the Blackwater River—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. THOMAS of Ohio: Petition of citizens of Barberton, Ohio, against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: Paper to accompany bill for relief of J. B. Maryuan (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. WEEMS: Paper to accompany bill for relief of James G. Theaker—to the Committee on Invalid Pensions.

Also, petition of Alden Lee and others, for a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petition of William Auglemyer and 21 others, residents of Jersey Shore, Lycoming County, Pa., protesting against the passage of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of A. F. Swerley, S. P. Brewster, Joel Baker, August Noelk, B. B. Baitey, R. L. Burditt, George T. Robinson, and others, for the passage of a parcels-post and postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: Petition of citizens of Twelfth Congressional District of Michigan, against passage of Senate bill 3940—to the Committee on the District of Columbia.

SENATE.

THURSDAY, *January 7, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE SERVICE.

Mr. SUTHERLAND was, on his own motion, excused from further service upon the Select Committee to Investigate Trespassers upon Indian Lands.

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

Resolved, That Mr. SUTHERLAND be appointed to fill the vacancy in the chairmanship of the Committee on Industrial Expositions (Select).

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

Resolved, That Mr. PAGE be appointed to fill the vacancies in each of the following committees:

Chairmanship, To Investigate Trespassers Upon Indian Lands (Select);

On Fisheries; and

On the Revision of the Laws of the United States.

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

Resolved, That Mr. CUMMINS be appointed to fill the vacancies in each of the following committees:

On the University of the United States;

On Public Health and National Quarantine; and

On Additional Accommodations for the Library of Congress (Select).

LAWS RELATING TO INSULAR POSSESSIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a compilation prepared by the Bureau of Insular Affairs, War Department, embracing all legislation enacted by the Fifty-ninth Congress relating to Alaska, Cuba, Guam, Isthmian Canal Zone, Hawaii, the Midway Islands, the Philippine Islands, Porto Rico, etc., together with all treaties and conventions entered into by the United States during that period affecting any of these insular and Isthmian possessions, and also all proclamations issued by the President during this period concerning any of these possessions, etc., which, with the accompanying papers, was referred to the Committee on Printing.

ELECTORAL VOTES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the certification of the final ascertainment of electors for President and Vice-President appointed in the States of Mississippi, Michigan, and Oregon, which, with the accompanying papers, was ordered to be filed.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a schedule of useless papers, books, etc., on the files of the office of the Auditor for the Post-Office Department, which are not needed in the transaction of public business and have no permanent value or historical interest. The communication and accompanying papers will be printed (H. Doc. No. 1286) and referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Texas [Mr. BAILEY] and the Senator from Tennessee [Mr. FRAZIER]. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16620. An act authorizing the appointment of dental surgeons in the navy;

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace;" and

H. R. 21926. An act for the organization of the militia in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Chamber of Commerce of Boston, Mass., remonstrating against the adoption of the provision in the census bill providing for the appointment of employees in the Census Office without a competitive examination, which was ordered to lie on the table.

Mr. PLATT presented memorials of sundry citizens of Brooklyn, New York City, Pocantico Hills, and Tarrytown, all in the State of New York, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Grange No. 840, Patrons of Husbandry, of Mahopac, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented petitions of sundry citizens of Windsor, Cedarville, Moorestown, Woodstown, Rutherford, Medford, Vincentown, and Mickleton, all in the State of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings-banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of J. S. Collins & Son, of Moorestown, N. J., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Newark, Paterson, Ridgewood, Elizabeth, Westfield, Boonton, Rochelle Park, West Hoboken, Jersey City, East Orange, Orange, and Bayonne, all in the State of New Jersey, and of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented the petition of George W. Smith, of Phillipsburg, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all government buildings, ships, and grounds, and also to prohibit the interstate transportation of intoxicating liquor into prohibition districts, which was referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS presented a petition of Pleasant Lake Grange, No. 693, Patrons of Husbandry, of Cadillac, Mich., and a petition of sundry citizens of Onsted, Mich., praying for the passage of the so-called rural parcels-post and postal savings-banks bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented petitions of sundry citizens of West Brookefield, Carroll, Sutton, Leavitts Hill, Laconia, and Marlow, all in the State of New Hampshire, and of Phelps and Niobe, in the State of New York, praying for the passage of the so-called "Burnham rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Engineering Society of the Carolinas, of Charlotte, N. C., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. BURKETT presented a memorial of sundry citizens of Genoa, Nebr., remonstrating against the enactment of legislation discontinuing the United States Indian Industrial School

at that city, which was referred to the Committee on Indian Affairs.

Mr. ELKINS presented a memorial of the Board of Trade of Clarksburg, W. Va., remonstrating against the enactment of any legislation tending to continue or aggravate the agitation against corporate interests, which was referred to the Committee on Interstate Commerce.

Mr. SMITH of Michigan presented a petition of sundry citizens of Leland, Mich., praying for the enactment of legislation providing for a preliminary survey of Lake Michigan to determine the probable cost of a breakwater for a harbor of refuge at that city, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 7381) authorizing and directing the Secretary of the Interior to pay to the Flandreau tribe of Indians in South Dakota certain funds to the credit of said Indians, reported it without amendment and submitted a report (No. 715) thereon.

He also, from the same committee, to whom was referred the bill (S. 7641) setting apart certain lands in the Standing Rock Indian Reservation, in the State of South Dakota, for cemetery purposes, reported it with an amendment and submitted a report (No. 716) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 7862) to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma, reported it without amendment and submitted a report (No. 717) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 7472) transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school, reported it with amendments and submitted a report (No. 718) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 719), accompanied by a bill (S. 8254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 76. Josiah Fishback;
S. 93. Washington M. Shields;
S. 408. James Arney;
S. 582. Oscar H. Carus;
S. 692. Abdial McKonly;
S. 827. Bariah B. Champlin;
S. 896. Thomas M. Meritt;
S. 1032. Mary Robbins;
S. 1246. John N. Chase;
S. 1281. Frisby D. Hutchinson;
S. 1310. Josephus Gorby;
S. 1350. Samuel E. Hull;
S. 1488. John J. Gangwer;
S. 1623. Henry H. Pennington;
S. 2043. Lewis Carbino;
S. 2091. Daniel Lewis;
S. 2504. Albert Harris;
S. 2609. Rezin Warfield Hall;
S. 2637. Horace S. Lowry;
S. 2701. Robert A. Mears;
S. 2703. Charles Adams;
S. 3594. Jasper N. Milliken;
S. 3603. George Paul;
S. 3652. Charles Paul;
S. 3818. Allyne C. Litchfield;
S. 3913. Joseph Norris;
S. 3949. Charles P. Betts;
S. 4106. Eldridge S. Lyons;
S. 4163. Samuel J. Kent;
S. 4258. George F. Thayer;
S. 4285. Rebecca E. Collins;
S. 4586. John L. Nason;
S. 4875. Stephen H. French;
S. 4929. John H. Allbee;
S. 5231. James S. Yates;
S. 5270. Jackson Ramsey;
S. 5314. Samuel D. Knight;
S. 5319. Lehaven Long;
S. 5423. John S. McCammon;
S. 5738. Francis M. Van Tress;
S. 5797. Chester H. Felton;
S. 5798. John Eger;
S. 5874. Samuel H. McCurdy;
S. 5881. William J. King;
S. 5923. William H. Wiseman;
S. 5929. Alexander Gardner;
S. 5964. William D. Gaby;
S. 6164. Jeremiah Robbins;
S. 6204. George Robinson;
S. 6317. Austin Gill;
S. 6362. William F. Roberts;
S. 6385. George Dengler;
S. 6401. Con Hadley, alias Cornelius Sessions;
S. 6402. Frank E. Howard;
S. 6483. Edward Ash;
S. 6485. William R. Penn;
S. 6499. Wesley C. Wells;
S. 6514. Elmer K. Coppock;
S. 6517. Elisha Sackett;
S. 6633. William W. Barton;
S. 6671. Jesse H. Hockett;
S. 6678. Benjamin Flahart;
S. 6734. Clifford A. Lake;
S. 6736. Washington Deem;
S. 6745. John W. Richards;
S. 6759. James W. Brown;
S. 6789. Robert Zeek, alias Robert Sick;
S. 6811. Stephen Corwin;
S. 6829. Willard Morris;
S. 6858. Goodwin Y. Atlee;
S. 6965. Nathan F. Barrett;
S. 6977. Reuben C. Philbrick;
S. 6979. Eliza Custis;
S. 7016. George W. Baker;
S. 7024. Reuben Ray;
S. 7026. Mary Etta Wittich;
S. 7149. Nannie M. Lowe;
S. 7161. Sedley A. Lowd;
S. 7163. Benjamin F. Pettingill;
S. 7286. Rufus E. Rounds;
S. 7290. John French;
S. 7291. Emma T. Nash;
S. 7301. Anson Buxton;
S. 7328. Rhoda J. Chase;
S. 7335. Robert R. Bratton;
S. 7352. George W. Sisson;
S. 7355. Harrison Presson;
S. 7367. James H. Valentine;
S. 7392. Miers B. Betts;
S. 7410. Clark S. Devoe;
S. 7413. George W. Hawkins;
S. 7415. Lyman H. Leach;
S. 7416. George Soder;
S. 7418. Elizabeth Cook;
S. 7425. Peter D. Melville;
S. 7433. Edwin Martien;
S. 7457. Henry Tobin;
S. 7458. Samuel McMurry;
S. 7460. James L. Fitzgerald;
S. 7491. Henry C. Walker;
S. 7492. James N. Titus;
S. 7504. Julius J. Kean;
S. 7505. Daniel Thornton;
S. 7508. Evin K. Hegland, alias Evin Knudson;
S. 7530. Tollef Olsan Strand, alias Tollef Olsan;
S. 7536. Marcellus B. Kent;
S. 7537. Andrew J. Shipley;
S. 7542. Rowland Fisher, alias Thomas Smith;
S. 7563. Adelbert Gardner;
S. 7565. George L. Masters;
S. 7582. Solomon S. Kirkpatrick;
S. 7611. James McEnany;
S. 7617. Nora Davis;
S. 7622. John Harper;
S. 7623. Ann Bacheller;
S. 7625. Charles W. Dinsmore;
S. 7646. Marquis D. Lillie;
S. 7649. Louis Gilstrap;
S. 7723. Harriet A. Kelliher;
S. 7728. Benjamin F. Simpson;
S. 7805. William A. Ferrel;
S. 7811. Eugene S. Austin;
S. 7838. Ensign L. Calkins;

S. 7881. George W. Fertig;
S. 7905. Wesley Trafford;
S. 7923. Jeremiah Dotter;
S. 7948. Harlon S. Willis; and
S. 7970. Elisha B. Wood.

Mr. ALDRICH, from the Committee on Finance, reported an amendment proposing to increase the salary of the President of the United States from $50,000 to $100,000, to increase the salary of the Vice-President of the United States from $12,000 to $20,000, and that the salary of the Speaker of the House of Representatives shall hereafter be $20,000 per annum, intended to be proposed to the legislative, etc., appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. BAILEY subsequently said: Mr. President, I simply desire to put in the RECORD the statement that while the report of the Senator from Rhode Island to increase the salary of the President appears, as in all such cases it does, to be a unanimous report of the Committee on Finance, I do not myself assent to it. I make this statement for the purpose of having it appear in the RECORD that I am opposed to that increase, and at the proper time I shall take occasion to express myself with respect to it.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the bill (S. 7210) to authorize an exchange of the present site of the light-house at the mouth of the Kalamazoo River, in Michigan, for a new site therefor on the new channel now being the outlet of said river into Lake Michigan, reported it with amendments and submitted a report (No. 720) thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (S. 8154) to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906, reported it without amendment and submitted a report (No. 721) thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 4th instant proposing to appropriate $50,000 for the participation of the United States in the Eighth International Prison Congress to be held in the city of Washington in 1910, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 7785) relative to outward alien manifests on certain vessels, reported it with an amendment and submitted a report (No. 714) thereon.

INTERNATIONAL EXPOSITION AT TOKYO, JAPAN.

Mr. FRYE. I report back favorably from the Committee on Foreign Relations, with amendments, the bill (S. 7992) to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908, and I submit a report (No. 713) thereon.

In order to stop unnecessary expenditure of the public money, I shall feel it my duty at the earliest possible moment to call up the bill for consideration. The Senator from Texas [Mr. CULBERSON] does not seem to be present. If he will examine the report which accompanies the bill, he will find, I think, all the facts he desired information in relation to in a resolution which was referred to the Committee on Foreign Relations.

Mr. CULBERSON entered the Chamber.

Mr. FRYE. The Senator is now present. I made a report from the Committee on Foreign Relations touching the Tokyo exposition, and I think the report contains all the information the Senator from Texas desired in a resolution which was referred to the Committee on Foreign Relations. I wish he would examine the report, because at the earliest possible moment I desire to call up the bill for consideration in order to stop unnecessary expenditure of the public money.

Mr. CULBERSON. I will be glad to do so at the first opportunity, Mr. President.

The VICE-PRESIDENT. The bill will be placed on the calendar.

CHANNEL IMPROVEMENT AT NORFOLK NAVY-YARD.

Mr. MARTIN, from the Committee on Commerce, to whom was referred concurrent resolution No. 54, submitted by himself December 10, 1908, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from the sea to the Norfolk Navy-Yard, with a view to widening and straightening the same and increasing the depth thereof to 35 feet at mean low water, with width of present project, and to submit estimates for such improvement to that depth.

SEC. 2. That an examination and survey be made and estimates submitted for a channel 22 feet deep at mean low water from the Norfolk Navy-Yard to a point about 1 mile above Gilmerton.

SEC. 3. That an examination and survey be made and estimates submitted with a view to providing ample anchorage room abreast of and above Lamberts Point, between Lamberts Point and Pinners Point.

CHANNEL IMPROVEMENT AT FORTRESS MONROE.

Mr. MARTIN, from the Committee on Commerce, to whom was referred concurrent resolution No. 53, submitted by himself December 10, 1908, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the channel from Fortress Monroe to Newport News, with a view to providing for a depth of 35 feet at mean low water and a width of 800 feet, and to submit estimates for such improvement.

IMPROVEMENT OF COLUMBIA RIVER, OREGON.

Mr. PILES, from the Committee on Commerce, to whom was referred concurrent resolution No. 58, submitted by Mr. FULTON on the 5th instant, reported it without amendment, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River, in the State of Oregon, in front of the town of Hood River, and report the same to the Congress.

Mr. FULTON. I ask permission to have the resolution just reported by the Senator from Washington considered at the present time.

The concurrent resolution was considered by unanimous consent and agreed to.

IMPROVEMENT OF THE COLORADO RIVER IN CALIFORNIA.

Mr. PERKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7784) to cause a preliminary examination or survey to be made of the Colorado River in the vicinity of Needles, Cal., to report as a substitute a concurrent resolution. I call the attention of my colleague to the substitute

Mr. FLINT. I ask unanimous consent for the present consideration of the concurrent resolution just reported by my colleague.

The concurrent resolution (S. C. Res. 59) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby directed to cause preliminary examination or survey to be made of the Colorado River in the vicinity of the city of Needles, Cal., with a view to protecting the said city from encroachment of the said river.

The VICE-PRESIDENT. Senate bill 7784 will be indefinitely postponed.

IMPROVEMENT OF SIUSLAW RIVER, OREGON.

Mr. PERKINS, from the Committee on Commerce, to whom was referred concurrent resolution No. 56, submitted by Mr. FULTON December 14, 1908, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made at the mouth of the Siuslaw River in Oregon as may be necessary in order to determine what project for its improvement can be completed by the expenditure of $100,000 in addition to a like amount to be provided by the residents of that locality.

W. H. REAGAN.

Mr. FULTON, from the Committee on Claims, reported the following resolution (S. Res. 244), which was considered by unanimous consent and agreed to:

Resolved, That the claim of W. H. Reagan (S. 4763) now pending in the Senate, together with all accompanying papers, be, and the same is 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 court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

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

A bill (S. 8224) granting an increase of pension to Irene A. Cochrane;

A bill (S. 8225) granting an increase of pension to William Cody;

A bill (S. 8226) granting an increase of pension to John W. Currier;

A bill (S. 8227) granting an increase of pension to Augustus P. Horne;

A bill (S. 8228) granting an increase of pension to Merrill Johnson;

A bill (S. 8229) granting an increase of pension to Dana H. McDuffee; and

A bill (S. 8230) granting an increase of pension to John Ryan.

Mr. PERKINS introduced a bill (S. 8231) to authorize the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine-hospital purposes on the present marine-hospital site at San Francisco, Cal., and to remove all or any of the present structures on said site, which was read twice by its title and referred to the Committee on Commerce.

Mr. HOPKINS introduced a bill (S. 8232) granting an increase of pension to Samuel Young, which was read twice by its title and referred to the Committee on Pensions.

Mr. RICHARDSON introduced a bill (S. 8233) for the relief of Christian Christensen, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8234) granting pensions to soldiers, sailors, and certain militiamen who are incapacitated for the performance of manual labor, and providing pensions for widows and minor children, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 8235) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee, which was read twice by its title and, with the accompanying paper, referred to the Committee on the Judiciary.

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

A bill (S. 8236) for the relief of the heirs of Elizabeth Brinkley, deceased;

A bill (S. 8237) for the relief of heirs or estates of R. H. Groomes, James Cavert, and Obediah Hurt, late of the firm of Groomes, Cavert & Co., and others;

A bill (S. 8238) for the relief of Mrs. Lottie Bowman, widow and heir of Thomas R. Bowman, deceased, and others; and

A bill (S. 8239) for the relief of the heirs or estates of John Derryberry and Kiziah Derryberry, deceased, and others.

Mr. GUGGENHEIM introduced a bill (S. 8240) for the relief of heirs of W. W. Lemmon and Elizabeth Chinn Lemmon, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

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

A bill (S. 8241) to authorize the establishment of an Indian home in the State of Oklahoma, and for other purposes; and

A bill (S. 8242) for the relief of the Wichita and affiliated bands of Indians.

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

A bill (S. 8243) to authorize the Secretary of the Interior to reserve power sites on the Colville Indian Reservation, in the State of Washington;

A bill (S. 8244) authorizing the Secretary of the Interior to inscribe the name of Joseph P. T. Fish upon the rolls of the Quapaw Agency as a Quapaw Indian, and require his full recognition as such; and

A bill (S. 8245) to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes.

Mr. SMITH of Michigan introduced a bill (S. 8246) to remove the charge of desertion from the military record of Joseph Neveau, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

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

A bill (S. 8247) granting a pension to Margaret A. Barker;

A bill (S. 8248) granting an increase of pension to George M. Peaslee (with an accompanying paper);

A bill (S. 8249) granting an increase of pension to John M. Randell; and

A bill (S. 8250) granting a pension to Mary E. Smith.

Mr. SCOTT introduced a bill (S. 8251) granting an increase of pension to Joseph E. Insco, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 8252) for the relief of Elizabeth G. Martin, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8253) granting an increase of pension to Melvina White, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $4,200 for grading and macadamizing the east side of Wisconsin avenue, from Woodley road to Macomb street, and Macomb street, from Wisconsin avenue to Thirty-fifth street, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to increase the number of telephone operators at the headquarters of the Metropolitan police of the District of Columbia from 6 to 9, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $41,900 to pay the salaries of the chief justice, associate justices, etc., of the supreme court of the District of Columbia, intended to be proposed by him to the legislative, executive, and judicial appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. KEAN submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

Mr. DEPEW submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

POSTAL SAVINGS DEPOSITORY FUNDS.

Mr. McCUMBER. I submit an amendment intended to be proposed by me to Senate bill 6484, to establish postal savings banks, and so forth, which I ask may be read and printed and lie on the table.

The proposed amendment was read and ordered to be printed and to lie on the table, as follows:

Amendment intended to be proposed by Mr. McCUMBER to the bill (S. 6484) "to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes."

Amend section 11 by striking out all of said section from the beginning thereof down to and including the words "Attorney-General," on page 9 of the bill as reprinted on January 6, 1909, and insert in lieu thereon the following:

"SEC. 11. That the Postmaster-General shall, as herein provided, deposit postal-savings depository funds in such national or state banks in the immediate vicinity of the place where such funds are received, and when possible in the counties in which such funds are received, as will accept such funds and agree to pay for the use thereof 2½ per cent per annum, and give such security for repayment thereof as may be required by the Postmaster-General, with the approval of the Secretary of the Treasury. Where there are two or more banks in the immediate vicinity that will accept such deposits at such rate of interest, the said Postmaster-General shall deposit in each of said banks, as nearly as practicable, in proportion to the capital stock and surplus of each: *Provided*, That before depositing such funds in any bank, the Postmaster-General shall be satisfied that the bank is solvent, that neither its capital stock nor its surplus is in any manner impaired, and that its business is conducted in accordance with the laws of the United States or the state laws governing such banks: *And provided further*, That said Postmaster-General may accept as guaranty for such repayment the assurance obligation of any surety company of good standing. Where it is not practicable to deposit such funds in the counties, States, or Territories where they are received, they may be deposited in such national or state banks at the nearest practicable points thereto or invested in state, territorial, county, or municipal bonds of such State, Territory, county, or municipality, to be selected by the Postmaster-General, with the approval of the Secretary of the Treasury. But no such investments shall be made in case the said banks in the State or Territory where such funds are collected are willing to receive such funds at said rate of interest and upon the conditions hereinbefore provided."

WITHDRAWAL OF PAPERS—FRANCESCO KREBS.

Mr. MONEY. I send up an order which I ask to have considered now. It is to withdraw certain papers accompanying a former bill for the purpose of preparing a new bill. The bill passed both Houses and was vetoed by the President, under, I think, misinformation.

The order was read and agreed to, as follows:

Ordered, That the papers in the case of Francesco Krebs, accompanying Senate bill S. 5531, Fifty-ninth Congress, second session, be withdrawn from the files of the Senate, there having been no adverse report thereon.

IMPROVEMENT OF LAKE TRAVERSE, SOUTH DAKOTA.

Mr. KITTREDGE submitted the following concurrent resolution (S. C. Res. 61), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement and lighting Lake Traverse, in the State of South Dakota and county of Roberts, and report same to the Congress.

IMPROVEMENT OF CHINCOTEAGUE BAY.

Mr. MARTIN submitted the following concurrent resolution (S. C. Res. 60), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the shoal or bar at the entrance to Chincoteague Bay, with a view to the removal of said shoal or bar, and providing for a channel depth of 15 feet at that point, and to submit estimates for such improvement.

IMPROVEMENT OF LAKE MICHIGAN.

Mr. SMITH of Michigan submitted the following concurrent resolution (S. C. Res. 62), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made on the shores and waters of Lake Michigan at Leland, Leelanaw County, Mich., with a view to determining the advantage, best location, and probable cost of a breakwater to form a harbor of refuge at that point, and submit a plan and estimate for such improvements.

HOUSE BILLS REFERRED.

H. R. 16620. An act authorizing the apointment of dental surgeons in the navy was read twice by its title and referred to the Committee on Naval Affairs;

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace" was read twice by its title and referred to the Committee on the Judiciary; and

H. R. 21926. An act for the organization of the militia in the District of Columbia was read twice by its title and referred to the Committee on Military Affairs.

COMMISSIONS TO RETIRED OFFICERS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank.

The amendments were on line 3, after "army," to insert the words "Navy and Marine Corps," and to amend the title so as to read: "An act to authorize commissions to issue in the cases of officers of the Army, Navy, and Marine Corps retired with increased rank."

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

Mr. FRYE. There is no reason why the revenue-cutter officers should not be included with officers of the Navy and Marine Corps.

Mr. WARREN. The intention of the proposed law as originally introduced was merely to grant the power to the Executive to issue commissions to such officers of the army as by law received a higher grade upon retirement. The Senator from Maine calls the attention of the Senate to the fact that officers of the Revenue-Cutter Service are left out. I think myself, since the House proposed to include officers of the Navy and the Marine Corps, which they had a right to do, and which is entirely satisfactory, we should also include those of the Revenue-Cutter Service.

So I move to amend the amendment of the House by including the officers of the Revenue-Cutter Service, and I ask that the amendment as amended may be concurred in.

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

The SECRETARY. After the words "Navy and Marine Corps" insert "and of the Revenue-Cutter Service."

The amendment was agreed to.

The amendment as amended was concurred in.

On motion of Mr. WARREN, the title was amended so as to read:

An act to authorize commissions to issue in the cases of officers of the Army, Navy, and Marine Corps, and of the Revenue-Cutter Service, retired with increased rank.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I give notice that on Monday next, immediately after the routine morning business, I shall make some remarks on the latest phases of the Brownsville matter, with the indulgence of the Senate, and I give further notice that at that time I shall move to make the bill I introduced for the relief of the discharged soldiers the unfinished business, and that I shall press it constantly, in season and out, until it is disposed of.

TENNESSEE COAL AND IRON COMPANY.

Mr. CULBERSON. Mr. President, I desire to introduce a resolution, which I will read:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate as early as may be practicable whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President in response to Senate resolution No. 240, this session.

Before I ask its consideration, Mr. President, I wish the indulgence of the Senate for a few moments with reference to the purpose of the resolution.

On January 4 of this year the Senate, on my motion, adopted the following resolution:

Resolved, That the Attorney-General be, and he is hereby, directed to inform the Senate—

First. Whether legal proceedings under the act of July 2, 1890, have been instituted by him or by his authority against the United States Steel Corporation on account of the absorption by it in the year 1907 of the Tennessee Coal and Iron Company, and if no such proceedings have been instituted state the reason for such nonaction.

Second. Whether an opinion was rendered by him or under his authority as to the legality of such absorption, and if so attach a copy, if in writing, and if verbal state the substance of it.

It will be seen that the resolution was addressed to the Attorney-General of the United States and asked, in substance, whether he had proceeded under the Sherman antitrust law against the United States Steel Corporation on account of the absorption of the Tennessee Coal and Iron Company, and if he had not proceeded, to state the reason for his nonaction. He was also directed to inform the Senate whether he had given an opinion as to the legality of this merger and to attach a copy of the opinion if in writing, and if not, to state the substance of it.

The answer is made to the resolution by the President, and not by the Attorney-General, as Senators understand and know from the message read yesterday, and which appears in the RECORD this morning.

With reference to one phase of this response of the President, I will to-day have comparatively little to say—that is, with reference to his protest against the passage of the resolution by the Senate.

The response of the President is a full and complete answer to the resolution of the Senate. It shows that no action has been taken by the Department of Justice, and that none has been taken because the President took the matter in his own hand, as is not infrequently the case.

It shows further that one more arbitrary and lawless act of an important nature has been traced to the Chief Magistrate of the country, who is solemnly obligated by the Constitution not only to obey the law himself, but to take care that it is faithfully executed by others.

It is true he protests that the Senate has no right to direct the head of a department by a resolution of inquiry or to seek the reason for a course pursued by the head of any of the departments.

That should surprise nobody, Mr. President. It is characteristic of the distinguished occupant of the White House. It is but a natural and logical corollary of the main dogma of his message, that he is absolved from any legal restraint whatever.

I have already stated that upon that proposition at this time I shall have very little to say; and I will content myself for the present with reading from the opinion of Attorney-General Cushing, in the sixth volume of the Opinions of the Attorneys-General of the United States, a paragraph to which I invite the especial attention of Senators:

Upon the whole, then, heads of departments have a threefold relation, namely: 1. To the President, whose political or confidential ministers they are, to execute his will, or rather to act in his name and by his constitutional authority, in cases in which the President possesses a constitutional or legal discretion. 2. To the law; for where the law has directed them to perform certain acts, and where rights of individuals are dependent on those acts, then, in such cases a head of department is an officer of the law, and amenable to the laws for his conduct. (Marbury *v.* Madison, I Cranch, 49–61.) And 3. To Congress, in the conditions contemplated by the Constitution.

This latter relation, that of the departments to Congress, is one of the great elements of responsibility and legality in their action. They are created by law; most of their duties are prescribed by law; Congress may at all times call on them for information or explanation in matters of official duty, and it may, if it sees fit, interpose by legislation concerning them, when required by the interests of the Government.

But, Mr. President, however important may be the question to which I am at this time adverting, I do not intend this morning to be diverted from the proposition that the President of the United States has permitted by his positive and affirmative action a violation of the law of the United States. Senators will remember that in the fall of 1907 there was frequent talk that

the Tennessee Coal and Iron Company had been merged into the United States Steel Corporation. Later, the distinguished senior Senator from Minnesota [Mr. NELSON] referred to it in a speech in this body. But no direct information upon the subject was then obtained. In a published letter by the Attorney-General of the United States, dated Washington, October 13, 1908, this language is used by him:

My department has administered these laws as it found them, in their letter and in their spirit; when you say it "acquiesced" last year in some action taken by the steel "trust" "in the teeth of the law" you speak without knowledge. I do not know, and during my term of office have never known, of any such action by the corporation or cluster of corporations to which you refer; and as I did not and do not know of it, I could not and did not "acquiesce" in it. If you or anybody else will show me now legal proof establishing that the steel trust or anybody else has committed a crime under the Sherman law, or any other federal statute, I will do all I can to bring the culprit to justice.

And yet, Mr. President, according to the message of the President of the United States, read here yesterday, the Attorney-General had received from the President himself a letter dated November 4, 1907, in which he told him that it was contemplated to merge the Tennessee Coal and Iron Company into the United States Steel Corporation, and that, so far as he was concerned, he did not see fit to interfere with such action on the part of these corporations. The President stated fully, in the letter, his reasons for that course.

That is not all, Mr. President. At the very time the President wrote this letter to the Attorney-General that official had already filed in the United States circuit court for the southern district of the State of New York, through special assistants, a petition asking a dissolution of the tobacco trust on the ground that it had absorbed some of its rivals in the business, and, in effect, that it did not matter how many corporations had been absorbed or how much business was being done by the corporations absorbed by the Tobacco Company.

Not only that, sir, but the President had directed the Attorney-General to institute that proceeding against the tobacco trust based upon the ground that it was absorbing corporations engaged in the business and that the absorption amounted to a destruction of competition.

Now, if I may refer in support of this to the correspondence, quite voluminous on the part of the President last fall, I invite the attention of the Senate to the fact that the President himself in a letter to a distinguished citizen of Nebraska stated that his administration ought to have credit for the institution of the suit against the Tobacco Company. Let us see further about that. Here is a copy of the brief of the United States in the tobacco case, and here is what the Attorney-General says in his brief, filed in the circuit court of the United States for the southern district of New York in that case:

Again, all the authorities agree that, in order to vitiate a contract or combination, it is not essential that its result should be a complete monopoly; it is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition.

That is the broad proposition of law laid down by the Attorney-General, Mr. President, and I take it to be correct. Now, what does he say in his brief the Tobacco Company was doing to bring it within the prohibition of that general proposition of law?

With expanding purpose to dominate the tobacco industry, they have progressively absorbed competitors in interstate and foreign commerce, taking from the active parties agreements to refrain from engaging therein.

At another place in the brief the following is said:

After the foregoing general recitals the petition states with particularity the steps by which the purpose has been carried out and shows results accomplished.

From 1891 to 1898, inclusive, the American Tobacco Company purchased property, plants, businesses, and good will of many competing concerns located in different States engaged in commerce as purchasers, manufacturers, sellers, and distributors of tobacco leaf and its products, taking from the owners, stockholders, and others stipulations not to engage for periods varying from ten to twenty years in such businesses.

That brief was filed in May, 1908, by special counsel, under direction of the Attorney-General, who took the broad ground that absorption by the tobacco company of competing companies not amounting to the creation of a monopoly was a violation of the act of 1890 and the provisions of the Wilson law and the Dingley law on the same subject.

That case was presented to four circuit judges, and the Attorney-General considered it so important to have an early decision that he certified to the court its importance and asked that it be heard by the circuit judges. And it was heard, instead of by one, by four circuit judges of the United States—Judges Lacombe, Coxe, Noyes, and Ward. Here is the decision. The substance of what I want to call to the attention of the Senate is embodied in the opinion of Judge Lacombe, agreed to by all the other judges except Judge Ward.

I will read, Mr. President, for the benefit of the Senate, two or three extracts from this opinion showing that under the law, as construed by the Supreme Court of the United States and by the circuit judges in New York, it is not a question of whether the absorbing company produces 60 per cent of the output of any commodity, as suggested by the President in his letter to the Attorney-General, in which he refers to Messrs. Gary and Frick. It is not a question of the size of the corporation absorbed, nor the amount of its business; not at all. But if one corporation absorbs any other corporation engaged in the same business it is a violation of the act of Congress, and the people are entitled to have the action restrained.

I do not know whether many Senators have read this opinion, and consequently, Mr. President, as I have already indicated, I will read two or three extracts. This opinion was delivered on the 7th of November, 1908. It was delivered, it is presumed, in pursuance of the argument made by the Attorney-General, who, the President says, gave him an oral opinion in 1907 that it was not a violation of the law for the steel trust to do the thing which in his brief he said it was a violation of the law for the tobacco trust to do.

Let me read from the opinion:

Disregarding various dicta and following the several propositions which have been approved by successive majorities of the Supreme Court, this language is to be construed as prohibiting any contract or combination whose direct effect is to prevent the free play of competition, and thus tend to deprive the country of the services of any number of independent dealers, however small.

Again, Mr. President—

The act as above construed prohibits every contract or combination in restraint of competition. *Size is not made the test.* Two individuals who have been driving rival express wagons between villages in two contiguous States, who enter into a combination to join forces and operate a single line, restrain an existing competition, and it would seem to make little difference whether they make such combination more effective by forming a partnership or not.

The President, in his letter to the Attorney-General referring to Messrs. Gary and Frick, suggests that the public has not been injured, and that therefore this absorption was permitted and acquiesced in by him. Judge Lacombe says:

During the existence of the American Tobacco Company new enterprises have been started—some with small capital—in competition with it, and have thriven. The price of leaf tobacco—the raw material—except for one brief period of abnormal conditions, has steadily increased until it has nearly doubled, while at the same time 150,000 additional acres have been devoted to tobacco crops and the consumption of the leaf has greatly increased. Through the enterprise of defendant and at large expense new markets for American tobacco have been opened or developed in India, China, and elsewhere. *But all this is immaterial; each one of these purchases of existing concerns complained of in the petition was a contract and combination in restraint of a competition existing when it was entered into, and that is sufficient to bring it within the ban of this drastic statute.*

So, Mr. President, we have this character of case presented to us: The administration instructs the Attorney-General to proceed against the tobacco trust because it had absorbed rival corporations, setting up substantially that it did not matter whether they were extensive or were conducting an inappreciable business, and at about the same time expressly authorizes the steel trust, for some reason unknown to me and upon which I will not at this time speculate, to absorb its principal competitor in the United States.

Mr. HOPKINS. Mr. President, will the Senator allow me to interrupt him?

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

Mr. CULBERSON. Yes.

Mr. HOPKINS. It seems to me that in that statement the Senator is doing the President an injustice. The message we have before us does not, in my judgment, bear out the construction the Senator from Texas puts upon it. The letter the President embodied in his report to the Senate says that the proposition was submitted to him that a financial crisis existed in the city of New York; that the securities of the Tennessee Coal and Iron Company were held by a firm that was about to fail, and that unless this stock was taken over it would precipitate financial trouble, the end of which nobody could see at that time. Now, under those conditions the President says:

I felt it no public duty of mine to interpose any objection.

He does not say that he approved of it. He remained noncommittal, as he says. It seems to me that under those conditions the President is not subject to the criticism the Senator from Texas is indulging in.

Mr. CULBERSON. I call the attention of the Senator from Illinois to the language of the President in his message at the top of page 544.

As to the transaction in question, I was personally cognizant of and responsible for its every detail.

The President did not only acquiesce in it, but he declares that he was cognizant of and responsible for its every detail.

Mr. HOPKINS. That statement of the President, in my judgment, does not relate to the point the Senator is now discussing. In order to get at the position of the President, it is necessary to consider the letter to the Attorney-General under date of November 4, 1907, in which he informs the Attorney-General that a crisis is impending and that the facts have been brought to him by the two gentlemen named in the letter. Then, under those conditions, he says:

I felt it no public duty of mine to interpose any objection.

But he does state that he was noncommittal upon the subject. He neither affirmed nor denied; he neither encouraged nor dissuaded them from taking action. That was the position of the President. They acted on their own initiative. That is the point I am making with the Senator—that he is doing the President an injustice when he says that the President approved of the action of these people.

Mr. CULBERSON. Mr. President, the substance of the statement of the Senator from Illinois, as I understand, is that the President merely acquiesced. The President, however, in his message to the Senate, long after the letter to which the Senator refers, states that he was "cognizant of and responsible for" the entire transaction.

Now, so far as I am concerned, I do not care. The Senator can take either phase of the proposition; he may say that the President directed the Attorney-General to allow this, or he may say that the President sat quietly and saw the law violated, although the Constitution says that he will take care to see that the laws are faithfully executed.

Mr. HOPKINS. Will the Senator allow me right there?

Mr. CULBERSON. Wait until I get through with one other proposition.

The Senator has referred to the letter of the President about the panic. In order to refresh the recollection of the Senator I desire to read a short extract from a speech made in this Chamber by a Senator to whom we all look on account of his courage, his intelligence, and his sturdy manhood, a man who never speaks upon any question unless he is advised of the facts. The speech was made by the Senator from Minnesota [Mr. NELSON] on the 26th of February, 1908, and, as the extract is short, I will read it myself.

It appears that in the midst of the panic it was found that certain banks and trust companies carried stock of the Tennessee Coal and Iron Company. They had made loans on it. Those institutions in some way were pressed; they were badly crowded and they held that stock.

I remember reading in the papers at the time that there was a meeting in the house of a prominent banker in New York, an all-night meeting, in which the question was up of relieving the monetary stringency, and it was said that at that meeting plans were adopted that would relieve the acuteness of the tension and stringency. But what was the result of that all-night meeting? The result of it was this: The next morning the people who held the stocks of the Tennessee Coal and Iron Company were given the blessed privilege of exchanging it for the 5 per cent bonds of the steel trust.

In other words, the Steel trust was to relieve the financial stringency by exchanging its 5 per cent bonds for the stock of the Tennessee Coal and Iron Company, and in that way the Steel trust succeeded in absorbing its only rival and competitor of any consequence. No cash passed in the transaction, and yet it was supposed to relieve the currency famine.

If they had taken that stock and paid cash for it, I can see how they might have helped the poor banks that held the stock and given them a supply of cash. They compelled the banks to exchange that stock and take the bonds of the steel trust, the 5 per cent bonds; and of course those bonds could only bring cash to the parties who thus obtained them by a sale on the New York Stock Exchange. That was the way the financial stringency was relieved in that instance. I remember reading about that incident. I was here in the city at the time. I remember that a couple of gentlemen connected with the steel trust came down here from New York at that time to bushwhack around—

I suppose the Senator would be glad to withdraw that remark now since they visited the White House and made the agreement direct—

I remember that a couple of gentlemen connected with the steel trust came down here from New York at that time to bushwack around and ascertain whether that merger would stand and would be let alone.

I think they went away satisfied. I refer to this as an incident showing how the financial stringency was relieved on this occasion, and how much credit certain men assumed for relieving the financial stringency in that way.

Mr. President, in an issue of this kind between the Senator from Minnesota and the President of the United States, I stand with the Senator. I believe he is borne out by contemporaneous history. But whether he is or not, what warrant is there in law or in conscience for an officer of the United States to permit a statute to be violated openly and plainly to accomplish anything, whether it be to relieve a financial stringency or what not?

Now, Mr. President, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

Mr. CLARK of Wyoming. I ask that the resolution lie over.

Mr. LODGE. I ask that the resolution be read. It has not, I think, been read from the desk. I should like to have it read.

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

The Secretary read the resolution (S. Res. 243), submitted by Mr. CULBERSON, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate, as early as may be practicable, whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President in response to Senate resolution No. 240, this session.

Mr. CLARK of Wyoming. I ask that the resolution lie over.

The VICE-PRESIDENT. The resolution will be printed and lie upon the table.

Mr. CULBERSON. I ask unanimous consent that the message of the President of the United States which was received on yesterday in response to the resolution of the Senate be appended to my remarks.

The VICE-PRESIDENT. The Senator from Texas asks that the message of the President of the United States be appended to his remarks. Without objection, it is so ordered.

The message is as follows:

Message from the President of the United States, transmitting a letter from the Attorney-General to the President and from the President to the Attorney-General relative to the institution of legal proceedings against the United States Steel Corporation.

To the Senate:

In connection with the following resolution of the Senate, passed January 4, 1909—

"*Resolved*, That the Attorney-General be, and he is hereby, directed to inform the Senate—

"1. Whether legal proceedings under the act of July 2, 1890, have been instituted by him or by his authority against the United States Steel Corporation on account of the absorption by it in the year 1907 of the Tennessee Coal and Iron Company, and if no such proceedings have been instituted state the reason for such nonaction.

"2. Whether an opinion was rendered by him or under his authority as to the legality of such absorption, and if so, attach a copy if in writing, and if verbal state the substance of it."

I transmit herewith the following letter from the Attorney-General:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, January 6, 1909.

SIR: In accordance with your instructions, I have the honor to inclose you a certified copy of the resolution adopted by the Senate, wherein I am directed to inform the Senate whether legal proceedings under the act of July 2, 1890, have been instituted by me or by my authority against the United States Steel Corporation on account of the absorption by it, in the year 1907, of the Tennessee Coal and Iron Company. As you are aware, no such proceedings have been instituted.

I remain,

Yours, most respectfully and truly,

CHARLES J. BONAPARTE,
Attorney-General.

THE PRESIDENT,
The White House.

As to the transaction in question, I was personally cognizant of and responsible for its every detail. For the information of the Senate I transmit a copy of a letter sent by me to the Attorney-General on November 4, 1907, as follows:

THE WHITE HOUSE,
Washington, November 4, 1907.

MY DEAR MR. ATTORNEY-GENERAL: Judge E. H. Gary and Mr. H. C. Frick, on behalf of the steel corporation, have just called upon me. They state that there is a certain business firm (the name of which I have not been told, but which is of real importance in New York business circles) which will undoubtedly fail this week if help is not given. Among its assets are a majority of the securities of the Tennessee Coal Company. Application has been urgently made to the steel corporation to purchase this stock as the only means of avoiding a failure. Judge Gary and Mr. Frick inform me that as a mere business transaction they do not care to purchase the stock; that under ordinary circumstances they would not consider purchasing the stock because but little benefit will come to the steel corporation from the purchase; that they are aware that the purchase will be used as a handle for attack upon them on the ground that they are striving to secure a monopoly of the business and prevent competition—not that this would represent what could honestly be said, but what might recklessly and untruthfully be said.

They further inform me that as a matter of fact the policy of the company has been to decline to acquire more than 60 per cent of the steel properties, and that this purpose has been persevered in for several years past, with the object of preventing these accusations, and as a matter of fact their proportion of steel properties has slightly decreased, so that it is below this 60 per cent, and the acquisition of the property in question will not raise it above 60 per cent. But they feel that it is immensely to their interest, as to the interest of every responsible business man, to try to prevent a panic and general industrial smash-up at this time, and that they are willing to go into this transaction, which they would not otherwise go into, because it seems the opinion of those best fitted to express judgment in New York that it will be an important factor in preventing a break that might be ruinous; and that this has been urged upon them by the combination of the most responsible bankers in New York who are now thus engaged in endeavoring to save the situation. But they asserted they did not wish to do this if I stated that it ought not to be done. I answered that while of course I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objection.

Sincerely, yours, THEODORE ROOSEVELT.

Hon. CHARLES J. BONAPARTE,
Attorney-General.

After sending this letter I was advised orally by the Attorney-General that, in his opinion, no sufficient ground existed for legal proceedings

against the steel corporation, and that the situation had been in no way changed by its acquisition of the Tennessee Coal and Iron Company.

I have thus given to the Senate all the information in the possession of the Executive Department which appears to me to be material or relevant on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department or demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

THE CALENDAR.

The VICE-PRESIDENT. The calendar, under Rule VIII, is in order. The Secretary will state the first business on the calendar.

The bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts, was announced as first in order.

Mr. KEAN. Let that bill go over.

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

The joint resolution (S. R. 74) suspending the commodity clause of the present interstate commerce law was announced as next in order.

Mr. KEAN. Let that go over, also.

The VICE-PRESIDENT. The joint resolution will be passed over, without prejudice, at the request of the Senator from New Jersey.

Senate resolution 93, relating to the reorganization of the Northern Pacific Railroad Company, submitted by Mr. HEYBURN February 6, 1908, and reported by Mr. BURKETT, from the Committee on Pacific Railroads, April 7, 1908, was announced as next in order.

Mr. KEAN. Let that also go over.

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

The bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government, was announced as next in order.

Mr. McCUMBER. I ask that that bill go over.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from North Dakota.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 1 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 8, 1909, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1909.

COLLECTOR OF INTERNAL REVENUE.

George E. Work, of West Virginia, to be collector of internal revenue for the district of West Virginia.

POSTMASTER.

TEXAS.

Jerra L. Hickson to be postmaster at Gainesville, Tex.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 7, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

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

COEUR D'ALENE INDIAN RESERVATION.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill which I send to the Clerk's desk (H. R. 21458), authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the following bill, and that the same be considered in the House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to sell to the State of Idaho, for the use of the Northern Idaho Insane Asylum, land not to exceed in area four sections, to be selected by the governor of the State, within the limits of the Coeur d'Alene Indian Reservation, upon the approval of the Secretary of the Interior, said State to pay therefor, upon receiving a grant thereof, such price per acre as shall be fixed by the Secretary of the Interior. The moneys derived from said sale shall be deposited in the Treasury of the United States for the benefit of the Indians of said reservation.

SEC. 2. That the Secretary of the Interior is hereby authorized, in his discretion, to sell to the regents of the University of the State of Idaho, for the use of said university, land not to exceed 640 acres in area, to be selected by the said regents of the said university within the limits of the Coeur d'Alene Indian Reservation, upon the approval of the Secretary of the Interior, said regents to pay therefor, upon receiving a grant thereof, such price per acre as shall be fixed by the Secretary of the Interior. The moneys derived from said sale shall be deposited in the Treasury of the United States for the benefit of the Indians of said reservation.

Mr. FRENCH. There are three proposed amendments to the bill.

The Clerk read the amendments, as follows:

Page 1, line 11, insert after the word "Interior" the words "but which shall not be less than $2.50 per acre."

On page 2, line 4, insert after the word "Interior" the words "but which shall not be less than $2.50 per acre."

Line 10, page 2, strike out the words "per acre."

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a question for information.

The SPEAKER. Does the gentleman yield?

Mr. FRENCH. I yield.

Mr. UNDERWOOD. Mr. Speaker, I should like to ask the gentleman, first, as to the amendments he proposes to offer. Do these amendments come from the Committee on Public Lands?

Mr. FRENCH. The bill is from the Committee on Indian Affairs, and the amendments have the approval of the chairman of the committee, together with that of the ranking member on the Democratic side. All that the amendment does is to provide a minimum price, below which the land may not be sold. That was the objection raised a couple of days ago when I asked unanimous consent, and this meets with the approval of the Members who raised that objection, as well as the approval of the chairman of the committee and the leader of the Democratic side upon the committee.

Mr. UNDERWOOD. What I wanted to find out was whether the amendment was the gentleman's own amendment or whether it came from the committee.

Mr. FRENCH. Oh, it is my own amendment, with that indorsement.

Mr. UNDERWOOD. The members of the committee have been informed and consent to it?

Mr. FRENCH. The chairman of the committee, together with the leader of the minority side upon the committee.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

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

SALE OF ISOLATED TRACTS OF LAND ON NEZ PERCÉ INDIAN RESERVATION.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the following bill, which I send to the Clerk's desk, and that it be considered in the House with amendments.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the following bill, with amendments, which the Clerk will report, and that the same be considered in the House.

The Clerk read as follows:

A bill (H. R. 19095) authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Percé Indian Reservation.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell at public auction any isolated and unappropriated public lands embraced within the Nez Perce Indian Reservation in the same manner as isolated tracts within the public domain are sold under the general law providing for the sale of isolated tracts: *Provided,* That for agricultural lands purchasers under this act shall pay not less than $3.75 per acre, and for lands valuable for stone and timber they shall pay not less than $5 per acre.

The Clerk read the amendments, as follows:

Strike out lines 3, 4, 5, 6, 7, and the words "the sale of isolated tracts," of line 8, page 1, and insert in lieu thereof the following:

"That the law providing for the sale of any isolated or disconnected tract or parcel of the public domain is hereby extended and made applicable to any isolated and unappropriated public lands embraced within the Nez Perces Indian Reservation."

Mr. MANN. I would like to ask the gentleman if those are the amendments agreed upon yesterday?

Mr. FRENCH. Yes.

Mr. MONDELL. Does the amendment in any way affect the minimum price provided for in the bill?

Mr. FRENCH. Not at all.

Mr. WALDO. Will the gentleman state how much land this bill covers?

Mr. FRENCH. That is hard to get at. There are a few patches here and there. They could be acquired under the homestead law without the payment of a cent. This land has no considerable value, and it is to enable the department to dispose of the land for the benefit of the Indians.

Mr. WALDO. Can not the gentleman give the House some idea of the amount of land to be disposed of?

Mr. FRENCH. We have a general isolated land-tract law applying to all the public lands of the United States. This simply extends the provisions of that law to this reservation, the same as the provision has been made in all of the recent bills opening reservations. The law opening the Nez Perces Reservation was passed fourteen or eighteen years ago, and at that time no provision was made whereby isolated tracts could be disposed of. We want the same law to apply to this as applies to all the other public domain of the United States. There is a minimum number of acres that may be acquired by each individual; it can not exceed 160 acres.

Mr. WALDO. I understand that part of it, but I have failed yet to get an answer to my question whether the gentleman has any idea of how much land he is trying to dispose of.

Mr. FRENCH. I have no definite information upon that point.

Mr. WALDO. Whether it is 100 acres or 1,000,000 acres or 1,000 acres?

Mr. FRENCH. Only a small area. I do not know exactly. The department approves of this bill. There is a general law, as I have stated, providing for the disposition of isolated tracts, which applies to all public lands in the United States. Similar provision has been included in all recent laws opening Indian reservations. That provision was omitted when this bill was passed fourteen or fifteen years ago. We simply want the same law extended to this reservation, with the exception that the committee insist on having a larger minimum price than that which prevailed elsewhere, because the bill as first passed contained a larger minimum price, and it is to meet that.

Mr. WALDO. It seems to me that the gentleman ought to be able to inform the House how much land he is trying to dispose of, or, at least, to give some idea of it.

Mr. FRENCH. I do not see how that bears upon the question, because the isolated land-tract law applies to the entire domain of the United States.

Mr. WALDO. But not to this particular tract?

Mr. FRENCH. No; because it is not regarded as public domain.

Mr. WALDO. It seems to me that before disposing of this land in this reservation we ought to know how much we are trying to dispose of.

Mr. FRENCH. The land within the reservation is practically entirely settled now. There are a few little corners here and there that could be acquired to-day under the homestead law without the payment of a single cent, yet they remain untaken, Because of the fact that the Government can not dispose of these lands, this bill was introduced to try to sell them for not less than $3.75 per acre. The money goes into the Public Treasury.

Mr. WALDO. Can the gentleman inform us whether it is asked for by the department, or some one who desires to acquire all of these tracts?

Mr. FRENCH. The department approves of the legislation.

Mr. MONDELL. Is it not true that all the recent Indian treaties contain a provision which allows just such a sale as this to dispose of these remaining lands after a certain number of years? Since the Government changed its policy in regard to the Indian lands whereby they no longer become the purchaser of the land, but become the agent of the Indians for their sale, it is necessary, if the Indians are to be paid for the odd pieces of not valuable lands remaining after the homesteader takes all he wants, that there shall be some provision whereby the remaining tracts shall be sold. This bill applies to the isolated-tracts law to this reservation as it applies to the same conditions elsewhere on the public domain.

Mr. WALDO. Can the gentleman inform us whether this land now belongs to the Government or to the Indians?

Mr. FRENCH. Why, the land belongs to the Government; yes.

Mr. WALDO. And it is the understanding of the gentleman that the department, in addition to the gentleman's friends who desire to get this land, advise the sale of it.

Mr. FRENCH. The department approves of it in their report, which I have here.

Mr. GAINES of Tennessee. Is this the same bill that the gentleman had up yesterday?

Mr. FRENCH. It is the same bill, with the modification that was made, to meet the objection raised by the gentleman from Illinois [Mr. MANN].

Mr. GAINES of Tennessee. The same changes suggested are now in the bill?

Mr. FRENCH. It contains the exact modification; yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken and the amendments were agreed to.

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

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

The SPEAKER. Without objection, the title of the bill will be amended so as to read "Nez Perces."

There was no objection.

On motion of Mr. FRENCH, a motion to reconsider the votes by which the two foregoing bills were passed was laid on the table.

DETAIL OF RETIRED ARMY OFFICERS.

Mr. SLAYDEN. Mr. Speaker, I call up the following privileged House resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 468.

Resolved, That the Secretary of War be requested to inform the House of Representatives what efforts have been made to carry out the present law looking to the detail of retired officers on certain duties now performed by officers detached from their proper commands or duties in line or staff.

And the Secretary of War is further requested to report the number and grades of officers taken from the active list who are now on duties which, under existing law, could be performed by capable and experienced officers if detailed from the retired list, thereby insuring the return of such active officers to their proper commands or duties.

The SPEAKER. The gentleman reports the resolution from the Committee on Military Affairs?

Mr. SLAYDEN. I do. Mr. Speaker, this resolution simply calls on the Secretary of War for information as to the service now being done by officers of the active list of the army detailed to work not properly in the line of the military vocation. It also asks the Secretary of War to supply the House with a list of the number and grades of officers that are taken from the active list and now on duty which, under the existing law, may be performed by capable and experienced officers on the retired list, and the purpose of it is to see if it be not possible to meet the shortage of active officers in regular military work by detailing, as the law provides, certain officers on the retired list to do that work. The committee passed the resolution unanimously and authorized me to have it called up. If the information to be sent to the House by the Secretary of War is such as I have reason to believe it will be, I think it will obviate the necessity for a large increase in the number of officers on the active list which is being asked for by the War Department.

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

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

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 25392, making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, and pending that motion I ask unanimous consent that the time for general debate be divided equally between the majority and the minority of the House, the time of the minority to be controlled by the gentleman from Texas [Mr. BURLESON], the ranking member of the minority subcommittee, and the time on the majority side to be controlled by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time for general debate be divided equally between the two sides of the House, to be controlled by the gentleman from Michigan and by the gentleman from Texas [Mr. BURLESON]. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I should like to know how much time it is proposed to occupy in general debate.

Mr. GARDNER of Michigan. Mr. Speaker, the time is a little indefinite. There are three or more hours asked for at this moment, and other gentlemen desire to be heard, I am told.

Mr. GARDNER of Massachusetts. How much time can the gentleman give me?

Mr. OLMSTED. The gentleman from Michigan does not ask for any limitation of time.

Mr. GARDNER of Massachusetts. I would like to have half an hour.

Mr. GARDNER of Michigan. Very well.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Michigan that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill.

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

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, with Mr. OLMSTED in the chair.

Mr. GARDNER of Michigan. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to postpone a statement with regard to the bill until just before it is taken up under the five-minute rule—in other words, after the close of general debate. It had been my purpose to call upon the present occupant of the chair to occupy time. Time is now allowed to the gentleman from Pennsylvania [Mr. OLMSTED] of one hour, or such other time as he may choose to occupy.

Mr. OLMSTED. Mr. Chairman, in no parliamentary body on earth is there allowed greater latitude and freedom in debate than in our Committee of the Whole House on the state of the Union. We are permitted to speak upon any and every possible subject. Therefore I may wander from the subject-matter of the pending bill and discuss, to some extent, the rules of this House.

When a Congressman fails to secure the passage of a bill in which some or all of his people are interested he is very apt to go home and say that he could not catch the elusive eye of the Speaker, or that the Committee on Rules sat down upon him, or that by the rules of the House he was so cribbed, cabined, and confined that he could accomplish nothing. As many thousands of bills fall every year without discussion or consideration, these reiterated excuses have had a wide effect, and there has come about a great deal of criticism of the Speaker and the Committee on Rules, but more particularly of the rules themselves—not any particular rule, but just "the rules." They have come to be looked upon by a good many people outside of Congress as framed for the express purpose of preventing legislation and preventing the discussion of proposed legislation. There may be also some gentlemen upon this floor who feel that in some way they are being deprived of some of their rights.

Our present rules are substantially the same as those of the Fifty-first Congress, presided over by Thomas B. Reed. In discussing the question of their readoption by the present Congress when it organized on the 2d day of December, 1907, a very distinguished Democrat is recorded, upon page 8 of the RECORD, as having said:

> We shall hope that the time is not far distant when those who are chosen to represent free men in the greatest legislative body, as we frequently hear, upon the face of the earth shall stand forth in the glory of a noble trust, possessed of the powers of the real Representative, not by permission of anybody, responsible alone to his God above him and his constituents behind him.

Then a little later, upon the 24th of January, 1908, another gentleman upon that side of the House, from the same State, said:

> This is not the place for a lock-step march. It is the place where every man ought to be permitted to express the sentiments of his own people as he understands them, responsible only to the God who observes what he does and to the people who gave him their support.

In the course of the same speech he also said:

> Give these Representatives their rights upon this floor. Let every man have the privilege to rise in his place and present what he chooses for the consideration of this House, and then let that matter be disposed by a free and untrammeled expression of the representatives of the people.

The same gentleman had previously said, on the 5th of March, 1906:

> Every Member of this House who was elected to come here should be allowed to raise his voice and cast his vote in behalf of those measures his people are interested in.

On the 5th of February, 1908, a Member upon this side of the Chamber said, as reported at page 1650 of the RECORD:

> The adoption of the rules places manacles upon the legislative hands of the Member, places a gag upon his tongue and clamps upon his brain for all the purposes of vital legislation in the interest of the people.

Upon that occasion he expended just fifty minutes in fluent speech and graceful oratory in his endeavor to convince us that he had a gag upon his tongue as well as the manacles and clamps referred to. [Laughter.]

Then next we had Mr. Bryan's national convention at Denver, on the 18th of July last, unanimously adopting as one of the planks of his platform the following:

> The House of Representatives, as controlled in recent years by the Republican party, has ceased to be a deliberative and executive body, but has come under the absolute domination of the Speaker, who has entire control of its deliberations and powers of legislation.
>
> We demand that the House of Representatives shall again become a deliberative body, controlled by a majority of the people's representatives and not by the Speaker, and we pledge ourselves to adopt such rules and regulations to govern the House of Representatives as will enable a majority of its Members to dictate its deliberations and control legislation.

But the latest, the most unexpected, and perhaps the most serious attack upon the rules of this House was made by a gentleman whose service here began with my own. In the first year we served upon the same committee, and have been very good friends ever since. In fact, everybody here is his friend. I refer, of course, to the gentleman from Tennessee [Mr. GAINES], who only a few days ago, upon the 15th of last month, said:

> I want to say, gentlemen, I have been a kicker for twelve years, and if I should stay in this Congress until I arrive at the age of 144 years, I would kick against the rules of this or any House that suppress free speech.

[Laughter.]

This is "the most unkindest cut of all," coming, as it does, from a gentleman who, in the first session of the present Congress, delivered no less than 209 speeches, covering the widest possible range of topics, from the Kongo Free State to the postal service on Mount Eagle, Tenn.; from clean money to campaign contributions; from fish culture to ship subsidy; from wood pulp to the Ladies' Hermitage Association; from tariff revision to the prevention of tuberculosis; from fierce and warlike denunciation of the tobacco trust to the tender memories which cluster about the mistletoe bough, in whose defense against the onslaughts of the gentleman from Texas [Mr. BURLESON] he even quoted poetry. [Laughter.] My distinguished and handsome friend not only made 209 speeches himself, but he assisted nearly every other Member in making his.

Having so often overwhelmed us with the whirlwind of his eloquence and his emotions; so often instructed, enlightened, and charmed us; so often intoxicated us by the exuberance of his entrancing and epidictic oratory, he is a living illustration of the fact that free speech is not entirely suppressed—not entirely.

Referring to the Democratic platform, I venture to assert that the present rules do "enable a majority of its Members to dictate its deliberations and control legislation" to a vastly greater extent than any other body of rules ever in force in this House. In the adoption of the so-called Reed rules, which now obtain, the changes from former rules were made with the declared intention of preventing a minority, frequently a very small one, from controlling the time of the House and preventing the transaction of business. They were made for the express purpose of enabling the majority to dictate its deliberations and control legislation. They were adopted in 1890 in the Fifty-first Congress, presided over by Thomas B. Reed. That Congress made, however, only four material changes in the rules as they had previously existed. But those changes were very important.

That some who were not present in those days and have not stopped to look up the history and reason for the changes then made may the more readily understand their necessity, I shall call attention to a few illuminative public statements. For instance, an editorial in the New York Times, published during the last session of the Democratic Fiftieth Congress, contained this language:

> By a gradual process of evolution, the theory that the rules may be properly overturned in the defense of political minority has developed into a doctrine that any minority, however small, on any question pending or likely to come up, may put a stop to all business until a contract is entered into by the majority, or by the Speaker, that some measure of business will not be considered. This is filibustering run mad. The idea that all public business may be stopped because at some future, undefined time the majority of the House may pass a bill which is opposed by a few Members, revolutionizes all theories of the (one line of copy illegible). It places the power of the legislative branch of the Government in the discretion of one man. It offers a bribe to corruption. It is a premium upon indolence and stupidity. A bribe taker may effectively stand in the way of all legislation until

he kills the bill which he is paid to oppose. A lazy or stupid Member may defeat a measure by brute force, simply because he is unable to conduct an honest and intelligent opposition when the measure is under consideration.

On the first Monday of this month it was expected that the public business in Congress would proceed. It was the day on which motions by individual Members to suspend the rules are in order. The proceeding, however, follows the call of States for the introduction of bills. Some weeks since an effort was made to do away with the call of States on Mondays, when motions to suspend the rules are in order. The Committee on Rules reported a resolution to that effect, but the filibusters resorted to dilatory tactics and defeated the attempt. It was the failure of this rule that made it possible for a minority of five to waste a day on which much of importance might have been accomplished. * * *

Five men controlled the House and prevented legislation which two-thirds of the members favored. Never before had the art of obstruction reached such perfection. Government by the minority was in the ascendant, and the minority was so small that the next step in the evolution of Mr. Randall's theory is irresistible. Unless the evil which prevailed on the first Monday of February is cured, the time is soon coming when all legislation in the House of Representatives must be by unanimous consent, which is possible only in the case of unimportant bills or of universal log-rolling schemes.

That is the kind of "deliberative body" which the Denver platform demands that the House shall "again become." Here is a sample of that kind of deliberation, from the CONGRESSIONAL RECORD of January 9, 1889:

HOUSE OF REPRESENTATIVES.

Wednesday, January 9, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. Milburn, D. D.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will read the Journal.

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

The SPEAKER. The gentleman will state it.

Mr. WEAVER. Clause 1 of Rule I provides that—

"The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the Members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same."

I make the point of order that the Journal can not be read until it is ascertained that a quorum is present.

The SPEAKER. That point of order was made during the last session of Congress and the Chair sustained it. It is not only a rule of the House, but the Constitution itself provides that it shall require a majority of the Members-elect to transact business; and the reading and approval of the Journal is the transaction of business, because the Journal is nothing more than memoranda made by an officer of the House, until it is approved by the House.

The Clerk will call the roll.

The roll was called, and the following Members answered to their names:

(Here follows the list of names, which it took forty-five minutes to call.)

The SPEAKER. Two hundred and three gentlemen are present, and there is a quorum.

Mr. WEAVER. I move the House adjourn; and pending that motion, I move that when the House adjourn to-day it be until Friday next.

Mr. RANDALL. I suggest that the roll call, as directed by the Speaker, was for the purpose of knowing whether there was a quorum present, and when the Speaker found a quorum present the next requirement is that the Journal be read.

The SPEAKER. The requirement is, the Speaker shall direct that the Journal be read. The Chair thinks the House may adjourn to prevent the reading of the Journal at any time it thinks proper. Such motions have been made before, and the House has adjourned without the reading of the Journal.

The question was taken on adjournment until Friday; and the Speaker announced that the noes seemed to have it.

Mr. WEAVER. Division.

The House divided; and there were—ayes 3, noes 139.

Mr. WEAVER. No quorum.

The Chair appointed Mr. WEAVER and Mr. CRISP as tellers.

Mr. JACKSON. I demand the yeas and nays.

Mr. CRISP (to Mr. JACKSON). Do not do that; we will get a quorum presently.

Mr. JACKSON. I will withdraw the demand for the yeas and nays.

After some time spent in counting, the tellers reported—ayes none, noes 139.

The SPEAKER. No quorum has yet voted.

The tellers continued the count, and finally reported—ayes none, noes 163.

So the motion that when the House adjourn to-day it adjourn to meet on Friday next was disagreed to.

Mr. WEAVER. I move that when the House adjourn to-day it be to meet on Saturday next.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WEAVER. Division.

The House divided; and there were—ayes none, noes 115.

Mr. WEAVER. No quorum.

Mr. WEAVER and Mr. CRISP were appointed tellers.

The House again divided; and the tellers reported—ayes none, noes 106.

The SPEAKER. No quorum has yet voted.

Mr. GROSVENOR. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I want to know whether during the attempt to obtain a quorum it would be in order for Mr. CRISP to address the House on the rights of a minority being protected under our form of government. [Laughter.]

The SPEAKER. It would not.

The tellers again reported—aye 1, noes 163; so the motion to adjourn till Saturday was not agreed to.

Mr. WEAVER. I move that when the House adjourn to-day, it be to meet on Monday next.

Mr. CRISP. I make the point of order that that is more than three days.

The SPEAKER. It is four days.

Mr. WEAVER. Then I move that the House take a recess until half past 2 o'clock.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WEAVER. Division.

The House divided; and there were—ayes 3, noes 153.

Mr. WEAVER. No quorum.

Mr. WEAVER and Mr. CRISP were appointed tellers.

The House divided; and the tellers reported—ayes none, noes 90.

The SPEAKER. No quorum has yet voted.

Mr. REED. Mr. Speaker, I would like to inquire of the gentleman from Georgia [Mr. CRISP] whether there is anything else that can be done to protect the rights of the minority. [Laughter.]

Mr. CRISP. Mr. Speaker, the gentleman from Georgia has said nothing to indicate that he was at all objecting to this.

Mr. PAYSON. How does the minority feel about it?

Mr. ROGERS. There is no minority.

Mr. WEAVER. This is a fight for the rights of the majority.

Mr. PAYSON. I think we ought to be advised as to how "the minority" himself [Mr. WEAVER] feels as to his own situation. [Laughter.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of a bill and joint resolution of the following titles:

A bill (H. R. 9211) for the relief of Jesse Durnell; and

Joint resolution (H. Res. 246) authorizing the Secretary of War to loan to the committee on inaugural ceremonies flags, etc.

It also announced disagreement to the amendment of the House to the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua, asked a conference on the disagreeing votes of the two Houses, and had appointed as managers of said conference on its part Mr. Sherman, Mr. Edmunds, and Mr. Morgan.

It further announced the adoption of a resolution, in which the concurrence of the House was requested, for printing the report of the National Academy of Sciences for 1887.

ORDER OF BUSINESS.

The SPEAKER. Upon the pending question, the tellers report—ayes 2, noes 161. The noes have it and the motion is not agreed to.

Mr. WEAVER. I move that the House take a recess until half past 1 o'clock.

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. WEAVER. I ask for a division.

The House divided; and there were—ayes none, noes 81.

Mr. WEAVER. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Georgia [Mr. CRISP] and the gentleman from Iowa [Mr. WEAVER].

The House divided; and the tellers reported—ayes none, noes 117.

The SPEAKER pro tempore [Mr. HATCH]. No quorum has voted. There is evidently a quorum present in the House, and the Chair hopes members will come forward and vote.

Mr. STEELE (at half past 1 o'clock p. m.). Mr. Speaker, I make the point of order that the time named in the pending motion to take a recess has arrived, and that the motion therefore falls, and I now call up the bill (S. 944) to increase the pension of Mrs. Elizabeth Scott.

Mr. WEAVER. Regular order.

The SPEAKER pro tempore. The Chair will state to the gentleman from Indiana [Mr. STEELE] that the House is dividing and no quorum has voted.

Mr. STEELE. But the time during which it was proposed that the House should take a recess has expired.

The SPEAKER pro tempore. The question is under consideration, and it is for the House to determine. The Chair will again remind members that no quorum has voted. There is obviously a quorum present and the Chair hopes that gentlemen will come forward and vote and make a quorum.

Mr. STEELE. But the hour to which the gentleman from Iowa [Mr. WEAVER] moved to take a recess having expired is it not in order to make that point?

The SPEAKER pro tempore. That is a matter for the House to determine. The Chair will state to the gentleman [Mr. STEELE] further that even if that question were determined his motion would not be in order, because the Journal of yesterday's proceedings has not yet been read. No motion is in order until after the Journal has been read.

Mr. STEELE. I wish to discuss that point of order, but I yield now to my friend from Michigan [Mr. BREWER].

The SPEAKER. The gentleman is not in order.

Mr. WHITE of New York. Mr. Speaker, would it be in order to inquire if protection to the rights of the minority is the palladium of our liberties to-day? [Laughter.]

The SPEAKER pro tempore. The Chair does not think that is a parliamentary inquiry. If members who are present desire that the business of the House shall proceed they will come forward and vote and make a quorum. It is for them to determine whether the business of the House shall be blocked in this way or not.

The tellers reported—ayes none, noes 152.

Mr. WEAVER. No quorum.

Mr. MCCREARY. I move a call of the House.

Mr. MCCULLOGH. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCCULLOGH. When a motion is made, and upon a vote the ayes are none, does not the motion fail?

The SPEAKER pro tempore. Not unless there is a quorum. The gentleman from Iowa [Mr. WEAVER] insists upon the point that no quorum has voted. The question is on the motion of the gentleman from Kentucky [Mr. MCCREARY] that a call of the House be ordered.

A call of the House was ordered—ayes 73, noes 5.

The roll was called, when the following Members failed to answer to their names:

(Here follows the list of names again, the calling of which took another forty-five minutes.)

The SPEAKER pro tempore (Mr. HATCH). The roll call discloses the presence of 232 Members, being more than a quorum.

Mr. MCCREARY. As a quorum is present, I move to dispense with further proceedings under the call.

The motion of Mr. MCCREARY was agreed to.

Mr. WEAVER. I move that the House take a recess until forty minutes after 2 o'clock.

The SPEAKER pro tempore. There is already a motion pending which must be determined. The tellers will resume their places. The question is on the motion submitted by the gentleman from Iowa [Mr. WEAVER] that the House take a recess until half past 1 o'clock to-day.

Mr. WASHINGTON. I make a point of order——

The SPEAKER pro tempore. The point of order which the Chair understands the gentleman desires to make has already been overruled. This is a question which must be determined by the House.

Mr. WASHINGTON. I call the attention of the Chair to the fact that it is now 2 o'clock.

The SPEAKER pro tempore. That is a matter for the House. The motion having been made must be voted upon. The House is dividing on the question.

Mr. WEAVER. I make the point that the vote must now be taken de novo.

The SPEAKER pro tempore. The Chair so holds.

Mr. BUCHANAN. I rise to a parliamentary inquiry. I understand the pending motion is that the House take a recess until half past 1 o'clock.

The SPEAKER pro tempore. It is.

Mr. BUCHANAN. It now being half an hour past that time, what would be the effect of this motion if adopted?

The SPEAKER pro tempore. The Chair will determine that when the House votes upon the proposition.

Mr. BUCHANAN. But my point is this: If the motion were adopted, would it not throw us over until half past 1 o'clock to-morrow? I ask the question in good faith.

The SPEAKER pro tempore. The Chair will state to the gentleman from New Jersey that such would not be the effect.

The House again divided; and after some time the tellers reported—ayes 1, noes 162.

So the motion of Mr. Weaver was not agreed to.

Mr. WEAVER. I move that the House take a recess until fifteen minutes past 3 o'clock.

The SPEAKER (having put the question). The noes seem to have it.

Mr. WEAVER. I call for a division.

The question being again taken, there were—ayes 3, noes 34.

Mr. WEAVER. No quorum.

Mr. CRISP. I call for the yeas and nays.

The yeas and nays were ordered, 48 voting therefor.

So the question was taken; and it was decided in the negative—yeas 3, nays 184, not voting 136, as follows:

(Here follows the list of names again, another forty-five minutes having been consumed in calling them.)

So the House refused to take a recess.

During the roll call,

Mr. Crisp moved that the second reading of the names be dispensed with.

Mr. Weaver objected.

The following pairs were announced:

Until further notice, on all political questions:

* * * * * * *

The vote was then announced as above recorded.

Mr. WEAVER. I have no objection to the Journal being read.

The SPEAKER. The Clerk will read the Journal.

The Journal of yesterday's proceedings was read and approved.

A quorum was present all the time, but enough Members, by refusing to answer to their names, made it possible that two men could, and did, hold up the entire House for more than three hours before they would permit even the reading of the Journal of the previous day's proceedings. It was after 3 o'clock before there could be had a final vote upon a motion to take a recess until half past 1. [Laughter.] And yet it is demanded that the House "again become a deliberative body" of that kind.

A majority of Republicans had been elected to the Fifty-first Congress, which was about to assemble in December, 1889. On the 7th of October in that year the following appeared in the Washington correspondence of the New York Sun:

CONGRESSMAN MILLS ON THE SITUATION—A WISE, SAFE, AND TRULY DEMOCRATIC PROGRAMME ANNOUNCED BY THE TEXAS STATESMAN.

WASHINGTON, *October 6.*

Hon. Roger Q. Mills, of Texas, is in the city. It is the first time that Mr. Mills has been here since the adjournment of Congress. He is looking well and claims to be cheerful. While Mr. Mills will not be the leader of the Democratic side during the coming session, the chairman of the Ways and Means Committee will surely be heard from.

In conversation to-day, Mr. Mills said that though in the minority the Democrats were fully conscious of their power, and would use it. "We do not propose," said he, "that the Republican majority shall pass a single measure without our consent * * *. In other words, we propose to exercise the control of the House just as much as though we were still in the majority, because we know our minority is strong enough to make us the virtual rulers.

Whether or not Mr. Mills uttered those words, he and others certainly endeavored to carry out that programme. They were defeated by changing the rules so as to give the majority control.

Under the old rules it frequently happened that more time was taken up with roll calls than with debate; more by dilatory motions than in the transaction of the public business. One hundred or more gentlemen might be present, some or all making motions to adjourn, points of no quorum, calls for the yeas and nays, etc., and yet when the roll was called, refusing to answer, they were treated as not present. Though actually present, they were constructively absent, and a full quorum had to be obtained without them, although they sat there in their seats.

It was stated in debate, and not denied, that in the Fiftieth Congress one Member, Mr. Weaver, of Iowa, had for three days, under the rules of the House, stood out against 324 Representatives, and virtually said to them that they should not enact any matter of legislation unless they first agreed with him that a certain bill in which he was interested should be considered. Upon one occasion business had been delayed by alternating 128 times the motions to adjourn and to adjourn to a certain time. Conditions had become absolutely intolerable. Therefore it was that in the Republican Fifty-first Congress the House made certain amendments. The substantial and important changes made in the rules at that time were:

First. The prevention of dilatory motions.

Second. Counting of quorum.

Third. Making 100 a quorum in Committee of the Whole.

Fourth. Daily order of business under Rule XXIV.

The rule as then made, and now existing, is that "no dilatory motion shall be entertained by the Speaker." It was, and is, also distinctly provided that Members present but not voting shall nevertheless be counted in making up the constitutional quorum. These two changes were looked upon by the Democrats of that day as tyrannous. Because of his advocacy and enforcement of them, Speaker Reed was denounced as a "czar," and much more roundly abused than the present Speaker has ever been. These two were the only changes made in the past fifty years enlarging the power of the Speaker. He has the power to determine when a motion shall be considered dilatory. It is not, however, a power which can be used to suppress legislation. The Speaker can not, by declaring any motion dilatory, prevent or retard the passage of a bill. On the contrary, the object and effect of placing this power in his hands is to prevent the unnecessary and intentionally wasteful consumption of time, to prevent unfair obstruction, and to put it within the power of the majority to legislate.

The provision for counting a quorum is equally imperative and important. This is a very large body. The Constitution requires a majority of all its Members to constitute a quorum. It was an outrageous proposition which so long obtained that Members physically present, taking part in debate and demanding roll calls, could by sitting mute when their names were called break a quorum without leaving their seats, and thus delay legislation.

The Supreme Court of the United States has sustained the constitutionality of counting all Members present in ascertaining a quorum, and nobody would be willing to go back to the old plan.

The third important change was in making 100 a quorum in Committee of the Whole House. Under the old rules the requirement of a majority of the entire membership, and the use of dilatory motions, had made the transaction of business in Committee of the Whole at times impossible.

THE MAJORITY IN CONTROL ALL THE TIME.

The fourth change, being in the order of business, as prescribed by Rule XXIV, gives the majority much greater opportunity than it had before to reach such business as it desires to transact. This rule is apparently so much misunderstood, or rather so little understood, that I insert it here as part of my remarks:

RULE XXIV.

ORDER OF BUSINESS.

1. The daily order of business shall be as follows:

First. Prayer by the Chaplain.

Second. Reading and approval of the Journal.

Third. Correction of reference of public bills.

Fourth. Disposal of business on the Speaker's table.

Fifth. Unfinished business.

Sixth. The morning hour for the consideration of bills called up by committees.

Seventh. Motions to go into Committee of the Whole House on the state of the Union.

Eighth. Orders of the day.

2. Business on the Speaker's table shall be disposed of as follows:

Messages from the President shall be referred to the appropriate committee without debate. Reports and communications from the heads of departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committee in the same manner and with the same right of correction as public bills presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House be disposed of in the same manner on motion directed to be made by such committee.

3. The consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

4. After the unfinished business has been disposed of the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of committees before the House passes to other business he shall resume the next call where he left off, giving preference to the last bill under consideration: *Provided,* That whenever any committee shall have occupied

the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.

5. After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill, to which motion one amendment only, designating another bill, may be made; and if either motion be determined in the negative it shall not be in order to make either motion again until the disposal of the matter under consideration or discussion.

6. On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and if this motion fails, then public business shall be in order as on other days.

I call particular attention to the sixth and seventh clauses of the first paragraph. As the standing committees are called in regular order, and one of them calls up a bill, any gentleman who desires that it shall not at that time be discussed can raise the question of consideration. The question would then be put by the Speaker (as provided in Rule XVI), "Will the House now consider the bill?" Should a majority vote in the negative, the call of committees would be proceeded with, and other bills called up might be similarly treated until the desired bill could be reached.

At the end of the call of committees any Member may move to go into Committee of the Whole House on the state of the Union for consideration of bills on the Union Calendar, or for the consideration of a particular bill, when authorized by a committee. Another Member, preferring another bill, could move it by way of a substitute amendment. If a majority desired to take up either bill, they would vote accordingly; but if not, then a vote in the negative would end that matter, and a motion to go into Committee of the Whole House on the state of the Union to consider some other bill would be in order.

We have certain days for suspension of the rules and every Friday it is in order to go into Committee of the Whole House for bills on the Private Calendar. But the majority may rule otherwise and take up public business, if it shall so prefer. This is a very flexible rule, well intended to place the business of the House within the control of the majority of its Members. The business is within the control of the majority all the time.

Mr. GARDNER of Massachusetts. Before the gentleman gets off the subject of the change of order of business in the Fifty-first Congress, I want to ask him whether it is not true that in providing for the new form of order of business it was also provided that it was in order for any committee that had reported a bill to move to suspend the rules and fix a day for its consideration, such motion to be carried by a majority vote?

Mr. OLMSTED. Well, it is not in the rules now.

Mr. GARDNER of Massachusetts. It is not in the rule, and has not been since the Fifty-first Congress.

Mr. OLMSTED. I do not remember that I stated that it was.

Mr. GARDNER of Massachusetts. But if the gentleman will excuse me, the gentleman said that the Reed rules as adopted in the Fifty-first Congress were substantially those of to-day.

Mr. OLMSTED. Substantially.

Mr. GARDNER of Massachusetts. He does not think it an important thing whether a committee shall have power to move to suspend the rules and fix a day for consideration of a bill they have reported.

Mr. OLMSTED. Why, the chairman or any member of the committee can make a motion of that kind.

Mr. GARDNER of Massachusetts. But it has to be carried by a two-thirds vote, while only a majority vote was required under the Reed rule.

Mr. OLMSTED. If he wants it to go to a future day he need not call it up to-day at all. He can let the call go to the next committee and call up the bill for consideration when his committee is needed again. No two-thirds vote is required for that.

Mr. GAINES of Tennessee. Will the gentleman allow me to interrupt him?

Mr. OLMSTED. Certainly.

Mr. GAINES of Tennessee. Do you think the Speaker should say, "No, Mr. GAINES" or "Mr. OLMSTED," "I will not recognize you to bring up that bill," and by that refusal deny the House, and, I may say, deny the Senate, the right to consider that bill and pass it or not pass it on its merits? That is what I have been kicking against.

Mr. OLMSTED. That is a very pertinent question, and I will endeavor to answer it a little later.

Mr. GAINES of Tennessee. That is why I have made 200 or 300 speeches, as the gentleman estimates, and I would make 5,000,000 of them before I would finally surrender to that way of doing.

Mr. OLMSTED. If I overlook it, I hope the gentleman will again bring it to my attention.

Now, just a word as to the power of the Speaker under the old rules.

POWER OF THE SPEAKER UNDER THE OLD RULES.

In advocating the changes in the Fifty-first Congress, a distinguished Member, who had seen long service, said:

Before I refer to these rules particularly I want to say that for many Congresses I have sat in my place as a Member of the House and have seen, under the rules of former Houses, the Speaker, frequently without the aid of even a minority of one but frequently with the aid of a minority of one, or at least of a small minority, absolutely hold at arm's length the great majority of the Representatives of the people upon both sides of the House. So far as former Congresses are concerned, especially those of recent date, you may search the whole range of parliamentary history and nowhere in any English-speaking country will you find such instances of absolute power as that exercised by the Speaker of those Congresses under the code of rules which then prevailed, with or without the aid of a minority of the House of Representatives.

The old rules placed in the hands of the Speaker more power to prevent, the new rules more power to expedite, legislation.

The adoption of these changes was upon the one side styled "tyrannical." The other contended that, if so, it was the tyranny of the constitutional majority of the House and preferable to the tyranny of an irresponsible minority, sometimes consisting of only one Member, which made it impossible to carry out the theory of majority rule, upon which our Constitution and form of government are based.

There was no misunderstanding or doubt as to the object and effect of these changes in the rules. Mr. Mills, of Texas, who led the opposition, admitted that upon one occasion a minority had held the majority at bay by alternating 128 times the motion to adjourn and the motion to fix a day to which the House should adjourn. He said:

Pass these rules and there remains no limitation of the power of the majority.

Well, they were passed, and they are the rules of the House to-day. The entire Democratic party upon this floor voted against them because they put it in the power of the majority to do business, and yet so ignorant of their operation and effect were the members of Mr. Bryan's Denver convention that they, in their platform, demanded that this House "shall again become a deliberative body, controlled by a majority of the people's Representatives." "Again" must refer to conditions before the adoption of the present rules, to which conditions neither this House nor the country would be willing to return.

DEMOCRATIC INCONSISTENCY.

While some of our Democratic friends are complaining that even now all desired legislation can not be reached for consideration, I call their attention to the change in their position since 1890, when they were led by Mr. Mills, who said upon this floor, during the discussion of these changes:

They (the people) do not want a great library of laws passed. Our fathers built this Government upon the theory that the people who are least governed are best governed; that the fewer the laws, the better. * * * We believe with our fathers that we do not want many laws and we do not want them rapidly made.

And he quoted approvingly Henry Thomas Buckle, the author of the "History of English Civilization," who had laid it down as a rule that there is but one wise act that any legislative body can pass, and that is an act to repeal some former act.

Mr. Chairman, when our Democratic brethren are in the minority they kick against these rules; when they are in the majority, they adopt them. It was perhaps the proudest moment in the life of Thomas B. Reed when, as the leader of the minority in a subsequent Congress, presided over by Speaker Crisp, he made it impossible for the majority to do business under the old rules and compelled the adoption by that Democratic Congress of the very rules against which the recent Democratic national convention ignorantly inveighed. If they were again in the majority, they would again adopt these rules substantially as they now exist.

It is undeniable that their object and effect has been, and is, not to take power from, but to give it to, the majority in this House.

RESULTS COMPARED.

The Republicans advocated and adopted the changes in 1890, because they gave additional power to the majority. The Democrats opposed them for that very reason.

That the present rules do not retard but, on the other hand, do expedite business, readily appears from the RECORD.

Under the old rules the Forty-ninth Congress (1885–1887), sitting three hundred and thirty days, passed 424 public and 1,031 private acts and resolutions, a total of 1,455.

The Fiftieth Congress (1887–1889), under the old rules, sitting four hundred and twelve days, passed 570 public and 1,257 private acts and resolutions, a total of 1,827.

The last, or Fifty-ninth Congress (1905–1907), sitting only three hundred days, under the present rules, passed 774 public and 6,249 private acts and resolutions, a total of 7,023.

That these rules have not curtailed debate may be gathered from the pages of the CONGRESSIONAL RECORD itself.

The debates of the Forty-ninth Congress, sitting three hundred and thirty days, occupied 11,592 pages of the CONGRESSIONAL RECORD.

The Fiftieth Congress, sitting four hundred and twelve days, occupied 13,205 pages, largely taken up with lists of yeas and nays.

The Fifty-ninth Congress, sitting three hundred days, covered 14,490 pages, comparatively few of them being taken up by calls of the yeas and nays. In the matter of debate, as well as in legislation accomplished, the advantage is clearly with the present rules.

Mr. GAINES of Tennessee. Will the gentleman yield? How many of those bills were pension bills?

Mr. OLMSTED. None of the 774 public acts were pension bills.

Mr. GAINES of Tennessee. How many were bills to pay just claims against the Government?

Mr. OLMSTED. I do not know how many of them. I assume that they were all just, because they were passed. I presume they were all just bills that were passed.

Mr. COCKRAN. Does the gentleman consider this extraordinary multiplicity of laws a proof of merit of the system that facilitates their enactment?

Mr. OLMSTED. It is at least a denial of the proposition that by the present rules legislation is prevented. Whether or not it is desirable to prevent it is another question.

Mr. HULL of Iowa. He is discussing the platform now.

Mr. GAINES of Tennessee. One more question, since the gentleman has alluded to me pretty generally—and that is all right. The gentleman has quoted from Mr. Mills the old doctrine that that people is best governed that is least governed. Does the gentleman approve of that?

Mr. OLMSTED. I am not discussing that question.

Mr. GAINES of Tennessee. You quoted it. Do you approve that?

Mr. OLMSTED. A discussion of that would carry me too far. I am not called upon to approve Democratic doctrines.

Mr. GAINES of Tennessee. You quoted a Democrat.

Mr. OLMSTED. I quoted him as against you. [Laughter.]

Mr. GAINES of Tennessee. Now I quote your own reading against you.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. GAINES of Tennessee. Just a moment more. If that Democratic doctrine was good when pronounced, then it is good to-day, and it is a reason why we should not give so much power to the Speaker, whether a Democrat or a Republican, to govern this House and thereby govern the people of this country.

Mr. OLMSTED. If you want to stop legislation, go back to the old rules. They certainly did put it in his power to prevent it to a great extent—much greater than the present rules.

Mr. DE ARMOND. Will the gentleman yield for a question?

Mr. OLMSTED. I will yield to the gentleman from Missouri.

Mr. DE ARMOND. Is not the objection, not that there are not a sufficient number of bills passed, but that the Speaker is clothed with and exercises the power to determine what bills shall not have an opportunity to pass—what bills shall not have a chance for consideration? Is not that the objection?

Mr. OLMSTED. That is a pertinent query to which I will come very soon, and if I overlook it I will be glad to be reminded of it. I prefer to reach it in the order as arranged in my mind.

WHY EVERY MEMBER CAN NOT SPEAK AT PLEASURE AND HAVE ALL HIS BILLS CONSIDERED—A MANIA FOR LEGISLATION.

But, it will be asked, Why is it—if the present rules do tend to expedite business—why is it that every Member can not have an opportunity to rise in his place "not by the permission of anybody, but responsible alone to his God above him and his constituents behind him," and "present what he chooses for the consideration of this House? The only way to accomplish that would be for all of us to speak at once and consider all our bills simultaneously. Speaking one at a time and considering one bill at a time it can not be done under any rules. Life is too short.

The trouble lies in the large number of Members, one having just as much right to be heard as another, and in the overwhelming number of bills.

The American people seem to have a perfect mania for legislation.

Not only are there 46 state legislatures grinding out laws, but we are expected to pass more than all of them combined.

The business before Congress has doubled within the past ten years.

There were more than 4,300 bills offered in this House upon the opening day of this session.

In the last, or Fifty-ninth, Congress there were offered in this House 25,897, and in the Senate 8,627 bills, a total of 34,524.

In the present Congress at the close of business on the 5th of January there had already been offered in the House 26,127, and in the Senate 8,594 bills and resolutions, a total of 34,721. And the end is not yet.

We have upon this floor 391 Members and enough Delegates to make in round numbers 400. Knock off a few thousand bills and for convenience call it 30,000.

If we allow an average of one minute for each of the 400 Members to debate each of the 30,000 bills that would allow for debate alone 12,000,000 minutes or 200,000 hours, equal to 20,000 days of 10 hours each. Allow 300 working days to the year and we have 66⅔ years as the requisite time for debate of the pending business. The reading of the bills, roll calls, etc., would carry us beyond three score and ten, the allotted life of man. But the life of a Congress is only two years.

PRIVILEGED MATTERS.

The impossibility of considering all proposed measures and the absolute necessity of passing some of them has made it imperative that certain classes of business shall have the right of way over others. The Government itself could not continue without appropriations for the expenses of its various departments. The great appropriation bills, therefore, are and must be given precedence over other business. The rules provide that reports from the committees having these bills in charge may be presented and the bills themselves be in order at any time after the reading of the Journal. These bills call for more than a billion of dollars in every session of Congress. Perhaps no greater duty is imposed upon us than that of carefully scrutinizing and pruning down in the interest of economy these vastly important and often exceedingly complicated measures. This takes time. We have seen sometimes five or six weeks consumed in the consideration of a single appropriation bill.

The appropriations when made can not be paid unless the Government Treasury be supplied with revenue for that purpose. Therefore, reports and bills from the Ways and Means Committee are always in order after the reading of the Journal, unless interfered with by some matter even more highly privileged.

Business reported from the Elections Committees touching the rights of Members to their seats are privileged, and so are matters touching the rules and order of business when reported by the Committee on Rules.

The business of the Committee on Enrolled Bills is, of course, privileged, and conference reports touching matters in dispute between the two Houses. Then we have questions of personal privilege, touching the rights, safety, dignity, or integrity of the proceedings of the House collectively, or the rights, reputations, or conduct of Members individually. These are most highly privileged, having precedence of all other questions, except a motion to adjourn.

A resolution of inquiry addressed to the heads of any of the executive departments of the Government, having been referred to the appropriate committee, becomes privileged, unless reported to the House by that committee within one week.

All these matters, and others which might be mentioned, consume a great amount of time and take precedence of the great mass of pending bills of other kinds. The Speaker is required, and never fails, to recognize anyone calling up any of these privileged matters. Thus it was that a few days ago, when the gentleman from Massachusetts [Mr. GARDNER] rose in his place and called up a resolution he had offered, calling upon the Secretary of State for certain information touching the rules of the British House of Commons, he was at once recognized by the Speaker and the matter taken under consideration.

THE SPEAKER'S EYE.

The Speaker is as much bound by the rules as anybody else. When a Member rises to a privileged matter the Speaker can not, in a parliamentary sense, allow his visual organ to rest upon any Member who may desire to call up a matter not privileged. Hence the familiar inquiry, "For what purpose does the gentleman rise?"

The Speaker's eye is controlled and his vision directed, not merely by the written rules, but also by what may be termed the "common law" of the House. In very many matters he is by the unwritten rule bound to recognize the minority leader in preference to any other Member upon that side of the House,

although they may all be upon their feet clamoring to be heard. He would consider himself equally bound to recognize the chairman of the Committee on Ways and Means, who, by virtue of holding that position, is tacitly considered to be the leader of the majority upon the floor.

In the case of a bill coming from any committee he would recognize the chairman or other committee member reporting the bill before any other Member of the House. He would next recognize the ranking Member of the minority party upon that committee. Other members of the committee would then be recognized in order, unless the committee were practically all in favor of the bill, in which event Members opposed, but not on the committee, would be recognized, alternating with committee members who favored the bill.

The attempt of the Speaker to abrogate these customs would precipitate a riot. My friend from Wisconsin [Mr. COOPER], chairman of the Committee on Insular Affairs, under whom I have the honor to serve, would feel justly outraged if I were recognized in preference to himself upon a matter reported from that committee. In the same way the gentleman from Virginia [Mr. JONES], the ranking Democratic member upon that committee, would be justly offended if he were not recognized next after the chairman.

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

Mr. OLMSTED. Yes. If the gentleman will excuse me for a moment, I will yield.

The eloquent voice of the distinguished gentleman from Iowa [Mr. HEPBURN], chairman of the great Committee on Interstate and Foreign Commerce, whom we all love and admire, would make this Chamber ring with his denunciation of the Speaker if he were to ignore him and prefer another Member of the House in the discussion of a bill reported by him from that committee.

The gentleman from Michigan [Mr. TOWNSEND], who was instructed by that committee recently to report, and was thus placed by it in charge of the bill relating to the appointment of commissions of inquiry in cases of certain labor disputes, was without question recognized by the Speaker, not only to call it up for consideration, but also to be first heard in debate thereon.

From these things it will be seen that in the matter of recognizing gentlemen to call up the most important matters for our consideration and in recognizing Members for debate it is by no means a matter discretionary with the Speaker, dependent upon his choice of the measures they desire to call up, or his preference for one person over another in the matter of debate. This partly answers the gentleman from Tennessee [Mr. GAINES] and the gentleman from Missouri [Mr. DE ARMOND].

Mr. CANDLER. I want to ask where we find the authority in the rules that require us to go to the Speaker's room in advance and ask for his permission to call up the bill upon the floor of the House?

Mr. OLMSTED. Except in the case of local or private bills, nobody need do that. I am just coming to that.

Mr. CANDLER. What is the authority in the rules that justifies any such course as that?

Mr. OLMSTED. As to a certain class of legislation not of general importance there is perhaps a justification in the convenience—I might almost say actual necessity—of the thing. I have already stated that as to the most important matters coming before us, either for consideration or debate, there is no arbitrary exercise of discretion by the Speaker. He decides or recognizes according to the written rules and the common law of the House, to which I have referred. Now, there is a class of business in which he has a wider discretion. That consists of motions for suspension of the rules and requests for unanimous consent to call up bills out of order ahead of all other bills, which can be done only by unanimous consent, any single Member having the right to object.

Mr. CANDLER. Will the gentleman point out in the rules anywhere where the Speaker is authorized to exercise his discretion on the floor of the House in the recognition of a Member?

Mr. OLMSTED. What on earth would he exercise if not his discretion in recognizing a Member when many are clamoring to be heard at the same time? Somebody has to do it. There are 400 of us, and we would all be getting up at once and speaking at once if it were not for the requirement that a Member must be recognized before he can speak. Now, I come directly to the inquiries of the gentleman from Missouri and the gentleman from Tennessee.

There are certain other matters over which, when no privileged questions intervene, the Speaker may, under the rules and the practice, exercise certain power and discretion. These are mostly private or local bills, which, by reason of the great pressure of business, can only be reached by being taken up out of order ahead of all other business, either by unanimous consent or by a two-thirds vote under a suspension of the rules. In recognizing Members to call up such bills the Speaker invariably alternates between the majority and minority sides of the House. Ordinarily he does not recognize any Member to secure the passage of a bill by unanimous consent, unless it is one which has been the subject of a unanimous committee report and is not likely to have opposition or to consume time in debate. It would be unfair to other Members should he do so.

Mr. CANDLER. But——

Mr. OLMSTED. If the gentleman will excuse me, I will try to answer the question he is about to ask. When I first came to Congress I was very indignant at Speaker Reed because he had refused to recognize me to ask for unanimous consent to consider an important measure in which my people were all very much interested. He said, "I am opposed to your bill." "Well," said I, "is it fair, just because you are opposed to it, that it shall not have an opportunity to pass? If I call it up, I may by my eloquence and reasoning persuade the majority of the House that it ought to pass, notwithstanding your opposition." "Yes," he said, "that is all right. You will have that privilege when you reach it in due order; but you are asking to obtain unanimous consent to take it up out of order, ahead of all other legislation. Unanimous consent means that every Member must agree to it, and that a single objection defeats your motion. Any Member has the right to object. Now, I have not lost my rights as a Member by reason of my speakership, and I object now, to save the time of the House. [Laughter.] If I did not object, some other Member would, as the committee's report is not unanimous."

It is only for a few minutes at a time, at irregular intervals, that such motion can be entertained in any event, and I have never known the power of recognition to be arbitrarily or unfairly exercised in the selection either of Members or of bills for unanimous consent. There must be lodged somewhere the right to discriminate, otherwise we should have three or four hundred Members on their feet at every opportunity, each clamoring for recognition for himself and his bill. In England local and private bills can not be introduced at all except upon the recommendation of referees appointed by the Speaker.

Mr. CANDLER. I would like to pursue my inquiry further, if the gentleman will permit.

Mr. OLMSTED. I yield.

Mr. CANDLER. I want to ask under what rule of the House the Speaker is authorized to exercise his discretion in choosing between two Members who may arise at practically the same time on the floor of the House asking for recognition. If one of them rises a little in advance of the other and addresses the Speaker, why should he not recognize that one?

Mr. OLMSTED. Oh, that was thrashed out long ago. Years ago, in the early days, if the Speaker recognized one man somebody else could appeal from that recognition and move that somebody else be heard. But that did not work. There were too many demanding recognition at the same time. It was found better to allow that discretion to rest with the Speaker. It has been left there for the last fifty years, and I apprehend that it will always be.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. CANDLER. Will the gentleman yield?

Mr. OLMSTED. I yield to the gentleman from Mississippi.

Mr. CANDLER. Does the gentleman believe that the rules ought to justify the Speaker in recognizing one man in advance of the others when he arises on the floor of the House, representing the same number of population of the United States that any other Member does, and rises in advance of the other Member?

Mr. OLMSTED. Oh, if it will please the gentleman any better, I will say that the Speaker ought to recognize the whole 400 of us at once and let us all speak.

Mr. CANDLER. Then, the gentleman believes that the Speaker should be left in absolute control of the whole situation on the floor of the House?

Mr. OLMSTED. Oh, no.

Mr. CANDLER. Leaving legislation——

Mr. OLMSTED. He is not left in control of legislation.

Mr. CANDLER. Will the gentleman permit me to ask my question?

Mr. OLMSTED. I have permitted the gentleman to ask quite a number.

Mr. CANDLER. But I have not finished my question.

Mr. OLMSTED. Very well; ask it. I yield.

Mr. CANDLER. I want to ask if the gentleman believes that the Speaker ought to have the power on the floor of this House to absolutely control legislation by refusing to recognize

the representative of the people of the United States of America, for whom he stands on the floor of this House, and in that way direct legislation absolutely according to his own will and power?

Mr. OLMSTED. I do not think that any Speaker ought to have that power or ever did have that power or ever attempted to exercise that power.

Mr. CANDLER. Does not the Speaker exercise that power on the floor of the House at this time?

Mr. OLMSTED. Oh, no.

Mr. CANDLER. I thank the gentleman for his courtesy.

Mr. GARDNER of Massachusetts. Mr. Chairman, I invite the gentleman's attention to Rule XIV, clause 2, which is as follows:

When two or more Members rise at once, the Speaker shall name the Member who is first to speak.

Now, we will suppose the gentleman from Iowa is in charge of the military appropriation bill. It is considered in the Committee of the Whole House on the state of the Union. The committee rises, and the Chairman reports the findings of the Committee of the Whole. The gentleman from Missouri, pending the passage of the bill and after the ordering of the previous question on the passage, moves to recommit with certain instructions. The gentleman from Iowa does not awake to the situation, but springs to his feet when he is prompted and moves to recommit without instructions. Which would the Speaker recognize? I am assuming now where they were not on their feet at the same time—at once. Which does he recognize?

Mr. OLMSTED. Well, I have seen him recognize the gentleman upon the other side of the Chamber.

Mr. GARDNER of Massachusetts. I have never seen him do so.

Mr. OLMSTED. Under the practices of the House, I think he ought to recognize the gentleman in charge of the bill.

Mr. GARDNER of Massachusetts. In spite of the rule which says—

When two or more Members rise at once he shall decide who is first to speak.

Mr. OLMSTED. There is nothing there which abrogates the unwritten rule and general practice that the gentleman in charge of the bill is entitled to the first recognition. I do not think anybody would want that provision abrogated—that unwritten law.

Mr. GAINES of Tennessee. Does the gentleman think the Speaker of this House last session did right to refuse to allow any Member from either side of the House to bring up for consideration a free wood-pulp bill, when a majority of this House wanted to pass a free wood-pulp bill?

Mr. OLMSTED. I will say to the gentleman that if upon his side of the House there had not been so much filibustering by his party last session there would have been opportunity for discussion of a free wood-pulp bill and a good many other bills. [Applause.]

Mr. GAINES of Tennessee. I asked the gentleman seriously, and I know he can answer it seriously. Did the Speaker do right, in that matter, to shut off this House as he did?

Mr. OLMSTED. I think the gentleman from Tennessee did more to shut off business than the Speaker. [Laughter and applause.]

Mr. GAINES of Tennessee. I am opposed to the Speaker, whether Democrat or Republican, having any such power to exercise, and I have opposed it inside the House and out of it.

Mr. SIMS. I would like to ask the gentleman a question.

Mr. OLMSTED. Certainly.

Mr. SIMS. I regard the gentleman as an authority on this question——

Mr. OLMSTED. I do not claim to be.

Mr. SIMS. On the subject of unlimited debate. I recognize that each Member of this House can not speak perhaps as long as he wants, and there must be some limitation, but is it not fair to the country and the House and fair to the proper consideration of the legislation of the House as a whole to have opportunity to use as much time in debating a bill as the Senate has upon the same measure?

Mr. OLMSTED. Why, Mr. Chairman, the House can debate and take all the time it wants. There is nothing in the rules to prevent it, unless a majority of the House decides otherwise. We are in Committee of the Whole House now, and there is no end of debate. We can not stop debate in Committee of the Whole House on the state of the Union when our most important legislation is affected. There is no previous question here. Debate here can be stopped only by rising, going to the House, and there by a vote of a majority of the House in the House itself this general debate can be limited. There is no trouble about debating as long as the majority is willing. Now, one minute upon the subject of recognition to ask unanimous consent for a private bill to be taken up out of order. The Speaker, I think, has the same right to object to unanimous consent that any of us has. He exercises the authority to recognize anybody only in the case, usually, of a bill which has behind it a unanimous committee report and one which would not be likely to involve debate.

Mr. PAYNE. Will the gentleman allow me?

Mr. OLMSTED. Certainly.

Mr. PAYNE. So far as private bills are concerned, as a Member of House I am more to blame than the Speaker is for there not being recognition for unanimous consent, because some six or eight years ago under Speaker Henderson, when private bills were coming up here in the morning, every morning, without an opportunity for the House to consider them, and we having days set apart especially for the consideration of private bills, and having to object to a great many of them after their merits or want of merits had been stated to the House, I notified the Speaker that thereafter whenever recognition was asked for a private bill I should object. "Well," the Speaker said, "that being the case I might as well tell gentlemen that there is no use of their being recognized for unanimous consent on private bills, because objection will be made." He adopted that rule during the remainder of his term—I think he served part of two terms after that—and when Speaker CANNON was elected I told him of the arrangement I had made with Speaker Henderson and the reason why, and then I told him I would object to the consideration of private bills when public business was waiting, but would remand them to their rights—to the days which they had in the House.

Mr. OLMSTED. As I have stated, it is only at irregular times when such motions could be recognized in any event. In England bills of that class could never be introduced at all except by permission of referees appointed by the speaker, so that his power here is apparently less than in the Commons.

COMMITTEE ON RULES.

During the last session a gentleman, speaking of the Committee on Rules, said:

It can nullify all rules. It can even prescribe beforehand the details of a measure to the crossing of a "t" or the dotting of an "i."

There never was a greater mistake. The Committee on Rules, of which the Speaker is ex officio chairman, can not do anything of the kind. It can not change a rule, nor pass a bill, nor prescribe the details of any bill. It may, and occasionally does, report to this House for its consideration a rule or order providing for the taking up of a particular measure of great public importance not among any of the privileged classes of legislation and which, but for some special action giving it precedence over others, would not likely be reached for consideration. When the Committee on Rules reports such an order, the House itself takes action thereon. If a majority vote in its favor, the order suggested by the committee becomes the order of the House. Otherwise it is of no effect. The Committee on Rules merely recommends. Whatever action is taken is the action of the majority of the House. This function of the committee is exercised to expedite and secure legislation, and not for its defeat. A case in point is that of the currency bill, which was taken up and passed at the last session in pursuance of such an order, recommended by the Committee on Rules and adopted by a majority of the House.

The complaints against the Committee on Rules are usually that they do not bring in orders for the immediate consideration of all the other bills in which we or any considerable number of Members are interested. It will readily be seen that if this committee should recommend, and the House should adopt, such orders in favor of many measures, it could be done only by retarding the great volume of absolutely essential legislation privileged under the rules, as I have pointed out. It is, therefore, only in rare and unusual cases that the committee makes a recommendation in favor of a particular measure. If it should make very many of them it would become the duty of the House to vote them down.

What I started out to say, however, is that the functions of the Committee on Rules are not to defeat, but to help to expedite, important general legislation. The powers of this committee are just the same as they have been for many, many years. They were not enlarged by the present rules.

The great controlling reason why we can not all be heard whenever we may wish, and have all our bills called up and considered, lies in the fact that there are so many of us and so many bills that the consideration of all of them is an absolute impossibility within the life of a Congress, or, indeed, within the life of an ordinary human being.

AMERICAN CONGRESS AND BRITISH PARLIAMENT COMPARED.

I have sometimes heard the wish expressed that our rules were more like those of the House of Commons. A distinguished and justly celebrated Englishman, having observed us for a time from the gallery, is reported to have thought our procedure complicated and technical. It occurs to me that some comparison may prove not uninteresting.

Our House of Representatives consists of 391 Members.

The House of Commons contains 670 members.

Our Constitution requires a majority of all our Members, or 196, a quorum, to do business.

In the House of Commons 40 constitute a quorum.

With us if there are less than 196 Members present and the point of no quorum is made, all business is suspended until a quorum is secured.

In the Commons, when a point of no quorum is made and less than 40 members are present, the whole House does not stand idle, but that particular bill stands over until the next sitting, the House in the meantime proceeding to the next bill, unless the point of no quorum is made against that also.

Speaker Reed was called a czar, and his conduct revolutionary, because in determining a quorum he insisted upon counting all Members present, including those who had not voted.

The speaker of the House of Commons is by rule expressly authorized to count a quorum, and to include himself to make a quorum.

The speaker of the House of Commons, like the Speaker of this House, possesses and exercises the power to refuse to put a dilatory motion.

Here a Member desiring to present a bill, either private or public, may do so without permission of anybody. He simply puts it in the basket upon the Clerk's desk, and it is at once referred to the proper committee for its action.

In the House of Commons a member desiring to bring in a public bill must first obtain leave to do so.

Mr. GARDNER of Massachusetts. Is leave ever refused?

Mr. OLMSTED. It is often refused.

Mr. GARDNER of Massachusetts. Not with the present rules.

Mr. OLMSTED. He must move for such leave at the commencement of public business, on Tuesdays and Wednesdays. If the motion is opposed, it is optional with the speaker whether debate shall be allowed.

If the main object of a bill is to impose a charge upon the public revenues of the United Kingdom or upon the people, or to appropriate any money so charged, or to release or compound money due the Crown, its introduction must be authorized by the Committee of the Whole House and agreed to by the Crown.

Our rules, as I have already explained, allow a certain privilege or precedence to revenue and general appropriation bills and certain other matters.

In the House of Commons government business has precedence at every session, with certain specified exceptions. The government arranges the order of its own business as it sees fit, and His Majesty's managers have the right to place its orders of business in the orders of the day.

When private bills are reached, unopposed private bills have precedence of opposed private bills.

Here there is no restriction upon the presentation of private or local bills, but it is a very difficult thing to secure the introduction of one in the House of Commons or the House of Lords. Before such a bill can even be introduced there must be presented a petition setting forth the character and terms of the proposed measure. Even before that can be done there must have been compliance with the terms of no less than 68 standing orders, the filing of notices to the various departments or municipalities, corporations or individuals which are or may be interested in the bill, etc. All these 68 standing orders must have been complied with before December 17. Upon the 18th of January examiners appointed by the Speaker begin the examination of the petitions for the introduction of such bills. Before these examiners there must be made specific proof of compliance with each one of the 68 standing orders. The promoters of private bills are heard by the examiners; usually by agents or by counsel.

If the examiners appointed by the Speaker find that the 68 standing orders have been complied with, the bill then goes before referees appointed by the Speaker. The real fight on a private bill is before these referees. Counsel and parliamentary agents are heard by them. If they finally grant the petition, then, and not until then, may the bill be introduced into the House. Even then the presiding officers of the two houses and their counsel have supervision over them and meet and determine which of them shall be offered in the House of Lords and which in the House of Commons, so that there may be no duplication.

Sir Thomas Erskine May, in the eleventh edition of his Parliamentary Practice, published in 1906, says:

The persons by whom the promotion of private bills, and the conduct of proceedings upon petitions against such bills, are actually carried out, are parliamentary agents; and the conference between the two chairmen or their counsel in January is attended by the agents concerned in the bills proposed to be introduced into either house.

When the bills have finally passed the examiners and the referees and have been introduced into the House, the order in which they shall be taken up for consideration is determined by ballot.

The proceedings with reference to the introduction and passage of a private bill are so complicated that no one would think of attempting to secure such an enactment without the aid of a parliamentary agent, and would usually require counsel also.

Volumes have been written upon parliamentary practice with relation to private bills.

FEES FOR PASSAGE OF PRIVATE BILLS.

Very heavy fees are charged and taxed as costs by the proper officers in the House of Commons and in the House of Lords.

Wheeler's Practice on Private Bills, published in 1900, shows that the fees to be paid upon deposit of the petition is £5; that there must be paid £5 for each day occupied by the examiners; £5 upon the presentation of the bill in the House; £5 upon the first reading of the bill; £15 on second reading of the bill; £15 upon report from the committee; £15 on third reading; and £10 for each day's sitting of referees. There are certain other fees, so that the average to be paid in the House of Commons for each such bill is not less than £100, or $500. To the House of Lords about the same amount of fees must be paid.

Gentlemen who complain that through failure to obtain recognition or otherwise they fail to get their private or local bills through this House may receive some consolation from considering these difficulties in the House of Commons.

The methods of procedure and the difficulties in the way of introducing public bills in the House of Commons, and the still greater difficulties and great expense attendant upon the introduction and passage of private bills, all tend to lessen the flood of legislation, so that the British Parliament is not called upon to consider one-twentieth part of the business which presses upon us in the American Congress.

Through the power of appointment of examiners and referees it seems to me that the power of the speaker over that class of legislation is greater than that possessed by the Speaker of this House.

Mr. LANDIS. Who pays that expense?

Mr. OLMSTED. The person who wants to get the bill passed. These fees or costs are for local or private bills, like our bills permitting a railroad to cross a navigable river, and every kind of private bill.

Mr. WILLIAMS. Local bills, are they not?

Mr. OLMSTED. Yes; certainly.

Mr. HARDWICK. I do not understand the gentleman to consider that in the British House of Commons £100, or $500, is charged in fees for a public bill?

Mr. OLMSTED. Oh, no; not on a public, general bill. On those there are no fees at all. Now, in the matter of debate over there.

DEBATE.

As a general proposition there is not as much freedom of debate in the House of Commons as in this House. Recognition by the speaker is as essential there as here. Formerly, if the speaker in the Commons recognized one member, a motion might be made that another member should speak. That was not found satisfactory, and now the question of recognition is there, as here, left entirely with the speaker. When recognized by the speaker, a member of the House of Commons must at all times confine himself to the question before the House. If he does not he is very promptly called down. He is not permitted to read his speech or to read from books or papers. If he speaks tediously or with iteration or reiteration it is held not to be not only within the authority but also the duty of the speaker to call him to order and compel him to discontinue. Just think of that! The speaker may stop a man if he speak tediously. [Laughter.] I fear that I should be called down before concluding these remarks.

A member there may not even discuss, or refer to, another pending bill. He must stick closely to the one before the House. The same rules obtain in committee of the whole. They do not have there any such freedom or latitude as we have here in Committee of the Whole House on the state of the Union, where a Member, having obtained the floor, can talk upon any subject he pleases. If he has offered, or is interested in, some measure of public importance he may speak upon that subject and bring it to the attention of the country. Our debate in Committee of the Whole is not all heedless rhetoric; not all as water poured

upon sand. Great issues are brought to the attention of the House and to the country, and if supported by the people are ultimately brought to fruition here. The currency question, abuses of railroad and other great corporations, the regulation of trusts, the question of tariff revision, are all instances of great questions which have been discussed here in Committee of the Whole until practical results have followed. When a bill is read by paragraphs our rules confine debate very closely to the question in hand or to amendments which may be offered. In no parliamentary body is discussion had more directly upon the points at issue than here when the bill reaches that stage. Our pro forma amendment to strike out the last word gives everybody an opportunity to be heard upon the merits of the paragraph as it is reached in the reading of the bill.

CLOSURE OF DEBATE.

In Committee of the Whole we have no previous question—no procedure for closing general debate. In the House, when it is demanded before any debate has been had, the rules allow twenty minutes upon either side.

In the House of Commons the closure, as they call it, may be demanded immediately the question is put. If it carries, all debate is cut off.

Their divisions, so called, take the place of our roll calls, but their speaker may, if he sees fit, declare the result at once without naming tellers.

TECHNICALITIES.

Our rules are 45 in number. The rules or standing orders of the House of Commons are no less than 249. Some of them are much more difficult of comprehension, and in their construction and enforcement more technical than ours. In taking a division they require all members to leave the floor and take positions which in our Hall would be equivalent to going behind the rail. Those desiring to vote "aye" return to the chamber through one gateway; those opposed through another gateway. Two tellers are stationed at each passage to take down the names of those passing through. These tellers then march down the aisle and report to the speaker. It is customary for the tellers whose side has triumphed to march on the right so that members seeing them may know at once which side is victorious. On one occasion when they marched down there was great cheering from the supposed victorious side, but the tellers announced a tie. Thereupon there was a great uproar and several hours of debate, at the conclusion of which it was held that the tellers should have marched down the aisle mixed. [Laughter.] They were made to come down a second time in that order. Upon another occasion serious and protracted debate arose as to the voting status of certain members who, when the question was put, had been in the room or space behind or partly beneath the seat occupied by the speaker. It was a sort of retiring room for him and was called "Solomon's porch." The dispute was as to whether a member who, presumably trying to get the speaker to agree to recognize him, had been in "Solomon's porch" when the question was put, was entitled to vote.

A SQUINTING SPEAKER.

Apparently they have the same difficulty as here in catching the eye of the speaker. We at least have been spared the confusion which arose from the fact that a celebrated speaker of the House of Commons had such a squint, or crossing of the visual organs, that upon one occasion two members, in different parts of the house, were equally confident of having "caught his eye."

If we now and then feel annoyed by some ruling or other action of the speaker we have at least never reached such a stage of rage as that recorded by Lord Halbertson of a member who, in a fit of passion, shook his fist at the speaker of the House of Commons and called him "a damned, insignificant little puppy." [Laughter.]

While there are many points of advantage in our favor, I have not been able to discover any upon the side of the member of Parliament, except that under their rules he may second a motion by simply lifting his hat, without rising or speaking. That is not very important, as with us very few motions require a second. That legislation was not always speedily accomplished there is evident from the recorded instance of the inquiry by the Queen, "Now, Mr. Speaker, what has passed in the lower house?" To which the speaker laconically replied: "If it please Your Majesty, seven weeks." [Laughter.]

The CHAIRMAN. The hour of the gentleman has expired.

Mr. GARDNER of Michigan. I should like to know what further time the gentleman would desire.

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman may be extended until he finishes his speech.

Mr. OLMSTED. I shall require only a few minutes more.

Mr. GARDNER of Michigan. If there is no objection, the gentleman can have all the time he desires, until he concludes his speech.

Mr. GAINES of Tennessee. Will the gentleman yield?

The CHAIRMAN. How much time does the gentleman yield?

Mr. GARDNER of Michigan. So much as the gentleman may desire, even if it is an hour, if he wants it.

The CHAIRMAN. The gentleman from Michigan yields one hour to the gentleman from Pennsylvania.

Mr. GAINES of Tennessee. Will the gentleman yield for an inquiry?

Mr. OLMSTED. Certainly.

Mr. GAINES of Tennessee. Does the gentleman think that the Speaker, whether Democrat or Republican, always should have the sole power to name the committees of the House? And if you say "yea," please inform the House and the country—because everybody is going to read your good speech—how the Senate appoints its committees?

Mr. OLMSTED. Well, Mr. Chairman, it was once tried here or contemplated that the House name the committees. I think they tried it only in the case of a few select committees. There was so much dissatisfaction that they went back to the old plan and authorized the Speaker to appoint them all. The Senate is somewhat different, because of the fact that the Vice-President, the presiding officer, is not a member of the body at all.

Mr. HULL of Iowa. And it is a continuing body.

Mr. OLMSTED. Also it is a continuing body.

Mr. GAINES of Tennessee. They could authorize the Vice-President to appoint the members of the committees.

Mr. OLMSTED. Oh, yes; they could authorize the President.

Mr. GAINES of Tennessee. But they never have.

Mr. OLMSTED. No; and I do not suppose they ever will.

Notwithstanding the great advantage of a smaller quorum, legislation is accomplished with much greater difficulty in England than here.

The British Parliament in its session of 1907 passed 56 public general acts, 176 local and private acts (including public acts of a local character), and 7 acts relating to divorces, etc., styled "Private acts not printed," making a total of 239 acts passed.

In the same period of time the American Congress passed 276 public acts, 29 joint resolutions, and 2,675 private or local acts—a total of 2,980 measures passed by our Congress as against 239 by the British Parliament.

The committee which reported the changes in our rules in 1890 in its report declared that it had "to the best of its ability prepared and reported a code of rules under which the will of the majority of the House shall be ascertained and expressed with accuracy and with the utmost expedition consistent with fair and due debate and consideration."

They have certainly demonstrated their right to be considered the best set of rules under which this House has ever acted. They may not be perfect. They may not be entitled to endure unchanged to the day of judgment, but they deserve protection against a possible day of no judgment. There should be no hasty and ill-considered change. If a revision is required, or when it is attempted, it should be accomplished only after the most thorough and careful consideration, comparison, and study to the end that no good rule may suffer the fate of the good old colored preacher who, according to the statement of one of his elders, was "cut down in the height of his zenith." [Laughter.]

The Fifty-ninth and the present Sixtieth Congress, acting under the present rules, will be found to have passed not only more in number, but also more important remedial and beneficial public laws than any other two Congresses since the war, if, indeed, the record was ever equaled during any period within the history of the country.

During these two Congresses President Roosevelt will have had more recommendations enacted into law than any of his predecessors in that high office. The present rules have not prevented but have assisted in bringing about these results.

They are certainly entitled to defense against the unjust and ignorant aspersion of the recent Democratic convention and its demand that the House of Representatives shall "again become" what it was in the Fiftieth Congress, before the rules were changed. The matter was succinctly and well put by Theodore Roosevelt, who, in an article printed in The Forum in 1895, said: "Speaker Reed, by reason of his action as Speaker in the Fifty-first Congress, rendered a great service to the American Republic. In order that the Republic may exist there must be some form of representative government, and that government must include a legislature. If the practices to which Mr.

Reed put a stop had been allowed to continue representative government would have become an impossibility." [Applause.]

I ask unanimous consent to extend my remarks in the RECORD by appending an article upon the rules and business of the House under them prepared by the gentleman who stood at the Speaker's table in 1890 when they were changed, has been there ever since, and is the best qualified of any man in the United States to speak concerning them, Mr. Asher C. Hinds. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article referred to is one recently published, and is as follows:

ORDER OF BUSINESS IN THE HOUSE.

[By Asher C. Hinds, clerk at the Speaker's table.]

The rules of the House are subject to great misunderstandings, for the reason that they are necessarily somewhat complicated, and because of the necessity of adjusting with approximate fairness and equity the interests and rights of a large membership—a membership really larger than that of the House of Commons, because of the size of our quorum—and the necessity of handling a great amount of business. The belief has been widely inculcated that the rules are obstructive of the free course of business and that they concentrate too much power in the hands of a few. This criticism would have been true twenty years ago, but in 1890 the rules were reformed for the very purpose of expediting the course of business and destroying the obstructive power of the few. The reforms of that period have been generally overlooked, because of the fact that the great battle over filibustering absorbed public attention and divided the House and even the country into two political camps. The great improvements made in the rules for the order of business are almost always overlooked by those who recall the conflicts of 1890.

The House of Representatives now has a system which lists all the business reported by committees on three calendars of the House, and these calendars are acted on, not according to the arbitrary will of any man, officer, or committee, but according to certain rules of precedence intelligently and equitably framed. It is true that this order of business is subject to interruptions principally by the highly privileged classes of business pertaining to the general appropriation bills and revenue bills. It is absolutely essential that these bills shall have precedence, because their consideration is the main business of the House of Representatives, and of every other legislative body that represents a free people.

But this rule of precedence for revenue and appropriation bills is by no means ironbound. If the House at any time feels that the appropriation bills are taking up time which ought to be devoted to other bills on the calendars, it may at once set aside these appropriation bills; and it is not necessary to evoke any obscure or troublesome machinery in order to do this, because the Committee on Appropriations in taking up its bills must every day move to go into the Committee of the Whole for the purpose of considering appropriation bills. If the House does not wish to do this, a majority need only vote "no" instead of "yes" when such a motion is made. If the appropriation bills absorb an undue measure of time, the fault rests absolutely and entirely with the membership of the House.

Assuming, then, that the House does wish to set aside an appropriation bill, in order to consider other matters, the way is easy and plain after the motion to go into the Committee of the Whole has been voted down. Some one member (any one member) has only to demand the regular order, and the regular order would be to call the committees for bills on the House Calendar, unless some miscellaneous privileged matter should obtrude itself on the House. In that case, which would not ordinarily happen, the matter could be brushed aside by the raising of the question of consideration, which may be done by any Member, and the House at once would vote without debate whether it would consider or not consider the intruding matter. If it voted not to consider it, the demand for the "regular order" would next bring the call of committees. The call of committees would carry the House to the House Calendar, whereon are all public bills which do not carry appropriations of money. The House could remain upon this call of committees, bringing up bill after bill for an hour, or for the whole day's session; and if it still wished to consider more bills of this character, the House could take a recess until the next day, and on the next day could go on with this same order until it cleaned up the entire calendar.

If the House should not wish to remain on the House Calendar, and should want to consider the calendar of the Committee of the Whole House on the state of the Union—in order to take up public bills requiring an appropriation, and not having the privilege of general appropriation bills—it could at any time, after the call of committees has proceeded for sixty minutes, allow a Member to move to go into the Committee of the Whole House on the state of the Union, and any Member has the absolute right to make this motion. If a majority sustain the motion, and the House goes into the committee, the bills on the calendar may be taken up in order, or if the committee do not wish to take them up in order, a motion may be made, and carried by a majority vote, to take up any particular bill. If when the day is done the House still wishes to further proceed with that calendar, a recess may be taken until the next day, and the House may then continue to consider these bills. This not only may be done, but has been done.

Private bills are also taken up with equal facility on Fridays of each week. It is true that Friday is often taken up for public business, but this never can be done except by a majority vote of the House.

In other words the House, and the House alone, has absolute control of its order of business, and there is no bill anywhere on any calendar of the House that a majority may not freely take up without undue trouble.

In the earlier days of the House the order of business had not been arranged with so much skill as is embodied in the present form of the rules. There often arose at that time an occasion when the House could not, even though it earnestly desired to do so, get to some particular portion of its business. To obviate that a system was devised of suspending the rules in order to take up any particular business which could not be reached under the regular order. That this motion to suspend the rules might not be abused it was necessary to put some restriction on it, and that restriction was the requirement that there should be a two-thirds vote to set aside the regular order.

It is obvious that this was at best a clumsy device, because many important matters of legislation, which could easily command a majority vote, could not pass because of party or other differences. A remarkable illustration of this occurred at the outbreak of the civil war, when Thaddeus Stevens submitted a resolution asking information of President Buchanan's administration as to whether it had taken any means to put in a state of defense the forts and arsenals in the harbor of Charleston, S. C. Here was a matter which it would seem as though the rules of the House should have given an easy method of passing upon. The rules to-day would do so; but in those halcyon days, to which the critics of the present system of rules look back for their imaginary liberty of action, the two-thirds vote was required, and Mr. Stevens failed to command it, even in that patriotic House. Such a failure would not be possible under the present system of rules.

The House suffered under this awkward device to relieve what might be called "jams" in the current of its business until 1883, when a device, by means of a report from the Committee on Rules, was evolved whereby the motion to suspend the rules was relieved of the two-thirds requirement. In order to prevent abuse of the new device and to prevent its destroying entirely the regular and orderly procedure, the restriction which was taken off the final vote was put upon the making of the motion, and it was required that a motion to suspend the rules in order to take up a special bill must be first passed on by the Committee on Rules before it could be made on the floor and agreed to by a majority. This was the origin of the "special order," which became an excellent instrumentality, inasmuch as it enabled the House to consider the business jammed in the regular order by a majority vote. The necessary use of the special order was continued until 1890, when for the first time the flexible and efficient order of business now in vogue was put in operation. This new rule for the order of business would have been sufficient at that time to do away with the use of the special orders from the Committee on Rules had it not been that the habit of obstruction was rife in the House, and the special order continued in use as a means of thwarting that obstruction by providing a fixed method of consideration upon a particular bill and by shutting out dilatory and obstructive motions. The use of the special order has continued, although it has not been so much used in later years, and business has proceeded more according to the regular order. The function of the Committee on Rules is remedial. Most of the bills which it assists might be passed in another way. To use a commonplace illustration, the Committee on Rules, by the special order, takes a bill up on the elevator instead of requiring it to be carried up by the stairs. But in every case a special order is of no effect until agreed to by majority vote of the House.

There is another method of taking up business out of the regular order, and that is by the unanimous consent of the House. It is used for matters to which there is no opposition. This method is very convenient, because it is simple and expeditious, involving no votes, no waste of time in roll calls, and no contentions. But obviously it serves for a limited class of business only.

Perhaps the greatest criticism of the rules rises over the recognitions by the Speaker. It is plain to anyone who understands the rudiments of general parliamentary law that it is necessary that any Member who proposes to make a motion to the House, or who proposes to make a speech, should address the Speaker and be recognized by him before proceeding. In a House as large as this, it is equally necessary that there be no appeal from this recognition by the Speaker. Formerly there was an appeal and the possibility of a yea-and-nay vote to determine whether one man or another should be entitled to the floor. But thirty years ago, during the Speakership of Samuel J. Randall, the House had grown so large that it was found necessary by Speaker Randall to deny this right of appeal on a question of recognition. He did this in rulings, and it seems quite evident that those rulings met the general approval of the House, since there was little of complaint at the time.

But it does not follow because there is no appeal that the Speaker's right of recognition is absolute. With two exceptions, which will be considered later, it is far from absolute. The Speaker, both for motions and debate, recognizes in accordance with certain fixed principles, which he would not think of violating; and it is absolutely essential for the ordinary conduct of business that he should not violate these principles. The public business, under the rule for the order of business, is flowing on through the House continually, in accordance with the methods prescribed for that rule. And manifestly, the Speaker must recognize for each motion in accordance with the necessities of this stream of business. This means that at each turn he must recognize the Member who, by his committee position, or by his relation to the business about to come before the House, is best qualified to make the motion for its disposition.

On the day when the order of business brings up a matter, for instance, from the Committee on Ways and Means, the Speaker must recognize Mr. PAYNE, the chairman of that committee, because that gentleman is in charge of the business coming before the Ways and Means Committee, and under the rules and usages of the House to recognize anyone else would be to substitute confusion and disorder for order and progress. If the order of business gives the time to the Appropriations Committee, the Speaker must recognize Mr. TAWNEY for the same reason. And after the matter is once under debate the usage is absolute that he must recognize the senior member of the majority contention on the committee having charge of the pending bill; and after that the senior member on the minority side of the contention has the preference. And thus he must alternate down through the entire committee. But if, as rarely occurs, the debate extends beyond the ranks of the committee and into the general membership of the House, the Speaker must still preserve the alternation between the majority and minority sides—not necessarily the political majority and minority, but the majority and minority sides of the pending question at issue. Outside of this limitation, at this point of the debate the Speaker does have an arbitrary power of selecting men who shall speak, providing there is a great press for time by Members. But a situation like this rarely happens. It happened not over twice, probably, during the last session of Congress. Usually in such cases the House by unanimous consent gives to the two men in charge of the majority and minority sides of the bill the right to control and divide out the time, thus taking it from the Speaker entirely; but, as a matter of fact, the criticism of the Speaker's power of recognition never rises out of a situation like this.

The truth is, the real complaint of the Speaker's power of recognition comes from his recognitions for motions to suspend the rules and for unanimous consent. The very nature of unanimous consent shows that the rules may not be justly criticised for any arbitrary recognition on the part of the Speaker; because when a Member asks unanimous consent, what he really demands is that the rules of the House be set aside in order to take up some bill that is not in order at the time under the rule. It is therefore evident that under any system of rules recognition would have to be arbitrary. The Speaker has the same right to

object that any Member has, but his method of objecting is to refuse to recognize for unanimous consent. If this is an arbitrary power, it is an arbitrary power that any Member of the House may thwart him in the use of; for after the Speaker recognizes for unanimous consent any Member may object, thus doing away with the procedure and permitting the House to proceed under its order of business.

There does exist an arbitrary recognition on the motion to suspend the rules. Formerly the Speaker was compelled to recognize any Member who first got his attention on the motion to suspend the rules. The result was that the motion was greatly abused. Men would prepare resolutions on subjects of no practical standing in the House, sometimes so artfully worded as to be political traps, condemning many Members to political danger in their districts, whether they voted for or against them. Members therefore did not naturally like to run the risk of such pitfalls or to be put on record upon questions not of practical moment to the the United States or which might involve local prejudices in their homes, and thus destroy their usefulness without any compensating good. So it happened that frequently the House on suspension day adjourned in order to escape this snare, and in 1880 the number of suspension days were reduced to two a week, so as to make the dangers of the day as little as possible.

About that time Mr. Speaker Randall, without complaint of the House, began to exercise the right to determine when he would recognize for the motion, thus still further placing it under control. If the motion to suspend the rules were essential to the business of the House, this usurpation by Mr. Speaker Randall would have had bad consequences, but in 1883 and in 1890 the rules were improved by enlarging the functions of the Committee on Rules and by improving the rule for the order of business, so that bills in an unfavorable position might be gotten out by a majority vote, without recourse to the older and clumsier method of suspending the rules. And to-day the motion to suspend the rules is used two days in the month to supplement the proceeding by unanimous consent. There are many bills which can not get through by unanimous consent, because two or three Members may be opposed. In such cases the motion to suspend the rules affords a convenient and easy method of dealing with them.

In the last session of Congress a peculiar situation arose, caused by the determination of the entire minority side of the House to obstruct the public business, and immediately a form of martial law was declared in the House, and the motion to suspend the rules was used daily and upon the arbitrary recognition of the Speaker. But this was only a temporary condition, brought about by urgent necessity in order that the public business might be transacted. Such an occasion had not arisen before for five years, and then only for a very limited time, and in all probability will not arise again for another five or ten years.

In conclusion, it is not impertinent to protest against the assumption made in some magazines and newspapers that the House of Representatives is an inefficient legislative body. It is, on the contrary, highly efficient, not surpassed in this respect by any other body of similar size and constitutional limitations.

Mr. BURLESON. Mr. Chairman, I have agreed to yield to the gentleman from Massachusetts [Mr. GARDNER] one hour, but the gentleman from Massachusetts has not certain data at hand which he desires to use, and so I have agreed to yield to him his hour at 3.30 oclock. I now yield to the gentleman from Texas [Mr. SHEPPARD] one hour, or so much thereof as he may desire to use.

Mr. SHEPPARD. Mr. Chairman, from the hour of the enactment of the present Republican tariff law, Democrats in Congress and out of Congress have revealed its tyrannies, its inaccuracies, its absurdities. Repeatedly we have shown the necessity of thorough and scientific revision both for the relief of the consumer and for the extension of our foreign trade. For eleven years we have demanded the revision of the tariff; for eleven years the Republicans have ridiculed and ignored us. With every pretext that gifted and powerful leaders could devise, they have opposed and postponed revision. Before elections they would claim that business might be disturbed; after elections they would say that existing conditions had been indorsed. Not till the golden bowl of national prosperity had been broken were they compelled reluctantly to undertake what the Democrats had urged for many years. To-day the Republican members of the Ways and Means Committee of the House of Representatives are engaged in an apparent effort to revise the tariff.

The hurried and incomplete preparations for revision vindicate the Democratic contention that the Republican party is both unwilling and unable to make a sincere and effective rearrangement of the Dingley rates. James W. Van Cleave, president of the National Association of Manufacturers, and one of the most prominent Republicans and business men of the time, has already repudiated the methods adopted by the Republican party in framing a new tariff bill, stating in a recent letter to the gentleman from New York [Mr. PAYNE], the Republican chairman of the Ways and Means Committee, that these methods are "radically, absurdly, fatally wrong." So disgusted was Mr. Van Cleave with the whole tariff procedure of his party that he declined to testify before the Ways and Means Committee. H. E. Miles, another leading manufacturer and Republican, is reported in the daily press to have said, after appearing before the Ways and Means Committee in the course of the recent tariff hearings, that while the committee was apparently disposed to get all the facts, it was without any machinery to aid in this end; that it was unable to secure the absolute truth; that it placed a premium on falsehood; and that it had collected nothing but Treasury tabulations and the statements of interested parties. A short excerpt from the testimony of Mr. Carnegie before the Ways and Means Committee will show the lack of accurate information and experience on the part of Republicans in charge of tariff revision and the inadequacy of the methods they have pursued:

Mr. LONGWORTH. You would not advocate the taking off of the duty on any American article without justification for it. I, personally, admitting that I know very little about the costs of steel, am inclined to think that we can substantially reduce the tariff on steel without injury to the American industry, and yet before I vote for it, if I should vote for it, I want to feel that I am justified in so doing. I do not know of any other way that I can personally feel justified, unless I know or have some opportunity of finding out something about the difference between the cost abroad and the cost at home. Is there any way that you can suggest to me—as a member of this committee, with practically every facility, the right to summon all witnesses, the facilities that this Government has, without the practical experience, and without the means of getting it, because we must act as promptly as possible—of finding out those things?

Mr. CARNEGIE. In reply, Mr. LONGWORTH, I know of only one way that this committee can arrive at anything approaching the real truth of the difference in cost, and that is to have men belonging to the steel industry—men familiar with it, who are not interested in either the foreign or the American works; experts of the highest character and ability—to be charged with visiting the works of Europe, selecting in each country the best works, because you will be greatly misled if you select works that are not properly managed.

It is hardly necessary to add that the suggestion of Mr. Carnegie as to the only proper way in which to investigate the steel situation applies with equal force to all the other schedules, but has not been followed by the Republican party. It took 32 experts five years to do for Germany what the gentleman from New York [Mr. PAYNE] and his Republican associates on the Ways and Means Committee, who know infinitely more of practical politics than of political economy, propose to do for the United States in five months. The public hearings before the Ways and Means Committee covered a period of six weeks, beginning Tuesday, November 10, and closing Tuesday, December 22. There are 14 schedules in the present tariff act and a free list, and over 4,000 commodities are involved. Thus the hearings did not average three days to a schedule.

Almost all the parties who appeared before the committee in the course of these hearings, either personally or by letter, had a direct pecuniary interest in the matter about which they testified. While on the subject of interested witnesses let me again quote from Mr. Carnegie's testimony:

Mr. CARNEGIE. My dear sir, allow me to tell you just what happened about that. I purposely refrained from reading the statements of interested parties. They are incapable of judging justly. No judge should be permitted to sit in a cause in which he is interested; and you make the greatest mistake in your life if you attach importance to an interested witness. You would not do it in a court of justice, would you? If the judge were interested in a cause, would you respect his decision? (No response.) Silence in the court. [Great laughter.] Upon my word, I must laugh at you people.

And it might be added that the whole country is laughing, too. [Laughter.]

It may well be said that almost all the testimony adduced at these hearings is without practical value. When we recall the fact that there are 216,262 manufacturing establishments in the United States, exclusive of neighborhood industries and hand trades, and compare with this number the discredited handful that addressed the Ways and Means Committee, we begin to appreciate the farcical character of the entire Republican tariff proceeding. The failure of the Republican party seriously to approach or sincerely to undertake the revision of the tariff should occasion no surprise.

A party that in time of peace enacted a tariff law embodying a higher range of taxes than the emergency charges of the civil war, taxes which it has permitted to remain in undisturbed and merciless operation for more than eleven years, taxes that have exhausted our people, obstructed our trade abroad, and forced us to the rear in the commercial march of the world, can not be expected to have either the courage or the disposition to institute a proper readjustment of the tariff. [Applause on the Democratic side.]

While the Republicans are engaged in pretended revision it may not be out of place again to direct the attention of the American people to the barbarous features of the present tariff law. Perhaps the most illuminating event in the history of the Dingley tariff is the demand of the American manufacturer, so long its principal beneficiary, for its thorough revision. In February of last year a central committee representing practically every industrial interest in the United States, including the National Association of Manufacturers, the National Grange, the Farmers' National Congress, the boards of trade of New York, Chicago, St. Louis, Boston, Baltimore, and so forth, appeared before the Ways and Means Committee of the present Congress and pleaded in vain, to use the exact language of the

chairman of the central committee, Mr. H. E. Miles, the well-known Republican and manufacturer before alluded to—

> For relief from the infinite grasp and hurt of the present tariff; a tariff that is not a protective tariff in any sense; a tariff that is in truth and in fact a bastard tariff, many of the schedules having no relation whatever to the principle of protection, or if related, then misapplying and abusing them.

Nothing could discredit more completely the comparatively few manufacturers who at the recent tariff hearings sought to retain or to increase existing schedules than this official demand on the part of the great body of American manufacturers for tariff relief. In an article in the North American Review of last January, published the month before he came to Washington as the representative of the industrial interests of the country, Mr. Miles said:

> We make small objection to the three hundred millions of tariff revenue that went last year into the Government Treasury, but we make very great objection to the five hundred millions or more that went into the pockets of the favored few who collected the revenue for their personal and private gain, with the connivance and approval of Congress, in products made within this country.

Contemplate for a moment the significance of this statement; grasp, if possible, its shocking import. This Republican, this manufacturer, this protectionist, and withal this critical student of public affairs tells us that the Dingley system is taking from the American people in sheer plunder five hundred millions a year or more.

It is probable that this statement, coming from a beneficiary of the system and a member of the party that sustains it, is extremely modest. On the basis of this Republican and protectionist estimate we may safely say that the Dingley tariff taxes during the eleven years of their operation have wrung from the American people over five and a half billion dollars for the enrichment of individuals, a sum over five times the size of our entire national indebtedness, a sum greater by almost a billion dollars than has been expended during the last eleven years on the navies of Great Britain, Germany, Russia, Italy, France, and the United States combined, a sum nearly three times as great as has been expended on the American Navy during the last one hundred and seven years, a sum five times as great as the war indemnity exacted by Germany from France, the most colossal war spoil in history, a sum representing nearly $1,700,000 for every day in the year. Think of it! Under the flag of the free practically the sum of $1,700,000 is taken from the American people through exorbitant tariff taxes between the rising and the setting of every sun. And yet President Roosevelt and the Republican party have permitted this inhuman system to flourish unrestrained. In his eight annual messages to Congress the President has mentioned the tariff in but two, the second and seventh, in 1902 and 1907, in the former ridiculing the idea that the trust evil could be corrected by the reduction of duties and suggesting revision in the vaguest terms, in the latter, after five years' silence, stating briefly that it is probably well the tariff should be carefully scrutinized every dozen years or so.

While his messages have almost shrieked with denunciations of men who have extorted millions through traffic pools and stock manipulations, they have been strangely dumb as to the men who have taken billions through the tariff. But perhaps it is unfair to criticise him for inactivity as to the tariff when we remember that his explosive energies seem to have been principally devoted to the dignified and statesmanlike occupation of organizing the most distinguished "Ananias Club" in history. [Laughter.] The chief difficulty of his biographers and apologists will be the explanation of his course on the subject of the tariff. And as the administration of this most remarkable man nears its close the one fact that stands out most prominently above all others, the fact that will put a question mark in front of his name for all coming time, is that while he kept astir a characteristic agitation against wrongdoing in public and private life he never for once lifted his powerful arm against the chief evil of his time, the Republican tariff. Indeed the practical result of his crusades for civic righteousness has been to divert attention from the tariff vandals, to give them eight years of plunder without serious interference. Whether this was his intention I do not know; I believe in all earnestness, however, that no man in American history represents so profound a combination of the subtlety of Louis XI and the audacity of Charles the Bold.

In the article before referred to Mr. Miles states further that the one underlying principle which alone justifies protection is that the schedule shall cover the difference between the cost of production in this country and the cost of production abroad, thereby maintaining a higher wage here and standard of living. He then states that this principle has never been practically applied by the so-called "tariff legislators" at Washington; that most of the Dingley schedules were made in utter disregard of any such principle, having no reference to the difference of cost, however liberally figured, and that in many cases they increase the difference in cost of manufacture at home and abroad from 5 to 1,000 times. He shows how the Standard Oil trust is sheltered and supported by the Dingley law. He points out that while the Dingley law places 42 kinds of oil on the free list it provides that if there be imported into the United States crude petroleum or its products produced in any country that imposes a duty on petroleum products exported from the United States there shall in such cases be levied a duty equal to the duty exacted by the country importing. He shows that the only country able to ship petroleum in any considerable quantity to this country is Russia and that Russia levies duties on crude petroleum and its products ranging from 100 to 200 per cent.

He says that when the Dingley law was being framed the Standard Oil representatives sought direct protection and failed, but that the effect of this proviso was to give the most rapacious of all the trusts from three to five times what it had openly asked. Thus Theodore Roosevelt, William H. Taft, and the Republican party, in maintaining the present tariff law, are as responsible for the rapacities of Standard Oil as John D. Rockefeller himself. [Applause on the Democratic side.] Mr. Miles proceeds to say that, as a result of the above proviso, the American people pay from 37 to 60 per cent per gallon more for oil than Europeans, and that were we to try to import oil we would find it safeguarded by a tariff tax of 150 per cent or more. This Republican, this manufacturer, this protectionist, this tariff beneficiary, proceeds to show that dozens of trusts enjoy a similar shelter, and says that the Dingley tariff is graft masquerading as protection. He shows that American borax can be bought abroad for 2½ cents per pound, but retails in America at 7½ cents per pound, the difference representing the Dingley borax rate of 5 cents per pound, and that the Dingley steel rates exceed the total wage cost of making steel in the United States, although steel is made here as cheaply as anywhere else in the world. He says that the present tariff system exerts a corrupting influence in the country, making dishonesty profitable, virtue and self-denial contemptible.

Evidently divining the fact that a continuance of the Dingley system would so weaken and impoverish the people that the home market would become a thing of the past, and that they could not permanently render tribute to the tariff kings; recognizing the necessity of rearranging and liberalizing our tariff relations abroad in order that foreign markets might be developed on a scale commensurate with American capabilities, this accredited representative of the protective interests becomes the severest critic of the Dingley system.

Where may we find a more complete vindication of the Democratic attitude as to the tariff? During the eleven years of the Dingley Act we have repeatedly exposed its oppressions, its errors, its crimes. Repeatedly we have shown it to represent a revival of the most vicious economic superstitions of the past. Repeatedly we have shown that the Democratic conception is the true conception of tariff legislation, because we apply to this problem, as to all others, the deathless doctrine of equal rights. Repeatedly we have summoned history to show that probably at the only period when protection was justifiable from an economic view point, the period following the war of 1812, when an influx of European goods threatened to engulf the young industries developed by a decade of isolation resulting from the Napoleonic struggles, a period when American industry was in a genuine, not pretended, infancy, the Democratic party supplied the needed assistance through the 20 per cent Madison tariff of 1816, four decades before the Republican party came into being.

Repeatedly we have pointed to the tariff annals of the succeeding thirty years to show that the American people discussed and tested every phase of the tariff question to accept the 36 per cent Democratic tariff of 1846 as its permanent solution, a tariff so universally satisfactory that the hostile Whig administration of 1848 did not alter it, so completely embodying the judgment of the first sixty years of American fiscal discussion and experience that the tariff ceased to be an issue. Repeatedly we have shown that Alexander Hamilton, in his famous report on manufactures, the very fountain of the protective theory, advocated import duties only on the basis of temporary necessity and retaliation for high charges abroad, stating that the continuance of bounties on manufactures long established must always be a questionable policy, because a presumption will arise in every such case that there were natural and inherent impediments to success. Repeatedly we have shown that Henry

Clay and the early defenders of protectionism regarded it only as a means of sheltering new industries until they could become self-supporting, not as an instrument of perpetual loot. Repeatedly we have shown that the emergencies of the American civil war restored the system of excessive tariff taxes, and that they were then permitted only on the theory of an unprecedented national peril, with the passing of which they were to be permanently reduced.

Repeatedly we have shown that the Republican party, repudiating the memory and the spirit of Abraham Lincoln, emerged from that memorable strife arm in arm with the interests its emergency tariffs had enriched, and that it has continued the wicked partnership by increasing instead of removing the war charges, until to-day it burdens the American people with the highest tariff taxes mankind has ever known in time of peace. Repeatedly we have pointed to the numerous trusts the Dingley tariff has developed—to the oil and borax trusts described by Mr. Miles; to the steel trust, with a capital approaching a billion and a half, a consolidation of 213 manufacturing and transportation concerns, exporting steel rails, billets, blooms, plates, bridges, barbed wire, wire nails, tin plate, tubes, and pipes to all the world at prices greatly below the prices at home, dominating the basic industry of the United States; to the meat trust, which controls the whole domestic market; to the paper trust, which exacts from American newspapers a tribute of sixty millions a year; to the linseed trust, the lead trust, the match trust, the sugar trust, the tobacco trust, the machinery trust, the hide and leather trust, the woolen trust, and hundreds of other trusts, including almost every phase of industry and production.

Repeatedly we have shown that these trusts condemn the vast mass of toilers to mere employeeship and charge the American people, through the aid of the Dingley tariff, for food and raiment, for the implements of trade and occupation, for nearly all the essentials of life, prices in many cases equal to those of four or five decades ago; although steam, electricity, and machinery have reduced the cost of production probably fiftyfold, prices in all cases so high as to constitute financial despotism. Repeatedly we have pointed out that the very period of the most unlimited power and enrichment of the trusts has been and is to-day the period filled with the smoke and thunder of the Roosevelt sham battles against them. After years of clamorous pretense not one of the great industrial trusts has been permanently dissolved; not one trust official has been made to feel or fear the imprisonment feature of the national law against monopolies in restraint of trade. Repeatedly we have shown that the trusts have increased the prices of raw materials to certain American manufacturers while selling the same materials at less price to foreigners, thus enabling the latter to undersell our own manufacturers with our own raw materials in the markets of the world, and that this fact, combined with the fact that other nations are erecting retaliatory tariffs on account of our obstinate adherence to the Dingley schedules, is as surely driving an important class of American manufacturers out of the United States to foreign countries where such intolerable conditions do not prevail as the oppressions of Philip II and Louis XIV drove the Flemish and Huguenot weavers from the Netherlands and France forever.

Already the Singer Machine Company has located an extensive plant at Kilbowie, in England, and large factories on the Continent; the Babcock and Wilcox companies a great plant at Renfrew, England. The Westinghouse Company has established at Trafford Park, in England, one of the largest factories of the Eastern Hemisphere, and other plants at St. Petersburg and Havre. The Chicago American Tool Company has extensive interests at Frazerburg, Scotland, while the Western Electric Company has built large factories in London, Paris, Antwerp, and Berlin. The General Electric Company has five great factories in Europe and a large new plant which it has recently constructed at Rugby, England; the Hoe Company and the American Linotype Company are operating in many foreign capitals; the Draper Company is operating in the cotton manufacturing districts of England, equipping English factories with the Northrop loom. The American Locomotive Company and the Bullock Electric Works, of Cincinnati, have already established plants in Canada. It is not improbable that many of our immense flour mills will in time be transferred to Canada to secure access to its infinite fields, unless the Dingley tax on flour is removed or reduced. The same thing may be said as to our paper mills. Already many Canadian cities have created a new municipal officer, whose special duty it is to hasten the removal of American manufactories to various parts of Canada. Repeatedly we have shown the falsity of the Republican cry that high tariffs mean high wages; have shown that in truth the American workman, considering the value of his product, is paid under the Republican protective system the lowest wage on earth.

Hear the testimony of A. Maurice Lowe, the eminent protectionist, in his recent book entitled, "Protection in the United States:"

> We have the authority of all competent observers in America that one of the reasons to explain the secret of American prosperity is the great productive power of the American workingman, his output being so much larger than those of his foreign competitors that the cost of the American product is less than that of any other workman.

Repeatedly we have shown that not over 10 per cent of American laboring men are engaged in protected industries, and that in these the increase in wages has not equaled the increase in the price of the trust-controlled necessaries of life. It is the estimate of Carroll D. Wright that 17½ per cent of the value of manufactured articles goes to the laborer. The average duty on foreign articles competing with domestic articles is about 50 per cent. The American manufacturer gets 50 per cent of an article's value to equalize the difference between foreign and domestic labor cost when the entire domestic labor cost is only 17½ per cent of the domestic article's value. How long will such deception flourish? Repeatedly we have shown that under the Dingley system the farmer sells his surplus abroad in competition with the cheapest production in the world and buys the implements of labor and the necessities of existence in the trust-ridden, tariff-locked markets of the United States; that under the Dingley system the American farmer gets the lowest and pays the highest prices on earth.

Repeatedly we have shown that the Republican protective system has driven American shipping from the seas. It is now impossible to build an American ship to be operated without loss in the foreign trade in competition with the world on account of the rapid increase in price of ship material under the present tariff system. Said Mr. Orlott, a prominent American shipbuilder, before the United States Commission of Mercantile Marine in 1904:

> There is a difference of about 40 per cent (in the foreign and domestic cost of shipbuilding) on account of the tariff. * * * Because everything in the way of material entering into the construction of a ship is highly protected here. It is not only the steel that forms the hollow of the vessel that is affected in price; it is every conceivable item that goes into a ship.

What more humiliating spectacle could have been devised than that of our fleet of 16 battle ships parading the seas with all its fuel transported of necessity in foreign ships under foreign flags? What more embarrassing situation in the event of war could be conceived? Repeatedly we have shown that under this system the wealth of the country has been wrested from the many by the few, 1 per cent of the families in the United States now owning, according to Spahr, 99 per cent of the Nation's substance, and less than 5,000,000 of the 16,000,000 families of the United States, according to the last census, owning their homes entirely free from incumbrance, nearly 9,000,000 American families owning no homes at all.

Repeatedly we have shown that under this system more women and children are driven from the fireside and the school into the battle for bread than ever before in our history. Five million American women, nearly 2,000,000 American children, are to-day, through pressure of the increased cost of living, among the pale numbers of daily toil.

> She leaves her babe to others,
> To climb the factory stair;
> She creeps home at night to her children
> Too weary to bind her hair.
> With the sacred chrism of motherhood
> In her tired and careworn hands,
> Through her they must come with souls born dumb,
> The men who shall rule our lands.

And yet they tell us that this is an American system; we deny it. They tell us that it is for the protection of Americans. We say that those who profit by such a system cease to be Americans when the first dollar coined from women's sighs and children's tears, from the bent backs of men, touches their polluted hands. [Applause on the Democratic side.]

Repeatedly we have shown the utter hopelessness of tariff relief through Republican agencies. The Republican party has never touched the tariff except to make it more oppressive. Not content with defeating every attempt to lower the emergency rates of the civil war, it has increased them to such an extent that the war taxes which were tolerated only as temporary expedients in an unparalleled national crisis are modest when compared with the Dingley taxes of to-day. In 1867, in 1870, in 1872, and in 1882 pretended readjustments were undertaken by the Republican party, with the invariable result that the privileged classes retained complete possession of the power to despoil. The gentleman from Pennsylvania [Mr. DALZELL], one of the most powerful members of the little stand-pat group that dominates the Republican party, a member of the present

Ways and Means Committee, and a man who will exert greater influence in shaping the character of the tariff changes now in progress than all the other members of the committee combined, said in his keynote speech in the House of Representatives last February that personally he did not believe there was any necessity for a general revision of the tariff. In view of these facts, in view of the careless and unscientific preparation for readjustment, can anyone doubt that the present Republican revision will be as faithless and ineffective as the Republican revisions of the past? Let it be said here that the Democratic party alone has shown sufficient ability to make a just and comprehensive revision of the tariff. It revised the high tariffs of 1828 and 1842 with conspicuous fairness and skill. [Applause on the Democratic side.]

But there is another and equally fundamental phase of the tariff question. Not only must the tariff be reconstructed from the standpoint of internal conditions, it must also be rearranged with a view to the promotion of advantageous trade relations abroad. In the latter respect, as well as in the former, the Republicans have been fatally neglectful. For eleven years they have permitted the Dingley tariff rates to stand without attempting generally to modify them either for the deliverance of our own people from domestic extortion or for the cultivation of friendlier trade relations with the world. That the framers of the Dingley tariff contemplated the development of our foreign trade through the reduction of its schedules in return for reciprocal concessions abroad is shown by the terms of sections 3 and 4 of the Dingley law, section 3 providing a limited and temporary, section 4 a permanent and fundamental, system of reciprocity. Although section 3 affected but little more than a dozen among the thousands of articles scheduled in the Dingley law, these few articles being mainly the products of other countries, namely, argols, brandies, champagne and other sparkling wines, still wines, vermuth, paintings, statuary, tea, coffee, tonquin, tonka beans and vanilla beans, still the concessions obtained from other countries, such as Germany, France, Italy, Portugal, through a modification of the rates on these few articles, show what immense opportunities were lost through the failure of the Republican Senate to ratify the treaties formulated under section 4, which provided for a 20 per cent reduction on every schedule and every article in return for like favors abroad.

Since the passage of the Dingley law in 1897 many foreign countries have made practical application of the principle of section 4 through a system of dual and triple tariffs, with which they have mobilized the trade of the world, while we have taken hardly a single step forward in this general advance. Thus we who announced the principle of reciprocity through the enactment of section 4 have allowed it to perish by limitation and nonaction, while other nations have appropriated it to our discomfiture. Eleven reciprocity treaties were negotiated by the American commissioner under section 4, which, had they been ratified before the passing of the two-year limit laid down in the Dingley law, would have enormously increased our trade with Germany, France, and other nations. Having permitted these reciprocity treaties to die, having adhered to avaricious schedules for eleven years while the world about us has been undergoing a general commercial readjustment, having reached a point in our internal development where foreign markets are imperative, confronting countries impatient beneath the high rates we impose on their products while we claim the most disproportionate concessions from them, we are face to face with the double crisis of a domestic population wearied beyond endurance by oppressive tariff taxes and the probable loss of what few advantages we now possess in foreign trade.

Does anyone imagine that Germany will long submit to the temporary agreement with the North Commission, by which she saves about $208,000 annually on her exports to the United States, while we save through the enjoyment of her minimum tariff rates about six and a half millions every year on our exports to Germany? Already the tariff rates of many leading nations, including France, Venezuela, British South Africa, Canada, and others have been raised on our goods in especial retaliation against the Dingley Act. It is only a matter of time when the maintenance of the Dingley rates will excite the permanent hostility of mankind. We can not recall too often the words of William McKinley, who appointed the commissioner to negotiate the neglected reciprocity treaties under section 4, who looked upon them as the peculiar glory of his administration, and who regarded their destruction in the Republican Senate with peculiar disappointment; the words he uttered in September, 1901, at Buffalo, in his last public address; words composing an eloquent and now pathetic plea for reciprocity. And yet the Republican platform of 1908 does not mention reciprocity. In four national platforms preceding 1908 the Republican party lauded reciprocity as one of the cardinal features of its tariff doctrines; to-day it scorns the historic policy for the extension of trade, with which the name of McKinley will be forever connected. What stronger proof could be had of the impotence and insincerity of the present Republican party than the silence of last year's platform on the great subject of reciprocity? It is true the Republican platform of 1908 advocates maximum and minimum rates, but it specifically restricts the function of the maximum rate to the prevention of discrimination. It would make the maximum and minimum system a weapon of retaliation, so far as foreign trade is concerned; nowhere does it speak of utilizing the system for the expansion of trade. The Republican idea is to use the maximum rate as a club with which to compel the acceptance by foreign countries of the present enormous schedules, or of schedules representing what the Republican platform calls a normal measure of protection at home. The moment such a system is put in practice it will mean universal commercial war. True reciprocity involves an interchange of substantial concessions; under the new definition of the Republican party it means, "take what we say or fight."

It is not possible that the Republican members of the Ways and Means Committee, who are now framing the new tariff law, could have taken up in the short time at their disposal this most difficult and complicated phase of the tariff question with anything like adequate investigation or preparation. During the public hearings this phase received but little consideration.

The Democratic platform of 1908 contains an earnest plea for such reciprocity arrangements as will extend our trade abroad, and do no violence to present wage scales and standards of living.

There is nothing more humiliating to patriotic Americans than certain features of our relative position in the wealth and commerce of the world after fifty years of Republican rule. And yet Republican platforms and speeches are swollen with panegyrics on the development of the United States in wealth and commerce under Republican guidance. Republicans have pointed to the preponderance of exports during decade after decade of high protective tariffs. They have shouted prosperity until the word has become a mockery in the ears of millions of unemployed. They have pointed to the endless procession of commodities to alien shores from field, from forest, and from mine. They tell us in partisan exaggeration that we are sending coal to Newcastle, files to Sheffield, olives to Spain, Rhine wine to Germany, Budweiser to Berlin, sauerkraut to Hamburg, and shillalahs to Ireland. [Laughter.] They tell us of American bridges across the Amazon, the Ganges, the Danube, and the Nile. They tell us that the shriek of the American locomotive shakes the silence of the Pyramids. They tell us of the whir of American reapers in the fertile reaches of Canada and the Argentine, of the click of American typewriters and cash registers in London, Tokyo, Madrid, Buenos Aires. They tell us that the staffs supporting the yellow flag above the palace of the Mikado and the Union Jack on Windsor Castle were hewn from the pines of Puget Sound.

They forget that the acquisition of such articles as these is a greater tribute to the purchaser than to the seller. They tell us of what they are pleased to term a wonderful foreign trade. The Republican platform of 1908 challenges American intelligence by attempting a comparison of our national wealth with that of Great Britain and with that of Germany and France; it also boasts of our foreign trade. Now, what is the real position of the United States in the world's wealth and trade? It is true that, with an area of continental sweep and unequaled resource, our wealth in mere bulk exceeds that of every other country, being estimated at one hundred and ten billions. Yet Great Britain, with less than one-twentieth the area of the United States, smaller than the single State of California, with infinitely fewer raw commodities, and a soil worn by fifteen centuries of cultivation, with a population about half our own to feed, has a wealth of over fifty-eight billions, or more than half our own. France and Germany, each with less than one-seventeenth our territory, each smaller than the single State of Texas, the one with almost half, the other with almost two-thirds our population to sustain, both with soil and resources depleted by more than a dozen centuries of constant exploitation, of bloody and substance-draining wars, have each an approximate wealth of fifty billions, almost half our own.

These three countries—Great Britain, Germany, and France—with an aggregate area about one-sixth of ours, with all the other inequalities I have specified, supporting a population larger by sixty millions than our own, have a total wealth approximating one hundred and sixty billions, nearly a third more than the wealth of the United States. The practically contiguous countries of Great Britain, France, Belgium, the Nether-

lands, Germany, Switzerland, Austria-Hungary, Italy, Spain, and Portugal, with a combined area less than a third of ours and far poorer in resources, an area that had sustained the burdens of civilization a thousand years when Columbus first saw Salvador, with a population of two hundred and sixty-five millions struggling for subsistence, have a total wealth of over two hundred and ten billions, nearly twice that of the United States. These countries have so skillfully husbanded their powers and so successfully developed reciprocal trade relations that, according to Harold Bolce, they—

have more than twice as much money as the United States invested in transportation, nearly half a billion more than we have invested in mining, and almost 100 per cent more in manufacturing than America with its almost incredible energy can boast, and 200 per cent more agricultural wealth than the United States.

Great Britain, although smaller than California, has a foreign trade of over four and three-fourths billions against our foreign trade of three and one-fourth billions. British shipowners receive from three hundred to five hundred millions every year for transporting foreign goods and passengers, while we pay foreign shipowners an amount estimated all the way from fifty to two hundred millions annually for the conveyance of our external trade. Be this as it may, Great Britain has almost 50 per cent of the sailing and steam tonnage of the world, a ton to less than every three inhabitants, and carries more than 60 per cent of her own foreign trade in British bottoms.

Mr. BATES. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas [Mr. SHEPPARD] yield to the gentleman from Pennsylvania?

Mr. SHEPPARD. Certainly.

Mr. BATES. Is not the gentleman aware, Mr. Chairman, that in spite of this iniquitous tariff of which he complains, the export trade of the United States has steadily increased instead of diminished, until it is larger than in all history or in all contemplation of those who framed the present tariff laws?

Mr. SHEPPARD. It is not as large as it should be in view of our immense resources and our immense energies and opportunities, and I propose to demonstrate that fact in a few minutes.

Mr. BATES. One other question, if it will not interrupt the gentleman.

Mr. SHEPPARD. I want the gentleman to remember that I will answer his first question at length by giving the figures.

Mr. COOPER of Texas. If my colleague will permit, I will state that one of the reasons is that we are selling domestic products cheaper abroad than we are selling them to our home folks.

Mr. BATES. So I have heard. Is it not true that some delegation from the gentleman's own State of Texas has appeared before the Ways and Means Committee asking a revision of these iniquitous rates on certain articles in which they have an interest, to wit, lumber and hides?

Mr. SHEPPARD. I am not now discussing the merits of any particular rate.

Mr. BATES. Let us get down to something specific. The people of the State of Texas desire to have free hides—to have the present tariff, or any tariff at all, off of hides?

Mr. SHEPPARD. What point does the gentleman attempt to make?

Mr. BATES. I am merely asking for information. Do the people of the great State of Texas desire free hides?

Mr. SHEPPARD. Some of the people desire free hides, and if you put shoes on the free list, we will all be in favor of it. [Applause on the Democratic side.]

Mr. BATES. The neighboring State of Missouri is here asking for tariff on zinc, is it not?

Mr. RUCKER. No.

Mr. SHEPPARD. Some of the gentlemen from Missouri can answer that question better than I can.

Mr. CLARK of Missouri. Let me ask the gentleman a question. Suppose it should turn out that some fellow from Missouri came up here and asked for a tariff, what has that got to do with it?

Mr. BATES. It would prove to a certain extent what the late presidential candidate, Mr. Hancock, stated, namely, that in some respects, after all, it is a local issue. It depends upon what industry is being affected. It proves that the South is waking up and beginning to look to her true interests.

Mr. CLARK of Missouri. I know, but because one man in Missouri or a hundred men in Missouri want the tariff on zinc, it does not bind the people of Missouri as wanting that tariff. However, I do not want to take up the time of the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. I prefer now to pursue the course of my remarks.

Mr. BATES. If they looked to the interests of their State, possibly they would want the tariff on zinc and on other things.

Mr. CLARK of Missouri. Suppose you look to the interests of the whole State?

Mr. BATES. That is what I mean.

Mr. CLARK of Missouri. That is exactly what I am doing.

Mr. SHEPPARD. The gentleman's remarks do not affect the line of argument I am pursuing now. I am now speaking of the destructive effect of your whole tariff system, and I say that your belated attempt at revision is a vindication of the position we have taken from the hour the Dingley tariff was enacted.

The gentleman asked if our exports had not increased wonderfully under the Dingley tariff. I contend that our trade opportunities abroad have been sadly overlooked. Of the $1,000,000,000 of imports entering France to-day, we furnish less than 10 per cent; of the one and three-fourths billions entering Germany to-day, we furnish less than 14 per cent; of the three billions of exports entering Great Britain, we furnish less than 22 per cent; and of the thirteen and a half billions of exports entering all the other countries of the world, we furnish less than 15 per cent. What a field we view through the prison bars of a stand-pat tariff!

Mr. BATES. If it will not interrupt the gentleman, may I ask him another question? In order to compete with foreign ships we will have to build our ships cheaper than they are built abroad, will we not? That fact is evident; and in order to do that we will have to pay lower wages than we now pay, both to construct them and to run them.

Mr. SHEPPARD. Not at all; not relatively; because if you lower your extortionate tariff which makes it impossible to build American ships in competition with other countries and establish advantageous trade relations with these countries, you will so increase our foreign trade as to create such a demand for American ships that labor will have increased rather than diminished profits. [Applause on Democratic side.]

Mr. BATES. Is not it a fact that the chief element in the cost of a ship is not the material, but the labor; that seven-eighths or nine-tenths of the cost is based on the price of human labor, and the element of wages is the element that must be taken into consideration most of all?

Mr. SHEPPARD. I have already quoted from the testimony of one of the most prominent shipbuilders in this country—Mr. Orlott—showing that it is the increase of the tariff to the extent of 40 per cent on the materials that go into a ship that has made it impossible to build an American ship in competition with the world. I think I have answered my friend's interrogation as to the element of labor. I yield to no one in a desire to advance the cause and promote the interest of the hosts of toil.

Mr. HUGHES of New Jersey. I will ask the gentleman from Texas to yield to me to allow me to suggest to the gentleman from Pennsylvania if it is not true that the shipyards of Great Britain are run under an eight-hour law, whereas we exact ten hours a day from men in this country?

Mr. LANDIS. I am simply asking for information, but it is my impression that material imported for the purpose of building American ships under the Dingley law comes in free of duty.

Mr. GILLESPIE. But the ship can only be used in foreign trade.

Mr. LANDIS. Ships built in the United States, to engage in foreign commerce. My understanding is that the material imported into the United States for their construction comes in free.

Mr. SHEPPARD. There is a provision for the free admission of this material, but it is nullified by a further provision practically restricting ships so built to foreign trade and by a law which forbids ships in the foreign trade to touch at more than one American port in assembling a cargo. This condition practically paralyzes the industry of building American ships for the foreign trade.

Mr. LANDIS. I think the gentleman will ascertain, if he investigates the Dingley law, that my statement is true.

Mr. SHEPPARD. It is, with the limitation already stated.

Mr. BATES. The most important element that enters in is labor.

Mr. HUGHES of New Jersey. That is not protected. Labor comes in free.

Mr. HARDY. What was the controversy between the gentleman from Massachusetts [Mr. LOVERING] and the gentleman from Pennsylvania [Mr. DALZELL]? Did it not grow out of the fact that a drawback is not allowed on shipbuilding material?

Mr. GRAHAM. Is not the gentleman aware that trade has been encouraged by subsidies granted by these foreign countries, which subsidies have not been granted by Congress?

Mr. SHEPPARD. These foreign subsidies are insignificant when compared to the total volume of the foreign trade of these countries and to the total capital invested in merchant ships. They can have but little effect. I proceed now with the comparison of our position in the world's shipping and trade with that of Great Britain. I referred to the fact that Great Britain had nearly half the foreign tonnage of the world.

The United States, once foremost under Democratic policies in the world's ocean trade, with its flag in every port, carrying not only the larger part of the world's trade but nearly 90 per cent of its own imports and exports in American ships, has to-day, after nearly half a century of Republican ascendency, not 12 per cent of the world's tonnage, taking into account our enormous coastwise trade, which is reserved for American vessels and which exceeds our foreign-trade tonnage in the ratio of 5 to 1. We do not average a ton to every 20 inhabitants, carrying to-day less than 15 per cent of our imports, less than 10 per cent of our exports, in American bottoms, and the American flag has practically disappeared from the great trade routes of the seas. Leading the world in the production of coal, iron ore, pig iron, steel, copper, lead, borax, petroleum, cotton, wheat, corn, oats, and cattle, in the invention and employment of labor-saving machinery, possessing unrivaled facilities for manufacturing in general, with a water frontage of 7,300 miles, our bays and rivers giving easier access to the interior than those of any other continent or country, we ought easily to lead the world in shipping and in trade. And yet to-day one of Germany's steamship lines, the Hamburg-American, has 100,000 more tons than the entire mercantile marine of the United States engaged in foreign trade. Germany, with all its inferiorities of age, area, and resource, has a foreign trade of over three billions, almost equaling ours. France, one-seventeenth our size and far behind us in natural wealth, has a foreign trade two-thirds as large as ours. The little country of the Netherlands, not much larger than the State of Maryland, more than 225 times smaller than the United States, with about one-fifteenth our population, has a foreign trade more than half as large as ours.

The ten European countries before alluded to, with a total territory less than a third our own and vastly inferior to us in natural wealth, with a population less than three and one-half times as large as ours, have a combined foreign trade of nearly fourteen and three-fourths billions, more by one and three-fourths billions than four times our own. Thus the little outworn countries of the Old World are leading us in the race for national wealth and international trade when, by a sensible employment of our superior resources and energies, we should be leading them.

Mr. BATES. Does the gentleman from Texas mean to assume that that proves anything in the contention he is making? Does not the contiguity of these nations—the proximity of one to the other, the dependence of one upon the other, the lack of independence and means, such as surround us in the United States—have almost everything to do with the figures he is quoting? The fact whether they are free trade or protection or tariff for revenue only has very little, if anything, to do with the figures he is quoting.

Mr. SHEPPARD. I am endeavoring to show that the relative progress of this country under Republican policies has been lamentably slow and that other countries are outstripping us in the race for wealth and trade.

Mr. BATES. What country does the gentleman cite as leading us in national wealth? Name one.

Mr. SHEPPARD. I was speaking of trade; but there are several relatively greater than we are in wealth.

Mr. BATES. Name one.

Mr. SHEPPARD. Take Great Britain, to which I have already referred. It is less than one-twentieth of our size, smaller than the single State of California, with a population about half our own, and yet the total wealth of Great Britain is more than half as large as ours.

Mr. BATES. But what is the condition of her people to-day? Does not the gentleman know that in one city alone there are more unemployed than there are in all the rest of the cities of the United States?

Mr. SHEPPARD. Her supremacy in shipping and wealth and trade, despite these conditions, makes the tribute all the greater to her energies.

But let us examine our foreign trade more closely. Of our total exports during the last fiscal year, manufactured articles comprised less than 60 per cent, including foodstuffs partly or wholly prepared, which equaled nearly 20 per cent of the whole, and counting pig iron, unwrought leather, lumber, kerosene, and copper ingots, bars, and slabs as manufactures. Of Great Britain's annual exports, manufactured articles, not including foodstuffs, comprise over 80 per cent; of those of Germany, over 65 per cent; of those of France, over 55 per cent. We are shipping our foodstuffs and raw materials in foreign bottoms to western Europe, there to be converted into finished products that are resold to us at a profit or utilized to outstrip us in the markets of the world. We are denuding our forests, disemboweling our mountains, and exhausting our soil to send a stream of raw commodities to Europeans, with which they rebuild the waste and strain of centuries and humiliate us in the marts of earth. We are the day laborers, the serfs, and helots of modern commerce. With our copper Germany has electrified the world. Producing almost all the raw cotton suitable for manufacture, possessing unequaled means for its conversion into the finished product, we export over 62 per cent of the raw crop to be manufactured in foreign countries at a stupendous profit. Great Britain imports about $280,000,000 worth of raw cotton annually, about two-thirds of which comes from the United States, and sells it in manufactured form for $500,000,000 or more to other countries, ours included.

The portion of the $380,000,000 worth of American raw cotton annually taken by Great Britain, Germany, and France, which these countries convert into manufactured articles, they sell to other countries, ours included, for $675,000,000. The total farm value of our cotton crop of 1907 was a little over $613,000,000. Thus these three distant countries, producing not a pound of raw cotton, with fuel high and scarce, with a freight haul of over 3,000 miles across stormy seas, are making more money out of American cotton than the American producer himself. We export less than fifty millions of manufactured cotton, ten times less than Great Britain, much less than Germany and France. Practically monopolizing the raw product, we import more of the manufactured article than we export. If our tariffs had been framed with a view to the proper development of foreign markets and the cultivation of more amicable trade relations abroad, this condition would not exist. But this is not all. Our part in the trade of the world, of which Republicans boast, is really insignificant. Of our annual fifteen billions of manufactured goods we sell about one billion abroad, including foodstuffs. Of the billion-dollar industrial trade in the southern half of this hemisphere our share is pitifully small.

It is computed that Argentina alone buys more textiles from Europe than we sell to the whole world, and that the value of these textiles bought by Argentina exceeds the value of American commerce of every description going into all the ports south of the Isthmus of Panama. Great Britain's exports to Argentina alone in 1907 were more than $3,000,000 in excess of our exports to the entire continent of South America. We get the glory of the Monroe doctrine in South America and Europe gets the trade; we get a Republican platform on the subject of American supremacy and Europe gets the cash. Facing the Orient, both Asia and Oceania, with thousands of miles of seacoast, the Orient, where is located a majority of the world's population, we have less than 9 per cent of the Orient's foreign trade, a trade greater in totals than our own. We maintain the open door in the East, but European goods pass through. Great Britain's exports to China and Japan in 1907 were larger by more than twenty millions than our exports to the entire continent of Asia. Great Britain's exports to the Cape of Good Hope alone in 1907 were larger by twenty-six millions than our exports to the entire continent of Africa. And yet we pose as the commercial leaders of mankind. These boasting Republicans have made the United States the economic jest of the earth. Summarizing the tariff situation, it may be justly said that the Republican party, after nearly fifty years of almost uninterrupted control, has driven our ships from the seas, overlooked the proper development of our share in the trade of the world, challenged the commercial hostility of the earth, subjected its own members to the domination of the standpatters, and erected within our borders a system of fiscal tyranny that is slowly paralyzing the nation's energies. [Applause on the Democratic side.]

Mr. CAMPBELL. Will the gentleman from Texas yield for a question?

Mr. SHEPPARD. Certainly.

Mr. CAMPBELL. To what specific policy of the Republican party, or what phase of that policy, does the gentleman from Texas attribute our want of supremacy in the commercial world?

Mr. SHEPPARD. One of the principal reasons is the failure of the Republican Senate to ratify the reciprocity treaties negotiated under section 4 of the Dingley law with France, Ger-

many, and other important countries by which our trade would have been enormously increased.

Mr. CAMPBELL. Well, after all, do not you think that there is still something to boast of in the fact we have such a large internal commerce?

Mr. SHEPPARD. Certainly, we could not help from being great on that account. There has been no high protective law to obstruct the development of internal trade. While a tariff on foreign imports is essential from the standpoint of revenue it should not be so exorbitant as to impede our trade relations with the world.

Mr. GRAHAM. Is not the gentleman aware that his whole argument is one that was offered when we had up the question of a ship subsidy, when it was shown clearly that that was the only point where America did not protect; that the shipping of America lacked the protection of the Republican party? Now, when we urged your side of the House to help us pass a bill giving a little relief to this question in the way of a ship subsidy the gentleman cried out, "Another subsidy! Another payment of money to help these men grow rich, to help a trust!" And they voted the question down, when it was shown what we needed in South America to obtain that trade was an increase in our shipping.

Is the gentleman not aware that our goods from America have to go to Germany, France, and even to Spain, and then be retransferred to South America, because we have not the lines and vessels to convey them direct?

Mr. SHEPPARD. And who is responsible for that condition?

Mr. GRAHAM. I think the Democratic party, for opposing our policy. [Laughter on the Democratic side.] We have urged assistance from the Democratic party, with a few Republicans, and they have failed to give that protection to American shipping that it is entitled to. It is the only thing that has not been protected by the Republican party, and as a consequence has declined.

Mr. SHEPPARD. The gentleman can not shift responsibility for governmental policies to the minority. You can not claim credit for what you think is good, and blame us for what you think is bad in the conduct of the Government.

Mr. GRAHAM. I can not see it.

Mr. SHEPPARD. Perhaps the gentleman refuses to see it. Furthermore, we claim our trade could be increased in far greater degree by the negotiation of trade treaties with foreign countries than by an attempt at creating a subsidy. We assert that the Republican party has failed to secure for us the position in the world's commerce to which our unequaled resources entitle us. And yet this is the party which William Howard Taft would have the South embrace!

In a recent speech Mr. Taft practically asserted that the people of the South are moved in their political affiliations, not by conviction following the serious study of governmental problems, but by prejudice or sectionalism or tradition, that they think one way and vote another. Mr. Taft was never more widely in error. The people of the South are Democratic because they believe that Democratic principles are best for our common country, regardless of section—for Maine as well as Texas, for Michigan as well as Georgia.

Mr. BATES. Does not the gentleman from Texas think, and does he not admit that as the southern people find the race question eliminated from politics, it is for their advantage to embrace the William Howard Taft policies and the Republican policy of protection, and was not that evidenced in the last campaign by the election of a Republican Congressman in the State of North Carolina to a seat made vacant by the resignation of Governor KITCHIN when the sole question submitted to the voters was the question of a protective tariff, and in the State of North Carolina, in a normally Democratic district, the Republican candidate won on that issue?

Mr. SHEPPARD. How about Democratic candidates who won in northern communities?

Mr. WILSON of Illinois. Never on that issue.

Mr. BATES. Was not that experience duplicated in the State of Missouri, when in a Democratic district a Republican candidate ran on a Republican ticket, spoke on Republican tariff policies, and because of the desire of the people to carry on the zinc industry in that district, because of their interest in the development of that industry and other interests, they elected a Republican candidate solely on the tariff proposition? These were two normal Democratic districts.

Mr. SHEPPARD. I will answer the gentleman. The gentleman inquires if the South will probably not become Republican as the race issue or other issues become less important.

Mr. BATES. Yes.

Mr. SHEPPARD. I want to say to the gentleman from Pennsylvania that the Southern people were, almost without exception, Democratic before the race issue was ever dreamed of and before the civil war was even a remote possibility. There are States in the North that were solidly Democratic before the civil war, but which have been solidly Republican since. Which section has been influenced by war and prejudice?

Mr. BATES. What was the condition of labor in the South prior to the civil war?

Mr. SHEPPARD. It had no influence upon this tariff question.

Mr. BATES. With the emancipation of labor in this country, and the higher rate of wages paid to labor, is there not a steady Republican gain in all the Southern States wherever the Republican doctrines are enunciated and made generally known?

Mr. SHEPPARD. There is not. I will state to the gentleman that certain States in the South were Whig States before the war. Instead of a development toward Republicanism, there has been a steady retrogression from it.

Mr. BURLESON. In that same connection I would state to the gentleman from Pennsylvania that Mr. Taft in 1908 received fewer Republican votes in Texas than Mr. McKinley did in 1896, twelve years prior thereto.

Mr. SHEPPARD. And I want to state further——

Mr. GAINES of Tennessee. I want to state that the gentleman's own State of Pennsylvania voted for Polk and Dallas, and Dallas cast the deciding vote in the Senate that made the tariff act of 1846 possible, under which his State prospered in the mining and coal business.

Mr. BATES. On the cry of "Polk, Dallas, and the tariff of '42," and then the very man who was elected went back on his pledges.

Mr. GAINES of Tennessee. No; he carried out his pledges, and said so at the time he cast his vote.

Mr. SHEPPARD. Let me say again, that the people of the South are Democratic because they believe that Democratic principles are best for the country, regardless of section.

Mr. KAHN. Is it not a fact that Democratic Members of this House have appeared before the Ways and Means Committee, sitting at the present time, listening to tariff discussions, requesting that duties be levied on commodities that are raised in the South?

Mr. SHEPPARD. We have gone over that entire subject, if the gentleman will permit. The same question was asked twenty minutes ago.

Mr. KAHN. I did not happen to be in the House at the time of the gentleman's answer.

Mr. SHEPPARD. Perhaps it was the gentleman's misfortune that he was not here during my entire remarks.

I want to call further attention to this remarkable speech of Mr. Taft. In it he ridiculed the southern people for loyalty to northern Democrats, and at the same time invited them to the support of northern Republicans. Are northern Democrats any the less Americans because they are Democrats?

Do they not support the Government with their treasure and defend it with their blood? Let no man say that the Democracy and the South are not an essential part of this Republic. The hope of free government in this country lies not so much with the seven millions who won at the last election, as with the six millions who lost and accepted the result with true American good will.. [Applause on the Democratic side.] It is a matter of especial pride, let me say while we are on this subject of sectionalism, that the Democratic party can not succeed unless every section of the country is represented in its triumph. The side of this House most typically American is undoubtedly the Democratic side, where Members from Massachusetts and Virginia, from New York and Mississippi, from Illinois and the Carolinas, from every part of the Union, unite to advance the national good. What spectacle could more forcibly appeal to Americans everywhere than that of the famous Union general on this side, joining hands with his former antagonists of the battlefield to restore the landmarks of American liberty, wearing his 74 years like an armor of steel, ISAAC R. SHERWOOD of Ohio. [Loud applause on the Democratic side.]

Mr. BATES. Will the gentleman indulge me with one further question?

Mr. SHEPPARD. Certainly.

Mr. BATES. The gentleman will admit that there has been for some thirty years a solid South, and that in most of those States it would be hopeless to espouse any other ticket than the Democratic ticket. In most congressional elections nomination is equivalent to an election. That has never prevailed in what are called the "Northern" or the "Western" States. Almost every State of the North, East, and West is a debatable State, often electing a Democratic governor and voting for a Republican President on the same day. Was it not the desire of the President-elect, Mr. Taft, that there should be an opportunity

for every man to express his preference and have that preference counted, and have it of some effect in the South as well as in the North?

Mr. SHEPPARD. And that is exactly where Mr. Taft was unjust to the South; there is every opportunity in the South for free speech and untrammeled suffrage. His speech and your remarks here encourage the belief that such is not the case.

Mr. BATES. Does the gentleman mean to say that he indorses a policy which makes the result of an election like a sealed book before the votes are even cast, and that no Republican party need apply——

Mr. SHEPPARD. It is not a sealed book.

Mr. BATES (continuing). And nominate their candidates as if already elected?

Mr. SHEPPARD. We invite you to come South with arguments, and if you can not meet us with arguments you ought not to complain.

Mr. BATES. The manifest desire of President-elect Taft was that there should be an opportunity, at least, for each party to present its candidates and its policy in every State and in every congressional district in this Union, if need be, and allow the people to exercise the right of franchise.

Mr. SHEPPARD. There is such an opportunity, and there has always been such an opportunity, and when the gentleman speaks of a solid South I refer him to the fact that there is practically a solid North.

Mr. BATES. Oh, no. New York and Ohio have had Democratic Senators and governors every decade for the last forty years.

Mr. SHEPPARD. The gentleman's argument establishes nothing so far as national elections are concerned.

Mr. BATES. And for that reason the Northern States are better governed, because there is fair chance for both parties. Even in the great State of Pennsylvania there have been Democratic governors and a treasurer elected several times in the last ten years.

Mr. SHEPPARD. How many times has Pennsylvania gone Democratic in the last forty years?

Mr. BATES. The Democrats have elected two governors in the State in the last twenty years and two or three treasurers. The term of our governors is four years.

Mr. SHEPPARD. You had two Democratic governors in the last forty years?

Mr. BATES. In the last twenty years.

Mr. SHEPPARD. You have had two Democratic governors since the war, and Texas and every other Southern State has had Republican governors since that great contest.

Mr. BATES. We elected them in the last twenty years. California has had three Democratic governors in recent years; Massachusetts also. Almost every Northern State wavers from Republicanism occasionally; but the point I make is that there is a good healthy opposition party in every Northern State and practically none in most of the Southern States. This is what Mr. Taft, in the interest of good government, seeks to have corrected.

Mr. SHEPPARD. There is every opportunity for any political party to express its views, formulate its platforms, and register the votes of its adherents in the South, as much so as in any other part of the country.

Mr. BATES. Minnesota has gone Democratic three times. That is all President-elect Taft desired—that there should be an opportunity presented for the candidates and for the policies of both parties or all parties not only to the people of the South, but to the people of the North as well.

Mr. SHEPPARD. And he did the South an injustice when he stated that there was no such opportunity now.

Mr. BATES. The gentleman must know that in many of the Southern States there is no such opportunity.

Mr. SHEPPARD. That is not the fact.

Mr. BATES. Read the reports of the Congressional Directory and you will see——

Mr. SHEPPARD. I state on my responsibility as a citizen of the country and as a citizen of the South that the gentleman is in error.

Mr. BATES. The gentleman knows that in many of the congressional districts there is no candidate in the opposition and no vote recorded.

Mr. SHEPPARD. For what reason? Not because there is no opportunity.

Mr. BATES. Just for that very fact.

Mr. SHEPPARD. The gentleman persists in doing us serious injustice.

Mr. HARDY. I wish to say that it is a strange position for a gentleman from Pennsylvania, a State that went Democratic before the war, and that has never gone Democratic in a national election since the war, to talk about the solid South.

Mr. SHEPPARD. Exactly; and that is the statement which I made at the beginning, that before the war the South was almost wholly Democratic.

Mr. BATES. Oh, no.

Mr. SHEPPARD. And many Northern States were Democratic.

Mr. BATES. The gentleman said that they were Whig States. Tennessee and Mississippi were Whig States.

Mr. SHEPPARD. I did not say the South was solidly Democratic before the war. I said that almost without exception it was Democratic.

Mr. BATES. I do not wish to do the gentleman or his section any injustice, but I do insist that the manifest desire of the President-elect was that there should be a fair presentation of the issues of the Republican and Democratic parties before all the people of this country, in every State in the Union and every portion of every State in the Union, in the interest of fair play and to enable the people of this country to vote for their best interests, as they believed. He advised this without reference to any party at all or without intimating which party they should espouse.

Mr. SHEPPARD. I say again that entire opportunity exists to-day, and has always existed, for the fair and unprejudiced presentation of issues in the South. My people are as liberal, as tolerant, and as patriotic as any other people in the world.

Mr. BATES. Then there is an improvement over the conditions of twenty or thirty years ago.

Mr. HARDY. Has there been any improvement in Pennsylvania? Is not Pennsylvania a part of the solid North?

Mr. BATES. There is no district in Pennsylvania that does not present opposition candidates, and in many of them the elections are carried by only two to five thousand majority. Several districts alternate between the two parties even on national questions.

Mr. HARDY. Was not Pennsylvania Democratic before the war, and has she ever been since the war?

Mr. BATES. Certainly.

Mr. HARDY. Has she ever elected a Democratic governor?

Mr. BATES. She did in 1900.

Mr. HARDY. Except when there was some local issue of corruption or something of that kind?

Mr. BATES. On national issues I am proud to say that she has always gone Republican.

Mr. HARDY. Is she, therefore, to be blamed on that account?

Mr. BATES. And I wish to say, further, that as long as the people of Pennsylvania retain their good sense, they will vote the Republican ticket on national questions. [Applause on the Republican side.]

Mr. HARDY. Then, do we understand that they had no good sense before the war?

Mr. BATES. They have improved in their attitude on national questions.

Mr. BEALL of Texas. The good sense you refer to is cents in the pocket and not sense in the head, is it not? [Laughter.]

Mr. BATES. Both. They have improved intellectually, morally, and financially. "Go thou and do likewise." [Applause on the Republican side.]

Mr. SHEPPARD. The people of the South will be guided by their convictions, and I desire to emphasize the fact that Mr. Taft did the South a serious injustice when he insinuated that fair opportunity did not exist for the exercise of the suffrage in the South.

Mr. OLLIE M. JAMES. I think the fairness that Mr. Taft was talking about not existing in the South was in the Republican conventions down there. [Laughter on the Democratic side.]

Mr. SHEPPARD. Mr. Chairman, the people of the South are devoted to the Democracy not alone for the soundness of its economic and constitutional tenets. They love the Democracy because it is essentially a national party. I referred a few moments ago to General SHERWOOD; let me say further that his speech in this Congress against the militarism of the Republican party has been quoted with approval by d'Estonnelles de Constant in the Senate of France. Only a short space away from General SHERWOOD sits the Confederate brigadier, the noted GORDON, of Tennessee, and when SHERWOOD and GORDON, veteran heroes of opposing factions in one of the bloodiest conflicts of time, meet under Democratic standards in the American Congress, who will deny that the Democracy is the supreme refuge of a reconciled and devoted people? [Loud applause on the Democratic side.]

Resting on the universal principle of equal rights, the Democratic party is the party of the Nation, the party of brother-

hood. The ambition that illumines its entire career is to make this Government so just, so pure, that it shall say to the humblest toiler in the land, "You shall not build and another inhabit; you shall not plant and another eat." When we contemplate the character and record of the Republican party we can not avoid the conclusion that it is too strongly in the grasp of the interests it has enthroned to provide substantial remedies for the people's ills, to make sincere and adequate revision of the tariff, or to restore our lost supremacy in the commerce of the world. From the beginning of its partnership with protected wealth the Republican party has drifted away from the sympathy and brotherhood that marked the aspirations of Abraham Lincoln. To-day it openly proclaims loyalty to Alexander Hamilton, the disciple of privilege and class rule, the champion of aristocratic tendencies, who regarded the British monarchy as the model system of the world. It would be difficult to conceive of two more contradictory schools of political thought, two ideals of government more antagonistic, than those of Alexander Hamilton and Abraham Lincoln.

Indeed, Lincoln accepted the doctrines of Jefferson, the founder of the Democratic party and the fundamental antagonist of Hamilton. In reply to an invitation from Boston in April, 1859, to attend a celebration in honor of Jefferson's birthday, Lincoln concluded as follows:

> All honor to Jefferson, to the man who in the concrete pressure of a struggle for national independence by a single people had the coolness, forecast, and capacity to introduce into a merely revolutionary document an abstract truth, applicable to all men and all times, and so to embalm it there that to-day and in all coming days it shall be a rebuke and a stumbling block to the very harbingers of reappearing tyranny and oppression.

Sublimer tribute never fell from human lips. [Applause.] Such was Lincoln's estimate of the man whom Roosevelt ridicules and DALZELL decries. I can not find that Lincoln cared enough for Hamilton's political views to attempt a single public analysis of them. It is not possible that Alexander Hamilton and Abraham Lincoln could be the founders of the same political party. Hamilton was for the class; Lincoln for the mass. As the Republican party becomes more and more the party of Alexander Hamilton it becomes less and less the party of Abraham Lincoln. If the notable speech of last February by the gentleman from Pennsylvania [Mr. DALZELL], the most ingenious defense of the Republican party delivered in recent years, establishes anything, it establishes the fact that Hamilton is regarded by the Republican party as its doctrinal founder.

Through its alliance with privilege, the Republican party now reflects the principles of Hamilton; purified by fifty years of heroic struggle, the Democratic party to-day embodies the teachings of Jefferson, whose ideals were the ideals of Lincoln. Our leader in three national contests, reflecting these ideals in life and thought and speech, representing the purest type of American manhood, is greater in defeat than the Titan of the golf links in victory. [Laughter and applause on the Democratic side.] His is a higher place in history than official honors can ever bestow. And, oh, sir, when the American people shall lift the party of brotherhood above the party of dollarhood, the party of equality above the party of privilege, the party of progressive trade relations above the party of restriction, the party of economy above the party of extravagance, the party of local self-government above the party of centralization, the party of the Nation above the party of a section, then, and not till then, shall we witness the rebirth of this Republic on a basis as broad as human patriotism, as deep as human love, the reconsecration of 85,000,000 American citizens to the doctrines that established liberty, the return to original paths and principles of that rejoicing host whose arms shall rise in mighty unison to "break the jaws of the wicked, and from between his teeth to take away the prey." [Loud and prolonged applause on the Democratic side.]

Mr. RUSSELL of Missouri. Mr. Chairman, the impression prevails that this Congress will not pass any appropriation bill for the improvement of rivers and harbors, and, if true, I desire here and now to record my emphatic protest against such a policy.

We are advised or led to infer that the revenues of the Government are at this time not sufficient to justify this expenditure. I admit that the country is to-day confronted by an annual deficit of perhaps $140,000,000, due to the unparalleled extravagance of this Congress; but it is most unfortunate for the district that I represent, and I believe for the general good of the whole country, that the necessity for economy in the expenditures of the public money should be discovered just in time to defeat or to defer action upon a bill for the improvement of our waterways.

It may seem presumptuous and even unbecoming in me as a new Member, and one with a brief tenure of office, to attempt to criticise the actions of this Congress, and it is not my purpose to do so in an unfriendly or a disrespectful way, but I represent one of the largest and most populous districts represented in this House, and one that is deeply interested in the question of river improvements, and I can not be true to my own convictions, nor faithful to the interests of my constituents, without expressing upon this floor my disapproval of the indefinite postponement of such legislation, especially in view of the fact that this Congress, as I understand, bases such action upon insufficient revenues, which was brought about by its own extravagance.

This Congress has appropriated, or will appropriate, for other purposes more than two thousand million dollars, which is far in excess of the appropriations of any preceding Congress in the history of the country, and of this enormous expenditure I beg to remind you that over eight hundred million is, or will be, for the support of the military arm of the Government.

No one with the same power and opportunity will go further than I in upholding the honor of our country, nor in providing the necessary means for its defense, whenever its integrity as a nation is assailed or the safety of its citizens is imperiled by foreign foes; but I love more the paths of peace, with their benevolence and achievements, than I do the bloody battlefields of war, with their brutality and sacrifice of human lives. We are now at peace with all the world, for which let God be praised, and for my part I hope, with some confidence of its fruition, that the time will soon come when all the disputes between civilized nations will be amicably adjusted by a court of international arbitration, or other civil methods, instead of by the arbitrament of the sword. I have but little sympathy with the oft-repeated quotation made by those who favor extravagant appropriations for increased battle ships or large standing armies, "In time of peace prepare for war." It would be more in harmony with my own feelings and ambitions and more in keeping with our advancing civilization and the Christian spirit of the age to say, "In time of war prepare for peace."

More than 200 miles of the district that I represent borders upon the Mississippi River, and within the interior of that district is found the St. Francis River, Black River, Current River, and Little River, all navigable in law, and with proper protection and improvement by the Government would be navigable in fact, and the benefits enjoyed by the fertile sections through which they run and the benefits contributed to the commerce of the country would be far in excess of the necessary expenditure.

The construction of the Panama Canal, which we are promised will be completed within six years, makes the improvement of the Mississippi River and its tributaries of more vital importance to the country than ever before. About 65 per cent of our exports to foreign lands, averaged for the last eighteen years, have been the products of the farm, and about two-thirds of this, as nearly as can be ascertained, were produced in the Mississippi Valley. That fertile section has sometimes been called "the granary of the world." The farmers of that valley produce annually a large surplus of cotton and grain that are required to feed and clothe the inhabitants of the other parts of the world, and next in importance to the producing of these commodities is the facilities for transporting them to the place of consumption. Water transportation is the cheapest known to our commercial life, and the cheapest railroad rates known to shippers are between water competing points.

For these reasons I favor a complete and a comprehensive plan of improved waterways navigation, including a deep channel from the Lakes to the Gulf, if feasible, and I understand the government engineers have so decided. I hope that many of my constituents will live to see the day that their cotton, corn, and wheat, and other products of the soil, will be loaded along our own borders in vessels destined without change to all the ports of the civilized world.

To me it sometimes seems that the action of the Government toward its navigable rivers is not consistent. In the district that I now have the honor to represent are a number of rivers that are in law navigable, but which have been so neglected by the Government that navigation upon them has been very much impeded, and in many cases practically suspended; among them the St. Francis River, upon which I recently traveled more than 100 miles within my own district by steamboat, on a tour of inspection with a board of commissioners appointed by the governor of the State of Missouri. I made this personal tour of inspection at the suggestion of the distinguished chairman of the Rivers and Harbors Committee [Mr. BURTON], for whom I have the highest regard. I at that time hoped to report the facts to the committee over which he presides at this session of Congress in support of a bill introduced by me, asking for an appropriation for the improvement of that river; but, as I now understand there will probably

be no river bill reported or passed at this session of Congress, my efforts in that matter will, I fear, be of no avail.

This river, with an expenditure of a very reasonable sum of money, could be cleaned out and its channel improved so as to be made navigable at nearly all seasons of the year, thereby furnishing a much-needed means of transportation for a large and fertile territory. The Government will not permit the construction of bridges across that river by individuals or corporations without its express sanction, on the ground that it would be an obstruction and an interference with navigation; still it was practically abandoned in the last Congress, when that district was represented by my predecessor, Mr. Tyndall, by incorporating in the rivers and harbors bill a section discontinuing all appropriations for that river in Missouri and repealing all laws providing for its improvement.

At the last session of this Congress, at the urgent request of my constituents living along and near the James River, I succeeded in getting passed by this House a bill authorizing the construction of a dam in that river so as to utilize the water power, to the great advantage of that locality in developing its latent resources and adding to its wealth. A short time thereafter the President, by special message to Congress, announced that he was opposed to that character of legislation, and indicated that he would not give his approval to any bills of that sort without they expressly reserved the right of the Government to tax the use of the water power. His opposition delayed the consideration and passage of that bill in the Senate, but it passed that body two days ago and is now in the hands of the President. I hope and believe that when he fully understands all of the facts in connection with that river that he will give this bill his approval. James River is wholly within the State of Missouri; not a drop of water flows through that stream that does not come from the districts represented by my colleague, Mr. HAMLIN, and myself. It is a rapidly running mountain stream and is not navigable, except to float downstream at certain seasons of the year, which may be done with great rapidity.

The Government never did expend a cent upon this river, and it is safe to say it never will, and hence I do not particularly appreciate its deep concern over its welfare or its disposition to control the use of its water. In my opinion it should belong to the abutting landowners or be controlled by the State.

The appropriations heretofore made by Congress for the Mississippi, from the mouth of the Missouri to the mouth of the Ohio, have not been commensurate with the necessities of that important stretch of the river. It has been urged as a reason for reducing the appropriations for that part of the river that the tonnage transported over it has grown less. The same character of reasoning would forbid the administering of remedies to an afflicted man who by reason of disease is unable to render full service. If the channel of that river were improved, and its capacity for navigation thereby increased, the freight tonnage over it would also be largely increased.

It is something like the story of the Dutchman's wife, who was sick and placed in a hospital. The Dutchman called on Monday morning to inquire of her condition, and was informed that she was improving, and again on Tuesday morning and Wednesday morning, and on all occasions was informed that she was improving, but when upon inquiry on Thursday morning he was informed that she was dead he went over to the nearest saloon to "drown his sorrow in the cup." Inviting his friends about him to drink with him, he said, "My vife is dead." They asked him the trouble, and he said, "My vife tied of imbrovements." [Laughter.]

The appropriations for the Mississippi River from St. Louis to Cairo have been so meager and inadequate that, almost like the Dutchman's wife, it has died of improvements.

Since a Member of Congress, at the request of constituents deeply interested in that part of the river, I have urged upon the proper authorities the importance of improvements for the protection of caving banks, and to prevent the destruction of levees, and threatened cut-offs, all of which would be for the better maintenance of the channel and the protection of navigation. The reply has invariably been that the work was badly needed, but that there was insufficient funds, or no funds, available for that purpose. Within the last year serious damages have been done, and greater damages are now threatened, by caving banks, not only to private property but to public levees, and to state and interstate commerce. At Prices Landing, where about $30,000 was expended a few years ago in revetment, with splendid effect, and with great benefit, it is now being destroyed by reason of caving banks around and behind either end of the improvement, which could be protected with a small expenditure.

At Birds Point, where great quantities of interstate freight has been handled by means of transfer boats, the terminus of two railroads—the Iron Mountain and Cotton Belt—about 20 acres of land has gone into the river within the last eight months. The inclines, depot grounds, terminal yards, and tracks of both railroads have been destroyed, and a great part of the town washed away. The public has suffered great inconvenience by the interference with the ordinary means of travel, and the United States mails and interstate commerce have been greatly interrupted and delayed. The damages sustained by the Iron Mountain Railroad alone at that place has been $125,000, as the following letter from Mr. C. S. Clark, vice-president of that company, will show:

ST. LOUIS, *December 9, 1908.*

Hon. J. J. RUSSELL,
Washington, D. C.

DEAR SIR: Your letter of the 1st instant, addressed to our superintendent, has been referred to me.

Our company is interested to the same extent as other property owners in preventing further erosion, and the consequent damage resulting therefrom, at Birds Point, and is ready and willing to join the other property owners and interests affected in taking whatever steps may appear to be desirable or necessary to secure government aid.

Our facilities at Birds Point have practically been destroyed, entailing a loss to our company of over $125,000, and we have been forced to make our transfers from another point, which involves a delay of approximately one day to interstate freight handled.

I trust that the meeting at Washington may be attended with favorable results, and desire to thank you for the interest which you have manifested.

Yours, truly,

C. S. CLARKE,
Vice-President St. L., I. M. & S. Ry.

When, at my request, last summer the government engineers made a tour of inspection of that part of the river, they called the attention of the Representative of the Cairo district in this House, Mr. THISTLEWOOD, and myself, to a threatened cut-off through what is known as Big Lake Bayou. The engineers all agreed that this was a grave problem and that such a result would not only very seriously affect the channel of the river and its navigation by greatly shortening the river and increasing the current, but by turning the mouth of the cut-off directly opposite and fronting the Illinois banks at Cairo with increased velocity and force the current would be a serious menace to that growing and important commercial center.

At the cities of New Madrid and Caruthersville the Government a few years ago did some very necessary and useful work in protecting the river banks of these important commercial cities, but I am advised that further work is now necessary for additional protection and to save from destruction or damage the work already done. Upon that point I ask to read the following letter from the mayor of New Madrid, Mo., Doctor O'Bannon:

NEW MADRID, MO., *December 24, 1908.*

Hon. J. J. RUSSELL,
Washington, D. C.

DEAR MR. RUSSELL: Your favor of the 24th instant received.

The work already done needs protection—that is, the top of the bank needs to be rocked, as the high water during strong winds cuts away that part of the bank above the point reached by the rock.

The bank just above the revetment, or where rocks stop, and just below the mouth of the St. Johns Bayou, is caving, and will, we fear, in time cut in behind the rock, thereby seriously endangering the whole of the work already done. The cause of this bank caving at this point is on account of the current of the river from the Kentucky point striking at this point.

My judgment is that what is most needed at this time is this additional work, for, as above stated, this caving endangers the work already done.

Yours, very truly,

WELTON O'BANNON,
Mayor of the City of New Madrid.

I have importuned the Mississippi River Commission for relief against these erosions, actual and threatened, and while the necessity is not questioned, the reply, as usual, is "no available funds." I ask to have read and included as a part of my remarks a part of a letter from Colonel Bixby, the president of the Mississippi River Commission:

ST. LOUIS, MO., *November 30, 1908.*

Hon. J. J. RUSSELL,
Charleston, Mo.

DEAR SIR: Yours of November 20 is duly at hand, regarding the work which you think is desirable in the St. Francis basin from Cape Girardeau down to Cairo.

The work between Big Bayou and Thompsons Landing can not properly come under the Mississippi River Commission, but must be handled by my river and harbor district (formerly under Lieutenant-Colonel Casey), which has the Mississippi River from the mouth of the Missouri to the mouth of the Ohio, for the reason that the levee systems which the Mississippi River Commission can control from Cairo up to Cape Girardeau, as it would be located by the commission, must necessarily disregard the land in any loop such as that at Thompsons Point and must go back from the river far enough to get entirely back of Big Lake and entirely back of all the other bayous and sloughs between Cairo and Commerce.

The St. Louis river and harbor district, controlling the Mississippi River from the Missouri to the Ohio, might possibly consider the protection of Thompsons Point in order to prevent a cut-off; but its funds are so limited by the recent acts of Congress that it can only spend a few thousand dollars a year on bank protection and cut-off protection, and the small amount left for bank work at the end of the season is nowhere near enough to maintain existing works, so that any existing appropriations for the Mississippi River between St. Louis and Cairo must go into other work than bank work down at Thompsons Point.

and I can do nothing in this direction until Congress makes special appropriations for this particular locality.

Possibly you can help on such work by getting the next Congress to insert in its river and harbor bill a special provision for an "examination of the Mississippi River from Philadelphia Point to Greenfield Landing, with a view to preventing a cut-off into Big Lake or across Thompsons Point," adding any other feature of the work which you think necessary. This will have to be special work, all by itself, and will require special mention in the last paragraph (that for examination and surveys) in the next river and harbor bill. I think you will have no great difficulty in having such provision inserted in that paragraph. But the examination can not be made and reported before the present Congress adjourns, and so, even with a favorable report, you could not get any actual appropriation before the session of 1909–10. Yet this is about all you can do under the present practice of Congress and of its River and Harbor Committee.

The Mississippi River Commission in its last annual report recommended $3,000,000 for its use in 1909, and the present prospects are that this will be cut down in Washington to $2,000,000. If so, your neighborhood will stand little chance of getting any work done in 1909. Your chances would be far better if you could persuade Congress to add the extra $1,000,000 recommended by the commission; but this will require a special item to that effect in the river and harbor bill of this session.

Regretting that other urgent work has delayed my answer,

Very truly, yours,

W. H. BIXBY,
Colonel, Corps of Engineers, United States Army;
President Mississippi River Commission;
Also Officer in Charge River and Harbor District,
Mouth of Missouri to Mouth of Ohio.

If these improvements are such as are proper for the Government to make—and about that there seems to be no dispute—then I submit that they should be made promptly, not only as a protection to private property, but for the protection of the navigation of the river and the commerce of the country. I know that there are those who hold that the General Government can not properly appropriate money to prevent the caving of banks when nothing is involved but the loss of private property, but I insist that if the Government has the power to spend its money to dig dirt out of the river to improve the channel, it has the right to spend money to prevent dirt from falling into the river that will fill up the channel.

I do not assume to be in any sense an expert upon this question, but I do venture to give it as my own opinion that the only way to open and successfully and permanently maintain at a reasonable expense a 14-foot channel from St. Louis to the Gulf will be to stop the caving in of acres of land, by revetment or other permanent structures.

It has been the hope of all the people of my section that this Congress would appropriate the money necessary to enable the proper authorities to enter upon the prosecution of a comprehensive plan for the improvement of the Mississippi River and its tributaries. The importance of these waterways have in the recent past been better understood and more appreciated than formerly.

The proposition of river improvement is to-day favored by all political parties and the majority of leaders among public men. At the Deep Waterways convention, in Chicago, a few weeks before the late presidential election, I heard both of the candidates of the two leading political parties in that contest—Mr. Taft, now President-elect, and Mr. Bryan—express favorable opinions of the justice and importance of such improvements.

The platforms of both the Republican and Democratic parties also strongly favored the improvement of our waterways. I read the following extract from the Republican platform:

In the line of this splendid undertaking is the future duty equally imperative to enter upon a systematic improvement upon a large and comprehensive plan, just to all persons of the country, of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of benign Providence.

The Democratic platform, from which I also read an extract, was even stronger and more insistent, as follows:

Water furnishes the cheaper means of transportation, and the National Government, having the control of navigable waters, should improve them to their fullest capacity. We earnestly favor the immediate adoption of a liberal and comprehensive plan for improving every water course in the Union which is justified by the needs of commerce, and to secure that end we favor, when practicable, the connection of the Great Lakes with the navigable rivers and with the Gulf through the Mississippi River.

The trip of President Roosevelt down the Mississippi River in October, 1907, we hoped would give new impetus to the cause of river transportation and river improvements. This great flotilla of 18 boats, parading from St. Louis to Memphis in orderly procession, was the most imposing spectacle ever witnessed in the history of Mississippi River navigation. The President, in one of his speeches on that trip, spoke of our inland waterways as one of the greatest assets of the nation, and expressed the opinion that they should be well and promptly improved. Since that time he has frequently urged Congress, by his messages, to provide at once for their improvement, and in his message at the opening of this Congress he said:

Action should be begun forthwith during the present session of Congress for the improvement of our inland waterways, action which will result in giving us not only navigable but navigated rivers.

Mr. Chairman, my constituents are deeply interested and deeply concerned in the matter of the improvement of these rivers, and as they are annually producing a large surplus of cotton and grain, desired for food and raiment by others, they, too, as consumers, are interested in facilitating the means of distribution. Facility of transportation stimulates production, and increased production promotes the welfare of mankind and adds to the wealth of the world.

In behalf of my constituents and the great army of industrious farmers and producers of the Mississippi Valley, and for the good of the whole people and the commerce of the country, I respectfully urge this Congress to give prompt and favorable consideration to this vital question—the immediate and adequate improvement of our internal waterways. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 13649. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7721. An act for payment to Robert B. Whitacre and Frederick T. Hildred the sum of $944.97 for blasting powder used by the United States Government to complete the Belle Fourche irrigation project;

S. 6586. An act to correct the military record of Charles J. Smith;

S. 1197. An act setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.; and

S. 556. An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. GARDNER of Massachusetts. Mr. Chairman, the gentleman from Pennsylvania [Mr. OLMSTED] this morning devoted some time to the enumeration of the various benefits which have accrued to this House under the Reed rules. So far as I know, no one to-day denies the beneficial results consequent on the abolition of the untrammeled obstruction which previously was so common. The gentleman pointed out to us that those great reforms were instituted in order to prevent that obstruction, and, furthermore, that under the Reed rules the order of business was completely changed. I myself believe that the Reed reforms were beneficial in almost every way; but when the gentleman from Pennsylvania says that the rules of the Fifty-first Congress, the Reed rules, are the rules of this Congress to-day, he is utterly and entirely mistaken. The rules of this House are not alone those 45 sections which we see in the manual. The decisions of this House and of its Speakers also go to make up our body of parliamentary law. Since the time of the adoption of the Reed rules the decisions of the Speaker have modified our parliamentary law to a degree that the Members do not appreciate.

I called the attention of the House this morning to the fact that under the Reed rules any committee had a right to move to suspend the rules and by a majority vote—not a two-thirds vote—set a day for the consideration of any measure which they chose. I could see that the gentleman from Pennsylvania was saying to himself:

Yes, if the Speaker admitted the motion; but not otherwise.

I grant that that is true, but, nevertheless, at the time the Reed rules were adopted Members believed that a privilege was conferred on committees in permitting them, by a majority instead of by a two-thirds vote, to secure a day for action. I wish to read to the Chair and to the Members from the book which I hold in my hand. It contains a discussion of the reasons for the adoption of the Reed rules. Listen to this:

Rule XXVIII, relating to suspension of rules, is so modified that the House, at the request of a committee, may, by a majority vote, set down a bill for action of the House.

Mr. Chairman, such was the explanation given for the change in Rule XXVIII. Surely at the time Members were justified

in supposing that the privilege accorded was real and not imaginary. I am perfectly aware that many of you might say:

Why, on the floor of this House Members often make explanations which later are found to be illusory.

Any Member may arise and interpret a rule incorrectly, it is true, but that which I read you was no unauthorized comment. That statement was made in the report of the member of the Committee on Rules who reported the Reed rules to the House, the Representative from Danville, Ill. Valuable or not, the privilege I have just been discussing has been dropped from our code.

Now, as to this question of the rules being changed by decisions. Speaker Reed, unless I am very much mistaken, invariably held, when the Committee on Rules reported a rule to the House, that after the previous question was ordered it was then in order to move to recommit with instructions. Just think of the value of that power which the House had under the Reed rules while Mr. Reed was the Speaker. We have it no longer. It is not the rule of the House to-day. Mr. *Speaker Henderson* discarded the Reed ruling, and he has been followed by the present Speaker. It is no longer possible to recommit with instructions of any sort after the previous question has been ordered on a report from the Committee on Rules. Perhaps some one will say: "But if you have the majority vote to recommit, you have also the majority vote to refuse the previous question." Oh, no, Mr. Chairman; Members may vote the previous question up or down without leaving a legible trace on their records. The significance of that motion does not appear on the surface. The ordinary citizen does not understand its effect. On the other hand, if a Member votes down a motion to recommit with definite instructions, the fact stands in his record. He must explain it, if he can.

I have just shown you one example, perhaps the most important, of the way in which the hands of the Speaker and of the Committee on Rules have been strengthened since the days of Speaker Reed. Now, I will show you another. It was held in the beginning of the Fifty-ninth Congress, and again in the first session of this Congress, that the motion to suspend the rules and pass a bill is not divisible. Yet the rules say distinctly that any Member may demand the division of a question if, when that question is divided, a substantive proposition remains. That would be a very valuable privilege, if we only had it. So far as I know—although I have heard it stated to the contrary—the decisions of this question in this Congress and in the last rest on nothing better than some doubtful rulings about forty years old; decisions, by the way, which only considered whether or not it was in order to demand the division of the propositions presented, not whether the motion itself was separable.

Since the adopting of the Reed rules, if I am not mistaken, the functions of the Committee on Rules have been widely extended, while the committee itself has been further protected by the adoption of a clause which now appears at the end of paragraph 61, Rule XI.

The examination of all the precedents presents such a stupendous task that I hesitate to state for a certainty that which I believe to be a fact, namely, that only very recently has the Committee on Rules held it to be within their province to report a rule making an amendment in order which, under the rules and practice of the House, is clearly out of order. With the same hesitation I state it as my belief that Speaker Reed would have declined to admit, under suspension of the rules, any order making it possible on a future day, not a suspension day, to suspend the rules in order to attain some particular purpose.

I believe it is an entirely new practice for a Speaker to hold that the question of consideration may be dilatory, although a decision to that effect is noted in the Digest as having been made in the Fifty-third Congress. I think the citation is incorrect. Perhaps I should not criticise this decision, however, as I am afraid that in my ignorance I have voted to sustain it.

It is useless to go further in citing changes in the Reed rules wrought by decisions. I think I have said enough to throw some doubt on the correctness of the view that we are now acting substantially under those rules.

Now, a word about the growth of the practice of moving the previous question. Again and again we are told that no man should speak to the House without its consent, and that the previous question is a beneficent motion to stop debate. Formerly that motion was adopted for the purpose of curtailing debate, and in England to-day on the rare occasions when the speaker entertains it, such is its purpose. In this House, however, nowadays the chief function of the motion is to prevent awkward amendments.

Formerly the theory was that a special report from the Committee on Rules was introduced in order to facilitate the discussion of a measure. To-day over and over again a report from the Committee on Rules is—I do not say intentionally—so framed as to limit debate on a measure of great importance and, what is still more undesirable, to limit amendment.

I come now to the question of catching the Speaker's eye.

Mr. KEIFER. Before passing from that, I understand your criticism is upon the House, which constituted the Committee on Rules, in limiting debate. Is that objectionable, or is that to be avoided?

Mr. GARDNER of Massachusetts. Mr. Chairman, it certainly is to be avoided, and it certainly is objectionable that a rule should be adopted limiting to three hours the consideration of a great measure like the bill to reorganize the whole immigration laws of the United States, to say nothing of the fact that the rule in question permitted amendment and debate on only 2 of the 41 sections of the bill.

Mr. KEIFER. Will the gentleman allow me, then, to suggest the lecture ought to be delivered to the Members of the House in not voting to lengthen debate and not a protest against the rules or the Speaker.

Mr. OLMSTED. May I interrupt the gentleman?

Mr. GARDNER of Massachusetts. Certainly.

Mr. OLMSTED. Did not the gentleman himself yesterday introduce a resolution changing the rules so as to permit the previous question in the Committee of the Whole House?

Mr. GARDNER of Massachusetts. He did.

Mr. OLMSTED. After forty minutes' debate.

Mr. GARDNER of Massachusetts. He introduced a rule that will compel this House to stay in session at certain times, just as the House of Commons of Great Britain is forced to do.

Mr. OLMSTED. Whether it wants to or not?

Mr. GARDNER of Massachusetts. Yes; just exactly so.

Mr. OLMSTED. I simply want to ask whether your resolution in regard to the previous question would not apply to that immigration bill after forty' minutes debate?

Mr. GARDNER of Massachusetts. I did not catch the question.

Mr. OLMSTED. Would not this rule you proposed, if adopted, authorize the previous question to be called in the Committee of the Whole House, or in the whole House, on the immigration bill of which you have spoken after forty minutes of debate?

Mr. GARDNER of Massachusetts. Only once a week.

Mr. OLMSTED. Well, whenever it comes up.

Mr. GARDNER of Massachusetts. Not if it came up under the rule——

Mr. OLMSTED. But when it did come up.

Mr. GARDNER of Massachusetts. Only once a week.

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

Mr. GARDNER of Massachusetts. The gentleman will yield for as many questions as he can have time to answer.

Mr. MADDEN. Does the gentleman contend that the Committee on Rules could bring in any rule which would be enforceable unless approved by a majority of the Members of the House?

Mr. GARDNER of Massachusetts. No; he does not; but it has always been held in legislative bodies that propositions shall not be presented in such a form that Members must choose between two evils and take the lesser, but that the Chamber shall have the right to amend a measure in any way it sees fit. In that way, and in that way only, may measures be reduced to suitable shape. Such is the whole essence of the doctrine of amendment.

Mr. MADDEN. Would not a majority of the membership of the House have the right to repudiate a rule recommended by the Committee on Rules?

Mr. GARDNER of Massachusetts. A majority of the House would undoubtedly have the right to repudiate it; but they might not wish to repudiate, whereas, if the opportunity arose, they might amend it. I am not aware that I have said anything that would lead any gentleman to think anything to the contrary.

Mr. MADDEN. I understood the gentleman to say the Committee on Rules forced the House to act.

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts said that in modern practice the Committee on Rules forces the House to act without reasonable opportunity for amendment on a proposition which it presents and on which it asks for an answer, yes or no. Under Speaker Reed's rulings it was in order for the House to move to recommit, with instructions, a report from the Committee on Rules even after the previous question was ordered. In that way Members might be put on record before their constituents. To be sure, you may say that if the House wishes to amend a report from the Committee on Rules the previous question may be voted down. But how can the House tell whether it wishes to

amend or not until it has heard an amendment suggested? Debate is allowed for less than an hour, and the entire control of the time rests with the Committee on Rules. The Reed rules were adopted in no such fashion. Each rule was voted on separately, and full opportunity for amendment was accorded.

Now, a word with regard to the eye of the Speaker. I quite agree that there has been a great deal of loose criticism with regard to this matter. I have never, so far as I can remember, been to the Speaker and asked for leave to move to suspend the rules.

I have, however, asked to be recognized for unanimous consent. Formerly I inclined to the belief that the Speaker has the same right to deny unanimous consent as has any other Member of the House. I do not to-day feel so sure of the fact. Unquestionably he has the right to deny unanimous consent if he stands in his place and says so. I do not think that any Member or group of Members who are anxious to deny unanimous consent, but do not wish to arise and say so, should be protected by the Speaker. Certainly they should not be protected in such a way that the fact does not appear in the RECORD. In the Journal I believe that the name of the Member objecting need not appear; but such is not necessarily the case in the RECORD.

I am perfectly in accord with those gentlemen who say that there will be unlimited confusion if you try to take from the Speaker the right of recognition, or if, as was the old plan, an appeal were admitted on the question of recognition. I have never known the present Speaker to deny me the right to recognition, provided I had a privileged motion to present. No Member should for an instant submit without the strongest protest, if recognition is denied him when he wishes to offer a privileged matter or a motion accorded precedence under the rules.

I have never undertaken to go to the Speaker and ask him for recognition under such circumstances, nor need anyone else do so. I have first ascertained whether I had or had not a superior right to anyone else who might claim recognition, and I have always found that the Speaker would recognize me or deny me recognition in accordance with the practice of this House, if not in accordance with the theory of parliamentary law. With regard to all those motions for which more than one man has an equal right to recognition, no system, in my opinion, can be devised which will with propriety take from the Speaker the power of deciding between the claimants.

Now, as to the motion to suspend the rules. In that regard the right of the Speaker to deny recognition is based on a long series of rulings. There is no time under the rules as they stand when it is unqualifiedly in order to move to suspend the rules—not one single moment. We are always faced with an order of business, and nowhere in that order of business can be found authority for such a motion. By implication it is held that the Speaker *may* entertain the motion at certain times; but the rules are silent on this point beyond forbidding him, except on Monday and during the last six days of the session, to entertain a motion to suspend the rules. So it is held that at the times just specified he may entertain the motion if he see fit.

Personally, I believe the practice regarding suspension has been unjust for nearly a quarter of a century. I do not believe that such an opportunity for discrimination between measures should be given to any Speaker. Yet, under Speaker Carlisle and Speaker Randall, and under every recent Speaker, including, no doubt, the honorable gentleman from Ohio [Mr. KEIFER], it has always been held that the rules give no man the right to make a motion to suspend the rules, and that therefore it is optional on Mondays and on the last six days of the session whether or not the Speaker shall entertain the motion. While I believe that this rule ought to be entirely changed, for the reason that it is unequal and gives the Speaker too much power, yet I am not one of those who think that he does not lawfully possess the power of discrimination at the present speaking.

Mr. KEIFER. On that point, if the gentleman will allow me—and I am not controverting his proposition—I want to state that formerly motions to suspend the rules were made by Members in the order in which they got on the list that was kept by the Speaker's clerk; and when he made the motion, he made a motion to suspend the rules on any bill or matter that he saw fit, and it was not a question of disclosing in advance what his motion was to relate to.

Mr. GARDNER of Massachusetts. Precisely. I am very glad that the gentleman called the attention of the Members to that fact. With regard to the opportunity for debate, I have never heard any serious criticism to the effect that there is not plenty of time allowed. I have, however, often heard the criticism that sufficient time for debate is not allowed *except on matters not before the House.* I know there is plenty of time to debate any question that is not before the House, but the difficulty is to get time to debate contentious matters at a time when debate will count.

Of those who defend the present rules of the House there are two groups of men. One group absolutely denies that the Speaker has the autocratic power which I maintain that he possesses, and the other group holds that, as the chosen representative of the majority party, he ought to be clothed with power, and that it is quite just and proper that he should exercise it. Inasmuch as the gentleman from Pennsylvania [Mr. OLMSTED] has taken the position that the Speaker, as a matter of fact, is not clothed with autocratic power, I shall discuss this question in opposition to that contention. I shall not only try to show that the Speaker possesses autocratic power, but I shall also point out the particular rules, decisions, and practices under which he is empowered to exercise it.

Generally speaking, I believe that this power arises out of the Speaker's great control over the order of business, a control so complete that he can leave any highly contentious measure pending on the calendar at the time of adjournment.

Every Member of this House knows how a bill is introduced. Every Member knows how it is left to a committee. Every Member knows how it comes out of committee and goes to the calendar, there to await its turn for consideration, if, perchance, that turn ever comes. But not all Members of the House clearly understand the part that privileged legislation plays in blocking the way to attempts to get any given bill off the calendar. When I say "any given bill," I mean any given contentious bill, on which a considerable number, if not a majority, of the Members do not wish to go on record.

There are two principal rules of this House which give privilege to legislative proposals. The first rule is contained in clause 61 of Rule XI and the other in clause 9 of Rule XVI. Certain classes of business are privileged under Rule XI, while appropriation bills and revenue bills are given higher privilege under Rule XVI.

In an attempt to elucidate this complicated matter of privilege I shall speak of conditions as they have obtained in the last six years. Conditions have been somewhat different this session. The calendar has been surprisingly easy of access, for the very good reason that there is not now nor has there been on the calendar a single bill of such an awkward nature as to make its consideration embarrassing to any of us. The present state of affairs is by no means normal, and for that reason I shall depict the state of affairs which has prevailed during the six previous years of my membership in this body.

The rule of daily procedure provides that when the sixth order of business is reached there shall be a call of the calendar, and that at the end of another hour the seventh order of business may be reached on a motion to go into the Committee of the Whole House to consider unprivileged matters. Until this session, I have never except once known that seventh order of business to be reached. On that single occasion a certain agricultural bill, brought in by Mr. Adams of Wisconsin, was considered and passed, but most of the time for debate was occupied with the discussion of an entirely different subject. The reason why awkward measures on the calendar can not be reached is this: All important, highly contentious bills, bills that Members strongly favor or oppose, can easily be delayed in committee. Even if I am a minority of only one in the committee, I can ask for hearings on a bill, or I may employ other legitimate methods of delay, with the result that the session is far advanced before that bill comes out of committee and takes its place on the calendar. Meanwhile many a privileged matter has been reported, and the calendar is already choked with unimportant or unopposed bills which enjoy no privilege.

General appropriation bills, too, are fast coming in. There are a dozen of them at every session, and they take up an infinite amount of time, what with general debate and also with debate and amendment under the five-minute rule. While one appropriation bill is being discussed there is generally another ready to claim the next chance for consideration, and thus a procession of privileged bills results in the shutting out of all opportunity to reach unprivileged matters. Once in a while, at the end of a session—for instance, at the end of the first session of the last Congress—when all appropriations have been dealt with, when we are waiting for the Senate to act or waiting for the completion of the work of engrossment, a time comes when it would seem to be appropriate to go to the calendar for some of this unprivileged business patiently awaiting our attention.

What happened when this situation presented itself in 1906? There was then on the calendar an unimportant bill with regard to custom-houses. It had nothing to do with the raising of revenue; but under an old decision it was clothed with privilege, and so it served its purpose. It was taken off the calendar and all the spare time remaining was exhausted in general debate upon that bill.

Mr. OLMSTED. Will the gentleman allow me to interrupt him?

Mr. GARDNER of Massachusetts. Always.

Mr. OLMSTED. Would it not have been in order for the gentleman from Massachusetts, if he desired, to say to the Speaker, "I raise the question of consideration." Whereupon the Speaker would have said, "The question is, Will the House consider the bill?" and then the House consider it, or go to the calendar.

Mr. GARDNER of Massachusetts. Precisely. I am coming to that later. Naturally, I had anticipated that some one would point out the possibility of raising the question of consideration.

So far as I know, there was no attempt made to pass that bill either then or since—no real attempt, I mean. I am not absolutely certain of the fact, for, unfortunately, I was not here in the last part of the last session, but a hasty inspection of the Journal leads me to suppose that I am correct. The only purpose which was served in calling that bill from the calendar at that particular time at the end of the session, if I am not mistaken, was that of providing a "blocking" measure.

Now I come to the difficulty just raised by the gentleman from Pennsylvania: First, I should like to ask him whether the matter which he filed this morning at the end of his address was an article on the rules prepared by Mr. Asher C. Hinds, and published in part in various papers about a month ago?

Mr. OLMSTED. The same one.

Mr. GARDNER of Massachusetts. Mr. Chairman, Mr. Hinds was kind enough to give me a complete copy of that article. As it has now become a matter of record, I can best meet the difficulties of the gentleman from Pennsylvania——

Mr. OLMSTED. I have no difficulties.

Mr. GARDNER of Massachusetts. I meant his objection recently raised. I can best meet it by discussing the article of which I speak. Mr. Hinds claims that when a majority of the House really wishes to reach any measure on the calendar, no matter how much privileged business intervenes, all that is required is to vote down the consideration of intervening matters. He even pointed out, what is perfectly true, that this very step has been successfully taken in the past. The last time that the attempt was successful, so far as I can find, was in 1898, a decade ago. The bill reached under this process of elimination was the Hawaiian bill, to which Mr. Speaker Reed was certainly opposed. It is perfectly true that in its earliest stages he used all the means in his power to prevent its consideration.

However, it is very evident, upon consulting the RECORD, that as soon as Mr. Reed and his personal representatives, the Committee on Rules, saw that the House in all probability had made up its mind to reach the Hawaiian bill, they no longer interposed for purposes of delay the various parliamentary devices at their disposal.

Since that time, so far as I know, there has been no successful attempt to repeat the mode of procedure then adopted. I may, of course, be mistaken, but if I am right it must be admitted that a precedent 10 years old only goes to prove the rule. If the process of reaching unprivileged bills by elimination has not succeeded more than once in a decade, it certainly is not a very practical method.

Let us confront the situation as we usually find it, and we shall quickly see the narrowness of the opportunity which Mr. Hinds suggests. Suppose that it is desired to reach a highly contentious but important bill on the Union Calendar, and that there are plenty of intervening bills more favorably placed. Some Member of the House thinks that a majority wishes to consider this bill. He would like the House to vote down the motion to go into Committee of the Whole to consider some appropriation bill; but he has no opportunity to explain his purpose, because that motion is not debatable. Generally the House does not understand what he is driving at.

But suppose that he has a chance to explain his plans before the motion is made, and suppose that the House sees their full bearing. Even so, Members will think a long time before voting down the consideration of one of the great supply bills of this Government, especially when they are told, as they will be told, and as they were told the only time I ever saw elimination attempted, that there would be plenty of time later on to reach the desired measure.

Not only is it true that Members will hesitate to vote down the consideration of a general appropriation bill, but, even if they should do so, it takes a long time for a yea and nay vote. Then comes the call of the calendar. That exhausts an hour more, but at last a chance comes to reach the Union Calendar. All committees at this stage have equal right of recognition. Suppose that committee after committee is recognized and that one intervening bill after another is brought up. To each of them in turn consideration must be refused by a yea and nay vote, if demanded. How often under these circumstances would the House be persuaded to vote down adjournment? In other words, it might be necessary to take recesses for several days before a majority, no matter how determined, could reach the desired bill. Meanwhile many a bill will have intervened against whose consideration Members will not care to vote. Members will say to themselves: "If I vote down the consideration of that bill, after I go home I shall be obliged to spend all my time in explaining why I did so."

In short, if they vote down all intervening measures, Members will find themselves in the unenviable position of being misunderstood and misrepresented to their constituents. We all know the lengths to which any one of us will go to avoid being placed on the defensive in a campaign.

Granting, for the sake of argument, that a majority can, by pushing everything else aside, get at some particular measure, even then the argument is not concluded. There will always be plenty of Members from districts politically close who will be only too glad to postpone indefinitely the consideration of an awkward bill, if they can do so without leaving a trace behind them. By the indirect but simple method of voting to consider some other bill they can easily accomplish their object. Their timidity with regard to their own fortunes will lead them, even when they favor an awkward measure, to take advantage of any opportunity presented by which its indefinite postponement may be secured, especially if the measure is of such a nature that opinion at home is seriously divided on its merits.

After all, it is an absurdity to maintain that the proper way to test the desire of the House to consider a particular bill is to take a vote on the consideration of some other bill. The proper way to prevent the consideration of a bill or to defeat a bill is by a majority vote against the consideration or against the passage of the bill itself, and not by the indirect method of a majority vote in connection with some other bill or on some side issue.

Mr. KEIFER. I wish to understand the gentleman's last proposition. Would the gentleman favor a rule (I understand that to be his ultimatum) that would allow a Member to call up a bill against which a question of consideration could not be raised at all?

Mr. GARDNER of Massachusetts. Mr. Chairman, unless I have entirely failed to convert my thoughts into words, that certainly is not what I said.

Mr. KEIFER. But the gentleman's last sentence incorporated the idea that the only way to get rid of a bill was to vote upon its merits.

Mr. GARDNER of Massachusetts. The gentleman is mistaken.

Mr. KEIFER. That is exactly what the gentleman said, as I understood it. Now, I understand, he would like to have any pet measure called up that any Member might have, and then no question of consideration be made against it at all. Otherwise the difficulty he has just been so ably stating of having some other bill put in opposition to it would apply to that bill after you had reached it.

I understand the rule has always been, even in contested election cases—matters of the highest privilege—that the question of consideration could always be raised.

Mr. GARDNER of Massachusetts. Is that a question? It is the longest question that I ever undertook to answer. I repeat that the right way to defeat the consideration of a bill or to defeat its passage is to vote on these questions as related to the bill itself, and not to vote on the consideration or on the merits of some other bill.

Mr. OLMSTED. May I ask the gentleman a question?

Mr. GARDNER of Massachusetts. Certainly.

Mr. OLMSTED. Would the gentleman favor a rule which would compel the majority to take up and consider a measure which the majority did not wish to take up?

Mr. GARDNER of Massachusetts. I favor a rule compelling the House to vote on the question of consideration of any bill on the calendar that a committee chooses to bring forward. That is the purpose of my proposed rule for calendar Tuesday, which the gentleman has in his hand. Under that rule the

House can not escape a vote on the consideration of any bill of interest to the whole country which a committee calls up.

Mr. OLMSTED. Your rule would compel them to vote on the merits and does not admit of any question of consideration at all.

Mr. GARDNER of Massachusetts. I do not preclude the question of consideration which can always be raised in Committee of the Whole.

Mr. OLMSTED. It can not be raised at all in Committee of the Whole.

Mr. WILLIAMS. If the gentleman from Massachusetts will pardon me, does he not think that the object which he wishes to attain could be better attained by putting one more rule in our body of rules to this effect, that whenever a majority of the membership of the House requests in writing that a given public bill shall be voted upon at a certain time, it shall become, by virtue of the petition itself, the order of the day for that day? There you have a majority of the House in favor of consideration, no doubt about the fact, and you merely make it the order of the day for the day designated, unless some other bill, by a similar process, has been made the order of the day for that day.

Mr. GARDNER of Massachusetts. Mr. Chairman, I have given some thought to the suggestion of the gentleman from Mississippi, but the proposed rule for "Calendar Tuesday" seems to me to meet the situation a little better. I am not prepared to assert that the criticism of the gentleman from Pennsylvania [Mr. OLMSTED] is not correct as to the question of consideration on days when we are discussing the Union Calendar, but my opinion is that he is mistaken. If he is in the right, however, I shall be very glad to have the rule amended so as to permit the raising the question of consideration in Committee of the Whole.

As I have said, it may often be the case that a majority of the House wishes to conceal its attitude. I am sorry to say that at times I, myself, have been in that state of mind. Like everyone else, I have often been only too glad when bills were smothered and have been as ready as the next man to take advantage of any situation which could prevent the consideration of some awkward measure. For all that, it is a great question whether rules ought to be drawn in such a way as to protect Members, like myself, who are timorous as to their individual fortunes. [Laughter and applause.]

It is a great question whether rules should be drawn so that we can conceal our attitudes from our constituents. We are not sent here to conceal our attitudes, but, when the appropriate time comes, to reveal them. As long as the rules are in their present form, when it is to my interest to do so, I shall try to conceal my attitude just as much as any other Member in this House. I contend that after a measure of great public importance has been thoroughly thrashed out in committee and has been favorably reported to the House the time has come for Members to reveal their attitudes.

I am perfectly aware that throughout the United States there has been a great deal of unreasonable criticism of the present Speaker of the House of Representatives. I am well aware that he is blamed for refusing to let down the bars in order to admit legislation badly placed on the calendar. I am well aware that in a certain sense that criticism is not always, nor even usually, deserved. But the Speaker must take that blame, because, under the present state of affairs, with his influence over the Committee on Rules and with the appointment of all committees in his hands, in reality the final responsibility rests with him. For example, I know very well that a measure in which I was interested a few years ago, a measure providing an educational test for immigrants into the United States, was very embarrassing to most of the Members. I know that the Speaker was doing nothing more than carrying out the will of a large majority of this House in not permitting the consideration of that bill except under such conditions as precluded a demand for a yea-and-nay vote on its significant clauses. I appreciated the Speaker's difficulty, for I knew that many Members, who otherwise would be glad to vote for that educational test, found themselves between two fires in their own constituencies. As there was an election approaching, they feared defeat whichever way they voted. I question whether it is proper that the rules should be so drawn as to permit Members, no matter how precarious their position, to avoid a yea-and-nay vote on so important a matter.

Mr. GAINES of Tennessee. Will the gentleman permit a question? I am listening with a great deal of pleasure to what the gentleman has to say, but I want to ask this question to get the matter clear in my mind. Is the gentleman's idea about the question of consideration this, that a Member wanting to bring up a bill should rise in his place and address the Speaker and ask for consideration of the bill, without being compelled, as the rule now compels us to do, to go and beg the Speaker to let us rise and address him and bring the matter up?

Mr. GARDNER of Massachusetts. Mr. Chairman, I believe that a committee should have that right. I am not sure that I believe that an individual Member should be permitted to throw a bomb of that sort. I fear, if that privilege were given to each of us individually, that it would be abused and that a great many bills would be projected into this House out of pure malice—impracticable bills on liquor questions, for instance—bills that had no chance of becoming a law, but of such a nature that Members from close districts would find themselves in serious difficulty whether they voted "yea" or "nay."

Therefore I am contending that this privilege should rest with committees or with a responsible group, or, as the gentleman from Mississippi [Mr. WILLIAMS] suggests, with a majority of Members on petition rather than with individuals.

Mr. GAINES of Tennessee. Suppose a gentleman rises and the Speaker recognizes him and puts the question this way, that if by viva voce vote the House agrees to take it up, then they shall take it up. I do not mean a record vote.

Mr. GARDNER of Massachusetts. Mr. Chairman, the trouble is that in most cases the Constitution provides for a yea-and-nay vote, if demanded by a sufficient number. A yea-and-nay vote may always be demanded, except when we are acting in Committee of the Whole or when a second is sought on suspension of the rules.

The Speaker of this House has a prerogative which is given to no presiding officer in Europe. He has the privilege of selecting committees. In every parliamentary body throughout Europe, with the exception of the Bundesrat, the upper house of the German Parliament, and with the possible exception of the Russian and Turkish chambers—I have not been able to get the rules of those two parliamentary bodies—committees are chosen indirectly by the House itself. Usually the chamber is, by lot, divided into sections or bureaus, and each section chooses its own member of each committee.

In the British House of Commons members of select committees are chosen either directly by the House or by a committee of selection, while standing committees are exclusively chosen in the latter way. The standing committees of the British House of Commons, however, have functions entirely different from those of our standing committees. In reality they are subdivisions of the committee of the whole. They consist of from 60 to 80 members, examine no witnesses, and are not supposed, theoretically, to consider contentious measures.

The military and marine committees of the Bundesrat are named by the Emperor. Other committees of that body are chosen in the usual continental way.

As a result of our system of choosing committees, we have given our Speaker great legislative power in addition to the judicial power which every Speaker ought to have. In England the speaker has even more judicial power than in the United States, for his decisions may not be overruled, neither need he put a motion to close debate unless he sees fit. Many people think that the time has come to separate the judicial from the legislative powers of our Speaker; in other words, to take from him the right to appoint the committees. I have not definitely made up my mind on that question, because I believe that there is a reform which stands out preeminent above it, a reform which should be adopted at once, a reform of such a nature that any revision of the rules which does not include it is bound to be a failure.

I believe that some definite time should be set apart when nothing is in order except matters which are not at present privileged under the rules. I think that the most imperative reform which presses is the provision of a day when unprivileged measures and unprivileged measures only shall be in order so long as any that a committee wishes to call up remain on the calendar. I am aware that such a rule as I propose would violate our time-honored ideas as to the right of adjournment and would seriously inflame various other parliamentary vermiform appendices inherited from the past.

I have not as yet heard anybody suggest that Members of this House should no longer have the right of criticism nor have I heard anybody suggest that they should not have the right to defeat a bill. I have, however, often known the position to be taken that the chief function of a Member of the House of Representatives ought to be to act as a component part of a sort of electoral college for the choice of Speaker, that the Speaker so chosen as a representative of the majority should appoint a small Committee on Rules, and that they, acting together, should decide on all legislation to be presented to the House. People

who take that view are very fond of pointing to the situation in the British House of Commons.

There is no question that the individual member of the House of Commons has even less chance than the individual Member of this House to press a contentious bill, or, in fact, any bill, to a successful issue. Unless the treasury bench, which is the name usually given to the ministry, chooses to adopt the proposition of a private member, or at all events, places no obstacles in its way, it has no chance of becoming a law. Even if the treasury bench is indifferent, the bill of the private member usually fails to reach the final stages. Members ballot for the opportunity to introduce bills. The time is limited for their introduction. I am told that when a momentous measure is earnestly sought by a large group, many members put down their names intending to present the same bill. In that way they obtain a greater chance for its consideration. I have not as yet verified this information.

It is this exclusive control by the treasury bench to which defenders of the speaker's transcendent power are wont to point.

They entirely overlook the other side of the picture. While the treasury bench is indeed all powerful, at the same time during every hour of the session, on penalty of resignation, it is responsible to the majority of the House. Unless in every respect the ministry satisfies that majority, resign it must. Whether they present a bill or oppose an amendment, if the matter is of the least importance the treasury bench must show a majority on pain of death. The consequence is that they are very, very careful indeed always to yield to the wishes of a majority of the House.

On the other hand, our Committee on Rules is responsible but once in every two years, and then only indirectly, just as a Senator is responsible to the people only indirectly through the legislature. The House does not appoint the Committee on Rules. Its members may or may not be reappointed by the Speaker, but in any event at no time are they directly responsible to the House.

Turning once more to the House of Commons, not only is the ministry responsible for every measure it brings forward, but it is likewise responsible for any omission from its legislative programme. Proceedings of each session of the Commons are opened by the King's speech, in which the legislation to be enacted is outlined. If any measure is omitted which a group of members believes should have been mentioned, an opportunity presents itself when the time comes for the House to adopt its reply. The motion is made to amend the reply by advocating the measure which the Government did not see fit to include in the speech from the throne. Thereupon a vote is taken, and, if the ministry is defeated, if an important amendment is carried against it, resignation must follow. In fact, one of Lord Salisbury's ministries went down on just such an occasion. Since then no ministry has been bold enough to omit from its programme any measure which the people really desire to see enacted. Now, the gentleman from Pennsylvania *this morning*——

Mr. KEIFER. Mr. Chairman, before the gentleman leaves that point I want to inquire if the gentleman will state what proportion of the business of the House of Commons was projected to the body by the ministry?

Mr. GARDNER of Massachusetts. All the important business.

Mr. KEIFER. Was it not a very large part of all the business they do?

Mr. GARDNER of Massachusetts. Substantially so.

The gentleman from Pennsylvania this morning told us of the great difficulty experienced in understanding British procedure. I think he called our attention to the fact that there are 96 rules of the House of Commons, while we have but 45. That is true. There are 96 rules, but then there are 62 clauses in one of our rules. I hold in my hand the standing orders relating to public business in the House of Commons. There are 16 pages of rules in this book in my hand, as against 35 pages of our manual occupied by the rules of the House of Representatives, to say nothing of the space taken up by Jefferson's Parliamentary Law.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARDNER of Michigan. Mr. Chairman, how much more time does the gentleman from Massachusetts desire?

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts wishes to adjust himself to the probable desire of the House to hear from other speakers.

Mr. GARDNER of Michigan. Does the gentleman know how much time he desires?

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts thinks he may take twenty minutes more, but it is very hard for him to say.

Mr. GARDNER of Michigan. I suggest that the gentleman have thirty minutes.

The CHAIRMAN. The gentleman from Massachusetts is recognized for thirty minutes.

Mr. OLMSTED. Mr. Chairman, if I may interreupt the gentleman, the gentleman referred to 96 rules of the House of Commons pertaining to public business; I merely suggest that the total rules, including those relating to private business, number 249.

Mr. GARDNER of Massachusetts. Mr. Chairman, private bills in England are generally matters affecting corporations or municipalities. Much of the work is accomplished by permanent officials before Parliament meets. There is practically a separate code of private-bill procedure, but few members of the house need to concern themselves with it. Private bills relating to Scotland are considered in that part of the Kingdom. Private business such as we find on our Private Calendar is exceedingly unusual.

The gentleman made some observations as to the introduction of bills, holding that it is a much-restricted privilege in the House of Commons. To a certain extent that is true especially in the case of bills involving expenditure. But it is very hard to compare their system with ours. When a private member of the House of Commons wishes to introduce a bill he obtains, usually from the public-bill office, a blank form called a "dummy." To this he affixes a short title, but nothing else. After obtaining leave he introduces it and the bill takes its first reading. Until shortly before the time comes for its second reading he can change the contents at will so long as the provisions inserted conform to the title and to any statement he may have made to the house. Our system is so different as to defy comparison.

The gentleman also contended that in no case can extraneous matters be discussed when a bill is before the House of Commons for consideration. That also is true, but he did not point out that there exists a "motion to adjourn for the purpose of discussing a definite matter of urgent public importance." This motion opens the way for the discussion of extraneous matters. There is also ample field for debate on every subject under the sun in the two or three weeks which are usually occupied in formulating the reply to the King's speech.

If, later in the session, occasion arises for general debate, it takes place on that motion to "adjourn for the purpose of discussing a definite matter of urgent public importance." When the mover finishes his remarks, as I understand it, he usually withdraws that motion.

Mr. OLMSTED. While it is pending he must discuss that particular bill of urgent importance.

Mr. GARDNER of Massachusetts. I think the gentleman is mistaken. I do not understand that any bill need be before the House.

Mr. COCKRAN. I would like to ask the gentleman a question. I want to know if I understood him correctly. Did the gentleman state that on the debate in reply to the address it is usual to withdraw motions that are offered by members?

Mr. GARDNER of Massachusetts. I did not mean to be so understood. I meant to say that it was usual to withdraw the motion to "adjourn for the purpose of discussing a definite matter of urgent public importance."

If the gentleman from Pennsylvania [Mr. OLMSTED] will give me his attention for a minute, I will read:

> Great latitude was formerly permitted in the discussion of motions to adjourn. Taking advantage of this fact, it became the habit to create an opportunity for debating some matter that could not be brought forward in the ordinary course of procedure by moving the adjournment before the orders of the day had been taken up, and the object being merely debate, the motion was almost always withdrawn after it had served its purpose.

Mr. OLMSTED. That says "formerly."

Mr. GARDNER of Massachusetts. I think the same custom exists to-day, or an analogous one. I believe that opportunities for making the motion are now more restricted, and that the discussion may only take place at the evening session.

I hold in my hand the calendar of the House of Commons of Wednesday, May 13, 1908. It is the perfection of clearness when once explained, and the explanation takes but a few minutes. Members can see exactly what is coming up every day. They can keep track of measures. They can be on hand for divisions whenever any are likely to take place. That is a reform, which I hope some day we may be able to adopt.

One word more. I have heard a good many criticisms of my suggestion that Republican Members, who feel that the rules should be changed, ought to take no part in the usual caucus held at the opening of Congress. At all events, I feel

that we should leave the caucus before discussion of the rules begin. I have heard it said that such refusal to participate shows disloyalty to the party. I think not. In the first place, any man who votes in a caucus is bound by the result of that vote. He should, therefore, be very careful, indeed, to ascertain whether it is in truth a party matter on which he is asked to caucus.

I wonder how gentlemen are to be persuaded that the adoption of rules at the beginning of Congress is a party measure? If the subject had been mentioned in our national platform, it might be different. Even so, I know of no way to determine definitely whether this or that matter is or is not a party measure. I conceive, Mr. Chairman, that if the Republican national platform declares in favor of a particular proposition, and if the President of the United States, supposing that he is a Republican, includes the matter in a message, and if, in response, the Senate passes the legislation desired, then when the bill comes over to the House I should hold it to be a party question. That is sound, is it not? I hear no remarks to the contrary. That very situation arose in the spring of 1906. Yet I saw one of the Republican members of the Committee on Rules act as teller in opposition, and I saw the Speaker of this House pass at the head of the column between the tellers in opposition to the measure of which I speak. With the recollection of that scene still fresh in my memory, I refuse to be alarmed at the cry of party disloyalty, and I await with eagerness a better definition than that which I have just given you as to what a party question may be. [Loud applause.]

EXHIBIT A.

Proposed new rule for the House of Representatives.

RULE XLVI.

CALENDAR TUESDAY.

First. Except during the last six days of a session, or after the adoption by both Houses of Congress of a concurrent resolution for adjournment sine die, each Tuesday that the House of Representatives is in session, whether or not it is reckoned in the Journal as Tuesday, shall be set apart as provided by this rule and shall be known as "Calendar Tuesday."

Second. On Calendar Tuesday, except as provided in clauses 8 and 9 of this rule, no business shall be in order except prayer by the Chaplain, reading and approval of the Journal, business on the Calendar of the Committee of the Whole House on the state of the Union, and business on the House Calendar: *Provided*, That business clothed with privilege under clause 61, Rule XI, or under clause 9, Rule XIV, shall not be in order.

Third. On the first Calendar Tuesday in each month preference shall be given to business on the House Calendar and on all other Calendar Tuesdays in each month the Speaker shall leave his chair after appointing a Chairman to preside, and the House shall resolve itself into a Committee of the Whole House on the state of the Union.

Fourth. On Calendar Tuesday the Speaker or the chairman of the Committee of the Whole House on the state of the Union, as the case may be, shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar or on the Calendar of the Committee of the Whole House on the state of the Union, as the case may be, but it shall not be in order for any committee to call up more than two bills before the other committees have been called in their turn. If the call of committees shall not be complete before the House passes to other business, it shall be resumed at the point where discontinued, preference being given to the last measure under consideration.

Fifth. On Calendar Tuesday no motion to adjourn, to take a recess, or that the Committee of the Whole House on the state of the Union do rise, shall be in order before 4.45 p. m. unless all business in order under clause 4 of this rule has been disposed of.

Sixth. On Calendar Tuesday in Committee of the Whole House on the state of the Union, at any time after the exipration of forty minutes devoted to the consideration of a measure, it shall be in order to move to close general debate and this motion shall be decided without debate.

Seventh. On Calendar Tuesday, at 4.45 p. m., or earlier if the call of committees provided for in clause 4 of this rule has been completed, the Committee of the Whole House on the state of the Union, if sitting, shall rise and the Chairman shall at once report its findings to the House. Should adjournment intervene before the report is fully disposed of, it shall be in order for any Member to call it up for consideration under the same rules and under the same conditions that are prescribed for reports from the Committee on Rules in clause 61, Rule XI; but no motion for adjournment shall be entertained until the Chairman shall have made his report.

Eighth. On Calendar Tuesday, either in the House or in the Committee of the Whole House on the state of the Union, at any time when no measure is under consideration, it shall be in order to move that further proceedings under this rule be suspended for the day; but this motion may not be entertained when, in the opinion of the Speaker or Chairman, its purpose is clearly dilatory.

If two-thirds of the Members voting take the affirmative, but not otherwise, proceedings under this rule shall be suspended for the day: *Provided*, That if at the time this motion prevails the Committee of the Whole House on the state of the Union is sitting, it shall immediately rise, the Chairman shall report its findings, and that report shall be fully disposed of before the vote for suspension becomes effective.

Ninth. On the completion of all business in order under the foregoing clauses, this rule shall cease to be operative for the day.

EXHIBIT B.

Wednesday, May 13, 1908.

PRIVATE BUSINESS.

CONSIDERATION OF LORDS' AMENDMENTS—BILL WITH AMENDMENTS.

Derby gas bill.

CONSIDERATION OF BILL ORDERED TO LIE UPON THE TABLE.

Norwich Fire Insurance Society bill (Lords).

PROVISIONAL ORDER BILLS.

SECOND READINGS.

Private legislation procedure (Scotland) act, 1899.

1. Loch Leven water power order confirmation bill.
2. Electric lighting provisional orders (No. 2) bill. (By order.)

NOTICES OF PRESENTATIONS OF BILLS AT THE TIME OF PRIVATE BUSINESS.

1. Mr. MASTERMAN. Local government provisional orders (No. 7). Bill to confirm certain provisional orders of the local government board relating to Abergavenny, Newport, Newton, Abbot, Stockport, and Waterloo with Seaforth, and the Wirral joint hospital district.

2. Mr. MASTERMAN. Local government provisional order (No. 8). Bill to confirm a provisional order of the local government board relating to Crewe.

Wednesday, May 13, 1908.

NOTICES OF MOTIONS (RETURNS, ETC.).

1. Mr. WHITELEY. Port of London bill. That the select committee do consist of five members, to be joined with a like number of lords.

That the following be members of the committee: Mr. Ashley, Sir William Bull, Mr. Russell Rea, Sir Albert Spicer, and Mr. Archibald Williamson.

That all petitions against the bill presented on or before the 25th day of May, 1908, be referred to the committee; that the petitioners praying to be heard by themselves, their counsel, agents, or witnesses be heard against the bill, and counsel heard in support of the bill.

That the committee have power to send for persons, papers, and records.

That three be the quorum.

2. Mr. WHITELEY. Police forces (weekly rest day). That a select committee be appointed to inquire and report whether, having regard to the conditions of service in police forces in the United Kingdom, it is desirable that provision should be made, by legislation or otherwise, for granting to every constable one full day off duty in seven; what, if any, alterations in the conditions of service and police administration should accompany this change; what would be the cost, and how it should be borne so as not to increase the charge on imperial funds:

That Mr. Armitage, Mr. Cochrane, Mr. Charles Duncan, Mr. Hedges, Mr. Herbert Lewis, Colonel Lockwood, Mr. Nannetti, Mr. W. E. B. Priestley, and Mr. Rogers be members of the committee.

That the committee have power to send for persons, papers, and records.

That three be the quorum.

QUESTIONS FOR ORAL ANSWER.

* 1. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that cattle drives took place on Sunday, the 3d May last, from the farm of Mr. Robert Blake, Ballyglunin Park, Tuam, from the grass farms of Moyne, belonging to Mr. R. W. Waithman, and of Mullaghmore, owned by Mr. O'Rorke, as well as from other farms in the neighborhood; whether numerous droves of horses, cattle, and sheep were found on the road from Tuam to Moylough, making it almost impassable for vehicular traffic, on Monday morning, the 4th May, from the farm of Mr. O. C. Donelan, Sylane, near Tuam, on the same date from the lands of Southill, Mitchelstown, and Robinstown, Delvin district of county Westmeath, when 200 head were driven, and on Tuesday, the 5th May, from Gralla farm, near Loughrea; how many arrests were made in each case, and can the police attribute any motives for the outrages; whether he can make a statement as to what steps, if any, the Government intend to take to meet the very grave state of affairs which at present exists, and whether he will lay the whole facts before the cabinet, with a view to bringing into force the crimes act.

* 2. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that Mr. Peter O'Ryan's stables, Carrowreagh, near Elphin, county Roscommon, were burned to the ground on Sunday, 3d May last; whether the police reports attribute the outbreak to incendiarism; and, if so, can they give any reason for the outrage.

* 3. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that an extensive cattle drive took place on Sunday morning, 3d May last, at Knockalaghla, near Ballintubber, 5 miles from Castlerea, county Roscommon; can he state how far from the farm the cattle were when discovered by the police and in what condition; can the police attribute any reason for the outrage, and how many arrests have been made.

* 4. Mr. BOLAND. To ask the chief secretary to the lord lieutenant of Ireland whether his attention has been called to the actual terms of the purchase agreement entered into between the late Mr. J. W. Leahy and his Aghatubrid estate tenants on 8th January, 1907; whether he is aware that the tenants have fulfilled their side of the agreement, but that since the death of Mr. Leahy all efforts to have the purchase agreement carried into effect have been blocked by the new agent of the estate; can he state how many communications have passed between the agent and the estates commissioners on the subject of the completion of the sale; and whether, in view of the fact that by the terms of the agreement the fixing of the purchase price was left unconditionally in the hands of the estates commissioners, he will now state what further steps will be taken by the estates commissioners.

* 5. Mr. BOLAND. To ask the chief secretary to the lord lieutenant of Ireland whether he can now state what answer has been received by the estates commissioners from the agent of the estate of the late Mr. J. W. Leahy, at Aghatubrid, near Cahirciveen, with reference to the

purchase negotiations; whether the terms of the agreement signed by the late Mr. Leahy and the honorable member for South Kerry, acting on behalf of the tenants, will now be carried into effect by Mr. Leahy's representatives, and what steps have been taken by the estates commissioners since this house adjourned for the Easter recess.

* 6. Mr. MACNEILL. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that in calculating the percentages of illiteracy in Ireland, officially given to the public in every census report, every child of 5 years old and upward is counted as an illiterate if unable to read and write, and that this age limit, adopted on the authority of the census commissioners of 1841, has been continued in every census since that time; why, having regard to the fact that according to the compulsory clauses of the Irish education act of 1892 6 years is the age at which children are bound to attend school, is every child who happens to be 5 years old on the day of the census entered as illiterate if unable to read and write; and whether, inasmuch as this age limit for illiteracy is calculated to convey an erroneous impression, the census commissioners will be directed in their next census report to adopt 10 years as the limit of age for illiteracy, or, if it be judged desirable to keep, for the purposes of comparison with former census returns, the percentage of illiteracy on the old lines of 5 years old and upward, will directions be given to the census commissioners to furnish a new column giving the percentage of illiteracy on a new basis of counting only the population 10 years of age and upward.

* 7. Mr. MACNEILL. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that since 1841 the percentages of illiteracy in Ireland have been officially given to the public in every census report, but that no corresponding percentages of illiteracy have been published by the census commissioners of England and Scotland; why, having regard to the desirability of an official record of the state of education in Ireland as regards illiteracy, has a similar information of the state of education in England and Scotland as regards illiteracy been withheld from the public; and what is the reason that the favor extended to Ireland in having an official record of illiteracy is not conferred on England and Scotland.

* 8. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether the cost of car hire for conveying extra police to and fro in connection with cattle driving and other agrarian outrages is charged to the county concerned; and, if so, what has been the charge under this head for the various disturbed counties during January, February, March, and April of this year, respectively.

* 9. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether any instructions have been issued by the executive to the effect that in cases of cattle driving and other agrarian offenses where arrests are made, that the prisoners are only to be bound over to keep the peace and not be more severely dealt with, pending the passage through this house of the Irish universities bill; and whether he will now adopt more stringent methods to vindicate the law in Ireland and secure the lives and property of law-abiding persons.

* 10. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he has information respecting a shooting outrage at the house of a farmer at Rathcanning, near Midletown, county Cork, on the 4th instant; and whether any arrests have been made in connection with the occurrence.

* 11. Mr. BOLAND. To ask the chief secretary to the lord lieutenant of Ireland whether his attention has been called to the published correspondence which has passed between the president of St. Patrick's Training College Drumcondra, and the Irish registrar-general with reference to the returns for illiteracy in the census; and whether, in view of the fact that no records of illiteracy are included in the reports of the English and Scotch education departments, he will take into consideration the advisability of changing the age limit from 5 to 10 years, in order to secure greater accuracy and to prevent the inclusion, as illiterates, of children who are not compelled to attend school until they have reached the age of 6 years.

* 12. Mr. JOHN REDMOND. To ask the chief secretary to the lord lieutenant of Ireland whether he will lay upon the table the correspondence that passed between the commissioners of Kingstown Harbor and the London and Northwestern Railway Company on the question of the dues to be paid by the latter for the use of Carlisle pier.

* 13. Mr. THOMAS O'DONNELL. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that the laborers' cottage inquiry, finished in Killarney on the 17th January, 1908, and the inspector's report was due on the 17th February, but that the same has not been received yet, which means that the cottages can not be built this year, as, when the report comes down, there is a month for appeal, and between the arbitration and the three weeks' notice of sitting, that would take till the 1st of September, and a contractor can not be got to do the work in the winter; and whether steps will be taken to have the inspector's report sent on at once.

* 14. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he has received a report of the riotous proceedings at Loughrea on Friday last; how many times had the police to charge the crowd with batons; and what was the cause of these disturbances.

* 15. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he has received particulars of an assault committed by a crowd of men upon a farmer named Nolan and his two boys near Ballinasloe; whether he is aware of the reason for this attack; whether any policemen were present; and how were they treated by the crowd.

* 16. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he will state how many acres of grazing land have been purchased by the estates commissioners during the past fifteen months for division among the applicants for small holdings; in how many cases had cattle been driven off these lands; and how many persons who have shared in the division of the lands are known to have taken an active part in cattle driving.

* 17. Mr. LONSDALE. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that 16 men, charged at Tuam with having driven the cattle of Patrick Newell off his farm at Woodquay, admitted the offense; whether these men were in negotiation for the sale of this farm; and whether, in accordance with the pledge that persons who have taken part in cattle driving will not be permitted to share in the distribution of lands, he will draw the attention of the estates commissioners to the fact that these men are disqualified.

* 18. Mr. CHARLES MACVEIGH. To ask the chief secretary to the lord lieutenant of Ireland whether the attention of the local government board has been called to the application of James Deveney, of Lismonaghan, Letterkenny Union, county Donegal, Ireland, and for whom the rural district council selected a site for a laborer's cottage on the farm of Robert Wylie, of Carrygauley, which site was visited and approved by the local government board inspector during an inquiry held in Letterkenny in November, 1907; whether he is aware that the farmer, Wylie, brought an action against Deveney at quarter sessions, which was defended by the rural council, and Judge Cook gave Deveney the site by giving judgment in his favor; if he can state why the arbitrator, in the face of the approval of the inspector and the judgment of the court, has failed or refused to give the site to Deveney; and will he direct that steps be taken to provide a cottage for this man.

* 19. Mr. JEREMIAH MACVEAGH. To ask the chief secretary to the lord lieutenant of Ireland whether he can say if any complaints have reached the police as to the injury to trees on a plantation at Finvoy, near Ballymoney, county Antrim; whether he can state the names and addresses of the landlord and of the lessee; and whether notice has been given of any claim for compensation.

* 20. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that, on Monday, 4th May last, a cattle drive took place off a farm grazed by Mr. T. Lynskey, of Ballytrasna, Tuam, county Galway, and off Balreagh farm, between Elphin and Carrick-on-Shannon; what arrests have been made; and what sentences, if any, have been passed on the perpetrators of these outrages.

* 21. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that a cattle drive took place off Mr. McClintock's farm, Riverstown, County Leitrim, on Sunday, May 3 last, and off a farm in the neighborhood of Bohs, Tulsk, on the same day, and off the farm of Mr. John Macnamara, of Gort, Coxtown, on Monday, May 4, and off the farm of Mr. Flynn, of Caroreagh, near Ballinasloe, County Roscommon, and off the farm of Mr. Dolan, in the same district and on the same date; and what arrests have been made.

* 22. Captain CRAIG. To ask the chief secretary to the lord lieutenant of Ireland whether he is aware that the dwelling house of a farmer named William Colbert, of Rathcanning, near Midletown, County Cork, was fired into on Tuesday, May 5 last; whether the police evidence goes to show that injury was intended to the sleeping inmates, or whether the direction of the shot merely indicates an intention to intimidate; and what steps have been taken to bring the perpetrators to justice.

* 23. Mr. VINCENT KENNEDY. To ask the chief secretary to the lord lieutenant of Ireland if he will say whether the Enniskillen No. 2 rural district council has yet lodged a scheme under the laborers' (Ireland) act, 1906; and if so, how many cottages and extra allotments does it propose to deal with; and when will the inquiry be held.

* 24. Mr. JOYCE. To ask the chief secretary to the lord lieutenant of Ireland whether, where fishermen have held a several fishery under lease for a long term of years, and where such lease has expired, still held a tenancy from year to year, and where such tenancies have even been held for over one hundred years facilities will be given to such fishermen who may so desire to purchase those fisheries, under the land act of 1903, as if they were estates within the meaning of the act.

* 25. Mr. O'SHEE. To ask the chief secretary to the lord lieutenant of Ireland whether the estates commissioners have an application from Edward Coleman, an evicted tenant of the Grant estate, County Waterford, for reinstatement on their files; how long have they had the application; whether he is aware that Mr. Coleman has died since the application was lodged, and that his children are still awaiting restoration to his former holding; whether the same is in the possession of the owner; and what steps have been taken to acquire the lands in order to reinstate them.

* 26. Mr. LARDNER. To ask the chief secretary to the lord lieutenant Ireland whether the estates commissioners have received an application for reinstatement from John Greenan, of Cladowen, an evicted tenant on the Wall estate, County Monaghan; and if so, the date on which it was received, and if the commissioners have considered the application; and has an inspector been sent to visit the holding from which John Greenan was evicted.

* 27. Mr. BOTTOMLEY. To ask the chief secretary to the lord lieutenant of Ireland whether he can state the number of arrests for drunkenness on Sunday last in Dublin and Belfast, respectively.

* 28. Mr. HAZLETON. To ask the chief secretary to the lord lieutenant of Ireland whether he will state the average marks obtained on the special papers set in algebra at the Irish intermediate examinations in June, 1907; whether a number of honor men, prize men, exhibitioners, and at least one medalist taking algebra as a main subject failed to score a single mark on the special algebra paper; and whether, in view of the provisions of the intermediate act, intended to encourage the study of mathematics in intermediate schools, he proposes to take any, and if any, what action in the matter.

* 29. Mr. COURTHOPE. To ask the under secretary for the colonies what grants are made by colonial governments to rifle associations and other organizations for the encouragement of rifle shooting.

* 30. Mr. SUMMERBELL. To ask the under secretary of state for the colonies if he can state the cost to the colony of Trinidad of prosecutions of East Indian indentured immigrants in cases of felony and murders for the years 1905, 1906, 1907, 1908; and also the number of such immigrants convicted and acquitted for the same period.

* 31. Mr. SUMMERBELL. To ask the under secretary of state for the colonies if he can state the exact quantity of sugar on which duty has been paid by sugar planters of Trinidad employing indentured East Indian immigrants toward the reimbursement of expenses for their collection and introduction during the years 1905, 1906, and 1907; the exact quantity of cane cultivated by cane farmers and sold during these years to sugar factories in which such immigrants are employed; and whether separate accounts are kept in such factories of the quantity of sugar manufactured and exported, and an account given to the local government of such portion in which indentured labor is not employed.

* 32. Mr. SUMMERBELL. To ask the under secretary of state for the colonies if he has received from the annual assembly of the Jamaica Baptist Union a communication protesting against the continued introduction of East Indian indentured coolies into Jamaica, and pointing out that the laboring and small settler classes, who contribute the bulk of the revenue of the colony, are unable to obtain regular and paying employment on the sugar estates and fruit plantations, and are therefore under the necessity of emigrating to Central America and other places to seek work, and that thereby a great injustice is done to these classes and the island generally in taxing them to introduce East Indians to compete with the superabundant labor market of the country; and if so, can he state whether it is the intention of the Government to restrict the introduction of such coolies, and to place the entire cost of the same on the planters requiring such labor.

* 33. Sir GILBERT PARKER. To ask the under secretary of state for the colonies what is the record of service of Dr. C. Lane Sansom in the Transvaal; what positions has he held during the last seven years; what pension or compensation has been granted him; and whether employment will be found for him in the colonial service or in some department of state in this country.

* 34. Sir GILBERT PARKER. To ask the under secretary of state for the colonies whether anyone has been appointed to take the position of superintendent or controller of the native health department for the Transvaal, from which Dr. C. Lane Sansom was lately retrenched; and

whether, in view of the results produced by Doctor Sansom in reducing native mortality and in bettering the condition of the natives in the mines, this Government is satisfied that the abolition of his appointment, made upon grounds of economy, is in the best interests of that native population for whose well-being, under the constitution of the Transvaal, it is directly responsible.

* 35. Mr. HAROLD COX. To ask the under secretary of state for the colonies whether his attention has been drawn to the Transvaal Government Gazette extraordinary of the 30th of March, 1908, containing the draft of the new gold law of that colony, and particularly to sections 127 and 128; and whether the effect of the proposed new law will be to deprive colored persons, including British Indians, of the right they now possess to trade and reside in the mining districts of Johannesburg, Boxburg, and Krugersdorp, and compel them to remove for both trade and residence into compounds, locations, or bazaars.

* 36. Mr. COURTHOPE. To ask the president of the board of education when the notice under section 8 of the education act, 1902, was given in respect of the proposed council school at Llandaff, and what were its terms; whether the proposed school is to be provided on the ground that it is necessary; and if so, why a grant is being made toward it from the £100,000 voted for new schools last year.

* 37. Sir GEORGE WHITE. To ask the president of the board of education whether he will publish, uniform with the list of public elementary schools in single-school parishes [Cd. 3990], a list of schools in parishes where there is only one public elementary school available for boys, or for girls, or for infants, but which are not single-school parishes as defined by section 3 of the elementary education (England and Wales) bill, 1908, because the departments for boys, girls, or infants are in separate buildings and are recognized by the board of education as separate schools.

* 38. Sir GEORGE WHITE. To ask the president of the board of education whether he will publish, in continuation of the list of public elementary schools in single-school parishes [Cd. 3990], a similar list of schools which would be in single-school parishes as defined by section 3 of the elementary education (England and Wales) bill, 1908, but for the fact that the parish is an urban district or municipal borough, and therefore technically is not a rural parish as mentioned in that section.

* 39. Mr. T. F. RICHARDS. To ask the president of the board of education whether he has any control over the methods of punishment adopted at Queen Mary's Grammar School, Walsall; whether he is aware that one form of punishment is flogging; and seeing that this form of punishment is prohibited in the army and navy and is only allowed in His Majesty's prisons, and that then the infliction is administered to criminals, he proposes to take steps to secure more humane methods by those responsible for the above school.

* 40. Mr. CLYNES. To ask the postmaster-general if he is aware that men are employed in connection with the new sorting warehouse, Newton street, Manchester, doing the work of concretors at 6½d. and less per hour; whether the rules of the master builders' association in the district provide for the payment of 8d. per hour for such work as the men named are engaged on; and if so, can some step be taken to bring the contractor within the scope of the fair-contracts regulations and secure for the workmen the recognized rates of pay.

* 41. Mr. COURTHOPE. To ask the first lord of the Admiralty whether any or all of the contracts for the supply of Portland cement to the Admiralty this year have yet been completed; whether all the firms and companies which have supplied cement to the Admiralty during recent years were invited to tender; if not, for what reason the omissions were made; and whether such firms or companies will be allowed to tender before the contracts are completed.

* 42. Major ANSTRUTHER-GRAY. To ask the first lord of the Admiralty whether he can now state if Scotch or foreign granite is to be used for Rosyth docks.

* 43. Mr. TIMOTHY DAVIES. To ask the first lord of the Admiralty what was the annual cost during the three years ended 31st March, 1908, of keeping the harbor and breakwater of Alderney in serviceable condition and repair; and what use is made of the harbor by the vessels of His Majesty's navy.

* 44. Mr. VINCENT KENNEDY. To ask the first lord of the Admiralty if he will say whether the number of accidents to ships and other craft of war during maneuvers is on the increase, and what are the causes alleged; will he state what is the total Admiralty loss in men and money due to accidents during maneuvers and generally for the past seven years.

* 45. Mr. BOTTOMLEY. To ask the prime minister whether the public trustee is still a director of any public company.

* 46. Mr. NIELD. To ask the first lord of the Admiralty whether the coast-guard stations in Scotland have an average coast line of 10 miles to look after, and that several of such stations are and have for two years past been 50 per cent short of their proper complement; and whether he will take steps to bring up these stations to their proper strength without delay.

* 47. Mr. NIELD. To ask the first lord of the Admiralty what coast-guard stations there are in the United Kingdom, excluding detachments, whose complements have been reduced by 33 per cent or more, either temporarily or permanently, with the names of each class, respectively; and whether it is in the contemplation of the Admiralty at some future date, and approximately how soon, to have these stations filled up to their proper complements.

* 48. Mr. NIELD. To ask the first lord of the Admiralty when the respective coast-guard stations, excluding detachments whose complements have been reduced by 33 per cent and upward, were so reduced, respectively; and whether, in the opinion of the Board of Admiralty, the continuance of these stations in their present state of reduced numbers is compatible with the efficient performance of the many important and arduous duties which devolve upon the service.

* 49. Mr. WATT. To ask the secretary for Scotland whether his attention has been called to an epidemic of typhoid fever in Kelvinside, Glasgow; whether this outbreak has been traced to the selling of milk from a farm where there was a typhoid patient; at what date did his department or the local authority become aware of these facts; on what date was the first action taken to stop the sale of milk from that farm; and whether, in view of the number of deaths that have resulted, he will issue instructions which will in future prevent delays between the knowledge of the facts and the action resulting from them.

* 50. Mr. BOTTOMLEY. To ask the secretary for Scotland whether he can state the number of arrests for drunkenness on Sunday last in the cities of Glasgow and Edinburgh, respectively.

* 51. Mr. BOWERMAN. To ask the president of the board of trade whether his attention has been called to the fact that in 1907 93,410 less cattle than in 1905 were imported for slaughter into Great Britain from North America, and 20,824 less during the four months ended 30th April, 1908, compared with the same period in 1907; whether he is aware that consequently the supply of hides and offals of freshly slaughtered animals used as raw material in many manufactures has very seriously decreased to the detriment of British trade, to the loss of work and wages of thousands of British workmen, and to the rise in prices to the consumer of all commodities affected; and whether he will cause inquiry to be made into the remedies for increasing the supply of hides, offals, and freshly killed meat of imported foreign animals, with especial reference to the plan for establishing a foreign animals wharf and abattoir in the island of Alderney, and to the advisability of relaxing the restrictions now placed on the landing at the foreign animals wharves at Deptford and Birkenhead of all animals except those from North America.

* 52. Mr. HAROLD COX. To ask the president of the board of trade whether he can give the house any information with regard to the reductions about to be made in the Danish tariff; and whether he will issue a memorandum comparing the duties levied on important articles of British manufacture by Denmark under the new tariff with the duties levied upon British goods of the same class by Canada, Australia, and New Zealand.

* 53. Mr. SEAVERNS. To ask the president of the board of trade if he is aware that in the debate on the second reading of the port of London bill no expression of views was given by those representing importers, exporters, and manufacturers, upon whom the entire financial burden of improving the port is to fall; whether he will see that these interests are represented upon the joint committee appointed to consider the bill; and whether he will consider the advisability of placing a portion of the burden upon other interests which are equally to profit by the improvement of the port.

* 54. Mr. HAVELOCK WILSON. To ask the president of the board of trade whether he will cause instructions to be issued to the officers of the board of trade to prevent Chinese boarding-house keepers from having access to the board of trade premises for the purpose of supplying crews of Chinamen to British ships; whether he is aware that it has been the practice for many years to prevent British seamen and others from using the waiting rooms of mercantile marine offices unless they can produce certificates of discharges to prove that they are bona fide seamen; and whether he will cause this rule to be stringently applied to Chinamen in the same manner that it is applied to other seamen.

* 55. Mr. HAVELOCK WILSON. To ask the president of the board of trade whether his attention has been called to the excitement which prevailed amongst British seamen at the mercantile marine office, Poplar, on Saturday and Sunday, in consequence of the owners of the steamships *Zambesi* and *Strathness* endeavoring to ship crews of Chinamen; whether he is aware that the Chinamen in question were unable to pass the language test, as required by the merchant shipping act; whether it has been brought to his notice that when Chinese crews are being signed on duly qualified and independent interpreters are not provided by the owners; whether he is aware that these crews are being found by well-known Chinese crimps, and what action, if any, does the board of trade intend to take to put an end to these practices.

* 56. Mr. BOWERMAN. To ask the honorable member for South Somerset, as representing the president of the board of agriculture, whether his attention has been called to the report of the markets' committee of the corporation of the city of London, in which it is stated that fewer live cattle are coming from Canada and the United States, causing a reduction in the quantity of freshly killed meat, which is made up by increased importations of preserved and frozen products, and lessening the circulation of wages in the meat-producing and kindred industries; and whether he will cause independent inquiry to be made as to relaxing the regulations of the board with regard to the landing of animals for slaughter in Great Britain, and as to other methods of increasing, with due regard to the safety of native flocks and herds, the supply of freshly killed meat to British markets.

* 57. Mr. MCHUGH. To ask Mr. Attorney-General for Ireland whether the bill promised in relation to committals for contempt of court has been drafted; and can he say when it will be introduced.

* 58. Mr. LONSDALE. To ask the vice-president of the department of agriculture (Ireland) whether he can name the counties in Ulster in which it is intended to install new agricultural schools and experimental farms.

* 59. Viscount CASTLEREAGH. To ask Mr. Attorney-General whether he is aware that the hearing of several cases in the chancery division of the high court in which he is made a party has had to be postponed indefinitely owing to the delay in the appointment of a junior counsel to the treasury in chancery matters, and when the vacancy is likely to be filled.

* 60. Mr. PATRICK O'BRIEN. To ask the secretary to the treasury whether any public announcement was made of the resignation of the late treasury remembrancer for Ireland, and if so, when, where, and how was it announced; what was the date of the resignation and the date of the appointment of Mr. Newby to the vacancy; if no public announcement was made of the vacancy, what opportunity had Irishmen to apply for the position; whether he will inquire if this may be the reason why no Irishman applied, and will he see that in future such vacancies are duly announced and reasonable time afforded for Irishmen to apply.

* 61. Mr. CHARLES ROBERTS. To ask the secretary to the treasury if he will state the average number of hundredweights of sugar and its equivalents used in brewing for the last three years for which the figures exist, and the annual sum which on this average the brewing trade stands to gain by the reduction of the sugar duty proposed in the budget.

* 62. Mr. MULDOON. To ask the secretary to the treasury what was the date of the retirement of Mr. Holmes, lately treasury remembrancer for Ireland, and on what date was his resignation accepted; what was the date of the appointment of his successor and whether any person responsible for the government of Ireland was consulted before the present remembrancer was appointed, and, if so, what person.

* 63. Mr. VINCENT KENNEDY. To ask the secretary of state for the home department if he will say whether the Police Gazette contains a list of firms which have been connected with fraudulent transactions or are specially noted in the Gazette for exceptional police attention; and will he supply a list of the names and location of these firms?

* 64. Mr. HAVELOCK WILSON. To ask the secretary of state for the home department whether he has received any report from the police authorities with regard to the disturbances which have occurred at the mercantile marine office, Poplar, in consequence of the contemplated engagement of crews of Chinamen for the steamships *Zambesi* and *Strathness;* if he can state the number of inspectors and policemen who were on duty in this connection; whether he is aware that the police prevented British seamen from having access to the waiting room of the mercantile marine office, whilst the Chinamen were freely

admitted, and whether he can state who gave the police instructions to prevent British sailors from using this waiting-room.

*65. Mr. BOTTOMLEY. To ask the secretary of state for the home department whether he can state the number of arrests for drunkenness on Sunday last in London, Swansea, and Cardiff, respectively.

*66. Mr. GEORGE GIBBS. To ask Mr. Chancellor of the Exchequer whether, in view of the fact that many merchants have heavy stocks of sugar on which duty has already been paid, he can extend the time to June 1.

*67. Mr. JOYNSON-HICKS. To ask Mr. Chancellor of the Exchequer if his attention has been drawn to the hardships which will be incurred by many traders in sugar owing to his proposal that rebate on duty-paid stocks of sugar unsold on the 18th instant will not be allowed; if he is aware that in consequence of insufficient accommodation for bonding duties have already been paid on large quantities of sugar which otherwise would have remained in bond; whether, under the circumstances, he can prolong the period of ten days, or else allow a drawback upon stocks held on the 18th of this month, and whether he would be prepared to receive representations on the subject from the traders affected.

*68. Mr. LEVERTON HARRIS. To ask Mr. Chancellor of the Exchequer whether a person who is in receipt of an annuity or pension from a friendly society or insurance company which will bring up his total income to over £26 a year will be excluded from participating in the proposed scheme of old-age pensions.

*69. Mr. DUNDAS WHITE. To ask the undersecretary of state for India whether he will consider the advisability of maintaining the rights of general use in any Indian garrison church which has been recently consecrated merely by permission of the Indian government and without any undertaking as to its future use, unless and until those who claim the exclusive use of that church have established that claim in the courts of law.

*70. Mr. DUNDAS WHITE. To ask the undersecretary of state for India whether, in view of recent events, he will now take the opinion of the law officers of the Crown, or of any independent counsel of suitable standing, as to whether the ecclesiastical law of England as to the effects of consecrating churches applies in British India, and as to whether, according to the law of British India, the fact that a government church has been consecrated with the permission of the government confers the exclusive right to use it for Anglican services, placing before Parliament these opinions and the reasons on which they are based.

*71. Mr. DUNDAS WHITE. To ask the undersecretary of state for India how many Indian government churches have been consecrated since January 1, 1901, stating in each case the place of the church, the date of the consecration, whether that consecration was effected at the request or merely with the permission of the Indian government, and in view of the reference to private subscriptions in the recent memorandum, whether private subscriptions for the building or maintenance of the church had been asked from and received from Presbyterians and other non-Anglicans, and whether in the applications for those subscriptions it was stated that the church was to be used exclusively for Anglican services.

*72. Mr. BYLES. To ask the secretary of state for war whether his attention has been called to a public lecture lately delivered in Newcastle by Lieutenant-Colonel Baden-Powell of an alarmist character and couched in language likely to be offensive to a friendly power, and whether he will do anything to restrain such utterances by senior officers in His Majesty's army.

*73. Mr. CECIL HARMSWORTH. To ask the secretary of state for war if he is now in a position to say what aciton, if any, is proposed to be taken by the war office to relieve George Ravenhill, V. C., who is, or was recently, an inmate of Erdington workhouse, of the necessity of taking advantage of public charity.

*74. Mr. BOWLES. To ask the secretary of state for war if he will state of how many persons the army council consists, what is the official designation of each of its members, and how many of its members are soldiers and how many civilians.

*75. Mr. BOWLES. To ask the secretary of state for war whether he can state, in case a difference of opinion arises among the members of the army council as to any matter of military policy or administration, how the decision of the council on that matter is arrived at; is it ascertained by a vote of the majority of all its members, by a vote of the majority of the members present, or how otherwise; and, if by vote how many votes are allotted to the secretary of state, and how many to each of his fellow-members.

*76. Lord BALCARRES. To ask the secretary of state for war what weight of cordite known to contain mercuric chloride has been issued by his department to the troops during the last twelve months.

AT THE COMMENCEMENT OF PUBLIC BUSINESS.

NOTICE OF PRESENTATION OF BILL.

1. Mr. FFRENCH.—Coroners (Ireland).—Bill to provide for the appointment of deputy coroners in counties and boroughs in Ireland.

ORDERS OF THE DAY.

[Those marked thus * are government orders of the day.]

*1. Prosecution of offenses (amendment) bill. Third reading.
*a2. Public offices sites (extension) bill (to be referred to a select committee). Second reading.
*a3. Post-office savings bank bill. Second reading.
*a4. Telegraph (construction) bill. Second reading.
*5. Friendly societies bill. Second reading.
*6. Fatal accidents (damages) bill [Lords]. Second reading.
*7. Election of aldermen in municipal boroughs bill. Second reading.
*a8. London paving expenses bill. Second reading.
*a9. Costs in criminal cases bill. As amended (by the standing committee), to be considered.
*a10. Children [expenses]. Report thereupon.
*11. Ways and means [May 7]. Report.
*12. Ways and means. Committee.
*13. Supply. Committee.

NOTICES OF MOTIONS.

NOTICES RELATING TO ORDERS OF THE DAY.

(2) Mr. HARCOURT. After second reading of public offices sites (extension) bill, to move that the bill be committed to a select committee of five members, three to be nominated by the House, and two by the committee of selection.

That all petitions against the bill presented five clear days before the meeting of the committee be referred to the committee; that the petitioners praying to be heard by themselves, their counsel, or agents be heard against the bill, and counsel or agents heard in support of the bill.

That the committee have power to send for persons, papers, and records.

That three be the quorum.

(3) Mr. HAROLD COX. After second reading of post-office savings bank bill, to move, that the bill be referred to a select committee to consider and report by what means the taxpayer can be secured against the recurrence of the losses recently incurred by the Post-Office Savings Bank.

(4) Mr. HAROLD COX. On second reading of telegraph (construction) bill, to move, that it is undesirable to give larger powers to the post-office until the House has been placed in possession of fuller information as to the financial results of the management of telegraphs and telephones by the post-office.

Mr. COURTHOPE. On second reading of telegraph (construction) bill, to move, that it be read a second time upon this day six months.

Mr. GEORGE GIBBS. On second reading of telegraph (construction) bill, to move, that it be read a second time upon this day six months.

Mr. LANE-FOX. On second reading of telegraph (construction) bill, to move, that it be read a second time upon this day six months.

(8) Mr. DUNDAS WHITE. On second reading of London paving expenses bill, to move, that this House declines to proceed with a measure which would constitute a further indirect endowment of places or religious worship at the expense of the ratepayers.

Mr. MCCALLUM. On second reading of London paving expenses bill, to move, that this House declines to proceed with a measure which would constitute a further indirect endowment of places of religious worship at the expense of the ratepayers.

ON CONSIDERATION OF COSTS IN CRIMINAL CASES BILL, AS AMENDED.

(9) Mr. RAWLINSON:

Page 1, leave out clause 1.

Clause 1, page 1, line 20, leave out "county."

Clause 1, page 2, line 12, at end add:

"(4) No expenses to witnesses, whether for the prosecution or defense, shall be allowed at a court of assize or quarter sessions before which any indictable offense is prosecuted or tried, if such witnesses are witnesses to character only, and if called for any other purpose then only the expenses shall be allowed of those witnesses who shall have been bound over to appear and give evidence by recognizance or by subpœna, but the court may allow the expenses of any witness, other than to character, that may be called by order of the court or whose evidence being material, in the opinion of the court, shall have attended to give evidence without a subpœna.

"(5) No expenses shall be allowed by the examining justices to any witness if such witness is to character only."

Mr. RAWLINSON:

Clause 3, page 2, line 26, after "due," insert "for traveling or personal expenses."

Mr. RAWLINSON:

Clause 4, page 3, line 31, leave out "county."

Clause 4, page 3, line 42, at end, add "and to remain in attendance for that purpose during the sitting of the court, or until such hour as the court shall direct.

"(4) The county, city, or borough authority, where any court of assize or quarter sessions is held, shall provide at or near the court a room or office (other than any room, office, or place used by the clerk of assize or the clerk of the peace for the purpose of carrying on the business of the court) to be used for the payment of the expenses allowed to witnesses and other sums included in any order as mentioned in subsection 3 of this section of the act."

Mr. RAWLINSON:

Clause 6, page 4, line 16, leave out subsection (1).

ON REPORT OF CHILDREN (EXPENSES).

(10) Sir FREDERICK BANBURY:

Line 3, leave out from "incurred," to "under."

Captain CRAIG:

Line 4, leave out "any," and insert "an."

Sir FREDERICK BANBURY:

Line 5, at end, add "such payment not to exceed £5,000 in any one year."

As an amendment to Sir Frederick Banbury's proposed amendment:

Captain CRAIG:

Leave out "any one," and insert "the first."

QUESTIONS NOT FOR ORAL ANSWER.

1. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if the estates commissioners have taken any action to have Mrs. Mary Casey, of Ballygran, in the county of Limerick, evicted tenant on the estate of C. F. Drew, reinstated; and, if so, with what result.

2. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if the estates commissioners have considered the case of Mrs. Mary McDonnell, of East Wood, Glin, in the county of Limerick, evicted tenant on the estate of the Knight of Glin; and, if so, with what result.

3. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if he can say what has been the cause of the delay on the part of the estates commissioners in reinstating Michael Hartnett, evicted tenant, on the estate of C. F. Drew, of Ballygran, in the county of Limerick.

4. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if the estates commissioners have considered the claim of John FitzGerald, of Clounriesk, Askeaton, in the county of Limerick, representative of Maurice FitzGerald, deceased, evicted tenant, for some untenanted land in lieu of his evicted farm.

5. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland whether he will bring under the notice of the estates commissioners the case of a poor man named James Power, of Kilbreedy, Kilcornan, in the county of Limerick, who was evicted on title about nine years ago by the Earl of Dunraven from a holding consisting of about 27 acres of bog land, which the former was in occupation of for over forty years, and on which he spent years of toil endeavoring to reclaim, and for which he paid a rent of £5 annually; and whether, having regard to the fact that Lord Dunraven subsequently gave this land to a man named Millar, and further to the hardship of the case, he will cause the estates commissioners to at once favorably consider the claim of Power for some untenanted land in the county.

6. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if he can say what has been the result of the estates commissioners' investigation into the case of Patrick Creedon, of Mone-

gay, in the county of Limerick, evicted tenant on the estate of the Earl of Devon.

7. Mr. JOHN MURPHY. To ask the chief secretary to the lord lieutenant of Ireland if he proposes to introduce a bill dealing with school attendance in Ireland this session, in accordance with the numerous requests made to him to do so.

8. Mr. JOHN MURPHY. To ask the chief secretary to the lord lieutenant of Ireland if the estates commissioners are now in a position to deal properly with the claims of Messrs. Timothy Buckley and Morty Buckley, two evicted tenants on the Morrogh Bernard estate, county Kerry, who have been reinstated by the landlord.

9. Mr. JOHN MURPHY. To ask the chief secretary to the lord lieutenant of Ireland if he will consider the question of adding a fair number of persons directly connected with Irish primary education on the first senates and governing bodies of the proposed new universities and their constituent colleges; and whether he is aware that the omission of any such representatives in the published lists is likely to lead to dissatisfaction.

10. Mr. SLOAN. To ask the chief secretary to the lord lieutenant of Ireland if he is aware that the local government board received a deputation of veterinary surgeons in reference to the appointment of a central veterinary authority to look after the dairies and cow sheds in Ireland; and if it is contemplated to appoint a veterinary surgeon for this purpose, or is it intended to transfer this department of the board's work over to the veterinary branch of the board of agriculture.

11. Mr. O'SHAUGHNESSY. To ask the chief secretary to the lord lieutenant of Ireland if he can say whether an agreement has now been come to between Mrs. Shelton, the owner of the untenanted lands at Beaufort, in the county of Limerick, and the estates commissioners for the purchase thereof.

12. Mr. FIELD. To ask the postmaster-general whether he is aware that the late Miss Ida Watson, of the postal-order branch of the money-order department, with only three or four years' service, visited the official female medical officer on the 30th of March last on the ground that she felt seriously ill; that, instead of granting her sick leave, she was sent back on duty; that this young lady felt worse during the following week, culminating in collapse, having to be assisted by a colleague to complete her average on Saturday, the 4th of April; that she was on that day granted three weeks' sick leave by her own private medical practitioner, and that on that night she fell into a state of unconsciousness and remained so for three weeks until she died on the 28th of April; that two specialists gave independent opinions in this case that death was brought about by suppressed influenza, and that if she had been properly treated at first she would likely be now alive; and whether, seeing that when the deceased entered the post-office and up to the time of her fatal illness she was a bright, healthy girl, he will say what are the medical qualifications of the official lady doctor to whom the deceased submitted herself for treatment; and whether, in view of the expenses incurred by the deceased's relatives in Ireland in connection with this case, he will order an independent inquiry into it with a view to prevent a recurrence of similar cases, and grant some compensation to the deceased's relatives.

13. Mr. FIELD. To ask the postmaster-general whether he is aware that the late Miss Houston, of the postal-order branch of the money-order department, had, prior to her sudden death on the 20th of March last, been ailing for some time and attending the official female medical officer, who treated her for dyspepsia and indigestion; that she saw this official doctor specially about a week before her sudden death, on the ground that she felt seriously ill; and that, instead of granting her sick leave, she was ordered back on duty; and, seeing that the deceased died suddenly on the 20th of March from supposed heart disease, will he take similar steps as requested in the case of the late Miss Watson.

14. Mr. FIELD. To ask the postmaster-general whether instructions have been issued to the effect that post-office officials of certain ranks who may receive sick certificates from a certain duly qualified private medical practitioner in the northwestern district of London shall be allowed sick leave but no pay; will he say whether this medical officer had any charge preferred against him in which he was given an opportunity of defending himself; if not, will he say why these instructions have been issued; and, seeing that the post-office medical officers have frequently been in conflict with private medical practitioners on the question of sick leave of post-office officials, and that several cases of deaths have occurred in which these official medical officers have refused sick leave shortly preceding such deaths, will he now grant an inquiry into this subject.

15. Mr. LOUGH. To ask the president of the board of trade what is the number of sugar refineries and the number of hands employed therein in the United Kingdom in the years 1902 and 1908, respectively, and what is the annual cost of conducting these refineries in bond.

16. Mr. LOUGH. To ask the president of the board of trade what was the quantity of raw beet sugar produced during the year 1907 in the foreign countries set out in Table IV of the Sugar return, No. 334, issued in August, 1907; the imports of unrefined and refined sugar as shown in Table V (A); the total estimated consumption per head of the population as shown in Table VI (B); the British West Indian exports as shown in Table IX; and the declared average value of raw and refined sugar imported into the United Kingdom for the year 1907, as shown in Table X, and the same average prices for each month of the year 1908.

17. Mr. TIMOTHY DAVIES. To ask the president of the board of trade if he can give any official information as regards the alleged dumping of 8,000 tons and 15,000 tons of hops from the United States in this country; and will he give the quantity in tons of hops received from America in the month of April, also for the four months of this year?

18. Mr. MCARTHUR. To ask the secretary to the treasury whether the board of customs have received three petitions from the examining officers, second class (1881–8 entrants), drawing attention to the inequalities in pay and prospects of the petitioners in comparison with other entrants; whether he is aware that at an interview on 6th November, 1907, a representative deputation complained to the board that through a series of reorganizations the conditions of their entrance to the service had been altered to their detriment; and whether, in view of the failure of the present classification to provide satisfactory advancement for the petitioners, the treasury will give effect to the ameliorative measures suggested by the examining officers' representatives in their recent communications with the secretary to the board of customs.

19. Lord BALCARRES. To ask the president of the board of education if he will state upon what date the plans to carry out the requirements of the board as regards the provision of a playground and cloakroom for East Hardwick School, West Riding, were submitted to the board; on what date were the plans in question returned; and what has been the explanation of the delay.

20. Mr. MOND. To ask the secretary of state for the home department what are the total number of new licenses granted since the licensing act of 1904; what number of such licenses were granted for one year and what number for seven years; what was the amount received for monopoly value for such licenses; and what was the average amount received for the monopoly value of the new licenses granted annually.

21. Mr. ASHTON. To ask Mr. Chancellor of the Exchequer what is the present amount of the unfunded debt, of what issues does it consist, and what exchequer bonds are now current issued for capital expenditure and classed among other capital liabilities; and what was the amount of the like issues at the same time last year.

NOTICES OF MOTIONS.

AT A QUARTER PAST 8 O'CLOCK.

1. Mr. ALDEN, native affairs (South Africa). To call attention to native affairs in South Africa in connection with federation proposals, and to move that this house, recognizing signs of a growing opinion on the part of the self-governing colonies of South Africa in favor of safeguarding the rights and future of the natives in any scheme of political unification or federation, expresses its confidence that His Majesty's Government will welcome the adoption of provisions calculated to render possible the ultimate inclusion of the whole of British South Africa in federal union.

2. SIR CHARLES DILKE, native affairs (South Africa). To call attention to native affairs in South Africa in connection with federation proposals and to move that this house, recognizing signs of a growing opinion on the part of the self-governing colonies of South Africa in favor of safeguarding the rights and future of the natives in any scheme of political unification or federation, expresses its confidence that His Majesty's Government will promote the adoption of provisions calculated to render possible the ultimate inclusion of the whole of British South Africa in federal union.

3. Sir GILBERT PARKER, native affairs (South Africa). To call attention to native affairs in South Africa in connection with federation proposals and to move that this house, realizing the insuperable difficulties in the way of dealing effectively with the native question, except under a scheme of political confederation, and recognizing the responsibility of His Majesty's Government for the well-being of the natives of the British subcontinent, expresses its hope that His Majesty's Government will support and endeavor to advance the movement for federal union for the colonies of British South Africa.

ORDERS OF THE DAY.

1. Weekly rest-day bill, second reading.
2. Prohibition of medical practice by companies bill, second reading.
3. Town tenants (Ireland) act (1907) amendment bill, second reading.
4. Trade disputes bill, second reading.
5. Bankruptcy (Scotland) bill, second reading.
6. * Nurses' registration (No. 2) bill, second reading.
7. Education (continuation schools) bill, second reading.
8. Waste lands (Ireland) improvement bill, second reading.
9. Whaling stations bill, second reading.
10. Home work bill, second reading.
11. Education of afflicted children (Ireland) bill, second reading.
12. Railway and canal traffic bill, second reading.
13. Public health acts amendment (markets) bill, second reading.
14. Coal mines (eight hours for winding enginemen) bill, second reading.
15. Municipal corporations (election of aldermen) bill, second reading.
16. Public health bill, second reading.
17. Sale of whisky bill, second reading.
18. Absent voters bill, second reading.
19. Coroners' inquests (railway fatalities) bill, second reading.
20. Sale of intoxicating liquors on Sunday bill, second reading.
21. Luggage (definition) bill, second reading.
22. Infant life protection (No. 2) bill, second reading.
23. Dogs (exemption) bill, second reading.
* 24. Dogs' protection bill, adjourned debate on second reading (26th February).†
25. Exportation of horses bill, second reading.
26. Rabbits on commons bill, second reading.
27. Metropolitan sewers and drains bill, second reading.
28. Poor law (compulsory contribution exemption) bill, second reading.

NOTICES OF MOTIONS.

NOTICES RELATING TO ORDERS OF THE DAY.

(6) Mr. ANNAN BRYCE. On second reading of nurses' registration (No. 2) bill, to move that it be read a second time upon this day six months.

Mr. RAWLINSON. On second reading of nurses' registration (No. 2) bill, to move that it be read a second time upon this day six months.

(24) Mr. MOONEY. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

Mr. HAVILAND-BURKE. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

Mr. HAYDEN. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

Mr. BOLAND. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

Mr. KETTLE. On second reading of dogs' protection bill, to move that it be read a second time upon this day six months.

PUBLIC COMMITTEES FOR WEDNESDAY, 13TH MAY, 1908.

1. Debtors (imprisonment), at half past 11, room 12;
2. Police and sanitary (A), at half past 11, room 8;
3. Police and sanitary (B), at half past 11, room 9;
4. Home work, at quarter before 12, room 15; and
5. Kitchen and refreshment rooms (House of Commons) (Subcommittee at 4 o'clock), at half past 4, room D, on Terrace.

† Dogs' protection bill, order for second reading read; motion made and question proposed, "That the bill be now read a second time."

Mr. BURLESON. I yield thirty minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, I have been highly edified by this discussion. I think it is one of the most wholesome manifestations of parliamentary independence and parliamentary intelligence that has been witnessed on this floor during my service. I congratulate the gentleman from Massachusetts [Mr. GARDNER] on having raised the question and the debate to a high plane of parliamentary excellence. I do not rise to take either side of this controversy, but rather to suggest a middle ground which I think the House could afford to take with great advantage to its own procedure and with great benefit to the country at large.

I can not agree with the gentleman from Pennsylvania [Mr. OLMSTED] that the present rules are all that the House can require for an efficient and prompt discharge of business, nor do I sympathize with those gentlemen who are constantly criticising the rules as the fons et origo, the fountain and origin of all the defects with which legislation can be charged.

I speak from an experience of the House somewhat extensive, running back to the filibuster described by the gentleman from Pennsylvania, and embracing the quite recent performance under its present organization, when a financial measure affecting the commerce of this country more deeply than any passed since the Sherman law was driven through this body with only an hour's debate, without a copy of the bill being in the hands of a single Member, while our only knowledge of its provisions was such memory as we were able to preserve of words read from the desk.

Now, Mr. Chairman, while I have witnessed all these various phases of our parliamentary evolution, I venture——

Mr. OLMSTED. I would like to ask the gentleman if he also witnessed and remembers the occasion when the Wilson tariff bill, with 634 amendments, was put through the Democratic Congress on an hour's debate?

Mr. COCKRAN. Perfectly; I recall both performances. I protested against both, and voted against both. [Applause.] But there was this difference between the performance when the Wilson bill was passed and that which marked the passage of the last financial bill: When the motion to concur in the amendments of the Senate to the Wilson bill was before the House I was heard to denounce the proposal, as well as to vote against it. When this last performance was accomplished nobody was allowed time to criticise it or point out its defects.

But I am not here to compare offenses of one party with offenses of the other against what I conceive to be sound principles of procedure. I am here to suggest, if I can, a method by which all offenses against fairness and fullness of discussion can be obviated and prevented, whichever party may happen to be in the ascendancy.

Now, I want to state here in the beginning that, in my judgment, differences of views between both sides of this question are not nearly so wide as they would seem. I think they are more vehement in expression than they are wide in extent. I venture this prophecy now: If the Speaker were to appoint a committee of four, six, or eight Members, equally distributed between both parties, to consider whether changes in the rules be desirable, their report would very likely be unanimous and the amendments or changes they might recommend would be very few in number.

I am willing to admit with the gentleman from Pennsylvania that it is impossible to attempt a discussion of all measures that are brought before this House. I agree with him that it is the right of the majority absolutely to control the proceedings of this body. I supported that right, sir, when it involved almost a test of party loyalty, for I defended the Reed rules on this floor when the Reed rules, still a fresh experiment, were objects of denunciation by Democrats and of execration by a large part of the people of this country. I recognized then, as I acknowledge now, that it is impossible to conduct the business of a parliamentary body unless the majority have complete control of its procedure and exercise it in their own way. That I concede absolutely and unreservedly; but the corollary of that proposition is equally true. There must be no doubt that it is a majority which actually exercises control. The majority must always be ready to establish the fact that it is a majority. It has no warrant for control except the fact that it is the majority. Now, sir, under existing conditions, the majority is never required to establish the fact that it is the majority but once, and that is on the opening day of the session, when a motion is carried that the rules of the last House be made the rules of this one. That is carried by a majority vote, and the moment that vote is recorded the control of this body passes from its actual majority—that is to say, from a majority of the House or even from a majority of the majority—into the hands of a majority of the Committee on Rules.

That is the practical effect of the rules as they stand. Well may the gentleman from Massachusetts [Mr. GARDNER] state, and no man can question it, that under this system Representatives can shield themselves behind the procedure of the House while quietly stifling legislation which they would not dare oppose openly in full view of their constituents.

Mr. ALEXANDER of New York. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to his colleague?

Mr. COCKRAN. Certainly.

Mr. ALEXANDER of New York. Will the gentleman illustrate by cases in his own mind where the majority, the moment that we have adopted the rules of the House, passed their power to the Committee on Rules, and that power was taken away from the majority of the House?

Mr. COCKRAN. My only objection to doing that is that it will consume a lot of time in establishing facts which I think must be obvious to the gentleman.

Mr. ALEXANDER of New York. Will the gentleman state one?

Mr. COCKRAN. What I stated, Mr. Chairman, was this, to begin with; not that the majority have absolutely lost control of the House in the sense that any action can be taken against its will or without its consent. That is a totally different proposition. Any affirmative action by the House of course requires the vote of a majority. But to defeat a measure effectively, to prevent absolutely any chance of its being enacted, or even considered, it need but encounter the hostility of the Committee on Rules, or rather of its majority. Nay, to render its prospects hopeless the Committee on Rules need not be actively hostile; it is enough that a majority of that committee is indifferent. What I do state is that there are no means known to our procedure by which, when a proposal of legislation submitted by me is arrested, deprived of any prospect that it can be enacted into law, I can challenge the opposition to show that it is a majority of the House which antagonizes it.

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

Mr. COCKRAN. Certainly.

Mr. MANN. Does the gentleman recall any case under the rules where the Committee on Rules can do anything without appealing to a majority of the House?

Mr. COCKRAN. That is quite true, Mr. Chairman. It can not do anything, but it can refuse to do everything; and its refusal is of deadly effect to legislative propositions. Let us see just exactly what occurs. Gentlemen here on both sides have challenged me to give an instance where the procedure of the House enabled opponents of measures to defeat them without opposing them openly on the floor. I will give one or two. There is one that has been mentioned here time and again, the proposition to put wood pulp on the free list. I myself have offered, again and again, measures against which I know there could not have been five votes recorded in this House, and yet these measures have never come before the House. Why? Because under the procedure of the House not merely the Committee on Rules, but all the other committees, are sitting upon them with an effect of weight and inertia that is absolutely immovable. [Laughter.] There is not a gentleman here, including the gentleman from New York, my colleague [Mr. ALEXANDER], who can not go back to his constituency to-morrow and protest his earnest enthusiasm for my measures and blame his refusal to vote for them upon the procedure of the House. Now, that is an abuse and a serious one. Anything that can be interposed between the discharge of a Representative's duty and full knowledge by his constituents of how he discharges it is a grave abuse upon the representative system.

The gentleman from New York [Mr. ALEXANDER] and the gentleman from Illinois [Mr. MANN] have asked me to explain how this procedure stifles the voice of the House. I have introduced a measure here for the publicity of campaign expenses before elections, which will serve to illustrate the abuse of which I complain. Now, what was the procedure there? It went to a committee appointed by the Speaker. There it slumbers. All my efforts to arouse it have but sufficed to provoke some expressions of weariness from the Members whom I importuned. But let us suppose I could have moved that committee, assuming that the Speaker is hostile to it, what then? Suppose I could have moved that committee appointed by the Speaker to report a measure favorably which the Speaker condemns. What good would it do me?

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

Mr. COCKRAN. Undoubtedly.

Mr. MADDEN. Would the gentleman take away from the Speaker the power to appoint the committees?

Mr. COCKRAN. No, sir; I would not. As I stated at the beginning, notwithstanding the existence of these defects in our rules that can not be disputed, the change in procedure

which any sensible committee could recommend would, in my judgment, be exceedingly slight and narrow, and yet I think some changes would be very effective and very salutary. Now, I said, when a measure goes before a committee, the Speaker being hostile to it, the committee, it may fairly be assumed, will sit upon it. But suppose the committee should be moved by a virtuous independent impulse and should report it favorably. How far have I got then? Why, I have reached the tail end of the calendar, where I have just about as much chance of getting that measure before this House without affirmative action by the Committee on Rules as I have of being translated to heaven like the Prophet Elijah. [Laughter.] But suppose even that the Committee on Rules should break away from the Speaker—and I do not think that such an event is conceivable. I do not believe it is thinkable. [Laughter.] I want to say, in all candor, I do not think it would be honorable.

I think when a Member of the majority accepts from the Speaker a place on the Committee on Rules, he takes an honorable obligation to exercise the power such an appointment bestows on him to keep the Speaker's control of the House absolute. I am quite willing to concede that. But suppose the Committee on Rules, or a majority of it, did break away from the Speaker, how much further would that bring me? I would still be far from a certainty of securing consideration for the measure. I would still find it necessary to devise some manner of chain or fetter which I could fasten on the Speaker's eye and hold it until the member of the Committee on Rules desiring to present its report had obtained the floor to move consideration and adoption of its recommendation that my measure be taken up for consideration and that a vote be taken on it. If anyone can suggest a method by which the Speaker's eye can be caught, fastened, held for a purpose which he himself condemns, I shall be glad to give that ingenious person the floor, that he might enlighten us and gladden us. And so we can not escape the conclusion that, so far as affirmative action is concerned, this House is absolutely in the hands of the Speaker. For such a condition I do not think there is precedent or parallel anywhere at any time. We have heard during the debate a great deal about the procedure of the House of Commons and much about the greater attention given to its debates and the greater consequence enjoyed by its members.

Mr. Chairman, these differences are inherent; they do not spring from any difference in rules. The inherent difference between the two bodies is that the House of Commons controls absolutely the executive department of the English Government. It is itself, through one of its committees, the executive, as well as the legislative, department. By the exercise of a single vote it can overthrow a government and immediately effect a complete change of administration, for the Government itself is only a committee of the house.

This body can not discharge from his office a single executive officer. It certainly can not overthrow a Cabinet or force the resignation of a single Cabinet minister.

Some people say that the distinction between these two bodies is that we are governed or managed by committees, and the House of Commons is not. Why, in all its legislation of a public character the House of Commons is managed by one committee. That committee is the Government. So far as legislation is concerned we have simply divided among several committees the powers which in that body are held by one.

Mr. ALEXANDER of New York. Will the gentleman yield?

Mr. COCKRAN. Certainly.

Mr. ALEXANDER of New York. The gentleman suggests having a majority of the Committee on Rules.

Mr. COCKRAN. I did not suggest it. The gentleman is mistaken. I have not come to my suggestions yet; I have not got past my criticisms. [Laughter.] The gentleman is entirely mistaken if he thinks I have suggested anything.

Mr. ALEXANDER of New York. Will the gentleman come to his suggestions?

Mr. COCKRAN. If the gentleman will allow the committee and myself to decide when we shall come to suggestions, I will be delighted to say yes. But if he means that I must come to them now, I beg him to let me reach them in my own way.

Mr. ALEXANDER of New York. I ask the gentleman to yield for a question.

Mr. COCKRAN. With pleasure.

Mr. ALEXANDER of New York. If the Committee on Rules agreed with the gentleman that his bill should be brought before the House, what would occur next?

Mr. COCKRAN. I hope the gentleman from New York would vote for it; in point of fact, I am sure he would. [Laughter.]

Mr. ALEXANDER of New York. Would I get a chance to vote for it?

Mr. COCKRAN. I can only reecho the question propounded years ago in a Republican convention, "What are we here for?" What are you here for? [Laughter.]

Mr. ALEXANDER of New York. If I had a chance to vote for it, then the Speaker would not be controlling the action of the House.

Mr. COCKRAN. I confess, Mr. Chairman, that I can not follow the gentleman to his conclusions. His manner of proceeding from a premise which has been undisclosed to a conclusion which is preposterous is far beyond the reach of my intellectuals. [Laughter.] I beg the gentleman to realize that what I say is in perfect good faith and with the utmost affection for him personally. [Laughter.]

Mr. ALEXANDER of New York. I suggest that the gentleman is very likely right that it would be preposterous, but that was his own suggestion at the outset which I desired him to come back to. In his supposition he got to the Committee on Rules, and then he branched off on something else. I simply desire to call him back to his original suggestion that if he obtained a majority of the Committee on Rules to allow him to bring his measure before the House and Members had a chance to vote upon it, would it not show that the House, at that time at least, was not controlled by the Speaker?

Mr. COCKRAN. Mr. Chairman, if my suggestion was preposterous, I can only say that its character in that respect did not become conspicuous until the gentleman undertook to deal with it. [Laughter.] As a matter of fact, I made no such suggestion as the gentleman imputes to me. What I did state was this: If the Committee on Rules became so far independent as to break away from control of the Speaker, and actually undertook, against his wish, to report a rule providing for consideration of that measure, they could not get the floor until the Speaker recognized them, and, under such conditions, he would not recognize them. That was what I stated. Even assuming the Committee on Rules favored the measure there was but one way in which it could be brought before the House and that was by finding some device or some plan to catch the Speaker's eye and hold it long enough to get recognition.

If the gentleman has discovered a modus by which that tremendous feat can be accomplished, he will do very much toward simplifying this discussion and smoothing away all discontent. [Laughter.]

Mr. ALEXANDER of New York. I thank the gentleman for answering my question at last.

Mr. MADDEN. Will the gentleman from New York [Mr. COCKRAN] concede that the Committee on Rules has the right to the floor, and that its report is privileged?

Mr. COCKRAN. Yes; privileged provided the Speaker will recognize them.

Mr. OLMSTED. And it being a privileged matter, the visual organ of the Speaker is bound to rest on the chairman of that committee, and no Speaker would dare to do otherwise.

Mr. COCKRAN. Now, the gentleman makes two statements. He says the visual organ is bound to do something, and that no Speaker would dare do otherwise. Any man who can bind that visual organ has succeeded in accomplishing a feat to which I can not hope to aspire. [Laughter.]

Mr. OLMSTED. I do not think any Speaker's eye has ever failed to rest on a man who rose to a privileged matter.

Mr. COCKRAN. There the gentleman is speaking of something that is usual. I am speaking, not of what may be usual, but of what is possible.

Mr. OLMSTED. It is required by the rules.

Mr. COCKRAN. I differ with the gentleman. It is not, and I can not conceive how rules could be framed which would inform the Speaker when a Member gets up on the floor whether he is charged with a privileged resolution or any other motion. Certainly there is nothing in the existing rules providing for any cut of his garments, any arrangement of his hair, or peculiarity of attitude that would be accepted as indicating decisively whether he is rising to a question that is privileged or one that is simply interesting to himself.

Mr. MANN. The gentleman must be aware that a statement that a matter is privileged calls the attention of the Speaker to it, and under the rule if the Speaker should not recognize a matter that is privileged it is the right under the rule for any Member of the House to appeal from the decision of the Chair, and a majority of the House can sustain the appeal. So it does not rest with the Speaker to determine——

Mr. COCKRAN. I do not care to waste time in discussing an abstraction like that. The gentleman from Illinois [Mr. MANN] knows perfectly well that the situation he describes is so improbable that it is not a practical subject of discussion. Neither is the suggestion made by the gentleman from Pennsylvania [Mr. OLMSTED] in his speech this morning, that it

always remains with a majority of the House to set aside every other measure on the calendar—refuse to consider any bill whatever—until the one which the majority is anxious to dispose of should be reached. That we all know is theoretically possible, but practically it is impossible and unthinkable. Nor does that cover the point which the gentleman from Massachusetts [Mr. GARDNER] has made so forcibly. It does not compel the majority, if there be one, which opposes the measure to come out openly and vote against it. You can not present to this House the direct question, Shall these various measures be set aside so as to take up House bill so-and-so? You can not put such a motion.

The question of consideration, if raised against a measure, can not be presented in such a form. The only question that can be submitted to the House is the naked one, Shall such a measure be considered—not shall it be considered in preference to some other measure that is pending, or shall it and all others be set aside, that some particular bill far down on the calendar may first be taken up and passed. To accomplish practically what the gentleman from Pennsylvania suggests, Members must vote to set aside every other bill, including bills which they themselves have introduced, not, so far as the record would show, for the purpose of passing some particular measure of capital importance, but without explanation of any kind. The condition of exercising this power, which the gentleman from Pennsylvania considers effective, is that many a man must write himself down disloyal to his own measures. That is a condition which can not be met. When the gentleman describes it he shows conclusively that the remedy of which it is an essential feature is beyond the reach of practical or actual application.

I am perfectly willing to concede the force of much—indeed, of most—that has been said by the gentleman from Pennsylvania [Mr. OLMSTED]. I realize that it would be impossible to have every measure introduced by Members here considered or to take a vote upon each one. I do believe, however, that some means should be provided by which any substantial portion of the House could challenge the majority to a vote on any proposal of public importance, so that it would either be passed into law or else the Members who defeated it must oppose it openly and record their opposition.

I think it is little short of an outrage upon our representative system that the files of our committees should be piled high with measures which the Members here would not dare vote against on the floor, but which they can aid in stifling by sitting silent behind the Committee on Rules and the machinery of the House. That is the one defect in our procedure which I think can be remedied completely by an amendment of the rules.

The gentleman from Mississippi [Mr. WILLIAMS] suggests that a majority of the House in writing should be empowered to demand consideration of a measure. That certainly would be an improvement on existing conditions, but I do not think it would be a complete reform. I think something more effective and less cumbersome in the way of ascertaining the existence of a majority should be provided.

When a number of Members equal to that required to order the yeas and nays second a motion to take up a measure for consideration, that of itself should be sufficient to insure a vote—not a debate—but a vote on the proposal. Whether any discussion be allowed on any subject is absolutely within the discretion of the majority. The minority are not entitled to debate or to anything except the right to be counted—to be assured that they are but a minority. The House alone has the right to say whether debate is necessary or desirable for its enlightenment. If it believes debate is essential to the proper exercise of its functions, then debate should be ordered. But the ordering of debate or the refusal to permit it, the extent to which it should be allowed when it is ordered, is always a matter of discretion for the House, and therefore a matter to be decided by the majority. But, again, I repeat it must be always clear that it is a majority—an actual majority—on a particular proposal that determines its disposition.

It is not enough to say that the Members sitting on this side of the House are a majority of it, and that they voted to establish the Committee on Rules. There is no such thing as a permanent majority contemplated by a parliamentary system. In contemplation of the Constitution this body approaches every question submitted to it free from any tie or limitation, political or personal, on its action—deciding every motion on its own merits. A majority has no prescribed term of existence. It exists just as long as its members cooperate. But the only way continuance of this cooperation, and, therefore, continued existence of a majority or minority, can be shown is by a vote. Where power to demand a vote on any measure is denied, it is impossible to ascertain whether it is a majority or a minority that obstructs its passage. This disposition to assume the existence of a permanent majority or minority here has always bred much confusion of thought. When the Reed rules were under discussion here we heard a great deal about the majority and the minority, especially about "the rights of the minority."

I was not a Member of the Fifty-first Congress where the Reed rules were first adopted, but I did serve in the Fifty-second, and I well remember the extended debate upon a motion to adopt the same rules. The Republican membership had then shrunk to a very small minority. The dividing line between the parties here was not the center of the House, but this aisle where I am standing. The minority offered a resolution that the rules of the former House, known as the "Reed rules," should apply to that Congress. The debate that followed turned largely on what was described as "the rights of the minority." Now, in that debate I ventured to point out what I think is equally true now, that you can not vest the minority with rights which the majority do not enjoy and still keep it a minority. For if the minority have rights which the majority are denied, Members would all hasten to join the minority, which would then become a majority and lose at once its identity as a minority and its rights. [Laughter.]

The moment you attach anything like permanence to a majority or a minority you emasculate, if you do not destroy, the vigor of a parliamentary body. A majority should be held to exist only while it is able to show that it exists. No representative chamber can be considered properly organized for legislation while its procedure is controlled, not by a majority of all its members, but by a majority of a small subcommittee. It seems to me there should be no objection to such an amendment of the rules as would enable a vote to be obtained on any important public question when the motion to consider it is seconded by a substantial portion of our membership. If it be considered that it would take too much of the time essential for legislation were one-fifth of those present empowered to secure a roll call upon a given question, then at least this power should be conceded to the whole body of the minority in its entirety. I believe it is absolutely essential to the representative character of your House that the minority, through its recognized leader, should have the right, within proper restrictions, to demand a vote upon any proposal submitted to this House.

Sir, many bills submitted to this House since I have been here that failed of passage would have been approved by substantial majorities if a vote upon them could have been taken. The gentleman from Michigan [Mr. TOWNSEND] can probably recall one or two that few Members would have ventured to vote against, but which were stifled in committee. They failed, not because the House was opposed to them; not because a majority of the House was not eager to vote for them; but because all power of the House to deal with them was strangled in its own machinery. If any gentleman here would like me to specify some of those bills which, though favored by a majority, were never suffered to reach a vote let him rise in his seat and I will undertake to mention one for which he himself would have voted if an opportunity had been given the minority to challenge the sense of the House upon every question of public importance that had been offered for its action.

Mr. Chairman, I am far from saying or insinuating that the decline in importance which has undoubtedly overtaken this legislative body is due entirely to its rules.

Legislative bodies have declined in importance and in consequence everywhere. That seems to be in obedience to a general law. It would appear as though every instrumentality which society has found effective at some stage of its progress begins to decline when the great purpose for which it was peculiarly qualified has been accomplished. The last century and the last quarter of the preceding century were periods in which grave questions affecting radically the structure of government were subjects of excited debate everywhere throughout Christendom. The right of kings to hold their thrones; the right of classes to be exempt from certain burdens of the state; the right of some individuals to hold public offices of power and consequence by inheritance rather than by any merits of their own; the right of some men to enjoy privileges denied to their fellows; all those were questions for the settlement of which representative bodies were peculiarly well qualified. But to-day they are settled. They are no longer issues over which men or societies are divided. Equality of fundamental rights is now the law governing nations everywhere throughout Christendom.

The great business of legislative bodies—the establishment of this equality—has been accomplished. The function of legislation in the future must necessarily be less important. It must be confined largely to matters of administration and to problems purely economic. For that reason we can not reasonably expect to see another Henry Clay develop in this body, since

there are no longer controversies like those affecting the extension of slavery over new territories of vast extent to be compromised. We can not expect to hear great debates on the nature of our Union, now that its indissolubility is forever established beyond question or discussion.

But there remains this wide field of administrative and economic problems upon which legislative powers can still be exercised with decisive advantage to the country and very considerable credit to this House. Surely, sir, as the gentleman from Massachusetts [Mr. GARDNER] well says, to fix the conditions under which functions so important shall be exercised should not be deemed a party question. In all our proceedings we are playing for a great stake. We are striving for popular approval and for the success which follows it. Both parties in this House are laboring to win a majority in the next House. They are contending for a noble prize when they seek to gain control of the popular branch of the Government. But surely we should have no differences about the conditions under which the contest is to be waged. It is well that we should contend earnestly for the prize, but it is absolutely necessary that we agree upon rules which will make that prize worth the winning, whichever party be successful in achieving it.

I am soon to leave this body. I shall carry out of it, I think, the pleasantest recollections of my whole life. I shall always recall with pride the fact that I have been honored with membership in it. For I believe firmly that if it were given a fair chance to show the qualities it possesses, there is not a representative body in all the world that could compare with it in its ability to discuss questions, its wisdom in considering them, its virtue in dealing with them. [Applause.] If to-morrow it were placed in control of its own procedure, so that its actual majority could decide what questions would be considered, within such limits, of course, as to prevent misuse and waste of time, this House might not become as important or as interesting as the Congresses that preceded the war, but it will become the first representative body in all Christendom. [Applause.]

The main argument—the only argument—in favor of transferring control of the House from the majority of all its Members to a majority of the Committee on Rules is the necessity of providing some method for economizing time. Mr. Chairman, if the time that is wasted in this House were employed properly, there is not one question of importance that could not receive all the consideration it merited. In what we are doing at this moment we offer a striking illustration of the imbecility to which the House has been reduced by some of its rules and the waste of time that follows inevitably. The matter that is pending before the House at present is the District of Columbia appropriation bill. Here we have been engaged in a discussion full of interest—outside of my own contribution to it—yet it does not touch a question that is before the House or that can come before it, except by grace of the Committee on Rules. We can not record a vote on this most important proposal, however thoroughly convinced we may be of its urgency; a proposal, sir, whose significance was never more clearly established than by you this afternoon standing in your place on the floor.

Now, I am aware this House is very sensitive about curtailing the limits of general debate. But I think we should remember general debates on appropriation bills had their origin in a condition and a system that we have abolished. General debate in the English House of Commons on an appropriation bill turns upon every question of administration. How? Because as each item is presented to the House it furnishes an occasion for debate as to conditions that may be imposed upon it. Sometimes, and it is a very common way of expressing disapproval, a motion is made that the salary of a cabinet minister be reduced. When the motion prevails, it is accepted as a vote of censure on the Government, entailing almost invariably its overthrow. Sometimes a law of paramount importance is passed in the form of a condition attached to an appropriation. I may say, going back further in parliamentary history, that all the prerogatives of which the Crown has been shorn were all taken from different Kings through conditions imposed on appropriation bills.

Quite naturally general debate on the whole state of the Kingdom became a feature of each application for the means to carry on government when every shilling granted was accompanied with the strictest scrutiny of the purposes for which it was to be expended and frequently made the subject of conditions imposed by Parliament.

But, sir, this power of imposing conditions on grants of money for the support of government we have surrendered by our own act.

We have abolished by rule the power to incorporate any new legislation in appropriation bills. With us general debate has therefore come to be merely an occasion where Members ventilate their views on various matters for the edification of their constituents, but seldom, if ever, with reference to any measure actually before the House. By regulating those general debates so that matters of actual importance should take precedence of abstract irrelevant discussions, ample time would be afforded, not merely to take a vote where the existence of a majority was challenged by a responsible source, but ample time for such discussion as would suffice to make clear the nature of any proposal on which the judgment of the House was challenged.

For my part, I would be perfectly willing to vote for a rule prohibiting absolutely any discussion that did not touch some proposition actually pending before the House. [Applause.] We are not here to debate abstractions or waste time listening to irrelevant orations, but we are here to consider proposals of legislation affecting the general welfare of the community. If there be nothing for us to do but vote appropriations upon which we refuse to impose any conditions, then it is due to the peace of the country that this potential disturbance to business incidental to every session of Congress and the consequent widespread fear of new legislation should be removed by prompt adjournment. [Laughter.]

I have little sympathy with schemes that merely facilitate legislation. I must say that the statistics presented by the gentleman from Pennsylvania, now occupying the chair, showing that 10,000 measures passed through the last Congress, to me was a display of activity not inspiring, but alarming—almost shocking.

Mr. SIMS. I should like to ask the gentleman to address himself to what seems to me an inevitable and terrible abuse, and that is the passing of omnibus pension bills and omnibus claims bills, in which most vicious sections must be taken or the whole bill be defeated.

Mr. COCKRAN. The gentleman is more familiar with that sort of legislation than I am. Abuses of that character will creep into the operations of a parliamentary body. The gentleman can describe them better than I. I am confining myself to a single suggestion for amending the rules, consideration of which, I think, would be particularly appropriate at this time. There has never been a time when party issues seemed to be so faint as at this moment.

I congratulate the majority on holding the offices of this Government while at the same time preparing to enforce our views and principles—at least to a great extent. [Laughter.] If the new tariff bill to be reported by the Committee on Ways and Means prove as radical a measure of reform as stated by the newspapers, and as the speeches of the President-elect have foreshadowed, and I may say as the bearing of the majority members of the committee indicated during the hearings just concluded, party distinctions are fainter than I recollect them to have been during the last generation. Surely this is an opportune season for considering impartially the rules by which the House is governed. When we realize the great masses of capital embarked in corporate enterprise, and the concentration of vast interests in the hands of a very few, raising more complex questions of government than the human race has ever considered, surely the moment has arrived when the House should make at least an impartial inquiry as to whether its procedure can be improved, made more effective for wholesome legislation. I repeat I do not contend that the power of the majority to control ought to be curtailed in the slightest degree.

I believe it is absolutely essential to any parliamentary form of government that control of the majority be absolute and unchecked; that only one condition should be imposed upon it. It should be required to show that it is actually a majority at the time it is undertaking to exercise control—not merely that it had been a majority on the first day of the session. If machinery can be provided by which the existence—the continued existence—of a majority is established, then, sir, it is proper and necessary that full responsibility for every exercise of power should be left with that majority. [Applause.] Nay, more, exercise of that power should be fastened on the majority; not merely conceded, but imposed upon it.

Thus only can the country be placed in a position where it can require from its servants full account of the stewardship with which they have been intrusted.

One gentleman asked me a question which at the time I was prevented by an interruption from answering fully: Would I abolish the power of the Speaker to appoint committees? No, sir; I would not. There must be a leadership of every body. Leadership of the Speaker would be evolved from the inherent powers of his office by the very nature of human beings if it were not established by any special rule. There never have been any number of human beings charged with a common function where some one or two of them did not assume leadership and practically decide, subject to approval by the others, the

course finally pursued. Any gentleman who has ever tried a case before a jury knows that when a verdict is recorded it is usually the verdict of one man, approved by the others. Where there is a hung jury, it means that two men of such mental strength that neither one would give way to the other met in the jury room and clashed, with the result that the body divided into followers of one or the other and did nothing. We must have leadership if we are to do anything. We can not act with 395 heads and pairs of hands all moving and talking at the same time. We must act through one of our number, and that one is the medium or agent by which the power of the House is made effective.

It would not improve the present condition if, in addition to electing the Speaker and charging him with judicial functions, as the gentleman from Massachusetts [Mr. GARDNER] suggests, we elected another man to serve as leader upon the floor in legislative matters. That would be simply choosing two men to perform the work that one performs a great deal better. I do not think any man here has a right to complain of the equipment or constitution of the committees. The powers they possess may well be criticised. I do not think that the personnel could be improved by a change.

Mr. GAINES of Tennessee. I should like to hear the gentleman on this question: Should the power be lodged in the Speaker, whether Democrat or Republican, to say that, although a majority of this House wants to take up and consider a bill, the Speaker shall refuse to give recognition and thus prevent consideration of the bill?

Mr. COCKRAN. I am afraid the gentleman must have been out of the Chamber when I was discussing that very question.

Mr. GAINES of Tennessee. I am sorry to say that I was not able to be present during the fore part of the gentleman's remarks.

Mr. COCKRAN. Well, it would have been just as well if the gentleman had asked a neighbor whether the matter had been discussed before propounding his question. I have been discussing it at very great length, and what I have been contending for is this——

Mr. GAINES of Tennessee. Anything the gentleman from New York says will bear repeating. I should like to hear him repeat it.

Mr. COCKRAN. Mr. Chairman, I do not quite know how to take that; but, considering its source, which I know to be always a fountain of benevolence and joy, I believe it is said with the most complimentary intention, and as such I accept it. [Laughter.]

Mr. Chairman, for the benefit of the gentleman from Tennessee, let me repeat here that while I believe the power of the Speaker should not be curtailed, so far as the appointment of committees is concerned, and so far as charging him with responsibility for the accomplishment of legislation, yet I think it is an outrage upon representative government that any man or men, any Speaker or a majority of the Committee on Rules, can prevent this House from ascertaining, somehow or other, at some time or other, whether any measure offered for its consideration is opposed or approved by a majority of its membership.

Mr. GAINES of Tennessee. As a matter of fact, in the public building bill——

Mr. COCKRAN. The gentleman from Tennessee must realize that suppression of the desire of a majority to consider that bill is one among the things of which I complain; and my whole argument is that if that one abuse could be remedied, the procedure of this House is about as good as could be devised. I began with the statement and I close with it, that I think it would conduce to the excellence of the work to be performed by this House, it would increase the consequence of the Speaker, it would facilitate his task in organizing the next House, if a committee were appointed now, representing both sides of the Chamber, composed of the most experienced parliamentarians, and charged with the duty to report, either to this House or to the next, an entire system of rules. I doubt whether there would be any change in the existing rules, except possibly the one that I suggest.

Mr. Chairman, I do not for one moment insist that the remedy suggested by me is the one that should be adopted. It might be that such a committee would evolve a much better plan for reaching the same end. All that I suggest is and all that I care about is this: Some plan should be devised by which the House can always ascertain if the force claiming to control it is actually a majority; that majority should not be ascertained at the beginning of a session and then presumed for the rest of the session; it should be established by a vote on every proposal when any sensible proportion of our membership challenges its existence.

I think that the number requisite to order the yeas and nays should be considered sufficient to call for a vote on any question; but if that be considered extravagant, then certainly it would conduce enormously to the dignity of the House and to the value of its procedure if, on motion of the leader of the minority, any measure of public importance could be called up and a vote taken on the question of considering it. If such a motion be defeated, it would be defeated by the majority; if the measure be set aside, it would be set aside by the majority. I do not even insist that the measure should be actually considered by the House; all that I do insist is that the proposal to consider it should be submitted to the House for its action; that the leader of the minority could, on a certain notice, move that a certain measure be considered, and on that be entitled to a vote after such debate or discussion as the majority chose to allow. With that amendment, I believe, Mr. Chairman, these rules would be found entirely effective for the conduct of the House and that the work of the House would enjoy added value in the eyes of the community as it became more clearly, distinctly, and unmistakably the product, not of a small committee operating by cunningly devised machinery, but of free, untrammeled, spontaneous action by a majority of the membership of the House. [Loud applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman, I ask unanimous consent to incorporate in my remarks this calendar of the British House of Commons, together with House resolution 473, to which the gentleman from Pennsylvania called attention.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and Mr. PAYNE having assumed the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25392, the District of Columbia appropriation bill, and had instructed him to report that it had come to no resolution thereon.

BILLS LAID UPON THE TABLE.

The SPEAKER pro tempore. The Chair will lay before the House three bills on the House Calendar which have already been passed; and, without objection, those bills will lie on the table. The Clerk will read the titles.

The Clerk read as follows:

The bill (H. R. 119) providing and creating a new division of court for the northern judicial district of Texas at Amarillo, Tex.

The bill (H. R. 11792) to authorize a commission to issue in the cases of officers of the army retired with increased rank.

S. 6487, to govern sea-going barges.

There was no objection, and the bills were ordered to lie on the table.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13649. An act providing for the hearing of cases on appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth district.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7721. An act for payment to Robert B. Whitacre and Frederick T. Hildred the sum of $944.97 for blasting powder used by the United States Government to complete the Belle Fourche irrigation project—to the Committee on Claims.

S. 6586. An act to correct the military record of Charles J. Smith—to the Committee on Military Affairs.

S. 1197. An act setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.—to the Committee on the Public Lands.

S. 556. An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906—to the Committee on the Public Lands.

LEAVE TO WITHDRAW PAPERS.

Mr. LORIMER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Charles O. Brown (H. R. 20283), Sixtieth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. HOUSTON, by unanimous consent, was granted leave of absence indefinitely, on account of sickness in his family.

ADJOURNMENT.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for instruments, apparatus, etc., for the Geological Survey (H. Doc. No. 1288)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for post-office building at Westfield, Mass. (H. Doc. No. 1289)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, recommending certain legislation in connection with an appropriation for the public building at Buffalo, N. Y. (H. Doc. No. 1290)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting a proposition of legislation to facilitate cooperative work between the Office of Indian Affairs and other bureaus (H. Doc. No. 1291)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a statement of the receipts and expenditures of the insular government of Porto Rico (H. Doc. No. 1293)—to the Committee on Insular Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the annual report of Porto Rico (H. Doc. No. 1292)—to the Committee on Insular Affairs and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a statement as to appointments, promotions, and other changes made in salaries paid from lump sums—to the Committee on Expenditures in the Department of Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutoins were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, reported the same without amendment, accompanied by a report (No. 1823), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4836) granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va., reported the same with amendment, accompanied by a report (No. 1825), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 25298) granting a pension to Deborah H. Riggs, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. JENKINS: A bill (H. R. 25542) relating to liens on vessels for repairs, supplies, or other necessaries—to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 25543) authorizing the Secretary of the Interior to allot agricultural lands in the Mescalero Apache Indian Reservation to the Indians resident therein, and setting aside the remainder of said reservation as a national park, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 25544) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories, to limit territorial indebtedness, and for other purposes"—to the Committee on the Territories.

By Mr. SMITH of Texas: A bill (H. R. 25545) to provide for the enlargement of Fort Bliss, near El Paso, Tex.—to the Committee on Military Affairs.

Also, a bill (H. R. 25546) to provide for a public building at Ballinger, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. ENGLEBRIGHT: A bill (H. R. 25547) relating to the regulation of hydraulic mining by the California Débris Commission in California—to the Committee on Mines and Mining.

By Mr. BURNETT: A bill (H. R. 25548) giving rural mail carriers holiday on the 25th day of December in each year—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: A bill (H. R. 25549) authorizing commitment to rescue homes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RODENBERG: A bill (H. R. 25550) for the purchase of the Oldroyd collection of Lincoln relics, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. PAYNE: A bill (H. R. 25551) for the relief of certain surgeons, passed assistant surgeons, and assistant surgeons, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. BARCHFELD: A bill (H. R. 25552) to amend an act entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Company,' approved March 2, 1907," approved March 16, 1908—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 25553) for the relief of the Alaska Pacific Railway and Terminal Company—to the Committee on the Territories.

By Mr. CLARK of Florida: Resolution (H. Res. 475) seeking information as to rents paid by the Government for post-office purposes for the fiscal year ended June 30, 1908—to the Committee on Expenditures in the Post-Office Department.

Also, resolution (H. Res. 476) seeking information from the Attorney-General as to the employment and uses of special agents by the Department of Justice—to the Committee on the Judiciary.

By Mr. LASSITER: Resolution (H. Res. 477) directing the Secretary of War to furnish to the House certain information as to damages inflicted upon public work, etc., by freshets in the Appomattox River—to the Committee on Rivers and Harbors.

By Mr. LONGWORTH: Joint resolution (H. J. Res. 226) authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ADAIR: A bill (H. R. 25554) granting a pension to Jacob J. Runkel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25555) granting a pension to Rezin F. Mumma—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25556) granting a pension to David Whitehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25557) granting a pension to William Fording—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25558) granting a pension to William H. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25559) granting a pension to William H. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25560) for the relief of Joseph Heaton—to the Committee on Claims.

By Mr. ACHESON: A bill (H. R. 25561) granting an increase of pension to William A. Bane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25562) granting an increase of pension to Taylor M. McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25563) to correct the military record of Henry Applegate—to the Committee on Military Affairs.

By Mr. AMES: A bill (H. R. 25564) granting a pension to Inez M. Brigham—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 25565) granting a pension to H. C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25566) granting a pension to John J. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25567) granting a pension to Francisco Montoya—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25568) granting a pension to William Sweeney—to the Committee on Pensions.

Also, a bill (H. R. 25569) granting a pension to Bernard Higgins—to the Committee on Pensions.

Also, a bill (H. R. 25570) granting a pension to Sarah A. Geck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25571) granting a pension to Eli Newsoms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25572) granting a pension to George W. Mossman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25573) granting an increase of pension to Amanda Paxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25574) for the relief of Ventura Maestas—to the Committee on Claims.

Also, a bill (H. R. 25575) for the relief of H. C. Smith—to the Committee on War Claims.

Also, a bill (H. R. 25576) to remove the charge of desertion from the military record of Joseph D. Depue—to the Committee on Military Affairs.

Also, a bill (H. R. 25577) to remove the charge of desertion from the military record of Francisco Medina—to the Committee on Military Affairs.

Also, a bill (H. R. 25578) for the relief of the estate of William Le Blanc, deceased—to the Committee on Claims.

Also, a bill (H. R. 25579) for the relief of the estate of Martin Vigil, deceased, and the administrator of the said estate, Eslavio Vigil, of Albuquerque, N. Mex.—to the Committee on Claims.

By Mr. ANDRUS: A bill (H. R. 25580) granting an increase of pension to George W. Ackerly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25581) for the relief of the estate of Lydia A. Oakley, deceased—to the Committee on Claims.

Also, a bill (H. R. 25582) for the relief of the heirs of Hannah F. Traynier—to the Committee on War Claims.

By Mr. ANSBERRY: A bill (H. R. 25583) granting an increase of pension to Jacob J. Bohner—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 25584) granting an increase of pension to Michael Sowers—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 25585) granting an increase of pension to Elizabeth Truax—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 25586) granting an increase of pension to John S. Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25587) granting an increase of pension to John T. Vanlandingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25588) granting an increase of pension to Marshall Caldwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25589) granting an increase of pension to John F. Campbell—to the Committee on Pensions.

Also, a bill (H. R. 25590) granting an increase of pension to John Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25591) granting an increase of pension to Alexander Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25592) granting an increase of pension to James A. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25593) granting an increase of pension to Robert Haywood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25594) granting an increase of pension to George M. Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25595) for the relief of the estate of William M. Caskey—to the Committee on War Claims.

Also, a bill (H. R. 25596) granting an increase of pension to Albert Applegate—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 25597) for the relief of Nathan Van Beil and others—to the Committee on Claims.

By Mr. BOUTELL: A bill (H. R. 25598) granting an increase of pension to Thomas Conley—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 25599) for the relief of J. W. Murry, sr.—to the Committee on War Claims.

Also, a bill (H. R. 25600) granting an increase of pension to James McClellan—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 25601) granting an increase of pension to George W. Coffey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25602) granting an increase of pension to Luther R. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25603) granting an increase of pension to Joseph Lyons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25604) granting a pension to Simon Shaw—to the Committee on Pensions.

By Mr. CAULFIELD: A bill (H. R. 25605) granting a pension to Anna Wykel—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 25606) granting an increase of pension to Francis M. Neel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25607) granting an increase of pension to William H. Phipps—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 25608) granting an increase of pension to John R. Madison—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 25609) granting an increase of pension to Hartwell Pate—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 25610) for the relief of Jacob S. Young—to the Committee on Claims.

By Mr. DENVER: A bill (H. R. 25611) granting an increase of pension to George A. Ritchey—to the Committee on Pensions.

By Mr. DIXON: A bill (H. R. 25612) granting an increase of pension to Thomas W. Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25613) granting an increase of pension to Albert S. Graves—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 25614) granting an increase of pension to Albert J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25615) granting an increase of pension to Willard F. Pardee—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 25616) granting an increase of pension to William B. Ellett—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 25617) granting an increase of pension to Charles T. Ostrander—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 25618) granting an increase of pension to Andrew Granger—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 25619) granting an increase of pension to James E. Tier—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 25620) granting an increase of pension to George C. Stevens—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 25621) granting an increase of pension to William Hardenbrook—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25622) granting a pension to Oliver T. Shepherd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25623) for the relief of Augustus Hines—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 25624) granting an increase of pension to James Underwood—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 25625) granting an increase of pension to Henry A. Billow—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 25626) granting an increase of pension to Ferdinand H. Wurdemann—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 25627) granting an increase of pension to Joseph M. Billings—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 25628) granting a pension to William R. Chaffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25629) granting a pension to Samuel D. Houston—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 25630) to amend and correct war records so as to muster in and muster out of service in United States Army W. H. Parker, of Gibson County, Tenn., and to grant to him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 25631) granting an increase of pension to William Henders—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 25632) granting an increase of pension to Fletcher Harrison—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 25633) for the relief of Thomas J. Pottinger—to the Committee on War Claims.

By Mr. KELIHER: A bill (H. R. 25634) granting a pension to Sarah A. Tasker—to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 25635) granting an increase of pension to Florencia M. Noel—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 25636) granting an increase of pension to James W. Mires—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 25637) granting an increase of pension to James K. Winant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25638) granting an increase of pension to David Borton—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 25639) granting a pension to Martin Purcell—to the Committee on Pensions.

Also, a bill (H. R. 25640) granting a pension to Benjamin F. Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25641) granting a pension to Luther L. Kauffman—to the Committee on Pensions.

By Mr. McLAIN (by request): A bill (H. R. 25642) for the relief of the administrator of the estate of Haller Nutt, deceased—to the Committee on War Claims.

By Mr. MALBY: A bill (H. R. 25643) to correct the military record of William Beardsley—to the Committee on Military Affairs.

By Mr. NEEDHAM: A bill (H. R. 25644) granting an increase of pension to Isaiah Clarke Steele—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 25645) granting an increase of pension to William J. Gleason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25646) granting an increase of pension to William F. Martch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25647) granting an increase of pension to Mark Tomlinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25648) granting a pension to Edward P. J. Spragg—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 25649) granting an increase of pension to James L. Harvey—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 25650) granting an increase of pension to Volney Mudge—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 25651) granting a pension to Elmer A. Rodkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25652) granting an increase of pension to Sellers Raugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25653) granting an increase of pension to George W. Berkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25654) granting an increase of pension to Jacob R. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25655) granting an increase of pension to Albert Sanders—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 25656) granting an increase of pension to Martha Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25657) granting an increase of pension to Samuel C. Parker—to the Committee on Pensions.

By Mr. SMITH of Texas: A bill (H. R. 25658) granting an increase of pension to William H. Newsom—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 25659) granting a pension to George Hallenbeck—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 25660) granting an increase of pension to Jane D. Peyton—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25661) granting an increase of pension to L. F. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25662) granting an increase of pension to John O. Durall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25663) granting an increase of pension to John A. Burgner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25664) granting an increase of pension to Adrian Paul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25665) granting an increase of pension to Andrew J. Lolless—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25666) granting an increase of pension to Michael D. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25667) granting an increase of pension to Anderson Pryon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25668) to remove the charge of desertion from the record of William Millis—to the Committee on Military Affairs.

By Mr. TOU VELLE: A bill (H. R. 25669) granting a pension to Scott Wilkins—to the Committee on Pensions.

By Mr. WASHBURN: A bill (H. R. 25670) granting an increase of pension to Frank L. Curby—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 25671) granting an increase of pension to Gershom C. Hires—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 25672) granting an increase of pension to John Kiger, jr.—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 25673) granting an increase of pension to Silas B. Card—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 National Woman's Christian Temperance Union, for legislation to protect prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Tailor M. McFarland—to the Committee on Invalid Pensions.

Also, petition of Trades League of Philadelphia, for appropriation to construct a 30-foot channel in the Delaware River—to the Committee on Rivers and Harbors.

Also, petition of J. P. Hammond and others, favoring a parcels-post and savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. A. McCoy, of New Brighton, Pa., for legislation prohibiting sale of intoxicants on all property controlled by the United States Government—to the Committee on the Judiciary.

Also, petition of Dairy Grange, No. 1308, of West Brownsville, Pa., favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of William A. Bane—to the Committee on Invalid Pensions.

Also petition of American Prison Association, for appropriation to assist work of the International Prison Commission—to the Committee on the Judiciary.

By Mr. ADAIR: Petition of T. B. Davis and others, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Lewis Mack—to the Committee on Military Affairs.

By Mr. ALEXANDER of New York: Petition of International Brotherhood of Stationary Firemen, Local No. 11, of Buffalo, N. Y., favoring H. R. 16880—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Paper to accompany bill for relief of Gifford Ramsey—to the Committee on Invalid Pensions.

Also, petition of Joseph H. Hosteter and others, of Canal Dover, Ohio, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. BANNON: Papers to accompany bills for relief of Jane Pool, guardian of Frank Pool, and George W. Schachleiter—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Petition of American Prison Association, for appropriation to aid preparatory work of International Prison Commission, etc.—to the Committee on the Judiciary.

Also, petition of R. W. Switzer and others, for a parcels-post system and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CHAPMAN: Petition of citizens of Gallatin and White counties, Ill., for appropriation to render safely navigable the Wabash River—to the Committee on Rivers and Harbors.

By Mr. COUDREY: Paper to accompany bill for relief of Phillipina Fishback (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CRAVENS: Paper to accompany bill for relief of Amanda E. Daly and Farrell Daly—to the Committee on War Claims.

By Mr. DIXON: Petition of W. C. Vinson and 11 other citizens of Grayfords, Ind., favoring a parcels post and a postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon: Petition of M. S. Raup and 24 others, of Milton; Arthur Moon and 14 others, of Baker City; George Milner and 7 others, of Freewater, all in the State of Oregon, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. ENGLEBRIGHT: Petition of Oscar J. Braner and others, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. FAIRCHILD: Petitions of Vega Grange, No. 1025; Elk Creek Grange, No. 506; and Hugenot Grange, No. 1028, favoring a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. FOCHT: Paper to accompany bill for relief of Henry Loudenschlager—to the Committee on Invalid Pensions.

By Mr. FULLER: Paper to accompany bill for relief of George Stevens—to the Committee on Invalid Pensions.

Also, petition of A. C. Bartlett, against parcels post on rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. P. Bartlett and members of Wactham Grange, No. 584, Patrons of Husbandry, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Wire and Iron Works, of Rockford, Ill., against decision by Interstate Commerce Commission "relative to goods shipped in car lots if not all owned by one consignor"—to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON: Petition of citizens of Cimarron County, Okla., for legislation permitting homesteaders in Cimarron County to make final proof upon a showing of one year's residence and cultivation without paying for the land—to the Committee on the Public Lands.

By Mr. GARRETT: Paper to accompany bill for relief of William H. Hender—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. H. Parker—to the Committee on Military Affairs.

By Mr. GOULDEN: Petition of J. W. Lewis and other residents of New York City, favoring legislation to secure fair consideration of railway measures, to discourage purely antirailroad legislation, and to favor such an adjustment of transportation rates as will be adequately remunerative to the railroads and assure maintenance of the wage scale—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Petition of Southern States Fertilizer and Phosphate Company, favoring repeal of duty on sulphate of ammonia—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of G. W. Shaw and others, of Woodstock, Vt., for a postal savings bank and parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petitions of James Devery and 143 other citizens of Santa Clara, Cal.; Jules M. Sahlein and 208 other citizens of San Francisco, Cal.; F. W. Turpe and 97 other citizens of Richmond, Cal.; L. Mathis and 59 other citizens of Monterey, Cal.; J. McKay and 29 other citizens of Eureka, Cal.; G. Merla and 12 other citizens of Melitta, Cal.; George Little and 8 other citizens of Oakland, Md.; Walter Beck and 103 other citizens of Picture Rocks, Pa.; Nick Castillo and 212 other citizens of San Jose, Cal.; Frank E. Barrington and 49 other citizens of Baltimore, Md.; Charles Woodbridge and other citizens of San Jose, Cal., as follows: W. P. Carey, F. T. Wright, Herman W. Buhry, P. D. Culbertson, W. R. Lipsett, Frank Peris, George A. Davis, Ralph Harper, J. A. Magistuth, C. Crowder, Frederick Hernandey, W. F. Carroll, P. T. Bayard, Thomas D. Manhire, S. W. Smith, W. A. Salsbury, R. M. Squire, L. G. Sonthurst, Frank Spizelle, J. E. Byers, J. W. Trousdell, R. W. Craig, F. J. Hepp, W. T. Murray, Frank Hernandy, C. Shannon, O. H. Carl, H. M. Johnson, A. M. Sallour, S. P. Soberanis, P. McIntyre, Asa G. Davis, F. B. Cavalli, M. Coreia, L. Frietsch, R. W. Ebey, and Mathew Knoeppel; citizens of Santa Clara, Cal., as follows: John L. Frost, R. B. Jones, C. E. Lear, John Smith, and W. C. Carter; A. Mazzoline and E. H. Misner, of 51 East Park street, San Francisco; Andy Dunning, of Milpitas, Cal.; and A. W. Buchanan, of Sunnyvale, Cal., all for an effective Asiatic exclusion law relative to all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petitions of F. B. Ringlop and 124 other citizens of San Jose, Cal.; G. F. Taylor and 20 other citizens of High Point, N. C.; A. E. Bell and 48 other citizens of Mooreville, N. C.; George H. Karns and 47 other citizens of Cumberland, Md.; D. H. Murray and 22 other citizens of Long Corner, Md.; Harry J. Rothrock and 9 other citizens of New Castle, Del.; citizens of San Jose, Cal., as follows: Louis Lightston, August Rubin, L. R. Bornhardt, E. J. Shook, A. M. Sutton, J. Hannam, Philip J. Manning, D. H. Goachan, L. R. Nash, L. E. Bordman, and S. Coley; citizens of Milpitas, Cal., as follows: N. H. Whealen, George Shoemaker, John Brown, Thomas F. Brien, James Marrs, John F. Collins, F. A. Brandis, W. F. Snow, J. J. Costigan, James O'Brien, Fred Althouser, J. B. Walters, and Charles W. Gates; and John W. Kelly, of San Francisco, all for a more effective law against immigration of Asiatics, save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of Farmington Grange, No. 49, Patrons of Husbandry, for parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Mary Robinson (H. R. 25461)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Charles P. Worthley (H. R. 25462)—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petitions of citizens of Silver City, Salt Lake City, Robinson, and Eureka, Utah, asking for retention of existing tariff on lead and lead ores—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of Great Bend Grange, No. 642, of New York, favoring the parcels post and postal savings bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. LANING: Petition of Milford Grange, of Centerburg, Ohio, favoring parcels-post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of Woman's Christian Temperance Union convention in Denver, for legislation to protect prohibition territory against liquor traffic through interstate commerce, etc.—to the Committee on the Judiciary.

Also, petition of National Negro Fair Association, favoring an appropriation in aid of National Negro Exposition near the city of Mobile—to the Committee on Industrial Arts and Expositions.

Also, petition of American Prison Association, for appropriation in aid of preparatory work of International Prison Commission—to the Committee on the Judiciary.

By Mr. McCREARY: Petition of General Assembly of the Presbyterian Church, for legislation to secure fifty-two full rest days to all employees engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. McHENRY: Petition of citizens of Sullivan County, Pa., favoring parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of union meeting of 6 churches of Mount Carmel, Pa., favoring bill prohibiting importation, manufacture, and sale of opium in the whole jurisdiction of the United States Government, except guardedly for proper medicinal purposes—to the Committee on Ways and Means.

By Mr. MALBY: Paper to accompany bill for relief of William Beardsley—to the Committee on Military Affairs.

By Mr. MANN: Petition of Asiatic Exclusion League of North America, for effective law against Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of wholesale association of Detroit, favoring free trade with Canada—to the Committee on Ways and Means.

By Mr. PAYNE: Papers to accompany bills for relief of Elnathan Sweet and Almon B. Cooper—to the Committee on Invalid Pensions.

Also, petition of J. J. Bardue and others, for enactment of parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany S. 7254 (the army elimination bill)—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of Harris & Filler, of Frederick, Md., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. PRAY: Petition of citizens of Butte, Mont., for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of Sellars Raugh—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Albert Sanders, Jacob R. Miller, and George W. Berkey—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of various residents of Vienna, N. Y., against passage of the Johnston Sunday rest bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Petitions of David Muir and 14 other citizens of Duluth, and Tobias Chenulson and 21 other citizens of West Duluth, Minn., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. TOU VELLE: Petition of Thomas Duffield & Sons and J. Boyd Douglass, of Lima, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Jackson Grange, No. 341, of Ada, Ohio, for a parcels post on rural free-delivery routes and for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WALDO: Petition of Frederick J. Kreutzel, Max R. Stein, Leo Haber, George Hayman, P. J. Colger, and Voss Brothers, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. WASHBURN: Petition of citizens of Worcester, Mass., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of H. L. Wheeler and others, of Pomona Grange, representing 700 Patrons of Husbandry, in favor of a parcels-post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Frank L. Kirby—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January 8, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

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

Mr. LODGE. I ask that the further reading of the Journal be dispensed with.

Mr. CULBERSON. I object, Mr. President.

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

The Secretary resumed and concluded the reading of the Journal, and it was approved.

MANUFACTURED PRODUCTS IN FOREIGN MARKETS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, stating, by direction of the President and in response to a resolution of the 16th ultimo, that the Department of Commerce and Labor possesses no data which would enable the preparation of a statement of all manufactured products of the United States sold or exported to be sold in foreign markets at lower rates than like articles are sold in American markets (S. Doc. No. 640), which was referred to the Committee on Finance and ordered to be printed.

ELECTORAL VOTES OF OKLAHOMA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certification of the final ascertainment of electors for President and Vice-President appointed in the State of Oklahoma, which, with the accompanying paper, was ordered to be filed.

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF.

The VICE-PRESIDENT laid before the Senate, pursuant to law, the report of the convention of American Instructors of the Deaf (S. Doc. No. 645), which was referred to the Committee on Education and Labor and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of T. F. Gough, administrator of the estate of Mary A. Gough, deceased, *v.* United States (S. Doc. No. 643); and

In the cause of William E. Floyd, administrator of the estate of Asa Crow, deceased, *v.* United States (S. Doc. No. 642).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 19095. An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Percé Indian Reservation; and

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill, and it was thereupon signed by the Vice-President:

H. R. 13649. An act providing for the hearing of cases on appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth district.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of the Synod of Ohio; the Synod of Baltimore, Md.; the Synod of California; the Synod of Illinois, and the Synod of Indiana, all of the Presbyterian Church of the United States, praying for the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Synod of Ohio; the Synod of Kansas; the Synod of Baltimore, Md., and the Synod of California, all of the Presbyterian Church of the United States, praying for the enactment of legislation requiring all individuals and corporations engaged in interstate commerce to grant their employees fifty-two rest days in each year, which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Wood County, Ohio; of Gaffney, S. C.; of Cass County, Mo.; of Udora and Omega, Okla.; of Iron River, Mich.; and of Clyde, San Marcial, and San Antonio, N. Mex., remonstrating against the passage of the so-called "Johnston Sunday-rest bill for the District of Columbia," which were referred to the Committee on the District of Columbia.

He also presented a petition of the Central Labor Union of the District of Columbia, praying for the enactment of legislation providing a new form of government for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of Local Grange No. 28, of New Hope, N. Y.; of Resort Grange, No. 341, of Emmet County, Mich.; of Emerald Grange, No. 789, of Conewango Valley, N. Y., all Patrons of Husbandry, and of sundry citizens of the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., praying for the enactment of legislation to arrest the tendency of federal courts to invade the rights of the citizens, which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a memorial of sundry citizens of Masontown, W. Va., remonstrating against the passage of the so-called "postal savings banks" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DILLINGHAM presented petitions of sundry citizens of the State of Vermont, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a petition of sundry citizens of Central Lake, Mich., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES presented a petition of sundry citizens of Camas, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of sundry citizens of Princeton, Minn., remonstratnig against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Trades and Labor Assembly of Minneapolis, Minn., remonstrating against any steps being taken by the United States Government for the delivery of Jan Pauren and Christian Rudowitz to the Russian Government, and praying for the discharge of Martin Juraw from imprisonment in Chicago, Ill., which was referred to the Committee on Foreign Relations.

Mr. WARNER presented the petition of Eliza Smith, of Liberty, Mo., praying that she be reimbursed for property taken by United States troops during the civil war, which was referred to the Committee on Claims.

He also presented the petition of Benjamin F. McCallum, of Missouri City, Mo., praying that he be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Samuel T. Skidmore, of Jackson County, Mo., praying that he be reimbursed for property taken by United States troops during the civil war, which was referred to the Committee on Claims.

He also presented the petition of Catherine La Brash, of Kansas City, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Emily S. Applegate, of Birmingham, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of John Allen, of Jackson