the report of the Commission, but desire to emphasize my belief that it is of the highest importance that in dealing with subjects relating to the respective powers, rights, and interests of the nation, States, municipalities, corporations, and individuals, large powers and a comparatively free hand should be given to an administrative body of experts in the full development of projects, lest the complexity of the transactions, the time necessary to secure Congressional approval, and difference of view as to purpose or method, may result in indecision and delay, the worst enemies of effective development.

An ample fund should be provided, to be reinforced from time to time either by legislative appropriation or by bond issue, and the administrative board or commission should be given the power, not only to investigate projects, but also, when determined to be feasible, to enter, with the approval of the President, upon their immediate

execution; but the power should be limited so as to prevent such administrative body from entering into any contract unless there are sufficient unappropriated moneys in the fund to meet the cost thereof.

Unless some method of construction and development, insuring prompt decision and execution and continuous and consecutive work by a body of experts is adopted, I fear that the best of projects may be wrecked in the shoals and quicksands of legislation.

FRANCIS G. NEWLANDS.

The committee print of the bill, with the amendments suggested by Secretary Taft in italics, is as follows:

Be it enacted, etc., That a special fund shall be established in the Treasury, to be known as the inland waterway fund, to be used in the examination and survey for and the development of the navigable inland waterways of the United States for the purpose of regulating, improving, and protecting interstate and foreign commerce; and the sum of \$50,000,000 is hereby reserved, set aside, and appropriated as such fund.

SEC. 2. That the President of the United States is hereby authorized to cause to be made examinations and surveys for the development of the navigable inland waterways of the country, including the Great Lakes, the Mississippi River and its tributaries, the navigable rivers of the Gulf of Mexico and their tributaries, the navigable rivers of the Atlantic coast and their tributaries, the navigable rivers of the Pacific coast and their tributaries, and for the connection of such rivers with each other, wherever practicable and desirable, by connecting canals and by coastal canals, with a view to the promotion of transportation between such rivers by vessels of a standard draft; and to investigate all questions relating to the development and improvement of the inland waterways of the country, with a view to the promotion of interstate and foreign commerce; in connection therewith and in aid thereof to consider and coordinate the questions of irrigation, swamp-land reclamation, clarification of streams, utilization of water power, prevention of soil waste, protection of forests, regulation of flow, control of floods, transfer facilities and sites and the control thereof, for the better regulation and protection of interstate and foreign commerce, and such other questions regarding waterways as are related to the development of rivers, lakes, and canals for the purposes of commerce.

SEC. 3. That in order to enable the President to make such examinations, surveys, and investigations, and to construct the works provided for by this act, he is authorized to appoint an Inland Waterway Commission, to be composed of _____ members, and to bring in coordination therewith the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service related to waterways, and to appoint such experts and other persons and create such board or boards in connection therewith as the work may require, and to fix the salaries, in addition to any other compensation received from the United States, of all commissioners, experts, and other persons employed under this act until the same have been fixed by Congress, the official salary of any official appointed or employed under this act to be deducted from the amount of salary or compensation fixed under the terms of this act.

SEC. 4. That such Commission shall make to the President annually, and at such other periods as may be required either by law or by the order of the President, full and complete reports of all their acts and doings and of all the moneys received and expended in the construction of works and in the performance of their duties in connection therewith, which reports shall be by the President transmitted to Congress; and such Commission shall furthermore give to either House of Congress such information as may at any time be required either by act of Congress or by order of either House of Congress.

The President shall cause to be leased or otherwise provided for the use of the Commissioners and other employees under this act such offices in the District of Columbia and elsewhere as may, with the suitable equipment of the same, be necessary and proper in his discretion for the proper discharge of their duties.

SEC. 5. That if after such examination, survey, and estimate, such Commission shall determine that any project for the improvement or construction of an inland waterway or coastal waterway is practicable and desirable for the better regulation, protection, and development of interstate and foreign commerce, it may, with the approval of the President and through the appropriate service, construct or execute, or cause to be let, contracts for the construction or execution of the same, in such portions or sections as it may be practicable to construct and execute as parts of the whole project: *Provided*, That the necessary moneys therefor are available in the inland waterway fund.

SEC. 6. That such projects may include such collateral works for the irrigation of arid lands, for the reclamation of swamp lands, for the conservation or replacement of forests, for the clarification of streams, and for the utilization of water power as may be deemed advisable in aid of and in connection with the development of a channel for navigation or as aiding in a compensatory way in the diminution of the cost of such project.

SEC. 7. That such Commission is authorized, with the approval of the President, and under such regulations and conditions as he may prescribe for the protection and future interests of the Government and people of the United States, to enter into cooperation with States, municipalities, communities, corporations, and individuals in such collateral works, and to make arrangements for the proportionate payment of the cost thereof out of the inland waterway fund and by the States, municipalities, communities, corporations, and individuals benefited thereby, in such manner as to secure an equitable distribution of the costs and benefits: *Provided*, That the cost of such collateral works to be paid by the United States shall be paid, if practicable, out of funds provided therefor by Congress, but if sufficient provision therefor is not specially made by Congress, such Commission is authorized to pay for the same out of the inland waterway fund, but the total payments made on account of such collateral works from such inland waterway fund shall not exceed 10 per cent thereof, and provision shall be made, as far as practicable, for the reimbursement to such fund of such payments by the States, municipalities, communities, corporations, or individuals benefited thereby: *And provided also*, That the inland waterways developed shall remain free for all the uses of navigation.

SEC. 8. That such Commission shall make, with the approval of the President, rules and regulations governing the cooperation and compensation to the fund, wherever practicable, by the conveyance of reclamation rights, the lease of water power, and such other means as may be beneficial to the United States and the several States, municipalities, communities, corporations, and individuals entering into such cooperation.

SEC. 9. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the projects contemplated under this act among the several waterway systems of the country.

SEC. 10. That the President is authorized, whenever the inland waterway fund is reduced below \$20,000,000, to make up the deficiency in such fund by the issue and sale of bonds in such amount and for such time as he shall deem advisable, bearing interest at a rate not exceeding _____ per cent per annum; but the amount of bonds issued shall not at any time exceed the difference between the cash on hand in such fund and \$50,000,000.

The bill was then considered by the subcommittee, which inserted in addition to the amendments suggested by Secretary Taft certain amendments of its own, and then reported the same favorably to the full committee. The bill as reported by the subcommittee, with the amendments in italics, is as follows:

Be it enacted, etc., That a special fund shall be established in the Treasury, to be known as the inland waterway fund, to be used in the examination, survey, and development of the navigable inland waterways of the United States for the purpose of regulating, improving, and protecting interstate and foreign commerce; and the sum of ten million dollars is hereby reserved, set aside, and appropriated as such fund.

SEC. 2. That the President of the United States is hereby authorized to cause to be made examinations and surveys for the development of the navigable inland waterways of the United States, including the Great Lakes, the Mississippi River and its tributaries, the navigable rivers, bays, and sounds of the Gulf of Mexico and their tributaries, the navigable rivers, bays, and sounds of the Atlantic Coast and their tributaries, the navigable rivers, bays, and sounds of the Pacific coast and their tributaries, and for the connection of such rivers, lakes, bays, and sounds with each other, wherever practicable and desirable, by connecting canals and by coastal canals, with a view to the promotion of transportation between such waterways by vessels of a standard draft; and to investigate all questions relating to the development and improvement of the inland waterways of the United States, with a view to the promotion of interstate and foreign commerce; in connection therewith and in aid thereof to consider and coordinate the questions of irrigation, swamp-land reclamation, clarification of streams, utilization of water power, prevention of soil waste, protection of forests, regulation of flow, control of floods, transfer facilities, and sites and the control thereof, for the better regulation and protection of interstate and foreign commerce, and such other questions regarding waterways as are related to the development of rivers, lakes, and canals for the purposes of commerce and navigation.

SEC. 3. That in order to enable the President to make such examinations, surveys, and investigations, and to construct the works provided for by this act, he is authorized to appoint, by and with the consent of the Senate, an Inland Waterway Commission, to be composed of nine members, and to bring in coordination therewith the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service related to waterways, and to appoint such experts and other persons and create such board or boards in connection therewith as the work may require, and to fix the salaries, in addition to any other compensation received from the United States, of all commissioners, experts, and other persons employed under this act until the same have been fixed by Congress, the official salary of any official appointed or employed under this act to be deducted from the amount of salary or compensation fixed under the terms of this act. *The chief of the Corps of Engineers of the Army shall be a member of such Commission, and the President is authorized to detail military engineers to the service of the Commission whenever such detail shall be consistent with their military duties.*

SEC. 4. That such Commission shall make to the President annually, and at such other periods as may be required either by law or by the order of the President, full and complete reports of all their acts and doings and of all the moneys received and expended in the construction of works and in the performance of their duties in connection therewith, which reports shall be by the President transmitted to Congress; and such Commission shall furthermore give to either House of Congress such information as may at any time be required either by act of Congress or by order of either House of Congress.

The President shall cause to be leased or otherwise provided for the use of the commissioners and other employees under this act such offices in the District of Columbia and elsewhere as may, with the suitable equipment of the same, be necessary and proper in his discretion for the proper discharge of their duties.

SEC. 5. That if after such examination, survey, and estimate, such Commission shall determine that any project for the improvement or construction of an inland waterway or coastal waterway is practicable and desirable for the better regulation, protection, and development of interstate and foreign commerce, it may, when authorized by Congress, construct or execute, or cause to be let, contracts for the construction or execution of the same, in such portions or sections as it may be practicable to construct and execute as parts of the whole project: *Provided*, That the necessary moneys therefor are available in the inland waterway fund, or are otherwise appropriated by Congress.

SEC. 6. That such projects may include such collateral works for the irrigation of arid lands, for the reclamation of swamp lands, for the conservation or replacement of forests, for the clarification of streams, and for the utilization of water power as are in aid of navigation.

SEC. 7. That such Commission is authorized, with the approval of the President, and under such regulations and conditions as he may prescribe for the protection and future interests of the Government and people of the United States, to enter into cooperation with States, municipalities, communities, corporations, and individuals in such collateral works as will aid in improving the navigability of the rivers and other waterways of the United States, and to make arrangements for the proportionate payment of the cost thereof out of the inland waterway fund and by the States, municipalities, communities, corporations and individuals benefited thereby, in such manner as to secure an equitable distribution of the costs and benefits: *Provided*, That the cost of such collateral works to be paid by the United States shall be paid, if practicable, out of funds provided therefor by Congress, but if sufficient provision therefor is not specially made by Congress, such Commission is authorized to pay for the same out of the inland waterway fund, but the total payments made on account of such collateral works from such inland waterway fund shall not exceed 10 per cent thereof, and provision shall be made, as far as practicable, for the reimbursement to such fund of such payments by the States, municipi-

palties, communities, corporations, or individuals benefited thereby: And provided also, That the inland waterways developed shall remain free for all the uses of navigation.

Sec. 8. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the projects contemplated under this act among the several waterway systems of the United States.

Sec. 9. That the President is authorized, whenever the inland waterway fund is reduced below five million dollars, to make up the deficiency in such fund by the issue and sale of bonds bearing interest at a rate not exceeding 2 per cent per annum, payable semiannually and running for a period not exceeding thirty years.

This bill is now under consideration by the full committee.

Realizing, however, that there was not time for action at this session upon this bill, which presented a full and comprehensive plan, I introduced a lesser bill, Senate bill 7112, which simply provides for the continuance of the commission appointed by the President and for a small appropriation of \$20,000 for the expenses of the commission. That bill was amended by the Senate Committee on Commerce and reported favorably. The bill, with the amendments in italics, is as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint an Inland Waterways Commission of not exceeding nine Commissioners, and to organize the same for the investigation of all questions relating to the development and improvement and utilization of the waterways of the United States with a view to navigation and the promotion of commerce among the States.

Sec. 2. That such Commission shall make to the President annually, and at such other periods as may be required either by law or by order of the President, full and complete reports of all their acts and doings, which reports shall be by the President transmitted to the Congress.

Sec. 3. That the President shall cause to be provided for the use of such Commission and its employees under this act such offices in the District of Columbia and elsewhere and such equipment as may be necessary for the proper discharge of its duties.

Sec. 4. That to carry out the purposes of this act there is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, the sum of \$20,000, to be expended under the direction of the President, but no part of said appropriation shall be paid for salaries of Commissioners, except a salary of not more than \$3,000 per annum for the secretary of the Commission.

Before this bill could be acted upon by the Senate, the House passed a bill, H. R. 21899, and upon its reference to the Senate Committee on Commerce I moved its substitution for Senate bill 7112 and a favorable report, but the committee preferred to amend it by the substitution of Senate bill 7112, and thus amended reported it favorably to the Senate. As amended it reads as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an Inland Waterways Commission of not exceeding nine Commissioners, and to organize the same for the investigation of all questions relating to the development and improvement and utilization of the waterways of the United States with a view to navigation and the promotion of commerce among the States.

Sec. 2. That such Commission shall make to the President annually, and at such other periods as may be required either by law or by order of the President, full and complete reports of all their acts and doings, which reports shall be by the President transmitted to the Congress.

Sec. 3. That the President shall cause to be provided for the use of such Commission and its employees under this act such offices in the District of Columbia and elsewhere and such equipment as may be necessary for the proper discharge of its duties.

Sec. 4. That to carry out the purposes of this act there is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, the sum of \$20,000, to be expended under the direction of the President, but no part of said appropriation shall be paid for salaries of Commissioners, except a salary of not more than \$3,000 per annum for the secretary of the Commission.

Mr. ALDRICH. Mr. President, I think I shall have to ask for the regular order.

Mr. NEWLANDS. I will be through in a few moments. I shall ask to embody in my remarks extracts from the various documents to which I have referred. Now, I come to a statement regarding Senate bill 7112.

Mr. SCOTT. Will the Senator from Nevada yield to me to make a report from a conference committee?

Mr. HALE. I have the floor.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from West Virginia?

Mr. HALE. I yield to the Senator from West Virginia to make a conference report.

Mr. NEWLANDS. I will state to the Senator from West Virginia that I will be through in about three minutes, and it will be a great convenience to me if he will allow me to finish this statement, so that it may be consecutive.

Mr. SCOTT. Very well.

Mr. HALE. I will yield to the Senator from Nevada for a few moments, but I can not yield to anybody else, Mr. President.

Mr. NEWLANDS. The Senate committee substituted Senate bill 7112 for the one of the House, and that bill, therefore, simply provides not for the continuance of an existing commission, but for the appointment by the President of a commission of nine and for expenses not exceeding \$20,000.

Now, I wish to state to the Senate that at the very next session of Congress, which will be a short session, demands will be made upon Congress for the immediate authorization of pro-

jects of great importance, involving the expenditure of large sums of money; and it is of the highest importance that experts should frame a comprehensive plan for the execution of these projects. The President simply wishes this plan in order that, under his constitutional power, he may intelligently make a recommendation to Congress, and he asks information and aid in the discharge of that duty.

The President is a part of the law-making power through the power of recommendation and the power of veto, and that the Senate will certainly not deny to him the information which the Senate itself seeks through committees, experts, and other forms of procedure with reference to legislation which it proposes to enact. The mere purpose of this bill is to give the President the aid of the information of experts and to provide for moderate expenses, so that he can recommend to Congress a measure upon which Congress shall pass its judgment. I submit that this will vastly expedite the work of legislation in the future. The views of the President on this subject are given in his message to Congress (S. Doc. No. 325), dated February 26, 1908, transmitting to Congress the preliminary report of the Inland Waterways Commission.

The Commission was appointed to obtain information concerning our waterways as related to the general welfare. Much work was done, but more remains to be done before a plan for their development can be prepared in detail. We need additional information on the flow of our streams, the condition of channels, the amount of cost of water traffic, the requirements for terminals, the area in each watershed which should be kept under forest, and the means of preventing soil waste and the consequent damage to our rivers. But it is neither necessary nor desirable to postpone the beginning of the work until all the facts are obtained. We have suffered heavily in the past from the lack of adequate transportation facilities, and unless a beginning is made promptly we shall suffer still more heavily in the future.

Being without funds or an expert staff, the Commission has confined itself to principles affecting the whole problem and the entire country. Its report is a plea, in the light of actual facts, for simplicity and directness in dealing with the great problem of our inland waterways in the interest of the people. It submits no specific plans or recommendations concerning even the most important projects. The first of these of course concerns the Mississippi and its tributaries, whose commercial development will directly affect half our people. The Mississippi should be made a loop of the sea and work upon it should be begun at the earliest possible moment. Only less important is the Atlantic inner passage, parts of which are already under way. The inner passages along the Gulf coast should be extended and connected with the Atlantic waters. The need for the developing of the Pacific coast rivers is not less pressing. Our people are united in support of the immediate adoption of a progressive policy of inland waterway development.

Hitherto our national policy of inland waterway development has been largely negative. No single agency has been responsible under the Congress for making the best use of our rivers, or for exercising foresight in their development. In the absence of a comprehensive plan, the only safe policy was one of repression and procrastination. Frequent changes of plan and piecemeal execution of projects have still further hampered improvement. A channel is no deeper than its shallowest reach, and to improve a river short of the point of effective navigability is a sheer waste of all its costs. In spite of large appropriations for their improvement, our rivers are less serviceable for interstate commerce to-day than they were half a century ago, and in spite of the vast increase in our population and commerce they are, on the whole, less used.

The first condition of successful development of our waterways is a definite and progressive policy. The second is a concrete general plan, prepared by the best experts available, covering every use to which our streams can be put. We shall not succeed until the responsibility for administering the policy and executing and extending the plan is definitely laid on one man or group of men who can be held accountable. Every portion of the general plan should consider and so far as practicable secure to the people the use of water for power, irrigation, and domestic supply as well as for navigation. No project should be begun until the funds necessary to complete it promptly are provided, and no plan once under way should be changed except for grave reasons. Work once begun should be prosecuted steadily and vigorously to completion. We must make sure that projects are not undertaken except for sound business reasons, and that the best modern business methods are applied in executing them. The decision to undertake any project should rest on actual need ascertained by investigation and judgment of experts and on its relation to great river systems or to the general plan, and never on mere clamor.

With this statement I give notice that at the earliest practicable moment I will renew my motion for the present consideration of House bill No. 21899, with a view to bridging over the period between the present and the next session, and securing information necessary to legislation. At the next session I shall press the consideration by the full Committee on Commerce of Senate bill 500, in the hope that it will be accepted as a full and comprehensive measure for the active and efficient prosecution of the development and improvement of our waterways.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. HALE. I can not yield to any other Senator except for a conference report.

Mr. SCOTT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from West Virginia?

Mr. HALE. I yield to the Senator from West Virginia.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21897) to increase the cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, 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, 9, 18, 31, 41, 50, 55, 57, 58, 67, 78, 79, 81, 84, 92, 109, 111, 112, 125, 127, 136, 138, 169, 173, 174, 176, 183, 184, 197, 198, 199, 200, and 203.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 7, 11, 12, 14, 15, 16, 17, 22, 23, 24, 26, 30, 32, 35, 37, 38, 39, 40, 42, 43, 45, 46, 47, 49, 51, 52, 53, 59, 61, 62, 63, 64, 65, 70, 72, 73, 76, 77, 80, 88, 89, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 106, 110, 116, 118, 120, 121, 126, 128, 130, 131, 132, 133, 134, 135, 137, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 170, 171, 172, 177, 178, 179, 194, 201, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Colorado Springs, Colo., fifteen thousand dollars, said increase to be employed in substituting granite for sandstone;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, so that same shall read as follows: "Provided, That not to exceed six thousand two hundred and fifty dollars may be available for the acquisition of additional ground;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Portland, Me., ninety thousand dollars: *Provided*, That not to exceed twenty thousand dollars may be available for the acquisition of additional ground;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment to read as follows:

"United States post-office and court-house at Duluth, Minn., \$95,000, for additional ground: *Provided*, That if at any time should any portion of the ground now owned or hereafter to be acquired by the Government be used for street, park, or other purposes by the city of Duluth, the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell to said city any part of such ground, on such terms as he may deem to be for the best interests of the United States, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided further*, That in no case shall any portion of the ground now owned or hereafter to be acquired by the Government be sold for less than its fair market value."

(On page 7 of the bill strike out lines 1, 2, and 3, and on page 42 insert the above section after line 2.)

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Cleveland, Ohio, \$775,000."

Also, on page 9 of the bill, in line 4, strike out the word "eighty" and insert in lieu thereof the words "one hundred."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Toledo, Ohio, \$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Charleroi, Pa., \$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Salt Lake City, Utah, \$175,000: *Provided*, That not to exceed \$40,000 may be available

for the acquisition of additional ground;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, so that same shall read as follows: "*Provided*, That of the amount heretofore authorized so much as may be necessary shall be available for the acquisition of a suitable site;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Grafton, W. Va., \$15,000, in addition to \$10,000 heretofore authorized."

(On page 11 of the bill strike out line 25; on page 12 strike out lines 1 to 9, both inclusive, and insert the above section on page 49 of the bill, after line 4.)

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office and court-house at Wheeling, W. Va., twenty thousand dollars: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell the old post-office, court-house, and custom-house building, and the site thereof, situate at the corner of Market and Sixteenth streets, in the city of Wheeling, and State of West Virginia, at public or private sale after proper advertisement, at such time and on such terms as he may deem to be to the best interests of the United States, and to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That said building and site shall not be sold for any sum less than one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Wilmington, Del., one hundred and twenty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Augusta, Ga., two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office and court-house at Quincy, Ill., one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Hoboken, N. J., sixty thousand dollars: *Provided*, That not to exceed twenty thousand dollars may be available for the acquisition of additional ground;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office and court-house at Danville, Va., sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Peru, Ind., seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Shenandoah, Iowa, \$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Missoula, Mont., \$115,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Jonesboro, Ark., \$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with

an amendment, so that the same shall read as follows: "United States post-office at Riverside, Cal., \$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Bristol, Conn., ninety thousand dollars, of which amount not to exceed thirty thousand dollars may be available for the acquisition of a suitable site: *Provided*, That the requirement herein contained that all sites selected under the provisions of this act shall be bounded on at least two sides by streets shall not be applicable to the acquisition of a site at Bristol;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agreed to the same with an amendment, so that same shall read as follows: "United States post-office, court-house, and custom-house at Miami, Fla., one hundred and seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Independence, Kans., seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Parsons, Kans., seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Maryville, Mo., fifty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Goldfield, Nev., seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Plainfield, N. J., one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Roswell, N. Mex., one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Wilson, N. C., sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, so that same shall read as follows.

"That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States courts, and other governmental offices at Muskogee, Okla., fifty thousand dollars: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding two hundred thousand dollars.

"The Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed fifty thousand dollars may be expended during the fiscal year ending June thirtieth, nineteen hundred and nine."

On page 32 of the bill strike out all of lines 3 and 4 and insert the section on page 63, after line 25.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Big Stone Gap, Va., one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and custom-house at Everett, Wash., one hundred and thirty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Walla Walla, Wash., one hundred and forty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, so that same shall read as follows: "*Provided*, That of this amount so much as may be necessary shall be available for the acquisition of a suitable site;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, so that same shall read as follows: "The United States post-office at Rock Springs, Wyo., \$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Greeley, Colo., \$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, so that the same shall read as follows: "United States post-office at Live Oak, Fla., seven thousand five hundred dollars.

"United States post-office at Lewes, Del., \$5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, so that same shall read as follows: "United States post-office and court-house at Augusta, Ga., \$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Cartersville, Ga., \$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Chicago, Ill., \$1,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Abilene, Kans., \$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Bardstovon, Ky., ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment so that the same shall read as follows: "United States post-office at Cynthia, Ky., ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment so that the same shall read as follows: "United States post-office at Aurora, Mo., \$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment so that the same shall read as follows: "United States post-office at Bellaire, Ohio, \$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, so that same shall read as follows: "United States post-office at Brookings, S. Dak., \$7,500;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 175, and agree to the same with an amendment, so that same shall read as follows:

"Sec. 12. That the provision contained in the act approved June 30, 1906, authorizing and directing the Secretary of the

Treasury to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary for the enlargement of the present site and to enter into contracts for the enlargement, extension, remodeling, or improvement of the United States subtreasury building at San Francisco, Cal., at a limit of cost of \$375,000, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, a suitable new site for, or to enlarge the present site of, the United States subtreasury at San Francisco, Cal., at a cost not to exceed the said sum of \$375,000."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment, so that same shall read as follows: "Provided, That such plans and estimates be prepared under the direction of the Secretary of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, so that same shall read as follows:

"Sec. 16. That a commission consisting of the Assistant Secretary of War, the general commanding the militia of the District of Columbia, the officer in charge of public buildings and grounds at Washington, D. C., and the superintendent of the United States Capitol building and grounds, be, and is hereby, created, which shall cause plans and estimates to be prepared for a suitable armory for the National Guard of the District of Columbia, and report the estimated cost thereof to the Congress: *Provided*, That such plans and estimates be prepared under the supervision of the Secretary of the Treasury.

"And for the expense of said commission a sum not to exceed \$2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of said commission."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 182, and agree to the same with an amendment as follows: Strike out "16" and insert "17;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 185, and agree to the same with an amendment as follows: Strike out "17" and insert "18;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment, so that the same shall read as follows: "\$250,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 187, and agree to the same with an amendment as follows: Strike out "18" and insert "19;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 188, and agree to the same with an amendment as follows: Strike out "19" and insert "20;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 189, and agree to the same with an amendment as follows: Strike out "20" and insert "21;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 190, and agree to the same with an amendment as follows: Strike out "21" and insert "22;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 191, and agree to the same with an amendment as follows: Strike out "22" and insert "23;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, so that same shall read as follows: "\$300,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 193, and agree to the same with an amendment as follows: Strike out "23" and insert "24;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 195, and agree to the same with an amendment as follows: Strike out "24" and insert "25;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 196, and agree to the same with an amendment as follows: Strike out "25" and insert "26;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: On page 82, in line 16, strike out the number "thirty-one" and insert in lieu thereof the number "27;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, so that same shall read as follows:

"Sec. 28. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, for the use and accommodation of the United States Departments of State, Justice, and Commerce and Labor the whole of squares numbered 226, 227, 228, 229, and 230, in the city of Washington, D. C., and the sum of \$2,500,000, or so much thereof as may be necessary to pay for the land so acquired, is hereby authorized. That part of C street, Ohio avenue, D street, and E street, lying between the squares named herein, is hereby made a part of the site authorized by this act. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 26, chap. 837)."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: On page 84 of the bill, in line 15, after the word "million," strike out the word "eight" and insert in lieu thereof the word "six," so that said section shall read as follows:

"Sec. 29. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of the United States post-office, United States courts, and other governmental offices at Denver, Colo., \$50,000; *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$1,600,000.

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purposes, to be designated by said Department, within the ultimate limit of cost above mentioned: *Provided*, That of the amount fixed as the ultimate limit of cost not to exceed \$50,000 may be expended during the fiscal year ending June thirtieth, nineteen hundred and nine."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment, so that same shall read as follows:

"Sec. 30. That the sum of ten thousand dollars be, and the same is hereby, authorized, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, to aid in the erection and completion of memorial structure at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774: *Provided*, That no part of said appropriation shall be expended until the site and plans for said monument or memorial shall be approved by the Secretary of War and the grounds on which said monument or memorial is to be located shall be dedicated to the use of the public and provision is made for opening and maintaining an open highway thereto."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 207, and agree to the same with an amendment as follows: Strike out the number "36," in line 14 on page 85, and insert in lieu thereof the number "31;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 208, and agree to the same with an amendment as follows: Strike out number "37," on page 85, in line 21, and insert in lieu thereof the number "32;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 209, and agree to the same with an amendment as follows: On page 86, in line 6, strike out the number "38" and insert in lieu thereof the number "33;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 210, and agree to the same with an amendment as follows: On page 86, in line 22, strike out the number "39" and insert in lieu thereof the number "34;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 211, and agree to the same with an amendment as follows: On page 87, in line 15, strike out the number "40" and insert in lieu thereof the number "35;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 212, and agree to the same with an amendment as follows: On page 87, in line 24, strike out the number "41" and insert in lieu thereof the number "36;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 213, and agree to the same with an amendment as follows: On page 88, in line 1, strike out the number "42" and insert in lieu thereof the number "37;" and the House agree to the same.

N. B. SCOTT,
F. E. WARREN,
C. A. CULBERSON,

Managers on the part of the Senate.

RICHARD BARTHOLDT,
E. C. BURLEIGH,
W. G. BRANTLEY,

Managers on the part of the House.

Mr. SCOTT. Mr. President, your committee desires to state, in reporting this bill, that it has had before it 213 amendments. On these the Senate has receded on 33, the House on 105. The remaining amendments are verbal.

The bill has been cut materially on the larger items. The parks for the District of Columbia were stricken out and the saving of over a million dollars was made. The needs of the General Government in the District of Columbia, however, were looked after, first, by the authorization of the purchase of a site for the Departments of State, Justice, and Commerce and Labor. The District of Columbia was given an addition to the District court of appeals and the authorization for a commission to prepare plans for a District armory, leaving out, however, any provision looking toward the securing of a site. The item to purchase an embassy in Paris was also stricken out.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

ORDER OF BUSINESS FOR EVENING SESSION.

Mr. HALE. I ask that the agreement made in executive session be ratified in legislative session.

The VICE-PRESIDENT. The request for unanimous consent submitted by the Senator from Maine will be read to the Senate.

The Secretary read as follows:

That the Senate take a recess until 8 o'clock this evening, no business to be transacted during the evening session excepting the consideration of conference reports, questions in disagreement between the two Houses, and the consideration of such measures as may be unobjectioned to.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and that order is made.

HOUR OF MEETING ON MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet at 10 o'clock a. m. on Monday next.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 23) to provide for the remission of a portion of the Chinese indemnity, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

H. R. 15641. An act for the removal of restrictions from part

of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

H. R. 22009. An act authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes.

CHINESE INDEMNITY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 23) to provide for the remission of a portion of the Chinese indemnity, which were, on page 1, line 13, to strike out "eleven" and insert "thirteen;" and on page 2, line 7, after "just," to insert:

Provided, That within one year from the passage of this resolution any person whose claim upon the Chinese indemnity, 1900, was presented to the United States commissioners or to the Department of State and disallowed in whole or in part may present the same by petition to the Court of Claims, which court is hereby invested with jurisdiction to hear and adjudicate such claim, without appeal, and to render such judgments de novo, or in addition to any allowance or allowances heretofore made, as in each case shall be fully and substantially compensatory for actual losses and expenses of the claimant caused by the anti-foreign disturbances in China during the year 1900, excluding merely speculative claims or elements of damage: *And provided also*, That the sum of \$2,000,000 be reserved from the Chinese indemnity, 1900, for the payment of such judgments, the same to be paid by the Treasurer of the United States as and when they shall be certified to the Secretary of the Treasury by the said court, and any balance remaining after all such claims have been adjudicated and paid shall be returned to the Chinese Government in such manner as the Secretary of State shall decide, and the Secretary of the Treasury is hereby authorized and directed to so return the same: *And provided further*, That all evidence furnished by the claimants, and statements made by them to the said commissioners or to the Department of State, shall be transmitted by the said Department to the said Court of Claims and considered together with such other additional testimony as may be presented by either side, and the Government of the United States shall defend the said claims in the said court by such attorney or attorneys as may be designated for such service by the Attorney-General of the United States: *Provided further*, That in no case shall the Court of Claims award a principal sum to any claimant which, together with the principal sums said claimant may have already received by decision of the United States commissioners and the Department of State, shall exceed the amount originally claimed by said claimant.

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

The motion was agreed to.

RECESS.

Mr. HALE. Now, Mr. President, I move that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to, and (at 5 o'clock and 23 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at the expiration of the recess, at 8 o'clock p. m.

PUNISHMENT OF EXTORTION.

Mr. CLARK of Wyoming. Mr. President, I wish to make a parliamentary inquiry. I wish to ask if, under the agreement had this afternoon, unobjectioned bills on the Calendar can be called up?

The VICE-PRESIDENT. They are in order under the unanimous-consent agreement.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (S. 4062) to amend section 5481 of the Revised Statutes of the United States.

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

The Secretary read the bill, as follows:

Be it enacted, etc., That section 5481 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"Sec. 5481. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who is guilty of extortion under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, and every person who shall attempt any act which if performed would make him guilty of such extortion shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both such fine and imprisonment, except those officers or agents of the United States otherwise differently and specially provided for in the subsequent sections of this chapter."

Mr. BACON. I desire to ask the Senator from Wyoming a question. The Senate has passed a bill by which there has been an entire revision of the penal code. There is a section in that revision upon the same subject as that provided for in this bill. I desire to know of the Senator from Wyoming whether this bill conforms to the corresponding provision of the bill which the Senate has already passed.

Mr. CLARK of Wyoming. I have no definite knowledge as to the exact provisions of that bill. I can give to the Senator the exact change that this bill proposes to make in the present law.

Mr. BACON. That is not the point. The Senate, after very long and tedious consideration, passed on this very question

and enacted a bill, which they sent to the other House. It is true that it also relates to a great many other penal statutes. I do not think we ought to pass a law on that subject unless we know whether it conforms to the general bill which we have already passed. Unless the Senator is prepared to say that he has compared it with the corresponding provision in the bill already passed I shall object to the present consideration of this bill.

Mr. CLARK of Wyoming. I am unable to state; but I do not think we should have to wait for any needed amendments in the criminal law until the criminal code which was passed here shall become a law. I am unable to say whether the proposed legislation is identical with the provision of that bill or not.

Mr. BACON. I see in the Chamber one of the members of the Committee on the Revision of the Laws, who was present during all of the consideration by the Senate of the penal code, the Senator from Utah [Mr. SUTHERLAND], and he can probably give me the desired information.

Mr. SCOTT. Mr. President, I desire to submit a conference report on the Military Academy appropriation bill.

Mr. BACON. I will ask the Senator from Wyoming to let the bill go over for a little while until I can confer with the Senator from Utah.

Mr. CLARK of Wyoming. Certainly.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes, 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 1, 3, 8, 20, 21, 37, 61, 65, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 10, 11, 12, 14, 15, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 50, 53, 54, 55, 57, 58, 60, 64, 68, and 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert only the second proviso, to read as follows:

"Provided, That hereafter cadets shall be entitled to rations, or commutation therefor, as hitherto allowed under the act approved June twenty-eighth, nineteen hundred and two, entitled 'An act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"The Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as instructor of military hygiene."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"For pay of one instructor of English and history, to be selected and appointed by the Secretary of War, three thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the words proposed to be stricken out in said amendment insert, after the word "adjutant," in the line in which said amendment appears, the words "who shall not be above the rank of captain," followed by a comma, and retain the words "of his grade," inserted in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "thirty-three thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "eighty-three thousand nine hundred and ninety-six dollars and eighty-seven cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "eighteen thousand six hundred and sixteen dollars and eighty-seven cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"Provided, That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, who shall annually visit the Military Academy on such date during the session of Congress or not more than thirty days prior thereto, as may be fixed by the chairmen of the said committees; and the Superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees, acting jointly, at least fifteen days before the meeting. The expenses of the members of the Board shall be their actual expenses while engaged upon their duties as members of said Board, and their actual expenses for travel by the shortest mail routes: *Provided further*, That so much of sections thirteen hundred and twenty-seven, thirteen hundred and twenty-eight, and thirteen hundred and twenty-nine, Revised Statutes of the United States, as is inconsistent with the provisions of this act is hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"For the expenses of the members of the Board of Visitors, two thousand dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

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 stated in said amendment insert "seventeen thousand three hundred and sixty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Divide the sum, \$12,000, into two parts—\$8,400 for policing of barracks and bath houses, and \$3,600 for supplying light and plain furniture to cadet barracks, so that the paragraph in which the amendment occurs will read as follows:

"For the policing of barracks and bath houses, eight thousand four hundred dollars; and for supplying light and plain furniture to cadet barracks, three thousand six hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "fifty-two thousand nine hundred and thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the amount stated in said amendment insert "seven hundred and eighty-eight thousand nine hundred and fourteen dollars and eighty-seven cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "to continue" and insert the word "for;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of "fifty-seven" insert "fifty-six;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "seven" and insert "four."

And in the same line, after the word "designated," insert "one for each class," preceded and followed by a comma; and the Senate agree to the same.

N. B. SCOTT,
J. A. HEMENWAY,
J. B. FRAZIER,
Managers on the part of the Senate.

RICHARD WAYNE PARKER,
A. B. CAPRON,

I agree to the above report except as to the Senate amendment 69, that provides for the appointment of Philippine cadets at the United States Military Academy.

JAMES L. SLAYDEN,
Managers on the part of the House.

STATEMENT.

The managers on the part of the Senate, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes, submit the following table of figures to show the effect, in amount, of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amount of bill as reported to Senate.....	\$914,967.37
Deducted during consideration of bill by Senate....	100.00
Amount of bill as it passed Senate.....	914,867.37
Amounts dropped in conference:	
Permanent establishment.....	\$60,000.00
Extra pay of officers on detached service.....	1,000.00
Pay of enlisted men.....	732.50
Current and ordinary expenses.....	1,500.00
Miscellaneous items and incidental expenses.....	5,000.00
Buildings and grounds.....	1,000.00
	69,232.50

Amount of bill as reported by conferees..... \$45,634.87

N. B. SCOTT,
J. A. HEMENWAY,
J. B. FRAZIER,
Managers on the part of the Senate.

Mr. HALE. I ask that the names of the conferees be read. The Secretary read as follows:

N. B. SCOTT,
J. A. HEMENWAY,
J. B. FRAZIER,
Managers on the part of the Senate.
RICHARD WAYNE PARKER,
A. B. CAPRON,

I agree to the above report except as to the Senate amendment 69, that provides for the appointment of Philippine cadets at the United States Military Academy.

JAMES L. SLAYDEN,
Managers on the part of the House.

Mr. HALE. That shows the importance of reading the whole report and the names of the conferees. The clerks frequently do not do that.

The VICE-PRESIDENT. The question is on agreeing to the report.

Mr. BEVERIDGE. Before it is agreed to I should like to ask the Senator in charge of the bill to explain to the Senate more fully the discrepancy in the agreement of the conferees. I myself do not understand it, and I do not think many Senators do.

Mr. SCOTT. What discrepancy does the Senator refer to?

Mr. BEVERIDGE. When the Senator from Maine asked that the names of all the conferees be read, it appeared that one of the conferees signed it, but signed it with a reservation. I did not myself understand it, and I should like to know about it.

Mr. SCOTT. That is in reference to the appointment of Filipinos to the Military Academy. The original amendment of the Senate provided for seven and the House conferees finally agreed to four, but the gentleman who signed separately, I understand, put on that note, not agreeing even to the appointment of four. But I have not seen him since he made that reservation, and so I am only making this statement from what I have understood.

Mr. WARREN rose.

Mr. SCOTT. The Senator from Wyoming can probably make a fuller statement.

Mr. WARREN. I will state to my colleague on the committee that the first proposition was not for Filipino cadets as such, but for Filipino students who upon graduation were to contract for service a certain number of years. So the word "cadet" used by Mr. SLAYDEN in his note is not quite like the report itself. The conference report itself provides that there shall be one Filipino in each class for the next four classes, who enters as a student and contracts at the end of his time for four or eight years' service, as the case may be, to serve with the Philippine Scouts.

Mr. HALE. I do not understand that the reservation in any way affects the strength of the report.

Mr. WARREN. Not at all.

Mr. HALE. Even if it was opposed to the report, two of the conferees on the part of the House have signed it, and the conferees on the part of the Senate having signed it makes it a complete report.

But it is a motion that when conference reports are offered here they should be read to the Senate, and the names of the conferees should be read, and if any reservation has been made the Senate should know what it is, important or otherwise. I hope that hereafter the clerks in reading the reports, instead of saying "signed by the conferees," so and so, will read the names of the conferees and any reservations that are made in the report. Before this I have called the attention of the clerks to it, but I have never been able to convince them of the importance of reading the full report and the names of the conferees and every suggestion made by them.

Mr. BEVERIDGE. Mr. President, I shall object to the further consideration of the report to-day.

Mr. HALE. I hope the Senator from West Virginia will move to proceed to the consideration of the report.

Mr. BEVERIDGE. I understand that an objection carries it over.

Mr. HALE. Not a conference report.

The VICE-PRESIDENT. Under the unanimous consent agreement, the motion of the Senator from West Virginia is in order.

Mr. BEVERIDGE. What is the ruling of the Chair?

The VICE-PRESIDENT. The motion is in order.

Mr. BEVERIDGE. Then we can discuss it.

Mr. HALE. The report of a conference committee is privileged, and if objection is made to its consideration a Senator may move that the Senate consider it.

Mr. BEVERIDGE. And it is subject to debate.

The VICE-PRESIDENT. There is no doubt about the practice. That is correct.

Mr. SCOTT. I move that the Senate proceed to the consideration of the report.

The motion was agreed to.

Mr. SCOTT. I ask that the report be adopted.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE. Mr. President, to be frank about it, I had no objection to the conference report going through, except that we should consider also other business here before adjournment. It is nothing in which I or any member of my committee is personally interested, but a bill was brought up here this afternoon and read. I was called away, as was kindly explained by the Senator from Maine, and it was the understanding of everybody, I thought, after having conferred with as many Senators as possible, that the bill would go through.

That legislation is needed by the Territories. Most of the provisions that are included in this omnibus bill had already passed the Senate. There are two provisions that are included in it that had not passed the Senate, but should have been properly considered by another committee of the Senate. The reason why they were all included in the omnibus bill was owing to the state of business existing in another place. They were all included in one bill in order that it might not be necessary to have a separate vote taken on each.

If provisions of this bill have not properly come to this committee in the Senate, it was the intention of the committee, and the report was so prepared, to refer them to the appropriate committee first, which was the Committee on Pacific Islands and Porto Rico. The chairman of that committee was ill, therefore in order to get this needed legislation in the Territories, including court-houses in some places where they have very poor buildings, and other urgent legislation, it was reported to the Senate after the Senators upon that committee who were in the Chamber had been consulted concerning the provisions that related to Hawaii, about which the committee of

which I have the honor of being chairman knew nothing. After those Senators had considered it they all approved of the measure.

So here is a measure which passed the House embracing many bills which have passed the Senate and which have been carefully considered by the committee, and, except the provisions named, reasonably and carefully considered by our committee.

This measure I have attempted now faithfully to have considered. I called a meeting of my committee immediately that the bill came to us, so that we could expedite business and get it in the Senate for passage. It was gotten up this afternoon, and it was the understanding that it would be passed. I think it was the understanding of the Senator from Maine [Mr. HALE] and every Senator who had, when I attempted to get it up before, raised objection and to whom I had explained that this measure should pass.

It is not a matter in which any member of my committee is in the least interested except as we are interested in measures that come before our committee. When a piece of necessary legislation like this is brought up, which no person can possibly have any interest in delaying, was delayed, it strikes me that we ought to pause a little in our rapid progress of the public business, of which I do not complain, until we can consider and pass it.

I call the attention of the Senate to the fact that if we are going to adjourn soon this bill must be gotten into conference, because the Senate committee have made certain necessary amendments. That is the state of affairs at the present time.

Mr. HALE. Mr. President, I hope the Senator from Indiana is not possessed with the idea that we did not attempt to pass the bill after he had been called away from the Senate. The Senator can not now know everything that happened in the Senate, because he will not see the report in the RECORD until to-morrow morning. The Senator desired to leave the Chamber for good and sufficient reasons and he made an appeal to other Senators about him to help pass the bill. I for one said freely, if the Senator goes, as it was entirely proper he should, we will pass his bill. It may be that the assurance was too plenary and carried too much authority. Other Senators immediately in the neighborhood of the Senator from Indiana said the same thing, that we would endeavor to pass the bill. When its consideration was continued, objection arose in many quarters of one kind and another. At last I stated that if any Senator objected to the consideration of the bill on his own responsibility and knowledge, that that would end it, as of course it would have done if the Senator had been here.

Mr. BEVERIDGE. Yes; certainly.

Mr. HALE. I do not know that the Senator makes an intimation that the statement we made, that we would pass his bill if we could, was not carried out in good faith. I do not think if the Senator himself had been here that any result different from what was reached could have been reached.

Mr. BEVERIDGE. Not the least.

Mr. HALE. I knew nothing about the bill; but as it came to be considered objections, one after another, arose from Senators, old Senators, and we were obliged for the time being to give the bill the go-by. We did all we could to pass the bill. I do not object to the Senator calling it up now; but I do not want him to feel that we did not carry out to the best of our ability any intimation made that we would try to pass his bill.

Mr. BEVERIDGE. Mr. President, I have no doubt in the world that everything the Senator from Maine has stated is true, and I wish to state that he is entirely correct in saying that there should not be any imputation whatever upon him, or any Senator who has objected. I had seen every Senator who had objected when I attempted to bring the bill up before.

There is just one thing I wish to say, and that is that the Senator must not refer to the bill as "my bill." It is an omnibus bill. I am not the author of any one of the bills it embraces. It came to the committee, of which I am chairman, in the usual course. I think it has been the case pretty generally that bills coming to the Territories Committee have been pretty promptly taken up and acted upon and an earnest effort made to pass such as were proper and necessary pieces of legislation.

There are other bills which that committee has just as thoroughly considered and refused to report until it could have further investigation. There is before us now a bill of that character which we were urged to pass as we passed the rest of these bills.

Mr. President, my object in making the objection, which I did not for a moment mean to follow up unless it became necessary, has been accomplished, and that is this: I see very

clearly that there is no disposition to delay this bill at all, and at a later hour, or on Monday morning, when it suits the convenience of the Senate, I shall again move that we proceed to the consideration of that measure.

Mr. KEAN. Why not do it now, I will ask the Senator?

Mr. BEVERIDGE. I am not able to do it now, because data are asked for, and I am looking them up so as to find out just what is asked for. I want to find out just what the points are that are asked about. I have not them now. I am sending down to my office, so that I can ascertain, so far as I can, how to answer any reasonable questions that may be asked. I do not desire now that those questions, I will say to the Senator from Montana, shall be put until I move to take up the bill, as I now see the disposition of the Senate is to pass this necessary measure. No person can have, I think, any substantial objection to it. There may be some defects in it; and if there are, I shall accept amendments to the bill on the floor. I shall later on this evening, or on Monday morning, as may best suit the convenience of the Senate, move to proceed to the consideration of the bill. The object, as I say, has been accomplished by calling attention to the fact at this point.

Mr. CARTER. Mr. President, I understand the Senator from Wyoming [Mr. CLARK] has the floor. I will ask if he will yield to me for a statement?

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

Mr. CLARK of Wyoming. I do.

Mr. CARTER. Mr. President, the bill under consideration prior to the recess, to which the Senator referred, was not treated in any light manner, so far as any Senator present is concerned. Within the bill was found, on page 11, a section repealing section 1955 of the Revised Statutes; and also repealing the proviso of an act providing a civil government for Alaska approved in 1884. It occurred to me, upon the reading of the bill, that prudence required that we ascertain what we were repealing. I found upon close investigation that the proviso in the act of 1884 prohibited the importation of liquors into Alaska. The repealing of that proviso, in view of the provisions of the bill then pending, appeared to be entirely proper; but, upon reference to section 1955 of the Revised Statutes, expressly repealed by the bill pending, I found that that section related to two subjects.

In one part of the section authority is given to the President of the United States to prohibit—and therefore, of course, to regulate—the importation of firearms into the district of Alaska. Another portion of the section relates to the prohibition of the importation of liquors into Alaska.

Under the provisions of the bill we were called upon to vote for or against, the repeal of that portion of section 1955 prohibiting the importation of liquor seemed appropriate, because the bill provided a local-option law for Alaska. But I did desire to know why it was that in an Indian country the President of the United States was deprived, or was to be deprived, of an ancient, wholesome, and proper statutory provision authorizing him to prohibit the importation of firearms into the Indian country. Now, it may be, Mr. President—

Mr. BEVERIDGE. May I ask the Senator right there what is the language of the law the Senator read? Does the language of that statute authorize the President to prohibit the introduction of firearms?

Mr. CARTER. Section 1955, which the pending bill repeals, in the first line says:

The President shall have power to restrict and regulate or to prohibit the importation and use of firearms, ammunition, and distilled spirits into and within the Territory of Alaska.

They are pretty closely combined, it will be observed. Now, I have no doubt that the portion of section 1955 of the Revised Statutes which authorizes the President to prohibit or regulate the introduction of firearms into Alaska should remain in the law, and the Senator will agree with that, I think.

Mr. BEVERIDGE. Mr. President, in view of the fact that my understanding is—and if it is wrong, the Senator can correct me—that the President never exercises that authority at all, that it was done solely when Alaska was an Indian country, and so it is now obsolete and archaic. It has no application to the country that is now well filled up, considering its character and its distance, with citizens from the Senator's State and from the States of every other Senator upon this floor, and as the nature and character of the population has totally changed, I think the Senator will see why no harm can be done and why it is more in consonance with the American ideas that that ancient section of the Revised Statutes—the power under which has, as I understand, never or but rarely been exercised—should be repealed.

That is a part, as the Senator must have observed as he listened to the reading of the bill, of rather a comprehensive act concerning Alaska and its government, affecting not only liquor licenses, where the licenses are put very heavily on road houses, but the whole government of the Territory; all of which, I will say to the Senator, was very earnestly, urgently, and insistently recommended by the present excellent governor of Alaska.

Those are sufficient reasons; and if the Senator, I will say, in order to get this necessary legislation into conference, is not pleased with it and wants to offer an amendment, I think the committee will accept his amendment. It seemed to us to be very wise. Would the Senator say for his State, were it still a Territory, that he would like to have a law upon the statute books of this country authorizing the President to prohibit the introduction of firearms into Montana because there were some Indians there?

Mr. CARTER. Mr. President, I observe that the Senator has given consideration to the subject of the prohibition of firearms amongst the Indians of Alaska. I supposed that this section was, in so far as the introduction of firearms and the regulation of that introduction into the district of Alaska might be concerned, an oversight. If, on the other hand, the Senator has given the matter serious consideration, and with his committee has reached the deliberate conclusion that it is wise and prudent to permit the use of firearms within the Indian country in Alaska without restraint, I have nothing whatever to say about it. I shall offer no amendment on that subject. I will leave that to the committee, which has considered the matter very fully, no doubt. I think, however, it would be well to amend the bill in that particular, because nothing in the measure indicates that any part or portion of the bill requires that that wholesome and necessary provision of law should be repealed in order that the bill may operate without any difficulty in any direction.

Mr. President, the law of the United States to-day enables the Indian Department to regulate the use of firearms by Indians in the State of Montana; and I am very glad that that is the law.

Mr. BEVERIDGE. But, Mr. President—

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

Mr. CARTER. Certainly.

Mr. BEVERIDGE. Does the law now, or did the law ever, authorize the President of the United States to prohibit, in his discretion, the importation of firearms into the entire Territory of Alaska, regardless of the Indian country? That is the effect of the statute.

I have been misinformed. I understood that there was objection to the consideration of the bill.

I did not know why, but I meant to find out, and now I have found out, and I intend to call up this bill again. When it is called up, if the committee is not able to give the Senator from Montana or any other Senator a satisfactory explanation of our action—we have reported these bills now twice, once in this omnibus form and once in single form—I shall be very glad at the time when I do call it up to accept any amendments, and then the matter may be taken care of in conference. Will the Senator tell me in what year the law was passed that we propose to repeal? I do not recall it.

Mr. CARTER. The law to which I referred, section 1955 of the Revised Statutes, was passed in 1868.

Mr. BEVERIDGE. Yes. At that time the Senator will recall that there were hardly any white men in Alaska. It was just immediately after we had taken Alaska over from Russia. It was full of Indians. It was practically unsettled. We had merely a few officers there; and that was true for a very long number of years thereafter. It is utterly inapplicable, as the Senator will perceive, to conditions there now.

Mr. CARTER. According to my view, it is applicable to the Indian country, but since the bill is not now before the Senate I will forego, according to the Senator's intimation, any further observation on the subject at this time.

PUNISHMENT OF EXTORTION.

Mr. CLARK of Wyoming. I now renew my request for unanimous consent for the present consideration of the bill (S. 4062) to amend section 5481 of the Revised Statutes of the United States.

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

Mr. CULBERSON. Mr. President—

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

Mr. CLARK of Wyoming. Certainly.

Mr. CULBERSON. I ask the Senator from Wyoming, who has charge of the bill, to explain it briefly.

Mr. CLARK of Wyoming. The purpose of the measure is this: The present law provides that any officer of the United States who is guilty of extortion under color of his office shall be subject to a penalty. It is now proposed to provide that every officer, clerk, agent, or employee shall be subject to a penalty; in other words, there is a well-defined judicial determination of the word "officer," but it does not include agents and employees, who have the best opportunity, if they are so disposed, to practice extortion.

Mr. President, with reference to the position of the Senator from Georgia [Mr. BACON] I will say that the section that we passed in the criminal code is identical with the section proposed in this bill, except for the transposition of two or three words. In order to meet the objection of the Senator from Georgia, I move to amend the bill, after line 5, by striking out the remainder of the bill and inserting what I send to the desk, which is in words the provision that was passed in the criminal code.

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

The SECRETARY. After line 5 it is proposed to strike out the remainder of the bill and insert:

SEC. 5481. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than \$500 or imprisoned not more than one year, or both.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Wyoming whether this is a Senate or a House bill?

Mr. CLARK of Wyoming. It is a Senate bill.

Mr. SUTHERLAND. Does the Senator from Wyoming expect the bill to be passed at this session by the other House?

Mr. CLARK of Wyoming. I hope it will, but in the event that it does not pass I hope that it will be far enough advanced on the House Calendar so that it will not be at the foot of a congested Calendar at the short session.

Mr. SUTHERLAND. I was going to suggest to the Senator from Wyoming that the bill as now proposed to be amended is in identical terms the provision as found in the penal code. That penal code has already passed the Senate and is now pending in the other House. I have been assured that it will be taken up for consideration immediately upon the reconvening of Congress next autumn; that it will be passed upon by the House as rapidly as possible; and perhaps the penal code will be adopted as soon as this bill can be passed.

Mr. CLARK of Wyoming. In that event, of course, there will be no necessity for this bill to pass the House, but in case that expectation should fail, I am anxious to get this as a law on the statute books as soon as possible, for there is almost a weekly necessity for exactly this sort of legislation.

Mr. SUTHERLAND. I make no objection to it. I merely suggest that for the consideration of the Senator.

Mr. CLAY. Mr. President, with the Senator's permission—

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

Mr. CLARK of Wyoming. Certainly.

Mr. CLAY. I could not hear the Senator clearly, but if I caught the explanation, the law as it stands now provides that any officer of the Government of the United States guilty of extortion shall be punished as described in the section.

Mr. CLARK of Wyoming. Yes.

Mr. CLAY. And the committee proposes to amend it by including clerks, agents, or employees of the Government. Then, if this bill shall pass as it came from the committee, any officer, agent, clerk, or employee of the Government guilty of extortion will be subject to punishment as provided in the act.

Mr. CLARK of Wyoming. Anyone who is guilty of extortion under cover of his office.

Mr. CLAY. That is the only change made?

Mr. CLARK of Wyoming. That is the only change made.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

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

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

EXPENSES OF OKLAHOMA CONSTITUTIONAL CONVENTION.

Mr. GORE. If there is no conference report ready to be taken up, I ask unanimous consent for the immediate consid-

eration of the bill (S. 5329) to provide for an appropriation to defray the expenses of the constitutional convention and State election in Oklahoma, and for other purposes.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

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

That the sum of \$215,393.28 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to pay the unsettled expenses of the constitutional convention of Oklahoma and for the elections held therefor and thereunder; said deficit to be paid upon vouchers approved by the governor and secretary of state of the State of Oklahoma, in such manner and form as may be prescribed by the Secretary of the Treasury.

Mr. KEAN. Is there a report accompanying that bill?

The VICE-PRESIDENT. There is a report.

Mr. KEAN. Let us have the report read.

The VICE-PRESIDENT. The Secretary will read the report, as requested by the Senator from New Jersey.

The Secretary read the report submitted by Mr. BEVERIDGE May 21, 1908, as follows:

The Committee on Territories, to whom was referred the bill (S. 5329) "to provide for an appropriation to defray the expenses of the constitutional convention and State election of Oklahoma, and for other purposes," having had the same under consideration, report it back to the Senate with the recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

"That the sum of \$215,393.28 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to pay the unsettled expenses of the constitutional convention of Oklahoma and for the elections held therefor and thereunder; said deficit to be paid upon vouchers approved by the governor and secretary of state of the State of Oklahoma, in such manner and form as may be prescribed by the Secretary of the Treasury."

There are numerous precedents for the payment of the unsettled expenses of constitutional conventions by the National Government, as note the following:

North Dakota:

Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	\$20,000.00
Additional or deficiency appropriation to pay balance of expenses (act September 30, 1890, 26 Stat. L., p. 511)	10,854.71

South Dakota:

Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	20,000.00
Additional or deficiency appropriation (act September 30, 1890, 26 Stat. L., p. 511)	14,859.80

Washington:

Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	20,000.00
Additional or deficiency appropriation (act September 30, 1890, 26 Stat. L., p. 511)	6,076.27

Montana:

Original appropriation (act February 22, 1889, 25 Stat. L., sec. 20, p. 682)	20,000.00
Additional or deficiency appropriation (act May 13, 1892, 27 Stat. L., p. 34)	7,231.09

Utah:

Original appropriation (act July 16, 1894, 28 Stat. L., sec. 18, p. 111)	30,000.00
Additional or deficiency appropriation (act June 8, 1896, 29 Stat. L., pp. 277-278)	17,241.50

There are precedents in the enabling acts of Wyoming and Utah for the payment of the expenses of the constitutional convention and for the State elections as well.

In the case of Wyoming (26 Stat. L., 225, sec. 15) an appropriation was made for the expenses of the constitutional convention "and for the elections held therefor and thereunder."

In the case of Utah (26 Stat. L., 217, sec. 15) in like manner funds were appropriated for defraying the expenses of the constitutional convention "and for elections held therefor and thereunder."

In the case of Arizona and New Mexico (34 Stat. L., 285, sec. 41) funds were appropriated—

"for defraying all and every kind and character of expense incident to the elections and conventions provided for in this act; that is, the payment of the expenses of holding the election for members of the constitutional convention and the submission of the question of joint statehood and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment for the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of \$150,000 shall be paid by said State."

In the case of the Territory of Oklahoma and the Federal district Indian Territory (34 Stat. L., 270, sec. 5) it was provided as follows:

"That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the defraying of the expenses of the elections provided for in this act, and said convention, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislature of the Territory of Oklahoma, and the disbursements of the money appropriated by this section shall be made by the secretary of the Territory of Oklahoma."

On the 8th of February, 1907, the secretary of state of Oklahoma, Charles E. Filson, and the president of the constitutional convention and other officials submitted an estimate of a deficiency amounting to \$135,240.

The constitution of Oklahoma was subjected to numerous assaults by the liquor interests of that State attempting to defeat the constitution

because of its prohibitive clause which had been incorporated by the Congress of the United States and then extended to the entire State by the constitutional convention itself, subject to the vote of the people. These controversies took the matter into court and compelled the constitutional convention to extend its sessions and meet from time to time until these controversies were settled, causing an additional deficiency of \$80,153, which was estimated by Hon. W. H. Murray, president of the constitutional convention, March 1, 1908.

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

Mr. WARREN. Let the bill be again read.

The VICE-PRESIDENT. The Secretary will again read the bill, at the request of the Senator from Wyoming.

The Secretary again read the bill as proposed to be amended by the Committee on Territories.

Mr. WARREN. I do not mean to object to the bill, but I should like to ask a question.

Mr. CURTIS. I object to the consideration of the bill, Mr. President.

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

COLLECTION DISTRICTS IN OREGON.

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

Resolved, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate S. 6788, "A bill to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon."

Mr. FULTON. I now enter a motion to reconsider the vote by which the bill was passed.

The VICE-PRESIDENT. The motion will be entered.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON. I ask leave to report from the Committee on Claims the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The resolution reported by the Senator from Oregon will be read for the information of the Senate.

The Secretary read the resolution, as follows:

Resolved, That the claims of Annie E. White Shipp (S. 1205); the Pillager band of Chippewa Indians in Minnesota for additional compensation for land ceded to the United States by treaty of August 21, 1847, and for other purposes (S. 3203); the estate of William H. Peyton, sr., deceased (S. 4152); Genevieve Griswold Kennon (S. 5242); the heirs and estate of William B. Miller, deceased (S. 7214), and John H. Gray, administrator of John W. Gray (S. 4074), together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. CULBERSON. I will ask the Senator from Oregon if this is an additional reference to the Court of Claims?

Mr. FULTON. It is, Mr. President. I will say that these few claims mentioned were left out of the original resolution.

Mr. CULBERSON. Is this in addition to the quota that has been allowed under the general resolution?

Mr. FULTON. The claims were omitted by mistake.

Mr. CULBERSON. Does it amount to an addition to the quota of any Senator?

Mr. FULTON. It does not amount to an additional quota—

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

Mr. FULTON. The Senator from North Carolina, and perhaps some other Senators, came to me and said they had gone over the list, and these had been left out. Upon investigation I was informed they had been omitted, and so I included them. I had not had time to check up the matter myself.

Mr. CULBERSON. There are several claims which have been referred to the Committee on Claims quite lately, among others by myself, and the answer has been usually, at least, that no additional reference could be permitted, as the list was full. Until I can examine it, I object to the present consideration of the resolution.

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

Mr. CULBERSON subsequently said: Mr. President, I have examined the resolution, and I have talked with the Senator from Oregon in reference to it. He assures me that these matters, according to the information he has, were left out of the original resolution. In view of that fact, I have no objection to its passage.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Oregon.

The resolution was agreed to.

AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE. I ask unanimous consent that we may proceed with the consideration of the bill (H. R. 21957) relating to affairs in the Territories.

Mr. CLAY. Mr. President, I hope the Senator will not press the consideration of this bill to-night. The bill deals with Alaska—

Mr. BEVERIDGE. It does.

Mr. CLAY. And New Mexico—

Mr. BEVERIDGE. It does.

Mr. CLAY. The Hawaiian Islands—

Mr. BEVERIDGE. It does.

Mr. KEAN. And Arizona.

Mr. CLAY. And there are embodied in the bill several bills that were introduced in the House pertaining to these Territories, dealing with different subjects.

Mr. BEVERIDGE. They all passed the Senate except the Hawaiian matter.

Mr. CLAY. The Hawaiian bill, I understand, was never even considered by the Senate.

Mr. BEVERIDGE. No.

Mr. CLAY. Take New Mexico. New Mexico has a legislature and a Territorial form of Government. We deal there with a question of issuing bonds in aid of the construction of bridges. Take the Hawaiian Islands. We deal there with the question of furnishing electric lights to the city, and prescribe what company shall do it. I do not say there is anything wrong in any of this legislation, but it seems to me a right serious matter to take up here the day before we intend to adjourn a bill embracing twenty-seven pages and dealing with three distinct Territories and with subjects in those Territories.

Mr. BEVERIDGE. Will the Senator let me ask him a question?

Mr. CLAY. With a great deal of pleasure.

Mr. BEVERIDGE. Has there been any agreement to adjourn a day from now?

Mr. CLAY. No; I can not say—

Mr. BEVERIDGE. No.

Mr. CLAY. But it is generally understood we will adjourn on Monday.

Mr. BEVERIDGE. We are likely to be here longer. The Senator from Georgia has presented his grounds of objection. I hope he will let me reply as far as I can.

Mr. CLAY. I will say to the Senator that if we take up this bill to-night, we ought not to act upon it to-night. I have had only a few moments to examine it. I have been sitting here reading it through hurriedly, as of necessity. If we take it up to-night, it at least ought to go over so that Senators can examine it and pass upon it on Monday.

Mr. BEVERIDGE. If the Senator objects, of course I have nothing further to say. He is within his rights if he does. But the Senator has made some statements, and as far as I am able I should like to explain the matter.

Mr. CLAY. I have no objection to that. I was not quite through, but I am willing to hear the Senator from Indiana.

Mr. BEVERIDGE. I think it will relieve the Senator's mind on everything except one point. With the exception of the item regarding Hawaii, it has all passed the Senate. It came back in omnibus form—

Mr. CLAY. Which is a bad way of legislating.

Mr. BEVERIDGE. Pardon me a moment.

Mr. CLAY. Certainly.

Mr. BEVERIDGE. These bills passed the Senate separately, as they ought to have done, and they come back in omnibus form, because it was necessary to put them in that form in another place, as I understand, due to a certain parliamentary condition there. If they had been brought up separately it is quite likely none would even have gotten through, whereas all put in one bill—and there was really no objection except the parliamentary situation, which would consume time—they could be gotten through. That is the reason they come here in omnibus form, to which I object as much as the Senator does. I think it a very pernicious way of legislating.

In reference to Arizona and New Mexico, the Senator speaks about bridges. He might have mentioned court-houses. In every one of these instances it is to legalize the act of the legislature or authorize the municipality to do the thing for the reason that the Federal statutory limitation on taxation would be exceeded or had been exceeded.

Mr. CLAY. With the Senator's permission on that point, I want to ask him a question. The Senator is chairman of the Committee on Territories.

Mr. BEVERIDGE. Yes.

Mr. CLAY. What is the rule or custom in regard to legislating in the Territories? Where Territories have legislatures, is it not true that we simply legalize their acts?

Mr. BEVERIDGE. Yes; or authorize—

Mr. CLAY. Is it not customary first for the Territorial legislature to act and then for their acts to be submitted to Congress and to be approved? Do we originate legislation for the Territories?

Mr. BEVERIDGE. Very frequently.

Mr. CLAY. We can originate it. Is it not the better practice always to let the legislatures governing those Territories initiate, and to refer the act to Congress for our approval?

Mr. BEVERIDGE. That is my opinion, very decidedly.

Mr. CLAY. That is my idea.

Mr. BEVERIDGE. I think the Senator is quite right about that; but of course the other plan has been followed, and in fact quite frequently in Territorial history. There are sometimes reasons for it. If I remember rightly, for there is such a multitude of things in the bill, there is provided here for taxation by a municipality for a bridge. The bridge is in the county in which Albuquerque is located. It is rapidly filling up with people. The legislature does not meet for some time. There are cases like that which demand the immediate attention of Congress.

The Senator will find that in all these cases relating to the Territories that has been the situation, and the Senate committee have been so careful in reference to those things, because I think they should be very seriously scrutinized, that they held up in committee for further investigation, much to the chagrin of the Territorial Delegate and much to the chagrin of men who came on here, a bill which had passed the House legalizing an act of the legislature of Arizona approving warrants that had been issued for various municipal expenses. We wanted to find out where those warrants were held. I think we ought to find out those things.

There are two or three court-houses provided for here. We found out before we reported the bill favorably that those court-houses were absolutely necessary. One court-house in one county we rejected because we found there really was no public demand for it, the county was so thinly populated. There are matters of that kind which constitute the legislation concerning Arizona and New Mexico.

There is only one thing in here about which the committee does not claim to know anything, and that is as to Hawaii, and therefore, as I explained before the Senator came into the Chamber, we first made a report referring that portion of it to the Committee on Pacific Islands and Porto Rico, where it properly belongs. But the Senator from Ohio, who is chairman of the committee, was ill and, therefore, if we got the bill through at all, unless all of this legislation for these Territories was denied at this session, it became necessary for us to consult the members of that committee, which was done for several hours. Some of the members of that committee, who were familiar with that subject, examined it and came to the chairman of the Committee on Territories and said they approved it. For that reason we reported the whole omnibus bill favorably.

I have made as short a statement as I could to the Senator about these various things. I have no further interest in it than any other Senator. Neither has any other member of the Committee on Territories, except that this is really necessary legislation which should go through.

Mr. CLAY. I had no personal objection, except that I thought it was a matter embracing so many matters and pages—

Mr. BEVERIDGE. The Senator is quite right.

Mr. CLAY. That it was a very difficult thing to grasp it in a minute.

Mr. BEVERIDGE. The Senator will remember that most of these items have already passed the Senate as separate bills.

Mr. CLAY. Does the Senator desire to pass the bill to-night?

Mr. BEVERIDGE. Yes. I understood there would be not the slightest objection to the bill this afternoon. Otherwise I should not have left the Senate Chamber.

Mr. CLAY. Was the committee report unanimous?

Mr. BEVERIDGE. It was.

Mr. CLAY. I have my doubts, but—

Mr. BEVERIDGE. I ask unanimous consent, and if there is objection, that will settle it.

Mr. CLAY. I do not want to be captious.

Mr. BEVERIDGE. If the Senator objects, and if, as he says, we are to adjourn Monday, it will kill the bill. I can not agree that Congress will adjourn with serious legislation needing attention.

I can merely present this matter to the Senate as chairman of the committee. That is all it is permissible for me to do, and it is for the Senate to say whether it will pass the legislation or not.

Mr. PILES. Mr. President, I think the Senator from Georgia [Mr. CLAY] is mistaken in his construction of this bill. The bill simply confirms, in the main, the Territorial acts of the legislatures of Arizona and Hawaii. It also provides for an amendment to the Alaskan code. Alaska has no legislature and can act only through Congress. If the Senator will turn in the bill to the provision with respect to Hawaii to which he referred, he will find that it simply legalizes an act of the legislature of that Territory. For instance, section 34, on page 20—

That the act of the legislature of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Walluku, on the island and county of Maui, Territory of Hawaii," passed by the legislature of the Territory of Hawaii on the 24th and 25th days of April, A. D. 1907, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed, as follows, to wit:

Mr. CLAY. The Senator will find that that act to which he has referred was vetoed by the governor of the Territory. I do not know; it may have been passed over his veto by a two-thirds vote, but I know the report here shows that the governor vetoed the very legislation we are trying to approve.

Mr. PILES. With that I am not familiar at the present time.

Mr. CLAY. I have here the veto.

Mr. PILES. I mean whether or not it was passed over the veto, I do not know. But this is simply confirmatory of the legislation that has taken place in the several Territories.

Mr. CLAY. Not entirely so.

Mr. PILES. In what respect is there any difference?

Mr. CLAY. Part of this bill simply approves and affirms legislation heretofore passed by Territories, and some of it is original legislation by Congress granting certain privileges.

Mr. PILES. Where does the Senator find any?

Mr. CLAY. I think I can find two or three features of that kind.

Mr. PILES. I think the Senator is mistaken in that respect, as I now recall the bill as it was before the committee. The legislation with respect to Arizona is to ratify certain acts of that Territory as to some indebtedness that was incurred in the Territory, and it provides that before this indebtedness shall be paid by the people of the Territory or of the cities which have received the benefit of the moneys expended under the warrants issued it shall be submitted to a vote of the people of the city, and if they ratify this indebtedness then the bonds shall be issued. My idea has always been that it is safe to leave to the people of the Territory the ratification of their own indebtedness.

I myself lived for a long time in a Territory, and I know how difficult it has been for the people of the Territory to get legislation, and when an act was questioned as being in violation of the organic act providing for the organization of the Territory, people who had money would not invest it in the Territory until Congress had ratified the act or until it had been tested in every court in which it was proper to test the question.

So I feel in this case that if the people of these Territories find that acting, as they thought, within the scope of the law they have exceeded the powers conferred upon them by the organic act, and they want to ratify that indebtedness—in other words, if they want to pay the money which they have borrowed and that question is to be submitted to the vote of the people who have had the benefit of the money—they should have that right and Congress should grant that right to the people of the Territories. This bill goes to that extent.

When we had this matter before the Territorial Committee, of which I have the honor to be an humble member, these questions were fully submitted to the committee, and the facts I have mentioned were submitted and called to the attention of the committee, and we felt it was nothing more than a matter of right that they should have the right to pay this indebtedness if they saw fit to vote at a general or special election held for that purpose. I think the Senator from Georgia will find on examination that this bill goes merely to the extent I have stated.

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. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, and adheres to its disagreement to the amendments of the Senate Nos. 63, 76, and 77 to the bill.

POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives adhering to its disagreement to the amendments of the Senate numbered 63, 76, and 77 to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes.

Mr. PENROSE. I move that the Senate recede from its amendments numbered 63, 76, and 77.

The motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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 for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its disagreement to Senate amendments numbered 1 and 2, and agree to the same.

2. That the House recede from its disagreement to Senate amendment numbered 3, and agree to the same with an amendment, so that the same may read as follows:

"For salaries of agents for the payment of pension at four thousand dollars each, seventy-two thousand dollars, or so much thereof as may be necessary."

And that the Senate agree to the same.

3. That the House recede from its disagreement to Senate amendment numbered 4, and agree to it with an amendment, striking out in line 2 thereof the word "thirty-five" and insert in lieu thereof the word "ten," and after the word "dollars," in the paragraph, add the words "or so much thereof as may be necessary," so that the paragraph as amended will read:

"For clerk hire and other services in the pension agencies, \$410,000, or so much thereof as may be necessary: *Provided*, That the amount of clerk hire and other services for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency and the salaries paid shall be subject to the approval of the Secretary of the Interior."

And the Senate agree to the same.

That the House agree to Senate amendment numbered 5 with an amendment, adding thereto the words "or so much thereof as may be necessary;" and that the Senate agree to the same.

That the House recede from its disagreement to Senate amendment numbered 6, and the House agree to the same.

That the House recede from its disagreement to Senate amendment numbered 7, and agree to the same with an amendment striking out the word "forty" and inserting the word "sixty-five;" and the Senate agree to the same.

That the House recede from its disagreement to Senate amendment numbered 8, and agree to the same.

HENRY E. BURNHAM,

REED SMOOT,

H. M. TELLER,

Managers on the part of the Senate.

J. WARREN KEIFER,

WASHINGTON GARDNER,

Managers on the part of the House.

The report was agreed to.

RAINY RIVER DAM—VETO MESSAGE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the President having returned to the House of Representatives in which it originated, the bill (H. R. 15444), extending the time for the construction of a dam across Rainy River, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same and that the bill was passed, two-thirds of the House of Representatives agreeing to pass the same.

Mr. NELSON. I ask that the action of the House be laid before the Senate. It is a privileged matter.

I desire to say, by way of explanation to the Senate, that some time ago the Senate passed a bill for the extension of the time for the building of a dam across the Rainy River on the border of Minnesota and Canada. The President, under a misapprehension, vetoed the bill. The bill has been carefully considered by a committee of the House of Representatives. They have conferred with the President, and the President has expressed his willingness that under the circumstances the bill shall be passed over his veto. His veto was founded on a misapprehen-

sion. The company began the work and expended over \$700,000 in constructing a dam. Its time is about out, and unless an extension of time is given it can not secure more money to complete the dam.

The passage of the bill over the President's veto is satisfactory to the President, and the House has accordingly passed it, and I ask the Senate to pass the bill.

Mr. HALE. Mr. President—

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

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I have the floor. I yield to Senators.

HOUR OF MEETING MONDAY.

Mr. HALE. I desire to make a statement as to the order of business.

The conference committee on the deficiency bill was engaged in perfecting that report, expecting to bring it in this evening, and that the House would take up the conference report on the sundry civil bill and pass it to-night, so that we might pass both of those bills. I think I may say, to the surprise of the chairman of the Committee on Appropriations, that word has just come that the House has adjourned to meet Monday morning at 11 o'clock, so that no progress can be made with the appropriation bills this evening. Therefore I move to reconsider the vote whereby the Senate agreed to meet at 10 o'clock on Monday, because it would be to no purpose to meet at that time, for the reason that under the action of the House nothing can be done this evening to expedite the appropriation bills.

Mr. BEVERIDGE. Could not other bills be passed in that time?

Mr. HALE. The agreement was that no bills should be passed except by unanimous consent.

Mr. BEVERIDGE. Now and Monday also?

Mr. HALE. Monday also.

Mr. NEWLANDS. Mr. President—

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

Mr. HALE. Certainly.

Mr. NEWLANDS. I wish to ask whether the Senator from Indiana has not already secured unanimous consent for the consideration of the bill regarding the Territories?

Mr. BEVERIDGE. I beg pardon.

Mr. NEWLANDS. I wish to ask whether the Senator from Indiana has not already secured unanimous consent for the consideration of the bill regarding the Territories?

Mr. BEVERIDGE. I am now occupying the floor upon the recognition of the Chair asking for that unanimous consent, and I have had a colloquy with the Senator from Georgia [Mr. CLAY], which I trust is sufficiently satisfactory that the Senate may go on with its consideration.

Mr. HALE. Mr. President, I have made the motion. I should not have asked the Senate to do this, except upon the view that during this long evening we should pass both of these appropriation bills. We can pass neither of them, and therefore the conditions do not obtain which existed when I made the motion. Therefore I move to reconsider the vote by which the Senate agreed to meet at 10 o'clock on Monday.

Mr. NEWLANDS. Mr. President—

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

Mr. HALE. Certainly.

Mr. NEWLANDS. I would ask the Senator whether the evening can not be well spent—

Mr. HALE. I am not speaking about the evening.

Mr. BEVERIDGE. And Monday morning, too.

Mr. NEWLANDS. I understood the Senator's—

Mr. HALE. I am not talking about the evening.

Mr. NEWLANDS. I understood the Senator's motion to involve—

Mr. HALE. The session for to-night is in the hands of the Senate.

Mr. ALDRICH. Under the unanimous-consent agreement.

Mr. HALE. Under the unanimous-consent agreement. But there is no point in meeting at 10 o'clock Monday when we can not proceed with the appropriation bills.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine to reconsider the vote by which the Senate agreed to meet at 10 o'clock on Monday next.

The motion to reconsider was agreed to.

Mr. HALE. It has been suggested that we might agree to meet at 11 o'clock for general business. I do not object to that. So I move that when the Senate adjourns to-day, it be to meet at 11 o'clock on Monday.

Mr. CLAY. Does that change the rule of procedure as heretofore fixed by the Senate under the unanimous-consent agreement?

Mr. ALDRICH. Not at all.

Mr. HALE. It does not interfere with that at all.

Mr. CLAY. When we meet at 11 o'clock on Monday we can consider nothing except conference reports or matters pending between the two Houses, and such matters as may be taken up by unanimous consent.

Mr. BEVERIDGE. Was that the unanimous-consent agreement this afternoon?

The VICE-PRESIDENT. There was no unanimous-consent agreement to that effect.

Mr. CLAY. I so understood.

Mr. HALE. That applied to this evening.

Mr. CULBERSON. I simply want to call the attention of the Senator from Maine, in reply to the suggestion of the Senator from Georgia, to the fact that the unanimous consent does not apply to Monday. It applies only to this evening.

Mr. HALE. Only to this evening.

The VICE-PRESIDENT. That is correct.

Mr. BEVERIDGE. I have the floor, and I yield to the Senator from Minnesota.

The VICE-PRESIDENT. The Senator from Minnesota rises to a privileged question.

Mr. NELSON. I yield for a vote on the motion of the Senator from Maine.

Mr. HALE. Then let us have a vote on my motion.

The VICE-PRESIDENT. The Senator from Maine moves that when the Senate adjourns to-day it be to meet at 11 o'clock on Monday next.

The motion was agreed to.

Mr. HALE. I am very sorry to say that the hope we had of final adjournment has, under the action of the House, disappeared. We can not adjourn on Monday.

RAINY RIVER DAM—VETO MESSAGE.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
May 12, 1908.

The President of the United States having returned to the House of Representatives, in which it originated, the bill H. R. 15444, "An act extending the time for the construction of a dam across Rainy River," with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

A. McDOWELL, Clerk.

I certify that this act originated in the House of Representatives.

A. McDOWELL, Clerk.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. NELSON. I have stated to the Senate, and I want to state again, that this is satisfactory to the President. The President of the United States, through the Secretary of the Interior, Mr. Garfield, has written a letter to that effect. The Secretary of the Interior says:

These conditions having been fulfilled, the President feels that it is safe, from the viewpoint of the public interest, and equitable to the Rainy River Improvement Company, to enact the bill into law.

The VICE-PRESIDENT. The question of the passage of the bill, notwithstanding the veto of the President, must be taken by yeas and nays. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ALDRICH responded to his name.

Mr. NEWLANDS. Mr. President, I wish to make an inquiry of the Senator from Minnesota.

Mr. GALLINGER and others. Too late.

The VICE-PRESIDENT. The Senator from Nevada rose in time.

Mr. NELSON. The Senator from Nevada is out of order, as the roll call has begun.

The VICE-PRESIDENT. The Senator from Nevada rose to address the Chair before the roll call commenced.

Mr. NEWLANDS. The Senator from Minnesota made a statement regarding the President of the United States in connection with this matter. May I ask him to repeat what it was? I did not understand it.

Mr. NELSON. It is to this effect: That the President of the United States makes known through the Secretary of the Interior, that under the circumstances, having vetoed the bill under a misapprehension, it is satisfactory to him to have the bill passed over his veto.

The VICE-PRESIDENT. The Secretary will proceed with the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I will transfer that pair to the Senator from Nevada [Mr. NIXON] and vote. I vote "yea."

The roll call was concluded.

Mr. WARREN. I wish to announce my pair with the senior Senator from Mississippi [Mr. MONEY].

Mr. CLAY (after having voted in the affirmative). Has the senior Senator from Massachusetts [Mr. LODGE] voted?

The VICE-PRESIDENT. He has not.

Mr. CLAY. In order to maintain a quorum I will let my vote stand.

The result was announced—yeas 49, nays 0, as follows:

YEAS—49.

Aldrich	Clay	Hopkins	Simmons
Ankeny	Crane	Johnston	Smith, Md.
Bacon	Culberson	Kean	Smith, Mich.
Bankhead	Curtis	Long	Smoot
Beveridge	Dick	Nelson	Stephenson
Brandegee	Flint	Newlands	Stewart
Briggs	Frazier	Owen	Sutherland
Brown	Fulton	Overman	Taliaferro
Burkett	Gallinger	Paynter	Warner
Burnham	Gore	Penrose	Wetmore
Carter	Guggenheim	Perkins	
Clapp	Hemenway	Piles	
Clark, Wyo.	Heyburn	Scott	

NOT VOTING—43.

Allison	Dillingham	Hansbrough	Money
Bailey	Dixon	Kittredge	Nixon
Borah	Dolliver	Knox	Platt
Bourne	du Pont	La Follette	Rayner
Bulkeley	Elkins	Lodge	Richardson
Burrows	Foraker	McCreary	Stone
Clarke, Ark.	Foster	McCumber	Taylor
Cullom	Frye	McEnery	Teller
Daniel	Gamble	McLaurin	Tillman
Davis	Gary	Martin	Warren
Depew	Hale	Milton	

The VICE-PRESIDENT. Senators, on this question the yeas are 49 and the nays are 0. Two-thirds of the Senate having voted in the affirmative, the bill is passed, notwithstanding the objections of the President, and the title will be agreed to, if there be no objection.

AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE. I now renew my request for unanimous consent for the immediate consideration of the bill (H. R. 21957) relating to affairs in the Territories.

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

Mr. HOPKINS. The bill, I find, has been on the Calendar only two days.

Mr. BEVERIDGE. That is true.

Mr. HOPKINS. My attention was not called to it until today, and indeed the feature of the bill to which I desire to have a little time for investigation was not called to my attention until this evening. I will say to the Senator from Indiana that it relates to the practice of medicine in the district of Alaska. A bill of this character was before Congress at the last session, and before the Senate embarks upon the consideration of the bill I desire to have a little time to investigate the various provisions of it. For that reason I shall be compelled to object to its consideration to-night.

Mr. BEVERIDGE. Mr. President—

Mr. HOPKINS. I will say to the Senator from Indiana that I have no objection to taking up the bill on Monday or at any time, because between this and Monday I can examine the provisions of the bill relating to the practice of medicine, and if I think any amendments are necessary I will submit them to the Senator from Indiana.

Mr. BEVERIDGE. I wish to state to the Senator before he takes his seat the situation as I understand it, so that he will know what his objection means. This is the third time I have made the explanation to Senators who have come in later.

First of all, this bill passed the House in the form of an omnibus bill, because of the parliamentary situation existing there at this time. Most of the bills had already passed the Senate separately, after having been considered by the committee and having been sent to the House. That is the way it happens to be in an omnibus form.

Now, at the rate at which things are speeding forward, unless the bill is passed to-night it is quite likely that it will fail. It has encountered one objection after another, and all of them have been overcome when it was explained. I will state that this legislation involves exceedingly necessary legislation for the district of Alaska, which the governor of Alaska has been here a long time urging, and which the Department has very

carefully considered and recommended, as well as several bills for Territories, for instance, some bills for absolutely necessary court-house buildings in one or two counties of Arizona.

Mr. HOPKINS. I will say to the Senator I am not going to antagonize the bill on the proposition he urges. If the Senator will eliminate the provision in the bill relating to the practice of medicine in the district of Alaska, I will have no objection to it.

Mr. BEVERIDGE. I hope the Senator will not ask me to do that, because there is now no regulation whatever of the practice of medicine in Alaska, and this is an exceedingly mild provision.

Mr. HOPKINS. I will say to the Senator that in December we could take it up as a separate bill and consider it.

Mr. BEVERIDGE. Then, if the Senator will move an amendment striking out that provision, I will accept it.

Mr. HOPKINS. If I can have an assurance that it will not go out, I will have no objection.

Mr. BEVERIDGE. I will accept the amendment.

Mr. HOPKINS. Very well.

Mr. BEVERIDGE. That will put it in conference.

Mr. HOPKINS. The Senator will not—

Keep the word of promise to our ear,
And break it to our hope.

Mr. BEVERIDGE. I can not speak for the conferees of the other House, I will say. But I will say this to the Senator: He ought not to ask me or any other member of the committee to say what it is our duty to do, for whenever a subject like this goes into conference it becomes the duty of the conferees to stand by the action of the Senate so far as they may; and in cases where Senators have been defeated and were appointed on the conference they have, against their own convictions, stood by the action of the Senate. The Senator ought not to ask for such an assurance as that. I can not answer for the House conferees.

Further, I will state what I think the process will be. I think, in view of the necessity of getting this legislation through, this will probably be the course. The Senator can guess about it as much as I can, but the House will probably pass the bill when it gets there, and it probably will not go to conference. I can not answer for that, but I think that course is likely.

Mr. HOPKINS. All I desire upon the part of the Senator from Indiana is, as I said, that the word of promise shall not be broken with me on this proposition in the conference by putting back this provision in the bill.

Mr. BEVERIDGE. The Senator ought not to use quite that language. It touches one pretty delicately. I say it becomes the duty of the conferees on the part of the Senate and the House to stand by the action of their respective Houses.

Mr. HOPKINS. I recognize that. I understand, also, and so does the Senator, that in legislation of this kind it depends largely upon the spirit with which the Senate conferees adhere to their amendments. I feel that if I were in the Senator's place and one of the conferees the bill would pass with this provision eliminated.

Mr. BEVERIDGE. Certainly; and I am perfectly willing that it shall be taken out. The Senator must know that this is the case where a provision placed on a bill is seriously contested by the conferees. So where I was one of the conferees and we were beaten, as one of the conferees I with the other members of my committee stood out firmly for the action of the Senate against our own conviction.

Mr. HOPKINS. That is what I want the Senator to agree to.

Mr. BEVERIDGE. No; the Senator has no right to ask it and I do not want him to do it. I will accept the amendment, and he can depend upon the members of the committee doing their duty.

Mr. HOPKINS. That is all I want.

Mr. BEVERIDGE. They will do that without anybody's request.

Mr. HOPKINS. I move on page 11, commencing with line 6, to strike out all of page 11 and—

Mr. CULBERSON. I should like to inquire if the bill has been read?

Mr. BEVERIDGE. Yes; I should say it had.

The VICE-PRESIDENT. The bill was read in full, but consent to its consideration has not yet been given.

Mr. CULBERSON. That is the next question I was about to ask. Does the Senator from Illinois object to its consideration?

Mr. BEVERIDGE. He does not.

Mr. HOPKINS. I stated to the Senator from Indiana that I would not object if the provisions relating to the practice of medicine in the district of Alaska should be stricken out, and I

understand from the Senator from Indiana in charge of the bill that that is entirely agreeable to him and to his committee. I am now making my motion in pursuance of the suggestion made by the Senator from Indiana.

Mr. BEVERIDGE. It begins on page 11, line 11.

Mr. CULBERSON. I understand, then, that the Senator from Illinois does not object to the consideration of the bill at this time.

Mr. HOPKINS. I do not, under the statement of the Senator from Indiana.

Mr. BEVERIDGE. Then, as soon as the Senator will move his amendment I will accept it.

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

Mr. CLAY. As I understand the Senator from Illinois, he will move to strike out section 11, beginning on page 11.

Mr. HOPKINS. And section 10.

Mr. CLAY. And section 12.

Mr. BEVERIDGE. Sections 10 and 11.

Mr. CLAY. Yes; sections 10 and 11, and section 12, on page 12; also section 13, on the same page, and sections 14 and 15, on page 13.

Mr. HOPKINS. Down to "Arizona."

Mr. BEVERIDGE. All of the medicine-practice act. That is what the Senator from Illinois moves to strike out.

Mr. CLAY. I want to call the Senator's attention to the fact that this bill changes four or five sections of the penal code of Alaska.

Mr. BEVERIDGE. It does.

Mr. CLAY. Since I have been in the Senate we passed a penal code for Alaska the consideration of which consumed several weeks.

Mr. NELSON. Will the Senator from Georgia allow me to correct him in one respect?

Mr. CLAY. Certainly.

Mr. NELSON. The provisions he refers to are part of the penal code, but there are portions of it that relate to liquor licenses in Alaska, and it is those portions of the law relating to the granting of liquor licenses in Alaska that are amended. It refers only to those portions of the penal code.

Mr. CLAY. I am not going to object to the immediate consideration of the bill, but in my judgment the practice pursued is a bad one. When you undertake to deal with five or six distinct subjects in one bill and call it an omnibus bill you are almost sure to have dangerous legislation.

Mr. BEVERIDGE. Will the Senator permit an interruption?

Mr. CLAY. Yes.

Mr. BEVERIDGE. I explained to the Senate a few moments ago that all of the bills, except the Hawaiian portion, I believe, passed the Senate as separate bills. They come back from the House in the form of an omnibus bill, because of the parliamentary situation in the House, in roll calls and other things of that kind. The Senator is absolutely right about the proposition of omnibus bills of every kind. They are always dangerous. But this is the only way of getting any legislation for those Territories. It is not the fault of the Senate. The Senator knows whose fault it is.

Mr. CLAY. We are dealing with Arizona, New Mexico, the Hawaiian Islands, and one of these measures has never been considered by a committee.

Mr. BEVERIDGE. Yes; they have been considered.

Mr. CLAY. I have given my views about it. I have nothing more to say.

Mr. HOPKINS. Now, Mr. President, I make my motion to strike out.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The bill is not before the Senate.

Mr. BEVERIDGE. I said that I had no objection to the amendment.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21957) relating to affairs in the Territories.

The VICE-PRESIDENT. The Senator from Illinois proposes the following amendment.

Mr. HOPKINS. On page 11, commencing in line 11, I move to strike out all on that page and all on pages 12, 13, 14, and 15 down to the word "Arizona."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, after line 10, strike out all down to and including line 17 on page 15.

Mr. BEVERIDGE. I accept the amendment.

The amendment was agreed to.

Mr. CLARK of Wyoming. Mr. President—

Mr. BEVERIDGE. I wish to say, so that the Record will

show it, that I accepted the amendment only because I had to do so. I do not believe we ought to have stricken out those provisions.

Mr. HOPKINS. I think that the Senator has acted wisely and well in accepting the amendment.

Mr. GALLINGER. The Record will show that the Senate accepted it, not the Senator from Indiana.

Mr. BEVERIDGE. That is quite true. When I said that I accepted the amendment it was a mistake. I want to correct the Record.

Mr. HOPKINS. I want to say if the Senator desires to suggest that I have coerced him into anything, my answer is that the coercion results in the best kind of legislation on the part of the Senator from Indiana.

Mr. BEVERIDGE. That may be.

Mr. CLARK of Wyoming. Mr. President, I want to make an inquiry of the chairman of the committee, who, I think, has assumed some personal interest in the measure. I am only seeking to get information. I want to get information in regard to section 34 and the following sections. I will ask the Senator whether that part of the bill was ever considered by a committee of the Senate except in connection with this omnibus bill?

Mr. BEVERIDGE. I have explained that to the Senate three times. I cheerfully explain again that that is a portion of the bill about which the Committee on Territories, which is not the appropriate committee for it to go to in the Senate, does not profess to be informed at first hand. It comes here from another place where there is but one committee for all legislation affecting all Territories and districts of the United States, including Porto Rico and the Pacific islands, as well as Arizona, New Mexico, and the district of Alaska. But in the Senate there are two committees—the Committee on Territories and the Committee on Pacific Islands and Porto Rico.

So when the bill came in omnibus form to our committee, first we examined all those provisions of it with which we are familiar. We then made a report, intending to refer the other part to the appropriate committee, the Committee on Pacific Islands and Porto Rico, but we found the chairman of the committee, the Senator from Ohio [Mr. FORAKER], ill and at home. We then took it back to our committee and made a report favorably, provided the members of the Committee on Pacific Islands and Porto Rico would examine the matter and approve it. That was done, and upon their assurance that they approved it, a favorable report was made from the Committee on Territories. That is as full a statement as I can possibly give the Senator.

Mr. CLARK of Wyoming. I understand the parliamentary situation of the bill perfectly. I also understand perfectly that it is an omnibus bill, containing matters which should have been referred to two distinct committees of this body, and but one committee has taken jurisdiction of it. I want to inquire in regard to the matter which they report to the Senate. I ask the Senator whether the committee in considering his omnibus bill considered the very important matters that should have gone to the Committee on Pacific Islands and Porto Rico.

Mr. BEVERIDGE. Again I state to the Senator that the Committee on Territories considered it only in the way I have said; that is to say, none of us knew anything about it. It belonged appropriately to the other committee. I at first made a report so that I could present it here, referring it to the other committee. It was not done, because the chairman of the committee was ill, whereupon the matter was submitted to the other members of the Committee on Pacific Islands and Porto Rico, who examined it and expressed to the chairman of the Committee on Territories their approval of it. Now, that is as far as we can go.

Mr. CLARK of Wyoming. Then, Mr. President—

Mr. NELSON. Will both the Senators allow me to make a statement in this connection?

When this bill came before the Committee on Territories we discovered that certain provisions relating to the Hawaiian Islands as to the right of certain electric companies was a subject-matter that did not belong to the Committee on Territories, but properly belonged to the Committee on Pacific Islands and Porto Rico. Our committee decided in respect to those matters that unless the Committee on Pacific Islands and Porto Rico would favor the proposition we would report against those two provisions relating to Hawaii. The bill was referred to that committee in reference to those matters, and informally I am advised by at least two members of the committee that they were opposed to those provisions and they did not believe they ought to be considered. I think those provisions in reference to Hawaii should be eliminated from the bill.

Mr. BEVERIDGE. Later on, I will say to the Senator, I was informed that they were approved and the bill should be

reported favorably. Am I right? I ask the Senator from California [Mr. FLINT].

Mr. FLINT. I do not know that any member of the Committee on Pacific Islands and Porto Rico is opposed to this bill. I polled the committee at the request of the chairman and made a statement of what the omnibus bill contained that had been heretofore referred to that committee, and they all favored it. If any member of the committee was not in favor of it, I was not aware of it.

Mr. BEVERIDGE. That was my understanding, Mr. President.

Mr. NEWLANDS. Mr. President—

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

Mr. BEVERIDGE. Certainly.

Mr. NEWLANDS. I observe, in looking over the provisions of the bill regarding Hawaii, the act seems to have been vetoed by the governor of that Territory, and then was passed over his veto. May I ask what the status is in regard to that part of the bill?

Mr. PILES. I can explain that to the Senator. The first act referred to, set forth on page 20, was vetoed by the governor of the Territory of Hawaii, and that bill was passed over his veto by both houses of the legislature of the Territory.

Mr. CLARK of Wyoming. I am very much interested in this matter, and I would like to hear the Senator from Washington.

Mr. PILES. I beg the Senator's pardon, I will repeat my statement.

The first act contained in the bill concerning the Territory of Hawaii was passed by the legislative body of that Territory and vetoed by the governor. It was then passed over the governor's veto by two-thirds of both branches of the Territorial legislature.

The act provides that before it shall become a law it shall be approved by the governor and also by the Congress of the United States. So it becomes necessary, in the first instance, that Congress shall approve this law. Section 10 of the bill, on page 24, provides that—

This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

So by the terms of the Territorial act it became necessary for two things to take place before it could become a law. First, it must be approved by the governor, and, second, it must be approved by Congress. The governor vetoed the bill, but it was passed over his veto, and therefore became in law approved, and now it is presented to Congress for its approval.

Mr. CLARK of Wyoming. Probably the Senator can answer the question for which I sought to get information from the chairman of the committee. I am entirely in the dark in regard to this legislation in reference to Hawaii. I think the chairman of the committee is no less in the dark, as I think is the Senate of the United States, unless it is enlightened by the Senator to whom I am addressing my remarks.

The Senate is entirely in the dark. There are three very important provisions here affecting very large interests, individual interests and interests of the Territories. I want to know, if I can get the information, how the act passed by the Territorial legislature is amended by this bill?

Mr. PILES. It is not, as I understand it, amended at all by this bill.

Mr. CLARK of Wyoming. The bill specifically says that it is amended.

Mr. PILES. Where? Will the Senator point it out, please. I am not aware of it.

Mr. CLARK of Wyoming. That is what I want to understand. I want to know something about the measure we are passing.

Mr. PILES. I shall try to explain it to the Senator.

Mr. CLARK of Wyoming. In section 34, on page 20, line 14, after reciting the statute of the Territory, it says:

Sec. 34. That the act of the legislature of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Walluku, on the island and county of Maui, Territory of Hawaii," passed by the legislature of the Territory of Hawaii on the 24th and 25th days of April, anno Domini 1907, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed, as follows, to wit:

The Territorial legislature passed an act of franchise for these electrical companies, and the governor vetoed that act. We are not asked here to pass a law which the Territorial legislature passed, but another and a different one as amended by the Congress of the United States. What I want some information on is, as to how and in what particulars the law as it appears in this bill is different from the act which was passed by the legislative assembly of Hawaii?

Mr. PILES. I will confess to the Senator—

Mr. CLARK of Wyoming. If there is any Senator who can explain anything about this provision, I wish he would do it, for it is very important legislation. I have no doubt that legislation of this sort is needed for the Hawaiian Islands, but I do not think we want to go stone-blind here in legislation because this is an omnibus bill or because we are in the closing hours of a session of Congress. I should like to have some little information from some Senator, and certainly from some member of one of these two committees, if they can give it—the one committee having jurisdiction and the other taking jurisdiction.

Mr. PILES. Mr. President, I am not at all familiar with that provision. I do not recall its having been presented to the Committee on Territories of the Senate. If so, it was not when I was present. I am, therefore, unable to enlighten the Senator from Wyoming upon this particular provision—that is to say, wherein the Territorial act is proposed to be amended by Congress.

Mr. CLARK of Wyoming. Mr. President, I do not want to move to strike this out, as it may be very necessary and important legislation for those islands, but I do not think it is fair to this Senate for a committee to present an important bill like this for passage with important items, no member of either committee being able to inform the Senate as to what the provisions are and what necessity for them exists.

Mr. PILES. Mr. President, the trouble is that this amendment in relation to Hawaii was inserted in the other House.

Mr. CLARK of Wyoming. Does that relieve a committee of the Senate from considering it?

Mr. PILES. Not at all.

Mr. CLARK of Wyoming. Does it furnish any light to those of us who have got this bill under consideration?

Mr. PILES. This matter has never been presented to the Committee on Territories, so far as my knowledge goes.

Mr. CLARK of Wyoming. But the Committee on Territories reported the bill, and they say they have considered it.

Mr. BEVERIDGE. Mr. President, if the Senator from Wyoming will permit me, I have explained the exact situation with reference to it.

Mr. CLARK of Wyoming. I understand that perfectly, but unfortunately the Senator was absent from the Chamber when I asked my questions.

Mr. BEVERIDGE. No; I explained it once before. The Senate Committee on Territories when it came to a subject as to which it was not usual for the committee to treat—the whole omnibus bill, including this matter, came to our committee because it was the proper committee for most of it to go to—immediately prepared to refer it to the proper committee of the Senate. The chairman of that committee [Mr. FORAKER] was sick. It was then referred to each member of the committee, and the committee was polled by the Senator from California [Mr. FLINT], who is the next ranking member of that committee, and, upon his assurance, the chairman of the Committee on Territories, after considering the matter informally in the committee, reported it in order that we might get the bill before the Senate and that the legislation should not fail.

Mr. CLARK of Wyoming. Mr. President, I must confess that this is the first piece of legislation of this importance I have ever known to be brought before the Senate on the recommendation of a committee when the committee acknowledge that they did not consider it at all.

Mr. FULTON. Mr. President—

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

Mr. PILES. I do.

Mr. FULTON. I will state to the Senator from Wyoming that probably the Senator from California, a member of the Committee on Pacific Islands and Porto Rico, can explain wherein the act of Congress proposes to amend the act of the Territory.

Mr. CLARK of Wyoming. I asked for an explanation, and would be very glad to get it, because I have no doubt that there is an explanation for it, and I have no doubt that it is needed legislation; but at the same time I should like to know what we are doing and why we are doing it. I will ask the Senator from California, who is upon the Committee on Pacific Islands and Porto Rico, wherein the bill presented by the Committee on Territories differs from the law proposed by the legislative assembly of Hawaii—that is, if the Senator is advised?

Mr. FLINT. I did not hear the Senator, as my attention was diverted for a moment.

Mr. BEVERIDGE. I suggest that, if the Senator from Wyoming thinks the legislation is objectionable—although I think it would be seriously a bad thing to adopt the amendment rather than kill all the legislation—if he wants to take the responsibility, he can move to strike it out.

Mr. CLARK of Wyoming. Mr. President, I am taking no responsibility—

Mr. BEVERIDGE. Then move to strike it out.

Mr. CLARK of Wyoming. Except for my vote; and before I give my vote in the Senate I want to know why I vote. When a committee recommend to the Senate of the United States important legislation, it seems to me they ought to be able to give me some information.

Mr. BEVERIDGE. Will the Senator move to strike this out?

Mr. CLARK of Wyoming. We are asked solemnly to enact into law here—

Mr. PILES. If the Senator will pardon me, I will move to strike out sections 34, 35, and 36, in order to put the whole thing in conference, because it came from the House and not from the Committee on Territories in the Senate. In that way we will get the matter into conference. Now, I think I can explain to the Senator the other provision.

The VICE-PRESIDENT. If the Senator from Washington will permit, the amendment proposed by the Senator will be stated by the Secretary.

The SECRETARY. On page 20, beginning with section 34, in line 6, it is proposed to strike out all down to and including section 36, on page 34.

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

Mr. CLARK of Wyoming. Before voting on that, I may be allowed to express the hope that the committee will be as well informed on this in conference as it seems to be in the Senate.

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

Mr. CLAY. Mr. President, as I understand that amendment now, it is to strike out every feature of this bill relating to Hawaii.

Mr. NELSON. Yes; everything relating to Hawaii.

Mr. CLAY. Beginning in line 6, one page 20, and including the remainder of page 20 and pages 21, 22, 23, 24, 25, 26—

Mr. NELSON. Clear down to New Mexico. [Laughter.]

Mr. CLAY. And 37, down to New Mexico. Is that right?

Mr. PILES. Down to New Mexico.

Mr. CLAY. That convinces me more than I ever was convinced before of the danger of including so many different subjects in one bill.

Mr. BEVERIDGE. The Senator is quite right.

Mr. CLAY. The Senator from Indiana insisted that we ought to pass this bill to-night. I begged that it go over until Monday that we might critically examine it; and now the Senators in charge of the bill have admitted that two-thirds of the bill ought to be stricken out. I am inclined to think, Mr. President, if we consider it a few more minutes the balance of it will be stricken out. [Laughter.]

Mr. BEVERIDGE. With reference to what the Senator has said, I wish merely to say that if the Senator had not agreed to what he states is a sort of general understanding that this Congress should adjourn before the week is out, when important legislation is still to be enacted, we would not be in such a predicament as we are now in an effort to pass this bill. Mr. President, I will inquire if the question on the amendment of the Senator from Washington [Mr. PILES] has been put?

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. LONG. On page 5, line 4, I desire to move an amendment for my colleague [Mr. CURTIS]. I move to strike out the word "white" in that line.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 4, before the word "male," it is proposed to strike out the word "white."

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

Mr. CULBERSON. Let the Secretary read the three or four sentences containing that phrase.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Texas.

The Secretary read as follows:

SEC. 464. That before any license is granted, as provided in this act in relation to intoxicating liquor, it shall be shown to the satisfaction of said court that a majority of the white male and female citizens over the age of 21 years, other than Indians, within 2 miles of the place where intoxicating liquor is to be manufactured, bartered, sold, and exchanged, or bartered, sold, and exchanged, have, in good faith, consented to the manufacture, barter, sale, and exchange, or the barter, sale, and exchange of the same.

Mr. NELSON. Mr. President, I desire to call the attention of the Senator from Kansas to the fact that this provision is a part of existing law in Alaska. It relates to the matter of a petition for leave to sell liquor. The object of the provision is that white inhabitants, male and female, shall have the

right to express their opinion, and unless there is a given number of signers to a petition no license can be issued. If you strike out the word "white," it makes it ambiguous, for up in that country there are not only a lot of Indians, but a lot of Eskimos; in fact, there are more Eskimos than Indians; and then there are many people of mixed blood up there. I think in the interest of good government in Alaska we ought to leave the provision just as it is.

Mr. LONG. Mr. President, as I said, I made this motion at the request of my colleague, and I understand the amendment was agreed to by the chairman of the committee.

Mr. BEVERIDGE. I told the junior Senator from Kansas [Mr. CURTIS] that I would accept, so far as I could, any amendment he might offer. As the Senator from New Hampshire [Mr. GALLINGER] very well said, it is not within the power of the chairman of the committee to accept an amendment. The Senate itself must accept or reject; but, so far as I can, I certainly accept the amendment.

Mr. LONG. Mr. President, I ask for a vote on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the "noes" have it.

Mr. LONG. I ask that the motion be again put. I think the Senate did not altogether understand the question.

The VICE-PRESIDENT. The Chair will again put the question. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. LONG] on behalf of his colleague [Mr. CURTIS]. [Putting the question.] By the sound, the "noes" have it.

Mr. LONG. I ask for a division.

The question being put, there were, on a division—ayes 5, noes 17.

Mr. GALLINGER. I ask for the yeas and nays.

Mr. CULBERSON. I move that the Senate adjourn.

Mr. BEVERIDGE. Mr. President, I hope the Senator from Texas will withhold that motion for a moment, unless the Senator from Texas wants absolutely to kill all legislation respecting Arizona and New Mexico and this necessary legislation concerning Alaska, because if the Senator intends to agree to final adjournment on Monday or Tuesday—

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. The motion is not debatable.

Mr. BEVERIDGE. I know that; but I am asking the Senator from Texas to withhold the motion.

Mr. CULBERSON. If I believed this bill could be disposed of in a short time—

Mr. BEVERIDGE. It will be, most certainly.

Mr. CULBERSON. Then I will withdraw the motion temporarily.

The VICE-PRESIDENT. The Senator from Texas [Mr. CULBERSON] withdraws his motion. The Senator from New Hampshire [Mr. GALLINGER] demands the yeas and nays on the amendment proposed by the Senator from Kansas [Mr. LONG] in behalf of his colleague [Mr. CURTIS].

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE].

The roll call was concluded.

Mr. CLARK of Wyoming. I wish to announce my pair with the senior Senator from Missouri [Mr. STONE].

Mr. DILLINGHAM. Owing to my pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote.

The result was announced—yeas 9, nays 16, as follows:

YEAS—9.			
Beveridge	Gallinger	Penrose	Warner
Carter	Long	Piles	Warren
Curtis			
NAYS—16.			
Ankeny	Burnham	Nelson	Stephenson
Briggs	Flint	Overman	Stewart
Brown	Guggenheim	Perkins	Sutherland
Burkett	Heyburn	Smith, Mich.	Wetmore
NOT VOTING—67.			
Aldrich	Daniel	Hale	Newlands
Allison	Davis	Hansbrough	Nixon
Bacon	Depew	Hemenway	Owen
Bailey	Dick	Hopkins	Paynter
Bankhead	Dillingham	Johnston	Platt
Borah	Dixon	Kean	Rayner
Bourne	Dolliver	Kittredge	Richardson
Brandegee	du Pont	Knox	Scott
Bulkeley	Elkins	La Follette	Simmons
Burrows	Foster	Lodge	Smith, Md.
Clapp	Foraker	McCrea	Smoot
Clark, Wyo.	Frazier	McCreary	Stone
Clarke, Ark.	Frye	McEnery	Taliaferro
Clay	Fulton	McLaurin	Taylor
Crane	Gamble	Martin	Teller
Culberson	Gary	Milton	Tillman
Cullom	Gore	Money	

The VICE-PRESIDENT. No quorum has voted.
Mr. ALDRICH. I move that the Senate adjourn.
The motion was agreed to, and (at 10 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, May 25, 1908, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23, 1908.

POSTMASTERS. ARIZONA.

Fred E. Cadwell to be postmaster at Douglas, Cochise County, Ariz.

Louisa Ferrall to be postmaster at Grand Canyon, Coconino County, Ariz.

Reuben S. Galusha to be postmaster at Ashfork, Yavapai County, Ariz.

ARKANSAS.

Dan S. Collins to be postmaster at Foreman, Little River County, Ark.

Owen J. Owen, jr., to be postmaster at Conway, Faulkner County, Ark.

DELAWARE.

Benjamin I. Shaw to be postmaster at Harrington, Kent County, Del.

GEORGIA.

Charles D. O'Kelley to be postmaster at Grantville, Coweta County, Ga.

LOUISIANA.

Hiram Fuselier to be postmaster at Eunice, St. Landry Parish, La.

MICHIGAN.

Bangs F. Warner to be postmaster at Paw Paw, Van Buren County, Mich.

NEW YORK.

William H. Allen to be postmaster at Farmingdale, Nassau County, N. Y.

William D. Smith to be postmaster at Northville, Fulton County, N. Y.

Francis Worden to be postmaster at Coxsackie, Greene County, N. Y.

OKLAHOMA.

Elta H. Jayne to be postmaster at Edmond, Oklahoma County, Okla.

Thomas B. Woosley to be postmaster at Mulhall, Logan County, Okla.

PENNSYLVANIA.

Harry L. Cooper to be postmaster at Edinboro, Erie County, Pa.

Delos A. Wright to be postmaster at Union City, Erie County, Pa.

TENNESSEE.

J. A. Cox to be postmaster at Watertown, Wilson County, Tenn.

TEXAS.

J. Wed Davis to be postmaster at Teague, Freestone County, Tex.

VIRGINIA.

William D. Amis to be postmaster at Virgilina, Halifax County, Va.

James M. Williams to be postmaster at Broadway, Rockingham County, Va.

WISCONSIN.

Joseph E. Parry to be postmaster at Florence, Florence County, Wis.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 23, 1908.

[Continuation of legislative day of Tuesday, May 12, 1908.]

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m.

REPRINT OF A BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the reprint of the 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, with Senate amendments numbered, so that we can have the bill for use in conference.

The SPEAKER. The gentleman from New York asks unanimous consent for a reprint of the bill referred to. Is there objection?

There was no objection.

JERRY MURPHY.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, and I ask that the statement be read instead of the report.

The SPEAKER. The gentleman from New Jersey calls up the conference report on the bill H. R. 1991, and asks unanimous consent that the statement be read in lieu of the report.

Mr. WILLIAMS. I can not consent to that.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy, 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 disagreement to the amendment of the House to the Senate amendments, and agree to the same with amendments as follows:

On page 6 of the House amendment, line 23, strike out the words "thirty-five" and insert in lieu thereof the word "fifty."
On page 7, line 24, strike out the word "fifteen" and insert in lieu thereof the word "twelve."

On page 11 strike out lines 10, 11, and 12.

On page 12 strike out lines 8, 9, 10, 11, and 12.

On page 13 strike out lines 8, 9, and 10.

On page 15 strike out lines 12 and 13.

H. C. LOUDENSLAGER,

WM. H. DRAPER,

WILLIAM RICHARDSON,

Managers on the part of the House.

HENRY E. BURNHAM,

REED SMOOT,

H. M. TELLER,

Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment to the amendments of the Senate to the bill (H. R. 1991) granting an increase of pension to Jerry Murphy submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

This bill was originally a single private House pension bill. It was amended by the Senate by adding numerous other House pension bills which had been passed by the House with amendments. These amendments of the Senate were agreed to with an amendment carrying the names of persons embraced in sundry House and Senate bills. This amendment was disagreed to by the Senate and a conference held. After full conference the conferees agreed to the amendment of the House, with sundry amendments, as follows:

In the case of Augusta L. B. Curry, page 6, line 21, etc. This bill passed the Senate at \$50 per month, but was amended in the House to \$35 per month. After full conference your conferees have agreed to the rating of \$50 per month.

In the case of Richard M. Robinson, page 7, line 22, etc. This bill originally passed the House at \$15 per month, but was amended in the Senate to \$12 per month. Your conferees have agreed to the rating of \$12 per month.

In the case of Flemon Boles, page 11, lines 10 to 12: This bill originally passed the House at \$10 per month, but was stricken out in the Senate, and your conferees have agreed to such action.

In the case of Nannie E. Lenderman, page 12, lines 8 to 12: This bill originally passed the House at \$12 per month and was stricken out in the Senate, which action your conferees have agreed upon.

In the case of Charles J. Tribble, page 13, lines 8 to 10: This bill originally passed the House at \$8 per month, but was stricken out in the Senate, which action your conferees have agreed upon.

In the case of Carl Roepke, page 15, lines 12 and 13: This bill originally passed the House, but was stricken out in the Senate, which action your conferees have agreed upon.

H. C. LOUDENSLAGER,

WM. H. DRAPER,

WILLIAM RICHARDSON,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. WILLIAMS. Mr. Speaker, I will not call for the yeas and nays on this bill.

The question was taken, and the conference report was agreed to.

FORTIFICATION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I call up the conference report on the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The SPEAKER. The gentleman from Ohio calls up the conference report on the fortification appropriation bill. The Clerk will read the report.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, 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 1, 2, 7, 10, 12, 16, 17, 18, 19, 23, and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 8, 9, 11, 13, 14, 15, 20, 21, 25, 26, 27, and 28; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of sea-coast fortifications for the protection of the harbor at San Pedro, Cal., and the cities in that vicinity, and if such fortifications are deemed advisable or necessary furnish an estimate of the cost of sites and fortifications separately."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out of the said amendment the words "not to include Subig Bay or Olongapo;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-three thousand dollars;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out of the said amendment the words "not to include Subig Bay or Olongapo;" and the Senate agree to the same.

WALTER I. SMITH,
JOSEPH V. GRAFF,
SWAGAR SHERLEY,

Managers on the part of the House.

GEO. C. PERKINS,
F. E. WARREN,
A. S. CLAY,

Managers on the part of the Senate.

Mr. KEIFER. Mr. Speaker, I move that the House agree to the conference report.

Mr. WILLIAMS. And on that, Mr. Speaker, I demand the yeas and nays.

Mr. KEIFER. I make the point that there is no quorum.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members. All those in favor of agreeing to the conference report will, when their names are called, answer "aye," those opposed will answer "no," those present and not voting will answer "present." The Clerk will call the roll.

The question was taken, and there were—yeas 148, nays 61, answered "present" 13, not voting 165, as follows:

YEAS—148.

Acheson	Bartlett, Nev.	Boutell	Burton, Del.
Adair	Bates	Boyd	Burton, Ohio
Alexander, Mo.	Beale, Pa.	Brodhead	Caldwell
Alexander, N. Y.	Bede	Brownlow	Campbell
Ashbrook	Bonyuge	Burleson	Cary

Caulfield	Gaines, W. Va.	Kennedy, Ohio	Overstreet
Chaney	Gardner, Mich.	Kipp	Padgett
Chapman	Gardner, N. J.	Knapp	Parker, S. Dak.
Cook, Colo.	Gilhams	Kiistermann	Parsons
Cook, Pa.	Gillett	Lafan	Payne
Cooper, Pa.	Goldfogle	Lamb	Perkins
Cooper, Wis.	Gordon	Langley	Pollard
Coudrey	Goulden	Lawrence	Porter
Craig	Graft	Lindbergh	Pray
Cushman	Graham	Littlefield	Prince
Dalzell	Granger	Longworth	Rainey
Davidson	Greene	Loudenslager	Rauch
Davis, Minn.	Hackney	Lowden	Reeder
Dawson	Hale	McGavin	Roberts
Diekema	Hall	McGuire	Rodenberg
Douglas	Hamilton, Iowa	McKinley, Ill.	Rothermel
Draper	Hamilton, Mich.	McKinney	Scott
Driscoll	Haskins	McLaughlin, Cal.	Sherman
Durey	Haugen	McLaughlin, Mich.	Smith, Iowa
Edwards, Ky.	Hawley	McMorran	Smith, Mich.
Ellis, Oreg.	Henry, Conn.	Madison	Sperry
Englebright	Hill, Conn.	Mondell	Stanley
Esch	Hinshaw	Moore, Pa.	Steenerson
Favrot	Howell, N. J.	Morse	Sterling
Focht	Howland	Mouser	Sulzoway
Foss	Humphrey, Wash.	Murdock	Sulzer
Foster, Vt.	Jenkins	Murphy	Thistlewood
Foulrod	Jones, Wash.	Needham	Volstead
Freuh	Kahn	Nelson	Washburn
Fuller	Keifer	Norris	Wilson, Pa.
Gaines, Tenn.	Kelher	Olcott	Wood
	Kennedy, Iowa	Olmsted	Woodyard

NAYS—61.

Ansberry	Ferris	Houston	Russell, Mo.
Beall, Tex.	Floyd	Hughes, N. J.	Russell, Tex.
Bell, Ga.	Foster, Ill.	Hull, Tenn.	Sabath
Booher	Fulton	Humphreys, Miss.	Saunders
Bowers	Garner	Johnson, Ky.	Sherwood
Brundidge	Garrett	Jones, Va.	Smith, Mo.
Burgess	Gillespie	Lloyd	Spight
Byrd	Glass	McLain	Stephens, Tex.
Candler	Hamill	Macon	Taylor, Ala.
Clark, Mo.	Hamlin	Moore, Tex.	Tou Velle
Clayton	Hardwick	O'Connell	Underwood
Cooper, Tex.	Hardy	Page	Webb
Cox, Ind.	Hay	Randell, Tex.	Williams
Crawford	Helm	Richardson	
Denver	Henry, Tex.	Robinson	
Dixon	Hobson	Rucker	

ANSWERED "PRESENT"—13.

Adamson	Harrison	Nicholls	Watkins
Bennet, N. Y.	Lee	Shackleford	
Burnett	McDermott	Sheppard	
Haggott	Moon, Tenn.	Talbott	

NOT VOTING—165.

Aiken	Ellerbe	Kitchin, Wm. W.	Ransdell, La.
Allen	Ellis, Mo.	Knopf	Reid
Ames	Fairchild	Knowland	Reynolds
Andrus	Fassett	Lamar, Fla.	Rhinock
Anthony	Finley	Lamar, Mo.	Riordan
Bannon	Fitzgerald	Landis	Ryan
Barchfeld	Flood	Laning	Sherley
Barclay	Fordney	Lassiter	Sims
Bartholdt	Fornes	Law	Slayden
Bartholdt	Poster, Ind.	Leake	Slem
Bartlett, Ga.	Fowler	Legare	Small
Bennett, Ky.	Gardner, Mass.	Legahan	Smith, Cal.
Bingham	Gill	Lever	Smith, Tex.
Birdsall	Godwin	Lewis	Snapp
Bradley	Goebel	Lilley	Southwick
Brantley	Gregg	Lindsay	Sparkman
Broussard	Griggs	Livingston	Stafford
Brumm	Gronna	Lorimer	Stevens, Minn.
Burke	Hackett	Lowd	Sturgiss
Burleigh	Hammond	Lowring	Tawney
Butler	Harding	McCall	Taylor, Ohio
Calder	Hayes	McCreary	Thomas, N. C.
Calderhead	Healin	McHenry	Thomas, Ohio
Capron	Hepburn	McKinlay, Cal.	Tirrell
Carlin	Higgins	McMillan	Townsend
Carter	Hill, Miss.	Madden	Vreeland
Clark, Fla.	Hitchcock	Malby	Waldo
Cockran	Holliday	Mann	Wallace
Cocks, N. Y.	Howard	Marshall	Wanger
Cole	Howell, Utah	Maynard	Watson
Conner	Hubbard, Iowa	Miller	Weeks
Cousins	Hubbard, W. Va.	Moon, Pa.	Weems
Cravens	Huff	Mudd	Wheeler
Crumpacker	Hughes, W. Va.	Nye	Wiley
Darragh	Hull, Iowa	Parker, N. J.	Willett
Davenport	Jackson	Patterson	Wilson, Ill.
Davey, La.	James, Addison D.	Pearre	Wolf
Dawes	James, Ollie M.	Peters	Young
De Armond	Johnson, S. C.	Pou	
Denby	Kimball	Powers	
Dunwell	Kinkaid	Pratt	
Dwight	Kitchin, Claude	Pujo	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. VREELAND with Mr. WOLF.

Mr. WALDO with Mr. WILEY.

Mr. TOWNSEND with Mr. WILLETT.

Mr. TIRRELL with Mr. WATKINS.

Mr. THOMAS of Ohio with Mr. WALLACE.

Mr. STEVENS of Minnesota with Mr. SMITH of Texas.

Mr. SOUTHWICK with Mr. SLAYDEN.

Mr. TAYLOR of Ohio with Mr. THOMAS of North Carolina.

Mr. TAWNEY with Mr. SPARKMAN.
 Mr. SNAPP with Mr. SHERLEY.
 Mr. SLEMP with Mr. RYAN.
 Mr. REYNOLDS with Mr. SMALL.
 Mr. MOON of Pennsylvania with Mr. RHINOCK.
 Mr. PEARRE with Mr. RIORDAN.
 Mr. MILLER with Mr. REID.
 Mr. MARSHALL with Mr. RANSDALL of Louisiana.
 Mr. MALBY with Mr. PUJO.
 Mr. MADDEN with Mr. HOWARD.
 Mr. McMILLAN with Mr. POU.
 Mr. McCALL with Mr. LEE.
 Mr. McKINLAY of California with Mr. PATTERSON.
 Mr. LAW with Mr. McHENRY.
 Mr. LORIMER with Mr. McDERMOTT.
 Mr. LOVERING with Mr. NICHOLLS.
 Mr. LOUD with Mr. MOON of Tennessee.
 Mr. LANDIS with Mr. LINDSAY.
 Mr. KNOWLAND with Mr. LEWIS.
 Mr. KNOPF with Mr. WEISSE.
 Mr. HULL of Iowa with Mr. LENAHAN.
 Mr. HUFF with Mr. LEGARE.
 Mr. HUBBARD of West Virginia with Mr. LEAKE.
 Mr. HUBBARD of Iowa with Mr. LASSITER.
 Mr. HOLLIDAY with Mr. CLAUDE KITCHIN.
 Mr. HEPBURN with Mr. KIMBALL.
 Mr. HAYES with Mr. OLLIE M. JAMES.
 Mr. GOEBEL with Mr. HITCHCOCK.
 Mr. GARDNER of Massachusetts with Mr. HEFLIN.
 Mr. FOSTER of Indiana with Mr. HAMMOND.
 Mr. FASSETT with Mr. HACKETT.
 Mr. FAIRCHILD with Mr. GRIGGS.
 Mr. ELLIS of Missouri with Mr. GODWIN.
 Mr. DENBY with Mr. FITZGERALD.
 Mr. DARRAGH with Mr. FINLEY.
 Mr. CRUMPACKER with Mr. ELLERBE.
 Mr. COLE with Mr. DE ARMOND.
 Mr. COCKS of New York with Mr. DAVEY of Louisiana.
 Mr. CALDER with Mr. CRAVENS.
 Mr. BURLEIGH with Mr. COCKRAN.
 Mr. CANDLER with Mr. CRAVENS.
 Mr. BURKE with Mr. CLARK of Florida.
 Mr. BARTHOLDT with Mr. CARTER.
 Mr. BARCHFELD with Mr. CARLIN.
 Mr. ANTHONY with Mr. BRANTLEY.
 Mr. BANNON with Mr. BROUSSARD.
 Mr. AMES with Mr. AIKEN.
 Mr. ALLEN with Mr. LEVER.
 Mr. MUDD with Mr. TALBOTT.
 Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.
 Mr. DUNWELL with Mr. LAMAR of Florida.
 Mr. BIRDSALL with Mr. LAMAR of Missouri.
 Mr. McCREARY with Mr. EDWARDS of Georgia.
 Mr. HARDING with Mr. PETERS.
 Mr. POWERS with Mr. PRATT.
 Mr. GRONNA with Mr. GREGG.
 Mr. HUGHES of West Virginia with Mr. HILL of Mississippi.
 Mr. MANN with Mr. SIMS.
 Mr. BINGHAM with Mr. LIVINGSTON.
 Mr. ANDRUS with Mr. BURNETT.
 Friday afternoon until Monday morning:
 Mr. DWIGHT with Mr. HARRISON.
 Until Monday:
 Mr. CALDERHEAD with Mr. SHACKLEFORD.
 For the session:
 Mr. WANGER with Mr. ADAMSON.
 Mr. BENNET of New York with Mr. FORNES.
 Mr. WATSON with Mr. SHEPPARD.
 Mr. CONNER with Mr. JOHNSON of South Carolina.
 Mr. COUSINS with Mr. FLOOD.
 Mr. BUTLER with Mr. BARTLETT of Georgia.
 The result of the vote was announced as above recorded.
 The doors were opened.

ENLARGED HOMESTEADS.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules, call up the conference report on the bill (S. 6155) to provide for an enlarged homestead, and agree to the same.

The SPEAKER. The Clerk will read the conference report.
 The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead, 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 disagreement to House amendments numbered 1, 2, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the Senate recede from its disagreement to amendment numbered 9, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment insert:
 "Sec. 6. That whenever the Secretary of the Interior shall find that any tracts of land subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this act."

And that the House agree to the same.

F. W. MONDELL,
 A. J. VOLSTEAD,
 JNO. W. GAINES,
Managers on the part of the House.
 REED SMOOT,
 C. D. CLARK,
 A. J. McLAURIN,

Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The House amendments to which the Senate agrees are as follows:

Amendment No. 1 inserts the words "California, Idaho."

Amendment No. 2 strikes out the word "North Dakota."

Amendment No. 3 strikes out the words "arid and semiarid."

Amendment No. 4 strikes out the words "*Provided, however*, That arid and semiarid lands mentioned in this act are to be deemed lands that will not successfully produce annual crops, other than native grasses, without artificial irrigation."

Amendment No. 5 strikes out the words "now occupying" and inserts the word "of."

Amendment No. 6 strikes out the word "hereinafter" and inserts the word "herein."

Amendment No. 7 strikes out the words "heretofore entered by him."

Amendment No. 8 strikes out the words "lying within 5 miles of" and inserts the words "contiguous to."

These last three amendments of the House extend the privilege of securing additional acreage, not to exceed 320, to the homesteader who shall in the future take a less acreage under this act, but confines the additional entry in every case to lands contiguous to the former entry.

Amendment No. 9 throws additional safeguards around the selection by the Secretary of the Interior of the lands which shall become subject to the provisions of this section, and confines residence within such distance of the lands as will enable the entryman to successfully farm the same.

F. W. MONDELL,
 A. J. VOLSTEAD,
 JNO. W. GAINES,

Managers on the part of the House.

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

The SPEAKER. The gentleman from Kansas demands a second. Under the rule, a second is ordered. The gentleman from Wyoming is entitled to twenty minutes and the gentleman from Kansas to twenty minutes.

Mr. MONDELL. Mr. Speaker, I desire to call the attention of the House to the fact that since the conference report was printed in the RECORD there is a slight change in the report as it is now before the House. As reported originally the Senate agreed to House amendment numbered 1. The final agreement resulted in the House receding from that amendment. Otherwise the report is exactly as printed.

Mr. REEDER. Mr. Speaker, I wish the gentleman would please explain that amendment.

Mr. WILLIAMS. Do I understand that the report as read from the Clerk's desk is not the report that the conferees intended to make to the House?

Mr. MONDELL. The Clerk read from the Speaker's desk the printed conference report, but the conference report as it is on the Speaker's table differs from that printed report as regards the first amendment.

Mr. WILLIAMS. This is an indication of the haste with which we are doing business and lack of consideration.

Mr. MONDELL. I think not. The report is in proper form as agreed to by the conferees.

Mr. WILLIAMS. But was not read to the House by the Clerk.

Mr. MONDELL. It was read to the House exactly as it is, except as to amendment numbered 1.

Mr. WILLIAMS. Which was the reverse of what the Clerk read.

Mr. MONDELL. The Senate conferees at one time agreed to House amendment numbered 1. Subsequently there was a disagreement and the House receded from its amendment numbered 1.

Mr. REEDER. At another conference?

Mr. MONDELL. That amendment is a House amendment, which brought the States of Idaho and California within the provisions of the act. As now agreed to the States of Idaho and California are not within the provisions of the bill.

Mr. WILLIAMS. What is the real state of the conference report now?

Mr. MONDELL. The conference report is complete.

Mr. WILLIAMS. Do we bring them in or leave them out?

Mr. MONDELL. It leaves those two States out; the House left them in.

Mr. WILLIAMS. The report as read to the House regarding amendment numbered 1 was exactly the opposite of what was really agreed upon by the conferees.

Mr. MONDELL. That is true, because, instead of reading the conference report as it lies on the table, the Clerk read the printed report.

Mr. WILLIAMS. How are we going to untangle that? It seems to me you will have to have unanimous consent to read the right report.

Mr. MONDELL. The conference report is in proper form on the Speaker's desk. The Clerk read from the printed conference report.

Mr. WILLIAMS. He read the wrong report.

Mr. MONDELL. And the only difference in the report is that the House recedes from its amendment, including those two States—

Mr. WILLIAMS. You had better get permission to correct the Record to-morrow to show it.

Mr. PADGETT. May I ask the gentleman a question? Do I understand you to say you submitted a report first in which the Senate receded from amendment numbered 1? Now, then, how or by what authority did the conferees take up the question a second time and submit a second conference report after they had filed a statement in the House of the conference?

Mr. MONDELL. Because that may properly be done. Under the rules of the House a conference report is simply submitted for printing, and is still in the hands of the conferees until called up, and, as has been done on other occasions, the conferees made a change in the conference report.

Mr. PADGETT. In the second report?

Mr. MONDELL. In the report before the House.

Mr. REEDER. Mr. Speaker, I rise to ask a question as to the condition of this report. I wish to insist that this report is not properly before the House and can not come before the House in this form without unanimous consent. The conferees met and made a report. That report was printed. There is no knowledge on the part of the House that there was any change in the report; but without any authority from the House this conference committee met again and changed that report and now make the second verbal report, and I insist that this can not be done without unanimous consent.

The SPEAKER. One moment.

Mr. PAYNE. It is competent for the House to take up the report under the special rule without being printed if he calls up the original report; there can not be any question about that.

Mr. REEDER. But he does not call up the original report.

Mr. GAINES of Tennessee. May I ask the gentleman from Wyoming what is the bill?

Mr. MONDELL. It is the report on the greater homestead bill.

Mr. GAINES of Tennessee. The conferees have agreed on it?

Mr. MONDELL. The conferees have agreed on it; yes.

Mr. GAINES of Tennessee. Now, what is the matter with the report?

Mr. REEDER. The report has not been printed.

Mr. WILLIAMS. One report was read in the House, and they agreed on a different one.

Mr. GAINES of Tennessee. I do not know about that. I did not hear the reading.

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

Mr. REEDER. Mr. Speaker, the point I make is this, that here is an important measure and the conferees make a report. That report is printed and read. That is all the information the House has about the matter. After that report is read and the matter is thus brought before the House as contained in that report, a second verbal report is made which, I think, is out of order and could not be made without unanimous consent.

The SPEAKER. The Chair desires to see if the Chair understands the real point of the matter to which the gentleman calls attention. The Chair has in his hand the conference report which speaks—

Mr. REEDER. And that is the report that was read.

The SPEAKER. The report for the first time was read this morning. The Chair will state the understanding of the Chair touching the matter. The gentleman from Wyoming presented a conference report to the House for printing under the rule; subsequently, before the report was called up, the House conferees took the report, as they had a right to, and with the assent and concurrence of the Senate conferees struck out the following words in the draft as originally presented for printing: "That the Senate recede from its amendment numbered 1," and substituted the words, "That the House recede from its amendment numbered 1." The amended draft of the report is now presented, and a motion is made to suspend the rules and agree to it. The report, under this motion, is in order, although it has never been printed in the Record in its present form.

Mr. WILLIAMS. Mr. Speaker, if the Speaker will hear me for a moment.

The SPEAKER. The Chair will hear the gentleman.

Mr. WILLIAMS. Mr. Speaker, as I understand it, the statement of the Speaker is incorrect in this respect: The conference report which the Speaker has just referred to and in which occurs the language to the effect that the House recedes from amendment numbered 1 was not the report which was read by the Clerk to the House. That is the first point.

The SPEAKER. On the contrary, it is the report that was read by the Clerk to the House.

Mr. WILLIAMS. Upon the contrary, the gentleman from Wyoming [Mr. MONDELL] subsequently stated that the Clerk had by error read the wrong report, and that the right report meant that the House receded and not that the Senate receded. Now, then, I wish to submit this to the Chair independently of that statement: The rules require conference reports to be printed twenty-four hours in advance. By a familiar ruling of the Speaker the other day a motion to suspend the rules does not suspend all the rules. It does not suspend the rules for the orderly carrying on of business. For example, it can not suspend the rule that the House must be in order. It can not suspend the rules so that a Member can not make the point that the House is not in order. It can not suspend the rule that the real report read to the House shall have been lying on the Speaker's table twenty-four hours.

The SPEAKER. The Chair is prepared to rule on the matter as presented. The Chair again states that he holds in his hand the report which has been read to the House, and the gentleman from Wyoming [Mr. MONDELL] moves to suspend the rules and agree to that report. Now, then, as a matter of fact, which may be said to be only aliunde, as the Chair is informed, the gentleman, the chairman of the conference committee on the part of the House, reported as it appears in the Record for printing under the rules—that is, the ordinary rules of the House—a conference agreement, which conference agreement, as printed under the rules of the House, read as follows:

That the Senate recedes from its amendment numbered 1.

Now, then, it was only printed under the rule for the information of the House. The Chair is informed that the conference committee on the part of the House, discovering the clerical error, took the report from the Clerk's desk for correction. It seems to the Chair that they had a right to do this, as the rule requiring a conference report to be printed in the Record before action thereon does not contemplate that the report passes out of the custody of the managers. Having taken the report the House managers met the Senate managers, and then corrected the error by striking out "Senate" and inserting "House."

Now, under the ordinary rules of the House it may be that it should again be submitted to the House for printing. But suppose that this report was presented this morning, as the

Chair will assume the case to be, in fact presented for action by the House for the first time. It is not necessary to print under the rules of the House, because this is the motion to suspend the rules of the House and agree to the conference report. And the motion to suspend all rules means the suspension of such rules as otherwise would stand in the way of immediate consideration of the report. The rule requiring printing would stand in the way, but the motion now offered removes that obstacle.

Mr. REEDER. Mr. Speaker, I just wish to make one remark, if the Chair pleases, and that is that the Chair is mistaken as to the fact. There was no statement made by the gentleman that this was a misprint. It was simply an after-conclusion and an after-conference. There is a mistake in fact, which may not have any effect, however, in the matter of suspending the rules, but it is a mistake in the fact.

The SPEAKER. Well, the House is fully informed, first, by the official conference report which has been read to the House, and it is to that report that the motion to suspend the rules and agree applies.

Mr. MONDELL. Mr. Speaker, for the information of the House I ask that the conference report be read.

The SPEAKER. It has been read.

Mr. MONDELL. Very well. Now, Mr. Speaker—

The SPEAKER. If there is no objection, and the gentleman desires, it can be read in his own time, or if there is no objection it can be read again anyhow.

Mr. WILLIAMS. I think it would be better to have it read again, and read right.

Mr. GAINES of Tennessee. I ask that it be read.

Mr. WILLIAMS. That is the only way the House knows by the Record what we do.

The SPEAKER. The report will again be read.

[The conference report was again read.]

Mr. MONDELL. Mr. Speaker, by this conference report the Senate conferees agreed to all the House amendments to this bill except the first, which included the States of Idaho and California. The Senate insisted to these two States going out of the bill. With that exception, the bill is as it passed the House, with the exception of an amendment which constitutes section 6, and, with these two exceptions, the bill is as it passed the House.

Mr. CHANEY. What is section 6?

Mr. MONDELL. Section 6 is a provision carrying out a recommendation made by the Commissioner of the General Land Office in his last annual report. By the terms of the section the Secretary of the Interior may, if he finds any tracts of land subject to entry under the bill that do not have upon them a sufficient supply of water suitable for domestic purposes, as would make continuous residence upon the lands possible, designate such lands, and as to these particular lands the settler is required to cultivate double the area required under the general provisions of the bill—that is, he must continuously cultivate at least one-half of the area of the entry—but he is not required to live upon the land, but must live near enough to it to enable him to farm it in accordance with the provisions of the act.

Mr. CHANEY. So that he does not have to reside on the land, but near it?

Mr. MONDELL. In these particular localities, as selected by the Secretary, containing no drinkable water.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. MONDELL. I will be glad to.

Mr. GAINES of Tennessee. I desire to say to the House, as one of the conferees, that this is what is known as the "320-acre homestead bill." The bill increases the amount that may be taken in a homestead, 160 acres, to double that amount. The plan it proposes is to permit the proposed homesteader to live on this arid land if he can, but he can not, because there is no water on it. But he is required to live just as near it as he can to "successfully" farm it, which he must do. The land is selected first by the Interior Department. It is also left with the Department as to whether or not he is living near enough to "successfully" farm it. But his rights depend upon whether or not he "successfully" runs the farm, and the Secretary of the Interior is the judge of the fact. Now, I voted against the bill when it was up in the House. We have made the best out of a bad bill that we could—to open this land to homesteads and make this Sahara add to the possible wealth of the land.

Mr. SULZER. What States does it apply to?

Mr. MONDELL. It applies to States west of the Dakotas and Oklahoma, except Idaho and California.

Mr. GAINES of Tennessee. The bill gives 320 acres as a homestead

Mr. GOLDFOGLE. Why was the ordinary homestead doubled?

Mr. GAINES of Tennessee. It takes 320 acres of nothing out there to make a little something; that is about as near as I can tell my friend. You may find 320 acres of dust where there is absolutely no water. The man who is going to hold it may be 25, 50, or 100 miles away from water. We give him a little more of nothing, and he is supposed to make a little something out of it by "dry farming," but he must work and succeed. He may live 50 miles away, and, with his hogsheads of water, go Monday to his farm and work four or five days, and when he gets out of water he gets on his water wagon and comes back to the well and gets more water and returns.

Mr. GOLDFOGLE. So this is a water-wagon proposition?

Mr. GAINES of Tennessee. Yes; and I stand by that all the time.

Mr. SULZER. Then it relates only to arid lands?

Mr. GAINES of Tennessee. The lands are so dry that sometimes a whole acre will blow off in dust. Now, Mr. Speaker, this conference report is the best we could do with that bad proposition the House passed. It is this, or let this land lie idle and do no one any good.

Mr. MONDELL. I reserve the balance of my time.

Mr. STEPHENS of Texas. I would like to ask the gentleman a question with reference to his bill.

The SPEAKER. Nothing will be done until the House is in order.

Mr. STEPHENS of Texas. I desire to ask the gentleman from Wyoming a question with reference to the merits of this bill.

Mr. MONDELL. I have reserved the balance of my time.

Mr. STEPHENS of Texas. I will ask if the effect of this bill will not be to enable large cattle owners—

Mr. MONDELL. I have no time to yield to the gentleman.

Mr. STEPHENS of Texas. Will it not enable the large cattle companies to secure double the amount of land in that country, making it a great deal easier for them to control the entire range by their cowboys, and for them to prevent the settlement of the lands as they have done heretofore?

Mr. MONDELL. No; it will not. Its effect will be quite the contrary. It will make farms of what is now cattle and sheep pasture.

Mr. STEPHENS of Texas. That will be the result of this bill?

Mr. MONDELL. I will consume sufficient time to answer the gentleman. Not at all. In the first place, this is the first five-year homestead law we have ever had on the statute books. Now, let me answer your question.

Mr. STEPHENS of Texas. The gentleman from Tennessee said that it did not require residence for settlement.

Mr. MONDELL. This is the first five-year homestead law we have had. The man must live on the land five years and cultivate the land five years, which is not required now. There is a section now before the House which was decided upon by the conferees that follows the recommendation of the Commissioner of the General Land Office, made in his annual report, that on certain limited areas to be selected by the Secretary of the Interior that do not contain any water, so that residence is impossible upon them—on those lands—by requiring double the amount of cultivation, the settler may reside sufficiently near the lands so as to make their farming possible.

Now, that applies only to such very limited areas as may be selected by the Secretary and be controlled by him on lands which could not be resided on.

Mr. STEPHENS of Texas. How much land has to be cultivated? One acre?

Mr. MONDELL. One-half of the entire area, continuously.

Mr. STEPHENS of Texas. Cultivated in crops and farming?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Before they are entitled to a patent?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Then you might as well not pass any law, because that is impossible in a great deal of that country.

Mr. MONDELL. The gentleman criticises without knowing what the provisions of the bill are.

Mr. STEPHENS of Texas. I know that country, though.

Mr. MONDELL. The gentleman criticises because the provisions are not severe enough, and then he criticises because the provisions are too severe.

Mr. STEPHENS of Texas. I think the bill should require actual residence on the land.

Mr. FITZGERALD. This bill as it passed the House, as I recollect, restricted these homesteads to the arid and semiarid lands.

Mr. MONDELL. No; it did not. It restricted them to non-irrigable, nontimbered lands.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that under the present law it has been possible for cattle companies to control all the water in a great many ranges? And will not this double the facilities they have heretofore had for controlling these ranges? In the case of a stream running down from a mountain they will take up a little homestead upon that, and then they will control the outside country. The cowboys will be at the headquarters ranch upon this stream, and you are enabling them to hold 320 acres of the stream on the arid lands without any settlement under this bill.

Mr. MONDELL. The provision to which the gentleman refers is entirely within the discretion of the Secretary of the Interior.

Mr. STEPHENS of Texas. That does not make it right.

Mr. MONDELL. It is a recommendation of the Commissioner in his last annual report. There are very many gentlemen who always want to know what the Department recommends. This is the particular part of the bill that the Department recommended in the last annual report; in certain limited localities, to be determined by the Department to be localities where it was impossible to live on the land for lack of water, by cultivating one-half the land continuously and residing in the vicinity for five years the entryman can obtain title to the land. Now, the gentleman knows, just as well as I know, that no cattle company and no one attempting to acquire land for speculative purposes is going to cultivate continuously one-half of a piece of land.

Mr. STEPHENS of Texas. They will not cultivate it at all.

Mr. DAVIS of Minnesota. As this bill passed the House it was limited to nonirrigable, arid, and semiarid lands.

Mr. MONDELL. The gentleman is mistaken. As it passed the House it was in that regard exactly as it is now in this conference report.

Mr. DAVIS of Minnesota. What is the condition at present as to arid or semiarid lands?

Mr. MONDELL. It is confined to nonirrigable lands which do not contain merchantable timber, and which are nonmineral.

Mr. DAVIS of Minnesota. So that it is not confined to arid or semiarid lands?

Mr. MONDELL. There is practically no land in the States embodied in the bill, except arid and semiarid land.

Mr. DAVIS of Minnesota. The words "arid or semiarid," are not in the bill.

Mr. MONDELL. No.

Mr. TAWNEY. Why do not you put those words in?

Mr. BONYNGE. The lands must be either arid or semiarid, if they are nonirrigable, in that country.

Mr. GAINES of Tennessee. This law does not require the homesteader to live on the land, because he can not; but it does require him to live near enough to it, in the judgment of the Department, to successfully cultivate it; and if he does not successfully cultivate it, he does not get any patent.

Mr. MONDELL. The gentleman's remarks refer only to those provisions of section 6, which will be confined probably to a few townships in the United States.

Mr. GAINES of Tennessee. I do not know anything about that, but I am talking about the way the provision works.

Mr. FULTON. Suppose a man settles on this land, and he does not cultivate it the first year and does not cultivate it the second year, what can be done under the bill?

Mr. MONDELL. The entry would be subject to contest and to cancellation. Mr. Speaker, I reserve the balance of my time.

Mr. REEDER. Mr. Speaker, I would like to be notified when I have used ten minutes. I desire to say to gentlemen of this House that this is essentially a bad bill. It should be written that this is a bill to secure large ranches, and nobody knows that any better than my friend from Texas [Mr. STEPHENS]. It will not have the effect of getting people to live on the land, for the simple reason that they can not live on this class of land. It came before the House and was passed with a provision absolutely that they must live upon the land, but even with that provision they would not live upon the land, because they can not sustain themselves; it is absolutely impossible. They can not support themselves on this class of land.

Mr. POLLARD rose.

Mr. REEDER. I desire not to be interrupted unless I am interrupted in the time of gentlemen on the other side. I have

noticed that gentlemen on the other side manage to take up a good deal of my time, but if anybody chooses to ask me a question in the time of the other side, I am quite willing to answer it. As I say, this will not have the effect of compelling people to settle and live upon the lands, but the effect will be that they will settle on it, their stock will starve, their families will starve, until some ranchman comes along and says "I will give you \$50 for your chance." If the homesteader is honest, he may say that it is not worth anything, for they have to prove certain things before title can be had. The ranchman will say "I will take my chances on that. I have a lot of cowboys here, and I will take care of that." Now, some of you Western people know this, but Eastern and Southern people do not know about it.

I would like to talk to you Eastern and Southern Members about this bill, because it is the final move to open up a loophole in the land laws and get rid of all of the Western land, and it will get rid of it in large tracts.

I wish to quote to you what the Senator from Idaho said about this measure when he had his State cut out from the provisions of the bill. He said at that time on the floor of the Senate that this bill would include land that would produce 50 bushels of wheat to the acre, and that is more wheat than land in any Eastern or Southern State will produce one year with another. He said also that this would take in such projects as Twin Falls, in Idaho, where men live on small tracts of land and make the surest and best living of any farmers in the world. That same land will be taken into large ranches under this bill; and if you people knew it, I know you would not vote for it. If the gentleman from Tennessee [Mr. GAINES] had any thought as to what this bill would do and as to what would be done with these lands, I know that he would not be in favor of it. He wishes this land for the people who need homes.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. REEDER. I can not yield unless I yield in the gentleman's time.

Mr. GAINES of Tennessee. I have not any time.

Mr. REEDER. I wish to tell you a story of a settlement made in Kansas and what we did with the fellow—I think we sent him out to the State of Wyoming.

Mr. MONDELL. We have a lot of bad people in our State from Kansas. [Laughter.]

Mr. REEDER. This was a pretty smart fellow, and I wonder they do not send him to Congress. [Renewed laughter.] The law under which this man was taking land required him to build a home thereon, and contained a provision that he must have a board floor and a board roof. He did not have the funds, I guess, or maybe he wanted to save them to go West with, and so he dug into the bank a space about 3 feet wide and 6 feet long and put poles across the top for a roof, put some brush on these poles, and then some hay over the brush, and put some sod over that. Then he sharpened a stick, went into the dugout, bored holes in the ground and then bored holes up through the roof, and made an affidavit that he had a bored floor and a bored roof. [Laughter.]

I wish to assure you that if you allow this bill to become a law, through this loophole all the public lands of any value will be taken, and generally they will go into large ranches. These people are shrewd enough to get it in spite of what is written in law.

Some of you may say, "How are we to know about this?" Well, if you do not know, I want to give you a safe rule to go by. Do not vote any more loopholes in the land laws if you do not know the effect of them. It is no harm to keep the public domain until people can settle on it. I wish to say further that men in the West seldom send men here who do not vote for what they want, and I presume the citizens who advocate this bill have hundreds of thousands of acres of Western land, and they have the American disposition of wanting everything that adjoins them.

Mr. MONDELL. Mr. Speaker—

Mr. REEDER. I object. I do not want this taken out of my time.

Mr. MONDELL. But the gentleman has referred to me specifically.

Mr. REEDER. All right, go ahead, make your objection.

The SPEAKER. The Chair would like to know which gentleman has the floor.

Mr. REEDER. I have the floor. I yield to the gentleman from Wyoming for a moment.

Mr. MONDELL. Mr. Speaker, I ask that the gentleman's words be read.

Mr. COOK of Colorado. It is an outrage.

Mr. REEDER. Very well.

Mr. MONDELL. I want them read, Mr. Speaker; I did not quite understand them.

Mr. REEDER. He can have them read, or I will state them again.

Mr. MONDELL. What the gentleman said was that the gentleman from Wyoming and his friends—

Mr. REEDER. Probably.

Mr. COOK of Colorado. The gentleman did not use the word "probably."

Mr. MONDELL. Did he have hundreds of thousands of acres and desired to get all the land adjoining.

The SPEAKER. Does the gentleman desire the words read?

Mr. REEDER. Yes, sir.

The SPEAKER. They will be here in a moment. In the meantime the gentleman will suspend. While the stenographer is writing out what was said the Chair will have read clause 5 of Rule XIV.

The Clerk read as follows:

If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

The SPEAKER. The Chair understands that the gentleman was called to order and a demand was made that the remarks be taken down. The Clerk will read the words.

The Clerk read as follows:

Men in the West seldom send men here who do not vote for what they want, and I presume that the men who advocate this bill have hundreds of thousands of acres of western land, and they have the American disposition of wanting everything that adjoins them.

The SPEAKER. The Chair will read the words again:

Men in the West seldom send men here who do not vote for what they want, and I presume that the men who advocate this bill have hundreds of thousands of acres of western land, and they have the American disposition of wanting everything that adjoins them.

The words speak for themselves. In the opinion of the Chair, they do not, as they stand, reflect upon a Member of the House [applause]; still it is for the House to say.

Mr. MONDELL. Mr. Speaker, I am rather inclined to the view expressed by the Chair of the words as read, and yet, as the words fell on my ear, there was included in the statement of the gentleman some words that do not appear in the record as written out. I may have been mistaken.

The SPEAKER. The gentleman from Kansas is recognized.

Mr. REEDER. Mr. Speaker, how much time have I consumed?

The SPEAKER. Five minutes.

Mr. REEDER. Mr. Speaker, I would like the attention of the House. I hope that this bill will not become a law. I earnestly hope this because the public domain is fast disappearing. We are not improving our land laws, but we are opening up a method by which other lands can come into the hands of great corporations. When this law passed I regarded it as very bad legislation. I do not think, with mature consideration and in the usual course of business, it would have passed the House, but it has now gotten into conference and the conferees have added to it the largest hole that has been left in the public land laws recently.

It is provided that a man, and I guess I will mention the cowboy, can live on a ranch where they have got control of the water and can farm ostensibly some land at some distance from camp, and by that means hold it, and if they can swear properly to prove up on that land they can thus secure a great ranch. This is put in in the conference report, and I do say we ought not to let this provision remain in the bill, that a man can control and finally prove up on land that he does not live on, because the effect will be to get this land out of the hands of the people before they can improve it under the different laws that have been passed for the purpose of irrigating the public land. As I said a moment ago, the Senator from Idaho objected to this because he said it would include lands that would raise 50 bushels of wheat to the acre. What kind of land would you call that in Illinois or Indiana that would raise 50 bushels of wheat to the acre one year with another? Then I say to you it will have this effect, because they can not live on this land in one case out of ten. I believe I will say of the remainder of the public domain, that is nonirrigable and is really desert land, that they can not in one case out of a hundred live on the land and sustain a family therefrom, and if a man is foolish enough to be inveigled into trying it and goes there with his family, it is only a question of time when he will take \$25 or \$50 to leave the land and go somewhere else, because he can not stay there.

But he can stay just as well on 320 acres as on 640 acres; he can not stay on either. If he could stay at all, he could turn

the cattle out and pasture them and live on 160 acres. But they say it is for dry farming, because you have to farm the land twice as much as you would have to do in one of the older States. If a man had 80 acres under any system of farming that required twice as much work as the ordinary method of farming, he would not need more land, but less. The fact that he can not farm that land without twice as much labor shows he only needs half the land. It is all folly to say the more labor an acre requires the more acres a man needs. I wish now to show you that this report does not quite represent to you people the facts in the case. Here it says on the first page of a report, numbered 1300, this:

In the message of the President of the United States, communicated to the two Houses of Congress at the beginning of the present session of Congress, in speaking of the present land laws and of the conditions of the country to which they apply, he said:

"The land-law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the drier regions of the Great Plains, the mountains, and much of the Pacific slope where a farm of 160 acres is inadequate for self-support."

Now, I have a copy of that message, and I wish to read what follows this statement. I am not sure which one it is, but here it is, page 29, which gives his exact words.

The SPEAKER. The gentleman from Kansas asked the Chair to notify him when ten minutes had expired.

Mr. REEDER. I will occupy just a moment or two more to finish this.

The land-law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the drier regions of the Great Plains, the mountains, and much of the Pacific slope, where a farm of 160 acres is inadequate for self-support. In these regions the system lent itself to fraud, and much land passed out of the hands of the Government without passing into the hands of the home maker. The Department of the Interior and the Department of Justice joined in prosecuting the offenders against the law, and they have accomplished much, while where the administration of the law has been defective it has been changed. But the laws themselves are defective. Three years ago a Public Lands Commission was appointed to scrutinize the law and defects and recommend a remedy.

They did not recommend any 320-acre homestead law, and, indeed, every one of them are now against that law, but they recommended that the commutation clause should be taken from the homestead law, so that the effect of the first part of the statement would naturally be to convince the Members that the President favored a bill for a 320-acre homestead when the judgment of the Commission appointed by the President is against such a law.

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. MONDELL. I yield two minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, I expect to vote for this bill. I expect to vote for it because it will have the effect of bringing people, not cattle, to these Western lands. The bill is amply safeguarded. It applies, as I understand it, only to nonirrigable lands. For three or four years from fifty to one hundred thousand farmers each year are crossing our northern boundary to settle upon the wheat lands of Canada. We want to keep some of them at home and we can only keep them at home by making it possible to farm these dry, nonirrigable lands in our mountain States.

A man can not make a living upon 160 acres of nonirrigable land; but if you give him 320 acres, ultimately he will farm one-half of it one year and one-half the next year, under what is called "the system of dry farming," a system under which one year you break up the land and by repeated harrowing keep it covered with a dust blanket, thus breaking up the capillary attraction, and keeping the moisture in the ground until the next year. Some moisture falls each year upon all these lands, not much, but enough, if it is retained within the soil for two years, to produce a crop. This is a bill, as I understand it and as I read it, that will prevent great ranches in the West.

If the system of dry farming upon these nonirrigable lands can not be made a success, then there is nothing in the world that will prevent these lands from going back into sheep pastures. Already the ranchmen of the West are endeavoring to get legislation here that will give them long leases on the public domain, and the only way to prevent it is to pass an act of this kind which makes this kind of farming possible. [Applause.]

The SPEAKER. The time of the gentleman has expired. The gentleman from Kansas [Mr. REEDER] is recognized.

Mr. REEDER. Mr. Speaker, the speech of Mr. RAINEY was on the other side of this question, and I am entitled to the closing.

The SPEAKER. No; the gentleman in charge of the report is entitled to the closing.

Mr. REEDER. Then I will yield two minutes to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, my objection to this bill is this: I believe that it is designed to put cattle and not men upon the semiarid lands of the West. I voted against this bill when it was before the House. I do not see how any man who voted against it then can vote for it now; and it seems to me that as it comes before us in this report it is far worse now than it was then.

I want to call the attention of the Members of the House to the fact that this conference report does not require residence on a "homestead." If that is not a contradiction of terms, I do not know what is. Here is a report which authorizes, I say, this state of things, and therefore I say it is designed to put cattle and not men onto this land. This conference amendment provides if there is not sufficient water for domestic purposes on the land, then the man who enters it does not have to live on it. That is exactly what is here provided. Now, what is the result? I submit that any employer of twenty cowboys can enter thousands of acres of this land, and nobody has to live on it. I can not vote for the conference report. [Applause.]

Mr. REEDER. Mr. Speaker and gentlemen, I wish for just a moment now to answer the gentleman from Illinois [Mr. RAINEY]. He says that this bill is amply safeguarded. I have said to you, and as every other Western Member that knows something of what can be done in the way of getting Western lands will tell you, that if a man does not live on 320 acres of land he does not become a settler. Somebody else gets the land. That is all there is to that. There is another thing: The Senator from Idaho says it will take in such tracts of land as the Twin Falls project. It would take in tracts of land in which 10 acres would make a home for a family. On this land, I wish to say to you people—

Mr. PARSONS. In regard to Twin Falls, does that mean what the land in the Twin Falls Reservation would yield before it had been irrigated?

Mr. REEDER. No; what it would yield now under irrigation.

Mr. PARSONS. After irrigation?

Mr. REEDER. Yes, sir.

Mr. PARSONS. May I ask the gentleman this: Supposing this bill should pass, and later it should prove possible through a pumping system to irrigate some of the high mesa land that could be taken in 320-acre homesteads, then would not the irrigation law apply and compel the reduction—the size of the holdings?

Mr. REEDER. Not after they had proved up. Land may be nonirrigable to-day and to-morrow that land may be capable of irrigation. If irrigated it would make a home for a family in the southern part of the United States from a tract of 10 acres, and make the safest and surest proposition of farming that can be had anywhere, while of this land that would come under this law, 40 acres of it would not support a steer. A steer could not find enough grass on 40 acres to live on, and four families probably could live on it later. As to keeping citizens from emigrating to the Canadian possessions, that if you will permit these lands to be taken up in large tracts, men can not live on them; but if we hold this land in the Government's possession until we can irrigate it, we will keep a vast number of these people here as citizens. So that this bill will not have the effect that the gentleman from Illinois thinks it will, and I hope that all of you people who would like to see homes upon the land will say, "Let us retain the public domain until we know that we are making a useful disposition of it."

Mr. RAINEY. Will the gentleman allow me to interrupt him?

Mr. REEDER. Yes, sir.

Mr. RAINEY. Does the gentleman think the farmers who are now emigrating to Canada would wait around here forty or fifty years to see if something does not change so that they can use the land?

Mr. REEDER. No, sir. But we can not prevent them from going to Canada more than one or two years by putting them on these desert lands. They can not stay there. They will take their four or five hundred dollars and go there and squander it trying to make a living and then take \$50 and go on to Canada; but shortly after that we may be able to irrigate that land and keep twenty to thirty families on every 320 acres.

Mr. RAINEY. Does the gentleman claim that a man can not make a living on 160 acres of this land?

Mr. REEDER. I say that he can not make a living on 640 acres of it, nor 1,280 acres. There is the trouble. If he could make a living on 320 acres, it would be all right; but there is

where people are deceived. They can not make a living on 640 acres, in most cases. In other cases, like that referred to in Idaho, they could probably do so on 320 acres. I desire to ask you not to put this loophole into our public-land laws, by which 320 acres of land can be had on one transaction. It would be a great mistake, and I hope you will not make such a mistake, because land is getting scarce and valuable.

Mr. PARSONS. Is it not true that under the irrigation laws a person may even take their 20 or 40 acres without living on the land?

Mr. REEDER. Must live on irrigated land in every case.

Mr. GAINES of Tennessee. Do you say that a man can not make a living on 320 acres of this land, and yet you want to make him live on it?

Mr. REEDER. Let the land alone.

Mr. GAINES of Tennessee. But the House decided that they would not let it alone.

Mr. REEDER. If you let the law alone the land will be let alone.

Mr. GAINES of Tennessee. I say, in behalf of the conferees, that we made the best we could out of the proposition. I voted against the bill when it was before the House.

Mr. REEDER. It is of no use, except, possibly, for pastures.

Mr. GILLESPIE. How is it used for pasture?

Mr. REEDER. I do not think I can describe it at this time. I want the gentlemen to understand that, while this land may be absolutely nonirrigable to-day, it may become very valuable to-morrow. Out in the West I know myself of places where twenty-five years ago there was no water within 500 feet and later it was found within 25 to 30 feet of the surface. I trust no one will vote to put this loophole into the land laws. [Loud applause.]

Mr. MONDELL. Mr. Speaker, I am always disinclined to reply to personal references, and had the gentleman from Kansas in his remarks said what I understood him to say, it would have been proper for "the gentleman from Wyoming" to say that so far as he is concerned he is the proud possessor of 40 acres only—and that is a tract of semiarid land of but limited value—and 160 acres of practically worthless arid land that he bought at a tax sale that he will be glad to sell for \$100; and that constitutes his sole landed possessions, save a few town lots and a modest home for his wife and babies. Now, Mr. Speaker—

Mr. REEDER rose.

The SPEAKER. Does the gentleman yield to the gentleman from Kansas?

Mr. MONDELL. I have only about two minutes.

Mr. REEDER. I would like simply to say that I do not own a foot of land.

Mr. LITTLEFIELD. But would like to.

Mr. REEDER. Would like to, but do not.

Mr. MONDELL. This is the most amply guarded homestead law ever drawn. It is drawn along lines recommended by the President of the United States. The added matter included in the conference report follows the recommendation of the Commissioner of the General Land Office. It is confined entirely to nonirrigable, nontimbered lands. It can not by any possibility include any lands that may be irrigated. If, by any possibility, a man should reside for five years and successfully cultivate a tract of land that might afterwards be irrigated, no harm would certainly be done to anyone. There would be five years of cultivation. But there can be no irrigable land taken under the law, because for five years there is allowed a contest, there is opportunity to cancel if the question be ever raised.

Mr. Speaker, this law will prevent that strong flow of sturdy American citizenship into the Canadian Northwest and make thousands of homes on lands which are to-day but sheep and cattle pastures.

The SPEAKER. The time of the gentleman has expired. All time has expired.

The question was taken on suspending the rules and agreeing to the conference report, and the Speaker announced that the "ayes" seemed to have it.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 100, nays 150, answered "present" 15, not voting 122, as follows:

YEAS—100.

Adair	Brownlow	Cook, Colo.	Diekema
Ames	Burke	Cook, Pa.	Edwards, Ky.
Barchfeld	Burleigh	Coudrey	Ellis, Mo.
Bartholdt	Burton, Del.	Crawford	Ellis, Ore.
Bartlett, Nev.	Caldwell	Currier	Englebright
Bates	Capron	Cushman	Focht
Beale, Pa.	Carter	Dalzell	Fordney
Bede	Caulfield	Davenport	Foulkrod
Bonyng	Chapman	Denby	Fowler

French	Helm	McKinley, Ill.	Richardson
Fulton	Hill, Conn.	McLachlan, Cal.	Rodenberg
Gaines, Tenn.	Hinshaw	McLaughlin, Mich.	Sherman
Gardner, N. J.	Howell, Utah	Macon	Smith, Cal.
Gillespie	Humphrey, Wash.	Maynard	Smith, Iowa
Graft	Jones, Wash.	Mondell	Snapp
Graham	Kelfer	Moore, Pa.	Steenerson
Haggott	Kinkaid	Morse	Stevens, Minn.
Hale	Küstermann	Needham	Sturgiss
Hall	Lafean	Norris	Thistlewood
Hamilton, Iowa	Laning	Parker, S. Dak.	Volstead
Hamilton, Mich.	Littlefield	Payne	Vreeland
Hammond	Lorimer	Pollard	Waldo
Hawley	Loud	Pray	Wanger
Hay	McGuire	Rainey	Woodyard
Hayes	McKinlay, Cal.	Ransdell, La.	Young

NAYS—150.

Adamson	Foss	Lawrence	Riordan
Aiken	Foster, Ill.	Legare	Roberts
Alexander, Mo.	Foster, Vt.	Lenahan	Robinson
Ansberry	Fuller	Lindbergh	Rucker
Barclay	Garner	Lloyd	Russell, Mo.
Beall, Tex.	Garrett	Longworth	Russell, Tex.
Bell, Ga.	Gillett	Lovering	Sabath
Booher	Glass	McHenry	Scott
Bowers	Goebel	McKinney	Sherley
Brantley	Goldfogle	McLain	Sherwood
Burgess	Granger	Madden	Sims
Byrd	Greene	Madison	Slayden
Candler	Hackney	Malby	Small
Cary	Hamill	Mann	Smith, Mo.
Chaney	Hamlin	Miller	Sperry
Clark, Fla.	Hardwick	Moon, Tenn.	Spight
Clark, Mo.	Hardy	Moore, Tex.	Stafford
Clayton	Haskins	Mouser	Stanley
Cole	Haugen	Murdock	Stephens, Tex.
Cooper, Pa.	Heflin	Murphy	Sulloway
Cooper, Tex.	Henry, Tex.	Nelson	Suizer
Cooper, Wis.	Hepburn	Nicholls	Tawney
Cox, Ind.	Higgins	Nye	Taylor, Ala.
Crumppacker	Hitchcock	O'Connell	Taylor, Ohio
Davis, Minn.	Hobson	Olcott	Tou Velle
Dawson	Holiday	Olmsted	Townsend
De Armond	Houston	Padgett	Underwood
Denver	Howard	Page	Washburn
Dixon	Howell, N. J.	Parsons	Watkins
Douglas	Howland	Patterson	Webb
Draper	Hull, Tenn.	Pearre	Weeks
Durey	Humphreys, Miss.	Perkins	Willett
Ellerbe	Johnson, Ky.	Pou	Williams
Esch	Jones, Va.	Prince	Wilson, Pa.
Favrot	Kelher	Pujo	Wolf
Finley	Kennedy, Iowa	Randell, Tex.	Wood
Fitzgerald	Kipp	Rauch	
Floyd	Landis	Reeder	

ANSWERED "PRESENT"—15.

Bennet, N. Y.	Butler	Johnson, S. C.	Shackleford
Boutell	Cockran	Kahn	Sheppard
Burleson	Goulden	Lee	Talbott
Burnett	Harrison	Lever	

NOT VOTING—122.

Acheson	Driscoll	James, Addison D.	Mudd
Alexander, N. Y.	Dunwell	James, Ollie M.	Overstreet
Allen	Dwight	Jenkins	Parker, N. J.
Andrus	Edwards, Ga.	Kennedy, Ohio	Peters
Anthony	Fairchild	Kimball	Porter
Ashbrook	Fassett	Kitchin, Claude	Powers
Bannon	Ferris	Kitchin, Wm. W.	Pratt
Bartlett, Ga.	Flood	Knapp	Reid
Bennett, Ky.	Fornes	Knopf	Reynolds
Bingham	Foster, Ind.	Knowland	Rhinock
Birdsall	Gaines, W. Va.	Lamar, Fla.	Rothermel
Boyd	Gardner, Mass.	Lamar, Mo.	Ryan
Bradley	Gardner, Mich.	Lamb	Saunders
Brodhead	Gilhams	Langley	Slemp
Broussard	Gill	Lassiter	Smith, Mich.
Brumm	Godwin	Law	Smith, Tex.
Brundidge	Gordon	Leake	Southwick
Burton, Ohio.	Gregg	Lewis	Sparkman
Calder	Griggs	Lilly	Sterling
Calderhead	Gronna	Lindsay	Thomas, N. C.
Campbell	Hackett	Livingston	Thomas, Ohio.
Carlin	Harding	Loudenslager	Tirrell
Cocks, N. Y.	Henry, Conn.	Lowden	Wallace
Conner	Hill, Miss.	McCall	Watson
Cousins	Hubbard, Iowa	McCreary	Weems
Craig	Hubbard, W. Va.	McDermott	Weisse
Cravens	Huff	McGavin	Wheeler
Darragh	Hughes, N. J.	McMillan	Wiley
Davey, La.	Hughes, W. Va.	McMorrان	Wilson, Ill.
Davidson	Hull, Iowa	Marshall	
Dawes	Jackson	Moon, Pa.	

So the conference report was rejected.

The Clerk announced the following additional pairs:

For this session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. VREELAND with Mr. BURLESON.

Mr. GAINES of West Virginia with Mr. BRUNDIDGE.

Mr. SMITH of Michigan with Mr. GORDON.

Mr. FAIRCHILD with Mr. SAUNDERS.

Mr. LOWDEN with Mr. ROTHERMEL.

Mr. LOUDENSLAGER with Mr. LAMB.

Mr. KENNEDY of Ohio with Mr. HUGHES of New Jersey.

Mr. GILHAMS with Mr. CRAIG.

Mr. KAHN with Mr. GILL.

Mr. GARDNER of Michigan with Mr. FERRIS.

Mr. BURTON of Ohio with Mr. BRODHEAD.

Mr. BOUTELL with Mr. GRIGGS.

Mr. ALEXANDER of New York with Mr. ASHBROOK.

For this vote:

Mr. JENKINS with Mr. SMITH of Texas.

The result of the vote was announced as above recorded.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules, and that the House further insist upon its amendments to the bill S. 6165 and ask for a further conference thereon.

The SPEAKER. The gentleman from Wyoming moves to suspend the rules and further insist. Is a second demanded?

Mr. REEDER. I demand a second.

Mr. CLARK of Missouri. Mr. Speaker, is this the same bill that we have just voted on?

The SPEAKER. Yes; the House has failed to agree on the conference report.

Mr. CLARK of Missouri. It will fail again, so what is the use? [Laughter.]

The SPEAKER. The House has rejected the conference report. This is a Senate bill, and the gentleman from Wyoming moves to suspend the rules and that the House further insist upon its amendments to the Senate bill and ask for a further conference.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is there any rule of the House now by which a vote upon this motion has any effect other than upon the mere motion itself? In other words, does a vote of "no" agree to the Senate amendment?

The SPEAKER. No; it does not. There are no Senate amendments. The Senate passes a bill, and the House amends it. The conference report is made, and the House rejects the conference report—that is, the House fails to agree to it—and this is a motion to suspend the rules and that the House further insist upon its amendment to the Senate bill.

Mr. MANN. And if the motion of the gentleman from Wyoming does not prevail, the bill is before the House for any other action?

The SPEAKER. Precisely.

Mr. GAINES of Tennessee. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Is a motion in order to lay the Senate bill on the table?

The SPEAKER. Not with a motion to suspend the rules.

Mr. GAINES of Tennessee. I wish the House would give me the chance to do it; I am against the bill.

The SPEAKER. The gentleman from Wyoming is entitled to twenty minutes and the gentleman from Kansas to twenty minutes.

Mr. DOUGLAS. Mr. Speaker, will the Chair please enlighten my ignorance on the parliamentary situation of this bill?

The SPEAKER. This is a Senate bill, and the House amended it. The conferees met and came to an agreement between the two bodies. The House refuses to agree to the conference report. That leaves the bill before the House. This is a motion to suspend the rules and further insist upon the House amendments and ask for a further conference.

Mr. DOUGLAS. Another parliamentary inquiry, Mr. Speaker. Why is not a motion, before the rules are suspended, in order to lay this on the table?

The SPEAKER. Such a motion has not been made, and this is a motion to suspend the rules.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to make a motion to lay the whole thing on the table.

The SPEAKER. There is already a motion before the House to suspend the rules, and the gentleman from Wyoming has been recognized for twenty minutes and the gentleman from Kansas, who demanded a second, has been recognized for twenty minutes.

Mr. MONDELL. Mr. Speaker, this is a Senate bill which, as amended by the House Committee on Public Lands, passed the House by a large majority. As amended by that committee, as I have stated on several occasions here, it was the most carefully guarded homestead law—the only real homestead law—that has ever been presented to the House. The bill went to the Senate. In the Senate the only change made in the bill—excepting a change dropping two States from its provisions—was to add a provision which the House had stricken out authorizing or allowing homestead entries on certain limited areas to be designated by the Secretary without fixed residence immediately upon the entry, but requiring double the cultivation in that case.

Now, evidently the House does not approve of that provision. I am of the opinion that in conference, if this bill shall go back

to conference, we shall be able to strike from it every objectionable feature, every feature that anyone could possibly object to. It is universally admitted that for the settlement of the dry lands of the West we must have a larger homestead. I live in a land where for nearly thirty years I have looked out over a vast cow range and sheep pasture. Occasionally we have been able to bring a settler upon these lands, but only occasionally, and one of the principal reasons is that on land of that character the homesteader feels that he is not justified in making the effort, in undergoing the hardships, and only obtaining 160 acres of the second or third or fourth class land for five years' residence. If this motion shall carry and the bill be sent back to conference, I am of the opinion that every feature of the bill that any gentleman can take exception to will be eliminated.

Mr. Speaker, I reserve the balance of my time.

Mr. REEDER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I do not expect to occupy the five minutes' time, nor to discuss the merits of the proposition. The bill passed the Senate. It came to the House, if I remember rightly, and all after the enacting clause was stricken out.

Mr. MONDELL. Oh, no.

Mr. MANN. It was amended in the House and then it passed the House, not by a large majority, but by a fair majority. It went to conference. On the vote just now had on agreeing to the conference report the ayes were 98 and the noes were 148, a decided vote against it on the merits of the proposition. It seems to me, Mr. Speaker, that the House has indicated its desire that at this time there shall be no legislation along these lines, and having indicated that desire, the proper method for the House to now pursue, it seems to me, is to vote down the motion of the gentleman from Wyoming to further insist and ask for a conference, and then, having voted down that motion, the bill will be before the House and the gentleman from Kansas [Mr. REEDER] will be entitled to recognition on a motion to lay the Senate bill on the table, where it belongs; and if the gentleman desires to bring the matter before Congress at a subsequent time, with a better considered piece of legislation, that will be the privilege of the gentleman or of his committee. I yield back the balance of my time.

Mr. REEDER. Mr. Speaker, I wish to say just a word or two and then I will be ready for a vote. The gentleman from Wyoming [Mr. MONDELL] makes as the principal point in his argument that they will strike out all the objectionable features. If they will do that, as I said before, if they would guarantee that settlement would be had under this bill, I would be for it, and if they would strike out all the objectionable features they would have to commence before the enacting clause and finish up at the end of the bill, and especially cut out the 320-acre provision. That is the objectionable feature. So I say it is not possible that he means what he says, or, at least, I would not define it in that way. What we hope to do is to strike this bill out entirely.

I wish to say one thing further to the House, and that is this: If you will vote as you did before, and we do finally lay this bill on the table, we will have this land left, will we not? It is always safe to keep your money. You can always buy something with it. It is equally safe to keep the public domain, and if we have made a mistake, and next year we desire to give this land to the cattle people, we can do so. We can do it then just as well as now, and it will be just as acceptable, and more so, as it will then be more valuable.

Mr. VOLSTEAD. Is it not a fact that the cattlemen have it now?

Mr. REEDER. No. The title is in the United States now. They have the use of it. They desire the title. Let us not give them the title. The gentleman from Texas made a statement since the other vote was taken that if he were permitted 4 miles of creek and a good big herd of cattle, and some other man equally smart was 30 miles away from him on the creek, under this law they could get all the land between the two, and I would undertake to get it for them within a reasonable time—not only the use of the land, but the title to it. They say nonirrigable. What do you suppose that means? That may mean land which to-day can not be irrigated, and it may mean land which can be irrigated to-morrow and be worth possibly \$500 an acre. I have a friend who went to Colorado and took up land, and he questioned whether it was worth \$50 an acre, and within three years ago he sold it for \$800 an acre.

Mr. BONYNGE. Whereabouts was this land?

Mr. REEDER. At Grand Junction.

Mr. BONYNGE. Oh, fruit land.

Mr. REEDER. Yes.

Mr. BONYNGE. And under irrigation.

Mr. REEDER. The land that can be taken under this bill, if it becomes a law, may be fruit land and worth a thousand dollars an acre within five years. I know of cases in Kansas where thirty-five years ago a man took up land and bored wells 500 feet deep and found a dry bottom. They continued dry for twenty years. Later on it developed that in certain places on that same land water in plenty was found within 27 feet of the top. This same kind of land would have gone in under this bill, and I want to emphasize again the fact that if we make a mistake by keeping this land now, we can remedy that mistake at any time by turning it over to whomsoever we wish to give it to, and I want to emphasize again the fact that nonirrigable land to-day may be irrigable land to-morrow. I wish to cite another case from Colorado. There is being gotten up, so the papers state, an immense organization over at Canyon City to manufacture electricity and take it to the western line of Kansas and do it so cheaply that they can light all of the towns and furnish heat and motor power for towns and so cheaply that a man can afford to use it to pump water on lands which within fifteen years were not worth 50 cents an acre, while some of them are now worth \$200 or \$300 an acre—about Garden City. All I am pleading for is, even if some cattlemen do use the land, let us not let them get title to it, but let us keep it so that people can make homes for themselves thereon. If this can not be done this year, if it can not be done next year, it may not be done in ten years from now, but we may be able to make homes of this land in twenty years from now. These young men that are growing up in the East are entitled to homes, and we should not make them subject to the speculator of the West when they are ready to establish a home on the public domain.

If no one wishes to speak further on this subject, Mr. Speaker, as far as I am concerned, I am ready for a vote.

Mr. GAINES of Tennessee. Will the gentleman from Wyoming yield me three minutes?

Mr. MONDELL. Does the gentleman favor the bill?

Mr. GAINES of Tennessee. I am dead against the bill.

Mr. REEDER. I will yield the gentleman three minutes; I have that much time to yield myself.

Mr. GAINES of Tennessee. Mr. Speaker, when this bill was before the House I voted against it, because I wanted to save the public lands as they were, and I quite agree with the gentleman from Kansas. Then it went into conference and the conferees brought out the only possible bill that could be brought out of the conference. We met on three different dates and spent twelve or fourteen hours of time in conference trying to get to an agreement, which we reported. Now, this land is absolutely useless, unless some such provision is made as will allow a man to homestead it and work it and live where he can get water, because there is no water on it. It is impossible to live on the land.

The only thing that induced the House conferees to agree to the conference report was that this worthless land produces absolutely nothing; it is uninhabitable and can only be worked by letting a man live out in the country somewhere, where there is water, and going down on the farm and working it. We put in the provision that he must "successfully" work it. Some men live on a farm and do not "successfully" work it, so if he does not work it successfully, in the judgment of the Department of the Interior and officers of law, he can not get a patent. I do not believe that the 320-acre proposition is a proper one, and I am opposed to the bill and want to do anything by honorable means in this House to defeat it, but being one of the conferees, of course it was my duty to sign the report to the House. I am going to vote against another conference, because I am against the bill, and then if we get that done I am going to make a motion to lay the whole thing on the table, because I do not believe in the proposition.

[Mr. COLE addressed the House. See Appendix.]

Mr. MONDELL. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Speaker, I have always supported the proposition to enlarge the homesteads out on lands of the character described in this bill. I never have believed that a man with a family can go out on land of that kind and on 160 acres make a living.

Mr. REEDER. Will the gentleman permit a question?

Mr. GILLESPIE. Well, I have but three minutes.

Mr. REEDER. All right.

Mr. GILLESPIE. Go ahead and ask the question. Now, of course, you might go out in the West and discover a mine or an irrigation proposition, and individuals largely profit by them, and you can cite these individual instances where men

have profited from owning 160 acres of these lands, but the fact remains that vast acres of this territory remain unsettled, and doubtless hundreds of instances could be cited where individuals have lost all they had in undertaking to live upon these lands.

It is being used now by somebody. Somebody is getting the use of that land for practically nothing, and somebody wants to continue the use of that land in the same way. I want to favor a proposition that will give the man with a family who wants a homestead an opportunity to go out there and settle and make a living. I believe this bill accomplishes that result. I never saw a more carefully guarded proposition, careful that the land may be kept out of the hands of anybody but the actual settler, the man that goes with his family and settles upon the land and actually puts it under cultivation—I believe one-half of the 320 acres of land at the end of four years. I do not believe that the actual settler can make a living on less than 320 acres of this land. I want our people to go there and establish homes upon this land, and I shall therefore gladly support this bill, as I have always done when the proposition came up before this House.

Mr. MONDELL. Mr. Speaker, I yield three minutes to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. The gentleman from Illinois [Mr. MANN] requested the House to vote down this motion in order to defeat the bill and gave as his reason that when the bill passed it was passed by a very small majority. The RECORD shows that the bill passed on the 11th day of May and that there were 141 yeas and 74 nays. The bill passed the House by a vote of nearly two to one. The proposition therefore before the House now is whether we shall insist upon the bill that we passed by a vote of nearly two to one.

Mr. Speaker, I live in the city of Denver, and I have lived in that city for twenty years. I have never taken up a single acre of land under any of the public-land laws of the United States, nor has any member of my family for me. I have never lived on any land of the character described in this bill. I only know it as I have traveled over it time after time and year after year and from an intimate acquaintance of twenty years with the people who live upon it. Some gentlemen have referred to special cases in Colorado. The gentleman from Kansas [Mr. REEDER], in referring to land near Grand Junction, refers to land that is under irrigation, and some of the very best land to be found anywhere in the United States. The gentleman from Ohio [Mr. COLE] spoke about his brother who lives in Morgan County. Morgan County is one of the counties in my district, and I know the gentleman's brother. The land he refers to is along the Valley of the Platte and is rich and fertile land. Such land is not included within the terms of this bill, because land in the valley of the Platte or in the Valley of the Arkansas is irrigable land, and this bill refers only to nonirrigable land. The kind of land which is covered by the terms of this bill is that which is devoted to pasture and grazing purposes. This is a contest to-day, Mr. Speaker, between those who want to keep that land as large cattle ranches and the people who want to go upon the land and settle it, making homesteads upon it. That is the contest that is now being waged upon the floor of this House.

Mr. PARSONS. Will the gentleman yield?

Mr. BONYNGE. No; I have but three minutes, and I can not yield. You can not find a large cattleman or cattle company in the West that would favor this bill. There is no opportunity for speculation under it as it passed the House. It requires that the settler shall live upon the land for five consecutive years. Think for a moment, if you will, gentlemen, of a man going out upon the arid plains of the West, overcoming all the hardships and the obstacles that he has to meet, living upon that land for five consecutive years and cultivating the portion of it that he is required to cultivate under the terms of this bill in order to speculate. Where will you find an American who is willing to spend five years of his life upon land of this character with the hope of making a speculation? Knowing as I do, Mr. Speaker, the hardships that these worthy and strong characters and hardy pioneers have undergone in reclaiming the desert of the West, in making it possible to have habitation upon those arid plains, I submit to you, Mr. Speaker, and to the Members of the House, that in my judgment any man who will comply with the terms of this bill will have earned, and dearly earned, the 320 acres that he would acquire. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I desire to inquire whether the gentleman from Kansas [Mr. REEDER] wishes to consume the balance of his time?

Mr. REEDER. I would like to inquire how much time I have?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. REEDER. I will yield to the gentleman from Illinois [Mr. MANN] two or three minutes.

Mr. MANN. Mr. Speaker, if it had been the intention of the gentleman behind this bill, as the gentleman from Colorado [Mr. BONYNGE] suggests, to insist upon the bill as it passed the House, there was an easy parliamentary method of doing that, and that was to further insist upon the House amendment and let it go back to the Senate. Ah, no! This is to send it back to conference, where the same identical proposition can come.

There was an easy parliamentary method to adopt—simply to say that the House agreed to what it would agree to, and nothing more. This goes back to conference, if it goes at all, for the purpose, and the sole purpose, of the House yielding something. There is no other object in sending a bill to conference except to yield something for the yielding of something on the part of the other body. If the House had desired to "stand pat," if the gentlemen behind the bill had wished to insist that if it became law it should become law as it passed the House, there was a proper parliamentary method remaining open, and that remains open even after this motion should be disposed of. [Applause.]

Mr. REEDER. Mr. Speaker, I would like to ask the gentleman from Wyoming if his remaining time will be occupied in one speech?

Mr. MONDELL. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Wyoming has seven minutes remaining.

Mr. MONDELL. No; I think I will not use it all in one speech.

Mr. REEDER. Then I would like to have you consume some of your time.

Mr. MONDELL. How much time has the gentleman from Kansas remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes remaining. [Cries of "Vote!"]

Mr. MONDELL. I yield two minutes to the gentleman from Iowa.

Mr. HAMILTON of Iowa. Mr. Speaker, as I understand, the proposition now before the House is to send this bill back to conference and insist upon the House amendment—that is, that we insist that the bill become a law as passed by the House.

Mr. DOUGLAS. Will the gentleman state the parliamentary status correctly? I think he does not state it correctly.

Mr. HAMILTON of Iowa. Mr. Speaker, I understand we are voting upon a proposition to send this bill to conference and insist on our amendment, and I am in favor of the motion. I am in favor of the bill as it passed the House, giving 320-acre homesteads, and I would rather, much rather, pass it as it passed the House than to make the concession made by the House conferees as to the nonresidence of homesteads. It was passed by the House, as stated by the gentleman from Colorado [Mr. BONYNGE], by an overwhelming majority in the first instance—nearly 2 to 1—and I believe it is but fair that it be sent back to conference and see if we can not have that bill passed as it was originally passed by the House.

It is not to the interest, as my information leads me to believe, of the cattlemen of the West, but in the interest of the actual homesteader, and against the wishes of the cattle and sheep men, who do not want it settled.

Mr. WILLIAMS. I would like to ask the gentleman a question. Has the gentleman any reason to believe that any other conferees except those that have already acted, and whom the House has already voted down, will be appointed by the Speaker?

Mr. HAMILTON of Iowa. I do not know anything about that proposition. I believe that if we send this bill back under the motion before the House now that the conferees upon the part of the House will insist upon the House amendment. If they do not secure that, the House will then have the opportunity to vote it down. Therefore I shall vote to send the bill back to conference.

Mr. MONDELL. Now I ask the gentleman to consume his time.

Mr. REEDER. I desire to ask the gentleman if he will use all of the remainder of his time in one speech?

Mr. MONDELL. I think not.

Mr. REEDER. I do not know of anyone who wants to say anything further on this matter at this time, but I am going

to speak for a few moments and will then reserve the balance of my time, until the gentleman from Wyoming has the purpose of concluding in one speech.

It was said by the gentleman from Colorado [Mr. BONYNGE] that this was favored by large ranchers. Speaking for myself, and so far as I know, that is not true. I do not know of any rancher who wants any such legislation.

Mr. BONYNGE. I said just the reverse.

Mr. REEDER. Then, what did you say?

Mr. BONYNGE. I said exactly the reverse. What I said was that the cattle ranchers wanted the land to stay as it is, and opposed this bill, because they want the free use of the range, and what we wanted was that a man might stay on the land and make a home. [Applause.]

Mr. REEDER. In answer to that, I assert that so far as I know that is not the case.

The cattle ranchers may continue in the use of the land, but what he wants is the title, and all I desire to do is to prevent his getting the title, because I think that in time it can be and will be used by people for homes. But if we pass this law I am satisfied that the cattlemen will not only get the use of the lands, but the title, and that is what I am opposed to. I would prefer, of course, that they did not even have the use, and would prefer that there should be a settler located on each 160 acres.

Mr. SMITH of California. Will the gentleman permit me to ask him a question?

Mr. REEDER. I yield to the gentleman.

Mr. SMITH of California. If the cattlemen want to get the title, under which law could they get it best? Under the present law, which allows the homesteader to commute in fourteen months, or this law, which requires an absolute residence for five years? [Applause.]

Mr. REEDER. Knowing the ingenuity of the Western cattleman, I should say that he could get it twice as fast in 320-acre blocks as he could in 160-acre tracts. [Applause.]

Mr. SMITH of California. It takes five years' residence.

Mr. REEDER. No; it does not take two years. I have dwelt upon this phase of the question, and I think you should consider it: If a man goes upon this land with his family and undertakes to live there for five years, he simply can not do so; that is all there is to it. He can not get the money to pay his expenses without raising some crops, and he can scarcely raise any crops on this land. The result is that he must do something else, and for a small amount he turns the land over to somebody who takes his chance on getting the title, or at least getting the use of the land for several years, for a small amount. The final effect is that the settler gives it up and goes to Canada or some other place to find a home, and the cattle rancher gets the use of the land and prevents its future irrigation.

You can not make a mistake in keeping the land. You may make a mistake in turning the title over to some one, but you can not make a mistake in keeping the land, because I will insure you that every man on this floor who favors this bill today will favor it in the future, and if the rest of us get so we desire to favor it, we can turn the land over at any time. Public land now is like money; you can get rid of it at any time. The only trouble is in keeping it. Let us keep it. This is essentially a bad law. The very thought that was conveyed by the gentleman last upon the floor, that we want to pass this as it passed the House before, is just what I want to defeat, if I can; I do not want to pass it at all. I want to see this bill tabled. We are considering this matter of wasting our national resources every day more and more, and if Congress finally make up their mind that it is advisable to turn this land over in 320-acre blocks, I will guarantee you the support of every man who supports this bill now at any time in the future, because they are made up of the same stuff that we are. They would like to get the land. I would not mind getting four or five thousand acres of it myself, if they would let me have it.

Now, if we vote against the bill, I hope the effect of it will be to defeat the bill. If it is wrong to defeat it, we can take it up in the next session with a better understanding.

I reserve the balance of my time.

Mr. MONDELL. I yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. The ruthless killing off of the great herds of buffalo that used to roam over the Western country extended, on scientific principles, the rain belt in Kansas and Nebraska and perhaps in States north and south of these States westward about 300 miles, until it passed what used to be, on the old Mitchell's Atlas, the center of the Great American Desert, where the rain now falls to about the same depth annually as in Ohio, Indiana, and Illinois. But there is a large region still on the high plains farther West that has not been reached by

this rain belt and probably never will be. If we can pass a law that will induce agricultural people to go and settle on 320 acres of that arid land, it will be a great blessing to the country and to the people everywhere. It will take that region out of the situation in which it now is, practically a desert, and convert it into an agricultural region. If the complaint against this bill is that it is generous to the agriculturist who will go there, that makes me ardently in favor of the bill. The new method of dry farming that is being well tested and is proving a success in the West requires twice as much land as the old system. Crops have to be alternated every two years, the land has to be prepared and to lie fallow for a period of time, perhaps over one season; and if it is possible to work out the system of dry farming at all, it will require 320 acres in each farm, in order to enable a man to successfully compete with the farmer and homesteader who settles in a region where there is the ordinary rainfall and who lives upon 160 acres. If this will secure the settlement of this vast region of the Northwest, if it will result in putting a family on every 320 acres all over these now arid, almost desert plains, it will be a great benefit to this country. I am in favor of the principle of the original bill, which requires actual settlement to perfect title.

I yield back the balance of my time. [Applause.]

Mr. REEDER. Mr. Speaker, I wish to answer a few of the arguments made by the gentleman from Ohio [Mr. KEIFER].

Mr. Speaker, this region that the gentleman from Ohio speaks of, that when many of us were boys was marked on the map as the "Great American Desert," will finally be the greatest crop-producing section in the world. It is coming to that gradually and surely. I have lived in that section thirty-seven years now. It will finally produce the greatest crops in the world, probably by rainfall, though when the gentleman from Ohio says that there is as much rain there now as in Ohio and the Central West he is mistaken by about 50 per cent. That is all. I looked it up the other day, and we have about one-half to two-thirds as much rainfall. That is one good reason why we should not vote the land away from the Government. Even they who talk about it most do not seem to know much about it. And even if it does not rain in this section, we will irrigate it, and then, instead of a homesteader requiring 320 acres to make a living on, 20 acres will make him a home. Then where, as they say now, it will only be enough for one family, it will be enough for eight families to live and support themselves on, whereas, according to their theory, only one family can be supported now, and in fact it will only afford a cow pasture for four to six steers.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has six minutes.

Mr. MONDELL. I now yield three minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, as I understand the proposition, it is a motion to send this bill back to conference. I take it that the conferees of the House would assume that the vote by which the conference report was rejected was in effect an instruction to them to insist upon the bill as it passed the House. I will frankly state that I do not like the proposition which was put on by the Senate—a proposition to allow an entry under the homestead law without a settlement. I believe the conferees will insist upon the bill as it passed the House by a substantial majority.

The gentleman from Ohio said it was a bill to place cattle on the lands, and not men. That was answered by the question of the gentleman from California a moment ago, showing that under the present law the cattlemen can put their cowboys on the lands and get 160 acres with a residence of only fourteen months, while under the bill as it passed the House a continuous residence for five years is required, and it will be very difficult to keep a cowboy on the land continuously for five years. If he lives on it for five years, he will keep it. It must not be overlooked that there is no commutation allowed under this bill.

Mr. MANN. This does not change the existing law as to homesteads.

Mr. JONES of Washington. It does, so far as the lands described in the bill are concerned. Of course the lands that this bill applies to can be entered under the present homestead laws as well as under this law, but they have not been so entered.

Mr. MANN. Certainly they can; there is no difference at all. Mr. JONES of Washington. This requires cultivation, in addition to continuous residence. I want to say that a man earns every acre of land he gets of the character and description of these lands in the bill if he lives on it five years and

cultivates it; and if he does not do it, he is subject to contest, and he will be closely watched through the entire time. This bill, in my judgment, means a home. The man who lives on a tract of land for five years has lived there long enough to make it a home and will make it a home and will retain it as a home. There are considerable areas in the West—not so much in my State as in others—where now a homesteader can eke out but a mere existence on 160 acres of land. There is some land which can not be cultivated except every other year. In other words, if the homesteader has 160 acres, he can cultivate only 80 acres in one year, and out of that comes his house and his garden, and so forth; and he can probably get 15 or 20 bushels of wheat to the acre. That is not enough. A man who lives on these lands wants a little bit more than a mere existence and wants to be able to make something in order that his family can have some of the comforts of life, that his children may be educated properly, and a place where he can cultivate more than 80 acres.

I remember when the debate was had upon this bill before the gentleman from Illinois said a man could not cultivate more than 80 acres. They may not be able to cultivate more than 80 acres in Illinois, but on land of this sort they can cultivate more than that because, as a general thing, the land is level and there is a longer season for cultivation. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, this is a motion to send this bill, which passed by a vote of nearly two to one through the House, back to conference. I want to say to the House that if this motion shall carry and the bill go to conference, as one of the conferees I shall not agree except on the bill as the House passed it. I shall insist on striking out these features that the House has objected to. Mr. Speaker, it has been reiterated here that this is a bill in the interest of the cattle companies. If any man anywhere has heard of any large stockman especially favorable to this legislation or who imagines it will enable him to secure large areas of land, let him now say who he is. On the contrary, the great cattle outfit of the West are pressing us for a lease law. They are insisting that we shall favor legislation under which they can control ten, twenty, thirty, forty, fifty, or one hundred thousand acres in single blocks. We want this legislation to put homes upon those grazing lands, in order that we may have settlers on the lands that can be farmed, instead of dividing the lands up in large blocks among the stockmen.

We want settlement, we want homesteaders, and we propose to make the homestead large enough on those dry lands that the homesteader will not only come from your States, but having come, will have a tract sufficiently large that he can establish and maintain a home upon it. The gentleman talks about this applying to irrigable lands. Not over 5 per cent of the lands of any of the Western States can be irrigated. Irrigation is limited by the water supply, and the highest estimate ever made of the irrigable lands of the West is something like 5 per cent. Those lands are well known. They can not be taken under this bill. If a man should settle upon them, he is subject to contest for five years; he is subject to the cancellation of his entry on notice of a Government agent, and for six years after he makes his final proof the title could be challenged and the title canceled.

Mr. Speaker, I hope that the motion will carry, and that the House will send this measure, which it passed by a 2-to-1 vote, back to conference to be perfected. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Wyoming to suspend the rules and that the House do further insist on its amendments to the Senate bill and ask for a conference.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 105, nays 129, answered "present" 14, not voting 139, as follows:

YEAS—105.

Alexander, Mo.	Caulfield	Floyd	Hamilton, Mich.
Ames	Chapman	Foster, Ind.	Hammond
Ashbrook	Cook, Pa.	Foulkrod	Hawley
Barchfeld	Coudrey	French	Hay
Bartholdt	Craig	Fulton	Hayes
Beale, Pa.	Crawford	Gilhams	Helm
Bede	Cushman	Gill	Hill, Conn.
Bell, Ga.	Dalzell	Gillespie	Hinshaw
Bennet, N. Y.	Dawes	Gordon	Howell, N. J.
Bonyng	Denby	Goulden	Howell, Utah
Boyd	Diekema	Graft	Hughes, N. J.
Bradley	Edwards, Ky.	Graham	Humphrey, Wash.
Brownlow	Ellis, Mo.	Haggott	Humphreys, Miss.
Burleson	Ellis, Oreg.	Hale	Jones, Wash.
Caldier	Englebright	Hall	Kahn
Candler	Ferris	Hamilton, Iowa	Keifer

Kennedy, Ohio	Macon	Rainey
Kinkaid	Mondell	Ransdell, La.
Küstermann	Murphy	Robinson
Lawrence	Needham	Rodenberg
Legare	Norris	Rothermel
Lorimer	O'Connell	Sherman
Loud	Parker, N. J.	Slemp
McGuire	Parker, S. Dak.	Smith, Cal.
McKinlay, Cal.	Perkins	Smith, Iowa
McKinley, Ill.	Pollard	Smith, Mich.
McLachlan, Cal.	Pray	Southwick

NAYS—129.

Adair	Foss	Kipp	Richardson
Adamson	Foster, Ill.	Lafean	Riordan
Aiken	Foster, Vt.	Laning	Roberts
Barclay	Fuller	Lenahan	Rucker
Beall, Tex.	Gaines, Tenn.	Lindbergh	Russell, Mo.
Booher	Garner	Loudenlager	Russell, Tex.
Bowers	Garrett	Lovering	Sabath
Brodhead	Gillett	Lowden	Saunders
Brundidge	Glass	McDermott	Sherley
Burgess	Goldfogle	McMillan	Sherwood
Caldwell	Granger	Madden	Sims
Cary	Greene	Mann	Slayden
Chaney	Gregg	Miller	Smith, Mo.
Clark, Mo.	Hackney	Moore, Tex.	Sparkman
Clayton	Hamill	Morse	Sperry
Cockran	Hamlin	Mouser	Spight
Cole	Hardwick	Murdock	Stafford
Cooper, Pa.	Hardy	Nelson	Sulloway
Cooper, Wis.	Haskins	Nicholls	Sulzer
Cox, Ind.	Haugen	Nye	Taylor, Ala.
Crumpacker	Heflin	Olcott	Tirrell
Davidson	Henry, Tex.	Olmsted	Tou Velle
Davis, Minn.	Hepburn	Padgett	Underwood
Dawson	Higgins	Page	Washburn
De Armond	Hitchcock	Parsons	Webb
Denver	Houston	Patterson	Wheeler
Douglas	Howland	Pearre	Williams
Drapar	Hubbard, W. Va.	Porter	Wilson, Pa.
Driscoll	Hull, Tenn.	Pou	Wolf
Durey	Johnson, Ky.	Prince	Wood
Ellerbe	Jones, Va.	Randell, Tex.	
Esch	Kelher	Rauch	
Fitzgerald	Kennedy, Iowa	Reeder	

ANSWERED "PRESENT"—14.

Butler	Henry, Conn.	Moore, Pa.	Talbott
Dixon	Landis	Shackelford	Watkins
Finley	Lee	Sheppard	
Harrison	Lever	Small	

NOT VOTING—139.

Acheson	Currier	James, Ollie M.	Moon, Pa.
Alexander, N. Y.	Darragh	Jenkins	Moon, Tenn.
Allen	Davenport	Johnson, S. C.	Mudd
Andrus	Davey, La.	Kimball	Overstreet
Ansberry	Dunwell	Kitchin, Claude	Payne
Anthony	Dwight	Kitchin, Wm. W.	Peters
Bannon	Edwards, Ga.	Knapp	Powers
Bartlett, Ga.	Fairchild	Knopf	Pratt
Bartlett, Nev.	Fassett	Knowland	Pujo
Bates	Favrot	Lamar, Fla.	Reid
Bennett, Ky.	Flood	Lamar, Mo.	Reynolds
Bingham	Focht	Lamb	Rhinock
Birdsall	Fordney	Langley	Ryan
Boutell	Fornes	Lassiter	Scott
Brantley	Fowler	Law	Smith, Tex.
Broussard	Gaines, W. Va.	Leake	Snapp
Brumm	Gardner, Mass.	Lewis	Stanley
Burke	Gardner, Mich.	Lilley	Stephens, Tex.
Burleigh	Gardner, N. J.	Lindsay	Stevens, Minn.
Burnett	Godwin	Littlefield	Sturgiss
Burton, Del.	Goebel	Livingston	Tawney
Burton, Ohio	Griggs	Lloyd	Taylor, Ohio
Byrd	Gronna	Longworth	Thomas, N. C.
Calderhead	Hackett	McCall	Thomas, Ohio
Campbell	Harding	McCreary	Townsend
Capron	Hill, Miss.	McGavin	Vreeland
Carlin	Hobson	McHenry	Wallace
Carter	Holliday	McKinney	Watson
Clark, Fla.	Howard	McLain	Weems
Cocks, N. Y.	Hubbard, Iowa	McLaughlin, Mich.	Weisse
Conner	Huff	McMorran	Wiley
Cook, Colo.	Hughes, W. Va.	Madison	Willett
Cooper, Tex.	Hull, Iowa	Malby	Wilson, Ill.
Cousins	Jackson	Marshall	Woodyard
Cravens	James, Addison D.	Maynard	

So the motion was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. GARDNER of Michigan with Mr. STEPHENS of Texas.

Mr. LAW with Mr. FORNES.

Until further notice:

Mr. WILSON of Illinois with Mr. STANLEY.

Mr. TOWNSEND with Mr. SMALL.

Mr. SCOTT with Mr. RYAN.

Mr. PAYNE with Mr. MOON of Tennessee.

Mr. OVERSTREET with Mr. MAYNARD.

Mr. MOORE of Pennsylvania with Mr. McLAIN.

Mr. MARSHALL with Mr. LLOYD.

Mr. MALBY with Mr. LAMB.

Mr. MCMORRAN with Mr. PUJO.

Mr. LONGWORTH with Mr. KIMBALL.

Mr. LITTLEFIELD with Mr. HOWARD.

Mr. GAINES of West Virginia with Mr. HOBSON.

Mr. GARDNER of Michigan with Mr. WILLIAM W. KITCHIN.

Mr. FORDNEY with Mr. FAVROT.
 Mr. FOCHT with Mr. COOPER of Texas.
 Mr. CAMPBELL with Mr. CLARK of Florida.
 Mr. BURTON of Delaware with Mr. BRANTLEY.
 Mr. BURLEIGH with Mr. BARTLETT of Nevada.
 Mr. BATES with Mr. ANSBERRY.
 Mr. LANDIS with Mr. DIXON.
 For the session:
 Mr. CURRIER with Mr. FINLEY.
 The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the 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, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. CURTIS, and Mr. PAYNTER as the conferees on the part of the Senate.

The message also announced that the Senate 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. 1991) granting an increase of pension to Jerry Murphy.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 44.

Resolved by the House of Representatives (the Senate concurring), That the Clerk be authorized, in enrolling the District of Columbia appropriation bill, to transpose the word "hereafter," in the second proviso in the matter inserted by the conference report in connection with Senate amendment No. 141, so as to follow and not precede the word "teachers."

PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Mr. LARRINAGA. Mr. Speaker, I ask unanimous consent of the House to take from the Speaker's table the bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry, and that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Porto Rico asks unanimous consent to take from the Speaker's table the following bill with Senate amendments and concur in the Senate amendments. The Clerk will report the title of the bill and read the amendments.

The Clerk read as follows:

The bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry.

The Senate amendments were read.

Mr. HAY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Virginia objects.

Mr. LARRINAGA. Mr. Speaker, I move to suspend the rules—

The SPEAKER. But the gentleman is not recognized for that purpose at this time.

Mr. LARRINAGA. I thought I had been recognized.

The SPEAKER. The gentleman from Michigan [Mr. DENBY].

REMISSION OF A PORTION OF THE CHINESE INDEMNITY.

Mr. DENBY. Mr. Speaker, I move to suspend the rules and pass Senate resolution No. 23 as amended by the House Committee on Foreign Affairs.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the following Senate resolution, with committee amendments, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 23) to provide for the remission of a portion of the Chinese indemnity.

*Resolved, etc., That the President is hereby authorized to consent to a modification of the bond for \$24,440,778.81, dated December 15, 1906, received from China pursuant to the protocol of September 7, 1901, for indemnity against losses and expenses incurred by reason of the so-called "Boxer disturbances" in China during the year 1900, so that the total payment to be made by China under the said bond shall be limited to the sum of \$13,655,492.69 and interest at the stipulated rate of 4 per cent per annum, and that the remainder of the indemnity to which the United States is entitled under the said protocol and bond may be remitted as an act of friendship, such payments and remission to be at such times and in such manner as the President shall deem just: *Provided*, That within one year from the passage of this resolution any person whose claim upon the Chinese indemnity, 1900, was presented to the United States commissioners or to the Department of State and disallowed in whole or in part may present the same by petition to the Court of Claims, which court is hereby invested with jurisdiction to hear and adjudicate such claim, without appeal, and to render such judgments de novo, or in addition to any allowance or allowances heretofore made, as, in each case shall be fully and substantially compensatory for actual losses and expenses*

*of the claimant caused by the antforeign disturbances in China during the year 1900, excluding merely speculative claims or elements of damage: And provided also, That the sum of \$2,000,000 be reserved from the Chinese indemnity, 1900, for the payment of such judgments, the same to be paid by the Treasurer of the United States as and when they shall be certified to the Secretary of the Treasury by the said court, and any balance remaining after all such claims have been adjudicated and paid shall be returned to the Chinese Government in such manner as the Secretary of State shall decide, and the Secretary of the Treasury is hereby authorized and directed to so return the same: And provided further, That all evidence furnished by the claimants, and statements made by them to the said commissioners or to the Department of State, shall be transmitted by the said Department to the said Court of Claims and considered together with such other additional testimony as may be presented by either side, and the Government of the United States shall defend the said claims in the said court by such attorney or attorneys as may be designated for such service by the Attorney-General of the United States: *Provided further*, That in no case shall the Court of Claims award a principal sum to any claimant which, together with the principal sums said claimant may have already received by decision of the United States commissioners and the Department of State, shall exceed the amount originally claimed by said claimant.*

The SPEAKER. Is a second demanded?

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. STAFFORD. I am opposed to the bill.

The SPEAKER. Is the gentleman on the committee? The gentleman from Wisconsin is recognized as demanding a second.

Mr. DENBY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. That is already done under the rule. The gentleman from Michigan is entitled to twenty minutes, and the gentleman from Wisconsin is entitled to twenty minutes.

Mr. DENBY. Mr. Speaker, to lay this bill before the House of Representatives I must refer, but very briefly, to the so-called "Boxer uprising" in 1900. The Boxer disturbance constituted an episode quite unique in human history, and it can be compared only to the Indian mutiny of some fifty years before. To attack the ministers of friendly powers is the blackest crime in the calendar of nations, and of that crime the unhappy Chinese were guilty. And yet they will not stand alone at the judgment seat of history as taking the entire blame for the horrors of 1900. No one can say at whose door lies the greater blame, the Boxer leaders, who madly attacked all the world, or the representatives of Western civilization and religion who drove them to those deeds by their jealous greed and their aggressiveness. The United States has always stood, however, to all the people of China in an attitude of friendliness. Always have we treated China with justice, and generally, and wherever possible, we have treated her with generosity. During the Boxer movement itself the Secretary of State of the United States proclaimed that great doctrine which is destined to be as important and as rigidly adhered to as the Monroe doctrine. The Hay doctrine of the open door was proclaimed by John Hay, Secretary of State of the United States, during the Boxer uprising in 1900. In 1905, during the heat of the Russo-Japanese war, it was the United States that secured from the belligerent powers a promise that they would respect the territorial integrity of the Chinese Empire, and now once more the Government of the United States seeks to do an act of supreme justice, if not generosity, toward that great people emerging into modern civilization. After the uproar in China in 1900, after all the murders and destruction of property, the foreign powers met together and agreed to ask China for indemnities for the losses that they had sustained. The United States did all she could to keep those indemnities down to a small figure, and her own portion of them is disproportionate to that of other powers. However, it was discovered when the indemnities had been allowed that that demanded by the United States was far in excess of what the losses of the United States entitled her to receive.

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

Mr. DENBY. With great pleasure.

Mr. FINLEY. Is the gentleman satisfied that the amount provided to be retained is sufficient to cover the fair, legitimate, and equitable losses of the people of the United States in the Boxer troubles in China?

Mr. DENBY. If the gentleman will permit me, I will answer his question by explaining a little further what this bill proposes to do. It was discovered by the United States Government that the amount asked for from China, \$24,400,000, was greatly in excess of the amount of our losses, and we have determined to return to them—or at least to ask permission of Congress to return to China—the difference not required, or everything in excess of about \$13,000,000. The gentleman asked me whether or not enough has been retained to pay all losses that may be held to have been sustained by American citizens. I answer him yes. The computation has been very carefully made.

Mr. FINLEY. One question just there. How was that computation arrived at?

Mr. DENBY. That computation was arrived at by the appointment of commissioners to sit at Tientsin and Peking to receive the claims of American citizens. Those claims amounted to some \$3,300,000, and some \$1,500,000 of those claims were allowed by the commissioners plus more than \$400,000 by the Department of State, leaving a balance of \$1,300,000-odd unpaid. The amendment of the House Committee on Foreign Affairs in this bill provides for retaining \$2,000,000 of the amount proposed to be exempted to China for the payment of those \$1,300,000 of claims. It also provides that the balance—

Mr. FINLEY. What money has been paid by China to the United States on this indemnity claim?

Mr. DENBY. About \$6,000,000 has been paid by China, of which \$4,000,000 remains in the Treasury of the United States unappropriated at present.

Mr. FINLEY. What has been done with the other \$2,000,000?

Mr. DENBY. The other \$2,000,000 has been paid to American claimants.

Mr. FINLEY. Now, the other part of it?

Mr. DENBY. The other part is in the Treasury. The other part is that portion which is due on the cost of the Army and Navy during the invasion of China and the allied march to Peking.

Mr. FINLEY. About how much is that?

Mr. DENBY. That was seven million odd for the Army and two million and one half for the Navy, and that has not yet all been paid by China, but some \$4,000,000 are in the Treasury.

Mr. FINLEY. The allowances have been made by this commission to American citizens for losses incurred. Now are the adjudications made by the commission satisfactory to the claimants, who are American citizens?

Mr. DENBY. Adjudications made by the commission were in many instances not satisfactory to the claimants. By that I do not mean to reflect in the slightest degree upon the commission or the Department of State, but merely to say that in their determination that no false or improper claims should be allowed they adhered to a rigid technicality of ruling which threw out, in my opinion, many good claims which should have been allowed. We are simply reserving now enough to cover the balance still claimed by American citizens not paid under the original allowances.

Mr. FINLEY. Now, is there enough retained, do I understand the gentleman, to pay the people who are dissatisfied?

Mr. DENBY. Absolutely, sir; enough to pay them every penny in case the Court of Claims should hold that all the money is properly due.

Mr. BURLESON. There is one controverted claim in behalf of a cotton firm. Is there a sufficient amount of money retained to pay that claim?

Mr. DENBY. That is the China and Japan Trading Company, some five hundred and fifty odd thousand dollars, and it was reimbursed only about \$57,000. The amount that they still claim is about \$500,000, one-quarter of the amount retained to pay all claimants.

Mr. Speaker, I will ask to be informed when I have consumed ten minutes of my time.

Mr. JOHNSON of South Carolina. Was there a time limit fixed within which all the claims must be filed?

Mr. DENBY. The commission gave notice that it would close its hearings upon a certain day. That was all the time limit that was given.

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

Mr. DENBY. With pleasure.

Mr. SHERLEY. I have been informed that some of this money that was paid by China to the Government of the United States has been expended by the Government in certain war expenditures. Now, I would like to know what sum has been expended, if the gentleman knows, and for what purpose?

Mr. DENBY. Certain of the expenditures?

Mr. SHERLEY. That some of the money paid by China to the United States has been expended by the Government on certain Army expenditures.

Mr. DENBY. I have no information to that effect.

Mr. SHERLEY. The gentleman has just stated that all of this money is now in the Treasury of the United States except some paid for claims. Now, I think the gentleman is mistaken in that. Is he positive about the correctness of that statement?

Mr. DENBY. I stated that claims had been paid to the amount of about \$2,000,000; that China had paid to the United States about \$6,000,000, and that the difference between \$2,000,000 and \$6,000,000 does remain in the Treasury of the United States to-day, which is over \$4,000,000.

Mr. SHERLEY. Is not the gentleman mistaken? Has not some of that balance been expended by the Administration in certain war expenses in the Army?

Mr. DENBY. I have absolutely no information to that effect, and I am informed that it is in the Treasury now.

Mr. WALDO. Will the gentleman allow me to ask him a question?

Mr. DENBY. I would like the gentleman from New York to withhold any question until the other side have consumed some of their time, as I have only ten minutes remaining.

Mr. STAFFORD. Mr. Speaker, I do not wish the House to understand that I am opposed to the generous policy that is embodied in the Senate resolution, and that was proclaimed last June by the President, that after reimbursing the Government for the expenses we were put to in suppressing the Boxer revolution and in restoring order in China, and in reimbursing the claimants the amount determined by the American commissioners that adjudicated all the claims presented, that the balance of the indemnity fund, amounting to \$13,400,000, should be returned to China. But I am opposed to the House amendment that proposes to lessen this amount \$2,000,000 after the State Department last June had notified the Chinese minister that the full amount would be returned to the Chinese Government, and give claimants whose claims have been already adjudicated another chance to maintain their claims after they had full notice and opportunity to be heard and after the State Department had again passed on the claims and decided that they were without merit. The question before the House is whether Secretary Root should be upheld or whether some claimants shall have a further opportunity to loot the Treasury.

Now, I take the position that we stand in good faith with the Chinese people, and return to the Chinese Government the \$13,000,000 instead of \$11,000,000, as embodied in the House provision, and not give these claimants who have had their day in court further opportunity to prosecute their unmeritorious claims. I want to read to you a letter from Secretary Root, addressed to Mr. Denby—

Mr. BURLESON. Do you claim that these claimants have no claim?

Mr. STAFFORD. Secretary Root says that they have been examined fully by the authorized commissioners and reviewed by the Solicitor of the State Department. They were reviewed again by the Secretary of State, and wherever there was any merit in the claimant's position, on appeal, it was allowed, and where it was without merit it was turned down. Now, gentlemen of the House, after three years from the award by the State Department, without any protest whatever from the claimants, and waiting until last June, when the President announced his policy that the balance would be returned to the Chinese Empire, these claimants for the first time filed objections to the last findings of the State Department that had been considered final. I wish to read to you what Secretary Root said in a letter to the gentleman from Michigan [Mr. DENBY], dated February 20 last, which is in this language:

Any legislation which treats the action of the Department of State at that time as a nullity is without justification. Such action can not be maintained upon any theory which would not absolutely prevent the Government from receiving ever, under any circumstances, the protection of the maxim that there must sometime be an end of litigation. If such a course is to be taken in this case, no final judgment can ever be a protection to the Treasury of the United States.

Very sincerely, yours,

ELIHU ROOT.

I make the claim right here, and I wish gentlemen on the other side to refute it if they can, that after they have had their day in court they should be given permission to present their claims to the Court of Claims. Now, I have here a decision on identically the same question arising out of Chinese indemnity for outrages perpetrated on parties fifty years ago, whom the Chinese Government should have protected. In that case, where a portion of the claim, as here, had been allowed by commissioners and Congress had subsequently referred the remainder of the claim to the Court of Claims to determine according to the principles of justice and international law, the Court of Claims held that it was without authority to determine whether the claim was properly a charge against the indemnity fund, and was to determine alone the amount of the injury, without regard to the question of the original liability to pay said claim from the fund. I wish to read to the House two of the syllabi from that decision in the Caldera case, which is found in the fifteenth volume of the Court of Claims' reports, page 547. I will read the fifth syllabus:

V. Where an act authorizing the reexamination of certain international claims, act 19th June, 1879 (21 Stat., L.), was passed with full knowledge on the part of Congress of every fact which ever transpired in regard to them, it must be supposed that Congress regarded them as valid claims according to the principles of international law.

Further, I will read the sixth syllabus.

VI. Where an American vessel was destroyed by Chinese subjects, and it appears that damage to the ship and cargo had been caused by the perils of the sea immediately before capture, the amount whereof has not been established by either party, it must be held that the owners should recover out of the Chinese indemnity fund the full value of their property.

I have read that decision, and I say to the House that under an identically similar resolution as embodied in the House amendment to the Senate resolution the Court of Claims would have no right to pass upon the merits of the claim, but if the claimants proved they have suffered any damage whatsoever, regardless of the justice of their claims or their rights to recover under the treaty or under international law, the Court of Claims would be obliged to find that amount for the claimants.

I have examined every claim, numbering several hundred, that was presented to these commissioners, who were worthy men, appointed specially by the Secretary of State, with full knowledge of the situation, one being a member of the embassy and the other a lawyer of high standing.

I could cite to you where the claims were fabulous in amount, and yet the Government of the United States allowed, for the loss of life of any person, to the heirs the amount of \$15,000, and now at this late day two trading companies, one with a claim of half a million dollars and another in the amount of several hundred thousand dollars, and although their claims have been once passed upon by commissioners to hear and determine, and in the opinion of the Secretary of State, after review by the Solicitor of the Department, to have been found without merit, asking that they be given another opportunity to come before the Court of Claims to have them allowed. I say to the House that it would be far better for this Congress to stand by the President and the Secretary of State in carrying out the policy that he announced last July, that this Government would return to them every cent of the money that was not required for reimbursing the Government and reimbursing the private claimants to the extent of the \$2,000,000 which have been heretofore allowed and paid, and make a direct appropriation to pay all claimants the balance of their pretentious claims than to deduct this from this Chinese indemnity fund that we have stated would be surrendered.

What we desire more than anything else at the present time is to establish a kindly feeling toward us in the Chinese Empire. You are all acquainted with the feeling that has existed heretofore. The trade there is of the utmost value to this nation, and I say to you from my own knowledge of this case, even if these claims, which I believe are unmeritorious, have merit, it would be far better for us as a governmental policy to keep our faith with the Chinese Empire, as stated by President Roosevelt last June, than now to convey to them the idea that we are breaking faith and taking from them \$2,000,000.

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

Mr. STAFFORD. How much time have I consumed, Mr. Speaker?

The SPEAKER. Five minutes.

Mr. STAFFORD. I yield to the gentleman.

Mr. DRISCOLL. Does the gentleman say that these claims have already been tried and adjudicated by the commissioners?

Mr. STAFFORD. The claims were presented before these two commissioners, who were appointed by the Department of State.

Mr. DRISCOLL. Where did they hold their court?

Mr. STAFFORD. In China. They were persons conversant with the conditions there; and that is one of the strong arguments in this case that is made by Secretary Root—that they were men acquainted with the conditions, who knew exactly what liabilities should be compensated.

Mr. DRISCOLL. And were they both American commissioners?

Mr. STAFFORD. Both American commissioners; acting as a court of inquiry.

Mr. DRISCOLL. And they passed on these claims?

Mr. STAFFORD. Passed on each and every one of them. And these claims were reviewed again by the solicitor of the State Department, and afterwards passed on by the Secretary of State at the instance of those who had complained about them.

Mr. DRISCOLL. Yet now it is proposed to bring them up again?

Mr. STAFFORD. It is proposed to give them another opportunity to get at this excess fund, which I claim the American Government never intended to exact from China. I am told by Secretary Root, who was present at the meeting between President McKinley and Secretary Hay to determine this nation's policy in joining with the other nations in exacting punitive damages from the Chinese Empire, that it was never intended

that this Government should retain this indemnity, but as we had joined in concert of action with other governments to suppress the insurrection, they believed we should take the full amount and manifest our humanitarian spirit afterwards, when we had ascertained the amount the Government had directly suffered, and had paid those claimants who had valid claims.

Mr. DRISCOLL. I am with the gentleman on his proposition. I want to ask one more question. How was the original bond made out, how was the amount made up in this case, if the gentleman knows?

Mr. STAFFORD. That was a joint bond that was entered into by the Chinese Empire with all the other nations, agreeing to pay during the course of forty years by installments the amount of the indemnity to each Government; and of that amount the Chinese Government has only paid up to the present time to this Government, of the total \$24,400,000, something like \$7,000,000.

Mr. DRISCOLL. How was the amount arrived at which is reduced here to dollars and cents?

Mr. STAFFORD. By estimating the direct expenses for our Army and Navy and damage to private parties, and a lump sum for punitive damages.

Mr. COCKRAN. I would like to ask the gentleman a question.

Mr. STAFFORD. I yield to the gentleman from New York.

Mr. COCKRAN. What is the gentleman's alternative proposition to the one submitted by the committee?

Mr. STAFFORD. My position is that we should vote down this measure, and then it will be presented to us in the form that it was presented in the Senate resolution, to reimburse the Chinese Empire to the extent, or rather to only deduct from the indemnity fund \$11,000,000, which will be adequate to reimburse the Government and private claims heretofore allowed, instead of \$13,000,000, and refuse to the claimants a rehearing after they have been adjudicated.

Mr. COCKRAN. Will the gentleman show us how that result can be reached? Because if he can, I am with him. To vote down the resolution offered by the gentleman from Michigan, as I understand it, will leave the situation so that no refund will be made at all.

Mr. STAFFORD. I assume that as soon as we vote this down, there being no dispute as to the amount of \$11,000,000 named in the Senate resolution, there will be unanimity of opinion upon that point.

Mr. COCKRAN. The gentleman is building his argument on the faith and justice of the Speaker.

Mr. STAFFORD. That is the only alternative before the House at this time, and we have to trust in the future as to the way it will be carried out.

Mr. DOUGLAS. Will the gentleman allow me a question?

Mr. STAFFORD. Certainly.

Mr. DOUGLAS. Why may not this follow: That if we vote for this and the money is not used, we can return the balance?

Mr. STAFFORD. I take the position that the claimants have no right to these funds at all, that having once presented their claims they ought not to have another chance, and if any person will examine these claims he must come to the conclusion that nearly all of them are outrageous. Mr. Speaker, I reserve the balance of my time. How much time have I remaining?

The SPEAKER. The gentleman from Michigan has ten minutes and the gentleman from Wisconsin has nine minutes.

Mr. STAFFORD. I now yield three minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I desire to use these three minutes not for discussion of the pending resolution, but in order to make a statement that I believe should be made in justice to the Members on this side of the House and to myself.

From the beginning of the consideration of the fortification bill there has never been the slightest friction among the House members of the subcommittee having that bill in charge, and that was equally true of the work in conference. That being so, I made a request of the gentleman from Iowa that he notify me when the fortification bill would be taken up for consideration, and he agreed so to do. This morning, during his absence, and during my absence, the bill was called up by a member of the Committee on Appropriations, who was not a member of the subcommittee on fortifications, and not a member of the conference, and in consequence of that fact neither the gentleman from Iowa [Mr. SMITH] or myself were able to make a statement to the House as to what was done in conference.

Mr. KEIFER. Will the gentleman allow me to interrupt him? I made the motion because you were not present.

Mr. SHERLEY. I am not reflecting on the gentleman from Ohio at all; I am stating the fact. As a result of that fact it

was impossible for me to give to my side of the House the information that they were entitled to in regard to that conference report. And inasmuch as my failure to do that grew out of no fault of mine, and no fault of the gentleman in charge of the bill, but out of the unprecedented calling up of a bill without the knowledge of the gentleman having it in charge, or without suggestion from him, he at that time being engaged in a conference on the sundry civil bill, I felt it was due to the members of that conference that this statement should be made.

Many Members on this side of the House voted against the bill, and properly voted against it, in the absence of any statement, and I do not believe that the exigencies of the political situation should bring about this method of legislating.

Mr. DENBY. Mr. Speaker, there seems to be a misapprehension about this bill, which I will take one minute to explain. There was no promise made to China to return her any portion of this money. After the President discovered that we did not need it all, he told the Chinese Government, through the Secretary of State, that he would ask the permission of Congress to return a certain stipulated amount, which was what he considered in excess of all we could use for our legitimate claims. That is all there is in regard to a promise to the Chinese Government. They have absolutely no standing in the matter, except that we desire to show them that our civilization means justice as well as battle ships. But it is better to be just and even generous to our own people whose markets and establishments were ruined in China before we begin to be generous to a foreign power, and that is all that is being asked here. I now yield three minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, as I understand this proposed legislation, there is only one question at issue, if the gentleman from Wisconsin [Mr. STAFFORD] represents all of the opposition to the joint resolution. It is proposed to remit to China an amount of money agreed by China to be paid to the United States in excess of actual damages sustained by the United States or citizens of the United States and the cost of the American military expedition sent to China for the purpose of suppressing the Boxer rebellion.

Mr. DENBY. May I interrupt the gentleman a moment to say that it is not to pay back to China, but to exempt China from paying a certain amount, extending over a period of thirty-nine years?

Mr. HOWARD. I fully understand that to be the condition.

Mr. LITTLEFIELD. That is, to reduce the indemnity.

Mr. HOWARD. To pretermitt; it is not to exact it; it is to permit China to keep it in her own treasury and never take it out of her realm. That is the proposition. Mr. Speaker, it will be understood that the only question at issue—and that is put in issue by the amendment offered to the Senate resolution by the House Committee on Foreign Affairs—is to retain of this amount the gross sum of \$2,000,000. This sum of \$2,000,000 is not withheld to be appropriated to claimants without judicial determination of the rights of the claimants to that sum, but is to be withheld until the courts of the United States can pass fully and thoroughly on the character of the claims, the rightfulness of the claims, and to whatever extent they are adjudged to be just, within the limit of the \$2,000,000 reserved, they are to be paid. If these claims are established by our courts as amounting to a million dollars of this reserved two millions, and no more, then an additional million dollars is to be pretermitted to China, not taken from her. The gentleman from Wisconsin [Mr. STAFFORD] seems to suggest that good faith and a proper regard for our relation to China should dictate that no part of this money should be taken away from her in excess of the actual cost of the military expedition. No conceivable—

Mr. STAFFORD. And also paying \$2,000,000 to the claimants whose claims have been allowed by the commissioners and approved by the Secretary of State.

Mr. HOWARD. Yes.

Mr. LITTLEFIELD. Already allowed.

Mr. STAFFORD. Yes.

Mr. HOWARD. Gentlemen will understand that China did not undertake to pass on the validity of one single dollar of these claims. China agreed in the protocol with the allies that a gross sum of money should be paid by her as indemnity, that indemnity to cover certain specified elements of damage. She agreed to pay the total amount of \$333,900,000 to all of the allies, and for these purposes:

Private property of merchants.
Real estate destroyed or damaged, including temporary housing and repairs, expert surveys for determining amount of damages, etc.
Furniture.
Usual and inevitable salary of employees whose services could not be turned to account.

Unavoidable office expenses not made good in consequence of the events.

Stock in trade, goods, provisions, samples possessing pecuniary value, destroyed or deteriorated.

Extraordinary cost of storage and reshipment.

Debts recognized as valid which can no longer be recovered.

Bank notes lost or which can not be cashed.

Specie, bills payable at sight.

Broken contracts of all descriptions, losses suffered in consequence of the nonexecution of contracts entered into for articles of exportation or importation.

Deposits of money in telegraph offices or in banks.

Advances to Chinese merchants who have become insolvent in consequence of the events.

Extraordinary cost of insurance rendered necessary by the events referred to.

Goods requisitioned for foreign troops for defensive works.

Those were the elements of damage which China by her protocol agreed with the allies should be compensated for out of the gross sum of \$333,900,000. The allies got together and by agreement apportioned \$24,000,000 as the necessary part for the United States. The United States—when this sum was allotted to her to be paid in annual installments, to be collected annually out of the revenues of China until paid, extending over a period of some thirty-odd years—appointed an expert commission to inquire into the amount of American damages, American claims, and American losses. This commission ascertained by its own rules that about one million and a half dollars were justly claimed and payable out of this fund.

The SPEAKER. The time of the gentleman has expired.

Mr. HOWARD. I will ask the gentleman from Michigan to yield me two minutes more.

Mr. DENBY. I yield two minutes more to the gentleman.

Mr. HOWARD. This commission allotted to these claimants about a million and a half of dollars. The Secretary of State, reposing confidence, justly, in the intelligence and expertness of the commissioners, stands by their award, and says that it is a just and a fair one and ought to be ultimate. That is the position of the gentleman from Wisconsin [Mr. STAFFORD]. He says the additional claims are unjust, are unfair, are an effort to rob the Treasury, and ought not to be paid. Let me remind gentlemen that this fund agreed to be paid by China was paid to the United States in part in trust for these claimants. It is not Treasury money. No dollar of it is Treasury money until the just and legal claims against it have been allowed for.

Mr. STAFFORD. I beg to challenge that statement. Every dollar that is paid under it goes directly to the Treasury.

Mr. HOWARD. Goes directly to the Treasury in trust for the claimants [applause], because the protocol between China and the allies agreed that all claims of every character and description of citizens, of individuals, whatever the nature of them, should be included in the lump sum, and China was not thereafter to be bothered with any single detail concerning them. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I support the generous side of this question for the reason that it is in keeping with the precedents of the United States in its dealings with weaker powers. In the early sixties, if my memory does not fail me, there was a joint demonstration at Shimonosiki, Japan, by Great Britain, France, the Netherlands, and the United States, because of an interruption of commerce passing to and from the inland sea, resulting in the exaction of \$3,000,000 indemnity from the Japanese Government, the money being divided equally between the four powers. Seven hundred and fifty thousand dollars were transmitted and placed in the Treasury of the United States. In due course of time, by the unanimous vote of this Congress America returned the last dollar of it to the Japanese Government.

I recall another parallel. After the war with Spain, Spain was a defeated country. She was helpless. I remember well that after the battle of Santiago our fleet was prepared to cross the Atlantic, destroy Camara's fleet, bombard Cadiz, and drive the war home. Then America under the laws of nations would have been justified in demanding hundreds of millions of dollars of indemnity from the Spanish Government. On the contrary, we invited Spain to send peace commissioners to France to meet our commissioners, and then ended that war by paying a conquered foe \$20,000,000 for what was already ours by process of war, and then we voluntarily transported the Spanish soldiers back to Spain. [Applause.]

I recall another precedent. All the world expected us to keep Cuba, not only because she was ours by the right of conquest, but because we had poured out hundreds of millions of dollars, which under the precedents of the world we had the right to claim that Cuba should pay us back if we should ever set her free. On the contrary—

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. STAFFORD. Mr. Speaker, to clear up in the minds of Members some doubts that have arisen during the consideration of this proposition, I wish to repeat that the question before this House is whether Secretary Root, whether the President, shall be upheld; whether the position of the Department of State shall be upheld when Secretary Root notified the Chinese minister that he would urge Congress to release the Chinese Government and return all the indemnity that was not necessary to reimburse our Government for its actual expenses and pay to private parties the claims as allowed.

Mr. YOUNG. Will the gentleman permit a question?

Mr. STAFFORD. I can not yield at this time. The question is whether that balance should be returned or whether we should allow these claimants, who have had their day in court, to have the right to have their claim allowed to the full amount whether they are righteous or vicious claims. No one contends that China has any right to this fund, but I repeat that it was the understanding at the meeting with President McKinley, Secretary Hay, and Secretary Root that the Government would return the amount to China and would not exact any punitive damages from the Chinese Empire.

Now, I ask you to try to create good feeling between this country and the Chinese Empire which will redound to our advantage in commerce and trade much more than \$2,000,000, and carry out the letter and the expressions on the part of the Secretary of State to the Chinese minister last July, when he told him in an official note that this money would be returned. I can not make more clear the position of Secretary Root than in this letter that he addressed to Mr. DENBY last February, where he says, and I repeat again:

Any legislation which treats the action of the Department of State at this time as a nullity is without justification.

Every one of these claimants had their opportunity, they had their chance to have their claims allowed. They accepted the decision of these commissioners, and after waiting for five years until the Department of State announced—

Mr. DENBY. May I interrupt the gentleman to say that his statements of facts are incorrect? The greatest claimant did not wait five years, because he has protested vigorously from the very day the claim was allowed to this day. They have absolutely no redress and—

Mr. STAFFORD. They never made a protest for three years. The principal claimant was guilty of laches and never made a formal protest and virtually accepted it.

Mr. DENBY. Will the gentleman yield?

Mr. STAFFORD. I have not the time.

Mr. DENBY. He has no redress—

Mr. STAFFORD. They waited until the Government had announced its policy, and then as an afterthought it put in its claims to be reimbursed the amount which had been disallowed. No one who studies this question can but come to one conclusion, that they have had their day in court, and they have had their claims tried under the principles of international law. Now, the United States Government in unison with the other nations accepted from China punitive damages in excess of the amount to be reimbursed. The claimants want to get another opportunity to obtain that to which they are not entitled. So I ask the House to vote down this resolution.

The SPEAKER. The gentleman from Michigan [Mr. DENBY] has three minutes remaining.

Mr. DENBY. Mr. Speaker. I yield one minute to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, in one minute I can not state the case, but I think with a statement of a very few moments in length the entire House would see the justice of the position taken by the Committee on Foreign Affairs. We recommend a return to the Chinese Government of \$12,000,000, an act of almost unexampled generosity. This is right; but when we are exercising such an act of generosity we can ask absolute justice for our own citizens. The claims which were rejected have never been passed upon by any court. The Department of State has no more power to decide finally how the \$24,000,000 paid to this Government by China shall be paid out than to decide how \$24,000,000 received from the tax on alcohol shall be paid out. [Applause.] Congress, and Congress only, can pass upon that question.

[Here the hammer fell.]

Mr. DENBY. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the other day I expressed the opinion that domestic dissensions ought to cease in the presence of a question of international comity and courtesy. This is a

higher question yet, in my opinion; this is a question of international justice. I think this resolution ought to pass. I think that the amendment that has been put upon it ought to pass with it, because the amendment merely gives a right to a day in court for American citizens who before that fact had merely had a day before a commission. The amendment emphasizes the idea that the executive department ought not to make final judgments in connection with judicial questions. I hope that this resolution will pass, and it will pass, so far as I am concerned, without the delay of a roll call. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the resolution with amendment.

The question was taken, and a majority having voted in favor thereof, the rules were suspended and the resolution as amended was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate 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. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes.

COMPENSATION OF EMPLOYEES.

Mr. SLEMP. Mr. Speaker, I move to suspend the rules and pass the following resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Virginia [Mr. SLEMP] moves to suspend the rules and agree to the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House miscellaneous items, fiscal year 1908, and from the unexpended balance miscellaneous items, fiscal year 1907, the amounts hereinafter set forth for the purposes indicated, namely, to the following officers and employees of the House as additional compensation, to wit:

Clerk, \$1,500; Sergeant-at-Arms, \$1,500; Doorkeeper, \$500, Postmaster, \$1,000; Chief Clerk and journal clerk (for the fiscal year, 1907), disbursing clerk, assistant disbursing clerk, cashier in the Sergeant-at-Arms' office, superintendent House document room, attendant in charge of bathroom, assistant clerk to the Committee on Appropriations, assistant clerk to the Committee on Ways and Means, and assistant clerk to the Committee on Rivers and Harbors, \$400 each.

Document and bill clerk, librarian, document clerk in the Clerk's document room (hereafter to be designated as clerk in charge of binding), assistant superintendent of the House document room, clerk in the House document room (hereafter to be designated as indexer, tally clerk, docket clerk (hereafter to be designated as notification clerk), and assistant clerk to the minority (Charles A. Edwards), \$300 each.

File clerk, \$250; special employee in the House document room, \$230; three pair clerks, stenographer to the Clerk of the House, messenger in the file room, two messengers in the disbursing clerk's office, assistant in the library, chief engineer heating and ventilating department, watchman in the old library space (hereafter to be designated as assistant in the House document room), messenger in the Sergeant-at-Arms' office, printing and bill clerk, stationery clerk, assistant file clerk, financial clerk, assistant postmaster, assistant journal clerk, two assistant librarians, assistant clerk to the Committee on Invalid Pensions, assistant clerk to the Committee on Interstate and Foreign Commerce, index clerk, assistant index clerk, and one clerk (at \$1,600) detailed to assist the disbursing clerk, \$200 each.

Three assistant engineers, machinist, locksmith, one laborer (J. B. Hollander, hereafter to be designated as skilled laborer), janitor to the Committee on the Disposition of Useless Papers in the Executive Departments, and three special messengers to the minority, \$100 each.

One laborer (at \$600), janitors in the House library, file room, Official Reporters' room, janitor to the Committee on Invalid Pensions, attendant ladies' retiring room, janitor in the House document room (hereafter to be designated as messenger), four clerks in the Clerk's office (at \$1,600), assistant in the Clerk's document room, special employee in the Clerk's document room, stenographer to the journal clerk, twenty-four messengers in the Doorkeeper's department, and seven assistants in the House document room, three laborers heating and ventilating department, \$80 each.

To continue from the end of the present session to December 7, 1908, at the rate of compensation now provided, employment of the messengers in the House post-office authorized by the resolution adopted January 16, 1908, and the messenger on the heavy mail wagon. To continue the employment of assistant clerks to the Committee on Agriculture, District of Columbia, Accounts, and Indian Affairs, at the rate of compensation now authorized until otherwise provided for by law. For an assistant clerk to the Committee on Interstate and Foreign Commerce, at the rate of \$1,500 per annum, in lieu of a messenger in the Doorkeeper's department, at \$1,100 per annum; to said clerk \$400 for the fiscal year 1908; for a janitor under the Clerk of the House, at the rate of \$840 per annum, in lieu of a laborer at \$720 per annum, and to said janitor \$120 for the fiscal year 1908; for an assistant clerk in the House document room, at the rate of \$1,600 per annum, in lieu of one assistant at \$1,200, and to said clerk \$400 for the fiscal year 1908; for a janitor under the Clerk of the House (who shall also perform like service in the office of the index clerk and the Lieutenant's and guardrooms of the Capitol police), at the rate of \$840 per annum, until otherwise provided for by law; to the folder designated in the resolutions adopted February 5 and April 21, 1908, an amount equal to the rate of pay of a folder between said dates and at the same rate from and after July 1, 1908, until otherwise provided for by law; for reporting committee hearings such accounts as may be certified to be correct upon vouchers approved by the Committee on Accounts.

To Ralph W. Gaylor, \$29.17 for services as clerk to the late Representative Abraham L. Brick from April 1 to April 7, 1908, inclusive;

to the clerk of the late Representative-elect Campbell Slemo from October 1 to October 13, 1908, inclusive, \$54.17; for clerical and stenographic services rendered the Committee on Banking and Currency, \$350, to be paid to the persons designated by the chairman of said committee; to Henry Neal, for janitor service to the Committee on Rules, \$250; to Robert Williams, for janitor service to the Committee on Expenditures in the Treasury Department, \$100; to John B. Lancaster, for services as messenger to the Committees on Mines and Mining, Irrigation of Arid Lands, and Expenditures in the Department of Agriculture from December 2 to December 31, 1908, inclusive, \$58; to Marie R. English, widow of James F. English, the salary due said English as an employee of the House from July 1 to July 20, 1907, inclusive, \$88.89; to W. M. Stephens, for services rendered as messenger in the House post-office, \$20.

Hereafter employees in the minority conference room shall be subject to appointment and removal by the chairman of that committee, the minority leader.

For two additional clerks to the Committee on Enrolled Bills for the remainder of the present session, at the rate of \$6 per day each, from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee.

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

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands a second. Under the rule, a second is ordered. The gentleman from Virginia [Mr. SLEMP] is entitled to twenty minutes and the gentleman from New York [Mr. FITZGERALD] to twenty minutes.

Mr. SLEMP. Mr. Speaker, will the gentleman from New York [Mr. FITZGERALD] use some of his time now?

Mr. FITZGERALD. I supposed, as this resolution is not printed and nobody has ever seen it, outside of the members of the Committee on Accounts, the gentleman, at least, would be willing to explain what is in it?

Mr. SLEMP. In answer to that, Mr. Speaker, I will have the report of the committee read, which is a full explanation of the action of the committee.

The SPEAKER. The Chair calls the attention of the gentleman from Virginia to the fact that this report would have to be read in his time. The Clerk informs the Chair that the report is just the same as the resolution read, except the latter part, beginning with page 5, which probably the gentleman desires to have read.

Mr. SLEMP. I desire to have that part read.

Mr. PAYNE. I would like to ask the gentleman how much this adds?

Mr. SLEMP. About \$20,000.

Mr. PAYNE. Is that the precise amount?

Mr. SLEMP. Twenty thousand nine hundred and forty dollars.

The SPEAKER. The Clerk will read that part of the report indicated by the gentleman from Virginia.

The Clerk read as follows:

This resolution increases the compensation of 4 elective officers and 104 employees of the House, divided as follows:

Two at \$1,500 each; one at \$1,000; one at \$500; twelve at \$400 each; eight at \$300 each; one at \$250; one at \$230; twenty-three at \$200 each; one at \$120; ten at \$100 each; and forty-eight at \$80 each.

The amount of expenditure authorized from the contingent fund for the current fiscal year is \$9,940, and from the unexpended balance of the miscellaneous items of the contingent fund for the year 1907, \$11,000, or a total of \$20,940 for increases of compensation.

Your committee has diligently labored during this entire session of Congress with general and specific propositions providing for increased compensation to the officers and employees of the House. The resolution numbered 210, submitted by Mr. LEGARE, of South Carolina, authorized increases aggregating approximately \$145,000. By the resolution reported from this committee adopted by the House on April 21, 1908, salaries to clerks of certain large committees of the House and to messengers to committees were increased, involving a total expenditure of \$21,000, which resolution, together with the one herewith reported, makes a total expenditure of a little over \$40,000, \$11,000 of which will come out of an unexpended balance from last year's fund, which will not be available after the end of the present fiscal year.

Your committee has endeavored to rearrange and adjust salaries according to the equities in each case. The claims of every officer and employee have been considered, and we believe that the resolution which we now recommend is equitable to the 108 employees to whom it applies. The increased cost of living is the principal reason for these increases, taken together with the merits of the incumbents and the importance of their duties and the dispatch of the business of the House. The question of granting graduated percentage increases to all of the employees was given the most careful consideration, but that plan was deemed to be too far-reaching, and while doing justice in many cases would raise certain salaries to a figure not in keeping with the duties to be performed. A specific in-

crease, where such was found to be justifiable, is thought to be a more business-like method. It is realized that the resolution reported herewith will not by its omissions, as well as by the amounts recommended, be entirely satisfactory; but when it is taken into consideration that your committee has had to deal with upward of 500 employees, each having some special claim for consideration, conclusions reached are as nearly equitable as it is possible to make them at this time. Due consideration was given the interests of the Government as well as of the employees to be affected.

In the cases of the elective officers of the House, the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, it is well known that these officers have responsible and exacting duties. The Clerk of the House is next in importance to the Speaker, and between Congresses is the highest ranking officer. The Sergeant-at-Arms performs police and fiduciary duties. The Doorkeeper has under his direction the bulk of the working class of employees, such as the folding-room force, the messengers, etc., and the Postmaster is responsible for the business of an office which will equal any important post-office in many of our large cities.

The disbursing clerk, assistant disbursing clerk, and cashier in the Sergeant-at-Arms' office are officials whose duties are exacting and responsible throughout the year, as the titles would indicate. The superintendent of the House document room is placed upon an equality with the superintendent of the Senate document room. The attendant in charge of the bath room is an expert in his line. The assistant clerks to the Committees on Appropriations, Ways and Means, and Rivers and Harbors perform important duties for those great committees, which warrant the proposed increase.

The document and bill clerk is increased so as to more nearly equalize his compensation with that of the distributing clerk, who performs like service. The Chief Clerk and Journal Clerk are granted \$400 each for the fiscal year 1907, to equalize with the amount received by the reading clerks. The librarian and assistant librarians render service requiring knowledge of library work, and perform their duties in a highly satisfactory manner, justifying the proposed increase. The document clerk in the Clerk's document room is made clerk in charge of binding, at an increased compensation. The assistant superintendent of the House document room and clerk in the House document room—the latter to be hereafter designated as indexer—and the assistant and special employee and janitor in the House document room are all increased commensurately with the increase in the work of that department. The tally clerk and the docket clerk, who hereafter is to be known as "notification clerk," are considered because of the increase in the volume of their duties and to place the former more nearly upon an equality with the other clerks at the desk of the House. The assistant clerk to the minority, while given an increase, practically suffers a decrease, for the reason that the present incumbent recently changed places with the clerk to the minority, such change, with the proposed increase, resulting in a net loss of \$200 in salary to the assistant clerk to the minority.

The group of clerks in the \$200 class, and the file clerk, \$250, and special employee in the House document room at \$230, are increased because of the additional work to be performed resulting from the increased membership of the House since their salaries were fixed.

The employees included in the \$100 and \$80 classes receive at present compensations justifying an increase on account of increased cost of living. Many of the salaries of employees of the House affected by this resolution were fixed ten, twenty, thirty, and forty years ago. The resolution also provides for continued employment of the messengers in the House post-office authorized by the resolution adopted January 16, 1908, and the messenger on the heavy mail wagon. It is customary to continue the latter. The former were provided for on account of the increased work in connection with the work of the House of Representatives Office Building, and their employment during this summer is recommended by the postmaster.

The assistant clerks to the Committee on Agriculture, District of Columbia, Accounts, and Indian Affairs, are continued until the next session at the present compensation, which is recommended because those committees will have work to do during the recess of Congress. One messenger, at \$1,100, is dispensed with, and an additional assistant clerk to the Committee on Interstate and Foreign Commerce provided at \$1,500 per annum. This is justified on the ground that the Committee on Interstate and Foreign Commerce has a large jurisdiction which embraces that of four Senate committees.

The Clerk of the House is provided with a janitor at \$840 in lieu of a laborer at \$720, an increase of \$120. One assistant clerk in the House document room is provided for at \$1,600 per

annum in lieu of one assistant at \$1,200, an increase of \$400. A janitor under the Clerk of the House is authorized who shall also perform service in the office of the index clerk and the lieutenant's and guard rooms of the Capitol police. This is made necessary by the rearrangement of committees in the early part of the session and the removal of the Committee on Expenditures in the Navy Department to the House Office Building.

The resolution of April 21, 1908, is construed by providing for the pay of a folder therein authorized after the end of the present fiscal year. Payment is authorized for reporting committee hearings upon vouchers to be approved by the Committee on Accounts. This is for extra service for reporting committee hearings when the regular force of committee reporters were otherwise engaged. It is the necessary authority for the payment for the work already performed.

The clerks to the late Representatives Brick and Slemper are provided for for the portions of the months in which said Representatives died and for time for which said clerks were not paid.

Payment of \$350 is authorized to persons to be designated by the chairman of the Committee on Banking and Currency for clerical and stenographic services rendered that committee, made necessary by the consideration given the currency question this session.

Payment of \$250 to Henry Neal for janitor service to the Committee on Rules is authorized. The clerk to the Committee on Rules is paid in the deficiency bill, and this amount to the janitor of said committee, there being no regular janitor, is warranted.

One hundred dollars is authorized for janitor service to the Committee on Expenditures in the Treasury Department, while \$58 for janitor service to the Committee on Mines and Mining, Irrigation of Arid Lands, and Expenditures in the Department of Agriculture from December 2 to December 21, 1908, is also authorized. In the former case the rearrangement of rooms made this expenditure necessary, and in the latter no provision was made for services for the janitor covering the period mentioned in the resolution.

The unpaid portion of the salary of James F. English for the month of July, 1907, is authorized to be paid to the widow of said English. This is an asset of the estate and payment in this manner will render unnecessary the taking out of letters of administration in order to obtain the amount direct from the Treasury.

The employees of the minority room are made subject to the appointment and removal of the minority leader.

Two additional clerks are authorized by the Committee on Enrolled Bills, which is the customary provision near the close of a session.

Mr. SLEMP. I reserve the remainder of my time.

The SPEAKER. The gentleman has six minutes remaining.

Mr. FITZGERALD. Mr. Speaker, there are some items in this resolution which if presented singly I should support; but in my judgment it is time for a halt to be called in the payment for services rendered to this House. It is impossible to ascertain just the amount of increase that this resolution gives. The legislative appropriation act for the present fiscal year carries over \$600,000, for the various employees and officials of this House. In my judgment, not only are 95 per cent of the employees of this House well paid, but they are overpaid. I do not know that my opposition will in any way affect the determination of the House in passing this resolution, but I shall not stay here, simply because of personal relations that exist between some of these officials and some of the Members of the House, and keep still while it is attempted not merely to increase the compensation of men who are about to go on their vacations, but to increase the compensation from a date a period six months previous to this day. I believe it is scandalous that the House should be asked to vote for such increases; and if I shall not have an opportunity to vote, I shall at least express at this time my opposition to the resolution, so that it may go in the Record. If any Member desires time upon the resolution, I shall be glad to yield it to him.

Mr. BRUMM. I would like to have a couple of minutes.

Mr. FITZGERALD. I yield to the gentleman.

Mr. BRUMM. Mr. Speaker, under the present circumstances I shall vote against this resolution, and I shall do it because I feel that the appointments made in this House are bartered between the parties that have the power to make these appointments. Unless there is some way by which we can find out the residences of the men that are appointed—I am speaking of them at large—I for one shall vote against this resolution. There is a scandal about these appointments. I might cite an instance that is an outrageous one. A party had been

promised an appointment. He was told that he would be appointed. He was told to bring his family down here, and he brought his family down. He was given an appointment for a few weeks, and then he was told that the appropriation had run out. The man stayed and stayed here with his family until he got to the point of starvation and had to beg money to go home. All the time he was promised, "You will get it; you will get it;" but he never got it, and had to go home. I say that is a state of affairs that should not exist. I am ready to substantiate what I have said. Under these circumstances I shall vote against a single dollar being added to the amount these officials get regularly. I would offer an amendment, but I doubt whether it is in order.

Mr. FITZGERALD. I now yield two minutes to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Speaker, we are called upon to vote an increase of the salaries of 100-odd officers of the House without even the resolution having been printed so as to be available to the various Members, and without any information as to the increase. Now, I do not believe that I am particularly parsimonious about matters of this kind, but it is within the knowledge of every man here that we have about three times as many employees around the Capitol as we need. The House can not afford to talk about economy, it can not afford to lecture the other legislative branch and the Departments unless it begins its economy at home. In the absence of any statement showing the need for this increase, an increase relating back six months, I think we would best do our duty here by not voting this money. The fact that it is not a large sum asked does not make any difference, and the fact that it is disagreeable to say these things also does not make any difference. The House knows and every Member here knows we have a great many more employees than we need. I would be in favor of eliminating a lot of the useless ones and then paying the others full and complete salaries, but I will not vote away money without information as to what it is to be spent for, and if the committee expects the House to vote it without any information, then it is asking the House to do on faith more than I am willing to do.

Mr. FITZGERALD. I yield two minutes to the gentleman from Texas.

Mr. BURLESON. Mr. Speaker, it is not a pleasant thing to resist a resolution of this kind; but I feel that its adoption will be little short of a scandal, if it does not measure fully up thereto. Hence, notwithstanding the disinclination I would ordinarily feel, I desire to enter a protest against it.

Every man here knows that the corridors of this Capitol are now so filled with House employees that it is difficult for us to find our way through them to our committee rooms. Every man here also knows that every one of these employees receives ample compensation for the service that he renders; and to bring in a resolution of this character at this time, having for its purpose the granting of additional compensation reaching back over a period of several months is, as the gentleman from New York [Mr. FITZGERALD] has said, little short of a scandal. I shall vote against it.

Mr. HARDWICK. Will the gentleman answer a question?

Mr. BURLESON. Certainly; with pleasure.

Mr. HARDWICK. Is the gentleman positive that this resolution is retroactive in its effect?

Mr. BURLESON. As I understood it; as it was read from the Clerk's desk, it is.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD]—

Mr. FITZGERALD. I do not wish to use any more time at present, Mr. Speaker.

The SPEAKER. The gentleman from New York yields the remainder of his time.

Mr. SLEMP. Mr. Speaker, I understand that the other side have concluded. I yield to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from New York has twelve minutes remaining and the gentleman from Indiana has six minutes remaining. The Chair understood that the gentleman from New York had yielded his time, and so stated.

Mr. FITZGERALD. Is the gentleman from Pennsylvania going to conclude the discussion on that side?

Mr. OLMSTED. I do not know. I have not charge of the resolution. I have been yielded two or three minutes.

Mr. FITZGERALD. Then the gentleman from Virginia should occupy his two or three minutes.

Mr. OLMSTED. But, as I understood it, the gentleman from New York had concluded all that he desired to say.

The SPEAKER. Does the gentleman from New York yield the remainder of his time, or does he reserve it?

Mr. FITZGERALD. I reserve it, Mr. Speaker.

The SPEAKER. The gentleman from Virginia has six minutes.

Mr. OLMSTED. I think the gentleman from Virginia wishes the gentlemen on the other side to use their time before he concludes, as he is entitled to.

Mr. FITZGERALD. The gentleman from Virginia can not conclude with two or three speeches. If he states that the gentleman from Pennsylvania will conclude, that is a different matter.

The SPEAKER. On the contrary, the gentleman from New York [Mr. FITZGERALD] has twelve minutes and the gentleman from Virginia [Mr. SLEMP] has six minutes. The gentleman from Virginia is entitled to close the debate.

Mr. FITZGERALD. He has yielded part of his time to the gentleman from Pennsylvania.

Mr. OLMSTED. Go on and use six minutes, and then let us use our six. [Cries of "Vote!" "Vote!"]

Mr. FITZGERALD. I do not believe this side will use any more time.

Mr. OLMSTED. I am as much in favor of economy, and my record will show it, as any man in this House, but having just voted a gratuity of twelve millions to the Empire of China I do not believe that this House wants to make part of it up by taking it off of the pay justly due to some of the hard-worked employees of this House. [Applause.] I am not a member of the Committee on Accounts, but I understand that without regard to party that committee has unanimously recommended this resolution. I have not had an opportunity of going through it thoroughly, but as I have heard it read it seemed to me that most of the items of increase are small ones, \$80 to \$100, and they relate, not to those parties who have been referred to as useless employees of the House, but to those who do the work. A number of the items affect the principal officers of this House; its highest officer next to the Speaker, its Clerk; its Sergeant-at-arms, its clerks at the desk, those with whom we come in contact every day and upon whom we depend for our convenience and for the accuracy and the success with which we daily transact the business of the House. I do not believe that any parliamentary body was ever better served than this House is to-day. [Applause.]

In every other parliamentary body, so far as I have knowledge, the clerk or secretary receives more pay than the members. Our Clerk, even with the increase provided in this bill, will receive \$1,000 less than a Member's salary and only about half the salary of the clerk of the British House of Commons. Our officers and clerks are men of exceptional ability, competent, and courteous. Some of them have been worked nearly to death for the last two months—as we all know. Their voices can hardly be heard, because they are so worn out from continued calling of the yeas and nays. The Clerk of the House has charge of its contingent fund—a large amount. The Sergeant-at-Arms has charge of a still larger amount—the pay of Members. We work our clerks and other employees by day and we work them at night. For the reasons stated, I am in favor of this resolution. [Applause.]

Mr. SLEMP. Mr. Speaker, I call for a vote.

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

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 165, nays 63, answered "present" 13, not voting 146, as follows:

YEAS—165.

Table listing names of members who voted 'Yeas' (165 total). Includes names like Acheson, Adamson, Alken, Alexander, N. Y., Ames, Barchfeld, Barclay, Bartholdt, Bartlett, Nev., Bates, Beale, Pa., Bede, Bell, Ga., Bennet, N. Y., Booher, Bradley, Brodhead, Broussard, Brownlow, Brundidge, Burke, Burleigh, Burton, Del., Burton, Ohio, Capron, Cary, Caulfield, Chaney, Clark, Fla., Cole, Cook, Pa., Cooper, Pa., Coudrey, Cooper, Tex., Cooper, Wis., Cox, Ind., Craig, Currier, Cushman, Dalzell, Darragh, Davenport, Dawes, Dawson, Denby, Denver, Draper, Durey, Englebright, Esch, Fasset, Ferris, Focht, Fordney, Foss, Foster, Ind., Foster, Vt., Foulkrod, French, Fuller, Gaines, Tenn., Gaines, W. Va., Gardner, Mich., Gardner, N. J., Gilhams, Goebel, Goulden, Graham, Granger, Greene, Hale, Hall, Hamill, Haskins, Haugen, Hawley, Hay, Hayes, Henry, Conn., Helm, Hinshaw, Hobson, Houston, Howell, N. J., Hubbard, W. Va., Huff, Hughes, N. J., Hull, Tenn., Humphreys, Miss., Jenkins, Jones, Wash., Kahn, Keifer, Keliher, Kennedy, Ohio, Kimball, Kinkaid, Kipp, Knapp, Küstermann.

Table listing names of members who voted 'Nays' (63 total). Includes names like Lafean, Lamb, Landis, Legare, Lenahan, Lever, Littlefield, Longworth, Lorimer, Loud, Loudenslager, Lovering, McDermott, McGavin, McGuire, McHenry, McKinley, Ill., McKinney, McLachlan, Cal., McLain, McMillan, Madison, Malby, Miller, Mondell, Moon, Pa., Moon, Tenn., Moore, Pa., Nicholls, Nye, O'Connell, Olcott, Olmsted, Padgett, Parsons, Payne, Pollard, Porter, Pray, Prince, Pujio, Ransdell, La., Rauch, Roberts, Rodenberg, Rothermel, Slempe, Southwick, Sparkman, Stanley, Sterling, Stevens, Minn., Sulloway, Sulzer, Tawney, Taylor, Ala., Taylor, Ohio, Thistlewood, Tirrell, Wanger, Washburn, Wilson, Ill., Wilson, Pa., Wolf, Young.

NAYS—63.

Table listing names of members who voted 'Present' (13 total). Includes names like Adair, Alexander, Mo., Beall, Tex., Bonnyne, Boyd, Brumm, Burleson, Byrd, Chapman, Clark, Mo., Clayton, Crawford, Crumacker, De Armond, Dixon, Douglas, Ellerbe, Fitzgerald, Floyd, Foster, Ill., Fulton, Garner, Garrett, Gill, Gillespie, Gillett, Glass, Gregg, Hackney, Hamilton, Iowa, Hamlin, Hardwick, Hardy, Henry, Tex., Higgins, Howland, Johnson, Ky., Jones, Va., Kennedy, Iowa, Lloyd, McLaughlin, Mich., Macon, Maynard, Moore, Tex., Morse, Murdock, Norris, Page, Rainey, Randell, Tex., Rucker, Russell, Mo., Scott, Sherley, Small, Smith, Mo., Spight, Stephens, Tex., Thomas, N. C., Tou Velle, Volstead, Webb, Williams.

ANSWERED "PRESENT"—13.

Table listing names of members who answered 'Present' (13 total). Includes names like Ansberry, Boutell, Burnett, Butler, Candler, Harrison, Johnson, S. C., Richardson, Russell, Tex., Sabath, Sheppard, Talbot, Watkins.

NOT VOTING—146.

Table listing names of members who did not vote (146 total). Includes names like Allen, Andrus, Anthony, Ashbrook, Bannon, Bartlett, Ga., Bennett, Ky., Bingham, Birdsall, Bowers, Brantley, Burgess, Calder, Calderhead, Caldwell, Campbell, Carlin, Carter, Cockran, Cocks, N. Y., Conner, Cook, Colo., Cousins, Cravens, Davey, La., Davidson, Davis, Minn., Diekema, Driscoll, Drwell, Dwight, Edwards, Ga., Edwards, Ky., Ellis, Mo., Ellis, Oreg., Falchid, Favrot, Finley, Flood, Fornes, Fowler, Gardner, Mass., Godwin, Goldfogle, Gordon, Graff, Griggs, Gronna, Hackett, Haggott, Hamilton, Mich., Hammond, Harding, Hefflin, Hepburn, Hill, Conn., Hill, Miss., Hitchcock, Holliday, Howard, Howell, Utah, Hubbard, Iowa, Hughes, W. Va., Hull, Iowa, Humphrey, Wash., Jackson, James, Addison D., James, Ollie M., Kitchin, Claude, Kitchin, Wm. W., Knopf, Knowland, Lamar, Fla., Lamar, Mo., Langley, Laning, Lassiter, Law, Lawrence, Leake, Lee, Lewis, Lilley, Lindbergh, Lindsay, Livingston, Lowden, McCall, McCreary, McKinlay, Cal., McMorrان, Madden, Mann, Marshall, Mouser, Mudd, Murphy, Needham, Nelson, Overstreet, Parker, N. J., Parker, S. Dak., Patterson, Pearre, Perkins, Peters, Pou, Powers, Pratt, Reeder, Reid, Reynolds, Rhinock, Riordan, Robinson, Ryan, Saunders, Shackelford, Sherman, Sherwood, Sims, Slayden, Smith, Cal., Smith, Iowa, Smith, Mich., Smith, Tex., Snapp, Sperry, Stafford, Steenerson, Sturgiss, Thomas, Ohio, Townsend, Underwood, Vreeland, Waldo, Wallace, Watson, Weeks, Weems, Weisse, Wheeler, Wiley, Willett, Wood, Woodyard.

So the resolution was agreed to. The following additional pairs were announced: For the session: Mr. SHERMAN with Mr. RIORDAN. Until further notice: Mr. WOODYARD with Mr. WATKINS. Mr. WALDO with Mr. SMITH of Texas. Mr. VREELAND with Mr. SLAYDEN. Mr. TOWNSEND with Mr. SHERWOOD. Mr. SMITH of Michigan with Mr. RUSSELL of Texas. Mr. SMITH of Iowa with Mr. ROBINSON. Mr. MANN with Mr. SIMS. Mr. REYNOLDS with Mr. PATTERSON. Mr. MADDEN with Mr. MURPHY. Mr. McMORRAN with Mr. HITCHCOCK. Mr. LOWDEN with Mr. HEFLIN. Mr. LAWRENCE with Mr. CANDLER. Mr. HOWELL of Utah with Mr. ANSBERRY. Mr. GRAFF with Mr. GORDON. Mr. ELLIS of Oregon with Mr. GOLDFOGLE. Mr. EDWARDS of Kentucky with Mr. CALDWELL. Mr. DIEKEMA with Mr. BURGESS. Mr. DAVIS of Minnesota with Mr. BOWERS. Mr. DAVIDSON with Mr. ASHBROOK. Mr. HEPBURN with Mr. RICHARDSON. Mr. ALLEN with Mr. POU. The result of the vote was then announced as above recorded.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I call up the conference report on the post-office appropriation bill.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes, 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 1, 2, 3, 4, 5, 6, 36, 43, 44, 45, 51, 52, 54, 60, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 78, 79, 81, 82, 88, 89, 92, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 39, 40, 41, 42, 47, 48, 53, 55, 56, 57, 58, 59, 61, 62, 70, 80, 84, 86, 87, 91, 94, 95, 96, 97, and 98, and agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Page 5, line 15, strike out the words "And provided further," and insert in lieu thereof the word "Provided;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Page 10, line 16, strike out the words "and fifty-one;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Page 10, lines 15 and 16, strike out the words "four hundred and ninety-seven" and insert in lieu thereof the words "five hundred and forty-eight;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Page 11, lines 12 and 13, strike out the words "twenty-nine million" and insert in lieu thereof the words "twenty-eight million seven hundred and twenty-six thousand five hundred;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Page 13, line 21, strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Page 14, line 13, strike out the word "twelve" and insert in lieu thereof the word "eleven;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Page 14, line 19, strike out the words "thirty-eight thousand six hundred" and insert in lieu thereof the words "thirty-seven thousand four hundred;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Page 20, after the word "annum," add the words "and to defray the expenses of said headquarters the sum of twenty thousand dollars is hereby appropriated;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Page 25, after the word "national," insert the words "or State;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Page 25, strike out the amendment, and insert in lieu thereof the following:

"That section thirty-eight hundred and ninety-three of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following: 'And the term "indecent" within the intendment of this section shall include matter of a character tending to incite arson, murder, or assassination.'"

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 27, line 1, strike out the word "thirty" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 63, 76, and 77.

JESSE OVERSTREET,
J. J. GARDNER,

Managers on the part of the House.

BOIES PENROSE,
J. C. BURROWS,
A. S. CLAY,

Managers on the part of the Senate.

Mr. OVERSTREET. Mr. Speaker, I move to suspend the rules and agree to the conference report.

Mr. MOON of Tennessee. I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Indiana [Mr. OVERSTREET] is entitled to twenty minutes and the gentleman from Tennessee [Mr. MOON] to twenty minutes.

Mr. OVERSTREET. Mr. Speaker, if I may have the attention of the House I can explain in a very few words just the status of this bill. On yesterday the House refused to agree to the conference report, which at that time was a complete agreement. The bill now comes back from the conference committee with an agreement upon all of the amendments except three—Nos. 63, 76, and 77. Amendment No. 63 is the one which we recognize as the annual weighing of the mails, and so forth. No. 76 is the increased appropriation of \$1,100,000 consequent upon No. 77, which proposes to amend the ocean mail act.

Your conferees, Mr. Speaker, acting upon the vote of the House on yesterday, seek in a fair and proper way to bring before the House what the conferees understood were not satisfying to the House by the vote of yesterday. But two amendments were criticised in the debate, namely, the ocean mail act, involving two amendments, and the amendment authorizing the annual weighing of the mail, and so forth. It was impossible, Mr. Speaker, for anybody to understand whether or not the action of the House in rejecting the report was on account of one of those propositions or on account of both, and if on account of one, which one. Therefore we have agreed to all of the other amendments in the bill, saving those three involving the two propositions. It will be my course to move, as I have, to agree to the conference report, which will agree upon everything in the report except those three propositions, or two, as a matter of fact, which will be considered, discussed, and acted upon separately, separately from the main body of the bill, and separately from each other. I conceive no criticism can be made by any Member of this body upon this course which your conferees have pursued.

Notwithstanding our belief that their position yesterday relating to the merits of those two amendments was correct, still it gives to the House the opportunity, responsible as it is for the legislation, to determine whether it wishes to disagree to one or both of those propositions. Having adopted the conference report except as to those three amendments, if the House should by vote upon the two remaining propositions separately vote in favor of those two propositions, it would pass the bill and end the legislation for the next fiscal year. If the House should reject either one or both of these propositions—

Mr. MOON of Tennessee. Mr. Speaker—

Mr. OVERSTREET. It would then permit your conferees to understand what portion of the bill it would desire to eliminate.

Mr. MOON of Tennessee. Will the gentleman yield?

Mr. OVERSTREET. I yield to the gentleman.

Mr. MOON of Tennessee. Is it the intention of the gentleman from Indiana, in asking a separate vote for the mail proposition and subsidy proposition, to have twenty minutes' debate on each side on each proposition?

Mr. OVERSTREET. I want to be entirely fair, so as to have the House understand the proposition—

Mr. MOON of Tennessee. I wanted to understand the gentleman—

Mr. OVERSTREET. When we have agreed, as I hope we will, without further debate, because there is nothing as to disagreement to any proposition of the bill saving those two propositions, then it will be my purpose to move to suspend the rules upon the first amendment and to recede and concur. That would give twenty minutes' debate on that one proposition.

Mr. MOON of Tennessee. On each side?

Mr. OVERSTREET. Then when that was disposed of, either denied or approved, I would join the remaining two amendments, because they are related, in a motion to suspend the rules and recede and concur, and after discussion of forty minutes a vote to determine that.

Mr. MOON of Tennessee. That is the way I understand it.

Mr. OVERSTREET. I can conceive of no fairer proposition to the House.

Mr. MOON of Tennessee. Now, would the gentleman from Indiana, with the consent of the House, be willing to have some additional debate on those two propositions?

Mr. OVERSTREET. I think, Mr. Speaker, at this hour of the day, particularly in view of the debate of yesterday, that we can understand both propositions sufficiently for an intelligent vote within the forty minutes of debate.

Mr. MOON of Tennessee. A good many gentlemen on this side desire to be heard. I have no special desire to speak myself.

Mr. OVERSTREET. I have been importuned on this side as well from those favoring the proposition for time, so I think there can be no injustice done to the House.

Mr. MOON of Tennessee. Well, I think it is a matter that ought to have three or four hours' debate to be intelligently determined, but I do not expect to get that in the House, but I would be glad to get a little more time for debate.

Mr. OVERSTREET. I would ask the gentleman from Tennessee if there is objection to adopting the report which leaves unsettled these three amendments? That will give more time.

Mr. MOON of Tennessee. I would not like to concede that at present, until the gentlemen who are interested in some other provisions of the bill have been heard; but I will say this to the gentleman from Indiana, that it is probable there will be but little debate on that question. I have nothing to say myself.

Mr. OLMSTED. How about a roll call?

Mr. MOON of Tennessee. Whatever time we save on that proposition, I presume, will be added to the subsidy debate?

Mr. OVERSTREET. Does the gentleman include in that no roll call? Does the gentleman mean that there will be no roll call?

Mr. MOON of Tennessee. I shall not demand a roll call on the proposition to approve the bill, aside from the two questions to be voted on separately.

Mr. OVERSTREET. On which particular one of the remaining amendments does the gentleman desire additional time?

Mr. MOON of Tennessee. The subsidy proposition.

Mr. OVERSTREET. That is the second proposition. I have no objection to waiting until that time, and if it is not too late in the evening—

Mr. MOON of Tennessee. Oh, we will be here until 12 o'clock.

Mr. OVERSTREET. Well, hardly upon this bill.

Mr. MOON of Tennessee. No; not on this bill.

Mr. OVERSTREET. Other legislation is important. I suggest that we take up these measures as we reach them and first dispose of the report which takes care of all of the bill excepting two propositions, and then start on them.

Mr. MOON of Tennessee. I would prefer to have an understanding with the gentleman from Indiana, and our suggestion is that if the twenty minutes which we now have are not used, and the roll call is disposed of, that we have additional time on the subsidy proposition.

Mr. OVERSTREET. Well, without foreclosing it one way or the other, I would suggest that when that time approaches I will be ready to entertain it.

Mr. MOON of Tennessee. Let us foreclose it now, so that the gentleman can not foreclose me on my suggestion later.

Mr. OVERSTREET. I think I would prefer—

Mr. COCKRAN. Why not ask unanimous consent now for an hour.

Mr. OVERSTREET. Suppose the gentleman would demand a roll call, then I would be foreclosed on my proposition.

Mr. COCKRAN. Why can it not be understood that there will be no roll call on this and no debate on this proposition, but the time thus saved, amounting to an hour, as well as the time on the second roll call, be given to legitimate debate on a subject where there is a wide division on the part of the Members of the House.

Mr. OVERSTREET. I am quite willing, Mr. Speaker, with the clear understanding that there is to be no roll call and no division on the adoption of the report, and then twenty minutes debate on a side on the first proposition to submit to thirty minutes on a side on the second proposition.

Mr. WILLIAMS. Oh, you would have that anyway.

Mr. OVERSTREET. I am addressing the gentleman from Tennessee.

Mr. SULZER. Make it an hour on a side on the ship subsidy proposition.

Mr. OVERSTREET. Oh, no.

Mr. COCKRAN. Then let us have the regular order.

Mr. OVERSTREET. That gives thirty minutes on a side on the ocean-mail question.

Mr. MOON of Tennessee. Will the gentleman agree to forty minutes on a side?

Mr. OVERSTREET. Yes; with no roll call on the first proposition.

Mr. MOON of Tennessee. I can not pledge myself any further than my own action on the roll call.

Mr. OVERSTREET. Mr. Speaker, this is my understanding, that there is to be no debate and no roll call on this proposition; that there is to be a debate of twenty minutes on a side on the second proposition, and forty minutes on a side on the ocean-mail act. Now, I ask unanimous consent that this report be adopted.

Mr. WILLIAMS. Stop a minute. If the gentleman will permit, I will submit a request for unanimous consent.

Mr. OVERSTREET. Mr. Speaker, I have the floor and I do not yield it for that purpose.

Mr. WILLIAMS. Let me suggest—

Mr. OVERSTREET. The gentleman can make a suggestion to me, but I do not yield the floor for him to make a request for unanimous consent.

Mr. WILLIAMS. Very well, yield to me to suggest that the gentleman from Indiana make a request that if we dispense with the twenty minutes debate on a side on the first proposition, and with the roll call, which together constituted seventy-five minutes, that that amount of time be added to the debate on the other propositions, and equally divided between the two sides.

Mr. OVERSTREET. Mr. Speaker, I will not consent to anything other than I have proposed, and upon the adoption at once of the report, and that when we reach the ocean mail proposition there will be forty minutes debate on a side in lieu of twenty minutes debate on a side.

Mr. WILLIAMS. Will you make the request for unanimous consent now?

Mr. OVERSTREET. Mr. Speaker, I renew my request that the conference report be now adopted.

Mr. WILLIAMS. Unless the other unanimous consent is coupled with it—

Mr. OVERSTREET. And that there be forty minutes debate on a side when the ocean mail proposition is up.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent that the report of the conference committee shall be agreed to. That is the first branch. The second branch is, that there shall be twenty minutes' debate in the aggregate.

Mr. OVERSTREET. Twenty minutes on a side on the second proposition.

The SPEAKER. Twenty minutes on a side on the second proposition.

Mr. OVERSTREET. That is, the weighing proposition; and forty minutes on a side on the ocean mail proposition.

Mr. MOON of Tennessee. With no roll call on the first proposition, but a roll call on the other two propositions.

The SPEAKER. The proposition, as the Chair gathers, is that unanimous consent is asked that the conference report be now agreed to; and on the motion to suspend the rules on the first amendment, the one touching the mail weighing, that there is to be twenty minutes' debate on a side, and on what is known as the two other propositions, that cover the ocean mail service, there shall be forty minutes' debate on a side.

Mr. FINLEY. Do I understand the gentleman from Indiana [Mr. OVERSTREET] that he asks this House for unanimous consent—in other words, if everybody should agree to all the other items, there will be no roll call? I do not care to be put in the attitude of agreeing unanimously to everything that is in the report as agreed to.

Mr. OVERSTREET. Mr. Speaker, I have asked unanimous consent for agreement to the report. I have no doubt but what there are numerous—

Mr. COCKRAN. A viva voce vote without a roll call.

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

So the conference report was agreed to.

The SPEAKER. The Clerk will read the first amendment.

Mr. OVERSTREET. Mr. Speaker, the motion is to suspend the rules, recede, and concur in amendment numbered 63.

The SPEAKER. The gentleman from Indiana moves to sus-

pend the rules, that the House recede from its disagreement in the following Senate amendment, and concur in the same.

Mr. MOON of Tennessee. On which I demand a second.

The SPEAKER. The gentleman from Tennessee demands a second, and by agreement, as well as under the rule, there will be twenty minutes debate on a side.

The Clerk will first report the amendment.

The Clerk read as follows:

Page 18, after line 20, insert:

"That the Postmaster-General be, and is hereby, authorized and directed to readjust annually the compensation to be paid for the transportation of mails on railroad routes from and after the 1st day of July, 1909, upon the conditions and at the rates provided by law, the average daily weight to be ascertained in every case by the actual simultaneous weighing of the mails for thirty-five successive days, commencing on such date as the Postmaster-General may designate each year, after June 30, 1908, and the result to be stated and verified in such form and manner as the Postmaster-General may direct; and the whole number of days included in the weighing period shall be used as a divisor for obtaining the average daily weight. In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route, provided the allowance for the carriage of the same by the longer or more expensive route shall not exceed the cost of the carriage of an equal weight of mail between the same points by the shorter or less expensive route. And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

"And out of the appropriation for inland mail transportation, the Postmaster-General is authorized hereafter to pay rental in Washington, District of Columbia, and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes as provided by law."

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] is entitled to twenty minutes, and the gentleman from Tennessee [Mr. MOON] to twenty minutes.

Mr. OVERSTREET. Mr. Speaker, this amendment involves three factors. The first authorizes an annual weighing of the mails simultaneously throughout the country for thirty-five successive days, the time to be determined by the Postmaster-General. The second proposition is to make permanent law the recent order of the Postmaster-General, requiring that the total number of days in the weighing period shall be used as the divisor in ascertaining the average daily weight of mails. The third requires that where there are two or more competing routes between common terminals, the length of the route shall be the shortest line of those competing routes. The annual weighing of the mails once a year simultaneously for thirty-five days is believed by the Department and those interested in a fair and proper adjustment of pay to be far more equitable and just than one hundred and five days once in four years in the four different sections of the country. The law has been upon the statute books for more than thirty years, requiring quadrennial weighing; until three or four years ago the time of the weighing once in four years was to be thirty days. It was thought a better average in a period of a four-year contract would be ninety days, or, including the Sundays, one hundred and five days. This proposed change will be a benefit to the Government, and, in so far as it may result in an increased volume of pay to the transportation companies, be only fair and reasonable. All will agree that the ideal method of determining the amount of weight of the mails as the basis of pay would be to weigh each separate article of mail at the time it is deposited.

That is thoroughly impossible. It is equally impracticable to weigh once a day or once a week or once a month or once in six months. It is entirely practicable and feasible to weigh once in twelve months. When you weigh simultaneously you overcome the possibility of padding the mails or shuttlecocking from a section of the country that the mail is not being weighed into a section where the mail is being weighed, and then paying double the expense for that character of mail.

It is said by those criticising the proposition that it will be a heavy increase in expense to the Government. The only increase possible is by reason of the fact that now you pay the railroads for a period of four years upon the minimum weight at the time of the beginning of the contract. For the increment and increased weight rising rapidly within that period the companies could not be paid anything until the succeeding period of four years, whereas under the proposed change they would become entitled to the increment, additional weight in volume, which has been made within the last preceding year. They are paid only for what they carry; and those who criticize the change must of necessity prefer that the roads should not be paid anything for the increased volume of weight within the period of the four-year contract.

The time that the period of weighing shall now begin is left in the discretion of the Postmaster-General, any time prior to the new contract period of four years. When this amendment was first drafted by me and submitted to the Department, I included the provision that the thirty-five successive days should begin on the first Monday in March. The Department claimed that it ought to be left to the discretion of the Department. I arrived at that period from taking the two extremes of the year, the 30th of June and the 1st of July, and running both ways from that line, with the view of determining the period of thirty-five days within the twelve-months' period that there would be the most reasonable average of weight for the entire year. But the Department feels, leaving it to their discretion when the period shall begin, that if in their experience it should be found that the period of thirty-five days' weighing they did not find a reasonable average for the entire year another thirty-five days might be determined upon. The only opportunity, Mr. Speaker, for either fraud, neglect, or connivance whereby the roads might profit by reason of the period of thirty-five days being chosen when they had more than the average weight would be by dishonesty of the officials of the Department. And I can not conceive any Member of this House voting against this amendment because of the possibility of a dishonest Postmaster-General or a dishonest Second Assistant Postmaster-General conniving with the railroads in the selection of the thirty-five-day period so that it would be to the disadvantage of the Government and to the advantage of the roads.

The second proposition makes permanent law what is now known as the divisor. It is now but a Department official order, subject to change or repeal by any subsequent official in control of the Department. By making it permanent law we avoid that possibility.

The third proposition initiates the same principle in ascertaining the length of route and the amount of pay that now obtains in express freight rates and passenger rates. Where there are two or more roads running between common terminals, the distance of all those routes shall be no greater than the length of the shortest route. This proposition is wholly equitable. It is said that it would increase the expense to the Government. Unquestionably the proposed divisor results in a great saving of expense to the Government, because that divisor is enlarged, and therefore the quotient is less. Undoubtedly the installation of the same practice that obtains in the freight and passenger service to the distance of the routes for mail transportation will result in saving hundreds of thousands of dollars to the Government. This credit should be placed against the debit, which gentlemen by criticism claim would be increased by reason of the annual weighing. I state it as my deliberate judgment that these three factors put into law, and in practice, assuming the honesty of the officials, will result in but little increase to the roads, and that little they are entitled to if they actually carry mail that has been increased in volume.

I reserve the balance of my time. [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, it is not my intention to discuss this question in detail. I simply want to state the case as I understand it. Under the present law the railway mail is weighed quadrennially, and the pay to the railroads from the Government of the United States is based upon those quadrennial weighings. The contract with the Government with these roads is based on the quadrennial weighings. The contract that the Government has with the railroads provides for the quadrennial weighing. The present proposition contained in the bill provides for thirty-five days' weighing annually. It is a change, therefore, in the contract in reference to the weighing, and the basis of pay or compensation would rest under the new provision on the annual weighing instead of the quadrennial weighing. It is estimated by gentlemen who have made the calculation that the loss to the Government of the United States by the change of law would be \$2,500,000 a year. These are the facts as I understand them. The question is, Is it best, in the judgment of the House of Representatives, so to alter the law of the land as to impose this additional burden upon the Government of the United States?

Mr. LLOYD. I understand the amount to be \$2,700,000. That I understand to be the amount which would be expended in addition to that which we are now expending, estimated on the basis of the present construction of the law for the Postmaster-General. Is not that the fact?

Mr. MOON of Tennessee. I understand so.

Mr. LLOYD. If the construction should be changed with reference to the weighing process, so that it should be the same as it was prior to the 4th day of March last year, then there would be no loss by reason of the change, would there?

Mr. MOON of Tennessee. I do not understand that. The weighing is quadrennial, and four years' compensation is based upon that weighing. If you change it and make an annual weighing, you increase the cost to the Government of the United States three times, and it is estimated at the figure that I have stated. I desire only to state this fact, as I understand it, and yield to the gentleman from Wisconsin.

Mr. SCOTT. Right on the point the gentleman has been discussing, I should like to ask him a question in order to get clear information. Would the loss of \$2,500,000 to the Government, which he says would follow the change in the plan, result on account of the expense of the additional three weighings?

Mr. MOON of Tennessee. I yield to the gentleman from Wisconsin [Mr. STAFFORD], who will discuss the matter and give the gentleman full information on that question better than I can.

Mr. SCOTT. I shall be very glad if the gentleman from Wisconsin will answer that question in the course of his discussion, whether the increased expenditure comes from the cost of the additional weighings, or whether it is because the amount paid to the railroads in the first place would be less than in the other.

Mr. STAFFORD. I understand the gentleman's question, and shall be glad to answer it during the course of my remarks.

Mr. Speaker, I wish to direct my attention to this proposition now before the House, as to the proposed change in the method of weighing the mails.

In 1873 the law was passed fixing the rate of pay, and at the same time providing for quadrennial weighings, and also providing that the weighing shall be had not less frequently than once in every four years. Ever since that time the practice of weighing at four-year intervals has been followed. The country is divided into four sections, and each year a weighing takes place in one of those sections, on the basis of which weighing calculations are made for payments to the railroads for the ensuing four years.

I have before me the computations prepared by the Post-Office Department showing the payments from 1896 to 1907 in each section for transportation of mails, independent of the charge for railway post-office service, which latter increases as the service is put into force, and has no connection with this proposition.

I will take, for example, the rate of pay in the first section, which is the eastern section, in which the railroads received \$8,583,000 in 1905, based upon the weighing had in 1901; but upon the weighing that was held in 1905 as a basis for the payments that the railroads were to receive in that section for 1906 and the three succeeding years the amount was \$10,260,000, or a difference of \$1,677,000 for the three years. Dividing this amount by 3 it makes an annual saving to the Government of \$559,000 during the three years in that one section.

I could take each one of the other sections. For instance, in the third section, which comprises the Northwestern States, the amount that we paid to the railroads in 1903 was \$13,289,000, based upon the weighing had in 1899. In the following year, 1904, we paid \$15,748,000, based on the weighing held in the year previous, 1903; and that \$15,000,000 was virtually the same amount for 1907, three years later, for the total paid to the railroads in that year was \$15,772,000. The difference between the payment for the last year in that weighing section and the last year of the previous weighing period is \$2,459,000, or an average during the three years of \$819,000, which the Government saved each year.

Adding these respective amounts together which the Government saved each year from each of these sections, based on the figures presented to me by the Post-Office Department as the amount paid the railroads for transportation alone, it amounts for one year to \$2,717,000. In other words, if during the four years we had had annual weighing instead of quadrennial weighing, the Government each year on that amount of tonnage would have been obliged to pay \$2,717,000 more than under the present arrangement of weighing every four years, which is the basis of pay during the four succeeding years.

Now, it goes without question that the Government gains this advantage, and I make the point here that when the rates were first formulated it was upon the idea that it should not be an average weight for the four-year period, but the rates were raised sufficiently high on a basis below the average of that which would be carried during the four years.

Mr. LLOYD. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman.

Mr. LLOYD. Is it not true that the saving of the last year is by reason of a change of the order of the Department as to the divisor?

Mr. STAFFORD. The rule of the Department in regard to the divisor does not touch this proposition at all, and this must be considered apart from the divisor proposition, for the question is whether we shall have the quadrennial weighing or the annual weighing.

Mr. SCOTT. Will the gentleman tell us why it would not be better to have a weighing once in ten years, if the gentleman is correct?

Mr. STAFFORD. The present rates were predicated upon the idea, and the requirement is in the law, that it shall be a weighing upon which the rate shall continue for four years. As one official in the Department, a man who has been in the service more than twenty years, and connected with the railway mail service, said to me early in the session when I spoke to him about the suggested change, that if there was going to be an annual weighing, the rates of pay should be reduced correspondingly.

Mr. OVERSTREET. Did the gentleman state the name of that official?

Mr. STAFFORD. The gentleman from Indiana does not doubt that I received that information?

Mr. OVERSTREET. I thought the gentleman named some official.

Mr. STAFFORD. No; I did not.

Mr. OVERSTREET. I think it is only fair that the gentleman should give the name of the gentleman he quoted.

Mr. STAFFORD. If the gentleman wishes, I will say that it was Mr. Stone, who has been chief clerk in the office of the Second Assistant Postmaster-General for many years, and is to-day assistant to the superintendent of the railway-mail service.

I have before me the CONGRESSIONAL RECORD, containing a letter addressed to Mr. PENROSE a few days ago by the Postmaster-General, in which he uses this language in commenting on this change:

Provided this Congress says that there shall be an increase in the expenditure in the transportation of mail by railroad rates.

He also in this letter uses the following language:

It should, however, be borne in mind that such a provision—

Referring to the annual weighing—

would increase the gross amount for the transportation of the mails and add to the annual expense incident to the weighing of the mails.

There is no question whatever that if we adopt annual weighing we will increase by more than two and one-half million dollars the amount now paid to the railroads. Again, even if the tonnage was not increased, I would oppose this proposition, because it restricts it to thirty-five days. Two years ago we believed that we could obtain a more fair average by increasing the number of days to ninety, so as to avoid abuses that might possibly arise from taking a period that was not representative for the year.

I now come to the question propounded by the gentleman from Kansas, as to whether this law involves any added expenditure in the cost of weighing. It goes without saying that if at present we only have a weighing once in four years in these respective sections, this would increase the work three times, and instead of having a weighing once in four years it would be—

Mr. SCOTT. In one case you weigh one hundred and five days and in the other thirty-five days.

Mr. STAFFORD. There is no limit to this provision compelling the Department to weigh thirty-five days only.

In the second section in 1904 the mail was weighed eighty-four days and in one section of the first section, in 1904, they used ninety days, and in another, in 1905, ninety-one days, when the law prescribed thirty days as the basis.

Mr. SCOTT. I understood this amendment did provide thirty-five days.

Mr. STAFFORD. It does not. It only says that the pay shall be computed on the basis of a weighing for thirty-five consecutive days, but the number of days that the Department sees fit to weigh from which to select the thirty-five-day period is not limited. It puts the law exactly where it was before we changed it, and requires that thirty-five days should be the requirement instead of one hundred and five days.

Mr. LLOYD. I know the gentleman does not wish to mislead the House, but he leaves the impression that the law would remain exactly as it was prior to the time of the change. The law prior to the change used the word "working," and the law originally was thirty working-days, and this provision here provides for thirty-five successive days.

Mr. STAFFORD. There is no question whatsoever that the divisor proposition is included in this, but I maintain that the wording leaves it to the Department to weigh more than thirty-

five days so as to get an average during that period of thirty-five days that should be used as a basis for compensation.

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

Mr. STAFFORD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has consumed nine minutes. He has one minute remaining of the ten minutes.

Mr. OLMSTED. I merely want to ask this question—

Mr. STAFFORD. I can not yield. There is no question whatsoever that with this annual weighing we will increase the cost attendant on ascertaining the weight by at least half a million dollars each year, because it costs in some of these sections, from \$100,000 to \$500,000, but besides that there is no question whatsoever that by having an annual weighing we will increase the mail pay each year over that which is now being paid under the present divisor order and the present law, \$2,700,000, and it will add to the expense of the Government \$500,000 at least each year for the added expense of weighing throughout the entire country, instead of as now in but one section of the country—

Mr. OLMSTED. Is not that because there is more freight carried?

Mr. STAFFORD. Every four years. I want to impress upon the House that the rates as fixed under the present law are predicated upon the idea that the unit of weight shall be that which should govern for four years in advance, and that it was intended that that should be the basis of compensation when the rates were settled by Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Speaker, I will ask the gentleman from Indiana to consume some of his time.

Mr. OVERSTREET. I expect to consume the remaining time in one speech.

Mr. MOON of Tennessee. Then, Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, for the first time since I have been in Congress the matter of increasing the pay for railroads for the carriage of mail is strictly up for consideration by itself, and the responsibility of the vote is upon the individual. Now, there is no question about this provision for annual weighing, increasing the amount to be paid to the railroads, and the responsibility comes not on the Department, but upon the individuals of this body. The Department approves the annual weighing, but conditionally, and this is the condition, and every man present ought to hear the condition. The Department says, in a letter written on April 23 last:

The bill suggested meets with the approval of the Department, provided that Congress sees fit to thereby increase the expenditures for transportation for mail to the railroads.

The Department has made the recommendation, but it has checked it up to this body and to the Senate that if this body does pass this provision it increases the compensation to the railroads yearly.

There are three propositions here about this increase, as the increase is carried in the provision on annual weighing. The first is this: If you weigh every year in the four-year period, in view of a gradually increasing growth of mail, you will get a higher average over the four-year period than you will if you weigh in the first year of the four-year period. That is the first proposition. The second proposition is this: Owing to the fluctuation of weights of the mail throughout the year it is higher in January, lower in February, lower still in March, going up in April, going up in May, high in June—that is, owing to a regular periodicity of light and heavy mails year after year, you get a fairer and lower average by a long weighing period than you do by a short one. We weigh one hundred and five days to-day. We will weigh thirty-five days under this provision.

The third proposition is this: That the mere operation of weighing the mails will cost in the period of four years \$500,000 a year more to the Government than the present system of weighing. There are three elements in the annual weighing, then, which increase the cost of this service to the Government. It should not be increased. I want to say to the Members of the House of Representatives that the rate of pay was purposely made high in the first place, in 1873, because it was to be based upon the quadrennial basis, and so high was it made that Congress itself, virtually without agitation, cut it down in 1876, and cut it still lower in 1878.

So it remained until last year. Four commissions passed upon it. Postmaster-General after Postmaster-General in that long stretch of time recommended that it was best to readjust it further; but Congress deferred until last year, and last year Congress at last cut it down. Simultaneously with that cut the Department put in force a correction of the old and indefensible miscalculation, the wrong division, and that cut went

in also, and for the first time in the history of this nation we are paying equitable rates to the railroads to-day. Why increase them? [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. STEENERSON] the remainder of my time, three minutes.

Mr. STEENERSON. Mr. Speaker, all I have to say is that we have debated this question in the Committee on Post-Office and Post-Roads and voted it down, and it seems to me that it has no merit. The last post-office appropriation bill provided that the Department should investigate the subject of the weight of the different classes of mail, and to weigh the mail for thirty days to ascertain the average load of railway post-office, storage cars and compartment cars. This was to enable us to learn the cost of carrying the mail, because the amount of the load is the controlling element in determining the reasonable compensation for the railway transportation of mail. That Department has just reported. Now, why should we undertake this difficult and technical question of determining what is reasonable compensation for transporting the mail by rail at this time before we have even time to read the report of the Post-Office Department which we authorized at the last session?

It seems to me that it is preposterous, after the proposition has been debated and carefully considered in the committee and turned down, that it should now come here as an amendment of the Senate, containing, as it does, an independent provision of law, new legislation, and I therefore hope that it will be voted down. It increases the railway mail pay at the rate of \$2,700,000 a year for transportation and \$500,000 a year extra for cost of weighing, amounting to over \$3,000,000 a year. This we are asked to give to the railroads, without any investigation, without any special information whatever, and it seems to me that this proposition ought to be voted down very promptly. [Applause.]

The whole subject of railway mail pay ought to be gone into and carefully considered and readjusted. On some railway routes the compensation now allowed by law may be and probably is excessive; on some it may be and probably is inadequate. A great element of cost of such service is volume or density of traffic, and I believe every fair-minded man is willing to allow a reasonable compensation, a compensation adjusted in proportion to the cost of the service. It should be compensatory. It is needless to say such adjustment can not be made now. I hope the amendment will be voted down. [Applause.]

Mr. OVERSTREET. Has the gentleman from Tennessee consumed all the time on that side?

The SPEAKER. The gentleman has one minute remaining.

Mr. MOON of Tennessee. I yield that back to the gentleman from Indiana.

Mr. OVERSTREET. For which I am thankful. Mr. Speaker, there is an old saying that figures will not lie; but they are sometimes misplaced; and I fancy that these statisticians from Kansas and Wisconsin in the exuberance of their spirits, in the enthusiasm of their cause, in fear that one of their votes may be registered on the side where the word "railroad" appears, may have some of their figures misplaced, though unintentional. I suggested—

Mr. STAFFORD. Will the gentleman yield?

Mr. OVERSTREET. I will.

Mr. STAFFORD. Were not these figures presented before the House Committee on the Post-Office and Post-Roads and their accuracy has never been disputed since?

Mr. OVERSTREET. I have no recollection of it, just as I have no recollection of the quotation which the gentleman made from one of the officials.

Mr. MURDOCK. Will the gentleman yield to me?

Mr. OVERSTREET. One at a time.

Mr. MURDOCK. Just a minute.

Mr. OVERSTREET. Not a minute, but just for a question.

Mr. MURDOCK. Is it not a fact that everything in this bill save this was given the privilege of a hearing in the House Committee on Post-Offices and Post-Roads?

Mr. OVERSTREET. We have spent days and days in that committee, I will say in a good-natured way, in discussing this measure, as the gentleman from Minnesota [Mr. STEENERSON] has suggested, and I will depart from my subject right now to state that the statement made by the gentleman that this very proposition was voted down in the committee, I think, needs a little explanation.

The proposition was to report an amendment the same as this excepting that the Postmaster-General did not have the option of determining the period of thirty-five days. It failed by a tie vote, counting one Member absent whose absence was well understood. That is the situation there. Now, Mr. Speaker, I

Mr. TAWNEY with Mr. WILLET.
 Mr. SMITH of Michigan with Mr. STEPHENS of Texas.
 Mr. MADDEN with Mr. RHINOCK.
 Mr. LOWDEN with Mr. REID.
 Mr. JENKINS with Mr. LEGARE.
 Mr. HOWELL of New Jersey with Mr. LEAKE.
 Mr. GRAFF with Mr. OLLIE M. JAMES.
 Mr. FORDNEY with Mr. HACKETT.
 Mr. DRAPER with Mr. CRAVENS.
 Mr. BANNON with Mr. HAMMOND.
 Mr. COCKS of New York with Mr. RIORDAN.
 Mr. HASKINS with Mr. LAMB (until 7.30 p. m.).
 Mr. GILLETT with Mr. UNDERWOOD.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

On this vote:

Mr. ANDRUS with Mr. LLOYD.

Mr. SLEMP with Mr. CRAIG.

Mr. HARRISON. Mr. Speaker, did the gentleman from New York [Mr. DWIGHT] vote?

The SPEAKER pro tempore. He did not.

Mr. HARRISON. I voted "no." I would like to withdraw my vote and answer "present."

The name of Mr. HARRISON was called and he answered "present."

The result of the vote was then announced as above recorded.

Mr. OVERSTREET. I move to suspend the rules and recede from disagreement, and concur in Senate amendments 76 and 77.

Mr. MOON of Tennessee. I demand a second.

The SPEAKER pro tempore (Mr. OLMSTED). The Clerk will first report the amendments.

The Clerk read as follows:

Amendment 76, page 22, line 24, strike out "three million five" and insert "four million six."

Page 23, strike out lines 12 to 15, inclusive, and insert:
Provided, That the Postmaster-General is hereby authorized to pay hereafter for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act, and in vessels of the third class on said routes at a rate per mile not exceeding the rate applicable to vessels of the second class as provided in said act; *Provided*, That if no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, the Postmaster-General shall, provided two or more lines are established from North Atlantic ports, require that one of said lines shall, upon each outward and homeward voyage, touch at at least two ports on the Atlantic coast south of Cape Charles, regard being had in the selection of such ports of call to geographical location and to the volume of the export and import business of the ports so selected; *And provided further*, That the total expenditure of foreign mail service in any one year shall not exceed the estimated revenue therefrom for that year.

Mr. MOON of Tennessee. I demand a second.

The SPEAKER pro tempore. Under the rule a second is ordered. Under the agreement, by unanimous consent, the gentleman from Indiana is entitled to forty minutes and the gentleman from Tennessee to forty minutes.

Mr. OVERSTREET. Mr. Speaker, I shall not undertake to add much to what I said on yesterday with respect to these two amendments providing for additional ocean service. There is no change of principle with respect to the ocean-mail act of March 3, 1891. There is a change by the proposed amendment of rate of pay to the second and third class vessels described in that law. They are now paid \$2 a mile, outgoing, upon vessels plying at a speed less than 20 knots and more than 16 knots, and \$1 where they ply under 16 knots and over 14 knots an hour. The amendment limits this increased rate of pay to vessels carrying the mail upon routes in excess of 4,000 miles from United States ports to ports in South America, Australasia, Hawaii, China, the Philippines, and Japan.

Under the law as it exists to-day there are six contracts, only one of which is at above the 20-knot an hour or \$4 outward voyage rate of pay. The others are second and third class vessels; but they go no farther in their travel under their contract than across the Atlantic or to Cuba and South American ports upon the Caribbean Sea. The limitation, therefore, in the increased rate proposed by this amendment will permit only contracts to points on routes more than 4,000 miles in length and to those countries with whom we are seeking so diligently and urgently new and more friendly relations in South America and in the Orient. The reason for the increased pay to second and third class vessels is that we have been unable to secure ship companies owning vessels of this type to enter upon contracts at this rate. We have no direct communication in American bottoms with either of these countries at

a distance in excess of 4,000 miles. It is believed that by the stimulus which will be given by the increased rate of pay we will be able to secure contracts with these South American and oriental ports which will inure to the advantage of our people.

We have carried annually the same appropriation to pay contracts for ocean mail service under the law of 1891. This increase of \$1,100,000 is an increase of facilities in the ocean mail service. This very bill carries \$1,185,000 for increased pay alone of the letter carriers of the \$1,100 grade. That amendment is to increase the efficiency of that service. That is \$85,000 more than is proposed by this amendment to increase the efficiency of all the ocean mail service. If Members of this House "stick in the bark" because they are not in favor of increasing the ocean mail service, how can you justify the claim that you favor increasing the efficiency of the mail service by your vote for increased pay to the letter carriers in the \$1,100 grade and oppose the effort to increase the ocean mail service? We will be able, if once we get in proper communication with these new countries, to not only enlarge the equipment by way of naval auxiliaries for the support of the Navy, but our trade relations and communication directly with those people will be greatly improved.

The revenue from the ocean mail service last year was \$6,600,000. The expense for the same service, exclusive of whatever expense there may be in transporting this mail to the seaboard, was \$2,900,000. The difference between those two figures is \$3,500,000 as a profit. The proposition of this amendment in this last proviso is to utilize the profit upon the ocean mail service, not counting the expense of the service to the seaboard, in the improvement of the ocean mail service. Can there be any legitimate criticism of an effort to enlarge our trade relations abroad, to facilitate a new auxiliary force for the Navy, to establish direct communication between our people and South American and oriental ports, if we enlarge that service upon the profits of the ocean mail service?

Now, Mr. Speaker, the word "subsidy" will be rung in this Chamber by every gentleman who opposes this proposition. I call the attention of the superconscious individuals who are afraid of that word to the fact that this post-office appropriation bill is full of subsidies. Then have the manhood to vote against all of it! Our income to-day from the revenue on second-class matter, carried as such for the aid of newspapers, which are prompting many Members to fly away from this word "subsidy," is 1 cent a pound. The weighing of the mails, the counting of pieces, the ascertainment of the important statistics authorized by the six months' period ended December 31 last, is now with the Public Printer, and will be made public as soon as proof can be read and the report made official. I ask every opponent of this proposition for ocean mail service who is afraid of the word "subsidy" to note the prediction, that I venture he will find that the second-class matter of mail upon which the Government receives but 1 cent a pound costs the Government now in excess of 6 cents a pound.

What is the difference between these amounts? The rural delivery service to-day nets in dollars and cents a deficiency of approximately \$10,000,000. What do you call it? I approve both of those provisions. The rural delivery service is worth all it costs and more, whether it is a subsidy or a profit, but you can not get away from the fact that both those differences between the expense and the receipts must be known technically as subsidies.

The first, third, and fourth class matter of mail render a net profit to the Government, the second-class matter of mail renders a loss to the Government. The rural delivery service renders a loss to the Government, a deficit annually on the entire service. But we are afraid of the word "subsidy" when it comes to the enlargement of the ocean mail service. That is what this bill does and no more.

I reserve the balance of my time. [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, I discussed the features of this bill very briefly yesterday. I have no disposition to go over the argument presented in that short time. But I want to state this to the House, which I did not say yesterday, that when this whole question is reduced to its last analysis it is one of the simplest propositions possible.

We are paying to-day \$4 per mile for first-class vessels, \$2 per mile for second class, \$1 per mile for third class, and 66 $\frac{2}{3}$ cents a mile for fourth class. This proposition is simply to double the pay of the second and third classes, and I defy any man to find one iota of proof that will justify it. It is a practical donation to ships of that class of this much money, and that is all it is. To my mind it is a simple question of honesty or dishonesty in the administration of public affairs. It is not con-

tended by the Post-Office Department that this is a mail facility, except incidentally.

The whole argument in attempting to force this rider upon the appropriation bill will be that it will be an auxiliary to the American fleet, and any man of common sense knows that it is of no service in that respect. The cost now of carrying our mails under the oceanic act—and we have no evidence that there is any more demand for carrying than is already complied with—is \$181,000 a year. You want to revamp some second and third class vessels, put them up to the price of first-class vessels, and donate \$1,100,000. And then, too, under the terms of this act you might enter into a contract for ten years, in view of the act of Congress of which this is amendatory, and place the burden upon this Government of a subsidy of practically \$4,000,000 per annum, for the act provides that you may contract to the extent of the profits earned by the ocean mail service, which in gross figures would be about \$3,400,000.

I do not desire to take any more time, and I yield to the gentleman from Wisconsin [Mr. STAFFORD] five minutes.

Mr. STAFFORD. Mr. Speaker, this proposition, so far as it applies to the oriental oceanic trade, is exclusively a subsidy proposition. It can not be defended on the ground that there are not adequate mail facilities at the present time, for the meager hearings had before the post-office committee disclosed the fact that adequate mail service on fast steamers leaving Vancouver and American ports, with frequent sailings for the Orient, was now being had that would not be increased if this bill were enacted into law.

Last year this House by a close vote passed the so-called "Littauer bill." Although the amounts provided in that bill were in stated aggregate amounts for each line, under this bill they not only equal these sums, but in some instances surpass them. And in addition there is that provision in the Senate amendment different from that in the House bill that was voted down in the Committee on Post-Offices and Post-Roads, for the House bill was limited entirely to second-class steamers that were to receive the pay of first-class steamers, as provided in the act of March 3, 1891, whereas the Senate amendment increases and doubles the pay of the third-class steamers and gives them the compensation now paid to second-class steamers.

Under the House bill, which extended to second-class steamers only, there would have been expended when applied to all the lines the total amount of \$3,610,240. I ask this House what justification is there, except on the ground of subsidy, for paying gratuities to steamship companies when there is adequate mail facilities to the Orient and when there is adequate freight facilities for the oriental trade? Can you defend your action when you vote \$1,710,000 for lines to China and the Orient and over \$600,000 additional for the line to Australia? It can not be defended on the ground that additional facilities are needed so far as the mails or freight carriage is concerned.

It comes down in its last analysis, as far as mail and shipping facilities are concerned, to the question of subsidy, because if the service to-day exists, I ask why should we pay out the enormous amount of over \$2,300,000 in developing that which we have no assurance will be continued, when a like service is being maintained by subsidies and gratuities paid by other governments? Shall we inaugurate that policy set out in this bill providing subsidies for third-class steamers which only travel at the rate of 14 knots an hour? Shall we inaugurate the policy that we shall go on this wholesale cruise of voting millions and millions of dollars to some special interest when perchance other governments are furnishing that same service to-day through subsidies and as a burden to them, from which we are receiving the benefits in carrying facilities?

I can not justify a vote for subsidies unless there is no adequate service with those countries. I stand ready to vote a subsidy for the establishment of mail facilities on the Atlantic between New York and South American ports because there are no adequate mail facilities to those points and no adequate connections for dispatching our mails. But where we have adequate facilities, as on the Pacific, furnished, it is true, by other governments, what justification can we have except the sentimental reason of seeing the American flag flying on the ocean, in voting the immense amount of millions and millions of dollars when that service is already in existence? And so, Mr. Speaker, I am going to vote against this amendment because we have no opportunity here to vote separately on the individual proposition of whether a line to South America shall be established, but are obliged to accept all or nothing, and therefore I am going to vote against concurrence. [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, I now yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I shall not repeat what I said on

yesterday, but I desire to advert to one provision in this amendment. The last part of the amendment contains this proviso: That the total expenditure for foreign mail service in any one year shall not exceed the estimated revenue therefrom for that year.

It is suggested that the profit on the entire ocean mail service at this time is about three and one-half million dollars, and it is said by advocates of this amendment that we ought to spend the profits at least of the ocean mail service. As to that I contend that the profits are not three and a half million dollars nor any such sum as that. In the first place, in arriving at that sum the advocates have taken the amount paid for ocean mail service and have deducted that from the amount received from ocean postage. But I call attention of gentlemen to the fact that they have not taken into consideration the cost of carrying the mail from the interior points to the seaboard.

It is a fact that the great bulk of the mail which goes from the seaboard originates at interior points, and the amount which we pay for bringing this mail to the seaboard, which in the aggregate amounts to a large sum, is not taken into consideration. Neither is the cost of the administration of the ocean service nor the cost of administration of the Department connected with the carrying of mail from the interior points to the seaboard considered. If these two items were calculated, and were added to the gross amount paid for the ocean mail service, and then the deduction should be made from the amount received from the ocean mail postage, instead of being three and a half millions, it would be less than \$2,000,000. Again, I say, that if we are to take the profit from the administration of any part of the post-office service and devote that profit to subsidies for the maintenance of ships upon the ocean, we might as well take the profits from the administration of other parts of the service, and the result would be to increase the already large deficit in the Post-Office Department. So this provision is abortive, does not accomplish the result, and there is no profit of consequence to be expended for subsidies.

I would call the attention of gentlemen to one other provision of the original law of March 3, 1891, which it is now sought to amend. The first section of that act contains this provision:

The Postmaster-General is hereby authorized and empowered to enter into contracts for a term not less than five nor more than ten years in duration.

That provision is not changed by this amendment which is under consideration. Therefore, if we adopt this amendment here, the Postmaster-General can not enter into a contract for less than five years, while the proviso says that no greater amount shall be expended in any one year than is estimated for the profits or gross receipts for the current year. The two provisions are inconsistent. They are impossible of application. Therefore this proviso, which has induced some Members to favor this amendment, is without merit and falls to the ground. I desired to present this view by way of supplementing the argument which has been made by the chairman of the committee and by the gentleman from Wisconsin [Mr. STAFFORD], who has given this subject careful study, and to emphasize the fact that this is not only a subsidy under a new guise, placing a new burden upon the administration of the Post-Office Department, increasing our already large deficit, but in addition to show that this proviso by which it is sought to gain favor with Members who would not otherwise be favorable to the subsidizing of American ships through the Post-Office Department—to show them that this proviso is without merit and will not accomplish the purpose its friends intend. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. OVERSTREET. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GOEBEL].

Mr. GOEBEL. Mr. Speaker, the gentleman from Tennessee [Mr. MOON] has contented himself with the simple statement that this doubles the pay of the second and third class of vessels under the act of 1891. That is true, but there is reason for that. The act of 1891 has been in force for seventeen years. During all that time the Post-Office Department has been utterly unable to carry out the provisions of that act relating to second and third class vessels. To-day we are confronted with the proposition as to whether we shall continue to carry the mail in foreign vessels or whether we shall carry the mail in American vessels under the American flag. [Applause on the Republican side.]

All that it is proposed to do by this amendment is to increase the rate from \$2 to \$4 and from \$1 to \$2 in the hope—I say in the hope, Mr. Speaker—that we may find American enterprise and American capital that is willing to invest in the construction of new ships and thereby aid our Government in the administration of the Post-Office Department by having

our mail carried in American vessels. It is not a subsidy. It is not intended as a subsidy. Who will contend that the original act is a subsidy? If that act is not a subsidy, then any amendment which simply increases the rate can not make it a subsidy. It is hoped that our people will have from thirty to forty millions of dollars invested in new vessels that will carry our mail. Is that an objection? The original act provides they must be American ships, built in America, manned by Americans, and carrying the American flag.

Who is opposed to that proposition? Are you willing that our mails shall be carried in foreign vessels? Ah, my friend from Wisconsin [Mr. STAFFORD] contents himself with the fact that we have ample facilities at present. So we have, but all are foreign vessels, for which we are paying a subvention to foreign countries. Are we not big enough and rich enough to carry in our own ships the American mail? Are we to depend upon foreign vessels and pay to foreign countries the expense for carrying the mail? Mr. Speaker, in this measure we are fully protected. It provides that the contracts shall not exceed the income from that service. Let me say to you, Mr. Speaker, that last year our net profits from ocean mail service were \$3,600,000. It is proposed to take this amount to improve this service.

Mr. MOON of Tennessee. Will the gentleman yield?

The SPEAKER pro tempore [Mr. OLMSTED]. The gentleman's time has expired. He has no time to yield.

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from California, Mr. KAHN.

Mr. KAHN. Mr. Speaker, it has been well said by the chairman of the Committee on Post-Offices and Post-Roads that no new principle is involved in this item. It is simply a measure to increase the pay for services rendered. We, on the Pacific coast, have had an experience under the existing law which is exceedingly interesting. Prior to 1900 the Oceanic Steamship Company had formed a combination with a shipping firm in Australia whereby an English ship of 3,000 tons register sailed in conjunction with two American ships of 3,000 tons register and gave a monthly service to the Antipodes. About 1900 the officers of the Oceanic Steamship Company entered into a contract with the Government of the United States to carry the mails on second-class ships to New Zealand and Australia. This is now known as "ocean mail service number 75." The Oceanic Steamship Company built three ships, the *Sonoma*, the *Sierra*, and the *Ventura*, under that contract. They were of 6,000 tons burden and were among the finest ships floating on the Pacific Ocean. Under the terms of the contract they had to make 16 knots an hour. The old ships made but 12 or 14 knots an hour.

The company continued the service for some six years, and during that time, by reason of the fact that the pay was entirely inadequate, it fell into debt to the extent of over \$2,000,000, although, under the conditions that prevailed when they had only the 3,000-ton ships and they were not under contract with the Government, they had been making money. The managers of the Oceanic Steamship Company, realizing that they were losing this enormous amount, served notice on the Government that unless the pay could be increased they would have to give up the contract—that they would have to tie up their vessels. And, as a matter of fact, something over a year ago they did withdraw those magnificent ships from that service. They are no longer running to Australia. They are no longer running to New Zealand. They are tied up in the harbor of San Francisco; and unless relief be given they will not again float the American flag. If no relief be given, it will be only a matter of a short time before this company will have to go into liquidation. And when that happens the rising sun flag of Japan is apt to float from the masthead of those three magnificent vessels.

Is there any gentleman on the floor of this House who wants to see that condition brought about? Is there any gentleman on this floor who wants to see these three ships that employ American officers and American sailors, that have a monthly pay roll of \$6,540, as against a monthly pay roll of \$2,500 of vessels of equal burden under the Japanese flag? I say, does any gentleman on this floor want to see the Stars and Stripes hauled down from those vessels, and in the stead of Old Glory to see the flag of Japan float from their masts? This is not idle talk. In discussing a measure of this kind a little over a year ago I warned the House at that time that unless relief was given these vessels would be withdrawn from the Australasian trade; that they would be withdrawn from that run, and that our letters and newspapers would have to be carried on foreign ships to Australia and to New Zealand. At that time many Members of this House thought that it was only a bluff, and they openly declared so. It was only a month after

Congress adjourned when those vessels were tied up, just as I had predicted. And they have been tied up ever since, because it was impossible, with the \$2 per mile pay allowed under the act of March 3, 1891, for the management of that company to continue them in the service.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BURTON] five minutes of my time, and at the request of Mr. LLOYD five minutes of his time.

Mr. BURTON of Ohio. Mr. Speaker, there are Republican Members here, and Democratic Members as well, I believe, who are willing to vote liberal pay for the establishment of mail lines to South America. Exceptional conditions exist in that direction, partly because of the absence of any adequate provision at present, barring ports on the Caribbean Sea, and also because of the close political and commercial relations which are coming to exist between North and South America. I say this with the reservation that any contract should be very carefully guarded and that it should not be a subsidy in disguise. I can not believe that the same conditions exist for the trans-Pacific routes, save possibly in the case of Australia. Mail communication and freight communication can be supplied there, with the possible exception that I have named.

Now, let us notice a little the comparative expense as appears in the discussion before the Committee on Post-Offices and Post-Roads. There is at present a Japanese line from Puget Sound, at a cost of \$333,000 per year. This proposed line under the American flag would cost \$777,000. There is a line from Frisco to the Orient on which the payments are \$500,000 a year. The cost of the proposed American line would be \$932,000 to Manila.

Mr. HILL of Connecticut. Does not the gentleman think that the American flag flying over the vessel and American capital put in it would have some tendency at least to advance American trade? [Applause.]

Mr. BURTON of Ohio. I yield to no one in my spirit of patriotism, but will the gentleman for a minute consider—

Mr. HILL of Connecticut. As a commercial question.

Mr. BURTON of Ohio. I must remind the gentleman that I have but five minutes and can not yield further. I have been ambitious of late to finish one paragraph, or at least one sentence, without interruption.

Two gentlemen have spoken of the desirability of carrying our mails under the American flag. Would you abandon the patronage of the Italian lines, the Spanish lines, the French lines, the German, Danish, and the British lines, connecting with countries to which the great bulk of our exports is sent, and substitute in all our communications with Europe American bottoms at an expense probably twice as great? If you are going to adopt that principle, let us for the moment consider just how far we will go. I congratulate the country that there is a very wide difference between the bills which have been brought in here recently and those of former years. Ten years ago there were provisions in a bill which was introduced giving a tonnage subsidy for speed and for the amount of freight capacity on a mileage basis, sail and steam alike. Figures were presented to show that on some routes boats might run without any cargo at all and make a profitable voyage on that subsidy.

I believe that idea has been entirely abandoned, and I am very glad of it, for you can not point to an instance in any country where a healthy, permanent merchant marine has been built up by subsidies granted in accordance with the principles of that measure. It may be claimed that such subsidies have succeeded, but they have done nothing of the kind. It is true that, beginning about seventy years ago, England began to pay liberal sums for mail communication. The prompt transmission of letters or correspondence—and, incidentally, the ready carriage of freight—was thought to be essential for the promotion of commerce. The commercial supremacy of that country was regarded an object to be highly prized, and, beginning about the time of the organization of the Cunard Line, large payments were made for the carrying of mails to America and to different parts of the world. Germany has taken up this policy. Both countries make certain additional payments on condition that the boats will be available as auxiliary ships in case of war, but it is not correct to call either by the name of "subsidy." Wherever we do not have access, the same course may be a salutary one for us, but it is not good policy for us to pay unnecessary and extravagant sums for carrying mail anywhere—at any rate, where routes already exist.

I tried to point out here a little more than a year ago that there is no analogy between a protective tariff and the proposed subsidies to ships. You can build a wall around a country, you can adopt a domestic policy which will exclude the products of other countries and foster home manufactures, be-

cause it is in a territory over which you have control; but nobody has control over the ocean. The high seas are a common highway for the commerce of the whole world. No walls can be built around them, and there the fittest is bound to prevail. Who are the fittest? Those who have the greatest taste for the sea, the greatest skill in seamanship, those who can build and operate ships most cheaply. In the long run they will be bound to prevail. What are some of the reasons why we have not assumed a more important position on the sea? Because of the unlimited opportunities for investment on land, because of the billions of dollars in mines, in factories, in farms, and all those various investments which belong to a developing country with unparalleled opportunities for profit. When these are exploited, perhaps we will take up the sea.

I want to say just one word about so-called "mail subsidies." The gentleman from Indiana [Mr. OVERSTREET] said this mail bill contains other subsidies. Well, if it does, let us put them out. [Applause.] I have voted here fourteen times—and would one more time if I had the opportunity—against the special mail payment to certain railroad lines. I have spoken here twice against the special privileges given to second-class matter. Subsidy or special privilege always inures to the benefit of the strong and operates to the disadvantage of the weak. They are always taken advantage of by all those who are ready to resort to unfair or unjust methods. No gain can come to the average citizen by the granting of any special privilege, and whether the subsidy be to the iron rails or to the ships on the sea, I am ready, for one, to stand here against the principle at all times. [Applause.]

I yield the balance of my time.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I am very much surprised at the remarks made by the gentleman from Ohio [Mr. BURTON] in regard to the amount of subsidy that would be paid under this bill as compared to the subsidy paid to the Japanese ships running from Puget Sound. These Japanese ships that run from Puget Sound are old, small, and slow vessels that make, perhaps, one trip per month. They have just been voted \$327,000 in gold by their own country. American vessels, under this bill, that would make a trip every fifteen days, according to the figures by the Commissioner of Navigation, would amount to about \$400,000 a year, as I remember.

Mr. BURTON of Ohio. Will the gentleman yield to a question?

Mr. HUMPHREY of Washington. No; you would not yield to me.

These are the figures, I will say to the gentleman, that the Commissioner of Navigation, as I am informed and other gentleman, submitted to me. So that instead of being double the amount, it would be very much less than what is paid to the Japanese line.

Since we defeated in the last Congress the ocean-mail bill, eight out of the fifteen vessels upon the Pacific Ocean have disappeared, and we are to-day paying foreign vessels for a slower and inferior service practically the same amount of money for carrying the mail that we would have to pay American vessels carrying it under this bill. [Applause on the Republican side.]

Mr. STAFFORD. I challenge that statement. It can not be borne out by the facts.

Mr. HUMPHREY of Washington. I do not yield to the gentleman.

Now, there is another side to this question to which I desire to call attention. In Seattle to-day we are entertaining the great battle-ship fleet, and my people, with the enthusiasm and patriotism of American citizens are welcoming it, but are humiliated by the fact that those battle ships were compelled to employ foreign vessels to assist them to reach that port, and that they can not leave it except with the assistance of foreign vessels. Of what use, after all, are our battle ships in time of necessity? They are to-day practically as helpless as if they had neither guns nor ammunition. To-day upon the Pacific Ocean we are compelled to employ foreign vessels to send our mail, supplies, and ammunition to the Philippines. Only a few days ago this Government made a contract to send its ammunition to the Philippines in a Japanese vessel.

Within the last few weeks we were compelled to employ foreign vessels to carry our soldiers down to Cuba. To-day, while we have a naval station on the island of Samoa, we can not communicate with it except by foreign vessels. We are compelled to send the mail to our soldiers in our own territory by foreign vessels. Upon the Pacific Ocean there is to-day a

combination of foreign vessels that have raised the freight rate upon that ocean more than 400 per cent within the last two years. A copy of their agreement is printed in the CONGRESSIONAL RECORD, if anyone desires to see it. To-day there is a combination of foreign vessels on the Atlantic between this country and Europe that has raised freight rates 30 per cent within the last year.

There is a combination of foreign vessels between this country and South America that charges the highest freight rate in the world; and to-day an American merchant has to pay double the freight upon slow and inferior vessels upon the same article for the same distance that the European merchant has to pay to send to the same port in South America.

Now, if we were to pass this bill, it would cause the construction of forty new vessels in American yards. It would give employment to 150,000 men and pay them a quarter of a million dollars in wages each day. If we were to pass this bill, it would give us an auxiliary for our Navy and transports for the Army, and would enable us to carry our mails under our own flag for the same price that we are now paying foreign vessels to do it. [Applause on the Republican side.]

Mr. OVERSTREET. I yield three minutes to the gentleman from West Virginia.

Mr. HUBBARD of West Virginia. Mr. Speaker, on yesterday I voted against the conference report upon this proposition. To-day I have voted in favor of each of its features that have been already presented to the House, and, unless some reasons to the contrary stronger than those to which I have listened shall be given, I expect to vote to-day in favor of the remaining feature, the proposition now presented [applause], and I have not changed my mind upon this question. I did not vote for this yesterday for the simple reason that I was then unable to obtain that accurate information about what was proposed that I thought was due to the people of my district before I could vote upon it. The time which, under present conditions, was permitted to the chairman of the committee to explain this matter is so short that it would not have been possible for him to make that explanation at all full or complete, at least not such an explanation as seemed necessary to me before I could act intelligently.

For those conditions neither he nor this side of the House is responsible—conditions under which a provision of the Constitution that was intended to enable a constituent to know how his representative was discharging his trust has been degraded into part of the performance of a silly game of roll call, at which no one outside of the House of Representatives would be childish enough to play. [Laughter and applause on the Republican side.]

This question, familiar as it may be elsewhere in the country, is not one on which the people of my district have arrived at any definite conclusion, having no direct interest in it. Therefore I felt it incumbent upon me, in determining what I believe should and would be their views as well as my own, to ascertain as well as I could the exact nature of this proposition.

I could not find it stated in the report. I could not find it stated in the statement accompanying that report. That is not to be criticised, because amendments proposed are not ordinarily set forth in the report or statement. They refer to the bill. After several efforts I was unable to procure a copy of the bill containing the Senate amendment, which would show definitely and accurately this proposition for ocean mail service. Therefore I felt not only warranted but constrained on yesterday to vote "no" on the proposition, believing that if it should be adopted, my vote would have done no harm, and that if, as happened, it was defeated, time and opportunity would be given me to obtain the desired information. It has so turned out, because to-day reason has temporarily resumed its sway on the other side of the House, and we have by unanimous consent exchanged a time-wasting and worthless roll call for twenty minutes of intelligent, useful discussion. That discussion and the examination I have had an opportunity to make justify me in casting a vote for this proposition, which I am sure will merit and receive the approval of my constituents. I regret I have not time to state my reasons here. [Applause.]

Mr. OVERSTREET. I yield two minutes to the gentleman from New York [Mr. WALDO].

Mr. WALDO. Mr. Chairman, this is not in any proper sense what is called a "subsidy." It proposes merely to pay proper returns for service in carrying the mail. There is no part of this country that furnishes more to the profit of the postal service than the great city of New York. It desires communication for its merchants and manufacturers with all parts of the world; such communication it has not to-day. Its present communication with South America, if it is desired to be quick and certain, is by way of Europe, and not directly south, ex-

cept occasionally, and then with a loss of time on freight, and very often a loss with the mail. And so to-day we have to send our mails and most of our passengers by way of Europe to reach any part of South America. It seems to me that the gentlemen on the other side, and the gentleman from Ohio [Mr. BURTON], in the river and harbor bill last year, granted a subsidy of from \$10,000,000 to \$15,000,000 to foreign vessels in the deepening of the harbors along the coasts of this country.

Nearly every cent of that expenditure for any of the larger harbors is for the benefit of foreign ships, in order that they may make more profit on their freight money; and I have just looked up the vote in the RECORD, and I find that there was not one man on either side in this House, including the gentleman from Ohio [Mr. BURTON], who did not vote for that bill to grant a subsidy to foreign vessels of from \$15,000,000 to \$20,000,000; and yet they are not willing even to pay, for the carrying of mail in our own vessels, what we are paying to foreign ones; and I can not understand how any American citizen can take any such position. [Applause.]

Mr. OVERSTREET. May I inquire what time is remaining to both sides?

The SPEAKER. The gentleman from Indiana has eight minutes remaining, and the gentleman from Tennessee seventeen.

Mr. OVERSTREET. I thought I had ten minutes. Those two minutes are very precious. I suggest that the gentleman from Tennessee [Mr. MOON] use some of his time.

Mr. MOON of Tennessee. I yield to the gentleman from Wisconsin [Mr. STAFFORD] two minutes.

Mr. STAFFORD. My sole purpose in rising again is to correct a misapprehension and refute the statement made by the gentleman from Washington [Mr. HUMPHREY] who has just spoken, when he said that we paid to-day for mail carriage on the Pacific Ocean as much as we would pay under this subsidy bill. If he had studied the hearings, or, further, if he had made the barest inquiry of the Post-Office Department, he would have learned that for all the mail that is carried across the Pacific to the Orient and Australia, and from there to this country, the total amount we pay annually is \$181,000, while under this bill, for second-class steamers alone, the total amount as provided will aggregate \$2,304,600.

Mr. HUMPHREY of Washington. How many vessels are you going to run to get that and how do you know they will be run?

Mr. STAFFORD. As to the number of vessels operated to-day, the Post-Office Department has not made any complaint that the service is not adequate, and it goes back again to the original proposition; and I now call upon the gentleman from Washington to give me his authority for the statement that we are paying to-day for ocean mail service to the Orient and to Australia as much as the amount provided in this bill, and I yield to the gentleman half a minute for that purpose.

Mr. HUMPHREY of Washington. I will say to the gentleman that I base that statement upon the fact that since the Oceanic mail line went out of service we have been paying to foreign vessels for an inferior service on old, slow vessels as much as we would have paid to the Oceanic line under the bill that was defeated.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. I yield one minute more to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. I wish to say again that if the gentleman had examined any of the records at all, he would have found—and the accuracy of my statement is not questioned—that the total pay for the carriage of the mail upon all steamers to the Orient and to Australia and for return mail is \$181,000, while under this bill it will be \$2,300,000, which is a pure subsidy. I now yield back the balance of my time to the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. Mr. Speaker, I now yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, there is no man in this country more anxious and more willing to enact proper legislation to restore the American merchant marine than myself, but I want to do it honestly, I want to do it along constitutional lines, and I want to do it in harmony with that fundamental American principle of equal rights to all and special privileges to none. [Applause.]

Sir, for years I have been advocating legislation to restore our merchant marine, and for years the Republican majority in this House has turned to my appeals a deaf ear. The Republican party is responsible for the present deplorable condition of the merchant marine.

In 1896 the Republican party wrote in its national platform a plank to restore the American merchant marine by discriminating duties. That meant something, but Mr. Hanna, the then

leader of the Republican party, came to Congress and instead of adhering to that plank he introduced his bill for ship subsidies, an outrageous measure. Thereupon I introduced a bill for discriminating duties, and the Republicans defeated it. The Republican party abandoned the plank of 1896 for discriminating duties and did not have the courage to readopt it or renounce it in its platform of 1900 and ignored the matter in its platform of 1904.

Mr. KEIFER. Will the gentleman yield?

Mr. SULZER. No; I can not yield to the gentleman now. I have only a few minutes. I trust the gentleman will speak in his own time.

Now, Mr. Speaker, the Republicans in Congress have been advocating ever since I have been here the restoration of the American merchant marine by ship subsidies, by gratuities, that rob all the people in order to foster a special industry. It is undemocratic, un-republican, and un-American. I am opposed to ship subsidies, and this proposition is a ship-subsidy measure pure and simple. It is a little ship subsidy, it is true, and that is the apology its advocates make for it. It is just a little subsidy forsooth, but I warn the Members that it is the entering wedge to open the Treasury of the people, and if it is adopted, it means in the end a gigantic raid on the country's finances, not for \$3,000,000 a year, but for thirty millions, or forty millions, or fifty millions of dollars a year, and for years and years to come. This is the beginning of a systematic scheme to rob all the people for the benefit of a few, and if it is rushed through in the closing hours of Congress the people will denounce it from one end of the land to the other. I warn my Republican friends to go slow and be sure.

Sir, I want to say to the Members of this House that the American merchant marine that my friend from Washington [Mr. HUMPHREY] regrets has disappeared has been swept off the high seas by Republican legislation, by Republican policies, and can never be restored by ship subsidies. Let us be honest and restore our shipping interests by repealing antagonistic Republican legislation and reenact our former navigation laws that gave us the finest merchant fleet in the world and made us in the early days of the Republic the mistress of the seas.

If this bill should pass, it would not lay a single new keel in any shipyard in our country; it will not employ an idle man in all the land, and the men who are advocating the subsidy know that to be a fact. It will not build or put in commission a new ship; it will not put the American flag on an additional ship on any sea or on any ocean, and the gentlemen favoring the proposition can not successfully controvert the statement.

Mr. Speaker, the American people are unalterably opposed to a ship-subsidy raid on the Treasury. A subsidy is a bounty, a bonus, a gratuity, and it never has succeeded, and it never will succeed, in accomplishing the purpose desired. All history proves it conclusively. Wherever and whenever it has been tried it has failed. In my opinion, if a subsidy bill should pass it would not restore our American merchant marine or aid materially our shipbuilding industries. It is a waste of time to talk about ship subsidies, and I believe every honest American is absolutely opposed to them. We might just as well pass a bill to pay a subsidy to every man who grows a bushel of wheat, or a barrel of potatoes, or a bale of cotton, or who makes a wagon, or builds a locomotive, as to pay a subsidy to a man who builds a ship or sails a vessel. [Laughter and applause.]

The taxpayers of our country, burdened now almost beyond endurance, are opposed to ship subsidies. They are opposed to any gift bill. They say no private business interests should be aided by direct grants from the Treasury. Ship subsidies are subversive of the eternal principles of justice and equality, contrary to the theory of our free institutions, of doubtful expediency, and at war with the spirit of the Constitution. Congress has no power to subsidize any trade or any calling or any business on land or sea at the expense of the taxpayers of our country.

Mr. Speaker, I have always been, and always expect to be, a sincere friend of our shipping industries and an enthusiastic advocate of just and proper and honest legislation that will build up and restore our merchant marine. I believe every true American desires the supremacy of American ships in our over-seas carrying trade, but I believe they prefer it along the lines of tonnage taxes in accordance with the terms of my bill (H. R. 18977) now pending in this House, and which the Republican leaders are opposed to reporting and passing. This bill of mine will restore our merchant marine in all its former glory and not take one dollar out of the pockets of the taxpayers. The people see no necessity of taking money out of the Treasury and paying it to the present trust owners of ships for doing what they are already doing; and those most con-

versant with the subject even go so far as to declare that this subsidy scheme, if enacted into law, will not lay a new keel in any American shipyard or secure an additional ton of freight of over-seas commerce. Practically every dollar granted will go to the ships now afloat owned by the shipping trust.

Ship subsidies do not build ships—they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards—the money will simply go into the capacious pockets of the plutocratic beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible, and no man who understands the question can justify the steal in the face of the facts. [Loud applause.]

Mr. MOON of Tennessee. Will the gentleman from Indiana use the balance of his time in one speech?

Mr. OVERSTREET. I will use it in two. The gentleman can use all of his time except one speech.

Mr. MOON of Tennessee. I yield five minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, the contention on the other side is that this is a mail proposition and not a ship-subsidy proposition. I do not understand how gentlemen on the other side—how the chairman of the Committee on the Post-Office and Post-Roads—could make this mistake. I invite him to read the hearings on what was practically this proposition, embodied in the bill 4068, held by subcommittee No. 4 of the Post-Office Committee of the House. In that hearing it was admitted that the main purpose in securing this legislation was not to give increased mail facilities, was not to give added mail facilities as a main proposition, but to build up the American merchant marine, so that the American goods could be carried to foreign countries in American bottoms; so that in time of war these ships could be used as colliers and transports for the Army. This was admitted by the Second Assistant Postmaster-General, Mr. McCleary.

Now, as to whether it was a subsidy or not, calculate it. I am one of those who believe that a proposition must be judged by the purpose to be accomplished. What is it here? At present the service which is to be supplemented by the operation of this bill costs \$188,000. Under the proposed provision in the post-office bill the service will cost \$3,600,000. So that, roundly speaking, there is 5 per cent of mail service to be accomplished by the passage of this bill and 95 per cent of subsidy [applause] in order to build up the American merchant marine to carry American products to foreign countries in American bottoms and to provide colliers and transport for the Army in time of war. There is in the proposition 5 per cent of mail facilities and 95 per cent of subsidy provided. Not only is this true, but it is a subsidy without compensation to the Government of the United States. It is one that will not benefit the people of this country at all, as has been said here. The mail facilities should be paid for. When the Republican party proposes to inaugurate the ship-subsidy policy, let them come forward and pass a bill for that purpose, and not load down the postal service with it.

I say to the Members of this House that whenever you place upon the postal service an unnecessary burden you cripple and injure the postal service to that extent. Pass this bill and the next time the postal employees ask additional compensation they will be met with the cry that there is a large postal deficit, and to weigh it down with this proposition will postpone their just claims, to the detriment and injury of the postal service. Keep the postal service for one purpose, and that is the transmission and distribution of the mail. Do not load it down with other propositions. Whenever you do, you get into trouble that you can not fathom. The American people to-day have a great postal service. I am proud of it. In the nine years I have been in Congress I have tried to make it better, and I view with alarm any proposition such as this to injure it. [Applause.]

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OVERSTREET. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, there seems to be some difference of opinion as to the effect of this measure in promoting the merchant marine. There are certain technical phases of this question that I believe should be taken account of. At the present time the provision is essentially that of a subsidy. The distances to South America and to the Orient are so great that twenty knots is an impossible speed. A \$2 rate is an impossible rate. Consequently to-day there is no promotion of the American merchant marine. But I believe that a \$4 rate would permit the lines to be built, and if my estimates are not wrong,

allowing 5 per cent for deterioration a year and 5 per cent for partial profits, there ought to be between thirty-five and forty ships created by this assistance.

Let me point out that this is a fair chance to try the proposition and see if it is a subsidy or a promotion for the American merchant marine. If we leave it as it is, it is a subsidy; if you try it the other way, it may prove to be a promotion of the merchant marine. Further, I do not maintain that it will be adequate. I know that a merchant marine is so essential to the nations of the world that even if we secure the transportation to those markets, foreign nations will undercut us. I believe we will have to follow this up with navigation laws. In fact, the time is coming when other governments will own transportation lines and will force this form of government ownership upon us.

Another technical point: We have had an illustration in the war with Spain of the expense of not having an adequate merchant marine. Talk about raiding the Treasury. The "mosquito fleet" and those inefficient colliers are the greatest raid upon the Treasury since the civil war. Possession of a merchant marine would have saved us tenfold the cost of the necessary promotion.

The transportation in that small war was only to Cuba, and yet we exhausted our possibilities of expansion in auxiliaries. We could not buy vessels abroad and had to bring into service small ships poorly adapted to the transportation of coal, which to-day constitute a monument to the waste involved in attempting to provide auxiliaries without a merchant marine. To-day those colliers could not transport themselves to the Philippine Islands or Hawaii.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOBSON. The fleet on which we have spent hundreds of millions would have been impotent and useless in case of war in the Pacific, for it could not have gone there.

[Here the hammer fell.]

Mr. MOON of Tennessee. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, one peculiarity about this measure, or at least this proposal, judging by the speeches made on the other side, is that it seems to be neither "fish, flesh, nor good red herring." They say it does not provide for a subsidy even for sufficient compensation to ships carrying American mail. If that description of it be correct I should think there should be no objection on the part of anyone if it were rejected throughout—brushed from the floor as rubbish to be swept away—not a legislation proposed to be seriously considered. My friend from Alabama [Mr. HOBSON] has of course pictured to us a condition where the only objection to this proposal would be that it is ridiculously disproportionate to the emergency he discerns. According to him there is but one safety for us from the perils which afflict him. The Government must own all the shipping sailing from every port of the country, because at some time or other all the world will be by the ears and we will need every ship on the ocean as colliers to supply our war vessels with the necessary materials of steam transportation. [Applause on the Democratic side.]

Now, the great difficulty I have experienced is to determine whether, in the judgment of its promoters, this is really an appropriation for the necessary expenses of the post-office, or whether it is what the gentleman from Alabama scorns to call a "subsidy," but is willing to recognize as a "promotion" to American shipbuilding. Mr. Speaker, mark the distinction between those words. "Subsidy" is to be distinguished from "promotion." One may be reprehensible, but the other is commendable. The statesman that would recoil from a subsidy would not hesitate to support a promotion. [Applause and laughter on the Democratic side.] Mr. Speaker, those of my friends on the other side who have spoken on this subject effectively are not those who have discussed it as a question affecting efficiency of the post-office, but the orators who have appealed to the American flag as their justification. Now, that is at least familiar, even though we may doubt whether it is sensible. We know what that means. [Laughter.] That means appetite thirsting for an appropriation. [Laughter and applause.] It is the old familiar cry with which the judgment of Representatives has been made subject to the schemes of selfish promoters. Cursed be he who would hesitate to throw open the door of the Treasury to an enterprising citizen who approaches it wrapped in the American flag! [Laughter.]

Mr. Speaker, there is a wide distinction between the two sides of this Chamber upon one question. It is not over our desire for the restoration of the American flag to any point of prominence from which it can float with glory. On that we are all unanimous. But there is a wide divergence of opinion be-

tion; that the two sides of the river could not be separated; that there could only be one dam and one project for the whole river, and this is expressly stated in the Canadian grant. It is also stated as a basis for the Canadian grant that this improvement would be of great advantage to navigation. There was a project on the part of our Government to survey that river with a view to improving our own navigation facilities.

The Corps of Engineers reported in December, 1905, that the navigation was on the Canadian side of the river, and that there could be no navigation on our side of the river without a very large expense. It was shown in the testimony before the committee that the navigation would be improved by raising the head of water, affording the facilities without cost, and under the provisions of the general dam act, under which this expense would be provided by lock and dam free of cost to the United States if it should ever be necessary to make these improvements. These matters were presented to the committee at length. During the hearings the Secretary of the Interior, Hon. James R. Garfield, on behalf of the President, appeared to present the views of the Administration upon this matter. He was heard at length to discuss the objections to the bill. After the hearing conferences were had by the representatives of the company with the officers of the Administration.

The officers of the company have been extremely anxious, from the beginning, to comply with all that the Administration has required. It has only been the difference of opinion between those who doubted the full power of Congress to make charges, and those who believed that Congress had the largest power. This bill does not touch or settle that point at all. It was agreed between the Administration and the committee that any points of difference ought not to be settled or discussed by this bill, because they could not be. The bill itself can not be amended. It must pass exactly as it passed the Senate and House and was acted upon by the President. Under these circumstances the officers of the Rainy River Improvement Company—

Mr. WILLIAMS. Mr. Speaker, right there I would like to ask the gentleman a question.

Mr. STEVENS of Minnesota. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. While of course you can not take up the same bill and amend it when the question is, "Shall the bill pass, the objections of the President to the contrary notwithstanding?" why could not the committee have brought in a new bill fixing a limitation of time and fixing a charge, either to be paid to the Federal Government, or providing in the bill that there should be a charge paid to the State of Minnesota satisfactory to that State, the latter being in my opinion the preferable course to pursue?

Mr. STEVENS of Minnesota. Mr. Speaker, I am very glad the gentleman asked that question, because the committee have had that very situation in mind. It is the view of many able lawyers that the present dam act is almost as broad as language can make it. I do not wish to discuss the language of the act. I simply read the action of the committee upon the proposition stated by the gentleman from Mississippi. The language of the present law, which is incorporated as a part of this bill, is as follows:

Provided, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.

Now, the committee were in doubt as to whether or not that language was as broad and the powers and authority as extensive as it could be under the Constitution. Accordingly, the Committee on Interstate and Foreign Commerce directed that its subcommittee, which had charge of those affairs, should investigate and consider this very proposition, which is stated in the report filed with this bill. I will read that language:

Your committee realized that such defects might exist, and directed its proper subcommittee to take this whole subject under consideration, to submit such amendments to such general act at the first meeting in December next as should grant to the proper officials of the War Department the largest authority under the Constitution to fix any definite time limit which should be necessary and such charge as could be made under the circumstances of each particular case.

The committee have done all that they could. They stand ready to bring in a measure before this House to give the largest authority, to do exactly what the gentleman from Mississippi desires; but it could not be done at this time in the session, with the pressure of business. For that reason this company and these officials went to the War Department and agreed to do four things which are set forth in this report:

First. Such reasonable limitations as to the time for such grant as the Secretary of War shall impose, conditioned that the United States shall not be subjected to any expense in the removal of such or any obstruction or improvement caused by said company either at the expiration of said grant or at any other time that the United States may direct the same to be removed.

Second. That the said Rainy River Improvement Company has agreed and will agree to the payment of such charge to the United States as may be required by the Secretary of War, either under the present law or as may be hereafter determined by authority of Congress.

Third. That this grant is expressly made subject to any impositions hereinafter authorized or directed by Congress embodied in any general law or special modification or change of this or other acts, and that a special reservation to this effect shall be an essential part of such approval of said plans by the Secretary of War and Chief of Engineers.

Fourth. That any application of said company for the approval of its plans and specifications whenever made shall be agreed by said parties to be within the purview of a part of and as authorized by the pending act of Congress whenever the same shall become a law; and that all the provisions of the approval of the Secretary of War and Chief of Engineers to said plans and specifications and all conditions as a part thereof shall be a part of the authority of said officers now or hereafter conferred by general or special acts of Congress with reference to this project.

Now, that agreement is in writing, signed by these officers of the Rainy River Company, and approved by the War Department officials.

Mr. LITTLEFIELD. Does the gentleman think that will make those conditions legally a part of the legislation?

Mr. STEVENS of Minnesota. No, Mr. Speaker, but it does this, it binds the officials of the company, when they submit their plans for approval, to subject themselves to those very limitations and conditions, and that is what they want to do. They want in good faith to comply with those very things that they have agreed to do. Of course it can not affect this legislation. Nobody pretends that it does. But in connection with this legislation it does show clearly that the intent of your committee and the intent of the company was to comply in the utmost good faith with the requirements laid down by President Roosevelt as to this particular case. It can not affect any other.

Mr. LITTLEFIELD. Your proposition is that if it is not legal, it is a moral estoppel?

Mr. STEVENS of Minnesota. It is more than that; it is an agreement on their part that if the War Department will agree to and approve their plans, they on their part will agree to submit to these conditions. Now, on the strength of this situation to-day, the Secretary of the Interior, James R. Garfield, sent to the Committee on Interstate and Foreign Commerce a letter which I send to the desk to be read in my time. Before that is read I will yield to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. I rose to ask the gentleman if this would not operate to estop them from claiming an estoppel on the part of the Government?

Mr. STEVENS of Minnesota. I think it would be an estoppel.

The Clerk read as follows:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 23, 1908.

DEAR SIR: I have discussed the report of your subcommittee on the Rainy River Improvement Company bill with the President, and I am authorized by him to say that he recognizes the conditions which mark this case off very sharply from any which may hereafter arise, in view of the fact that under an existing law much capital has already been invested by the Rainy River Improvement Company which will represent a dead loss if there is no extension of the time within which the company is required to complete its work, and, furthermore, in view of the fact that the parliamentary situation in Congress is such that no new bill nor amendment to the present bill can now be passed.

It also appears that the Committee on Interstate and Foreign Commerce has announced in the report that at the next session of Congress it will endeavor to remedy the defects of the existing general law on the subject by submitting amendments which will permit the Executive to fix definite time limits and impose reasonable charges in all such cases, while on its part the Rainy River Improvement Company, through its president, has filed with the War Department an agreement that it will submit to and abide by such conditions as may be imposed by the Secretary of War, including a time limit and a reasonable charge, when it files as it must, the new plans which must be approved by the War Department before it can proceed under the proposed law.

These conditions having been fulfilled, the President feels that it is safe, from the viewpoint of the public interest, and equitable to the Rainy River Improvement Company to enact the bill into law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

HON. FREDERICK C. STEVENS,
Committee on Interstate and Foreign Commerce,
House of Representatives.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield now to the gentleman from Alabama, my colleague, Mr. RICHARDSON, who is on the committee and the subcommittee, such time as he desires.

Mr. RICHARDSON. Mr. Speaker, I think in order for the House to fully understand this matter, it is necessary to refer briefly to the conditions and causes that brought it about. I agree in the arrangement that resulted in the work and consultation of the subcommittee of the Interstate and Foreign Commerce Committee with the President and with the Secretary of the Interior. I do that, Mr. Speaker, simply for the reason that in this proceeding is conceded the fact that the veto by the President of the United States of the Rainy River bill, now under consideration, is to be overridden by this House

on the ground that it was not in principle right. That is why I agree to it. If that is not done, then the work and recommendation made in our report is fruitless.

It will be remembered, Mr. Speaker, that recently, in a special message from the President of the United States, he declared that there had been introduced numerous bills granting water-power rights on navigable streams, and that he intended to veto each and every one of them that did not provide for a rental and a charge in behalf of the Government for the use of the water. The bill, known as the "Rainy River bill," came up after that declaration made by the President. It passed both the Senate and the House and the President vetoed it. The President's veto is based on these reasons:

Every permit to construct a dam on a navigable stream should specifically recognize the right of the Government to fix a term for its duration and to impose such charge or charges as may be deemed necessary to protect the present and future interests of the United States in accordance with the act of June 21, 1906. There is sharp conflict of judgment as to whether this general act empowers the War Department to fix a charge and set a time limit. All grounds for such doubt should be removed henceforth by the insertion in every act granting such a permit of words adequate to show that a time limit and a charge to be paid to the Government are among the interests of the United States which should be protected through conditions and stipulations to be imposed either by the War Department or, as I think would be preferable, by the Interior Department.

The veto was sent back to the House and referred to the Committee on Interstate and Foreign Commerce, and a subcommittee was appointed, of which I had the pleasure of being a member, and we made laborious, sincere, and honest efforts to protect an honest company, the Rainy River Improvement Company, that had been acting in absolutely good faith, and at the same time we felt that we were unwilling to sacrifice or compromise one iota of principle on the great question of what jurisdiction the Federal Government has over navigable streams. That is a question that is so vital and far-reaching and so important, and upon which I will not, under any circumstances, surrender the conviction I have until I am convinced I am wrong.

Now, the Rainy River Company was organized in 1898, and the records in the War Department show that the Government engineer had reported in the past few years that it would be unwise and too expensive to the Government to undertake to construct works for the improvement of navigation at the point where the Rainy River Improvement Company had authority to construct its dam. The company has spent, up to date, nearly \$1,000,000, and it is in the act of spending five and a half million dollars more for necessary plants to utilize the water power.

Their lease or term expired the 1st of July, 1908, this year. They simply applied in a formal way for an extension of their charter to carry on this work, and it was that bill that the President of the United States vetoed, because it did not make provision for a charge or rental for the Federal Government for the use of the water power. We can not ignore the fact that the Government had declined to spend a dollar at that point for the improvement of navigation, because it was too expensive.

Mr. HUMPHREYS of Mississippi. Will the gentleman allow me? That was one of the reasons—

Mr. RICHARDSON. I am explaining the bill; I am coming to the results.

Mr. HUMPHREYS of Mississippi. When the President vetoed this bill, is it not a fact that this company had then expended a good deal of money there?

Mr. RICHARDSON. Yes; nearly a million dollars.

Mr. HUMPHREYS of Mississippi. When the bill was vetoed?

Mr. RICHARDSON. Before it was vetoed. It had invested nearly a million dollars before the veto was made.

Mr. HUMPHREYS of Mississippi. One of the reasons given by the President why the veto should be overridden is the fact that they had made this investment there prior to that time?

Mr. RICHARDSON. No; that is not the entire reason. The reason given by the Secretary of the Interior, who represented the President, is that the veto was mistaken in a matter of fact. I would have voted to override the veto if it had come up under other circumstances.

Mr. HUMPHREYS of Mississippi. The President now says, "In view of the fact that under an existing law much capital has already been invested by the Rainy River Improvement Company, which will represent a dead loss if there is no extension of the time within which the company is required to complete its work," he is willing that this shall become a law.

Mr. RICHARDSON. Yes; that is what the Secretary of the Interior says. And I say if this veto stands, the company goes into bankruptcy and sinks every dollar it has invested, and it is unjust and unfair to this company.

Mr. HUBBARD of West Virginia. It is a fact, is it not, although that investment had been made at the time of the veto, that fact was not known to the President.

Mr. HUMPHREYS of Mississippi. Then the President vetoed the bill without knowledge of the facts.

Mr. RICHARDSON. I am glad of the suggestion of the gentleman from West Virginia, because I have no doubt whatever his statement is entirely correct.

Mr. HUMPHREYS of Mississippi. I want the fact made apparent that the President vetoed this bill without knowledge of the facts. This bill was one of two or more applications by the Rainy River Improvement Company to extend the time for the completion of the dam. The company had spent money and time in securing a proper charter or permit from Canada. Rainy River is about 80 miles in length and constitutes a part of the border line between the State of Minnesota and Canada. The Canada permit having been secured, the company commenced work and spent money to a large amount. Then it was that the company applied for an extension of its American charter.

Mr. RICHARDSON. The fact that the War Department, by its engineers, had examined that place in 1905, and reported adversely on any plan for the improvement of navigation at that point on Rainy River, because it was impracticable and too expensive, is a potent fact in the consideration of this question of the veto. I believe, Mr. Speaker, that the Rainy River company had an absolute right to go there and erect that dam and structures without ever consulting the Federal Government, and why? Because there was no question of navigation involved in it, and the Government has no interest whatsoever in any of our navigable streams save to control, use, and supervise navigation. The Government has an "easement," as it is called in law. But that is not involved in this case, because that is conceded when we pass this bill, notwithstanding the veto of the President. We are doing the best we can equitably and fairly to save that company from bankruptcy and suspend at least for a while consideration of other questions. I understand, Mr. Speaker, the reluctance that any company or citizen feels in erecting any works on a navigable stream, even at a point where navigation is entirely impracticable by reason of natural obstructions, without first getting the consent of the Government.

Now, that is so far as the bill is concerned. I do not agree, and I have said as much to my colleague from Minnesota [Mr. STEVENS], because I think practically we agree—but I do not agree with what the Secretary of the Interior, Mr. Garfield, says. He goes in his letter something further, I think, than the committee goes that makes this report. He was representing the President and anxious to treat this company fairly. Well, in the first and foremost place he says in his letter as one of the conditions to be complied with, "to impose reasonable charges in all such cases." I do not admit that the Federal Government, in the matter of navigable streams, has the right to put limits or to put charges unless it involves navigation. A "time limit" enters as an element into the charges or expense. The Government can sell the water.

Mr. HUMPHREYS of Mississippi. Has the Interstate and Foreign Commerce Committee announced that at the next session of Congress it is going to pass such a law?

Mr. RICHARDSON. It has not of my knowledge. I am coming to that now. We have a general law, passed June 21, 1906, to regulate the construction of dams, etc., and you may remember that the gentleman from Michigan [Mr. TOWNSEND] a short time since on the floor of the House asked me the question if I was not a member of the Interstate Commerce Committee, and had I not agreed to that dam bill, and did the bill not provide the War Department to prescribe stipulations for conditions and limitations, and so forth, and could not a rental charge be one of the conditions. I said, "yes, I had agreed to the bill," but I asked him if he ever heard of anybody contending that that bill provided for the Federal Government to make charges where navigation was not concerned. He said no, he did not, he had not heard of that, and now I contend that when any intimation is made—none is made by my colleagues on this committee—that the present dam bill makes any provision for the Federal Government collecting charges, I dissent to that, and the dam bill does not mean it. For the War Department to prescribe stipulations, conditions, and so forth, applies only to the protection of navigation and prevent it from being interfered with.

Mr. WILLIAMS. The gentleman from Minnesota [Mr. STEVENS] a moment ago, pleading with the House to pass this bill over the President's veto—

The SPEAKER. The time of the gentleman has expired.

Mr. STEVENS. I yield three minutes more to the gentleman.

Mr. WILLIAMS. The gentleman from Minnesota a moment ago was pleading with the House to pass this bill over the President's veto upon the ground that the President's demands had been complied with by a contract entered into by the officers of the company in the office of the Secretary of War. Now, the gentleman is pleading with the House to override the veto upon the ground that there was no right to make any such condition.

Mr. RICHARDSON. No; not that.

Mr. WILLIAMS. So that one stands here pleading to pass it over the veto because conditions have been made and will be complied with, and the other on the ground of general denial of the right to make them.

Mr. RICHARDSON. Not at all. The gentleman does not comprehend the situation. I have not said anything about stipulations or agreements by which this bill becomes a law over the veto of the President.

Mr. WILLIAMS. The gentleman has just denied that the Federal Government had the right to charge toll—

Mr. RICHARDSON. Oh, the gentleman's views and mine are entirely different on that question, and that we can agree on. But I say that this whole project, righteous and just as it is, falls to the ground unless this House this evening overrides the President's veto. No one will deny that who comprehends the situation. It is a part and parcel of the programme—

Mr. CLAYTON. And these people will lose a million dollars.

Mr. RICHARDSON. They will lose a million dollars, and we are going to accommodate them by the arrangements, stipulations, and so forth, referred to by the gentleman from Minnesota [Mr. STEVENS] and let the future settle the balance. I am not trying to interfere with the arrangements they have made to save that company from bankruptcy.

I think the company did right, and they have the right now, in my opinion, to go there under the laws of our country and erect that dam, because it does not interfere with but improves navigation; but are they going to do it? No; they are going to get the consent of the Government, because capital is timid, and they will not go there and spend that amount of money—and I do not blame them—without getting the consent of the Government to the erection of the dam and works. That does not give the Government one iota of jurisdiction more than the Constitution gives it over navigable streams. We all know that consent can not give jurisdiction. To concede to the Federal Government the right to prescribe conditions simply is a part and parcel of the unquestioned authority of the Government to control navigation, because the Government is supreme in its authority to prevent any obstruction of the navigation of its navigable streams. The sovereignty of the respective States over the navigable streams is subject to the superior right of the Government to control navigation. This can not be construed to confer on the Federal Government the right to issue toll or make charges or claim suit for the use of water powers where navigation is not at all interfered with or obstructed.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield three minutes to the gentleman from West Virginia [Mr. HUBBARD].

Mr. HUBBARD of West Virginia. Mr. Speaker, the questions which arise on this bill in the light of the President's veto are exceedingly serious and important. They are so serious and important that at this period of the session, in my judgment, this House ought not to undertake to deal with those questions. The five questions presented by the President are all rooted in the deeper question, What is the power of the United States with respect to the flowing waters of a navigable stream? That question can not well be determined upon the consideration of this bill, because it involves the question of fact pointed out by the gentleman from Alabama [Mr. RICHARDSON], the question whether this stream is in fact navigable.

But there is a stronger reason, Mr. Speaker, why we should not insist upon determining now the more important question—the question of the power of the United States. This company has put nearly a million dollars into its enterprise. It went out into the wilderness and established there an enterprise to which have been attracted branch roads connecting with two great trunk lines of railroad. It has brought other capital, other industries, other enterprises into that region; and now, sir, the fact is that the company must come to absolute ruin unless it can be permitted to complete this work. That is the reason why I think this bill ought to be passed.

It is suggested that a new bill might be introduced; but, Mr. Speaker, that would not escape the difficulties which surround this one. We should be embarrassed by the same questions that are peculiar to this bill and that are entirely foreign to the great underlying question.

The condition of this company has appealed to our committee, to our subcommittee, to the representatives of the Executive

Department, to everyone concerned in this matter. To permit this case to be dealt with upon its peculiar facts, which call for the passage of this bill, no matter what we may think about the general question of the power of the United States, everyone has been willing, so far as possible, to postpone the consideration and the determination of that important question until it can be taken up on its merits without affecting this particular enterprise.

There is still, Mr. Speaker, a word to be said in this country in favor of private enterprise. Where, under conditions prescribed by the laws heretofore in existence, a company has gone on in good faith and obtained not merely rights from the United States, but rights from the Dominion of Canada, all of which will become valueless if it can not be permitted to go on with this now, and where it has expended large amounts in the work, I respectfully submit that we ought not to pause in our favorable action in order to try to do now that which can be far better done in the future. No one in voting for this bill need yield any of his convictions on the general question of power. He can stand by them, as I expect to stand by mine, when the whole question shall be taken up afresh at the next session in connection with the amendment of the general law referred to by the gentleman from Alabama [Mr. RICHARDSON], or with the consideration of any private bill which may be introduced in a case where no work has been done or money spent on the faith of former legislation.

Mr. WILLIAMS. Mr. Speaker, I do not believe in the Federal or in any government giving away great public utilities, immensely valuable natural resources of power, to corporations without a limit of time and without a dollar of charge, but under the peculiar circumstances of this bill, the fact that it is an international stream, the fact that his company has gone on beforehand and spent this money, the fact that the expenditure was very largely the fault of the Congress of the United States because it had been lax in its use of the powers of the people and in preserving the rights of the people, I am willing to see the bill pass. But if I thought it could be pleaded by that company later on, or by the officers of that company, that the bill had passed because the Federal Government, in giving an easement, had no right to fix the limits and conditions of an easement in the interest of the people, then the President might desert his position forty times before I would desert it once.

If there be a good reason for passing this bill, it is the reason given by the gentleman from Minnesota, and that is that the company is going to comply with the agreement, to wit, a limitation to the life of the grant and a recognition of a right upon the part of either the State of Minnesota or the United States to charge for the power, and that this company shall hereafter be subject, not only to the provisions of the general law and the provisions of this agreement entered into, but be subject to such other general provisions concerning dams and rivers as Congress may hereafter enact. That is the only reason for passing it.

Mr. RICHARDSON. You do not object to the veto made by the President of the Rainey River bill being overridden by a two-thirds vote of the House?

Mr. WILLIAMS. I do not; I am going to be one of the two-thirds in a minute to override it, but to override it upon the ground stated by me, that the general interest has been taken care of and not upon the ground taken in your speech that the General Government has no right to take care of the general interest. I am going to vote to override it on the ground that the gentleman from Minnesota [Mr. STEVENS] assures me, as well as the balance of the committee, including the gentleman from Alabama [Mr. RICHARDSON], that this company would be, without fault of its own, ruined, and that in order to comply with the general interest it has consented that the Secretary of War shall fix a limit and shall fix a rate of charge.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I am glad the President found a palliative to reconcile his feelings to the overriding of his veto by Congress in this case. [Applause.] I do not believe he meant any harm when he vetoed the bill. He has individually shown great consideration to me, and personally I feel very kindly toward him. I shall not quarrel with him about the validity of the grounds on which he finds he can stand and consent to the action of the House. But, Mr. Speaker, while all others may vote upon any ground they choose to override this veto, I shall vote to override it for the reason that he ought not to have vetoed the bill. The position he has taken is essentially unsound. The fundamental mistake he makes is that he gets lost in talking about a Federal grant and Federal charter, when the Federal Government has nothing to grant and issues

Littlefield Lloyd Lorimer Loudenslager Loving Lowden McDermott McGavin McHenry McKinley, Ill. McKinney McLachlan, Cal. McLain McLaughlin, Mich. Macon Madden Madison Moon, Pa. Moon, Tenn. Moore, Pa. Moore, Tex. Morse Mouser	Murphy Needham Nelson Nicholls Norris Nye O'Connell Olmsted Padgett Page Parker, N. J. Parsons Patterson Payne Perkins Pollard Porter Pou Pratt Pray Rainey Randell, Tex. Ransdell, La.	Rauch Reeder Richardson Robinson Rodenberg Rothermel Rucker Russell, Mo. Russell, Tex. Sabath Saunders Scott Sherley Sherwood Slayden Small Smith, Cal. Smith, Iowa Smith, Mich. Smith, Mo. Southwick Sparkman Spight	Stanley Steenerson Sterling Stevens, Minn. Sturgiss Sulloway Taylor, Ala. Thistlewood Thomas, N. C. Tou Velle Underwood Volstead Waldo Wanger Watkins Webb Weeks Wheeler Williams Wilson, Pa. Wood Woodyard Young
Adair Booher	Gregg	Kipp	Sulzer
ANSWERS—5.			
ANSWERED "PRESENT"—6.			
Bennet, N. Y. Burnett	Cooper, Tex. Foster, Ill.	Lever	Sheppard
NOT VOTING—136.			
Alexander, N. Y. Allen Ames Andrus Anthony Bannon Bartlett, Ga. Bennett, Ky. Bingham Birdsall Brodhead Brunidge Burton, Ohio Butler Byrd Calder Calderhead Caldwell Carlin Clark, Fla. Cocks, N. Y. Cole Conner Cook, Pa. Cousins Cravens Darragh Davenport Davey, La. Dunwell Dwight Edwards, Ga. Fairchild Fassett	Flood Fornes Gaines, W. Va. Gardner, Mass. Gill Gillett Godwin Goldfogle Griggs Gronna Haggott Hale Hamlin Hammond Harding Hardwick Harrison Hay Heflin Hill, Miss. Howell, Utah Hubbard, Iowa Hughes, W. Va. Hull, Iowa Jackson James, Addison D. James, Ollie M. Johnson, S. C. Jones, Va. Kitchin, Claude Kitchin, Wm. W. Knapp Knopf Knowland	Lamar, Fla. Lamar, Mo. Langley Lassiter Law Lawrence Leake Lee Lewis Lilley Lindbergh Lindsay Livingston Longworth Loud McCall McCreary McGuire McKinlay, Cal. McMillan McMoran Malby Mann Marshall Maynard Miller Mondell Mudd Murdock Olcott Overstreet Parker, S. Dak. Pearre Peters	Powers Prince Pujo Reid Reynolds Rhinoek Riordan Roberts Ryan Shackleford Sherman Sims Slemp Smith, Tex. Snapp Sperry Stafford Stephens, Tex. Talbot Tawney Taylor, Ohio Thomas, Ohio Tirrell Townsend Vreeland Wallace Washburn Watson Weems Weisse Wiley Willett Wilson, Ill. Wolf

So, two-thirds voting in favor thereof, on reconsideration, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following additional pairs:
 For the remainder of this session:
 Mr. BENNET of New York with Mr. FORNES.
 Until further notice:
 Mr. KNAPP with Mr. GOLDFOGLE.
 Mr. MILLER with Mr. GILL.
 Mr. McMORRAN with Mr. PUJO.
 Mr. LONGWORTH with Mr. DAVENPORT.
 Mr. LAWRENCE with Mr. COOPER of Texas.
 Mr. KNOWLAND with Mr. CLARK of Florida.
 Mr. HALE with Mr. CALDWELL.
 Mr. COCKS of New York with Mr. BYRD.
 Mr. CALDER with Mr. BRUNDIDGE.
 Mr. ALEXANDER of New York with Mr. BRODHEAD.
 Mr. SLEMP with Mr. HAMLIN.
 Mr. ANDRUS with Mr. BURNETT.
 Mr. AMES with Mr. HAMMOND.
 Mr. MANN with Mr. SIMS.
 Mr. LOUD with Mr. MAYNARD.
 Mr. TAWNEY with Mr. WOLF.
 Mr. ROBERTS with Mr. STEPHENS of Texas.
 Mr. OVERSTREET with Mr. RYAN.
 Mr. OLCOTT with Mr. JONES of Virginia.
 Mr. WILSON of Illinois with Mr. HEFLIN.
 Mr. WASHBURN with Mr. HARDWICK.
 For the remainder of this day,
 Mr. ANTHONY with Mr. HAY.
 On this vote,
 Mr. SNAPP with Mr. FOSTER of Illinois.
 The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. CROCKETT, its reading clerk, announced that the Senate 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. 21875) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1909, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:
 H. R. 22009. An act authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes; and
 H. R. 15641. An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that on May 22, 1908, they had presented to the President of the United States, for his approval, the following bills and joint resolution:
 H. R. 19158. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909;
 H. R. 21927. An act to reimburse certain Departments of the Government for expenses incurred incident to the recent fire in Chelsea, Mass., and for other purposes; and
 H. J. Res. 176. Joint resolution providing for the printing of the Special Report on the Diseases of Cattle.

HEARINGS ON THE HEPBURN BILL.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to have printed 1,500 extra copies of the hearings before the subcommittee of the Committee on the Judiciary on the Hepburn amendment to the Sherman antitrust law, the original print having been exhausted.

The SPEAKER. Is there objection to the request of the gentleman from Maine?
 Mr. FINLEY. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Maine if he can not get that printing done without the passage of any resolution?
 Mr. LITTLEFIELD. No; I can not.
 Mr. FINLEY. Why not?
 Mr. LITTLEFIELD. The committee are not authorized to have printing done where the cost will be in excess of \$200, without special authority.

Mr. FINLEY. I am aware of that.
 Mr. LITTLEFIELD. This will cost \$531.
 The SPEAKER. Is there objection?
 Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I wish to say that I think this matter ought to be printed, and I think the information ought to go to the country. I regard this as a mere perfunctory matter of routine, and I shall not object.
 Mr. PAYNE. The House having the opinion of the gentleman from Mississippi, I hope business may now go on.
 The SPEAKER. The Chair did not understand. Is there objection?
 Mr. LITTLEFIELD. I do not understand that there is any.
 The SPEAKER. The Chair hears no objection.

CHANGE OF REFERENCE—PHILIPPINE TARIFF.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent to discharge the Committee on Rules from the further consideration of House resolution No. 315, and to refer the resolution to the Committee on Ways and Means.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to discharge the Committee on Rules from the further consideration of the resolution, and that the same be referred to the Committee on Ways and Means. Is there objection?

Mr. WILLIAMS. Mr. Speaker, what is it? We have not heard it.

The SPEAKER. The Clerk will report the resolution. The Clerk read as follows:

Whereas it is apparent that the tariff will be revised at the coming session of Congress; and
 Whereas at said session it is declared that tariff legislation affecting tariff rates between the Government of the United States and the Philippine Islands will be proposed; and
 Whereas under both contingencies it is necessary and wise that data should be secured for the information of the House; and
 Whereas any legislation with reference to the tariff now existing between the Government of the United States and the Philippine Islands

will necessarily affect our home industries of beet and cane sugars, rice, tobacco, etc.; and

Whereas, under reports made by the War Department, there appears to be a necessity for legislation to encourage those industries in the Philippine Islands: Therefore be it

Resolved, That a committee of five Members of this House be appointed by the Speaker, whose duty it shall be to proceed to the Philippine Islands and investigate the condition of these industries, and, if in the discretion of said committee it be deemed necessary, to investigate the policy of Japan toward the encouragement of the production of cane sugar in Formosa and beet sugar in Korea, and report to this House at its next session the condition of these industries in the Philippine Islands; and to recommend at the next session of the House a plan for improving the condition of said industries in the Philippine Islands; the expenses and the necessary clerical and expert help to be paid out of the contingent expense fund of the House.

The SPEAKER. The request is to discharge the Committee on Rules and to refer the resolution to the Committee on Ways and Means.

Mr. WILLIAMS. A mere change of reference—I have no objection to that.

There was no objection.

PORTO RICO PROVISIONAL REGIMENT.

Mr. LARRINAGA. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H. R. 18618) fixing the status of the Porto Rican Provisional Regiment of Infantry, with Senate amendments, and to concur in the Senate amendments.

The SPEAKER. The Chair will recognize the gentleman to ask unanimous consent that the bill be taken from the Speaker's table and the Senate amendments concurred in.

Mr. LARRINAGA. Then I make that request, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. SLAYDEN. I object.

The SPEAKER. The gentleman from Texas objects.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to:

Mr. SEMP, for three days, on account of important business.

Mr. TOWNSEND, for remainder of session, on account of serious illness in family.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to:

Mr. HUBBARD of West Virginia, to withdraw from the files of the House, without leaving copies, the papers in the case of Enoch S. Blackwell, Fiftieth Congress, no adverse report having been made thereon.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do take a recess until Monday next at 11 o'clock a. m.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 154, nays 66, answered "present" 6, not voting 161, as follows:

YEAS—154.

- Acheson Dawson Howell, N. J. Oimsted
Adair De Armond Howell, Utah Overstreet
Alexander, Mo. Denby Howland Padgett
Barclay Diekema Hubbard, W. Va. Parker, N. J.
Bartholdt Douglass Huff Humphrey, Wash. Payne
Bates Draper Jenkins Perkins
Bede Durey Johnson, Ky. Pollard
Bonyngne Edwards, Ky. Johnson, Wash. Pray
Booher Ellis, Mo. Kahn Rainey
Boutell Ellis, Oreg. Kelfer Rauch
Boyd Englebright Kennedy, Iowa Reeder
Bradley Favrot Kimball Roberts
Brownlow Focht Kinkaid Rodenberg
Brumm Fordney Kustermann Russell, Mo.
Barleigh Foss Lafeau Scott
Burton, Del. Foster, Ind. Lamb Smith, Cal.
Burton, Ohio Foster, Vt. Lamb Smith, Iowa
Calderhead Foulkrod Landis Smith, Mich.
Campbell Fowler Laning Smith, Mo.
Capron French Lawrence Southwick
Cary Fuller Lindbergh Steenerson
Caulfield Gardner, Mich. Lovering Sterling
Chaney Gardner, N. J. Lowden Stevens, Minn.
Chapman Gilhams McKinley, Ill. Sturgiss
Cole Gordon McKimney Taylor, Ala.
Cook, Colo. Graf McLaughlin, Mich. Thistlewood
Cook, Pa. Graham Madden Volstead
Cooper, Pa. Greene Madson Waldo
Cooper, Tex. Hall Mondell Wanger
Cooper, Wis. Hamilton, Iowa Morse Washburn
Coudrey Hamilton, Mich. Mouser Weeks
Crawford Haugen Murdock Wheeler
Crumpacker Hawley Murphy Wilson, Ill.
Currier Hayes Needham Wood
Cushman Hepburn Nelson Woodyard
Dalzell Higgins Norris Young
Davidson Hill, Conn. Norris
Davis, Minn. Hinshaw Nye
Dawes Holliday Olcott

NAYS—66.

- Adamson Dixon Hefflin Ransdell, La.
Ansberry Ellerbe Helm Richardson
Ashbrook Finley Henry, Tex. Rothermel
Bartlett, Nev. Fitzgerald Hobson Rucker
Beall, Tex. Floyd Houston Russell, Tex.
Bell, Ga. Foster, Ill. Hughes, N. J. Sabath
Bowers Fulton Hull, Tenn. Sherlock
Brodhead Gaines, Tenn. Humphreys, Miss. Sparkman
Brundidge Garner Keliher Stanley
Burleson Garret Lloyd Thomas, N. C.
Candler Gillespie Macon Tou Velle
Carter Goulden Moore, Tex. Watkins
Clark, Mo. Gregg Nicholls Webb
Clayton Hackney O'Connell Williams
Cox, Ind. Hamill Pou Wilson, Pa.
Craig Hardwick Pratt
Denver Hardy Randell, Tex.

ANSWERED "PRESENT"—6.

- Bennet, N. Y. Legare Small Talbott
Harrison Sheppard

NOT VOTING—161.

- Alken Fornes Langley Powers
Alexander, N. Y. Gaines, W. Va. Lassiter Prince
Allen Gardner, Mass. Law Pujo
Ames Gill Leake Reid
Andrus Gillett Lee Reynolds
Anthony Glass Lenahan Rhinock
Bannon Godwin Lever Riordan
Barchfeld Goebel Lewis Robinson
Bartlett, Ga. Goldfogle Lilley Ryan
Beale, Pa. Granger Lindsay Saunders
Bennett, Ky. Griggs Littlefield Shackelford
Bingham Gronna Livingston Sherman
Birdsall Hackett Longworth Sherwood
Brantley Haggott Lorimer Sims
Broussard Hale Loud Slayden
Burgess Hamlin Loudenslager Slempp
Burke Hammond McCall Smith, Tex.
Burnett Harding McCreary Snapp
Butler Haskins McDermott Sperry
Byrd Hay McGavin Spight
Calder Henry, Conn. McGuire Stafford
Caldwell Hill, Miss. McHenry Stephens, Tex.
Carlin Hitchcock McKinlay, Cal. Sulloway
Clark, Fla. Howard McLachlan, Cal. Sulzer
Cockran Hubbard, Iowa McLain Tawney
Cocks, N. Y. Hughes, W. Va. McMillan Taylor, Ohio
Conner Hull, Iowa McMorran Thomas, Ohio
Cousins Jackson Malby Tirrell
Cravens James, Addison D. Mann Townsend
Darragh James, Ollie M. Marshall Underwood
Davenport Johnson, S. C. Maynard Vreeland
Davey, La. Jones, Va. Miller Wallace
Driscoll Kennedy, Ohio Moon, Pa. Watson
Dunwell Klipp Moon, Tenn. Weiss
Dwight Kitchin, Claude Mudd Weems
Edwards, Ga. Kitchin, Wm. W. Page Wiley
Esch Knapp Parker, S. Dak. Willitt
Fairchild Knopf Patterson Wolf
Fasset Knowland Pearre
Ferris Lamar, Fla. Peters
Flood Lamar, Mo. Porter

So the motion was agreed to.

The Clerk announced the following additional pairs:

On this vote:

- Mr. ESCH with Mr. RUSSELL of Texas.
Mr. TOWNSEND with Mr. UNDERWOOD.
Mr. TIRRELL with Mr. SPIGHT.
Mr. TAWNEY with Mr. SULZER.
Mr. SULLOWAY with Mr. SLAYDEN.
Mr. PEARRE with Mr. SHERWOOD.
Mr. PARKER of South Dakota with Mr. SAUNDERS.
Mr. MOON of Pennsylvania with Mr. PATTERSON.
Mr. MALBY with Mr. PAGE.
Mr. McMILLAN with Mr. MOON of Tennessee.
Mr. LOUDENSLAGER with Mr. MAYNARD.
Mr. LORIMER with Mr. McLAIN.
Mr. LAW with Mr. McHENRY.
Mr. KNAPP with Mr. LENAHAN.
Mr. LANGLEY with Mr. HACKETT.
Mr. KENNEDY of Ohio with Mr. GRANGER.
Mr. HENRY of Connecticut with Mr. GLASS.
Mr. GARDNER of Massachusetts with Mr. FERRIS.
Mr. GAINES of West Virginia with Mr. COCKRAN.
Mr. DRISCOLL with Mr. BYRD.
Mr. BURKE with Mr. BRANTLEY.
Mr. BARCHFIELD with Mr. AIKEN.

The result of the vote was then announced as above recorded.

Accordingly (at 9 o'clock and 20 minutes p. m.) the House was declared in recess until 11 o'clock a. m. on Monday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channels connecting Mobile Bay and Mississippi Sound, Alabama (H. R. Doc.

967), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15444) extending the time for the construction of a dam across Rainy River, reported the same without amendment, accompanied by a report (No. 1767), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Rules was discharged from the consideration of the resolution (H. Res. 315) providing for a commission of five Members to investigate the tariff conditions in the Philippine Islands, and the same was referred to the Committee on Ways and Means.

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. GILHAMS: A bill (H. R. 22123) to erect a public building in Fort Wayne, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 22124) to authorize the acquisition of a site and the erection of a Federal building at Jackson, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Indiana: A bill (H. R. 22125) for the construction of a lock and dam in the Ohio River below mouth of Green River—to the Committee on Rivers and Harbors.

By Mr. COOPER of Pennsylvania: A bill (H. R. 22126) to regulate entries under the reclamation act—to the Committee on Irrigation of Arid Lands.

By Mr. GOULDEN: Joint resolution (H. J. Res. 190) making the 21st day of October in each and every year a national holiday and designing it Discovery Day—to the Committee on the Judiciary.

By Mr. WEBB: Resolution (H. Res. 425) referring H. R. 21524, for relief of the estate of George W. Hines, to the Court of Claims—to the Committee on War Claims.

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. ASHBROOK: A bill (H. R. 22127) granting an increase of pension to James Knox—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 22128) granting an increase of pension to George W. Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22129) granting an increase of pension to John D. Lloyd—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 22130) granting a pension to Ann F. Abbott—to the Committee on Pensions.

By Mr. DUNWELL: A bill (H. R. 22131) to remove the charge of desertion from the military record of Frederick C. Philpitt—to the Committee on Military Affairs.

By Mr. FORNES: A bill (H. R. 22132) for the relief of James Welch, his heirs or representatives—to the Committee on Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 22133) authorizing the President of the United States to confer rank upon Maj. Joseph W. Wham, United States Army, retired—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 22134) granting a pension to Patrick McClafferty—to the Committee on Pensions.

By Mr. HUFF: A bill (H. R. 22135) granting an increase of pension to William M. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22136) granting an increase of pension to John L. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22137) granting an increase of pension to Frank W. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22138) granting an increase of pension to Herman Lerner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22139) to correct the military record of Joseph R. Berg—to the Committee on Military Affairs.

Also, a bill (H. R. 22140) to correct the military record of James Green—to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 22141) granting an increase of pension to Charlotte A. Hanna—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22142) granting a pension to Palo Alto Westerfield—to the Committee on Pensions.

By Mr. PRAY: A bill (H. R. 22143) for the relief of Edward Brassey—to the Committee on Claims.

Also, a bill (H. R. 22144) for the relief of J. M. Burlingame—to the Committee on Claims.

Also, a bill (H. R. 22145) for the relief of Andrew W. Swaney—to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 22146) for the relief of Thomas Reed—to the Committee on Claims.

By Mr. SAUNDERS: A bill (H. R. 22147) granting a pension to Kate G. Johnson—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 22148) for the relief of Jesse Bell—to the Committee on War Claims.

Also, a bill (H. R. 22149) granting an increase of pension to Georgia A. Driggers—to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 22150) granting a pension to Mary A. Phillips—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of New Castle Clearing-House Association, urging selection of one-third of the currency commission outside of Congress—to the Committee on Banking and Currency.

By Mr. ASHBROOK: Paper to accompany bill for relief of James Knox—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of Rhode Island State Council, Knights of Columbus, favoring the bill making October 12 in each year a legal holiday (H. R. 7559)—to the Committee on the Judiciary.

Also, petition of Woman's Home Missionary Society of the Methodist Episcopal Church, of Woonsocket, R. I., favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Matthew N. Chappell—to the Committee on the Judiciary.

By Mr. BURKE: Petition of Engineers' Society of Western Pennsylvania, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BUTLER: Petitions of citizens of the Seventh Pennsylvania Congressional District and Carpenters' Local Union No. 1491, 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. DALZELL: Petitions of Meadville Council, No. 388; Isabella Council, No. 328; Latrobe Council, No. 940, and Kane Council, No. 15, Knights of Columbus, of Pennsylvania, for H. R. 7559, making October 12—date of discovery of America by Christopher Columbus—a legal holiday—to the Committee on the Judiciary.

By Mr. DAVIDSON: Petition of labor organizations in the Eighth Congressional District of Wisconsin, 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. DAWSON: Petition of Lodge No. 34, Brotherhood of Locomotive Firemen and Engineers of Clinton, Iowa, favoring the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Daniel Rogers and other citizens of Streator, Ill., 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.

Also, petition of Merchant Marine League, for an ocean mail subsidy—to the Committee on the Post-Office and Post-Roads.

Also, petition of Trades' League of Philadelphia, for placing certain employees under civil-service regulations, etc.—to the Committee on the Census.

Also, petition of Chicago Association of Commerce, for an appropriation of \$1,500,000 for an auxiliary post-office at Chicago—to the Committee on Public Buildings and Grounds.

Also, petition of Penrose Elevator Company, favoring Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Woman's Foreign Missionary Society of the United Presbyterian Church, representing 150,000 people, favoring the Foraker bill forbidding opium importation into Hawaii except in medicine—to the Committee on Interstate and Foreign Commerce.

Also, petition of United Mine Workers of America, for Senate legislative bill in original form appropriating \$195,000 for protecting lives of miners—to the Committee on Mines and Mining.

Also, petition of Mesta Machine Company, against anti-injunction bills—to the Committee on the Judiciary.

Also, petition of Lodge No. 219, Brotherhood of Locomotive Firemen and Engineers, for the Rodenberg anti-injunction bill and the Hemenway-Graff safety ash-pan bill—to the Committee on the Judiciary.

Also, petition of Division No. 108, Brotherhood of Locomotive Engineers, for the Rodenberg anti-injunction bill (H. R. 17137) and the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

Also, petition of Keystone Division, No. 293, Brotherhood of Locomotive Engineers, for Rodenberg anti-injunction bill (H. R. 17137) and for the Hemenway-Graff safety ash-pan bill (H. R. 19795)—to the Committee on the Judiciary.

Also, petition of Thomas J. Stewart, adjutant-general, favoring H. R. 14783—to the Committee on the Militia.

Also, petition of Engineers' Society of Western Pennsylvania, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of Blue Mountain Lodge, No. 694, Brotherhood of Railway Trainmen, of Marysville, Pa., for the Allison bill, for the relief of Pembroke B. Banton—to the Committee on Claims.

By Mr. GRANGER: Petition of Rhode Island Branch, National Metal Trades Association, against the passage of anti-injunction legislation—to the Committee on the Judiciary.

By Mr. HAMILL: Petition of citizens of Jersey City, 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 bill—to the Committee on the Judiciary.

Also, petition of National Print Cutters' Association, of New York, for H. R. 20584, amendment to Sherman antitrust law, for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HUFF: Papers to accompany bills for relief of Herman Lerner, of Saxonburg, and William M. Taylor—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John L. Miller, of Scottsdale, Pa., and Frank W. Mills, of Chicora, Pa.—to the Committee on Invalid Pensions.

Also, petition of Joseph Woods and other citizens of Butler, Pa., for amendment to Sherman antitrust law, Wilson bill (H. R. 20584), the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of citizens of New Hope, Newtown, and Doylestown, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of Milton Vandervort, of Carr, Pa., James Green, of Callery, Pa., and Joseph R. Berg—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petition of labor organizations of the State of Washington, 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, an anti-injunction law, etc.—to the Committee on the Judiciary.

By Mr. KÜSTERMANN: Petition of residents of Sturgeon Bay, favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. LAMB: Petition of citizens of Virginia, 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. LOWDEN: Petition of National Business League of America, for legislation looking to conservation of the natural resources of the country—to the Committee on Agriculture.

By Mr. McKINNEY: Petition of Local No. 230, Iron Molders' Union of North America, of Rock Island, Ill., 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. MANN: Petition of Chicago Grain Elevator Employ-

ees' Union, 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 Western Society of Engineers, of Chicago, Ill., for legislation looking to conservation of the natural resources of the country—to the Committee on Agriculture.

By Mr. SHERMAN: Petition favoring H. R. 7559, making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of Laredo Trades Council, of Laredo, Tex., 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 citizens of Stoneburg, Tex., favoring legislation to prohibit bucket-shop gambling—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petitions of F. H. Shaner and Josiah Watt, of Royersford, Pa., and Howard Kirk, of Spring City, Pa., in behalf of Spring City Local Union, No. 1491, for H. R. 20584, amendment to Sherman antitrust law, for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. WEBB: Petitions of labor union of Spartanburg, S. C., John F. Miller and others, and J. J. Cannon and others, 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.

SENATE.

MONDAY, May 25, 1908.

The Senate met at 11 o'clock a. m.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. BEVERIDGE. I ask that the further reading of the Journal be dispensed with.

Mr. KEAN. No, Mr. President; let the Journal be read.

Mr. HALE. I must object, Mr. President.

The VICE-PRESIDENT. The reading of the Journal will be proceeded with.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 11 o'clock and 14 minutes a. m.). The Senate has now been entertained for some time by hearing the Journal read, and I ask that the further reading be dispensed with.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that the further reading of the Journal be dispensed with.

Mr. KEAN. Let the Journal be read, Mr. President.

The VICE-PRESIDENT. Objection is made, and the Secretary will proceed with the reading.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 11 o'clock and 26 minutes a. m.). The Secretary has now spent nearly half an hour reading the Journal. I ask unanimous consent that the further reading be dispensed with.

Mr. KEAN. I am sorry the Senator from Indiana was not listening to what the Secretary was reading, because he was reading at that time a most important report, that of the committee of conference on the omnibus public buildings bill. It is eminently proper that those reports should be read and we should know that they are accurately stated in the Journal. I object.

The VICE-PRESIDENT. Objection is made. The Secretary will resume the reading.

Mr. BEVERIDGE. May I ask the Senator from New Jersey—

The VICE-PRESIDENT. The Secretary will resume the reading.

The Secretary resumed the reading of the Journal.

Mr. BEVERIDGE (at 11 o'clock and 31 minutes a. m.). Mr. President, in view of the fact that the Senator from New Jersey has not for some time been following the Journal and the rest of the Senate are engaged in something else, I again ask that the reading of the Journal be dispensed with.

Mr. CULLOM. I object.

The VICE-PRESIDENT. The Senator from Illinois objects.