banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Buckeye Grange, No. 1170, and others, of Leetonia, Ohio, favoring a parcels-post and savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petition of Elmer Grange, No. 906. of Michigan, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post Roads.

By Mr. NORRIS: Petition of citizens of Fairchild, Clay County, Nebr., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Lewis Richardson—to the Committee on War Claims.

By Mr. ROBINSON: Paper to accompany bill for relief of G. A. Joyner—to the Committee on Pensions.

By Mr. SMITH of Iowa: Petitions of citizens of California Junction and Guthrie County, Iowa, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. SULLOWAY: Petition of William T. Hanson and 33 others, of Middleton, N. H., favoring parcels post on rural delivery routes and establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SWASEY: Petition of sundry citizens of New Vineyard, Me., favoring a parcels-post and a postal savings banks laws—to the Committee on the Post-Office and Post Roads.

By Mr. TIRRELL: Paper to accompany bill for relief of Lewis Hapgood—to the Committee on Invalid Pensions.

Also, petition of Charles L. Clay, favoring the parcels-post and postal savings banks system—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Ross Grange, No. 305, of Ellicott, N. Y., favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of business men of Sherman, N. Y., against parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Paper to accompany bill for relief of M. B. Parker—to the Committee on War Claims.

By Mr. WILSON of Pennsylvania: Petition of H. E. Herman and 41 other residents of Williamsport, Pa., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *January 18, 1909.*

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

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

MANUFACTURE OF WOOLEN, WORSTED, AND SHODDY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent W. A. Graham Clark on the manufacture of woolen, worsted, and shoddy in France and England, and jute in Scotland (H. Doc. No. 1330), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

LAWS OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, copies of certain franchises granted by the executive council of Porto Rico (H. Doc. No. 1334), which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

JAMES AND WILLIAM CROOKS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, returning, pursuant to a resolution of the Senate of the 14th instant and by direction of the court, the papers and Senate bill No. 3717, in the case of James and William Crooks, No. 13637, Congressional (S. Doc. No. 663), which was heretofore referred to the Court of Claims for findings of fact, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary A. Landis, administratrix of the estate of Solomon Landis, deceased, *v.* United States (S. Doc. No. 662), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

STREET RAILROADS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting its report on street railroads in the District of Columbia (H. Doc. No. 1336), which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 23713) authorizing the construction of a bridge across Current River, in Missouri.

The message also announced that the House had passed the following bills:

S. 213. An act for the relief of S. R. Green;

S. 437. An act for the relief of D. J. Holmes;

S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;

S. 879. An act for the relief of John S. Higgins, paymaster, United States Navy;

S. 1751. An act to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance;

S. 2580. An act for the relief of B. Jackman;

S. 2873. An act for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof;

S. 3848. An act for the relief of James A. Russell;

S. 5268. An act for the relief of J. de L. Lafitte;

S. 5388. An act for the relief of Benjamin C. Welch; and

S. 6293. An act for the relief of Robert Davis.

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

S. 388. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship;

S. 2253. An act for the relief of Theodore F. Northrop;

S. 4632. An act for the relief of the Davison Chemical Company, of Baltimore, Md.;

S. 6136. An act authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho;

S. 6665. An act for the relief of Charles H. Dickson; and

S. 8143. An act granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation.

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

H. R. 870. An act for the relief of the heirs of James H. Galbraith;

H. R. 1097. An act for the relief of Stanley E. Brown;

H. R. 2635. An act for the relief of Herman Lehmann;

H. R. 2911. An act for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland;*

H. R. 3844. An act for the relief of E. L. Simpson;

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States, and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States;

H. R. 4286. An act for the relief of John Shull;

H. R. 4307. An act for the relief of E. J. Reed;

H. R. 4562. An act for the relief of C. W. Reid and Sam Daube;

H. R. 6903. An act for the relief of Willis A. Joy;

H. R. 8558. An act for the relief of R. J. B. Newcomb;

H. R. 8734. An act for the relief of Niels P. Larsen;

H. R. 9755. An act for the relief of Charles Lennig & Co.;

H. R. 9969. An act for the relief of George J. Miller, of Wenatchee, Wash.;

H. R. 10187. An act for the relief of R. A. Sisson;

H. R. 10697. An act for the relief of David Brinton;

H. R. 10701. An act for the relief of Albert R. Heilig;

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells;

H. R. 11039. An act for the relief of Willard W. Alt, of Hyannis, Nebr.;

H. R. 12512. An act for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia;

H. R. 12712. An act for the relief of the estate of Samuel J. Rogers;

H. R. 13644. An act for the relief of the Bridgeport National Bank, Bridgeport, Ohio;

H. R. 14345. An act for the relief of Earl E. White;
H. R. 15098. An act to correct the military record of John H. Layne;
H. R. 15218. An act for the relief of the sureties on the official bond of the late Cornelius Van Cott;
H. R. 15603. An act for the relief of John W. Wood;
H. R. 16191. An act to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan;
H. R. 17214. An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy;
H. R. 17572. An act for the relief of George M. Voorhees;
H. R. 17960. An act for the relief of Marcellus Butler;
H. R. 18417. An act for the relief of Clark County, Ky.;
H. R. 18487. An act for the relief of Charles H. Dunning;
H. R. 18726. An act for the relief of Wyatt O. Selkirk;
H. R. 18744. An act for the relief of the estate of Mark S. Gorrill;
H. R. 19636. An act for the relief of Frederic William Scott;
H. R. 19641. An act for the relief of the Wilmerding-Loewe Company, of San Francisco, Cal.;
H. R. 19653. An act for the relief of T. C. Wakefield;
H. R. 19762. An act to reimburse the postmaster at Sandborn, Ind.;
H. R. 19839. An act for the relief of W. H. Blurock;
H. R. 19859. An act to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848;
H. R. 19871. An act for the relief of Sanford A. Pinyan;
H. R. 19893. An act for the relief of Thomas J. Shocker;
H. R. 20171. An act to correct the military record of George H. Tracy;
H. R. 20204. An act for the relief of Clara A. Carter, widow of Martin J. Carter, late consul of the United States at Yarmouth, Nova Scotia;
H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;
H. R. 21058. An act for the relief of R. J. Warren;
H. R. 21167. An act to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary;
H. R. 21881. An act for the relief of John D. Baldwin;
H. R. 23863. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association of Salt Lake City, Utah, and the Government of the United States;
H. R. 24303. An act for the relief of the estate of Charles Fitzgerald;
H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.;
H. R. 25019. An act granting a franking privilege to Frances F. Cleveland and Mary Lord Harrison; and
H. R. 25405. An act 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.

The foregoing claims bills were severally read twice by their titles, and referred to the Committee on Claims.

ENROLLED BILLS SIGNED.

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

H. R. 8615. An act to correct the naval record of Edward T. Lincoln;
H. R. 14343. An act to correct the naval record of Randolph W. Campbell; and
H. R. 23351. An act for the relief of the owners of the Mexican steamship *Tabasqueno*.

CREDENTIALS.

Mr. BORAH presented the credentials of WELDON B. HEYBURN, chosen by the legislature of the State of Idaho a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Association of Congregational Churches of the State of Minnesota, praying for the enactment of legislation requiring all individuals and corporations engaged in interstate commerce to give their employees who work on Sunday a full twenty-four hours' rest during the next succeeding six days, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the General Association of Congregational Churches of the State of Minnesota, praying for the enactment of legislation to prohibit Sunday banking in postoffices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Central Federated Union of Greater New York, remonstrating against any attempt to remove Hon. Robert Watchorn as commissioner of immigration of the Port of New York without good and sufficient reasons, which was referred to the Committee on Immigration.

He also presented petitions of Casco Harbor, No. 75, of Portland, Me.; of Forest City Harbor, No. 6, of Savannah, Ga.; of Local Harbor No. 25, of Pittsburg, Pa.; of Local Harbor No. 28, of St. Louis, Mo.; of Local Harbor No. 18, of New Orleans, La.; of Volunteer Harbor, No. 14, of Boston, Mass.; and of Progressive Harbor, No. 9, of Norfolk, Va., all of the American Association of Masters, Mates, and Pilots, praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which were referred to the Committee on Commerce.

Mr. PLATT presented petitions of sundry citizens of the State of New York and of the Merchants and Manufacturers' Board of Trade of New York City, N. Y., 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 the Chemung Chapter, Daughters of the American Revolution, of Elmira, N. Y., praying for the enactment of legislation to establish a national children's bureau, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented petitions of sundry citizens of the State of New Hampshire, 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 Piscataqua Harbor, No. 83, American Association of Masters, Mates, and Pilots, of Portsmouth, N. H., praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented a petition of Casco Harbor, No. 75, American Association of Masters, Mates, and Pilots, of Portland, Me., praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented a memorial of the Railway Business Association of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the New England Iron and Hardware Association, of Boston, Mass., 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 petitions of Randall Spaulding, of Montclair, N. J., of John B. Sleman, jr., of Washington, D. C., and of A. B. Browne, of Washington, D. C., praying that an appropriation of $1,500 be made providing for free lectures in the District of Columbia, which were referred to the Committee on Appropriations.

He also presented a petition of the Shoomaker Company, of Washington, D. C., praying for the enactment of legislation providing for a high-pressure water system in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented a petition of the Georgetown Citizens' Association, of Washington, D. C., and a petition of the North Capital and Eckington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for advances to be made from the United States Treasury to the District of Columbia government for the cost of extraordinary improvements in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Washington Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation authorizing the continuance of a spur track to the navy-yard in the District of Columbia, and praying for the passage of the so-called "Sims bill," providing for a new location of a spur track to the navy-yard in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Brookland Citizens' Association, of the District of Columbia, remonstrating against any change being made in the present form of government of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Christian Endeavor Union of the District of Columbia praying for enactment of legislation

imposing a special tax of $100 per annum on cigarettes, and also for the enactment of legislation to prohibit the sale of cigarettes, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Christian Endeavor Union of the District of Columbia praying for the adoption of a certain amendment to the law prohibiting the employment of women as bartenders in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the North Capitol and Eckington Citizens' Association, of Washington, D. C., remonstrating against the enactment of legislation to change the control of the street railways of the District of Columbia from the Interstate Commerce Commission to the Commissioners of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of Edward J. Duff, of Washington, D. C., and a memorial of the Rhode Island Avenue Suburban Citizens' Association, of Washington, D. C., remonstrating against the passage of the so-called "builders' license bill" for the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Interdenominational Missionary Union of Washington, D. C., praying for the enactment of legislation providing for the closing on Sunday of all theaters in the District of Columbia, and also remonstrating against the employment of women in liquor establishments in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. FRYE presented a petition of Cold Brook Grange, Patrons of Husbandry, of Medford Center, Me., 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. PERKINS presented a petition of the Army and Navy Union of the United States, of Vallejo, Cal., praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the United States Navy after twenty-five years of actual service, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Department of California and Nevada, Grand Army of the Republic, of Riverside, Cal., praying for the passage of the so-called "McHenry bill," amending the pension law relative to the granting of pensions to soldiers of the Mexican and civil wars, and also for the passage of the so-called "Sulloway widows' pension bill," which was referred to the Committee on Pensions.

Mr. DICK. I present resolutions of the executive committee of the Chamber of Commerce of Dayton, Ohio, relative to the enactment of legislation inimical to the railroad interests of the country. Inasmuch as the memorial is very important and is brief, I ask that it be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the memorial was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Whereas under normal conditions the railroads of the United States employ approximately 2,000,000 men, to whom they pay wages approximating the enormous sum of $1,500,000,000; and

Whereas for many months past the railroads have been and are now confronted with a condition which makes necessary great reductions in working forces and curtailment in the purchase of supplies needful in the operation and maintenance of their properties, as well as in the purchase of new equipment and extension of lines, it being estimated that at the present time there is idle equipment representing the enormous sum of $225,000,000, exclusive of locomotives; and

Whereas all industrial and commercial interests, together with the interests of wage-earners and all other classes of citizens, are affected, either directly or indirectly, correspondingly with the prosperity or adversity of the railroads, which apparently are greatly annoyed and seriously handicapped in their management by drastic, unwise, and injurious legislative restrictions, involving in many instances heavy and unnecessary expenses: Therefore be it

Resolved, by the executive committee of the Chamber of Commerce of Dayton, Ohio, in session this 6th day of January, 1909, That while we do not advocate relaxation of the exercise of reasonable and proper governmental authority over the railroads, we do advocate more conservative consideration of their rights and interests, and we respectfully urge upon all Members of Congress, all members of legislatures of this and other States, and of all railroad commissions, as well as the general public, to encourage the return of railroad business to normal conditions by ceasing and discountenancing hasty and ill-considered criticism and unjust censure of this great and most important factor of our industrial and commercial life, and by the enactment of such new railroad legislation only as after the most rigid investigation shall determine clearly not only the necessity for the enactment thereof, but also its proper form and scope for the accomplishment of reforms which, while beneficial to the public, will not operate unjustly against the railroads.

Resolved, That the secretary be, and he hereby is, instructed to send copies of the foregoing to each member of the legislature of this State, to the Members of the United States Senate from Ohio, to the Representative in Congress from this district, and to the Dayton daily papers.

Mr. SCOTT presented petitions of sundry surviving officers of the civil war of Charleston, Gould, Auburn, Kingwood, Replay, Leon, Weston, and Cranesville, all in the State of West Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BULKELEY presented a petition of Local Grange No. 107, Patrons of Husbandry, of Litchfield, Conn., 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. BOURNE presented petitions of Hope Grange, No. 269, of Alsea; of Harding Grange, No. 122, of Oregon City, all Patrons of Husbandry; of sundry citizens of Estacada and Mollala, all in the State of Oregon, 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. FLINT presented a memorial of the Central Labor Council of Los Angels, Cal., remonstrating against the action of the federal court of the District of Columbia in imposing a jail sentence on Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of Local Granges Nos. 480, 1080, 571, 956, 824, 914, 370, 305, 117, and 817, all Patrons of Husbandry, of Dewittville, Bristol Center, Mayville, Ellenville, West Exeter, Lancaster, Clinton, Falconer, Lorraine, and Henrietta, and of sundry citizens of Williamson, Marion, and Canisteo, all in the State of New York, 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. SMITH of Michigan presented a concurrent resolution of the legislature of the State of Michigan, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Whereas it has been the policy of this country from the beginning to maintain a small Regular Army, and in times of war to rely upon the patriotism of the people to rally as volunteers in defense of the national flag; and

Whereas it is a recognized fact that the civil war, 1861–1865, forms the most sanguinary chapter in the history of the world; that the Regular Army during the struggle was maintained at about 25,000 men, while the volunteers numbered more than 2,500,000 of officers and enlisted men; and

Whereas it is a recognized fact that the Union of these States was preserved and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great united people now enjoying the inestimable blessings of a preserved Union owe a debt of gratitude that can never be paid: Therefore

Resolved by the house of representatives (the senate concurring), That we request the Senators and Representatives of the Sixtieth Congress from the State of Michigan to aid in the prompt enactment of a law in effect creating a volunteer retired list, upon which may be placed with retired pay upon application the surviving officers of the Army, Navy, and marines of the United States who served with credit during the civil war; such survivors now constituting a small remnant of that body of gallant men who led the Union forces to final victory;

Resolved further, That in our opinion the precedents of the congressional legislation fully justify the enactment of this law, namely, the acts of 1828 and 1832, granting retired pay during life to the surviving officers and enlisted men of the Army, Navy, and marines of the Revolution; the act of 1901 retiring Charles A. Boutelle, a volunteer officer of the Union Navy, with the rank and retired pay of captain of the navy; the acts of 1904, 1906, and 1907 granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had "served with credit during the civil war;" and the act of 1905 providing for the retirement of two officers of volunteers, namely, Gen. Joseph R. Hawley and P. J. Osterhaus, with the rank and retired pay of brigadier-general;

Resolved further, That in our opinion the surviving officers of volunteers of the Army, Navy, and marines who served with credit in the great war for the preservation of the Union are entitled to receive from the National Government honors and emoluments equal to those which had heretofore been bestowed upon any officers who served in time of war in defense of the country; and

Resolved further, That the secretary of the senate and the clerk of the house are hereby directed to transmit a copy of these resolutions to each Member of Congress from the State of Michigan.

I, Paul H. King, clerk of the house of representatives, hereby certify that the foregoing is a true copy of the resolution adopted by the house of representatives January 12, 1909.

PAUL H. KING,
Clerk of the House of Representatives.

I, Elbert V. Chilson, secretary of the senate, hereby certify that the foregoing is a true copy of the resolution adopted by the senate January 12, 1909.

E. V. CHILSON,
Secretary of the Senate.

Mr. LONG presented a petition of the Kansas Commandery, Military Order of the Loyal Legion of the United States, of Fort Leavenworth, Kans., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of Belleview Grange, Patrons of Husbandry, of Eudora, Kans., praying for 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 a memorial of the Commercial Club of Topeka, Kans., and a memorial of Barton County Business

Men's Association, of Great Bend, Kans., remonstrating against the passage of the so-called "rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a petition of the Grain Dealers' National Association of the United States, praying for the enactment of legislation providing for the appointment of a commission to investigate the grain trade of the United States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commercial Club of Lincoln, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry business men and stock raisers of Chadron, Nebr., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. TILLMAN presented a petition of sundry citizens of Charleston, S. C., praying for the enactment of legislation to increase the salaries of United States circuit and district court judges, which was referred to the Committee on the Judiciary.

Mr. HALE presented a petition of Casco Harbor, No. 75, American Association of Master Mates and Pilots, of Portland, Me., praying for the passage of the so-called "Knox bill," concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Waldo, Medford Center, Steuben, Surry, Greene, and Cornish, all in the State of Maine, 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 the Board of Trade of Portland, Me., praying for the enactment of legislation granting travel pay to railway postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Appropriations, to whom was referred concurrent resolution 55, submitted by Mr. DICK on the 14th of December last, relating to the celebration of the one-hundredth anniversary of the birth of Abraham Lincoln, asked to be discharged from its further consideration, and that it be referred to the Committee on the Library, which was agreed to.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (S. 7372) to set apart certain lands in the State of Oregon as a public park, to be known as the "Saddle Mountain National Park," reported it with amendments and submitted a report (No. 776) thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 6550) granting an honorable discharge to Thompson B. Pollard, reported it without amendment and submitted a report (No. 777) thereon.

Mr. TAYLOR, from the Committee on Indian Affairs, to whom was referred the bill (S. 7883) to authorize the Secretary of the Interior to construct a bridge across the Little Colorado River abutting on the Navajo Indian Reservation, in the Territory of Arizona, and for other purposes, reported it without amendment and submitted a report (No. 778) thereon.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom was referred the bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," reported it with an amendment.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom were referred the following bills, reported them each with amendments:

A bill (S. 8396) incorporating the National Academy of Arts and Letters;

A bill (S. 8302) to incorporate the "Descendants of the Signers;" and

A bill (S. 8395) incorporating the National Institute of Arts and Letters.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the 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, reported it without amendment.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7963) for the relief of Patrick Conlin, reported it without amendment and submitted a report (No. 779) thereon.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 1199) to grant certain lands to the town of Fruita, Colo., reported it with amendments and submitted a report (No. 780) thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 8333) to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas, reported it without amendment and submitted a report (No. 781) thereon.

Mr. FRYE (for Mr. PENROSE), from the Committee on Commerce, to whom was referred the bill (S. 5694) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes, reported it with amendments and submitted a report (No. 782) thereon.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 8541) to amend section 12 of the act regulating the practice of medicine and surgery in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 8542) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, which was read twice by its title and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 8543) granting an increase of pension to Augustus Wagner, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 8544) granting an increase of pension to William D. McKenney; and

A bill (S. 8545) granting a pension to Alexandrine Martin.

Mr. TILLMAN 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. 8546) for the relief of W. F. Parker;

A bill (S. 8547) for the relief of Ellen F. Carter; and

A bill (S. 8548) for the relief of the heir at law of A. S. Frietas, deceased.

Mr. TILLMAN introduced a bill (S. 8549) for the relief of the Wentworth Street Lutheran Church, of Charleston, S. C., which was read twice by its title and referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 8550) to include within the boundaries of and add to the Blue Mountain Forest Reserve certain lands in the State of Oregon, which was read twice by its title and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. OWEN introduced a bill (S. 8551) for the relief of the estate of Guadalupe Lujan de Fuentes, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. OWEN (by request) introduced a bill (S. 8552) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca, of Belen, N. Mex., which was read twice by its title and 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. 8553) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;" and

A bill (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas tribe of Indians in Oklahoma.

Mr. MILTON introduced a bill (S. 8555) to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr., which was read twice by its title and referred to the Committee on Public Lands.

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

A bill (S. 8556) for the relief of Samuel F. Johnson and other commissioned officers of the Seventeenth Regiment Kentucky Volunteer Cavalry, civil war; and

A bill (S. 8557) for the relief of the Christian Church of Stanford, Ky.

Mr. PAYNTER introduced a bill (S. 8558) for the relief of the city of Newport, Ky., which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

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

A bill (S. 8559) granting a pension to Anna C. Hutchinson; and

A bill (S. 8560) granting a pension to Emma Coleman.

Mr. BROWN introduced a bill (S. 8561) to remove the charge of desertion from the military record of Jacob Byers, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BRIGGS introduced a bill (S. 8562) granting an increase of pension to George S. Connor, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 8563) to amend section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. CULLOM introduced a bill (S. 8564) to authorize the construction of two bridges across Rock River, State of Illinois, which was read twice by its title and referred to the Committee on Commerce.

Mr. PILES (for Mr. ANKENY) introduced a bill (S. 8565) granting an increase of pension to William C. Bishop, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 8566) granting an increase of pension to William J. Donley, alias Joseph McCormick; and

A bill (S. 8567) granting an increase of pension to Melvin Holman.

Mr. TELLER introduced a bill (S. 8568) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes, which was read twice by its title and referred to the Committee on the Five Civilized Tribes of Indians.

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

A bill (S. 8569) granting an increase of pension to William H. Ferris; and

A bill (S. 8570) granting an increase of pension to Alexander S. Stewart (with an accompanying paper).

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

A bill (S. 8571) granting a pension to Thomas Heady (with the accompanying papers); and

A bill (S. 8572) granting an increase of pension to Martha Clark.

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

A bill (S. 8573) granting a pension to Cemantha Hyer; and

A bill (S. 8574) granting an increase of pension to Margaret E. Pierce.

Mr. SCOTT introduced a bill (S. 8575) for the relief of Oakley Randall, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

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

A bill (S. 8576) granting an increase of pension to Mary Schoonmaker Smith; and

A bill (S. 8577) granting a pension to Laura B. Williamson.

Mr. KEAN introduced a bill (S. 8578) granting an increase of pension to James B. Romaine, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

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

A bill (S. 8579) granting an increase of pension to George E. Lewis; and

A bill (S. 8580) granting an increase of pension to Charles M. Carr.

Mr. KITTREDGE (for Mr. MCCUMBER) (by request) introduced a bill (S. 8581) granting an increase of pension to John E. Kitzmiller, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KITTREDGE (for Mr. MCCUMBER) introduced a bill (S. 8582) granting an increase of pension to Hiram Haynes, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMITH of Michigan introduced a bill (S. 8583) to remove the charge of desertion from the military record of John Reed, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

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

A bill (S. 8584) granting an increase of pension to Erwin C. Watkins; and

A bill (S. 8585) granting an increase of pension to Lyman G. Willcox.

Mr. SMITH of Michigan introduced a bill (S. 8586) granting an increase of pension to Benjamin Golding, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 8587) to amend sections 2325 and 2326 of the Revised Statutes of the United States, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 8588) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 8589) granting an increase of pension to George W. Buswell, which was read twice by its title and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 8590) granting an increase of pension to Ella M. Glass, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 8591) for the relief of Watson Mill Company, of the city of Wichita, State of Kansas, which was read twice by its title and referred to the Committee on Claims.

Mr. FLINT introduced a bill (S. 8592) to authorize the Chucawalla Development Company to build a dam across the Colorado River near Parker, Ariz., which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 8593) granting an increase of pension to James Walter Smith, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 8594) granting an increase of pension to James H. Tillman, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 8595) for the relief of the heirs of James Billiu;

A bill (S. 8596) for the relief of Mrs. F. T. Landry, administratrix of Adonis Petit, deceased; and

A bill (S. 8597) for the relief of the estates of Caroline Pierront and Augustin Labau.

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

A bill (S. 8598) granting an increase of pension to James C. Bullock; and

A bill (S. 8599) granting an increase of pension to Willis Lake.

Mr. DICK introduced a bill (S. 8600) to provide for payment of the claims of the Roman Catholic Church in Porto Rico, which was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

Mr. FORAKER introduced a bill (S. 8601) to provide for the payment of claims of the Roman Catholic Church in Porto Rico, which was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

Mr. HEMENWAY introduced a bill (S. 8602) for the erection of a monument on the Missisinewa battle ground in Grant County, Ind., which was read twice by its title and referred to the Committee on the Library.

Mr. LA FOLLETTE introduced a bill (S. 8603) for the relief of Mark Tomlinson, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. OWEN introduced a joint resolution (S. R. 116) empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to appropriate $9,000 to grade and improve M street NE. from Bladensburg road to Twenty-eighth street, 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. WETMORE submitted an amendment proposing to appropriate $225,000 for the construction and equipping of a steam revenue cutter for service in Narragansett Bay, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for establishing a fish-cultural station at some suitable point in the State of Rhode Island, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

AMENDMENT OF INTERSTATE-COMMERCE LAW.

Mr. FULTON. I submit two amendments intended to be proposed by me to the bill (S. 423) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, which I ask may be printed and lie on the table. I wish to make an explanation connected with them.

The first amendment that I propose is to strike out certain matter and in lieu thereof to insert the following:

Upon the filing of such protest the commission may, in its discretion, make an order that the proposed change in the rate or rates, fare or fares, charge or charges, so protested against, or any specified item or items thereof, shall not go into effect until the reasonableness of the proposed increase shall have been determined by the commission, or until it shall have further ordered. The making of such order shall operate to continue in force the then existing rate or rates, fare or fares, charge or charges, proposed to be changed and included within the terms of the order until the further order of the commission.

That changes the present reading of the measure so as to leave it to the discretion of the commission whether or not they will suspend a rate from going into effect until a hearing has been had.

I propose then the following additional amendment in the shape of a proviso:

Add after the word "party," in line 22, page 5, the following:
"*Provided*, That upon the presentation to the commission of the petition of two or more carriers subject to the provisions of this act, operating competing lines, asking permission to enter into an agreement relative to rates, fares, or charges to be made or practices to be observed in operating such lines while engaged in commerce to which the regulative power of Congress extends, the commission is authorized, in its discretion, to allow such agreement to be entered into, and thereupon it shall be lawful for such carriers to enter into the same. The petition shall have attached to and made a part of it a true and complete copy of the proposed agreement. The order of the commission permitting the agreement to be entered into shall not be deemed or held to be an approval of any rate, fare, charge, or practice proposed therein to be put in force or established, nor will it relieve any party thereto from the necessity of giving notice as in this act provided of any change in rates, fares, or charges contemplated or proposed in or by such agreement."

This amendment simply authorizes agreements among competing carriers as to schedules or rates upon petition to the commission and with the consent of the commission. It leaves it in the discretion of the commission whether or not the privilege to enter into the combination shall be made or granted. The granting of the permission does not have the effect of an approval of the rates, but leaves that to be determined otherwise; that is all; it does not establish their reasonableness nor does it have the effect to waive the requirements that before the rate shall be advanced notice shall be given.

I ask that the bill may be reprinted with the proposed amendments in small capitals. The bill as it stands to-day is printed with the first proposed amendment in italics, the original matter being in roman. I ask that these proposed amendments may be printed in roman.

Mr. KEAN. To what bill is this an amendment?

Mr. FULTON. It is Senate bill 423, proposing to amend section 6 of the interstate-commerce act, which was reported some time ago by the Committee on Interstate Commerce.

Mr. KEAN. The Senator merely wants to have the amendments printed, I understand.

Mr. FULTON. I simply want to have them printed for the information of the Senate, so that the Senate may see what I propose.

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

Mr. HEYBURN. I should like to inquire of the Senator from Oregon to what committee the bill as proposed to be amended went?

Mr. FULTON. The amendments did not go to any committee. The bill (S. 423) to which I propose the amendments which I was attempting to explain has been reported and is now on the calendar.

Mr. KEAN. It was reported adversely.

Mr. FULTON. Yes; by a bare majority it was reported adversely, but it is on the calendar. I simply asked for a reprint of the bill with the amendments I now propose.

Mr. HEYBURN. I understand the Senator sent to the desk the bill as it would appear amended. What disposition was made of that? Is it on the table?

Mr. FULTON. I simply sent the form to the desk for the convenience of the Secretary.

COMPILATION OF TREATIES.

Mr. CULLOM submitted the following resolution (S. Res. 252), which was considered by unanimous consent and agreed to:

Resolved, That there be prepared, under the direction of the Committee on Foreign Relations, a compilation of treaties, to include all treaties, conventions, important protocols, and international acts to which the United States may have been a party from 1778 to March 4, 1909, and such other material pertaining to treaties as may be recommended for insertion therein by the Secretary of State.

MATILDA J. BLAKE.

Mr. CARTER submitted the following resolution (S. Res. 255), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Matilda J. Blake, widow of John C. Blake, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

CLAIM FOR COTTON FROM ADAMS COUNTY, MISS.

Mr. FULTON. From the Committee on Claims I report the following resolution and ask for its present consideration.

The resolution (S. Res. 253) was read, as follows:

Resolved, That the bill (S. 8318) entitled "A bill for the relief of the legal representative of the owner of certain cotton taken by the United States military authorities in Adams County, Miss., in 1863," now pending in the Senate, together with all the 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 the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. FULTON. I should explain my reason for offering the resolution at the present time in advance of what we call the "omnibus bill," carrying bills to the Court of Claims.

A bill was sent to the Court of Claims at the last session for the relief of several persons named therein. When the matter came on for a hearing before the court, it was ascertained that the name of one party interested had been omitted. The Senator from Mississippi [Mr. MCLAURIN] introduced a bill in the name of the party so omitted, and the object of the resolution is to send the bill to the court so that these persons may be heard with the others.

The resolution was considered by unanimous consent and agreed to.

IMPROVEMENT OF SAMAMISH RIVER, WASHINGTON.

Mr. PILES submitted the following concurrent resolution (S. C. Res. 71), 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 estimate to be made of the Samamish River, Washington, with a view of clearing and restoring said river to navigation.

IMPROVEMENT OF SWINOMISH SLOUGH, WASHINGTON.

Mr. PILES submitted the following concurrent resolution (S. C. Res. 72), 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 estimate to be made of the Swinomish Slough, Washington, with a view to such extensions and modifications of the project for the improvement of the same as may be necessary in the interests of navigation.

IMPROVEMENT OF COLUMBIA RIVER, WASHINGTON.

Mr. PILES submitted the following concurrent resolution (S. C. Res. 73), 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 estimate to be made of the Columbia River between Wenatchee and the mouth of the Snake River in the State of Washington, with a view of making such improvements as may be deemed necessary, in order to provide for navigation between the upper and lower river.

IMPROVEMENT OF EAST BOOTHBAY HARBOR, MAINE.

Mr. FRYE submitted the following concurrent resolution (S. C. Res. 70), 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 to be made an examination and survey of East Boothbay Harbor, Maine, with a view to extending the improvement contemplated in the report submitted in House Document No. 944, Sixtieth Congress, first session, to Hodgdon's wharf.

CHOCTAW AND CHICKASAW LANDS.

Mr. DAVIS. Mr. President, I desire to call attention to the fact that on the 29th of April, 1908, the Senate upon my motion adopted resolution No. 171, directing the Secretary of the In-

terior to give information regarding the lands of the Choctaw and Chickasaw Indians.

I desire also to call attention to the fact that the Secretary of the Interior has not responded to the resoluion. Just what power the Senate has to compel a response I do not know, but I wish to state that unless the Secretary does respond to the resolution I shall invoke whatever power the Senate may possess to compel a response.

PANAMA CANAL PURCHASE.

Mr. RAYNER. I submit a resolution. I ask that it be read, and I ask for its immediate consideration.

The resolution (S. Res. 254) was read, as follows:

Whereas it is currently reported that the Attorney-General of the United States, at the instance and under the direction of the President, has ordered the district attorneys in several of the federal districts to institute an investigation in connection with various publications lately appearing in the press in relation to the purchase of the Panama Canal; and

Whereas in the progress of said investigation a number of witnesses connected with the papers in which said publications were made have been summoned to appear and testify before the grand juries of said several districts; and

Whereas the federal districts outside of the Territories and the District of Columbia are not invested with common-law jurisdiction, and have only such jurisdiction as arises under the Constitution of the United States and under the laws made in pursuance thereof, and the supreme court of the District of Columbia has only such jurisdiction as is now contained in the codification of the laws made under authority of Congress, and such further jurisdiction, under the acts of Congress, as is particularly conferred upon it by said code; and

Whereas it is provided in the first amendment to the Constitution of the United States, among other things, that Congress shall make no law abridging the freedom of the press: Be it

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to inform the Senate whether the investigation aforesaid has been ordered by the President; and if it has been ordered, under what statute of the United States, if any, the proceedings has been instituted, and by what right and authority the process of said courts is being employed in the premises.

Mr. RAYNER. Mr. President, I shall ask the Senate for the present consideration of the resolution, and I will give my reasons for so asking. I shall be brief about it. I want to read the resolution over again so that the Senate may understand the purpose of it:

Whereas it is currently reported that the Attorney-General of the United States, at the instance and under the direction of the President, has ordered the district attorneys in several of the federal districts to institute an investigation in connection with various publications lately appearing in the press in relation to the purchase of the Panama Canal; and

Whereas in the progress of said investigation a number of witnesses connected with the papers in which said publications were made have been summoned to appear and testify before the grand juries of said several districts; and

Whereas the federal districts outside of the Territories and the District of Columbia are not invested with common-law jurisdiction and have only such jurisdiction as arises under the Constitution of the United States and under the laws made in pursuance thereof, and the supreme court of the District of Columbia has only such jurisdiction as is now contained in the codification of the laws made under authority of Congress and such further jurisdiction, under the acts of Congress, as is particularly conferred upon it by said code; and

Whereas it is provided in the first amendment to the Constitution of the United States, among other things, that Congress shall make no law abridging the freedom of the press: Be it

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to inform the Senate whether the investigation aforesaid has been ordered by the President, under what statute of the United States, if any, the said proceeding has been instituted, and by what right and authority the process of said courts is being employed in the premises.

It will be observed, Mr. President, that all I ask for in the resolution is information from the Attorney-General whether this investigation has been ordered by the President, and if it has been ordered by the President under what statute of the United States it has been ordered, and if a proceeding of this sort has been instituted by what right and authority the process of the courts is being employed in the premises.

So far as the form of the resolution is concerned, it is substantially similar to the resolution the Senate passed a few days ago at the instance of the senior Senator from Texas [Mr. CULBERSON], which reads in this way:

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 ask for no opinion of the Attorney-General. That is a matter of no concern to me in the subject that I am now engaged on. I simply ask for facts. I ask as to these proceedings, with which we are all familiar from the reports that have come to us in the last few days, in the first place, whether they have been ordered by the President; in the second place, if they have been ordered by the President, under what statute of the United States they have been ordered; and in the third place, by what power and authority the courts are now being used to summon witnesses for the purpose of pursuing the investigation.

Mr. President, so far as the form of the resolution goes, I see no objection to it, because it does not direct the Attorney-General to do anything whatever except to give us his opinion, not as to what the testimony will be, not as to what he expects these witnesses to testify to, but simply under what law of the United States he is proceeding.

I apprehend, Mr. President, that there is no difference of opinion in this body upon the proposition I now state, that there is no law of the United States which permits a prosecution of anyone for libeling the Government of the United States, that no presentment can be had, and no indictment will lie in any federal court of the United States upon such a matter. I will speak presently of the supreme court of the District of Columbia, but I am confining what I say now to the federal districts and circuits outside of the District of Columbia. I say that no presentment can be made and no indictment can be framed against anyone for libeling the Government of the United States.

I understand that a number of these witnesses have been summoned either to the district or the circuit court for one of the districts of New York to testify in relation to this subject.

Mr. FULTON. Mr. President——

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

Mr. RAYNER. I do.

Mr. FULTON. I will ask the Senator from Maryland, even if it be true that there is no law, as he contends, for such a proceeding, whether that is not entirely a matter for the court to determine? Ought we not to leave that to the court to determine? If it be found that there is no law for it, the court will say so. That is the proper tribunal, it seems to me, to determine a question of that character.

Mr. RAYNER. I propose to answer the question of the Senator from Oregon as I go along. I do not think I will take over a few minutes, and I trust that I shall completely answer that question. I say now that the machinery of the federal courts is being abused, and I want to know from the Attorney-General of the United States whether it is being done under the direction of the President of the United States, and if it is being done, under what law of the United States it is being done.

I will say to the Senator from Oregon before I fully answer him that we have the right to know whether these contemplated prosecutions are undertaken under a statute of the United States, because if there is upon the statute book of the United States any statute that authorizes them we want to have the opportunity to repeal that statute, because it is in violation of the first amendment to the Constitution of the United States, which prohibits Congress from abridging the freedom of the press.

Mr. FULTON. Mr. President——

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

Mr. RAYNER. I do.

Mr. FULTON. If the Senator will permit me, I will state the reason why I made my suggestion to him, and upon it I would be glad to have an expression of his views. Is it not a very bad precedent for either branch of Congress to seek to interfere with a matter that has been brought before or is pending in the courts until the courts have finally disposed of it? If in the courts there shall be developed a condition which Congress thinks should be remedied, the time will have then arrived to apply the remedy. But it seems to me that this sort of a proceeding would rather indicate a disposition on the part of the Senate to usurp the functions of the courts. The court is the tribunal to determine whether or not this proceeding was properly instituted or whether its processes are being improperly employed.

Mr. RAYNER. The Senator from Oregon has evidently not heard the resolution, because the resolution avoids any such inquiry. I am perfectly aware of the fact that Congress has no right to invade judicial functions. I would have no right here to ask the Attorney-General to produce the testimony he proposes to submit to the grand jury so as to have it before Congress——

Mr. FULTON. Mr. President——

Mr. RAYNER. The Senator will let me answer him. His questions are very pertinent, but he must permit me to answer them.

Mr. FULTON. Certainly.

Mr. RAYNER. If the Senator will just wait for a moment I think I will answer the whole of them, but I will be very glad if he will allow me to do so.

Mr. FULTON. I do not wish to disturb the Senator in his line of thought, and if I am doing so I beg his pardon.

Mr. RAYNER. Your line of thought is just exactly upon a par with my line of thought on the subject.

Mr. FULTON. I ask the Senator to allow me to make only one further suggestion.

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

Mr. RAYNER. I yield to the Senator.

Mr. FULTON. Suppose the Attorney-General shall report that there is no section of a statute under which he is proceeding; that there is no statute covering the case; but that, in his judgment, the common law affords a remedy; would we, or could we, interfere? I do not say, of course, that the common law does afford a remedy.

Mr. RAYNER. I do not propose to answer that in full now. I will most assuredly before I close. The Senator from Oregon has put three questions now, entirely distinct from each other. I propose to show that there is no common law in the premises.

If the Attorney-General answers that he is proceeding under no statute, then the President is violating the laws of the country; and if he answers that he is proceeding under a statute, then we want to know what statute he is proceeding under, so that we can have an opportunty to repeal it. So that, if the Senator will just allow me to proceed for five or ten minutes, I shall be glad, if I have not then answered, to answer any interrogatory which he may put to me.

Mr. President, I was going on to say, when the Senator from Oregon asked me the questions that he has, that there is no law—and I repeat it—there is no law authorizing an indictment for libeling the United States Government in any of the federal districts of the United States.

Mr. LODGE. Mr. President——

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

Mr. RAYNER. I do.

Mr. LODGE. The Senator says, then, as I understand him, that these actions that he hears reported are for libeling the Government of the United States. Does he know that to be the fact?

Mr. RAYNER. If I knew it to be the fact, I would not make this inquiry. I want to find out what the Attorney-General is doing. That is the object of the inquiry. If I knew is as a fact, there would be no necessity for the inquiry.

Mr. LODGE. It seems to me that it is rather an important point whether these actions are for libeling the Government, on which the Senator is proceeding with his argument, or whether they are informations for criminal libel filed by the Attorney-General on the request of individuals.

Mr. RAYNER. Mr. President, that is a very important inquiry; and I propose to show that the circuit or district courts of the United States have no jurisdiction in either case—no possible jurisdiction in either case outside of the District of Columbia. It is an absurdity to suppose that the circuit or district courts of the United States have any jurisdiction in either case outside of the District of Columbia, whether it be a libel against the Government of the United States or a libel against the President of the United States or against anyone.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. I do.

Mr. KNOX. I do not wish, Mr. President, to bear down on the Senator from Maryland by following up these interruptions, but I should like to ask him a question which, it seems to me, goes to the root of this whole matter.

Assuming that every legal position which the Senator has outlined to be a sound one, are those not matters of defense available to the defendants in this particular case? How are we to know whether or not they are good defenses until the courts pass upon them, unless we are to assume that the Senate has the right to take up the case of every individual defendant who is charged by the Government with having committed an offense, and try it in the United States Senate before it is tried in the courts?

Mr. RAYNER. The proposition, stated in the way in which the Senator from Pennsylvania states it, is unanswerable. We have no such right. That is not the purpose of this inquiry. The purpose of this inquiry is to find out whether or not the President of the United States, in conjunction with the Attorney-General, is not abusing the process of the courts for an unlawful purpose. That is the way to put it. If the Attorney-General, under the direction—I do not say that he is doing it; I do not want to be understood in this body as making any such imputations either against the President of the United States or the Attorney-General—but if the Attorney-General of the United States is abusing the machinery of the federal courts for the purpose of accomplishing an ulterior object, it is the right of the Senate and the right of Congress to know that he is doing that, and then to take some steps either to stop him or, if he is proceeding under the law, to give us an opportunity to repeal the statute under which he is proceeding. I shall more fully answer, in the course of this brief argument, the question which the Senator from Pennsylvania [Mr. KNOX] has just addressed to me. I am glad to see that the Senator from Pennsylvania inferentially agrees with me upon the legal proposition that I have stated—that there is no jurisdiction whatever in any of the courts of the United States, in any federal district, to find a presentment for libeling the Government of the United States.

Now, we get to the second proposition, for it is assumed that every one of us will admit the first proposition. Is there any jurisdiction in the federal courts outside of the District of Columbia to bring an indictment for criminal libel against anybody? If there is any answer to that, I shall be pleased to hear it. Have the federal courts outside of the District of Columbia the right through their grand juries to present anybody for libel against any person, the President or anyone else?

There is no answer. I assume, Mr. President, therefore, in the proposition that I am correctly stating the second proposition of law on this point, that the federal courts outside of the District of Columbia have no jurisdiction whatever in cases of libel.

Therefore, if these witnesses, whoever they may be—and I know nothing at all about the facts in the case, I want to say to Senators; I am only discussing a proposition of constitutional law—if these witnesses, as I understand, representatives upon the staff of the New York World, the New York Sun, the Indianapolis News, and the Press Publishing Company, and I believe other witnesses, have been summoned to any federal circuit beyond the District of Columbia for the purpose of testifying in any case affecting a libel against the Government of the United States, or against the President as President or individually, the district attorney, who, under the direction of the Attorney-General, is summoning these witnesses, is abusing the process of his court for the purpose of accomplishing some ulterior object with which the public is not yet familiar.

That is my first proposition. If I am right—and I assume that I am right, because there is no answer from any Senator upon the floor—it excludes the entire jurisdiction of the federal districts outside of the Districts of Columbia on any question whatever of libeling the Government or libeling the President. The President has no greater right in any court than the humblest citizen in the land, and the Government has no greater right.

The sedition laws have been repealed, and I venture to say they will never make their appearance again upon any statute book of the United States. This is a revival of the sedition laws, or an attempted revival of laws, that have happily gone out of existence long ago, under which great controversy took place and indictments and convictions were had. There were a number of persons convicted under the sedition laws. One of them was a Member of Congress. He was fined and imprisoned. We know the history of those days, and we know that these laws are out of existence. There is no sedition law at present, I am glad to say, so far as I have been able to discover, upon the statute books of the United States.

Now, we get to the District of Coumbia. The law is equally clear as to the District of Columbia. I will send to the desk, Mr. President, to be read an article from the Washington Post of this morning. It is very brief. The author's name is not given, but he is evidently a highly capable lawyer, who has given an opinion, which I ask to have read.

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

The Secretary read as follows:

OPINION OF LAW OFFICER.

One of the most prominent law officers of the Government under the McKinley and Roosevelt administrations, in discussing the case, said to a reporter for the Post:

"The United States Government can not sue any person for libel. Any individual who feels aggrieved may sue, whether he is an officer of the Government or not. Some years ago the Turkish minister in Washington called the attention of this Government to certain publications in American newspapers containing libelous language relating to the Turkish Government. Acting under instructions from the Sultan, the minister demanded the punishment of these publishers for circulating matter that was palpably libelous. He was informed that the Constitution prohibited any abridgment of the liberty of the press in this country, and that there was no redress except through the courts in a suit brought by any person who may have been libeled.

TREATY OF NO AVAIL.

"These cases are not uncommon. The Government can not undertake, even by treaty, to protect foreign governments or their officers

from libels circulated by American newspapers, in the absence of a statute; and Congress would not consider the enactment of any law tending to abridge the liberty of the press.

"This Government is as powerless in silencing the press on its own account as it is in behalf of foreign governments. The one experiment in that line was the alien and sedition act, passed in 1798, which practically wrecked the Federalist party before it was repealed. There is no federal statute which makes it a crime to libel the Government, and in the absence of a statute the federal courts are powerless to act lawfully, even to the extent of a grand jury inquisition.

"Under the common law it may be a crime to libel the Government, just as international law forbids a libel upon another government, but there is no redress in either case. The federal courts exercise jurisdiction only in matters covered by the statutes. Their jurisdiction is very clearly defined. If any person should bring suit for criminal libel against another person living in another State, the defendant could have the case tried in a federal court, but the court would be bound by the libel laws of the State in which the crime was alleged to have been committed.

BASED ON COMMON LAW.

"The criminal libel laws of the District of Columbia are based upon the common law, but so far as the Government and the federal courts are concerned, there is no more latitude here than elsewhere for the prosecution of persons alleged to have been guilty of libeling the Government. The courts here must deal with the statutes, and there is no statute covering this matter.

"It is not conceivable that the inquisition by the grand jury, apparently about to be undertaken against certain publishers, has been inspired by the United States Government—that is, by officers acting in behalf of the Government itself. There is no authority whatever for such an undertaking. It would be nothing else than an unwarranted attempt to use the machinery of the court for a drag-net inquisition for purposes of intimidation.

"Any indictment and prosecution based upon such a proceeding would give the injured party the best of grounds for securing heavy damages for malicious prosecution. Since these facts are well known to the officers of the Government in this District. I take it for granted that they are not about to attempt to exceed their powers. If they should attempt to do so, however, the matter can be taken quickly to the United States Supreme Court."

Mr. RAYNER. Mr. President, we now come to what the law of the District of Columbia is. If we have ousted the jurisdiction of the federal courts outside of the District of Columbia—and I think that is too plain a proposition of law to discuss any further—let us look at what the law of the District of Columbia is. I will give it to the Senate in a few words. This is a very serious proposition that I am discussing and, in my judgment, it requires urgent action. The Attorney-General has not given any information. I want to read what he says in an interview this morning, which is as follows:

"I am going to take the oyster for my motto"—

That is a queer motto for the Attorney-General—

said Attorney-General Charles J. Bonaparte to-day, when asked if he would make a statement concerning the suit for libel that it is reported President Roosevelt and "the United States" will bring against the New York World in connection with publications alleged to reflect upon certain persons in the Panama Canal deal.

A number of newspaper correspondents have been summoned to appear before the federal grand jury in New York and Washington this week, it is supposed for the purpose of testifying regarding their knowledge of incidents connected with the Panama Canal purchase. Mr. Bonaparte, who is spending Sunday at his home, corner of Park avenue and Center street, was asked if he would explain why the newspaper people were summoned, and if he had seen their names published in the morning papers.

"Yes, I saw them," he replied. "I am going to take the oyster for my motto. The oyster thinks, but does not talk."

An oyster does about as much thinking as some people I know. [Laughter]. At any rate, we have no information from that quarter. The Attorney-General may be proceeding under a statute—I am not for one moment attempting to charge him with doing anything that he ought not to do—he may be proceeding under some statute of the United States.

Now, let us get to the District of Columbia. Here is a law of the District of Columbia:

The District of Columbia is now governed by a code which became effective on January 1, 1902. The necessity for this code was manifest for many years on account of the conflict of laws. However, section 1 of the code is the basis, it is believed, of the present proceeding. This section provides:

"The common law, all British statutes in force in Maryland on the 27th day of February, 1801, the principles of equity and admiralty, all general acts of Congress not locally in application in the District of Columbia, and all acts of Congress by their terms applicable to the District of Columbia and other places under the jurisdiction of the United States, in force at the date of the passage of this act, shall remain in force except in so far as the same are inconsistent or replaced by some provision of this code."

What law is in force in the District of Columbia? The common law? I state here, without having thoroughly examined the question, but simply upon my recollection—and if I am wrong, I stand ready to be corrected—that there is no common law which makes the libeling of the Government a crime. It is not the common law of England; it is the statutory law of England that makes it a crime. There has been one statute after another passed in Great Britain with reference to this very subject, but it is largely crime by statute and not altogether by the common law.

We all recollect the great speech that McIntosh made when Pelletier, I think, was charged with libeling Bonaparte, the speech that Erskine listened to and said it was the greatest speech he had ever heard before any judicial tribunal. Without having read it or seen it for years, my recollection is that the case against Pelletier was upon a British statute. But it makes very little difference in the way of looking at the case whether it is the common law of England or whether it is by force of statutes that the libeling of the British Government becomes a crime. There is one thing sure, and that I know—the District of Columbia adopted the statutes of Maryland, and there is no such statute in force in the State of Maryland. You can not present anyone for libeling the Government of the United States or the President of the United States as such in any tribunal in Maryland; and the District of Columbia, under its code having adopted the laws of Maryland, it necessarily follows that you can not do in the District of Columbia what you can not do in Maryland.

Let me see whether I am right about that—and I will ask the attention of the Senator from Oregon [Mr. FULTON] upon that point, because it answers one of the questions that he addressed to me. Here is the law of Maryland. Article 5 of our constitution says:

That the inhabitants of Maryland are entitled to the common law of England and the trial by jury, according to the course of that law—

Now—

and to the benefit of such of the English statutes as existed on the 4th day of July, 1776—

The Code of the District of Columbia brings them down to 1801. Now, what is the qualification—

and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used, and practiced by the courts of law or equity.

Would any sane person suppose that a law for libel against the Government of the United States has been found applicable to the local usages and circumstances of the State of Maryland?

Therefore, Mr. President, we have in Maryland no law upon this subject at all. If this paper had been published in Maryland, or if its circulation there justified an indictment for libel in that State—a proposition about which there is a conflict of opinion, in the different appellate tribunals of the different States—one thing is sure, we have no law in Maryland whatever that holds a person criminally liable for libeling of the Government of the United States or libeling the President of the United States as such. Therefore if Maryland has no such legislation, the District of Columbia, under whose code Maryland legislation is made applicable to the District of Columbia, only carrying it up to 1801, has no law upon which any such prosecution can proceed.

Now, I come to the last point——

Mr. FULTON. Mr. President——

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

Mr. RAYNER. I do.

Mr. FULTON. Mr. President, I trust the Senator did not understand me to intimate that I thought the common law is in force within the federal jurisdiction. I do not contend, of course, and do not suppose anyone contends, that common-law crimes are cognizable in the federal courts. I simply said, Suppose the Attorney-General should answer, "there is no statute for this proceeding, but, in my judgment, it is within the common law," we would probably think that rather absurd, but what could we do but leave it to the courts? I do not assume that he would so answer; but I say, suppose he did? There would be nothing we could do. It is not within our province to enjoin him from the proceeding. It is purely a matter of defense in the courts, a matter as to which the court must determine whether or not the proceeding is well founded. Cases are instituted every day without any basis either in law or in fact. Ultimately they are thrown out of court. It is possible that this proceeding will be, but that is for the court to determine.

Mr. WARREN. Mr. President——

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

Mr. WARREN. I thought the Senator from Maryland had concluded.

Mr. RAYNER. I have not; but I will conclude in less than ten minutes.

Mr. WARREN. I will, of course, not interrupt the Senator; but I hope this discussion may not lead to general debate at this time, for I am anxious that the Senate shall proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. RAYNER. I think I will conclude in ten minutes if I am not interrupted.

Mr. WARREN. I shall wait until the Senator concludes.

Mr. RAYNER. The District of Columbia is entitled to the common law, but, Mr. President, the proposed proceedings are not in accordance with the common law of England. The libeling of the Government, as I understand and recollect it, is a crime under acts of Parliament. But let me admit now—for I may be mistaken upon this point—that it forms and comprises a crime under the common law. That is not what we mean by common law under the District Code. There are hundreds upon hundreds of crimes committed under the common law that no one for a moment would contend are punishable in the District of Columbia. We have not adopted in whole the common law of England. The wager of battle existed at common law! Would anyone argue with me that the courts here have the process of wager of battle? Punishment by death at the common law follows a number of crimes. Would anyone suppose that those crimes could be punished by death here in the District of Columbia? That is not what this provision of the Code of the District of Columbia means. This provision relates to the common and equity jurisprudence of the common law, and the crimes that are cognizable in the District of Columbia are the crimes that Congress has made cognizable under the Constitution of the United States, because the District of Columbia courts have no jurisdiction except the jurisdiction that is reposed in them by the Congress of the United States.

Therefore I say, Mr. President, that there is no law in any of the circuits outside of the District of Columbia covering this subject, and I say that there can be no law in the District of Columbia covering the subject. Let me be careful about that point—I mean covering the subject of libeling the Government or libeling the President, who conserves himself to be the Government, as President of the United States and not as an individual.

Now, let me get to the final proposition. I admit that the court has jurisdiction if the President goes before it as an individual. If the President as an individual, either personally or in the performance of his duty, conceives that he has been criminally libeled, he can go to the supreme court of the District of Columbia and ask for investigation before the grand jury just in the same way that any other individual can. Anyone can do so if he is falsely charged with crime or corruption, in or out of office. His office alone gives him no special standing in court, and he has not by reason of his office alone the right to invoke the jurisdiction of the courts.

Mr. MONEY. Through the Department of Justice?

Mr. RAYNER. I was coming to that. The Department of Justice has nothing to do with it. He could go to the district attorney of the District of Columbia and represent to him that he has been libeled and proceed as an individual.

I say, therefore, Mr. President, that if the President is using any of the federal, circuit, or district courts, if he is using the court in the District of Columbia for the purpose of framing a proceeding against anyone for libeling either the Government of the United States or libeling him as President of the United States, he is violating the laws of his country.

I refer the Senate now to the first amendment to the Constitution of the United States, which provides, among other things, that Congress shall make no law abridging the freedom of the press. The President has no greater right to interfere with that constitutional provision than any other citizen of the land.

He has no more right to abridge the freedom of the press in regard to his own actions than any other citizen of the land would have the right to abridge the freedom of the press. He is as much subject to that constitutional provision as is anyone in the land. He has no greater right before any tribunal in this land, Federal or State, than has anyone else; and it is a mistaken idea, I submit to the Senate, if the facts sustain the publications that have been made in regard to this proceeding, for the Attorney-General or for the district attorney of this District, or for any district attorney of the United States, to issue blank subpœnas and blank summonses, ordering witnesses to come into court and testify what they know in reference to a case, the case not being designated upon the face of the summons. It is a search warrant for witnesses forbidden by the organic law of the land.

All I want in this resolution—I may be wrong upon the facts, but I respectfully submit that I am right upon the law—all I want is this: I do not want to know what the facts are; I do not want to know for what purpose these witnesses have been summoned; I can not know and I do not ask what testimony they will give before the grand jury; I have no right to do that, because that would be, as has been so well said by the Senator from Oregon [Mr. FULTON], an invasion by Congress of the judicial functions, but I do ask that the Attorney-General of the United States be directed to inform the Senate whether this investigation has been ordered by the President, and, if it has been ordered, under what statute of the United States. He may have some statute. Perhaps some one has informed him as to some law as to which we are ignorant. There may be some obsolete provision, for you can not tell among the thousands of conflicting laws upon the federal code what laws exist and which have been repealed expressly or by implication. If there be a statute, let him give us the statute. If there be no statute, let us know by what right and authority he is at this moment abusing the processes of the court and summoning witnesses from all over the land upon summons that do not indicate, even to the witness, for what purpose he is summoned.

In conclusion, I desire to say, and this answers the questions the Senator from Oregon has put to me, if there be such a law, let him give it to us, for I find the old sedition laws went out of existence, and they never will be in existence again, I apprehend, upon any civilized code. If there be such a statute, then, Mr. President, we want to have the opportunity to sweep it from the books and to obliterate it from the federal code.

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

Mr. RAYNER. Mr. President——

Mr. KEAN. Let it go over.

Mr. LODGE. Before the Senate embark upon judicial functions in the trial of causes I think we ought to have the opinion of the Judiciary Committee; and I move that the resolution be referred to that committee.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the resolution be referred to the Committee on the Judiciary.

Mr. RAYNER. One moment. I object to the reference. We will have to take a vote on that.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the resolution be referred to the Committee on the Judiciary.

Mr. RAYNER. I want to say this to the Senator from Massachusetts: As the Senator from Texas said the other day—and I think a number of gentlemen on the other side of the Chamber changed their minds upon the proposition when they heard him—a resolution like that does not ask for any action, and if the Attorney-General should answer by saying, as the President answered the resolution of the Senator from Texas by saying that he did not propose to permit the Attorney-General to give any reasons for his opinion—if the Attorney-General should say, "I decline to inform the Senate whether the investigation has been ordered by the President, and I decline to inform them under what statute I am proceeding," then we will have to take action afterwards.

This resolution calls for no action at all. It simply asks for information. If it goes to the Judiciary Committee we will never have the information in time. The indictments will be found before we get the information, because in one of these interviews which I have mislaid the Attorney-General says that within four days he will make everything public. I suppose it will be made public when the people are arrested whom the grand jury proposes to indict. It is between this time and that period that I want the Attorney-General to show under what law he is proceeding, so that if he is proceeding upon some law we can quickly anticipate him and repeal it in the Congress of the United States.

I ask Senators upon the other side of the Chamber to give us an opportunity to obtain this information from the Attorney-General. I am fully aware of the fact that if he declines to give it it would take so long a time to compel him to give it that we would be almost powerless in the premises. But give this resolution the same support that was given to the resolution of the Senator from Texas the other day.

He asked that the Attorney-General give information as to one corporation absorbing another corporation. The reply came in very quickly from the President that he declined to give the Attorney-General the right to furnish the reasons why he had permitted that consolidation. In view of that, I have not asked for the reasons influencing the Attorney-General. I care not for his motives. I want the law. I want to know whether there is any such law upon the statute book of the United States. If there is no such law, then I want the Attorney-General to say so. If there is such a law, then I want him to point to the statute, so that we can repeal it. But if the resolution is referred to the Judiciary Committee, you lose the opportunity of acquiring from the Attorney-General the information I think the Senate is entitled to have from him.

Mr. CULBERSON. Mr. President——

Mr. LODGE. Let the resolution go over.

The VICE-PRESIDENT. The resolution will lie over.

Mr. CULBERSON. We want to make an issue in the Senate as to whether the resolution should be referred or adopted by the Senate. The suggestion of the Senator from Massachusetts is unanswerable, of course, because a single objection carries the resolution over until to-morrow.

The VICE-PRESIDENT. The Senator from Massachusetts withdraws the motion to refer, and asks that the resolution lie over.

Mr. LODGE. I do not withdraw the motion to refer. I ask that the resolution go over with the motion to refer pending.

The VICE-PRESIDENT. The resolution will go over at the request of the Senator from Massachusetts, with the motion to refer pending.

HOUSE BILLS REFERRED.

H. R. 17214. An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy, was read twice by its title, and referred to the Committee on Naval Affairs.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells;

H. R. 15098. An act to correct the military record of John H. Layne;

H. R. 17572. An act for the relief of George M. Voorhees;

H. R. 18726. An act for the relief of Wyatt O. Selkirk;

H. R. 19871. An act for the relief of Sanford A. Pinyan;

H. R. 19893. An act for the relief of Thomas J. Shocker; and

H. R. 20171. An act to correct the military record of George H. Tracy.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States, and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States; and

H. R. 25405. An act 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.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 12712. An act for the relief of the estate of Samuel J. Rogers;

H. R. 13644. An act for the relief of the Bridgeport National Bank, Bridgeport, Ohio;

H. R. 18744. An act for the relief of the estate of Mark S. Gorrill;

H. R. 19636. An act for the relief of Frederic William Scott;

H. R. 19641. An act for the relief of the Wilmerding-Loewe Company, of San Francisco, Cal.; and

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.

The following bills were severally read twice by their titles and referred to the Committee on Post-Offices and Post-Roads:

H. R. 3844. An act for the relief of E. L. Simpson;

H. R. 4307. An act for the relief of E. J. Reed;

H. R. 8734. An act for the relief of Niels P. Larsen;

H. R. 10697. An act for the relief of David Brinton;

H. R. 14345. An act for the relief of Earl E. White;

H. R. 15603. An act for the relief of John W. Wood.

H. R. 19762. An act to reimburse the postmaster at Sandborn, Ind.;

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster at San Diego, Cal., for moneys lost by burglary; and

H. R. 25019. An act granting a franking privilege to Frances F. Cleveland and Mary Lord Harrison.

LEGALIZING AND RECORDING OF CITIZENSHIP.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 388) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant, or his witnesses, has failed to sign or seal the record oath or the judgment of admission, and to establish a proper record of such citizenship, which was to strike out all after the enacting clause and insert:

That Benjamin Bennett and George Bennett, of West Branch, Ogemaw County, Mich., may be naturalized without making the declaration required by section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, and without waiting the two years required by that section.

Mr. HEYBURN. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HEYBURN, Mr. DILLINGHAM, and Mr. MCLAURIN.

THEODORE F. NORTHROP.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2253) for the relief of Theodore F. Northrop, which was to strike out all after the enacting clause and insert:

That Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, and who commanded a body of mounted military scouts in the army of General Sherman from January 3, 1865, to March 31, 1865, shall be held and considered to have been an officer of the Volunteer Army during that time, for the purpose of an application for a medal of honor: *Provided*, That no pay, bounty, or other allowance shall become due or payable by virtue of this act.

Mr. DEPEW. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DAVISON CHEMICAL COMPANY, OF BALTIMORE, MD.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md., which were, in line 7, after the word "in," to insert "full;" and in line 7, after the word "for," to insert "all."

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

The motion was agreed to.

CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8143) granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation, which was, on page 2, after line 17, to insert:

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

Mr. BURKETT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PATENTING CERTAIN LANDS TO BOISE, IDAHO.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6136) authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho, which were, on page 1, line 4, to strike out "and directed to issue patent in fee" and insert "make a license, revocable at his discretion, for the use for park purposes by;" and to amend the title so as to read: "An act authorizing the Secretary of War to grant a revocable license to certain lands to Boise, Idaho."

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

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 15th instant approved and signed the following act:

S. 4856. An act authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that the Senate resume the consideration of the legislative appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. WARREN. There are yet some amendments which the committee has to offer. I now submit the amendment I send to the desk.

The SECRETARY. On page 5, line 24, strike out all after the word "Census" down to and including the word "Forestry," in line 2, on page 6, and insert, after the word "Grounds," on page 5, line 22, the words "Public Lands, to Audit and Control the Contingent Expenses of the Senate."

The VICE-PRESIDENT. Is there objection to the amendment?

Mr. CLAY. Is it a committee amendment?

Mr. WARREN. It is a committee amendment.

The VICE-PRESIDENT. It is an amendment reported by the committee.

Mr. WARREN. It is to correct the text.

Mr. CLAY. Let the amendment be again reported. I did not catch it.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 5 strike out all after the word "Census" in line 24 down to and including the word "Forestry" on page 6, line 2, and insert after the word "Grounds" on page 5, line 22, the following words:

Public Lands, to Audit and Control the Contingent Expenses of the Senate.

The amendment was agreed to.

Mr. WARREN. I offer the amendment I send to the desk.

The SECRETARY. On page 6, line 18, change the total so that it will read "$143,480."

The amendment was agreed to.

Mr. WARREN. I offer an amendment, which is merely to add the letter "s" to a word.

The SECRETARY. On page 10, line 6, strike out the word "room" and insert "rooms."

The amendment was agreed to.

Mr. WARREN. I submit the amendment I send to the desk.

The SECRETARY. On page 79, lines 10 and 11, strike out the words "night watchman, $720," and insert in lieu thereof "two night watchmen, at $720 each."

The amendment was agreed to.

Mr. WARREN. I offer another amendment.

The SECRETARY. In lines 12 and 13, on the same page, strike out "thirty-nine thousand eight hundred and twenty" and insert "forty thousand five hundred and forty."

The amendment was agreed to.

Mr. WARREN. At the time of adjournment Friday we were discussing the matter of the salary of the Speaker, if I mistake not, the point of order having been made against the amendment.

Mr. FULTON. Mr. President, at the hour of adjournment on Friday we were discussing the question on the point of order made by the Senator from Idaho [Mr. BORAH] to the provision in the bill, beginning on page 14, namely:

Provided, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum.

I had submitted some observations at that time, expressing my views on the point of order, but in view of what has been said subsequently, and for some other reasons, I wish to express my views somewhat further.

It has been intimated that the sole purpose of urging this point of order is to defeat all of a certain class of proposed amendments, known as the "salary increases." So far as I am personally concerned, I am not actuated by any such purpose in taking the position I have touching the true construction of this rule. I have no hesitancy whatever in meeting squarely the question whether or not these salaries shall be raised to the amounts proposed or raised at all. I am ready to vote on that proposition whenever it comes up. I am frank to say that I think the increases proposed are too great, considering the present state of the Treasury and the revenues of the Government. The idea of increasing salaries to the extent that it is proposed to increase these seems to me is, to say the least, unbusinesslike.

I have seen it stated elsewhere that there can be no river and harbor bill at the present session, or, at least, no general river and harbor bill, because of the depleted condition of the Treasury and its failing revenue. If that is true and if one of the most important interests of the Nation must be abandoned or action in regard to it suspended because of a want of income, it occurs to me that it is hardly the time to enter upon a great scheme of salary advance. But that is not the controlling question with me in endeavoring to reach what seems to me to be the true construction of this rule.

Now, sir, bear in mind that the proposition to which the point of order was directed is not the increase of an item of appropriation. It is not adding a new item of appropriation. It is simply enacting a statute for the future, enacting a general law.

Let us see what this rule is. In subdivision 1 of Rule XVI it is provided:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation.

These are the two inhibitions, namely, that no amendment shall be received which proposes to increase an item of appropriation already in the bill or to add a new item of appropriation. If that were followed by no other language, then no item in an appropriation bill could be increased and no additional item could be inserted; but there are qualifying and excepting clauses following. The first clause is:

Unless—

That is, no item in an appropriation bill shall be increased and no new item of appropriation shall be added—

unless it be made to carry out the provisions of some existing law—

The pending proposition is not to carry out the provision of existing law—

or treaty stipulation—

This is not a treaty stipulation—

or act or resolution previously passed by the Senate during that session.

This does not come within that exception. It is proposed to pass the act now, in the appropriation bill itself. If this very item to which the point of order goes, namely, increasing the salary of the Speaker hereafter, by permanent, continuing statute, had passed prior to the time that the appropriation bill had come to the Senate or been reported here, then it would come within that clause. It does not. The further exception is:

Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

It may be said that this amendment is moved by a standing committee of the Senate. But what do all these clauses, exceptions, and qualifications go to? They relate back to the two main propositions, the subject of this clause, and that is:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an item of appropriation already contained in the bill or to add a new item—

Of what?

a new item of appropriation.

Now, this is not adding a new item of appropriation. This is adding a general provision, a general law, increasing after a certain date the salary of an officer, changing an existing law, and is general legislation. Therefore it does not come within any of the provisions of clause 1 of Rule XVI, but it is obnoxious to clause 3, namely, because it is there stated that—

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

I want to say right here that when you take into consideration these two clauses which I have read, they show that the contention of the Senator from North Dakota [Mr. MCCUMBER] in his remarks here on Friday last is not well taken.

Mr. SMITH of Michigan. Mr. President——

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

Mr. FULTON. Certainly.

Mr. SMITH of Michigan. I should like to ask the Senator whether he believes the limitation in the Senate rule as to "general legislation upon an appropriation bill" is as strong and as full of meaning and as definite as the limitation in the rules of the House of Representatives that "there shall be no change in existing law upon a general appropriation bill?"

Mr. FULTON. I do. I have often thought of that. I think it is practically as strong.

Mr. SMITH of Michigan. I do not understand how the Senator can take that view, because to change existing law is a definite and distinct agreement upon the part of the legislative and executive branches of the Government. It assumes a dignity which a general description such as the Senate has placed in its rule does not equal.

Mr. FULTON. "General legislation" is broader of course than "legislation changing existing law." Legislation changing existing law is confined to legislation affecting existing law. General legislation may be on a new subject entirely or it may be directed to existing law.

Mr. SMITH of Michigan. Now, if the Senator will permit me——

Mr. FULTON. Certainly; with pleasure.

Mr. SMITH of Michigan. I can not rid myself of the idea that if such a limitation is to be placed upon this rule and the construction of the Senator from Oregon is to prevail, the Senate is absolutely debarred from participating in the preparation of a general appropriation bill, and, instead of working under the general descriptive limitation in the Senate rule, we are actually working upon the narrower rule which is applied in the House of Representatives. I can not believe that is true.

Mr. FULTON. Mr. President, whether or not that be true——

Mr. SMITH of Michigan. As the Senator from Maine [Mr. HALE] suggests to me, if the Senate had intended to make this limitation as sweeping and as positive as that sought to be ap-

plied by the Senator from Oregon, it might have incorporated in the Senate rules the House rule.

Mr. FULTON. I can answer the Senator along the same line of logic by saying that if the Senate had intended to place the limitations on this clause that the Senator from Michigan seems to maintain that a proper construction would place upon it, the Senate would have done that when it was framing the rule.

Now, then, according to the Senator's contention and the contention of others claiming the same construction, the clause should read in this wise:

No amendment which proposes general legislation shall be received to any general appropriation bill unless it be germane to some provision of the bill.

Mr. SMITH of Michigan. The purpose of that is very clear.

Mr. FULTON. If the Senator will allow me, does he believe that is the true construction of the clause?

Mr. SMITH of Michigan. I think the Senate committee in framing these rules were very wise to exclude general legislation from appropriation bills. Otherwise there would be no chronological order in the statutes of the United States. A statute of importance would be hidden away somewhere in the tail end of a general appropriation bill.

Mr. FULTON. I am not speaking of wisdom. I ask if he thinks that is the true construction of the clause. If not, what is the true construction of the provision that no amendment proposing general legislation shall be received?

Mr. SMITH of Michigan. I think the true construction is this: The difficulty sought to be avoided was the riders—not germane, not appropriate, not proper—upon an appropriation bill.

Mr. FULTON. Then the Senator must contend, as I suggest——

Mr. SMITH of Michigan. Let me go one step further. Suppose the Constitution provided that no law should embrace more than one object, which should be expressed in its title. That is the constitutional provision in many of the States. It is the constitutional provision in my own State. Suppose we were working under such a limitation. Can the Senator from Oregon for one moment contend that these two provisions are not harmonious and appropriate in the legislation we are now considering?

Mr. FULTON. I think the two provisions are entirely harmonious.

Mr. SMITH of Michigan. Entirely harmonious.

Mr. FULTON. I do not think they are conflicting in the least. I think the Senator's contention, however, would make them very inharmonious and very conflicting.

Mr. SMITH of Michigan. No; it would not. My contention would make it simply this: That no general legislation shall be permitted upon a general appropriation bill; but appropriations are always appropriate upon a general appropriation bill. This is an appropriation.

Mr. FULTON. Does the Senator contend that this is an appriation?

Mr. SMITH of Michigan. I do, for the current year.

Mr. BORAH. Mr. President——

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

Mr. FULTON. In just a second. This clause reads:

Provided, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum.

The present law being $12,000 per annum, does the Senator contend that that is an appropriation?

Mr. SMITH of Michigan. I do. It is just as much of an appropriation as to raise the salaries of Senators and Representatives by a similar enactment.

Mr. FULTON. But that is the law fixing the salary. The appropriation must follow in some other clause. The law must first fix the salary. The appropriation is made afterwards. Suppose we were to pass through the Senate an independent bill in just that language, does the Senator contend that it would carry with it the appropriation for the salary?

Mr. SMITH of Michigan. I think it would.

Mr. FULTON. I beg to differ with the Senator.

Mr. SMITH of Michigan. I think it would.

Mr. FULTON. That is an entirely new doctrine.

Mr. SMITH of Michigan. I do not mean that it would for the entire period.

Mr. FULTON. Or for any period.

Mr. SMITH of Michigan. Not for the entire period that the legislation might become effective, but for the year covered by the appropriation bill.

Mr. FULTON. That is, if we were to pass that which I read as an independent bill, there would be no necessity of an appropriation being made. From the mere fact that Congress says the salary of an officer shall be $20,000 per annum hereafter, there is no necessity of making any additional appropriation, and that is all this is, according to the Senator, an appropriation. Such a proposition is certainly new and novel.

Mr. SMITH of Michigan. Yes; but——

Mr. FLINT. I should like to ask the Senator on what page he is reading?

Mr. FULTON. Page 15.

Mr. SMITH of Michigan. Why is the proposition so involved that the legislative mind can not be taken upon it? For instance, if there is any objection to the provision, it may be voted up or voted down; it is not otherwise binding upon the Senate. But to invoke a rule so general in its character as the one provided in the Senate rules as an excuse for getting this out of the bill seems to me to shackle our own hands.

Mr. FULTON. Oh, no; the rules provide for that. They provide against all shackling. Rule XL provides that any rule may be suspended on a vote of the majority of the Senate. If the Senate does not believe that this rule should apply in this case, let us suspend the rule. I will vote to suspend it.

Mr. SMITH of Michigan. No.

Mr. FULTON. But I prefer to suspend it rather than to violate it.

Mr. SMITH of Michigan. It is a mere technicality, to say the least, and, I think, a strained and forced construction of the rule, regardless of the merits of the amendment.

Mr. FULTON. It is the rule. It is not a technicality. The provision is a wise one, but if found objectionable in a particular case, suspend, but do not violate, it.

Mr. SMITH of Michigan. It is a mere technicality and would, if sustained, force us to deal with every increase by unanimous consent, if at all. Why not take a vote upon the merits of the proposition and not forge a chain that we shall find most inconvenient in the future in the facilitation of the public business? I do not believe that is the intention of the rule. I know that during by own experience in Congress, covering a period of nearly fifteen years, I have seen much legislation excluded from appropriation bills properly.

Mr. FULTON. The Senator is not asking a question. I yielded for a question.

Mr. SMITH of Michigan. Let me finish the sentence.

Mr. FULTON. I am glad, of course, to yield; but I can not allow the Senator to interrupt me by making an entire argument.

Mr. SMITH of Michigan. There is no limitation as to time.

Mr. FULTON. There is to mine.

Mr. SMITH of Michigan. Of course, if the Senator does not wish me to interrupt him——

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

Mr. FULTON. I will yield to the Senator for a question, or if he is about to conclude what he would like to say.

Mr. SMITH of Michigan. I was about to conclude that sentence, namely, that I have seen a great deal of legislation excluded appropriately under the rule. If this was legislation which sought to apportion Representatives in the various States, foreign entirely to this bill, the Senator's objection would be tenable; but this is an appropriation, and the objection is not well taken.

Mr. DEPEW. Mr. President——

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

Mr. FULTON. Certainly.

Mr. DEPEW. I should like to ask the Senator from Oregon, who I understand is now addressing himself to the verbiage of the bill, if the amendment offered by the Senator from Rhode Island [Mr. ALDRICH], which reads instead of the verbiage of the bill—

Provided, That of the amount herein appropriated $20,000 may be used to pay the salary of the Speaker of the House of Representatives—

would present a different proposition?

Mr. FULTON. I think it would present a different proposition, because that would not be changing the law at all in regard to the amount of the salary per annum that he is to receive.

Mr. BORAH. Mr. President, I ask the Senator from Oregon whether it would not be a fact, if the law were changed as suggested by the Senator from Rhode Island, that the Speaker could draw only $12,000?

Mr. FULTON. Certainly, that is what I say, because that does not suggest a change of the law which fixes the amount of the annual salary.

Mr. HEYBURN. I should like to ask a question.

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

Mr. FULTON. Certainly.

Mr. HEYBURN. Do I understand that the Senator from Oregon is addressing his remarks to the proviso commencing at the bottom of page 14 or to the substitute offered by the Senator from Rhode Island?

Mr. FULTON. I am addressing my remarks to the point of order made by the junior Senator from Idaho [Mr. BORAH] to the proviso which begins on page 14 and ends at the top of page 15.

Mr. HEYBURN. I understand that that has been withdrawn; that is, that the provision to which the point of order was raised is not now under consideration, the amendment having been accepted by the committee.

Mr. FULTON. The Senator is mistaken; it has not been withdrawn.

Mr. HEYBURN. Did not the Senator in charge of the bill state that he would accept the amendment?

Mr. WARREN. As I understand the situation, the language is precisely the same as it appears in the bill. I think I did indicate a willingness on my part to accept the amendment, but it was not formally offered and acted upon.

Mr. HEYBURN. I understood the Senator to say, on behalf of the committee, that he would accept it.

Mr. FULTON. If it were withdrawn and the language employed as I understood the Senator from New York, I do not think the point of order would be well taken to it.

Mr. HEYBURN. If I may ask a question—I do not intend to participate at any length in the debate——

Mr. FULTON. All right.

Mr. HEYBURN. As I read the language, the words in italics do not constitute an appropriation.

Mr. FULTON. No; that is what I have said.

Mr. HEYBURN. It is legislation for the future.

Mr. FULTON. Certainly.

Mr. HEYBURN. But the general language provides for an appropriation.

Mr. FULTON. That is exactly what I have been contending. There can be no doubt about that proposition. It is not an appropriation, and under clause 1 of Rule XVI, to which many Senators have directed their remarks, provision is made only for items of appropriation, and all of the qualifications in that clause refer back to items of "appropriation." This is not an item of appropriation. This is general legislation.

Mr. HEMENWAY. Mr. President——

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

Mr. FULTON. With pleasure.

Mr. HEMENWAY. What does the Senator do with this item beginning on line 22, page 14?

> For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $2,989,500: *Provided*, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum.

Mr. FULTON. What do I do with the language that is not in italics?

Mr. HEMENWAY. With this appropriation.

Mr. FULTON. I do not propose to do anything with it.

Mr. HEMENWAY. You are losing sight of the argument; that is all.

Mr. FULTON. I am not losing sight of it; I beg the Senator's pardon. It has nothing whatever to do with that which follows. The first provision that the Senator read would stand independent and alone of that which follows. That which follows does not require a proviso, and inserting the proviso there does not give it any more the character of an appropriation than it has without it.

Mr. HEMENWAY. I will ask the Senator——

Mr. FULTON. In just a second.

Mr. HEMENWAY. I simply want to ask the Senator if the sole object of the proviso is not to raise the salary from $12,000 to $20,000, if the item there does not carry the appropriation for the salary of $12,000 with the proviso left out, and it does carry the appropriation of $20,000 if the proviso is put in.

Mr. FULTON. There is no doubt but it has the effect, I suppose, that he would be paid at the rate of $20,000 a year hereafter, but I mean to say——

Mr. HEMENWAY. If the proviso goes in, the salary is $20,000; if the proviso does not go in, it is $12,000 out of that appropriation. So the appropriation is there, is it not?

Mr. FULTON. No; the appropriation is before that. That is not an item of appropriation. It is changing the existing law.

Mr. HEMENWAY. The Senator is very technical in his argument.

Mr. FULTON. I think it will have to be determined by somebody else other than the Senator from Indiana, as to whether he is technical.

Now, I will proceed to read subdivision 3, which I was reading before I was interrupted:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

The idea was that an appropriation bill should be confined entirely to making appropriations for items that were required or provided for by law. It was supposed that Congress would provide by law for all the various institutions, and all the various matters pertaining to government that would require appropriations, and that the appropriation bill would simply carry the necessary items of appropriation for those matters—that is, to enable the Government to be administered.

The Senators will also notice that this is followed immediately by this clause:

> Nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

This shows that even though an amendment which was general legislation might be germane, it was not to be incorporated in an appropriation bill because it says, in the first place, broadly, that no amendment proposing general legislation shall be received. That is one proposition. Then it is followed by the further exception that no amendment not germane to the bill can be received.

Therefore, an item of appropriation that is entirely foreign to the purposes of this bill would not be germane to it and would not be admissible. For instance, suppose it were proposed to insert an item here for the improvement of a river or a harbor. It would not be germane to a legislative, executive, and judicial appropriation bill, and it would not be admissible. So all those things are provided against.

Consequently it will not do to say that the thought in providing for excluding general legislation from the bill was to exclude only all general legislation that is not germane to the bill. It will not do, in view of the fact that there is an independent clause which prohibits the introduction of any proposition that is not germane.

If language is to be interpreted according to its ordinary and usual acceptation, if we are to read this rule as we read any other writing, no one can escape the conviction that it means just what it says—that an appropriation bill shall be confined to items of appropriations and the necessary language, of course, requisite to direct the manner of the expenditure of the appropriation, but that general legislation of any class or character shall not be incorporated therein.

Mr. SMITH of Michigan. Mr. President——

Mr. FULTON. In just a minute. I called the attention of the Senate last Friday to the fact that we have in existing law a general statute fixing the annual salary of the Speaker and the Vice-President and various other officers. It is all in one statute. That statute itself is a general law. This is amendatory of it, and it is necessarily general legislation.

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

Mr. FULTON. I do.

Mr. SMITH of Michigan. I should like to ask the Senator a question. If there was a provision in the bill reported by the Committee on Appropriations providing an item of $100,000 or $500,000 for the coinage of all the silver bullion in the Treasury at a fixed ratio, I should like to ask the Senator whether that amendment would be germane or whether it would be general legislation?

Mr. FULTON. I have not examined the bill sufficiently to see how far the executive departments are provided for in the bill, or how far they are designed to be provided for. It may be that under the Treasury Department it would be germane.

Mr. SMITH of Michigan. But the Senator has said that the provision with reference to general legislation and the provision with reference to the germaneness of an amendment were practically synonymous.

Mr. FULTON. No; the Senator is mistaken.

Mr. SMITH of Michigan. I so understood the Senator.

Mr. FULTON. If I made such a statement as that I was totally unable to express the thought that was in my mind.

Mr. SMITH of Michigan. I certainly understood the Senator to say that.

Mr. FULTON. I said they are entirely different. They may include the same matter, but the amendment which prohibits general legislation is one propositon; the amendment which says that no matter that is not germane to the bill is another, and covers an entirely different matter, and properly.

Mr. President, I think that is all that I care to submit on this proposition.

Mr. DEPEW. Mr. President, I listened with great interest to the discussion when this bill was last before the Senate, not only upon the point of order made by the Senator from Idaho [Mr. BORAH], but also upon the general issues presented. I am in hearty accord with the idea that there should not be general legislation upon appropriation bills. It is a most dangerous way of enacting laws. There is no time or opportunity for the proper consideration of the measures. If general legislation, it is attached to a bill which must necessarily pass because of the necessities of the Government. I have seen during my service here many things which ought never to become laws, and which were not germane to the measures, pass in appropriation bills. I remember several instances where general legislation was attempted in the Indian appropriation bills affecting the title to lands in the Indian Territory and repealing the restrictions placed by law upon Indian alienations. The same danger constantly arises in the agricultural appropriation bill, where the broadest general legislation is attempted and sometimes succeeds. But after studying the rules I am convinced that in the present instance the point of order will not lie. The exceptions to the rule prohibiting general legislation are in broad terms where the amendment is germane to the bill and has been reported favorably by a standing or select committee. The increase of salaries of the President, Vice-President, and Speaker above that which was in the bill when it came from the House was reported favorably by the Finance Committee, and again reported favorably by the Committee on Appropriations. The increase in the salaries of the federal judges was reported favorably from the Judiciary Committee, and again reported favorably from the Committee on Appropriations. That meets the requirements as to the necessity of a favorable report from a standing or select committee. The salaries of government officials are practically fixed every year in the appropriation bills. The House has sent to the Senate a bill making appropriations for the salaries of the President, the Vice-President, the Speaker of the House, and the federal judiciary.

All that we are trying to do is to add to those salaries a sum which is, in the judgment of the committees, and if it passes will be in the judgment of the Senate, a proper compensation. To say that in matters like this the Senate rules prohibit action would be to declare that the Senate is simply a rubber stamp upon the proceedings of the House. We would be deprived of all legislative power by that narrow construction upon appropriation bills and compelled, like the Executive, to either accept or veto them. Such has never been the theory or practice in the Senate. If we admit that we can now legislate in this bill, as I trust the ruling may be, upon this subject, the time, in my judgment, has arrived when action should be taken for proper remuneration of these high officials.

It has been suggested in this debate that we can not afford at the present time to increase these salaries because, on account of the condition of the Treasury and the revenues, it was doubtful if a river and harbor bill could be passed this session. A river and harbor bill usually carries $80,000,000, while this increase will be only $404,500, and the increase for the navy about $20,000,000. The proposition is to give the President of the United States $100,000 per annum. This is an increase of $25,000 only, because he is now allowed $50,000 as salary and $25,000 for traveling expenses. The Vice-President and the Speaker of the House are to receive $20,000 instead of $12,000, as at present; the judges of the circuit court of appeals $10,000 each instead of $7,000, and the judges of the district courts $8,000 each instead of $6,000.

The progress of our country in every field of endeavor and its development in resources, in wealth, and in opportunity for the last half century is the wonder of the world. In material advance we have outstripped every other nation, but we are behind them all in making the compensation of public officials accord with the varying conditions of the times. Jeffersonian simplicity is not an absolute but a relative idea. The simplicity of the Garden of Eden would hardly do for this period of blizzards and our modern notions of propriety. The simplicity of the stone age, when our ancestors lived in caves and ate their beef and fish raw and an animal's skin for the loins was their only garment and in full accord with the taste of the times, would not at present be adopted by the most democratic Member of this body. Jefferson received a salary of $25,000 a year, and even with his notions of the simple life he sought to maintain the dignity of his office. He gave entertainments and made expenditures which took the whole of it. In everything which relates to the cost of living and to what the people expect of a President, $25,000 in 1800 would go further than a hundred thousand in 1909.

I know no better illustration of the radical and rapid changes which have taken place in aspiration, fortunes, and conditions of living than this recollection from my early life. Sixty-odd years ago I was a student in the preparatory course at the academy in the village where I was born. The boys were from all over the United States. The discussions among them then were more for political and literary honors than great fortunes, and, unhappily, now they are more for great fortunes than political or literary honors. But the limit then for the most ambitious in the way of accumulation was a hundred thousand dollars. There was not at that time a dozen men in the populous and wealthy county of Westchester who possessed that amount. Commodore Vanderbilt and John Jacob Astor were the only ones in the United States who were worth over a million. The families in the village, and it was a characteristic of the villages of the State, who owned their houses and had $2,000 a year could keep a carriage and horses and entertain as liberally in the simple and inexpensive methods of those times as the social requirements of the place demanded; and even on a thousand a year, owning their own houses, people managed to get all the comforts and many of the luxuries of life.

Mr. HALE. At the time the presidential salary was fixed at $25,000, how many incomes in the entire country does the Senator believe exceeded that sum?

Mr. DEPEW. I do not think at the time that salary was fixed there was a single income in the country that reached $25,000.

Mr. HALE. Certainly very few.

Mr. DEPEW. I do not think there were any. Washington was the richest man in the country, but his wealth was in lands, and the income from those lands never yielded him any such amount.

Mr. HALE. The inventory could not have amounted to half a million dollars.

Mr. DEPEW. No. He was supposed to have been wealthy; but the estimates which were made later of the property which he held at that time made the amount about $750,000.

Mr. BORAH. Mr. President——

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

Mr. DEPEW. Certainly.

Mr. BORAH. I should like to ask the Senator from New York if he has any figures upon the cost of the necessaries of life and of living at that time to the ordinary workingman.

Mr. DEPEW. I think there was not a mechanic or a workingman in the United States at that time who earned over a dollar a day.

Mr. BORAH. And his dollar could buy at that time twice as much of the necessaries of life as it will now.

Mr. DEPEW. I have not in my mind the price of material at that time, but I do know in the village of Peekskill, where I was born and where I lived, a house could be built for $2,000 which can not be built now for less than $10,000. That was seventy-five years ago. The wages of those days for the artisans were one-third what they are now, and yet those wages at that period secured for them quite as much as the increased earnings do to-day. We can not reckon the present by the past, but we must reckon the present by its own standards and necessities.

We have been fortunate in our Presidents in their abilities, their characters, and their high appreciation and fulfillment of the duties of the chief magistracy of this Republic, but no American takes pride in the conditions which most of them had to meet after their retirement from office. Washington was the richest man in the United States, and his old age was passed upon his estates in the useful and pleasurable occupation of cultivating them and in dispensing a large and liberal hospitality. The picture of his declining years is wholly in sympathy and touch with the occurrences of his active life. Jefferson's wonderful position not only with his countrymen, but with statesmen and men of letters of foreign countries, made his home at Monticello a mecca for the prilgrimages of his admirers. The American people were proud and glad that the author of the Declaration of Independence could so live as to illustrate the best traits of an American gentleman, but the misery of those later years of the great statesman is the shame of his generation. He could not close his doors nor deny a seat at his table to those who had come so far to do him honor. His guests, who were really the guests of the nation, ate him out of house and home. His private fortune was exhausted. A lottery was suggested to relieve him from debt. A popular subscription gave temporary relief. The sale of his library, and the loss thereby of his best loved companions, was a little help, but he died in anguish and in debt. His case presents the strong-

est possible argument that I know for pensioning our ex-Presidents.

The American people do not look kindly upon their engaging again in the hot competitions of the bar or of business. Monroe lives, after his eight years in the Presidency, embalmed in the Monroe doctrine, which is the safety of the Western Hemisphere from European interference and conquest. He, too, lost everything in the effort to maintain in a simple way the dignity of his great place, and died in New York in poverty. Several of the Presidents who had private fortunes, though not large, were enabled to pass their declining days in a very modest way.

Harrison retired from the presidency possessed of very limited property. He was the greatest lawyer who ever occupied the presidential office and one of the ablest this country ever produced. He had to return immediately to the practice of his profession. The only largely remunerative employment for a lawyer of his rank is in the service of corporations. In the eight years of his life, by the hardest kind of work and the simplest living he gained a limited competence for his family. But there was unpleasant criticism and a distinct feeling of annoyance in the press, and a feeling of annoyance among the people, coming home to him that he should be devoting his great talents to these, the only activities where he could use them, to take care of those who were dependent upon him.

Mr. Cleveland, another great President—great in his ability, his equipment, and his courage—returned to the bar. While welcomed by the judges and lawyers, the situation was not satisfactory. He accepted a position as chairman of the board of presidents of certain great corporations. The place was highly honorable and remunerative, but the country would have been better served and better satisfied if, upon a liberal pension, he could, with ease of mind, have devoted his great abilities and experiences in the many ways open for such a man to serve the public outside the holding of office and have left a noble monument of contributions to constitutional interpretations and political literature for succeeding generations.

President Hayes said to me:

> There is no place in the United States for an ex-President. If I could go into any of the great business enterprises of the country, I would be hardly fit, and the country would not think it proper, so I am devoting my life to delivering lectures before schools, academies, and colleges.

As he passed me one day in New York, carrying his own grip, I called the attention of a street vender of fruits to the fact that he was Rutherford B. Hayes, ex-President of the United States, and the opportunity was rare to see a man who had occupied such a high place. "Oh!" he answered, "I don't care to see him. He is down and out, and of no account."

It will be many years, probably, before there will be pensions for retiring Presidents, but I think as long as we isolate so completely from material affairs the man who is big enough to fill this high position, and about whom public opinion places so many limitations when he returns to private life, that we should give him a salary out of which, after meeting, as the people want and require him to meet, the expensive obligations of his place, he should be enabled to save something for dignified retirement in his old age. The American people are not niggardly. They are far from it when propositions for expenditures are properly presented and understood. A hundred and sixty millions a year for pensions forty-five years after the close of the war is their answer to that.

The remark was made in debate that we pay our public officials, like the President, the Vice-President, and the Speaker for their services only, and that if they entertain it is their own affair, and an incident in which neither Congress nor the people are interested. I can not agree with that proposition. I have been at capitals abroad where the American minister could not be found in his residence because he lived so cheaply in comparison with his colleagues from other nations that he was ashamed to disclose his social condition, and yet in the mere matter of communication with the foreign office was an efficient public servant. But every American who came to that capital blushed for his country. A furnished house in Washington large enough and comfortably enough equipped to enable a Vice-President or a Speaker to receive the representatives of other countries, Senators and Representatives in Congress, and Cabinet ministers can not be had for a rental of less than $6,000 a year. Yet the American people expect the Vice-President and the Speaker to be something more than mere presiding officers of the two Houses. Both are in line for the Presidency, both are conspicuous in the eyes of their countrymen and examples in their personality and living of our American public life to the representatives here of foreign governments.

I knew of a Congressman in years gone by who fitted up a few rooms on one of the floors of a house on a back street, found places in the government service for his children, whose wife did the housekeeping, and who saved his salary. There never was any criticism upon the service he rendered the Government in the House or on committees. After two terms he purchased a farm and became a landed aristocrat in his own State, but when his constituents found out how he had lived here they never returned him. Their idea of a simple life was not the simple life of the crossroads, but the life of a Representative in the Congress of the United States who was not only performing the duties for which he was paid, but was sustaining to the extent of his ability the dignity of the high office to which they had promoted him and the honor in that office of the district which had elected him.

A cabinet officer in Europe receives, I think, about $40,000 a year and a house, with all its appointments furnished by the State. The Speaker of the House of Commons is grandly located in the parliament palace, and if I am not mistaken, receives about $40,000 a year and a retiring pension. The same is true of the President of the Chamber of Deputies in France. The President of the French Republic has a salary of $125,000 a year, has the Elysee in Paris, which is the French White House, a fine country seat at Rambouillet, shooting in the great forest of Fontainebleau, and a fund for entertainment. In addition, all his traveling expenses, and they are many, especially in visiting foreign courts, are paid by the State.

It seems to me that the poorest paid of all our public servants, when we consider what we require of the man in ability, acquirement, and equipment, are the judiciary. Judges of equivalent rank to our Supreme Court, though there is no court in the world which has such supereme power, in England receive $40,000 a year and a retiring pension of $20,000. The judges of all their courts are proportionately liberally paid.

I think that the proposition is correct that the Chief Justice of the United States Supreme Court should have, as has always been the case, a salary as high as that of the Vice-President or the Speaker of the House. The question of judicial salaries is impressive because of differing conditions in different parts of the country. All of them must be treated alike, and yet those who reside where the cost of living is greater should not be famished because their brethren are more happily located.

We all know of districts where a judge can save money on $6,000 a year. There are districts where the judge can live relatively as well and his family hold as reputable a social position on $4,000 a year as his brother can on twelve thousand in New York. All will admit that relations with the judge ought not to be confined to the court room. He should be in touch for his own information and education with the social life of his district. He should live so that he need not be ashamed to receive visiting judges or lawyers who practice in his court and other citizens. The rule which economists have given is that a man's rent should be one-sixth of his expenditures. A furnished house in New York fit for a judge to live in and properly located could not be had for less than $5,000 a year, nor a furnished apartment for less than $3,000. We pay our state supreme court judges in the city of New York $17,500 a year, and they can save nothing. When Governor Hughes became our chief magistrate and reorganized our public-service commission, he suggested, and the legislature adopted the suggestion, two commissions of five each—one for the city of New York and the other for the country. The governor and legislature thought that properly equipped men for that place could not be had for less than $15,000 a year, and that is what they are paid. But the district judges of the United States court and the circuit judge living in the same place with one of these commissioners and charged with duties requiring greater equipment, and passing upon questions of far greater moment, are paid, the one $6,000 and the other $7,000 a year.

It is a tribute to the lawyers of the United States that so many who could earn in their private practice ten or twenty times as much as the salary of a judge will, for the honor, accept these positions. But as the expenses of living increase, as they are rapidly increasing, and the privations of those who must maintain large and conspicuous positions upon inadequate means become more acute, the time may come when judicial positions can only go to men who have accumulated a competence or to failures at the bar. The one crying necessity of our public life is to so compensate men who hold high and responsible positions, both at home and abroad, that these offices shall not be confined by limitations of salaries to wealth or incompetence.

During the delivery of Mr. DEPEW'S speech,

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

The SECRETARY. A 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.

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

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

After the conclusion of Mr. DEPEW's speech,

Mr. ELKINS. Mr. President, on the point of order I wish to say that I do not think this is such general legislation or changing existing law as forbids the adoption of this amendment, and I hope that will be the ruling of the Chair.

Mr. President, I agree heartily with the remarks made by the Senator from New York [Mr. DEPEW], and that I favor the increase of salaries to the judges of our federal courts, the Vice-President, and Speaker of the House of Representatives provided for in the amendments to the bill before the Senate.

It seems to me the time has arrived in our history when we can afford to be not only fair and just to these officials, but it is in the public interest that they be better compensated for their great services. I favor increasing the salary of the President, making no allowance for expenses as proposed, for obvious and abundant reasons.

The Vice-President is elected by the people, who decide and declare he is not only qualified to discharge the duties laid upon him by law, but those of the President. He is next to the President. He is expected, during his term of office, to reside at the capital and live and entertain as becomes the second highest officer in the land.

As to the Speaker of the House, he is one of the hardest-worked men in Congress; his duties are arduous, responsible, and great; he stands next to the President in molding and perfecting legislation, and by his rulings saves millions of dollars every year of the people's money, besides discharging a multitude of difficult and trying duties.

We vote promptly millions of dollars for public buildings here and there; we vote for enormous battle ships to defend our coast against foreign foes. I hear the last proposition is to build two battle ships the estimated cost of which is $13,000,000 each, besides a million annually for maintenance. These battle ships may never be used and may become obsolete before they are put to the test of warfare on the sea.

It seems as if one day our battles might be fought in the skies, where our battle ships will have to navigate in a fluid lighter than water. While providing at enormous cost for battle ships to fight battles on the sea, which may never be fought, and prevent foreign invasion, which may never be attempted, we should take more account of some of our affairs on land and the things that make for the preservation of the Constitution, better security of our liberties, and the protection of life and property. We need battle ships on land, as well as on the sea, but of a very different sort.

The judiciary is our navy on land. This navy requires no original investment, only the cost of maintenance; and how parsimonious we have been. The liberties of our people, their lives and property, depend upon the judiciary. While we may anticipate battles on the sea and invasion from a foreign foe, these may never occur.

On land, however, there is a constant battle, incessant fighting all along the line to preserve the Republic and the Constitution in its integrity as our fathers gave it to us, to enforce the laws, to compel justice everywhere, and allow no oppression or wrong to the humblest citizen, and the chief instrumentality in this great warfare and doing all these things is the judiciary. Of late the judiciary has been assaulted as never before in our history, and, strange to say, attempts have been made to discredit it by those it most protects. This is the worst sort of treason.

The Supreme Court of the United States is regarded by loyal and thoughtful people as the best safeguard of the Constitution and the best bulwark of the Republic. The Supreme Court is the mightiest force in the wide world; it has the last word in the final settlement of all great questions arising under the laws and the Constitution; back of its decrees, orders, and judgments stands the entire strength of the Republic and every gun on land and sea to give them force.

The office of Chief Justice ranks in dignity and importance next to that of the President. In no nine men living is there vested as much power as is given to the judges of the Supreme Court of the United States, and on no nine men rests such vast responsibilities. For integrity, learning, patriotism, and right conduct, the federal judges of the United States have made a record that compels the approval and admiration of all people where courts of justice administer law.

Relatively speaking, the pay and compensation to federal judges is inadequate. The salaries of the judges of our federal courts are so meager they can not afford to entertain their neighbors as they are entertained; they can not afford to maintain a social standing equal to the demands of their position. They live in the most modest and economical way to make ends meet, and their children, instead of inheriting a competency, or even anything, get nothing from their fathers but a good name and poverty.

Most any good lawyer, with a fair practice, earns more than the judges of our district and circuit courts. The other day my attention was called to the trial of a cause before one of the district judges of the United States in my State receiving $6,000 a year for his services, where each attorney got a fee in the case more than the salary of the judge for an entire year, and in this case, as in most all others, the judge had to do as much work as the attorneys.

Measured by their learning, the duties and responsibilities laid upon them, the importance of what they have to do and the labor they must give to the consideration of cases, decisions, and trials, they are not compensated as well as other officials.

We do not hesitate to give millions for the construction of battle ships, public buildings, and everything that will help the material progress of the Republic, but we stint our judges and our parsimony is both unfortunate and reprehensible. Our judiciary should be independent, our judges beyond want and not compelled to give their time and attention as to how they can maintain themselves and families and make ends meet, but give all their time and the best in them to the great work they have in hand. They should be paid adequate salaries, be made independent, and their families removed from want. What would be the value of all our battle ships and our public buildings; what would our material progress, our navy and army avail, if our liberties, lives, and property are not secure?

I believe some day the Chief Justice of the Supreme Court of the United States will be paid $50,000 a year, and for my part I favor now that his salary be fixed at $25,000 per annum and associate justices at $24,500. If I had my way, I would advance the salary above that named in the amendments to the bill, to district judges, judges of the supreme court and court of appeals in the District of Columbia, and also the judges of the Court of Claims.

Mr. President, I am heartily in favor of the pending amendments, and hope they will be passed.

Mr. BOURNE. Mr. President, I crave the indulgence of the Senate for a few moments in order that I may submit my reasons, which I have reduced to writing, for favoring the increase in the salary of the President and Vice-President of the United States and of the Speaker of the House of Representatives. I confine my attention particularly to these offices, as I was the author of the President's and Vice-President's salary bill introduced in the Senate and referred to the Committee on Finance and by them reported to the Senate with amendments, though I am also in favor of increasing the judicial salaries, as provided for in the legislative bill.

It is said that republics are ungrateful. And in a measure it is true, because the conception of citizenship in a republic is that the citizen should be first of all a patriot and then a Spartan. The circumstances and environments surrounding those who established our Republic were excuse enough to warrant them in the adoption of these concepts as rules of action, which by the sheer force of national growth and the development of higher ideals of life and duty have now become obsolete.

It sufficed for them to make haste in a week's journey from Philadelphia to New York, to live lives of frugality and privation, to turn a dollar once a year, to receive little for toil and spend less than was received, to be as sparing of charity for their fellows' wants and shortcomings as of their own meager incomes, and to look upon a public servant, in the matter of repaying service, as a servant indeed; but withal to regard public service eminently honorable, and the attaching power and distinction most desirable; in fact, so desirable as to induce into its ranks men of the best brains and highest ideals and patriotism.

It came about therefore in the most natural way possible that the people did not feel called upon to offer, nor the public servant to demand, more than sufficed to meet the need of the passing hour.

Hence in this age of hundred-million-dollar fortunes, where, in this country, at least, the industrial force of society has, in large measure, overshadowed the police powers of the state,

we still behold the salaries of governors of magnificent Commonwealths in our Union fixed by constitutions and by laws at sums as low as $1,500 per year; judges of our courts, wherein the property rights of litigants involved amount to millions of dollars, paid beggarly salaries, as low as $3,000 per annum; state legislators, who are in vain being elected and called upon by the people to dethrone industrial usurpation and reenthrone the police powers of the state, receiving stipends of $3 per day for a few days once in an average of two years, and our federal judges receiving salaries wholly inadequate for the rearing and educating of their children and the laying by of a competency at all commensurate with the necessity for them to retire from the bench before senility or death overtakes them.

In many respects we are not only a magnificent Nation, but we are also a magnanimous one. Our national wealth is estimated at $127,000,000,000—a sum utterly beyond human comprehension—which is the present measure of our tax-paying capacity, and upon which we raise the revenue directly or indirectly to pay, among other things, our public servants the munificent salaries they receive. This magnificence of national wealth comes to us by the genius of our manhood, by the genius of our institutions, including honest and able government, and by chance. It chanced, providentially, that within our borders nature spread out in abundance all of the materials necessary for the creation of wealth. Nowhere on the face of the globe has she in her own generous way more bounteously given of all she had to give to man. Chance, pure and simple chance! Under the benign influence of popular government, whose genius is the liberty and freedom of the individual citizen from restraint, American Anglo-Saxon manhood has had free play; and behold, the spoliation of the face of nature in the creation of vast factories, as diversified as the wants of man; railroads and telegraphs that cobweb a continent, with all that that means; wildernesses converted into fertile fields and smiling farms; mines opened and pouring forth their treasures in streams; a country developed until it counts its hamlets, towns, and cities by tens of thousands, and magnificent cities that count their inhabitants by millions. Wonderful is the magnificence of our nation, whose pride is the parent of its magnanimity!

But our munificence to our public servants will never bankrupt us. We may go on piling up billions of wealth for yet another century, multiplying millionaires, and remain oblivious to the fact that the demands on public servants grow more exacting with the growth of the Nation and the passing of the years, while brains and energy rise in marked value in every vocation except in the public service. Private concerns pay mining engineers, for instance, more than we pay our Presidents. Washington at his death was wealthy, according to the standards of wealth in his day, but his estate measured in dollars would be a very common affair now, such as thousands of obscure men in this country may boast as the result of modest commercial enterprise commanding no great brain power and paying only what thrift, prudence, and industry now pay in numerous walks of life.

The governing of a nation then that numbered no more people than now dwell within the city of New York, whose common interests were comparatively few, simple, and widely separated, entailed less care upon the President a century and a quarter ago than is entailed upon a mayor to-day in the governing of a city of 150,000 people whose public and private interests are mingled in a complex struggle for supremacy. Not alone in the material growth and development of this great nation, but in its many times multiplied interests and constantly widening circle of differentiation in that development, have the responsibilities of the nation's Chief Executive enormously increased, until now any man falling below the weight and stature of a physical and mental giant has no possible business in the Presidency of the United States, and the man who can faithfully, intelligently, and acceptably discharge its duties, with the necessary training, would be big enough in any other walk of life to command first place on the pay roll.

The work entailed upon a Chief Executive of the United States of to-day, as against that entailed on a President in the early days of our Republic, is just as much greater as our domain, our population, our national wealth, and our national revenues are now than they were then, and the demands upon a President's nerve forces are proportionately increased. As it is the nerve strain which sets the pace that kills, this increased demand upon a President's energies is a relatively increased menace to his health and life.

I am submitting a table herewith of the Presidents from Washington to McKinley, each inclusive, showing the age of each when inaugurated, the years of service in the office, the age at retirement, the age at death, and the years surviving retirement. Of the 24 Presidents, all but 4 of them were well beyond the age of 50 years when elected. With the exception of Washington and Monroe, all who preceded the elder Harrison lived after their retirement from eight to twenty-four years, or an average of seventeen years each; while from Harrison to McKinley, 16 in number, but two—Buchanan and Cleveland—reached 75 years of age, 6 of the 16 being overtaken by death, 3 of whom were assassinated before or at the expiration of their terms, and the period of retirement of the 10 who did survive dropped down to an average of ten years, or for the whole 16 down to six and one-fourth years. The point I make in this relation is: The risk to the life of the Presidents as a result of the increasing burdens of the office should be compensated for by the Government for the benefit of their families and those naturally dependent upon them.

As the family is the unit upon which the state is founded, it is not only the inclination, but the duty of the husband and father as the head of the family to anticipate the needs and requirements of those dependent upon him by accumulating a reserve to meet these requirements in case of his untimely demise and to launch upon the sea of life his offspring in as befitting a manner as lies in his power.

I do not favor pensioning our ex-Presidents. The theory of pensions is one of charity, that is out of place in a republic, being made to stand as the measure of the citizen's patriotism and the measure of the government's justice. It is an adjunct primarily of paternalism in monarchies and of socialism in republics. The servant is worthy of his hire, which I submit should be determined, in a measure at least, by the risks incident to the occupation, by the ability of the servant to perform what he is hired to do, and by the magnitude of the responsibilities incident to the service.

Illustrating the points I have made:

Table I.

President.	Age when inaugurated.	Years of service.	Age at retirement.	Age at death.	Survived retirement, years.	Remarks.
Washington	57	8	65	67	2	
Adams	62	4	66	90	24	
Jefferson	58	8	66	83	17	
Madison	58	8	66	85	19	
Monroe	59	8	67	73	6	
J. Q. Adams	58	4	62	80	18	
Jackson	62	8	70	78	8	
Van Buren	55	4	59	79	20	
Harrison	68	----	----	68	----	Died in office.
Tyler	51	4	55	71	16	
Polk	50	4	----	54	----	Died in June after retirement.
Taylor	65	----	----	65	----	Died in office.
Fillmore	50	4	54	74	20	
Pierce	49	4	53	64	11	
Buchanan	66	4	70	77	7	
Lincoln	52	4	----	56	----	Assassinated.
Johnson	57	4	61	66	5	
Grant	47	8	55	63	8	
Hayes	54	4	58	70	12	
Garfield	49	½	----	49	----	Assassinated.
Arthur	51	3½	54	56	2	
Cleveland	48 / 56	8	64	75	11	
B. Harrison	55	4	59	67	8	
McKinley	53	4	----	57	----	Assassinated.

A glance at the table above will indicate some of the risks incident to holding the high office of President in this Government, and a close study, I think, will disclose a decreasing life tenure corresponding to the increase of the responsibilities of the office of those occupying the Presidency since the days of Buchanan, when the Republic's especially strenuous career as a nation opened.

It has never been the practice of biographers to parade the poverty of our Presidents, omitted, perhaps, in the hope that posterity might forget, or out of due regard for Liberty's Goddess, whose fair face they hoped to spare from the mantle of shame. Nor will I parade the facts, except to say that, measured by the standards of to-day, not one of our Presidents was a rich man, while most of them would now be deemed poor. Therefore, I also draw the veil and have expunged from the financial column of the above table the figures I had there originally written. It is enough to say, perhaps, that the heirs of but a single one of our Presidents figure as even moderately wealthy men to-day.

I submit another interesting table as of 1904, except as to the South American republics and Mexico, bearing upon the subject of increased salaries for our President and Vice-President.

It relates to the civil lists of European and American countries, their populations, square miles of territory, national wealth, and revenues, and is offered for purposes of comparison.

The stupendous civil lists of Europe are the price the people there pay for royalty, with the exception of France, to which I shall call special attention later.

Table II.

Country.	Ruler.	Annual civil list.	Population.	Square miles.	Estimated national wealth.	Revenues.
Austria-Hungary	Franz Josef I	$3,750,000	45,273,048	241,333	$24,310,000,000	$240,994,000
Belgium	Leopold II	665,000	6,693,548	11,373	5,440,000,000	85,494,672
Denmark	Christian IX	208,800	2,464,700	15,360	2,310,000,000	19,247,008
Germany	William II	3,143,859	56,367,178	208,830	45,010,000,000	471,002,000
Great Britain	Edward VII	2,284,200	41,952,510	120,979	65,680,000,000	583,201,360
Greece	George	297,000	2,433,806	25,014	1,200,000,000	13,650,533
Italy	Victor Emmanuel III	3,011,000	32,475,253	110,550	16,950,000,000	317,349,332
The Netherlands	Wilhelmina	266,500	5,263,232	12,648	----------	58,323,000
Portugal	Carlos II	567,000	5,428,659	36,048	2,280,000,000	56,352,000
Roumania	Charles	252,000	5,912,520	50,720	2,550,000,000	28,001,000
Servia	Peter	204,009	2,493,700	18,630	900,000,000	15,144,548
Spain	Alfonso XIII	1,430,000	18,618,086	190,050	13,400,000,000	170,998,000
Sweden and Norway (1904)	Oscar II	405,250	7,415,108	297,006	3,750,000,000	60,500,950
Turkey	Abdul Hamid II	(a)	24,931,600	1,115,046	----------	81,893,462
France	----------	228,000	38,961,945	207,054	54,350,000,000	691,849,500
AMERICAN REPUBLICS.						
Mexico	Diaz	$109,732	13,606,000	767,060	$3,500,000,000	$51,692,500
Brazil	Penna	84,500	14,334,000	3,219,000	10,750,000,000	138,908,346
Argentina	Alcorta	86,500	5,678,000	1,135,840	8,400,000,000	105,500,000
Chile	Montt	12,548	3,239,000	279,901	3,760,000,000	63,500,000
Peru	A. B. Leguia	40,570	4,500,000	713,859	900,000,000	13,396,330
Uruguay	Claudio Williman	69,109	1,038,000	72,210	1,250,000,000	20,301,737
United States	Theodore Roosevelt	175,000	85,000,000	3,692,125	127,625,000,000	707,893,462

[a] Estimated five to ten millions.

The civil lists of the royal houses of Europe, considered as percentages of the revenues of the realms, respectively, would lead to the conclusion, if we did not know better, that monarchical government is conducted as a private business for profit on a dividend basis of about two-fifths of 1 per cent to 2 per cent of the gross income of the state, as illustrated in the cases of England and Greece. Here are the figures:

TABLE III.

Percentage of revenues paid to rulers in European countries:

	Per cent of the revenues.
Austria-Hungary's civil list	1⅛
Belgium	1⅛
Denmark, a little less than	1⅛
Germany, a little less than	⅔ of 1
England, a little less than	⅔ of 1
Greece, a little more than	2
Italy, a little more than	1⅒
The Netherlands, a little more than	½ of 1
Portugal, a little less than	1
Roumania, a little less than	1
Servia, a little less than	1⅛
Spain, a little less than	1⅒
Sweden and Norway	⅔ of 1
France	1/300 of 1

France is very rich; she is very frugal; she is a republic; she is not ungrateful; she pays her President $114,000 as an annual salary and $114,000 for expenses; total, $228,000. Her estimated national wealth is $54,250,000,000—less than one-half of the wealth we boast by twenty billions, and upon that as the basis of her tax-paying capacity she raises $691,349,500, a sum only $16,000,000 less than we raise on a basis of $127,625,000,000 in national wealth. If our revenues were really raised on the national wealth, and in a sense they are, and we were paying relatively the same tax on it that the French people pay on theirs, then our revenues would reach more than fifteen hundred million dollars annually, and our President's salary and civil list would represent about one twelve-hundredth part of 1 per cent of that revenue.

TABLE IV.

Showing the percentages of the revenues paid their rulers by the American republics in the form of civil lists:

	Per cent of the revenues.
Mexico	1/50 of 1
Brazil a little over	1/100 of 1
Argentina a little less than	1/100 of 1
Chile	1/100 of 1
Peru a little over	1/100 of 1
Uruguay a little less than	1/100 of 1
United States	1/400 of 1

The actual salary of the President of the United States was one fourteen hundred and fifteenth ($\frac{1}{1415}$) part of 1 per cent of the revenues of the Government for 1904, when they amounted to upward of $707,050,000.

Perhaps with pride we can point to this last item. It depends upon who does the pointing and the view point. We certainly should pay our Chief Magistrate a compensation commensurate with the duties he performs, the sacrifices he makes, and the risks he runs. Otherwise, whether we gauge his salary by the measure of our 85,000,000 of people, our 3,600,000 square miles of territory, our $127,000,000,000 of national wealth, or our $700,000,000 of annual revenue, or by all of them, and compare it with that paid to other rulers and presidents in the world, we must appear utterly ridiculous in the eyes of mankind.

The Vice-President, nominated by his party and elected by the people, is thus estimated by the popular verdict to be qualified in every way to act as the Nation's Chief Executive, should occasion demand.

The Speaker of the House of Representatives occupies a position next in honor to the Vice-President and second in power only to the President himself.

Upon the honesty, ability, and justice of judges rests the very stability and duration of our Government itself.

Mr. President, in conclusion I would ask, Do the American people in this age of enlightenment and national and individual dynamic efficiency want their leading great offices restricted to rich men only? Do they want their public servants to be under obligations to any persons but to themselves? Do they want to repay good service with selfishness and unappreciativeness? No; most certainly not. We all know that the American people are just, generous, and appreciative, and I feel sure that if this question was submitted to the people, they would practically unanimously vote to give their leading public servants much higher compensations than those provided for in this bill.

Mr. OWEN. Mr. President, the question before the Senate is not as to the expediency of increasing the salaries as proposed in this bill. The question before the Senate is not whether it is wise or unwise. The question which the Senate has before it is to determine whether under Rule XVI this amendment can be placed in a general appropriation bill.

I do not wish to detain the Senate in considering this matter. I believe it is the feeling of the majority of the members of the Senate that these salaries ought to be increased, and certainly without straining Rule XVI by a forced construction this purpose can be accomplished under Rule XL, which permits the Senate to suspend, modify, or amend any rule which may be interfering with the action desired by the Senate. I think it would be an unfortunate thing for the Senate to make a forced construction of Rule XVI, because it has been found by long experience that general legislation ought not to be permitted on a general appropriation bill, and this rule is a wise one and should be construed in accordance with its plain meaning and not encourage its breach by a forced construction for mere expediency's sake.

I wish to call the attention of the Senator briefly to the fact that paragraph 1, under its usual and reasonable interpretation, in no wise conflicts with the proper interpretation of paragraph 3. Paragraph 3 is peremptory. It declares in the most positive manner that "no amendment which proposes general legis-

lation shall be received to any general appropriation bill." The Senate has repeatedly construed that provision of paragraph 3. It did so only a year ago. On March 21 the Senator from Arkansas [Mr. CLARKE] proposed an amendment that the judges of the district courts of the United States shall be allowed the sum of $6 per day as expenses of travel, and so forth, an item which had been passed upon by the Judiciary Committee and was offered because of that fact. But because it was general legislation, obnoxious to paragraph 3 of Rule XVI, the President of the Senate very properly sustained the point of order made against it by the Senator from Illinois [Mr. CULLOM]. I wish the decision in that case incorporated in my remarks.

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

The matter referred to is as follows:

[From CONGRESSIONAL RECORD, March 21, 1908.]

Mr. CLARKE of Arkansas. Mr. President, I am authorized by the Judiciary Committee to offer the amendment which I send to the desk. I ask that it be made an independent section.

The VICE-PRESIDENT. The Senator from Arkansas offers an amendment from the Judiciary Committee as a separate section, which will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

"That hereafter the judges of the district court of the United States shall be allowed the sum of $6 per day as expenses of travel and attendance for each day that any such judge shall be necessarily absent from his place of residence in holding court or in the discharge of other judicial duties in any other place in the district whereof he is judge. That for the purposes of this act any such judge shall be deemed to reside in that place in his district in which his time is principally employed in holding court and otherwise discharging his official duties. Said sum to be paid upon the written certificate of such judges, and such payment shall be allowed the marshal in the settlement of the accounts of the United States."

Mr. CLARKE of Arkansas. Just a word in explanation of the amendment.

Mr. CULLOM. Mr. President——

Mr. CLARKE of Arkansas. If the point of order is to be raised against the amendment, I shall not take a moment of time in explaining it.

Mr. CULLOM. Mr. President, I wish to make the point of order against the amendment.

Mr. CLARKE of Arkansas. Then it is useless to take the time of the Senate in discussing the amendment.

The VICE-PRESIDENT. The point of order is sustained.

Mr. CULBERSON obtained the floor.

Mr. CLARKE of Arkansas. Mr. President——

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

Mr. CULBERSON. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. Mr. President, I think I yielded prematurely on the matter of the amendment which I just offered. I ought to have carried my statement a little further. It is an amendment suggested by a standing committee of the Senate, and I doubt if it is subject to the point of order raised by the Senator from Illinois.

Mr. CULLOM. It would certainly be the enactment of new legislation.

Mr. CLARKE of Arkansas. That may be true, but any amendment is new legislation. If it were not new legislation it would not be an amendment; but does it propose the kind of new legislation that is prohibited by the rules of the Senate?

Mr. CULLOM. I have no question but that it is in conflict with the rules of the Senate.

Mr. CLARKE of Arkansas. I believe I shall ask for the judgement of the Chair on that proposition.

Mr. CULLOM. All right. I call attention, Mr. President, to paragraph 3 of Rule XVI, which provides that—

"No amendment which proposes general legislation shall be received to any general appropriation bill nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto."

It seems to me the amendment is clearly outside of the rule.

Mr. CLARKE of Arkansas. Mr. President, I probably did not state to the Senator from Illinois that this amendment was heretofore offered by the Senator from Minnesota [Mr. NELSON] and was intended to be proposed to the bill providing for the sundry civil expenses of the Government. It was referred to the Judiciary Committee, and what I now offer is the provision which was agreed upon by that committee, which directed me to present it to the Senate.

Mr. CULLOM. It is entirely new legislation.

The VICE-PRESIDENT. Does the Senator from Illinois understand that this proposed amendment in any way changes existing law?

Mr. CULLOM. I think it clearly does so.

The VICE-PRESIDENT. On that ground the Chair will sustain the point of order.

Mr. OWEN. Under paragraph 1 of Rule XVI it is provided that—

No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

Except under certain conditions, that is—

unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

Numerous items may be inserted on an appropriation bill under the language of paragraph I without in anywise contravening the prohibition of paragraph 3, forbidding general legislation on a general appropriation bill.

Mr. President, under the term "general legislation" there should be no manner of doubt, because the question of what is general law, the question of what is general legislation, has been decided and passed on by the courts of nearly every State of the Union—New York, Pennsylvania, New Jersey, California, Missouri, Mississippi, Florida, and many others—and these authorities I desire to submit to the Senate; and without taking the time of the Senate or trespassing upon its patience by reading these authorities, I ask permission to incorporate the decisions of the courts of the country upon these terms "general law" and "general legislation," and the "definitions" set forth in their opinions. I think the Senate ought to have its attention called to the views of the courts defining "general legislation."

The judicial interpretations and definitions are as follows:

GENERAL LAW.

The term "general laws" is one which has been employed to designate different classes of laws. Examples of its various signification are given in Bouvier's Law Dictionary, where it is shown that its use is common with reference to the subject-matter of statutes, as well as to the extent of territory over which statutes are intended to operate. There it is shown to be in use as the antithesis of "private," also of "local," and also of "special" statutes, and it is said that "in deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to." Legal writings abound with instances where enactments of the general law-making department are mentioned as general laws by way of distinguishing them from municipal laws. (Southern Express Co. *v.* City of Tuscaloosa, 31 South, 460, 461; 132 Ala., 326.)

A law may take its general nature either from its territorial comprehensiveness, or from the nature of its subject-matter, or from both. A law may be of a general nature notwithstanding its subject-matter is of a local nature; its general nature being alone due to its territorial comprehensiveness. A law which is general by reason of its territorial comprehensiveness only can no more be limited in its operation territorially by a subsequent special law than one which is general in the nature of its subject-matter. (Mathis *v.* Jones, 11 S. E., 1018, 1019; 84 Ga., 804.)

Constitution, article 11, section 6, declaring that cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this constitution shall be subject to and controlled by general laws, does not mean the general laws the legislature is commanded to pass for the incorporation, organization, and classification in proportion to population of cities and towns, or amendments thereto, because it is by the constitution left optional with cities and towns in existence when the constitution was adopted to become organized under such general acts of incorporation or not, as they shall elect. It means such general laws as shall be passed by the legislature other than those for the incorporation, organization, and classification of cities and towns. (Thompson *v.* Ruggles, 11 Pac., 20, 26; 69 Cal., 465.)

AS RELATING TO ALL OF A CLASS.

The word "general" comes from "genus" and relates to a whole genus or kind; or, in other words, to a whole class or order. Hence a law which affects a class of persons or things less than all may be a general law. (Brooks *v.* Hyde, 37 Cal., 366, 376.)

A statute which relates to persons or things as a class is a general law. (Clark *v.* Finley, 54 S. W., 343, 345; 93 Tex., 171. Ewing *v.* Hobiltzelle, 85 Mo., 64, 78. State ex rel. Maggard *v.* Pond, 93 Mo., 606, 641; 6 S. W., 469, 471 (citing State ex rel. Lionberger *v.* Tolle, 71 Mo., 645). State ex rel. Harris *v.* Herrmann, 75 Mo., 340, 353. Hamman *v.* Central Coal & Coke Co., 56 S. W., 1091, 1092; 156 Mo., 232 (quoting Lynch *v.* Murphy, 119 Mo., 163; 24 S. W., 774). Van Riper *v.* Parsons, 40 N. J. Law (11 Vroom), 1, 8. Sawyer *v.* Dooley, 32 Pac., 437, 440; 21 Nev., 390. Central R. Co. *v.* State Board of Assessors, 2 Atl., 789, 798; 48 N. J. Law (19 Vroom), 1; 57 Am. Rep., 516. Cox *v.* State, 8 Tex. App., 254, 289; 34 Am. Rep., 746. In re New York Elevated R. Co. (N. Y.), 3 Abb. (N. C.), 401, 417, 422.)

The number of persons upon which the law shall have any direct effect may be very few, by reason of the subject to which it relates, but it must operate equally and uniformly upon all brought within the relations and circumstances for which it provides. A statute, in order to avoid a conflict with the prohibition against special legislation, must be general in its application to the class, and all of the class within like circumstances must come within its operation. (Daily Leader *v.* Cameron, 41 Pac., 635, 639; 3 Okla., 677. Gay *v.* Thomas, 46 Pac., 378, 586; 14 Utah, 383.)

A general act is one which has room within its terms to operate on all of a known class of things, present and prospective, and not merely on one particular thing, or on a particular class of things, existing at the time of its passage. (City of Topeka *v.* Gillett, 4 Pac., 800, 803; 32 Kans., 431.)

A general law is one framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purposes of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves. (Trenton Iron Co. *v.* Yard, 42 N. J. Law (13 Vroom), 357, 363. Riper *v.* Parsons, 40 N. J. Law (11 Vroom), 123, 125, 29 Am. Rep., 210.)

A law is general when it applies equally to all persons embraced in a class founded upon some natural or extrinsic or constitutional distinction. It is not general or constitutional if it confers particular privileges or imposes peculiar disabilities or burdensome condition in the exercise of a common right upon a class of persons arbitrarily selected from the general body of those who stand in precisely the same relation to the subject of the law. (Robinson *v.* Southern Pac. Co., 38 Pac., 94, 98; 105 Cal., 526; 28 L. R. A., 773 (citing City of Pasadena *v.* Stimson, 91 Cal., 238; 27 Pac., 604).)

General laws are those which relate to or bind all within the jurisdiction of the lawmaking power, limited as that power may be in its territorial operation or by constitutional restraints. A law applicable to all the counties of a class as made or authorized by the constitution is neither a local nor a special law. If it applies to all the counties of a class authorized by the constitution to be made, it is general law; and whether there may be few or many counties to which its provisions will apply is a matter of no consequence. (Cody *v.* Murphey, 26 P., 1081, 1082; 89 Cal., 522.)

While it is true that a law which applies to all of a class in a State is held to be a general law, it is equally true that one which applies to only a part of a class is a special law. Thus, in Dundee Mortgage and Investment Company *v.* School District No. 1 of Multnomah County

(U. S.), 19 Fed., 359, it was said that an act providing for the assessment of mortgages is so far a general act; it comprehends the genus. But an act providing for the assessment of all mortgages for a sum exceeding $500 or not payable within one year from the date of their execution is special; it comprehends only a species of mortgage. Hence, a statute relating to the taxation of railroads which does not comprehend all but only two county railroads is not a general law. (People v. Central Pac. R. Co., 23 Pac., 303, 309; 83 Cal., 393.)

A statute for the assessment and collection of taxes which applies to all incorporated cities and towns in the State is a general and not a special law within the meaning of the constitution. (People v. Wallace, 70 Ill., 680, 681.)

A law embracing all cities or all townships is a general law within the meaning of the constitution, because of their marked peculiarities. They are by common consent regarded distinct forms of municipal government, and so constitute a class by themselves. (State v. City of Trenton, 42 N. J. Law (13 Vroom), 487.) But where an act authorizing township trustees to pay for macadamizing streets, etc., excepts from its operation certain townships, it is not a general law. (Dobbins v. Northampton Tp., 14 Atl., 587, 589; 50 N. J. Law, 496.)

AS RELATING TO ALL IN LIKE CIRCUMSTANCES.

A law is general and uniform if all persons in the same circumstances are treated alike. (D. H. Davis Coal Co. v. Polland, 62 N. E., 492–496; 158 Ind. 607.)

Laws are general and uniform, not because they operate upon every person in the State, for they do not, but because every person that is brought within the relations and circumstances provided for is within the law. They are general and uniform in their operation upon all persons in the like situation, and the fact of their being general and uniform is not affected by the number of those within the scope of their operation. (Arms v. Ayer, 61 N. E., 851, 855, 192; Ill., 601; 58 L. R. A., 277; 85 Am. St. Rep., 357; McAumich v. Mississippi & M. R. Co., 20 Iowa, 338; Iowa R. Land Co. v. Soper, 39 Iowa, 112, 116.)

A law is to be regarded as general only when its provisions apply to all objects of legislation distinguished alike by qualities and attributes which necessitate the legislation or to which the enactment has manifest relation. Such law must embrace all and exclude none whose conditions and wants render such legislation equally necessary or appropriate to them as a class. (Warner v. Hoagland, 51 N. J. Law (22 Vroom), 66, 68, 16 Atl., 166; Randolph v. Wood, 7 Atl., 286; 49 N. J. Law (20 Vroom), 85; on error, 15 Atl., 271, 275; 50 N. J. Law (21 Vroom), 175 Helfer v. Simon, 53 N. J. Law (24 Vroom), 550; 22 Atl., 120; Dexheimer v. City of Orange, 36 Atl., 706, 707; 60 N. J. Law, 111; Hoas v. O'Donnell, 37 Atl., 447, 449; 60 N. J. Law, 35.)

CHARACTER OF SUBJECT-MATTER.

Without undertaking to discriminate nicely or define with precision, it may be said that the character of a law as general or local depends on the character of its subject-matter. If that be of a general nature, existing throughout the State, in every county, a subject-matter in which all the citizens have a common interest, * * * then the laws which relate to and regulate it are laws of a general nature, and, by virtue of the prohibition referred to, must have uniform operation throughout the State. (State v. Davis, 44 N. E., 511, 512; 55 Ohio St., 15 (quoting Kelley v. State, 6 Ohio St., 269).)

A law framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purposes of legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves, is not a special or local law, "but a general law." (Van Riper v. Parsons, 40 N. J. Law (11 Vroom), 123, 29 Am. Rep., 210.) To justify separate legislation for town or counties, there must be something in the subject-matter of the enactment to call for and necessitate such legislation. (In re Cleveland, 19 Atl., 17, 19; 52 N. J. Law (23 Vroom), 188, citing Hammer v. State, 44 N. J. Law (18 Vroom), 667.)

FORM OR DECLARATORY PROVISION.

The term "general law" in constitution, article 7, section 21, providing that no general law shall be enforced until it is published, includes all public laws which are such by their own nature, but not laws which by their own nature are private, but by a provision therein are declared to be public. (Burhop v. City of Milwaukee, 21 Wis., 257, 259.)

An act is nevertheless general, though it may not operate on all cities of the State. If it is general and uniform throughout the State, operating on all of a certain class or on all who are brought within the relations and circumstances provided in the act, it is not within the constitutional inhibition against special legislation. The form or professon of an act does not control; and although it is general in form or pretense, if it necessarily produces a special result, it can not be upheld. (State v. Hunter, 17 Pac., 177, 184; 38 Kans., 578.)

NUMBER IN CLASS.

A law is general if nothing be excluded that should be contained. If the only limitation contained in a law is a legitimate classification of its objects, it is a general law. Hence if the object of the law has characteristics so distinct as reasonably to form, for the purpose legislated upon, a class by itself, the law is general, notwithstanding it operates upon a single object only, for a law is not general because it operates upon every person in the State, but because every person that can be brought within its predicament becomes subject to its operation. (Budd v. Hancock, 48 Atl., 1023, 1024; 66 N. J. Law, 133.)

The fact that an act is really applicable to but one municipal corporation, or, in other words, that there is but one which, at the time of its enactment, comes under its provisions, is not sufficient to make a law special and not general. But the question presents itself whether or not the legislature can create a class on the basis of indebtedness and define the amount and character of the indebtedness which shall characterize the class. We are unable to see any reason why it can not do so equally as well as on the basis of population; and an act by its terms applicable only to a city having an indebtedness to the amount of $200,000, in the payment of which it has defaulted, is a general law. (Ex parte Wells, 21 Fla., 280, 313.)

Within the meaning of the constitution forbidding the legislature to pass special or local laws for the assessment and collection of taxes, and providing that all such laws shall be general and of uniform operation throughout the State, an act which is general in its terms, embracing all railroads in a similar condition in the State, is a general act, although there may not be but one railroad in the State to which the act applies. A statute which relates to persons or things as a class is a general law, while a statute which relates to particular persons or things of a class is special. The word "general," as distinguished from "special," means all of a class instead of part of a class. (Bloxham v. Florida Cent. & P. R. Co., 35 Fla., 625, 733; 17 South., 902, 924, 925.)

Laws are general if they apply to a class, though the class may be very limited, or even where there is but one of the class; but the law must be general in its application and embrace all of the given class, and not be specific in its application to a particular person or thing. In State v. Cooley (58 N. W., 150; 56 Minn. 540) it is said another proposition that may be laid down as beyond the question is that, if the basis of the classification is valid, it is wholly immaterial how many or how few members there are in the class. One may constitute a class as well as a thousand, although, of course, the fewer the numbers the closer the courts will scrutinize the act to see that it is not an evasion of the constitution. (Guthrie Daily Leader v. Cameron, 41 Pac., 635, 639; 3 Okl., 677.)

A law formed in general terms, restricted to no locality, broad enough to reach every portion of the State, and abating legislative commissions for the regulation of municipal affairs wherever they exist and operating equally upon all of them, is a general law without regard to the consideration that within the State there happens to be but one individual of a class or one place where it produces effects. (Van Riper v. Parsons, 40 N. J. Law ((11 Vroom), 123, 125; 29 Am. Rep., 210.)

General laws are those which relate to a whole class of persons, places, relations, or things, grouped according to some specified class characteristic, binding all within the jurisdiction of the lawmaking power, limited, as the power may be, by territorial operation or by constitutional restraint. It is none the less general though at the time of its passage there may be but one, or in fact not one, individual of the class thus created, provided it be reasonable and not illusory in its generalization, and provided that the circle or ring of classification be such as to remain open to receive the potentials which may arise bearing the peculiar marks of the class. (Groves v. Grant County Court, 26 S. E., 460, 463; 42 W. Va., 587.)

AS PUBLIC ACT OR LAW.

A general act is one which regards the whole community, and is used as synonymous with "public act." (Ex parte Burke, 59 Cal., 6, 11; 43 Am. Rep., 231.)

Statutes relating to all the municipal corporations of the State are general laws. (Thomason v. Ashworth, 14 Pac., 615, 618; 73 Cal., 73.)

Any statute which affects the public at large, though operating within the limits of a particular locality, is generally declared to be a public statute. The terms "general" and "public" law are frequently used synonymously, but they are not the equivalent of each other. Every general law is necessarily a public law, but every public law, as defined, is not a general law. A general law is a law which operates throughout the State alike upon all the people or all of a class. Any law affecting the public within the limits of the county or community would be a public law, though not a general law. The effect of the statute, more than its wording or phraseology, must determine its character as a public, general, special, or local statute. (Holt v. City of Birmingham, 19 South., 735, 736; 111 Ala., 369.)

A law is general in the broad sense of the term if it extends to the whole State, or the whole of a legislative class of localities legitimately created for the purpose of general legislation. A law is general in the restricted sense of the term as it is used in constitution, article 7, section 21, not only when it is general in the broad sense thereof, but also when it is of that character in the sense of being public; but if it applies only to a single subdivision of the State, as a county, town, city, or village, or a collection of such localities not constituting a legitimate class thereof for the purposes of legislation, it is local in character. Where a law is general and public in the sense indicated, the two terms are synonymous. (Milwaukee County v. Isenring, 85 N. W., 131, 133, 135; 109 Wis., 9; 53 L. R. A., 635.)

General law is synonymous with public law, and in this country means those laws that relate to and bind all within the jurisdiction of the lawmaking power, limited as that power may be in its theory or operation or by constitutional restrictions. As used in Constitution, article 11, section 1, which provides that corporations without banking powers or privileges may be terminated under general laws, but shall not be created by special act, it is used only as opposite to special, and without any design of indicating the public or private character of the law; that is, it means those laws which relate to all of a class, instead of to one or a part of that class. But as used in constitution of Wisconsin, article 171, section 21, which provides that no general law shall be enforced until published, it is used not as contradistinguished from local or special, but in its usual meaning, namely, public law; the object of the prohibition being the protection of the people by preventing their rights and interests from being affected by laws of which they have no means of knowing. (Clark v. City of Janesville, 10 Wis., 136, 179.)

TERRITORIAL COMPREHENSIVENESS.

A general act is one applicable to every part of the Commonwealth, one that applies to the whole State. (Davis v. Clark, 106 Pa., 377, 384; 15 Wkly. Notes Cas., 209, 210.)

A general act is one which regulates the common good of all the inhabitants within the State. (State v. Murray, 17 South., 832, 834; 47 La. Ann., 1424.)

In Lorentz v. Alexander (87 Ga., 444; 13 S. E., 632) it is said a law, to be general, must operate uniformly throughout the whole State upon the subject or class of subjects with which it purports to deal; so that an act relating to the power of municipalities and counties to grant liquor licenses from which numerous places are excepted is not a general law. (Sasser v. Martin, 29 S. E., 278, 285; 101 Ga., 447.)

In order that a law may be general it must be of force in every county in the State; and while it may contain special provisions making its effect different in certain counties, those counties can not be exempt from its entire operation. (Carolina Grocery Co. v. Burnet, 39 S. E., 381, 384; 61 S. C., 205; 58 L. R. A., 687 (citing Dean v. Spartansburg Co., 59 S. C., 110; 37 S. E., 226).)

A statute is not special or local merely because it authorizes or prohibits the doing of a thing in a certain locality. It is, notwithstanding this fact, a general law if it applies to all the citizens of the State and deals with a matter of general concern. (State v. Corson, 50 Atl., 780, 785; 67 N. J. Law, 178.)

AUTHORIZATION OF CITY TO ISSUE BONDS.

A legislative act authorizing a city to issue bonds for stock in a railroad company is not a general law within a constitutional provision requiring that all general laws shall be published before going into effect. (Luling v. Racine (U. S.), 15 Fed. Cas., 1105.)

CLASSIFICATION OF MUNICIPAL CORPORATIONS.

A law framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the pur-

poses of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves is not a special or local law, but a general law. The classification must be just and reasonable and not arbitrary. Under these principles the act of March 29, 1882, authorizing incorporated villages having within their limits a college or university to provide against the evils resulting from the sale of intoxicating liquors therein, is not repugnant to the provisions of the Constitution that acts relating to municipal corporations must be of a general nature. (Bronson *v.* Oberlin, 41 Ohio St., 476, 481; 52 Am. Rep., 90.)

In discussing the validity of a law as being a general law organizing courts or a local and special one, the court said: "It is plain, therefore, that any change in the jurisdiction or practice of these courts must be made by general law, operative not in one county or State, but in all the counties and all the States in the Commonwealth; and so confusion seems to exist in regard to the definition of 'general law,' and the theory has been advanced in several recent cases that the division of the cities of a State into classes, which was recognized as a necessary classification, requires us to hold any law to be general which embraces all cities without regard to the subject to which it relates. This theory overlooks the object and purpose of the classification set forth in the act. These are to make provision for municipal needs of cities which differ greatly in population. Difference in population makes it necessary to provide different machinery for the administraton of certain corporate powers and duties of certain corporate officers corresponding with the needs of the population to be provided for. But an act relating to improvement of streets, which is limited to cities of second class, having no peculiar provisions which would not be applicable to other cities, is not a general law." (Appeal of Wilbert, 21 Atl., 74, 75; 137 Pa., 494.)

Act June 28, 1879 (Pub. Laws 1879, p. 182), providing for liens for labor and material on oil wells, and "that the act does not apply to counties having a population of over 200,000 inhabitants," is a local or special law within the meaning of the Constitution prohibiting the passage of any local or special law authorizing the creation, extension, or impairing of liens. There is no dividing line between a local and a general statute. It must be either the one or the other. If it apply to the whole State, it is general; if to a part only, it is local. As a legal principle, it is as effectually local when it applies to 65 counties out of the 67 as if it applied to 1 county only. The exclusion of a single county from the operation of the act makes it local. A general statute must be applicable to every part of the Commonwealth. (Davis *v.* Clark, 106 Pa., 377, 384.)

A law is none the less general and uniform because it divides the subjects of its operation into classes and applies different rules to the different classes. With respect to political subdivisions of the State, the supreme court of Pennsylvania lays down the rule that the only proper classification is by population. We are satisfied the rule is altogether too narrow. A general law for the incorporation of villages that conferred certain powers and privileges on villages lying on rivers but not on inland villages, if it operated alike upon all villages in that situation, could not be called special legislation. A law, general in form but special in operation, violates a constitutional inhibition of special legislation as much as though special in form. A law is general and uniform in its operation which operates equally upon all the subjects within the class of subjects for which the rule is adopted. (Nichols *v.* Walter, 37 Minn., 264, 271; 33 N. W., 800.)

An act providing for listing and assessing personal property in Indian reservations and unorganized territory at a different time from that fixed for listing and assessing such property in organized counties is a general law. (Gay *v.* Thomas, 46 Pac., 578, 586; 5 Okla., 1.)

By the provision of article 11, section 6, of the constitution cities are subject to control by the general laws. This includes the power to provide that in cities having a certain number of inhabitants every justice of the peace shall be provided by the city authorities with a suitable office in which to hold his court. (Bishop *v.* Council of City of Oakland, 58 Cal., 572, 575.)

An act providing that passenger railways in cities of the first class may use other than animal power whenever authorized by the city council, and repealing all limitations contained in charters of passenger railway companies restricting them to the use of horse power, is a general law. (Reeves *v.* Philadelphia Traction Company, 25 Atl., 516, 517; 152 Pa., 153.)

A bill that embraces all the villages of a State which may elect to take advantage of its provisions is a general and not a local act. (Arthur *v.* The Village of Glens Falls, 217 Supp., 81, 83; 66 Hun., 136.)

The laws of 1881, chapter 554, giving to the board of supervisors of any county containing an incorporated city of over 100,000 inhabitants where contiguous territory in the county has been mapped out into streets and avenues power to lay out, open, grade, and construct the same, and to provide for the assessment of damages on the property benefited, is not a local or private act but a general law. It applies to a class and not to selected or particular elements of which it is composed. The class consists of every county in the State having within its boundaries a city of 100,000 inhabitants and territory beyond the city limits mapped into for streets and avenues. How many such counties there are now or may be in the future we do not know, and it is not material that we should. Whether many or few the law operates upon them all alike, and reaches them not by a separate selection of one or more, but through the general class of which they are individual elements. (In re Church, 92 N. Y., 145.)

ESTABLISHMENT OF COURTS.

A general law must be one that operates uniformly throughout the whole State upon a subject or class of subjects with which it proposes to deal. Thus an act dealing with the establishment of county courts in order to be general and have uniform operation throughout the State must affect each county in the State; so that an act providing for the establishment of a city court upon the recommendation of the grand jury of any county having a population of 10,000 or more where a city court does not now exist is not a general law. (Thomas *v.* Austin, 30 S. E., 627, 628; 103 Ga., 701.)

Section 20, article 6, of the constitution provides that the general assembly may provide for the establishment of a probate court "in each county having a population of over 50,000." Section 1 of article 6 provides that "all laws relating to the courts shall be general and of uniform operation, and the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade so far as regulated by law * * * shall be uniform. *Held*, That section 20 of article 6 authorized the general assembly to establish probate courts in such counties having a population of over 50,000 as it might deem best. The only effect intended to be given by the framers of the constitution to section 1, article 6, was to require that all laws relating "to the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grades" shall be uniform. Therefore neither section operated to render unconstitutional a law providing for the establishment of probate courts only in counties of over 70,000 population. (Knickerbocker *v.* People, 102 Ill., 218, 222, 229.)

REGULATION OF DISPOSAL OF PUBLIC FUNDS.

An act regulating the disposal of a portion of the public funds of the State previously regulated and disposed of by a general law of the State is itself a general law. (State *v.* Hoeflinger, 31 Wis., 257, 262.)

REGULATION OF LIABILITY OF EMPLOYERS.

An act providing that railroad corporations shall be liable to their employees for any neglect of their agents or any mistakes of the engineer or other employees is general and uniform within the meaning of the constitutional provision. (McAunich *v.* Mississippi and M. R. Company, 20 Iowa, 338, 342.)

REGULATION OF MUNICIPAL ELECTIONS AND OFFICERS.

A statute which changes the powers and duties of municipal officers in important respects is a general law, and has uniform operation if it is made applicable to all citizens or to all of a class. (Hellman *v.* Shoulters, 44 Pac., 915, 918; 114 Cal., 136.)

An act entitled "An act relating to cities of the first class in this State, and providing for the holding of municipal or charter elections therein, and regulating the terms of elective and appointive officers therein," approved March 18, 1897, is a local and special law regulating the internal affairs of towns, and is not a general law, and for that reason is unconstitutional. (Hoos *v.* O'Donnell, 37 Atl., 447, 449; 60 N. J. Law, 35.)

Act February 28, 1901, providing that all municipal officers required to be elected shall be voted for and elected on the first Tuesday after the first Monday of November in each year, and on the same official ballots required by law for the election of state and county officers and not otherwise, and fixing the terms of officers elected or appointed in cities, and the manner of their appointment is not unconstitutional as being special and local regulating the internal affairs of cities in contravention of "Constitution, Article IV, section 7, paragraph 11, prohibiting private, local, or special laws regulating the internal affairs of towns and counties, since cities are a distinct class and within the common-law classification laws relating to their internal affairs are general." (Boorum *v.* Connelly, 48 Atl., 955, 958; 66 N. J. Law, 197; 88 Am. St. Rep., 409.)

REGULATION OF OYSTER BEDS.

An act regulating the cultivation of oysters in certain tidal water lying wholly within the counties of the State is not special or local within the prohibition of Constitution, Article IV, section 7, paragraph 11, the matter regulated being of general concern and applying to all citizens. (State *v.* Corson, 50 Atl., 780, 785; 67 N. J. Law, 178.)

REGULATION OF PRIVATE CORPORATIONS.

An act authorizing the incorporation of benevolent societies and providing that corporations formed under this act shall be capable of taking real or personal property by devise or bequest not applying to corporations previously organized or effected under other acts is not a general law of the State. (Cole *v.* Frost, 4 N. Y. Supp., 308, 310; 51 Hun., 578.)

A law applicable to existing and future corporations would be general, and one confined to existing corporations would also be general. Both laws would at the time of their enactment apply to precisely the same existing subjects, and until further companies came into existence would have precisely the same control. (In re N. Y. El. R. Co., 70 N. Y., 327, 350.)

A statute which imposes certain legal duties upon corporations in general and makes provision intended to secure the performance of these duties by corporations is a general law. (Skinner *v.* Garnett Gold Mining Co. (U. S.), 96 Fed., 735, 743.)

REGULATION OF TAXATION.

The property of railroad and canal companies constitute a legitimate class of property for the purpose of taxation, and the law which extends to and operates equally upon all such property is a general law. (State Board of Assessors *v.* State, 4 Atl., 578, 584; 48 N. J. Law (19 Vroom), 310.)

Where various counties, school districts, and other municipal corporations owning judgments had levied special taxes to pay the same, a law declaring such judgment taxes to be legal and valid was a general law operating on every municipal corporation which had levied special taxes to pay such judgments. (Iowa R. Land Co. *v.* Soper, 39 Iowa, 112, 116.)

REGULATION OF SALOONS.

An act making it a misdemeanor for the proprietor or superintendent of a public house where liquor is sold to permit games of cards, dice, etc., to be played in his premises is a general statute. (Territory *v.* Cutinola, 14 Pac., 809, 810; 4 N. M. (Johns), 160.)

REPEAL OF GENERAL LAW.

The repeal of a public or general law can, of necessity, only be by a public or general law. (State *v.* Hoeflinger, 31 Wis., 257, 262.)

(See "Words and Phrases Judicially Defined" from which above authorities are taken.)

Mr. OWEN. I will also insert an extract from Bouvier's Law Dictionary defining the term "general law:"

General Law. Laws which apply to and operate uniformly upon all members of any class of persons, places, or things requiring legislation peculiar to themselves in the matters covered by the laws. (Binney, Restrictions upon Local and Special Legislation.)

Statutes which relate to persons and things as a class. (77 Pa., 348.) Laws that are framed in general terms, restricted to no locality, and operating equally upon all of a group of objects, which, having regard to the purpose of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves. (40 N. J. L., 123.)

The later constitutions of many of the States place restrictions upon the legislature as to passing special laws in certain cases. In some States there is a provision that general laws only may be passed in cases where such can be made applicable. Provisions requiring all laws of a general nature to be uniform in their operation do not prohibit the passage of laws applicable to cities of a certain class having not less than a certain number of inhabitants, although there be but one city in the State of that class. (18 Ohio N. S., 85; Cooley, Const. Lim., 156. See 37 Cal., 366.)

The wisdom of these constitutional provisions has been the subject of grave doubt. (See Cooley, Const. Lim., 156, n.)

When thus used, the term "general" has a twofold meaning. With reference to the subject-matter of the statute, it is synonymous with "public" and opposed to "private" (37 Cal., 366; 14 Wis., 372; 46 id., 218; Dwarris, Stat., 629; Sedgw., Stat. L., 30); but with reference to the extent of territory over which it is to operate, it is opposed to "local," and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction. (4 Co., 75a; 1 Bla. Com., 85; 83 Ill., 585; 87 Tenn., 304; 10 Wis., 180.) Further, when used in antithesis to "special," it means relating to all of a class instead of to men only of that class. (70 Ill., 398; 26 Ind., 431; 22 Ia., 391; 77 Pa., 348; 32 Pac. Rep. (Nev.), 440.)

When the constitution forbids the passing of special or local laws in specified cases, it is within the discretion of the legislature to decide whether a subject not named in the constitution is a proper subject for general legislation; the fact that a special law is passed in relation thereto is evidence that it was thought that a general law would not serve, and in such a case clear evidence of mistake is required to invalidate the enactment. (81 Cal., 489; 92 Ind., 236; 107 id., 15; 77 Iowa, 513.)

In deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to. If these objects possess sufficient characteristics peculiar to themselves and the purpose of the legislation is germane thereto, they will be considered as a separate class, and the legislation affecting them will be general (49 N. J. L., 356; 41 Minn., 74; 131 Ind., 446; 87 Mich., 217; 124 Ill., 666; 87 Tenn., 214); but if the distinctive characteristics of the class have no relation to that purpose of the legislature, or if objects which would appropriately belong to the same class have been excluded, the classification is faulty and the law not general. (87 Ga., 444; 91 Cal., 238; 32 Kans., 431; 51 N. J. L., 402; 52 id., 303; 19 Nev., 43; 2 N. Dak., 270; 106 Pa., 377.) The effect, not the form, of the law determines its character. (20 Ia., 338; 71 Mo., 645; 82 id., 231; 53 N. J. L., 4; 45 Ohio St., 63; 48 id., 211; 88 Pa., 258.)

Mr. OWEN. Under Rule XL the Senate can easily waive Rule XVI, without forcing an unreasonable or illogical interpretation upon that rule, and I think it would be unfortunate for the Senate to set the precedent of a forced construction of Rule XVI, or of any other of its established rules, and to that I am opposed. I feel that the salaries of our judges particularly should be substantially increased.

In this connection I wish to make a brief comment upon a criticism of one of the great courts of the country in the Senate on January 14, when the Senator from Illinois [Mr. HOPKINS] criticised the Court of Claims for its decision in a certain case which had been rejected by the Southern Claims Commission. The Senator from Illinois took the ground that the court was in error because the Southern Claims Commission had rejected this case on the ground that the party had been discharged in bankruptcy and could not hold "title to the property"—referring to a claim against the United States.

I call the attention of the Senate to the fact that this criticism is unjust, because title to that character of property can not be divested from an individual under the laws of the United States. It remains in him by statute—section 3477 of the Revised Statutes of the United States. I call attention to this merely because I observe in the bill that the Court of Claims has its salary fixed at $8,000 for the chief justice and $7,500 for the other justices of that court, while the circuit court judges of the United States have their salaries fixed at $10,000. I believe that the Court of Claims equals in dignity and in character and in service any circuit court in the United States. It passes upon questions of the greatest magnitude. It passes upon them with the greatest care. The character of evidence required in that court is peculiarly the subject of critical consideration by that court under its rules. I make that observation because that court has been inconsiderately criticised in that connection.

I say, therefore, that I have no objection, so far as I am concerned, to the proposed increases for the courts or to liberal appropriations otherwise for the officials of the United States who are involved; but I do think that under Rule XVI it can not be done without a forced interpretation of that rule. In my opinion, a forced construction is unnecessary, because under Rule XL on one day's notice Rule XVI can be waived by the Senate if it sees fit to do so.

Mr. BORAH. Mr. President, I rise simply for the purpose of making the RECORD speak what it should speak. It seems that in the discussion on Friday there was some question as to whether or not we reserved the point of order, the point of order being waived for a specific time, and the RECORD does not show that it was again presented. In order that the RECORD may disclose that fact, I now raise the point of order against that portion of the bill commencing in line 14, on page 26, beginning with the word "*Provided*," and reading as follows:

Provided, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum.

I make the point of order that it is general legislation.

Mr. BAILEY. Mr. President, I am not disposed to occupy the time of the Senate in discussing this point of order, but I do desire very briefly to address myself to the merits of the proposition, and perhaps I might as well do so now as later.

I do not believe that a great Government like this ought to ask or to expect any of its citizens to serve it at a great sacrifice of their personal interests, and I believe that the salary attached to every office ought to be fixed at such a sum as will support the incumbent in decency and comfort and enable him to educate his children. But it ought not to be more than that. It ought never to happen in a country like ours that the salary of any office is made so large as to be an inducement for men to seek it.

The true rule ought to be that those who serve the Republic shall be paid enough to provide for themselves and their families; to discharge such duties as they owe their children in the way of an education. The balance of the pay for public services ought to be taken in the honor which the office confers, and every important position within the gift of this Republic ought to be sought for the distinction and not for the emoluments.

For almost a hundred years this view controlled in fixing salaries. But now we hear it said in many places that the present salaries are inadequate to provide for the entertainments which high officials are expected to give. I am rather inclined to believe it would be a fortunate thing to reduce the salary if that would reduce the entertainments, because, in my limited experience here, I have found that the men who entertain the most are not the men who do the public's work the best; and surely if men holding high positions are bent on spending their time in entertainment they ought not to be permitted to spend the people's money in that way.

With me this view is not a mere appeal to what is supposed to be a demagogic spirit among the people, for I despise the demagogue. I have never found one of his arguments that appeared sound to me, and even when he happens to be on the right side I feel an almost irresistible temptation to take the other, in order to be on a side different from him. But I appeal to the highest spirit and to the best traditions of the American people against the increase of these salaries. There is no phase of American life to-day, either official or private, better calculated to alarm the thoughtful man than this tendency toward extravagance which is manifest everywhere amongst us.

The Government itself sets the example. Twenty-five years ago the party which is now in power declaimed with great vehemence against the party which was then in power because the appropriations of the Government had reached the stupendous, and then the unprecedented, sum of $248,000,000. Yet to-day we sit here and appropriate a billion as if it were a child's plaything. We spend the money of this Government in utter and reckless disregard of the fact that when we spend it we are spending the earnings of the American people. This Government earns no money, and can have no money, except what it takes from the labor, physical or intellectual, of its people; and this is especially true when it lays taxes upon what men consume and not upon what they possess. Yet we pour out this golden stream as if the people did not sweat to earn it, and we call a man a demagogue who dares to stand up in this high place and call a halt in public exepnditure.

But, sir, if it did not tax the labor of the people, if it did not exact anything from their muscle or their brain, I would still protest against this governmental extravagance, because extravagance breeds all kinds of vices. Following the example of the General Government, almost every city, town, and village in America to-day are scandalized by disgraceful jobs, and the people themselves are tempted to live beyond their income. The man with an income of $20,000 is striving hard to match in gaudy show the man whose income is the princely sum of $50,000. And then the man with an income of $10,000 tries to live at an equal pace with his neighbor whose income is $20,000. The man with an income of $5,000 tries to match the man with $10,000. Thus this extravagance, beginning with the Government, reaches down to every circle of society, tainting them all with its deadly poison.

Mr. President, a nation that spends more than it can fairly earn must in time become a nation of bankrupts, or rogues, or gamblers. We perfectly understand the destination of the man who spends more than he earns. It is the bankrupt court, the rogue's gallery, or the gambling hall; because if he spends more than he earns he must either go in debt for it, or he must steal it, or he must gamble for it. That is the end to which extravagance leads the individual, and as the Government is simply the aggregate of all the individuals, that is the end to which the Government must come at last. There never was in the history of the world an extravagant government which did not in time become a corrupt government, and there never will be one.

Mr. CLAPP. And a bankrupt one.

Mr. BAILEY. And, as the Senator from Minnesota well adds, a bankrupt one.

Now, Mr. President, I have no quarrel with the man who being rich wants to spend his wealth. In truth, I think it would be better for the country if most of those who are very rich spent the best part of what they have. I am not one of those who would limit the accumulation of any man's fortune so long as he accumulates it honestly. But I am one of those who believe that it would be infinitely better for the peace and happiness of these people and for the perpetuity of this Republic if we could go back to that elder and better time when it was three generations from shirt sleeves to shirt sleeves; when the one generation earned a fortune, another generation spent most of it, and the third generation went to work to make another. That was infinitely better for the peace and perpetuity of these people and these institutions than the present method of syndicating and incorporating fortunes until the degenerate spendthrifts of certain great families will never be compelled to earn their bread as God commanded they should—in the sweat of their face. But while I would not take even from them what the foresight of their grandfathers accumulated, I deny the wisdom of teaching the American people that American public officials should imitate their habits and their follies. If a private citizen in New York wants to give a feast for monkeys, he has a right to entertain the descendants of his ancestors, but we want no such exhibitions by our public servants.

If the President of the United States is not rich enough to give a great banquet, let him give a modest one and invite men to it for what they know, instead of for what they own. Let him invite the great and upright whose purses are not their chief claim to distinction, and such men will not complain if his table does not groan beneath the weight of costly delicacies. Let him assemble men there who will be glad to break his bread amid simple surroundings. That will be better for him, for he will learn something from such men, and God knows that even the President is not often exempt from the necessity of knowing more than the best of us can hope to learn. If those who gauge everything by splendid trappings and by extravagance do not want to visit the White House because the entertainments are not lavish enough, so much the better for the President and for the country.

I belong to a class of men who regret that the capital of this Republic has ever become a city. I wish it were still a village. It would be better for the current of American public life that flows from the nation's very heart. I may offend by delivering the common eulogy which pronounces our forefathers the greatest and wisest assembly of men ever convoked in the history of the world. They did not want the seat of the Government to be in any city, and it was for that purpose that so many of them favored locating the seat of the new Government at such a place, not exceeding 10 miles square, as by the cession of particular States might be selected for the federal capital. They knew perfectly well that the State of New York would not cede the great city of New York, nor Pennsylvania the great and historic place where independence was first declared, nor would Massachusetts give Boston to the struggling Republic.

They desired an unimportant place to become the seat of the new Government, but the trend of modern civilization has defeated their very wise and patriotic purpose, and we have here a city said by travelers to be the most beautiful in the world; and I can well believe it.

The very arguments, however, which we hear advanced in support of these high salaries illustrate the wisdom of our fathers in wanting the government located among a simpler and more frugal people than those who live in a great city, and we are exemplifying the worst effect of situating it in the midst of a great population whose habits are not such as conduce to the longevity of either individuals or nations.

If I could have my way I would have less entertaining and more studying by the men who are to make or execute this country's laws. It is but simple justice to the House and Senate to say that very few of them spend much of their time at these entertainments. I will go out of my way to say, what every Senator knows to be the truth, that the men who are honored by their States with positions in this great assembly, as well as the men who are honored by their districts with seats at the other end of the Capitol, as a rule do their work diligently and thoroughly. I think I am well within the truth when I say that at the capital of no State do the state legislators work as many days in the year or as many hours in the *day* as Representatives and Senators at Washington.

It can not, therefore, be for their entertainment that we are asked to double the President's salary. For whose entertainment is it, then? The brainless dude and idle millionaire? You do not want to tax the American people to provide entertainment for them. For the diplomats? They are excellent gentlemen in their way. I believe it was Talleyrand who defined a diplomat as a man who is sent abroad to lie for the benefit of his country. I would not say that, but Talleyrand was a diplomat and ought to have known what a diplomat is.

What circle is it, then, which is dissatisfied with a simplicity which will preserve the strength of the nation, and demands that the President's salary shall be doubled in order that his entertainments may be multiplied in number and in splendor?

The President is already spending $100,000 of the people's money in addition to his salary. I have before me a list of the appropriations, including the $25,000 for railroad fare—and by the way, I should like to ask the Senator in charge of this bill, and without any desire or intention to obtrude myself upon the private affairs of the President, how this $25,000 is expended? Is it paid out from time to time as the President travels, or does the President draw it as he pleases and then pay his own railroad fare?

Mr. WARREN rose.

Mr. BAILEY. Before the Senator answers I want to say that I ask the question because the answer to it will determine what I shall say about it.

Mr. WARREN. Mr. President, the Senator from Texas has acknowledged a modesty on his part concerning it. I wish to say that I have exercised the same modesty on my part. I have never made any inquiries whatever. I have assumed that when the House and the Senate voted $25,000 to the President for that use they expected to leave it with him and his conscience. I have never made any inquiry, and I would be totally unable to give the Senator any information concerning it.

Mr. BAILEY. Mr. President, I have no doubt that the President has endeavored to comply with the letter of the law. Neither have I ever had any doubt about the unconstitutionality of that appropriation. I think it is clearly contrary to the Constitution, and although it is not exactly related to the proposition now under discussion I want to put into the RECORD exactly what the Constitution says about that:

> The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

If that $25,000 was not an emolument I do not know how to define one. I believe that although the President draw it and spent it religiously, according to the very letter of the statute, he is taking what the Constitution of the United States forbids us to give him.

Mr. WARREN. Of course the Senator will agree that the President is taking what the Senate and House freely gave him, and he is taking their judgment in regard to the constitutionality of it, whether his own might approve or not.

Mr. BAILEY. Unfortunately the Constitution does not require the President to take our judgment, but rather commands him to exercise his independent judgment and to veto what we do if he thinks we ought not to have done it.

While I agree that in this case the Congress gave it to him, I object to the word "freely," because Congress has no right to be free with the public money. This money does not belong to Congress. We have put very little of it into the Treasury. It is a trust fund which we are in honor bound to give grudgingly rather than freely.

But assuming that the President had a right to draw it, he only had a right to draw it for the specific purpose to which Congress devoted it when it appropriated the sum, and I assume he has done that. Leaving that $25,000 out of the calculation, the other expenditures, according to a statement which has been laid before me, reached the enormous sum of $80,500.

Mr. BACON. What are the items?

Mr. BAILEY. Eighty thousand five hundred dollars over and above the President's salary for the maintenance, repair, and improvement of the mansion which the Government provides for him at the public expense. The Senator from Georgia has asked for the items The first item is—

> For ordinary—

Mark you, "ordinary!" What would it be if it were extraordinary?

> For ordinary care, repair, and refurnishing of the Executive Mansion, and for the purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.

I am rather inclined myself to think if you are going to keep things equal and it costs $35,000 to furnish and repair the house, the salary of $50,000 is somewhat out of proportion. But my experience on that point is that when they get a salary of $100,000 they will say that a man who draws a hundred thousand dollars salary ought to have a better house, and they

will double the $35,000; and then when they get $70,000 for repairs they will say that is out of proportion to the salary, and they will increase that again. That is the way they have been doing ever since I have been in Congress, each increase forever calling for another increase.

For fuel for the Executive Mansion, greenhouses, and stable, $6,000.

Just exactly what they want with fuel in a stable I am not able to explain, but I suppose they want it, and of course whatever they want at the White House they get.

For care and maintenance of greenhouses, Executive Mansion, $9,000.

That would cultivate in my part of the country two or three farms. But still I have no objection to the people in the White House having flowers—pure white or blood red, as their taste may be. Perhaps it softens the nature and civilizes a man to be surrounded by flowers. But I think that when a man wants what is not necessary, he only has a right to have it if he is willing to pay for it; and I do not think we ought to tax the people, who need bread, to provide $9,000 worth of flowers for a man who is receiving $50,000 a year.

As long as there is a poorhouse in America filled with unfortunates I do not believe in this kind of expenditures. After we have relieved every man's and every woman's distress, after we have administered to the sick, and when we have no longer paupers nor inmates of the poorhouse, then you can tell me how prosperous this nation is and how liberal it ought to be with its executive in the matter of salaries. But not till then.

Let us give the President what he is entitled to; let us enable him to support his great office in dignity; but let us not give him a dollar to be wasted in extravagance.

Have the Presidents heretofore lived in a manner befitting their station? Yes, sir; and until the seventies they received only half of what the President is receiving to-day, and for a part of that time the price of almost every commodity was higher than now. Lincoln bore upon his broad and stooping shoulders the burden of a mighty war. He lived as became the dignity of the Chief Magistrate of the greatest Republic on earth, and he lived on half of what his successor of the present day receives. Grant, the great commander of the federal armies—and I take pleasure in saying here that he was the greatest of those who commanded the federal armies—lived in ample style upon the present salary, because it was to him that the present sum of $50,000 was voted. The long line of illustrious men who occupied that high station before Grant and Lincoln lived on much less.

If you tell me that they lived in simpler times my answer is that it is a God's pity we can not go back to those simple times instead of going on to the more splendid times to which these revels and these extravagances invite us. I want to go back instead of going forward. I know the danger and the pitfalls that lie ahead of us in the road that we are traveling, and I know the safety and the honor in which our fathers trod the other paths.

If you can satisfy me that the present salary is not enough to support the President in decency and comfort, I will vote for more; but when you tell me that you want to double his salary in order that he may give more entertainments and increase his extravagance I refuse.

Mr. President, not content with providing the President, upon the theory that he must entertain, with an increased salary the committee ask us to increase the salary of the judges. I recognize that some judges could earn as practitioners at the bar vastly more than the salary which they receive as judges; but where is the lawyer, here or elsewhere, who would not lay down the profits of his profession to take the highest of all judicial places. I neither underrate the ability required nor the labor which must be performed by the Chief Justice and the associate justices of the United States, but their present salary is equal to the Government's rate of interest on $600,000. The Government might as well turn over to them $600,000 worth of its bonds bearing interest at the rate of 2 per cent and say, "Take these for the services which you render." How many lawyers in a lifetime are able to accumulate $600,000 worth of these United States bonds? One in a thousand? No, sir; not one in ten thousand is able to do it.

But they tell me that if these great judges remained at the bar they would not only provide themselves against the ills of poverty and age, but they would be able to bequeath a fortune to their sons and daughters. If they did they are different from most of the lawyers I have known. It is not the habit of great lawyers to leave great fortunes. My Lord Eldon was once asked by the guardian of two promising boys how he could make great lawyers of them, and quick the response came from the great lawyer's lips, quoting the words of Milton, teach them—

To scorn delights, and live laborious days.

He did not advise that they attend entertainments, where the men dress like head waiters and the ladies hardly dress at all, but his advice was to teach them

To scorn delights, and live laborious days.

That is the way to qualify a lawyer to become a great judge, and I hardly think after he becomes a member of the bench he needs or enjoys this entertainment. If you want to do the Supreme Court a service, reduce their work instead of increasing their salaries. They would infinitely rather have that done. They have now more work than any equal number of men can do. Appeals involving mere questions of commercial law ought never to go to that great tribunal. They ought only to be required to decide those cases involving questions of constitutional law. All other cases ought to end with the decision of the circuit court of appeals. Reduce their work and let them write opinions without having to write them in a hurry. That is the greatest service you can do that bench and that is one of the greatest services which you could do this country.

Mr. President, it is not proposed to stop with increasing the salaries of the Supreme Bench; but it is proposed to increase the salaries of the district judges to $8,000. Senators will bear me witness that there is not one district judge in twenty who ever earned $8,000 a year while practicing law. I know many of them, some of them the best of men and a few of them among the best of lawyers; but my personal acquaintance does not extend to more than three or four within all the number whom I know who ever earned $8,000 a year while at the bar. Is not that the experience of the Senator from Mississippi?

Mr. McLAURIN. It is.

Mr. BAILEY. That is the experience of us all. While at the bar the judge took the chance of sickness, during which his clients employed other attorneys. During his practice at the bar he took the chance of depression, when the law, in common with every other occupation, felt its income diminished; but that is not so when he draws a salary from the Federal Treasury. In sickness and in health, in prosperity and in adversity, under all the checks and changes of times and circumstances he draws his salary.

A salary of $6,000 a year for a district judge is equal to 2 per cent on $300,000 worth of United States bonds; and the promise of the Government contained in the statutes of the country is as solemn as its engagement when written upon the face of a bond. Here is the statute now promising them their annual salary in suitable installments, but it contains the further pledge that when they reach a certain age, after a certain term of service, they may retire, and for the balance of their lives they may eat the people's bread without doing the people's work. I think they are already paid, and amply paid if you look to it only as a matter of salary, and when you couple the salary with the greater honor of the office, many of them are overpaid. Still you are not satisfied and you propose to give a district judge a salary greater than a Senator in the Congress of the United States receives. Either you think too little of yourselves or else you think too much of the district judges when you fix their salaries at a sum larger than your own.

A Senator may stay here for twenty years and at the expiration of that time he may voluntarily retire or, as is more often the case, the people may call on him to retire. When he is here in the tide of success and popularity he is a statesman. When he is defeated he becomes a mere politician. No matter how faithfully and diligently he may have served for twenty years, when he lays down this great office and goes back to the body of the people, who takes care of him? He may have spent sleepless nights in searching the world's history for the truths that perpetuate freedom and make nations great; he may have scorned delights and lived laborious days; he may have earned the nation's gratitude, but in a day of disagreement with his people he may be driven from the public service, and who takes care of him then? His children, or he goes to the poorhouse. I do not deprecate that. I think one of the chief excellencies of this Government is that every man can carve out his own fortune and every man must maintain it when once he wins it. I do not lament the fact that a great Senator may pass into obscurity and oblivion, but I do say that if a federal judge, who may take the salary as long as life shall last and may draw it after he has left the bench and ceased to work, is worth $8,000 a year a Senator is worth still more. You do a duty as important as his, for there are none to review and correct your errors and your mistakes, save only one man in whom is vested the power to veto. A district judge can try a case without sitting under the sense of awful responsibility that rests on you, because, if he commits an error,

there is the court of appeals to correct him, and then there is the Supreme Court of the United States to correct it. Your labor is fraught with greater consequences to the United States for its weal or its woe than is the labor of a district judge, and yet you sit here and vote that such a judge is worth $8,000 a year and you are only worth $7,500, and some of you spend twice that much to get here. [Laughter.] All of you have to undergo an arduous campaign. There are legitimate election expenses which can not be escaped. A federal judge is subjected to none of this. It is the same with him when once he gets his commission whether it rains or shines. He has no expense. If he is sent beyond his district to try a case, the Government pays his expenses and, as the Senate has had recent opportunity to witness, it pays $10 a day whether the judge spent the fourth of it or not.

Is there a Senator here who thinks his services less important to the Government than are the services of a district judge? You are the ambassadors of sovereign States; you speak for Commonwealths; they trust to your patriotism and to your wisdom the destiny of their children, and yet you abase yourselves, or at least you exalt the district judge above yourselves, in the matter of salaries.

Mr. President, I have detained the Senate longer than was necessary, and I have no hope that anything I could say will change the opinion of a single Senator. Of course nothing I could say would change the vote. We are still a good deal like the Scotch member of the English Parliament, who said on an occasion when he had listened to a great speech, and somebody asked him what effect it would produce upon the vote: "I have heard many a speech that changed my mind, but never a single one that changed my vote." We are all that way. We make up our minds, and in what I have said I had no hope of changing anybody's vote. I simply wanted myself to go on record against this increasing extravagance.

I do, however, want to say before I leave the subject entirely, and especially before I leave this subject of comparison between the salaries of Senators and judges, that there are many people in this country now who think that a Senator ought not to have any business while in the Senate. So far as I am concerned, I would not want a Senator who did not have some business, because I never want to see this Republic officered by a set of professional politicians who have no business to attend to and could not attend to it if they had it. My opinion is that no calamity could be greater than this. But there is in this country a very considerable number of men, who deny the right of Senators to practice law. Just exactly what will come to pass when this new gospel becomes universally accepted I am not able to judge. If a Senator is not permitted to earn something when Congress is not in session, then one of two things must happen: The Government must fall into the hands of rich men who do not need to earn anything, or it must fall into the hands of deadbeats who can not earn anything, and who are glad to get the salary as a better way of living than they could find elsewhere or otherwise.

As for my part, I prefer a public life in which all of us when the Congress sits shall be here to work faithfully and diligently, and then when the Congress adjourns that we go home and work there, and through our own efforts and exertions provide for that rainy day which must come to all of us, and not attempt to provide for it out of the Public Treasury. I do not ask the Government to take care of me in my old age, for if I am fit to serve here I am able to provide against the time to come. I ask nothing from the Treasury, except such as will give me a decent and comfortable support, and then when the Congress is not in session and I am not required to be in attendance upon the Senate I am able and willing to provide a competence for my old age.

Of course, I perfectly understand that this rule can not apply to judges. In the nature of things they must be lawyers, and, in the nature of things, being judges, they can not practice law. I perfectly understand that; but neither do they need to do it under the law as it stands to-day, because when they have reached the age of seventy years, having served a given term, the law permits them to retire, and they are never again under the necessity of earning money for themselves, and they are forever protected against poverty and financial misfortune. That is enough. When the Government has done that for them, it has done enough; and let us not increase the taxes of the people, to whom $800 is an unusual income, in order to increase the salaries of men who are already receiving more than they could earn in private life.

But if you will increase the salaries of the judges, and increase the President's salary to $100,000, why stop with the sum of $20,000 for the Speaker of the House of Representatives and the Vice-President of the United States? I freely grant you that the Vice-President as long as the President lives is a piece of political bric-a-brac. He simply presides over the Senate and is not permitted to do more, however competent he may be to do it.

If the argument of entertainment is persuasive, however, it is stronger in the case of the Vice-President than of the President, because the Vice-President has not anything to do but to entertain, and all the Vice-Presidents I have ever known entertained with a delightful hospitality. If you are going to furnish money for entertainment, the Vice-President ought certainly to have half as much as the President.

There was a time in the history of this country when the Vice-President did not think it necessary to come to Washington except occasionally; but that time has passed. He is here, and without calling in this presence the name of any distinguished occupant of that high position, we know that no Member of this body is more regular in his attendance now than is the Vice-President of the United States. He gives the Senate his time, although it is the most irksome thing in the world for a man who feels a capacity to do things to be denied the opportunity of doing them. Mr. President, the ability to work is worth more than the salary for which we work, and the compulsion to do nothing is the greatest infliction that could be visited upon an active and intelligent mind.

But it is not sufficient to gauge salaries now by what men do. We are going to gauge them by entertainment. If this new argument is to obtain the distinguished friend who sits by me [Mr. TILLMAN] ought not to have anything, because he never entertains. [Laughter.] If that is to be the criterion, if we are to provide for entertainment because men occupy high official station, the Vice-President is entitled to at least half as much as the President.

The Senate is not the place to discuss the social calendar, and I should not have introduced it into this discussion; but I venture to say that if you will examine the matter you will find the entertainments at one house are almost as brilliant as the entertainments at the other, and the expense of one is almost as great as the expense of the other; yet for the purpose of this entertainment you give one man $100,000, a house to live in, and $80,000 incidental expenses, and you give the other the sum of $20,000, with no emoluments or supplies.

It is true that this bill does provide a carriage and horses for the Vice-President, and I am delighted to see that it is old-fashioned enough to provide for horses instead of automobiles. I want to see that the Sergeant-at-Arms buys horses that were bred by American farmers, instead of automobiles manufactured in France.

Mr. BORAH. Mr. President——

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

Mr. BAILEY. Yes; I yield.

Mr. BORAH. I do not want the Senator from Texas to abate his zeal on that proposition, but the provision reads "carriage or other vehicle."

Mr. BAILEY. Then I shall move to strike out the words "or other vehicle." [Laughter.] I thank the Senator from Idaho for calling my attention to that.

Mr. WARREN. Mr. President——

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

Mr. BAILEY. I do.

Mr. WARREN. I want to suggest right there, that the Senator could accomplish his object, if he wishes to protect the interests of Americans, by having the amendment amended so as to read "vehicles of American construction." If the Senator is conversant, as I presume he is, with the horse market, he knows that at the present time the price of horses is about as high as that of automobiles.

Mr. BAILEY. If the Senator from Wyoming thinks that, I will take a contract to buy him five horses for the cost of one automobile. I know something about the price of horses, for that is one of the cranks in which I ever indulge myself.

Mr. WARREN. On the other hand, I could easily contract to furnish five automobiles for one horse.

Mr. BAILEY. Mr. President, you can not find many horses in the United States that would sell for the price of one automobile; but I could buy horses, at the rate of five for an automobile, until the Senator's great ranch in Wyoming would hardly furnish standing room for them. But so far as that is concerned—and I do not jest about this matter—I find that the Government is dispensing with the use of horses wherever they

can and buying automobiles. I am not a protectionist, and I would let a man buy an automobile, just like I would let him buy everything else, wherever he could buy the cheapest.

Mr. WARREN. The product of the farmer?

Mr. BAILEY. Yes; or of anybody else. The only addition to that which I would make is that when he imported it, I would make him pay a duty which should constitute his fair contribution toward the support of the Government. I would not prevent him from buying an automobile abroad by law. I would rely upon an American enough to know that he will buy from an American if an American will sell him at a decent price, and if any American will not sell to an American at a decent price, then I think that American ought to be permitted to buy from a foreigner who will sell him at a decent price.

The Federal Government could never have any extensive jurisdiction over that question, but, if I had my way, I would make it a crime to use these automobiles on the public highways, because no man has a right to use a vehicle on a public highway that is dangerous to the safety and lives of other people, and an automobile is dangerous. Probably the time will come when horses will be educated to the point where they will not be afraid of automobiles; but I doubt that, for I have not seen the time yet that I was not afraid of them.

Mr. TILLMAN. An old man in this city was run over the other day.

Mr. BAILEY. I do not believe that any man ought to be permitted to use that kind of a vehicle upon the public thoroughfares where everybody has a right to travel. Consequently, if the Senator from Idaho will join with me, I think we will strike the words "or other vehicle" out, and we will confine the Vice-President to horses and carriages, or make him walk. [Laughter.]

Mr. President, I am not appealing for an increase, but I do say that, as a matter of justice and equity, if you are going to give the President $100,000, the salary of the Vice-President is not in correspondence, and the salary of the Speaker of the House is not in correspondence. The Speaker of the House of Representatives is certainly the third greatest officer under this Government. I do not know just exactly what precedence they accord him at social functions, but in power and authority he is undoubtedly the second, excelling even the Vice-President of the United States himself in point of power. I doubt if the President of the United States exercises as much power over the legislation of this country as does the Speaker of the House of Representatives. Therefore, measured not merely by the dignity of his office, but measured by its power and its responsibility, it is absurd to say that the President shall have $100,000 and the Speaker of the House but $20,000.

Then, if you go into that other indefinite field, about which I profess to know nothing, if you take up the question of the cost of entertainment, certainly the Speaker in that regard is not so far behind the President as this bill places him.

Mr. President, I venture to state that there has not been a Vice-President in twenty years who did not leave that chair poorer than he was when he assumed it. I will venture to say that there has never been a Speaker of the American House of Representatives who saved money out of that great office, but there has not been a President in twenty years who did not leave the presidential office with more than he possessed when he entered upon it. It is to the credit of Mr. Cleveland that he saved something out of his salary—not much, but enough to provide for his old age. It is to the credit of Benjamin Harrison that from the $50,000 salary, which you now describe as inadequate, he saved something with which he purchased brick buildings in the city of Indianapolis, The Senator from Indiana [Mr. HEMENWAY], I think, knows that. A great man, upright, honorable, and just, he illustrated the best traditions of the Republic by living economically and saving something out of his salary. For that I honor him, and the pity is that all of his successors in that great station will not practice his frugality and his simplicity. With the President able to save from his present salary, we are asked to double it. With the Vice-President and the Speaker spending more than they receive, you pay them less than half of the increase you are giving the President. It is not just, it is not fair, it is not equal treatment. I leave it to the Senate, contenting myself with voting against the entire schedule of increases.

Mr. CLAPP. Mr. President, I rise in the hope that I may render some slight service to the country, although the chances are that when I shall have finished my remarks I will simply find myself cordially hated by many. There is to-day in this country no more popular cry than a billion-dollar Congress and the billion-dollar country. The Senator from Texas [Mr. BAILEY] I think is mistaken upon one point, and that is that it is popular or could by any possibility be strained into an attempt to curry popular favor to stand upon this floor for economy. From all over this land, from my own State—and to-day I incur the disapproval of friends, both personal and political, in taking a stand here for economy—comes the demand for appropriations, ending inevitably in indebtedness, evidenced by bonds.

Is it astonishing, Mr. President, that to-day thinking men, business men, will calmly consider the proposition of this great Government running behind in its revenue and contemplate equally calmly an issue of its securities? The wild delirium for extravagance and the debt thereby created will outlive the Senator from Texas and myself, and we might well content ourselves in silence. But we would be recreant to our duty if we did that.

Mr. President, I am not going to detain the Senate long with a speech. I can not hope to rival the brilliant Senator from Texas in his presentation of this subject. It is not a question of compensation. The wealth of this Nation could not compensate a Washington, nor could it, in my humble judgment, compensate the present occupant of the office of Chief Executive for the services he has rendered this country. We can not measure service by dollars and cents. The true test is that announced by the Senator from Texas that we should pay public officials enough to maintain them with dignity in their office and enable them to educate their children. Beyond that we can not hope to go. Beyond that we ought not to seek to go.

Mr. President, we stand to-day confronted by a condition. We stand to-day with a deficiency confronting us. We have promised the people of the United States that we would revise the tariff this coming summer, and the very promise of that revision has resulted in the greatest industrial nation upon this earth sitting back and waiting to see what will happen. That inevitably leads to a decrease of revenue, and not only have we a deficiency confronting us, but we have a decreased revenue also confronting us.

Now, what do we have on the other hand? We have coming in here day after day additional appropriations. The naval bill, which will come here within a few days, will contain a large addition over last session's bill. The military bill, which is to come here within a few days, will contain another large addition over the last session's bill; and in the face of our decreased revenue it is proposed now to raise these salaries.

Mr. President, the Government to-day is in this position. With a deficiency confronting us, we are paying out money for the rent of buildings all over this country, and especially in this city; a bill upon the desk of the Senator from Oregon [Mr. FULTON] proposing to pay millions of honest debts of this nation, it is proposed to let go; and now, in the face of this condition, it is proposed to raise these salaries.

I am not here to make any invidious comparison. It may be said, in answer to my attitude, that the salary of Representatives and Senators has been raised. I could, if I would, avail myself of the defense that I did not vote for it; but I stand here to-day upon the floor of this Chamber and assert that a United States Senator or a Representative ought to receive a salary equal to any officer of this Government, save the President, save the Vice-President, save the Speaker, and save the Chief Justice of the United States. So I will not avail myself of the defense which I could make upon that score. We made that increase of salary under entirely different conditions from those under which it is proposed to make this increase. If it was the mere question of the President's salary, of the Vice-President's salary, of the Speaker's salary, of the Judges' salary, we might content ourselves with one of those, and perhaps face the possibility of increasing the salary. But Senators can not disguise this proposition. It is a proposition to increase all of these salaries, and that, too, in the face of these conditions.

Now, my reason for arising at this moment is simply this: Time and again in this body, after these bills are passed and attention has been called to the increased appropriations, Senators have said, "Yes; we ought not to have done it; but we have done it. It is too late now to undo it; but next time we will see that it is not done." I believe—if I am the only Senator who will vote along this line—that the time has come when some one should say that "now is the time to do it," and not wait until after the appropriation bill has passed. In my single capacity I propose to vote against these appropriations.

There is a vast difference between increasing these salaries and adding to the official force of this Government.

There is an amendment pending——

Mr. TILLMAN. Mr. President——

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

Mr. CLAPP. I wish to conclude the sentence.

There is pending to this bill an amendment to increase the force in one of the departments. As the Government grows, as the work increases, these forces must be increased; and there is a vast difference between increasing the force of the departments and increasing these salaries. Now, I will listen to the Senator from South Carolina.

Mr. TILLMAN. Knowing that the revenues of the Government are falling behind, I had intended to propose, to come in at the appropriate place in the bill, the following:

Provided, however, That no part of the increased pay provided herein shall be paid if the revenues of the Government shall show a deficit during the next fiscal year.

Will the Senator support that amendment?

Mr. CLAPP. I would not want to support that, because it would be equivalent to a roundabout way of voting against the amendments. I prefer to vote against them directly.

Mr. STONE. I am going to vote against them directly; but, then, if I am run over, I propose to try to check this extravagance and waste by putting a tail on the kite.

Mr. CLAPP. Every Senator in this Chamber knows that the revenues are going to fall off. There is not a day that I do not get letters from men whose business it is to import goods, saying, "We will not import any more goods at present. We are going to wait to see what Congress does as to the duty on this particular article." Not only will that decrease revenue from importations, but it has already accentuated—and it will more accentuate—a business depression, which will also have its effect upon internal revenue and decrease the revenue in that direction.

I dislike to take this stand. The gentleman who will soon occupy the position of Vice-President and presiding officer of the Senate is a personal friend. The gentleman who will soon occupy the position of Chief Executive of this country is a personal friend. I realize that no amount of dollars and cents can compensate him for the service he will perform to this country, as I believe, but at the same time we can not measure that service by dollars and cents. We can only content ourselves with voting a reasonable salary for these positions, and instead of waiting until the naval bill or some other bill comes into this Chamber, and then finding it too late to make a stand for economy, I for one propose to begin now, and I shall vote against every one of these amendments increasing salaries.

The VICE-PRESIDENT. The Senator from Idaho [Mr. BORAH] interposes the point of order that the pending amendment contravenes paragraph 3 of Rule XVI.

Mr. WARREN. Does the Senator from Idaho insist upon his point of order?

The VICE-PRESIDENT. The point of order is before the Senate.

The Senator from Idaho [Mr. BORAH] makes the point of order that the pending amendment contravenes paragraph 3 of Rule XVI, which provides:

No amendment which proposes general legislation shall be received to any general appropriation bill.

What is general legislation upon a general appropriation bill under Rule XVI has long been a sharply debated question. The rule is an old one. It has been frequently invoked, and the discussion has invariably disclosed the same conflicting views which have been expressed with respect to the point of order now interposed. There is no well-defined uniform line of decisions, either by the Chair or by the Senate, when the question has been submitted by the Chair to its determination or when the question has been brought before it by an appeal from the decision of the Chair. The impression created upon the mind of the present occupant of the chair, after a somewhat careful and thorough examination of the subject, is that the Senate has been largely controlled in its interpretation of the rule for more than a third of a century by a consideration of the public interest involved at the time being rather than by any regard for its technical meaning or strict application.

Under the well-known rules of the Senate the Senate can express itself upon the question as to whether a proposed amendment is in order by an appeal from the decision of the Chair upon a point of order or when the Chair submits the matter for its determination.

The Chair thinks that under all the circumstances, in view of the wide interest in it, it is fair to all concerned to allow the Senate to pass by a direct vote upon the question raised by the point of order. This has been the course which has been frequently pursued in past years. Therefore the Chair will submit the question to the Senate, Is the amendment in order?

Mr. HALE. Mr. President, the reasons given by the Chair are so clear and cogent, and its determination so conforms to previous action by the Chair in other matters, that I should say nothing but approval could follow that course. I wish to say—and it is brought to my attention by the point which the Senator from Oklahoma [Mr. OWEN] made—that the Senate can at any time by a majority, under Rule 40, suspend any rule. The Senate has a fashion—it has been its practice—when any question of order is submitted to the Senate, by a short cut and voting upon the merit of the question, of dispensing with the rule instead of in form suspending it by a majority vote. I and other Senators here, on important matters, when the Chair has submitted the question to the Senate, have voted upon the merit instead of voting in form under Rule XL that the rule shall be suspended; and for one I shall do the same now. Whatever I may believe of the force of the point of order—and I expressed that in the early part of the discussion—the whole matter being submitted to the Senate, I shall vote upon the merit of the question, being in favor of the proposition presented to the Senate by the amendment, although I think the point of order well taken.

The VICE-PRESIDENT. The question is, Is the amendment in order?

Mr. BORAH. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. Will the Chair state the question once more?

The VICE-PRESIDENT. The question is, Is the amendment in order? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer it to the junior Senator from Rhode Island [Mr. WETMORE], and will vote. I vote "yea."

Mr. DAVIS (when the name of Mr. CLARKE of Arkansas was called). My colleague [Mr. CLARKE of Arkansas] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. DOLLIVER (when the name of Mr. CUMMINS was called). I desire to state that my colleague [Mr. CUMMINS] is unavoidably detained from the Chamber, being absent from the city.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. I transfer it to my colleague [Mr. PLATT], and will vote. I vote "yea."

Mr. FOSTER (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. MCCUMBER]. I understand he is absent from the Capitol, and therefore I withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the junior Senator from Illinois [Mr. HOPKINS] to my colleague [Mr. GORE], and will vote. I vote "nay."

Mr. PILES (when his name was called). I was out of the Chamber when the question was presented. I do not know what we are voting on. Are we voting on the amendment?

The VICE-PRESIDENT. The question is whether the amendment is in order.

Mr. PILES. I vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. TILLMAN (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote. If at liberty, I should vote "nay."

The roll call was concluded.

Mr. HEYBURN. I want to make an inquiry, Mr. President. My vote will depend upon whether the amendment was accepted by the chairman or whether we are voting upon it as it is in the bill as it came from the committee.

The VICE-PRESIDENT. The Chair will state that under the rule debate is not in order.

Mr. HEYBURN. I am not debating it; I want to know what we are voting on—that is, what amendment is pending.

The VICE-PRESIDENT. The question is, Is the amendment in order?

Mr. HEYBURN. There are two before the Senate.

The VICE-PRESIDENT. It is the amendment proposed by the committee, beginning in line 26, on page 14, and including lines 1, 2, and 3 on page 15 of the bill.

Mr. HEYBURN. In italics?

The VICE-PRESIDENT. In italics.

Mr. HEYBURN. If the other amendment were accepted, it would be a different vote.

The VICE-PRESIDENT. Debate is not in order.

Mr. HEYBURN. I am not debating it, but I have a right to information.

The VICE-PRESIDENT. Has the Senator from Idaho voted?

Mr. HEYBURN. I vote "nay" as to the amendment in italics, but would vote "yea" as to the amendment offered by the Senator from Rhode Island [Mr. ALDRICH].

Mr. TILLMAN. I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Missouri [Mr. STONE], who is not paired, and vote "nay."

Mr. LONG. I wish to announce that my colleague [Mr. CURTIS] is unavoidably absent.

Mr. CLARK of Wyoming. The Senator from Missouri [Mr. STONE] is paired generally with myself. I transferred the pair to the Senator from Rhode Island [Mr. WETMORE].

Mr. TILLMAN (after having voted in the negative). I wanted to protect the Senator from Vermont [Mr. DILLINGHAM], and transferred my pair to the Senator from Missouri [Mr. STONE]. I thought I had a right to do so, as the Senator from Texas [Mr. CULBERSON] informed me. But I have since learned that the arrangement of pairs does not permit of that transfer, and I withdraw my vote.

Mr. KNOX. I wish to announce that my colleague [Mr. PENROSE] is unavoidably absent. If present, he would vote "yea."

Mr. MARTIN. I desire to state that my colleague [Mr. DANIEL] is unavoidably absent from the city, having been called home by a very sad affliction in his family.

The result was announced—yeas 36, nays 32, as follows:

YEAS—36.

Bourne	du Pont	Kean	Piles
Briggs	Elkins	Kittredge	Scott
Burnham	Flint	Knox	Smith, Mich.
Burrows	Frye	Lodge	Smoot
Carter	Gallinger	Long	Stephenson
Clark, Wyo.	Gamble	McEnery	Sutherland
Crane	Guggenheim	Newlands	Teller
Cullom	Hale	Page	Warner
Depew	Hemenway	Perkins	Warren

NAYS—32.

Bacon	Clay	Heyburn	Nelson
Bailey	Culberson	Johnston	Overman
Bankhead	Davis	La Follette	Owen
Borah	Dixon	McCreary	Paynter
Brown	Dolliver	McLaurin	Simmons
Bulkeley	Frazier	Martin	Smith, Md.
Burkett	Fulton	Milton	Taliaferro
Clapp	Gary	Money	Taylor

NOT VOTING—24.

Aldrich	Curtis	Gore	Platt
Ankeny	Daniel	Hansbrough	Rayner
Beveridge	Dick	Hopkins	Richardson
Brandegee	Dillingham	McCumber	Stone
Clarke, Ark.	Foraker	Nixon	Tillman
Cummins	Foster	Penrose	Wetmore

So the Senate decided the amendment to be in order.

The VICE-PRESIDENT. The question is upon the adoption of the amendment of the committee.

Mr. BORAH. Mr. President, I send an amendment to the amendment to the desk.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment to the amendment, which will be read by the Secretary.

The SECRETARY. In the committee amendment, page 15, line 3, before the word "thousand," strike out "twenty" and insert "fifteen," so as to read "shall be $15,000 per annum."

Mr. BORAH. Upon that I ask the yeas and nays.

Mr. HALE. I move to amend the amendment by inserting the word "eighteen" before "thousand."

Mr. BACON. I understand that if the Senate should vote down the amendment of the Senator from Maine the question would then recur upon the amendment offered by the Senator from Idaho; in other words, if the Senate should vote against $18,000, the vote would then be on the question of $15,000. Am I correct?

The VICE-PRESIDENT. The Chair is under the impression, as he understood the amendment of the Senator from Maine, that it is an amendment in the third degree.

Mr. HALE. I think the Chair is correct; I thought of that.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Idaho [Mr. BORAH] to the amendment of the committee, upon which he demands the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Let it be read.

Mr. du PONT. I could not hear the amendment to the amendment.

The VICE-PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. On page 15, line 3, before the word "thousand," strike out "twenty" and insert "fifteen," so that if amended the amendment of the committee will read:

Provided, That the salary of the Speaker of the House of Representatives, after March 3, 1909, shall be $15,000 per annum.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Idaho to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. TILLMAN (when Mr. DILLINGHAM's name was called). I wish to announce again my pair with the senior Senator from Vermont [Mr. DILLINGHAM]; and for the balance of the evening, on all amendments, being paired, I will not vote.

Mr. FOSTER (when his name was called). I again announce my pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent. I withhold my vote.

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW]. He is not present, and I withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the junior Senator from Illinois [Mr. HOPKINS] to my colleague [Mr. GORE], and vote "yea."

Mr. RAYNER (when his name was called). I desire to announce my pair generally for the rest of the day with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], but as he was on the Finance Committee and, I understand, supported this measure when it was before that committee, I am going to venture to vote. I vote "nay."

The roll call was concluded.

Mr. BACON. I desire to call the attention of the Senator from Wyoming [Mr. WARREN] to the fact that the Senator from Mississippi [Mr. MONEY] voted the opposite way on the question of order.

Mr. WARREN. That was entirely another matter. He was voting on the point of order.

Mr. BACON. I know, but the Senator will remember that the Senator from Maine [Mr. HALE], who is a very distinguished authority in this body, himself announced that while he believed the point of order was well taken it was not the custom of the body to be measured by that consideration, and he would therefore vote in the way he thought the merits of the case would induce him to cast his vote.

Mr. WARREN. If there is any question about it upon the other side, although I feel perfectly sure of my ground, I withhold my vote, or I will transfer my pair to the junior Senator from Maine [Mr. FRYE], who is not in the Chamber. I vote "nay."

The result was announced—yeas 34, nays 32, as follows:

YEAS—34.

Bacon	Davis	McLaurin	Simmons
Bailey	Dixon	Martin	Smith, Md.
Bankhead	Dolliver	Milton	Smith, Mich.
Borah	Frazier	Nelson	Sutherland
Brown	Fulton	Newlands	Taliaferro
Bulkeley	Gary	Overman	Taylor
Burkett	Johnston	Owen	Warner
Clay	La Follette	Page	
Culberson	McCreary	Paynter	

NAYS—32.

Bourne	Cullom	Guggenheim	Long
Briggs	Depew	Hale	Perkins
Burnham	du Pont	Hemenway	Piles
Burrows	Elkins	Heyburn	Scott
Carter	Flint	Kean	Smoot
Clapp	Foraker	Kittredge	Stephenson
Clark, Wyo.	Gallinger	Knox	Teller
Crane	Gamble	Lodge	Warren

NOT VOTING—26.

Aldrich	Daniel	Hopkins	Rayner
Ankeny	Dick	McCumber	Richardson
Beveridge	Dillingham	McEnery	Stone
Brandegee	Foster	Money	Tillman
Clarke, Ark.	Frye	Nixon	Wetmore
Cummins	Gore	Penrose	
Curtis	Hansbrough	Platt	

So Mr. BORAH's amendment to the amendment of the committee was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. CULBERSON. I ask for the yeas and nays on the adoption of the amendment as amended.

Mr. HEYBURN. Mr. President, when the question of order was submitted to the Senate I undertook to ascertain whether the question as contained in the bill reported from the committee was under consideration on the point of order or whether the amendment which I understood was accepted by the Senator in charge of the bill was the amendment under consideration, and

it would doubtless seem to those who are not advised that my vote was somewhat inconsistent. I voted upon my judgment as to the parliamentary situation when I voted upon the point of order. I did not have any sentiments in regard to the size of the salary of this officer. I desire that the RECORD shall leave no question in regard to that matter.

When the matter was under consideration on the 15th, the Senator from Rhode Island [Mr. ALDRICH] proposed the following amendment:

Provided, That of the amount herein appropriated, $20,000 may be used to pay the salary of the Speaker of the House of Representatives.

I distinctly understood the Senator in charge of the bill to accept that proposed amendment.

Mr. WARREN. Mr. President——

Mr. HEYBURN. I may have been mistaken. I would be glad to be advised.

Mr. WARREN. The Senator from Idaho is correct in stating that such an amendment was read, and that the Senator in charge of the bill stated, addressing the Senator from Rhode Island [Mr. ALDRICH] rather than the Chair, that he was willing to accept the amendment. But the Senator did not formally offer it as an amendment. If the Senator will read the RECORD as to the amendments to the bill, he will find that the amendment was not recorded as having been acted upon.

Mr. HALE. It is not before the Senate.

Mr. WARREN. It is not before the Senate.

Mr. HEYBURN. It has been the custom, where an amendment was proposed to an appropriation bill, that the Senator in charge of the bill would say, "I accept the amendment;" and, there being no objection, it would be treated as having been accepted.

The RECORD shows, on page 972, as I shall read. The Senator from Rhode Island [Mr. ALDRICH] claimed the recognition of the Chair during the time the Senator from Mississippi [Mr. MCLAURIN] had the floor. The Senator from Mississippi said:

If the Senator will allow me, not to interrupt the Senator from Kansas—

Then the Senator from Kansas [Mr. CURTIS] said:

I want the item read.

The Senator from Mississippi [Mr. MCLAURIN] said:

It provides—

Quoting from it—

That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $20,000 per annum.

Mr. ALDRICH. I think the committee, perhaps, were somewhat unfortunate in the language which they used. I suggest to the acting chairman of the subcommittee that the item should be changed to read as follows:

"*Provided*, That of the amount herein appropriated $20,000 may be used to pay the salary of the Speaker of the House of Representatives"—

The Senator from Mississippi [Mr. MCLAURIN] said:

From what is the Senator reading?

Mr. ALDRICH. Which is a mere limitation upon this appropriation and applies for only one year.

I desire that the RECORD shall show my position upon this question in such a way that there may be no misunderstanding about it. There is a vast difference between the parliamentary rule as applied to the amendment reported by the committee and the amendment suggested by the Senator from Rhode Island [Mr. ALDRICH]. The amendment offered by the committee is not an item of appropriation at all; it is an item of legislation. It provides as to what the salary shall be for the time mentioned, but it makes no appropriation for the payment of that salary. So it can not be said to be anything but general legislation. It determines the salary not only of the present Speaker, but of all future Speakers until Congress shall change it. It was upon that language that I voted on the question that was submitted to the Senate. The amendment offered by the Senator from Rhode Island was not legislation at all. It was merely making an appropriation pursuant to existing legislation. That was the difference. It was that condition which controlled my seemingly inconsistent vote. I was not willing to vote against my judgment on a parliamentary question, because it involved a question of general legislation.

The VICE-PRESIDENT. The Senator from Texas demands the yeas and nays upon agreeing to the amendment of the committee as amended.

The yeas and nays were ordered.

Mr. ELKINS. What is the amendment?

Mr. BACON. I desire to ask a question for information. I ought perhaps to know it, but I do not at this moment recall what is the present salary of this officer.

Mr. WARREN. Twelve thousand dollars. I understand that those voting "yea" vote to accept the amendment making the salary $15,000 a year.

The VICE-PRESIDENT. That is the effect of the vote.

Mr. ELKINS. If it is lost, then what?

Mr. GALLINGER. It remains at $12,000.

The VICE-PRESIDENT. The question is for the determination of the Senate. The Secretary will call the roll on agreeing to the amendment of the committee as amended.

The Secretary proceeded to call the roll.

Mr. FOSTER (when his name was called). I again announce my pair. I make this announcement for all future votes upon this measure. I withhold my vote.

Mr. GAMBLE (when his name was called). I transfer my pair with the Senator from Nevada [Mr. NEWLANDS] to the Senator from Pennsylvania [Mr. PENROSE], and I vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. HOPKINS] to my colleague [Mr. GORE], and vote "nay."

Mr. WARREN (when his name was called). I am paired with the Senator from Mississippi [Mr. MONEY]. I transfer that pair to the Senator from Maine [Mr. FRYE], and I vote "yea."

The roll call having been concluded, the result was announced—yeas 37, nays 27, as follows:

YEAS—37.

Bourne	du Pont	Kean	Smith, Mich.
Briggs	Elkins	Kittredge	Smoot
Bulkeley	Flint	Knox	Stephenson
Burnham	Foraker	Lodge	Sutherland
Burrows	Gallinger	Long	Teller
Carter	Gamble	Nelson	Warner
Clark, Wyo.	Guggenheim	Page	Warren
Crane	Hale	Perkins	
Cullom	Hemenway	Piles	
Dick	Heyburn	Scott	

NAYS—27.

Bacon	Clay	Johnston	Owen
Bailey	Culberson	La Follette	Paynter
Bankhead	Davis	McCreary	Simmons
Borah	Dixon	McLaurin	Smith, Md.
Brown	Dolliver	Martin	Taliaferro
Burkett	Frazier	Milton	Taylor
Clapp	Gary	Overman	

NOT VOTING—28.

Aldrich	Daniel	Hansbrough	Penrose
Ankeny	Depew	Hopkins	Platt
Beveridge	Dillingham	McCumber	Rayner
Brandegee	Foster	McEnery	Richardson
Clarke, Ark.	Frye	Money	Stone
Cummins	Fulton	Newlands	Tillman
Curtis	Gore	Nixon	Wetmore

So the amendment as amended was agreed to.

FORT DOUGLAS MILITARY RESERVATION, UTAH.

The bill (H. R. 23863) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States, was read twice by its title.

Mr. SUTHERLAND. Mr. President, the House bill just laid before the Senate is identical in terms with Senate bill No. 7396, passed by the Senate on Thursday last. I therefore move that the House bill be put on its passage, and the bill heretofore passed by the Senate be recalled from the House.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Utah for the present consideration of the House bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

Mr. SUTHERLAND. I move that the bill (S. 7396) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States, be recalled from the House of Representatives.

The motion was agreed to.

Mr. SUTHERLAND. Mr. President, I now desire to enter a motion to reconsider the vote by which the Senate bill was ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. Without objection, the motion will be entered.

ORDER OF BUSINESS.

Mr. WARREN. Mr. President, it is now after 5 o'clock. It is evident that we shall not be able to finish the appropriation bill this evening. I desire, therefore, to give notice that I shall ask to bring it up to-morrow morning immediately after the routine business. But before laying the bill aside, I wish to say that, in the opinion of the committee, the reduction which has been made in the first one of these salaries will be expected

to govern, in a measure, some of the others, and corresponding reductions will doubtless be expected. Now, Mr. President, I move that the Senate adjourn.

Mr. LODGE. I ask the Senator from Wyoming if he will be kind enough to change his motion to a motion to proceed to the consideration of executive business, as there are some matters that ought to be referred.

Mr. WARREN. Very well; I will change the motion, and move that the Senate proceed to the consideration of executive business, but I will withhold that motion for a moment to enable the Senator from Connecticut [Mr. BULKELEY], who has a small bill in charge, to bring it up.

UNITED SPANISH WAR VETERANS.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 3751) authorizing the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 2, after line 9, to insert as a new section the following:

SEC. 4. That the ammunition issued under this act shall be limited to the supply now on hand and available; and that the shipment of all ordnance stores issued to and from the aforesaid camps, including the maintenance of the arms in repair, shall be made at the expense of the various camps.

The amendment was agreed to.

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

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

EXECUTIVE SESSION.

Mr. WARREN. 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 five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 19, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1909.

UNITED STATES MARSHAL.

William R. Compton, of New York, to be United States marshal for the western district of New York. A reappointment, his term having expired on June 4, 1908.

RECEIVER OF PUBLIC MONEYS.

John E. Adams, of South Dakota, to be receiver of public moneys at Aberdeen, S. Dak., his term having expired. Reappointment.

CONSULS.

Fred D. Fisher, of Oregon, now consul of class 5 at Harbin, to be consul of the United States of class 4 at Newchwang, China, vice Thomas E. Heenan, nominated to be consul of class 5 at Warsaw.

Roger S. Greene, of Massachusetts, now consul of class 6 at Dalny, to be consul of the United States of class 5 at Harbin, Manchuria, vice Fred D. Fisher, nominated to be consul of class 4 at Newchwang.

Thomas E. Heenan, of Minnesota, now consul of class 4 at Newchwang, to be consul of the United States of class 5 at Warsaw, Russia, vice George N. Ifft, nominated to be consul of class 5 at Nuremberg.

Percival Heintzleman, of Pennsylvania, now consul of class 8 at Swatow, to be consul of the United States of class 6 at Chungking, China, vice Mason Mitchell, appointed to be consul of class 6 at Apia.

George N. Ifft, of Idaho, now consul of class 5 at Warsaw, to be consul of the United States of class 5 at Nuremberg, Bavaria, vice Heaton W. Harris, nominated to be consul-general at large.

Stuart K. Lupton, of Tennessee, to be consul of the United States of class 9 at Messina, Italy, vice Arthur S. Cheney, deceased.

Albert W. Pontius, of Minnesota, lately interpreter to the consulate-general at Hankow, assigned to duty in the Division of Far Eastern Affairs, Department of State, to be consul of the United States of class 8 at Swatow, China, vice Percival Heintzleman, nominated to be consul of class 6 at Chungking.

Edward D. Winslow, of Illinois, to be consul of the United States of class 8 at Gothenburg, Sweden, vice William H. Robertson, nominated to be consul-general of class 6 at Tangier.

NAVAL OFFICER OF CUSTOMS.

Walter T. Merrick, of Pennsylvania, to be naval officer of customs in the District of Philadelphia, in the State of Pennsylvania. Reappointment.

UNITED STATES DISTRICT JUDGE.

Herbert F. Seawell, of North Carolina, to be United States district judge for the eastern district of North Carolina, vice Thomas R. Purnell, deceased.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Samuel Black Winram to be captain in the Revenue-Cutter Service of the United States, to rank as such from November 27, 1908, in place of Capt. John Charles Moore, retired.

Second Lieut. Eben Barker to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 27, 1908, in place of First Lieut. Samuel Black Winram, promoted.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. William W. Gray, Medical Corps, to be colonel from January 15, 1909, vice Torney, appointed surgeon-general.

Maj. Henry I. Raymond, Medical Corps, to be lieutenant-colonel from January 15, 1909, vice Gray, promoted.

COAST ARTILLERY CORPS.

Lieut. Col. William R. Hamilton, Coast Artillery Corps, to be colonel from January 14, 1909, vice Harrison, retired from active service.

Maj. Adelbert Cronkhite, Coast Artillery Corps, to be lieutenant-colonel from January 14, 1909, vice Hamilton, promoted.

Capt. Frank E. Harris, Coast Artillery Corps, to be major from January 14, 1909, vice Cronkhite, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Albert W. Marshall to be a lieutenant-commander in the navy from the 15th day of December, 1908, vice Lieut. Commander Edward W. Eberle, promoted, to correct the date from which he takes rank as confirmed on January 11, 1909.

Lieut. Arthur MacArthur, jr., to be a lieutenant commander in the navy from the 23d day of December, 1908, vice Lieut. Commander Glennie Tarbox, promoted.

Lieut. Col. Charles A. Doyen to be a colonel in the United States Marine Corps from the 16th day of January, 1909, vice Col. Allan C. Kelton, retired.

Second Lieut. Howard C. Judson to be a first lieutenant in the United States Marine Corps from the 24th day of October, 1908, vice First Lieut. Austin C. Rogers, deceased.

POSTMASTERS.

ARKANSAS.

Hiram F. Butler to be postmaster at Warren, Ark., in place of Hiram F. Butler. Incumbent's commission expired January 6, 1909.

W. M. Howard to be postmaster at Paris, Ark., in place of Joseph A. Foster. Incumbent's commission expired January 18, 1909.

Edgar E. Hudspeth to be postmaster at Nashville, Ark., in place of Edgar E. Hudspeth. Incumbent's commission expired December 12, 1908.

Winniefred Hunsucker to be postmaster at Dermott, Ark., in place of Winniefred Hunsucker. Incumbent's commission expired December 12, 1908.

CALIFORNIA.

Samuel G. Watts to be postmaster at East Auburn, Cal., in place of Samuel G. Watts. Incumbent's commission expired January 9, 1909.

DELAWARE.

Fred H. Burton to be postmaster at Millsboro, Del. Office became presidential January 1, 1909.

FLORIDA.

Carrie S. Abbie to be postmaster at Sarasota, Fla. Office became presidential January 1, 1909.

Charles C. Peck to be postmaster at Brooksville, Fla., in place of Charles C. Peck. Incumbent's commission expires January 21, 1909.

GEORGIA.

Leonora R. Allen to be postmaster at Villa Rica, Ga. Office became presidential January 1, 1909.

Mary C. McWhorter to be postmaster at Sylvester, Ga., in place of Mary C. Heinsohn, change of name by marriage.

Howard A. Poer to be postmaster at Chipley, Ga. Office became presidential January 1, 1909.

ILLINOIS.

Sadie A. Case to be postmaster at Pawpaw, Ill. Office became presidential January 1, 1909.

Eva J. Harrison to be postmaster at Johnston City, Ill., in place of Eva J. Harrison. Incumbent's commission expired January 11, 1909.

Charles H. Hurt to be postmaster at Barry, Ill., in place of Charles H. Hurt. Incumbent's commission expired December 13, 1908.

Amzi A. Junkins to be postmaster at Noble, Ill. Office became presidential January 1, 1909.

INDIANA.

W. G. Pettijohn to be postmaster at Arcadia, Ind., in place of Albert E. Martz. Incumbent's commission expires February 23, 1909.

Joseph S. Vanatto to be postmaster at Earl Park, Ind. Office became presidential January 1, 1909.

IOWA.

Philip M. Mosher to be postmaster at Riceville, Iowa, in place of Philip M. Mosher. Incumbent's commission expires January 30, 1909.

MICHIGAN.

Aaron Cornell to be postmaster at Elkton, Mich. Office became presidential January 1, 1909.

Jennie Vaughan to be postmaster at Baraga, Mich. Office became presidential January 1, 1907.

MINNESOTA.

James M. Diment to be postmaster at Owatonna, Minn., in place of James M. Diment. Incumbent's commission expired December 12, 1908.

MISSOURI.

John H. Harris to be postmaster at Lockwood, Mo., in place of William Beisner, removed.

Cord P. Michaelis to be postmaster at Cole Camp, Mo. Office came presidential January 1, 1909.

NEBRASKA.

Spicer D. Eells to be postmaster at Elmwood, Nebr. Office became presidential January 1, 1909.

Benjamin W. Showalter to be postmaster at Davenport, Nebr. Office became presidential January 1, 1909.

George Yung to be postmaster at Cedar Bluffs, Nebr. Office became presidential January 1, 1909.

NEW JERSEY.

Harry Bacharach to be postmaster at Atlantic City, N. J., in place of Harry Bacharach. Incumbent's position expires February 27, 1909.

Charles Morganweck to be postmaster at Egg Harbor City, N. J., in place of William Mall, removed.

NEW YORK.

Frank A. Frost to be postmaster at Watkins, N. Y., in place of Frank A. Frost. Incumbent's commission expires February 3, 1909.

Zera T. Nye to be postmaster at Homer, N. Y., in place of William C. Collins, removed.

Joseph F. Stephens to be postmaster at Highland Falls, N. Y., in place of Joseph F. Stephens. Incumbent's commission expires January 30, 1909.

NORTH DAKOTA.

Frank I. Bonesho to be postmaster at Mott, N. Dak. Office became presidential October 1, 1908.

Robert I. Sanerissig to be postmaster at McClusky, N. Dak. Office became presidential January 1, 1909.

OHIO.

John P. Stranathan to be postmaster at Pleasant City, Ohio. Office became presidential January 1, 1908.

OKLAHOMA.

W. Story Sherman to be postmaster at Shattuck, Okla. Office became presidential January 1, 1908.

OREGON.

Frank J. Carney to be postmaster at Astoria, Oreg., in place of John Hahn. Incumbent's commission expires January 23, 1909.

PENNSYLVANIA.

Michael K. Bergey to be postmaster at Souderton, Pa., in place of Michael K. Bergey. Incumbent's commission expires February 3, 1909.

Samuel W. Hamilton to be postmaster at Vandergrift, Pa., in place of Samuel W. Hamilton. Incumbent's commission expired January 6, 1909.

John A. Keiper to be postmaster at Conemaugh, Pa., in place of David W. Coulter. Incumbent's commission expired March 3, 1907.

Elizabeth R. Skelton to be postmaster at Cynwyd, Pa. Office became presidential January 1, 1909.

SOUTH DAKOTA.

Sumner E. Wood to be postmaster at White, S. Dak. Office became presidential January 1, 1909.

TEXAS.

Charles M. Diller to be postmaster at Alto, Tex. Office became presidential January 1, 1909.

Charles Real to be postmaster at Kerrville, Tex., in place of Charles Real. Incumbent's commission expired January 10, 1909.

VERMONT.

Lewis A. Skiff to be postmaster at Middlebury, Vt., in place of Lewis A. Skiff. Incumbent's commission expired December 16, 1908.

VIRGINIA.

Thomas L. Rosser to be postmaster at Charlottesville, Va., in place of Thomas L. Rosser. Incumbent's commission expires February 13, 1909.

WISCONSIN.

Oliver W. Babcock to be postmaster at Omro, Wis., in place of Oliver W. Babcock. Incumbent's commission expires January 23, 1909.

James B. Weaver to be postmaster at Pewaukee, Wis. Office became presidential July 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1909.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. G. Arthur Hadsell, Nineteenth Infantry, to be captain.

CAVALRY ARM.

Capt. Herbert H. Sargent, Second Cavalry, to be major.

First Lieut. Leslie A. I. Chapman, Fourteenth Cavalry, to be captain.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Robert Clifton Garrett, of New Mexico, to be second lieutenant.

George Roswell Norton, of Massachusetts, to be second lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

James M. Anders, of Pennsylvania.
William Easterly Ashton, of Pennsylvania.
L. Webster Fox, of Pennsylvania.
Ernest Laplace, of Pennsylvania.
William Louis Rodman, of Pennsylvania.
John V. Shoemaker, of Pennsylvania.

MEMBERS OF EXECUTIVE COUNCIL, PORTO RICO.

Luis Sanchez Morales, of Porto Rico, to be a member of the executive council of Porto Rico.

Rafael del Valle, of Porto Rico, to be a member of the executive council of Porto Rico.

POSTMASTERS.

ALABAMA.

John X. Thomas to be postmaster at Ensley, Ala.

DELAWARE.

Irwin M. Chipman to be postmaster at Seaford, Del.

NEW YORK.

William A. Serven to be postmaster at Pearl River, N. Y.

John Smythe to be postmaster at Cold Spring, N. Y.

OHIO.

Henry M. Larkins to be postmaster at Sebring, Ohio.

PORTO RICO.

Walter K. Landis to be postmaster at San Juan, P. R.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 18, 1909.*

The House met at 12 o'clock m.

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

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

WATER MAIN THROUGH MILITARY RESERVATION, NORFOLK, VA.

Mr. MAYNARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 4836.

The SPEAKER. The gentleman from Virginia asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill and consider the same at the present time.

The Clerk read as follows:

A bill (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.

Be it enacted, etc., That the Norfolk County Water Company be, and it is hereby, granted the license and privilege to maintain and operate its water main, which has heretofore been constructed under a license granted by the Secretary of War on the 23d of March, 1907, across the military reservation of the United States on Willoughby Spit, in the county of Norfolk, Va., upon the following conditions, namely:

First. That the said Norfolk County Water Company, its successors or assigns, shall remove its pipes, at its own expense, from said reservation within sixty days after receiving notice from the Secretary of War that the War Department requires the premises so occupied for the purposes of the United States; and upon the failure, neglect, or inability of said company, its successors or assigns, so to do, the same shall become the property of the United States, and the United States may then cause the same to be removed at said company's expense, and no claim for damages against the United States, or any officer or agent thereof, shall be created by or made on account of such removal.

Second. That the said company shall confine the route of its pipes to the location heretofore named under the license granted by the Secretary of War.

Third. That the Norfolk County Water Company shall pay all taxes assessed against the said pipe line laid and maintained hereunder.

Fourth. That any sum which may have to be expended after the revocation of this license, as heretofore provided, in putting the premises or property hereby authorized to be occupied or used in as good condition for use by the United States as it is at the date of the granting of the said license, shall be repaid by the said company on demand.

Fifth. That said company shall pay such reasonable annual rental as may be fixed from time to time by the Secretary of War.

The amendment recommended by the committee was read, as follows:

At the end of section 5, after the words "Secretary of War," add the following:

"Sixth. That the said company shall furnish water to the United States, if the latter at any time so desires, at rates as favorable as those accorded to private consumers."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia—as I understand, this water main is now on this reservation, constructed there under license from the War Department, which license contains some provisions that are not in the bill.

Mr. MAYNARD. This bill was sent to the War Department for its approval, and it sent it back with its assent that the bill should pass with one amendment, and that amendment is added. It is a section of this bill.

Mr. MANN. On the other hand, originally the license contained this provision:

That all work incident to this license shall be subject to the supervision and approval of the officer of the United States Army in charge of said reservation. That the occupation of said reservation incident thereto shall be subject to such rules and regulations in the interest of good order, police, sanitation, and discipline, as said officer may from time to time prescribe.

Now there is absolutely no limitation or provision in the bill safeguarding or regulating its control.

Mr. MAYNARD. I will say to the gentleman from Illinois that when the license was granted the pipe line had been installed. That was with reference to the installation of the pipe line.

Mr. MANN. It does not so state.

Mr. MAYNARD. It states that the pipe line is already there, and it requires an act of Congress to continue this license.

Mr. MANN. By this license given in this bill they may construct a new pipe line and take out the old pipe line.

Mr. MAYNARD. The War Department did not think the language necessary; but if the gentleman from Illinois thinks it necessary to put it in the bill, I have no objection to his offering it as an amendment and having it added to the bill.

Mr. MANN. I think that language ought to go into the bill. Then, the gentleman proposes to say that if this company having the pipe line now constructed shall not do something, it shall forfeit its property—which is beyond the power of Congress.

Mr. MAYNARD. Well, it is a condition of the contract under which they put it there.

Mr. MANN. It is not a condition of the contract under which they put it there. It is already there now. We propose to make a contract forfeiting their property, which, perhaps, they may agree to, but they ought to be required to agree to it.

Mr. MAYNARD. It is part of the agreement under which this former license given by the War Department was made.

Mr. MANN. I wish the gentleman would let this matter go over for a little while.

Mr. MAYNARD. How long?

Mr. MANN. Temporarily.

The SPEAKER. The gentleman for the present withdraws his request.

EXTENDING PROVISIONS OF CAREY ACT TO NEW MEXICO AND ARIZONA.

Mr. MONDELL. 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 H. R. 26216, and that the same be considered at this time.

The bill was read, as follows:

A bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona.

Be it enacted, etc., That all the provisions of section 4 of the act of Congress approved August 18, 1894, being chapter 301 to Supplement to Revised Statutes of the United States, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," and the amendments thereto be, and the same are hereby, extended to the Territories of New Mexico and Arizona, and that said Territories upon complying with the provisions of said act shall be entitled to have and receive all of the benefits therein conferred upon the States.

SEC. 2. That this act shall be in full force and effect from and after its passage.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, you can not tell anything on earth about the bill from hearing it read. What is it?

Mr. MONDELL. Mr. Speaker, this bill extends the provisions of the Carey Act to Arizona and New Mexico. The bill was discussed the other day, and there was objection to it. The gentleman who objected has withdrawn his objection.

Mr. CLARK of Missouri. What is the Carey Act you are talking about?

Mr. MONDELL. It is a law under which the States are authorized to provide for the reclamation and settlement of arid lands. It has been in operation some ten years in the arid-land States, but the provisions have not heretofore been extended to the Territories. The bill was unanimously reported from the committee, and its enactment is urged by the Secretary of the Interior.

Mr. GARRETT. I understand the gentleman desires to extend the act to Arizona?

Mr. MONDELL. The bill before the House includes Arizona.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. REEDER. Does this bill extend the provisions of the former act to Arizona and New Mexico?

Mr. MONDELL. That is all.

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

On motion of Mr. MONDELL a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MONDELL. Mr. Speaker, I ask that House bill 15850, which relates to the same subject, be laid on the table.

The SPEAKER. The gentleman asks unanimous consent that the bill (H. R. 15850) relating to the same subject, be laid on the table. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BOUNDARY BETWEEN MISSISSIPPI, LOUISIANA, AND ARKANSAS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 232, to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

The joint resolution was read, as follows:

Resolved, etc., That the consent of the Congress of the United States is hereby given to the States of Mississippi and Louisiana to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States, or any law thereof, to fix the boundary line between said States, where the Mississippi River now, or formerly, formed the said boundary line and to cede respectively each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River.

The SPEAKER. Is there objection?

There was no objection.

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

Mr. HUMPHREYS of Mississippi. Mr. Speaker, House joint resolution 233 is identical with this, except that it gives the same consent as to the States of Mississippi and Arkansas. I ask unanimous consent for its present consideration.

The joint resolution was read, as follows:

Joint resolution (H. J. Res. 233) to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

Resolved, etc., That the consent of the Congress of the United States is hereby given to the States of Mississippi and Arkansas to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States, or any law thereof, to fix the boundary line between said States, where the Mississippi River now, or formerly, formed the said boundary line and to cede respectively each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think the RECORD ought to contain the reasons for an important proposition like this. I wish the gentleman would state it briefly.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the reasons for the resolution are stated very succinctly in the report which accompanies it.

Mr. MANN. Suppose you have the report printed in the RECORD.

Mr. HUMPHREYS of Mississippi. For the sake of brevity, Mr. Speaker, I ask that the Clerk read the report.

Mr. MANN. You do not need to have it read. Insert it in the RECORD.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent that it be printed in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that the report be printed in the RECORD. Is there objection?

There was no objection.

The report (by Mr. FOSTER of Indiana) is as follows:

The Committee on the Judiciary having had under consideration the resolution (H. J. Res. 229) to enable the States of Mississippi and Arkansas to agree upon a boundary line, and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory, respectfully report in lieu of said resolution the following as a substitute:

"That the consent of the Congress of the United States is hereby given to the States of Mississippi and Arkansas to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States or any law thereof, to fix the boundary line between said States where the Mississippi River now or formerly formed the said boundary line, and to cede, respectively, each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River, and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River."

Your committee recommend the passage of the substitute.

The reasons for the adoption of the resolution are, briefly: The boundary line between the States of Mississippi and Arkansas, as originally fixed, was the Mississippi River. By this it is meant the thread or middle of that stream was the dividing line. The river along that reach which forms this boundary flows through an alluvial valley and is marked by a most tortuous course. Long bends, 10 and even 20 miles around and only 2 or 3 miles across, are very frequent, and in times past, when the annual floods would come, the river would rush across these narrow necks with such force and volume that it would in many instances cut through the soft alluvium and thus establish a new and shorter channel and leave the long, narrow bends cut off from their original jurisdictions.

The old channel around the bend, thus abandoned, at first becomes a lake, but is soon filled by the deposit of silt which is precipitated as soon as it reaches this still water, and in the course of a few years what was at first an island becomes a part of the mainland, and by this process numerous areas have become entirely separated from their original States and attached to the opposite shore. An illustration is presented at Vicksburg, Miss. It will be recalled by all that the river formerly ran along the front of this historic city. In 1876 one of these cut-offs occurred by the river breaking through the narrow neck just below the city and leaving it on what was named "Centennial Lake." Within a few years the lake along the city front filled up, and now a perfect wilderness stands high and dry where the gunboats floated or went down in 80 feet of water in 1863. There are many of these cut-offs, the effects of which have been to separate from their original jurisdictions numerous small tracts, until it has come to pass that the Mississippi River does not always mark the boundary line between these States. The inconvenience and undesirability of having these small areas far away from the scrutiny of their own peace officers and attached physically but not jurisdictionally to the other State is apparent and requires no elaboration.

This resolution gives the consent of the Congress, which may be necessary by the last clause of section 10, Article I, of the Constitution, and simply enables these States to restore the ancient boundary—the Mississippi River—by mutually ceding these areas which have been cut off as above set forth.

The substitute also permits the States named to make such agreement or compact as may be necessary to enable them to exercise concurrent jurisdiction over offenses committed on this boundary stream, just as the States which are separated by the Ohio River were empowered to do by the original ordinance which ceded the Northwest Territory to the Union.

While it may be a debatable question as to whether or not the consent of the Congress is necessary, it has been deemed best to accede to the wishes of the States and give them consent to do what they apply for.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the necessity for the action contemplated by this resolution is made clear by the report. It has been a source of very great annoyance for many years to have these little parcels of no man's land scattered along both shores of the great river where those who choose to violate the laws can find a refuge. The States which are separated by the Ohio River were given concurrent jurisdiction of offenses committed on it by the early ordinances in reference to the Northwest Territory, and I believe this has been generally done when States have been admitted with a navigable river as a boundary line, but it was not done when the Mississippi Territory was created, and for the very good reason that the United States only extended at that time to the middle of the Mississippi River. By the articles of cession of 1802, Georgia, which owned the territory which is now the State of Mississippi ceded to the United States—

All her right, title, and claim to the jurisdiction and soil of the land situated within the boundaries of the United States south of the State of Tennessee—

and so forth, and the boundaries of the United States then extended only to the middle of the Mississippi River.

The treaty of 1763 between England, France, and Spain fixed the middle of the Mississippi River as the dividing line between the French possessions west of the river and the English possessions on the east, and when the independence of the colonies was recognized by the treaty of peace in 1783, the middle of the river was again designated as the western boundary. Mississippi was made a Territory in 1798 "bounded on the west by the Mississippi River," and when she was admitted to statehood nineteen years later her boundary ran "to the Mississippi River, thence up the same," and this has universally been held to mean the middle of that river. In Handly's Lessee *v.* Anthony, reported in 5 Wheaton, the Supreme Court of the United States decided that—

Where a great river is the boundary between two nations or States, if the original property is in neither and there be no convention respecting it, each holds to the middle of the stream.

Running, as it does, through an alluvial valley, where the banks are continually caving into the river, the course of the Mississippi has undergone almost innumerable changes, and what is the middle of the river to-day may be a long distance from the middle of the river to-morrow. This illustration mentioned in the report, where the city of Vicksburg has been left high and dry several miles from the Mississippi, is a case in point. Although the middle of the Mississippi River is now some miles below the city, the boundary line between the two States still runs along the city front, where the middle of the Mississippi was when it was made the original boundary. In other words, the boundary line is not variable, it does not follow the shifting channel of this most fickle and inconstant stream. To express it in the very forceful language of the Supreme Court of the United States, in the case of Indiana *v.* Kentucky—

Her dominion and jurisdiction continue as they existed at the time she was admitted into the Union, unaffected by the action of the forces of nature upon the course of the river.

This was said in a case where a very similar situation had appeared in the Ohio River. Green Island had been left by the shifting channel of the Ohio River, and had in fact, though not in law, become a part of the State of Indiana—

Undoubtedly—

Says the court—

in the present condition of the tract, it would be more convenient for the State of Indiana if the main river were held to be the proper boundary between the two States. That, however, is a matter for arrangement and settlement between the States themselves, with the consent of Congress.

There is no dissent in the books from this view, and if these States are to be relieved from the embarrassments—which might perhaps more aptly be called "harassments"—of this situation it must come by "arrangement and settlement between themselves." The Constitution declares that no State shall enter into any compact or agreement with another State without the consent of Congress, and this resolution proposes to give that consent.

I think there can be no question that the States are competent to enter into the character of agreement or compact which this resolution consents to. It is certainly a part of the general right of sovereignty, belonging to independent nations, to cede territory and to incorporate in the body of the commonwealth the territory so ceded, and this right equally belongs to the

States of the Union, except in so far as they may have surrendered it by the Constitution. A study of the great instrument will readily reveal the fact that so far from surrendering that right, it is plainly reserved to the States with but one single limitation; it must be exercised with the consent of Congress. With that consent they resume the sovereignty which was theirs without limitation before they delegated it to the Federal Government, and being thus unhampered their compacts with each other are of the same binding force and operate with the same effect as a treaty between sovereign powers. This view is distinctly announced in Poole *v.* Fleeger, in the 11th Peters, and in the case of Rhode Island *v.* Massachusetts (12 Peters), and has been affirmed in numerous opinions since these, notably in the somewhat celebrated case of Virginia *v.* Tennessee, reported in 148 United States.

The other subject upon which these States are permitted to negotiate and agree is equally important.

To adjudge and settle the jurisdiction of offenses arising out of the violations of the laws of said States upon the waters of the Mississippi River.

The offense most usual on the waters of the great inland sea is the violation of the local laws against gambling and the sale of intoxicating liquors. Small boats fitted up solely for that purpose hover along the shores in front of the towns and cities where prohibition statutes are in force and operate floating saloons along the river in utter and flagrant violation of the state laws? For the reasons which I have stated it is not possible to prove the venue in any proceeding against these outlaws, because no man knows where the middle of the river was when the State was admitted in 1817 and that must be proven as a jurisdictional fact. With the consent of Congress these States may, and no doubt will, immediately make such a compact as will give concurrent jurisdiction of all offenses committed on the river, and in this way make it possible to put an end to these evil practices. That there is ample authority for this can not be doubted.

The subject of extraterritorial jurisdiction is a very interesting one and has engaged much of the attention of the writers on international law. In the second volume of Moore's Digest of the Law of Nations there is a most interesting and instructive treatment of this whole subject. Fortunately for my contention here, however, our own courts have passed directly on this point.

In 1785 the States of Virginia and Maryland, for the very reasons which I am urging now, entered into an agreement by the terms of which both States were to exercise concurrent jurisdiction of all "piracies, murders, and other crimes" committed on the waters of the Potomac River where it forms their boundary. Under this agreement both States have for more than a century been punishing offenders for crimes committed on these treaty waters, and the highest court of the land has upheld these convictions. This whole subject was gone into and most elaborately discussed by the Supreme Court in Wharton *v.* Wise (153 U. S.). In this case the power of the States to enter into this compact was not only upheld, but Congress was held to have consented to it by its silent acquiescence.

I have examined with some thoroughness all the authorities I have been able to find which throw any light on this subject, and the only element of doubt seems to be as to the necessity of congressional action. In other words, need the consent of Congress be given to enable the States to enter into such an agreement or compact as is contemplated in this resolution? Certainly the consent of Congress is not necessary to the validity of every kind of compact or agreement the States may desire to enter into. The evident purpose of the limitation which the Constitution imposes was to prevent such compacts or agreements among the States as might hamper the administration and complete exercise of all the functions of the Federal Goverment or which might so increase the political power and importance of the States as to raise up within the Union itself another and rival confederacy. This question was discussed at some length in the Tennessee-Virginia case, and later in Wharton *v.* Wise, and the opinion there seems very clear that the limitation extends only to such compacts as tend to increase the political power of the States or which may encroach upon or interfere with the just supremacy of the United States.

So far, then, as the agreement is limited to the question of the jurisdiction of offenses committed on the Mississippi River, it may be admitted that this could not add to the political power of either State, and so would not require the consent of Congress. There are some lawyers of ability, however, in this House who hold to the opposite view. There can be no doubt that the limitation does apply to the other clause of the resolution, under which they are permitted—

To fix the boundary line between said States where the Mississippi River now, or formerly, formed the said boundary line, and to cede, respectively, each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River.

The cession of territory is necessarily a political question, and whether it involves an increase of political power is a question which Congress must decide, and this is another way of saying that the consent of Congress must be had. In the Virginia-Tennessee case the court says:

The compact or agreement will be within the prohibition or without it, according as the establishment of the boundary line may lead or not to the increase of the political power or influence of the States affected, and thus encroach or not upon the full and free exercise of federal authority.

And in the case of Florida *v.* Georgia, reported in 17 Howard, the court says:

The question of boundary between States is in its nature a political question, to be settled by compact made by the political departments of the Government, and if two States by negotiation and agreement proceed to adjust a boundary between them, any compact between them would be null and void without the assent of Congress.

From all the authorities I am convinced that the consent of Congress in the matter now before us is necessary, because the States are not simply permitted to ascertain and locate the boundary as it was originally established, but they are further empowered to fix that boundary in such wise as may necessitate the mutual cession of territory.

But one question remains for our consideration, and that is, Should the consent of Congress precede or follow the agreement of the States? The Constitution declares simply—

No State shall without the consent of Congress enter into an agreement or compact with another State.

And from this unequivocal language it would appear that the consent should first be given before the States undertook "to enter into an agreement." This would undoubtedly be the preferable course unless there was such uncertainty as to the nature and scope of the agreement as to make it inadvisable to consent in advance. In the Tennessee-Virginia boundary case the court announces this view, and adds:

But where the agreement relates to a matter which could not well be considered until its nature is fully developed it is not perceived why the consent may not be subsequently given.

The necessary inference from this is that, where the subject-matter of the agreement is apparent and nothing further is needed to have its "nature fully developed," the consent of Congress should precede rather than follow the agreement. Nothing is needed to "fully develop the nature" of the agreement contemplated in this resolution. There are a number of small tracts which have been cut off from the main body of each State by the shifting channel of the Mississippi River, and Congress is asked now to consent that these States may agree upon a new boundary line, which will involve the cession, respectively, of these small areas; and further, to permit them to adjudge and settle the jurisdiction of offenses committed on the Mississippi River. The "nature" of the agreement is plainly manifest and "fully developed." So much for the law.

There is a reason which I think makes it very desirable that this consent be given at once. Citizens who live near the river, and who for that reason are subject most keenly to the annoyances of the present status, are continually calling upon Congress to enact some legislation that will put an end to these lawless practices on what they consider "the Government's river." I have been appealed to time and again to have Congress forbid the sale of intoxicating liquors on this river. I do not believe that the Federal Government has any such power, because this is clearly a matter of police regulation, and police power is exclusive with the States. If Congress has the power to forbid the sale of liquor on this river, it would certainly have the power to authorize it, and I am quite certain no State would be willing to concede that. Aside from the question of power, the practical question of proving venue would be just as great an obstacle to the enforcement of the law in the federal courts as in the state courts. It would still be necessary to prove whether the law was violated in Arkansas or in Mississippi, because the Constitution declares:

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crime shall have been committed.

This of course refers to trials for crimes against the federal laws and has no reference to state law. It has been suggested that this difficulty might be obviated by a law which would authorize the cancellation or revocation of the boat's license if intoxicating liquors were sold on it, because it would then be necessary only to prove the fact of sale, the jurisdiction in which the sale occurred being immaterial. This would certainly be effective to a degree, and I have reason to believe that the officials in the Steamboat-Inspection Service would welcome such legislation, but it would be effective only to a degree, and as to the particular evils, which have proven so

vexatious on the lower Mississippi, this provision would be valueless. Under the law now license is required only of such craft "propelled by machinery as are of 15 gross tons or over," and the whisky boats, which are such nuisances on the lower river, are all of less than 15 tons, and are therefore required to have no license. The Steamboat-Inspection Service has been asking Congress for several years to put these small boats in some way under governmental supervision, but so many are owned by parties who operate them solely as pleasure boats that Congress has so far refused to subject their owners to any governmental supervision.

The best answer to all of these propositions, however, is that the States should enforce their own police regulations and not rely upon the Federal Government to do it for them. The more they rely upon themselves and the less they ask or expect from the Federal Government the better for all concerned. If we pass this resolution we put the burden where it belongs—on the States; and if they then fail to discharge that burden in such manner as will give their citizens the relief they desire, the fault will be upon the officials of the State, and the people will know their duty.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

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

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

CONDEMNED CANNON TO COUNTY OF ORANGE, N. Y.

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill (H. R. 24492) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York, and that the same be considered in the House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Orange, State of New York, one condemned bronze fieldpiece, with or without carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed by the Major Murray Camp, Sons of Veterans, on the memorial plot at Goshen, the seat of said county, in honor of the soldiers and sailors from that county who served in all wars: *Provided*, That the articles of ordnance property furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance and no expense shall be incurred by the United States in the delivery of the same.

The following committee amendment was read:

In line 5, page 1, after the word "with," strike out "or without."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was 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.

CONDEMNED CANNON TO MARSHALL COUNTY, W. VA.

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (H. R. 24151) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va., and to consider the same in the House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the county court of Marshall County, W. Va., two condemned brass or bronze cannon or fieldpieces, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed about a monument in honor of the soldiers from that county who served in the civil war, erected on the court-house grounds of said county, and for which the said county court are trustees: *Provided*, That the articles of ordnance property furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance and no expense shall be incurred by the United States in the delivery of the same.

The SPEAKER. Is there objection?

There was no objection.

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

WATER MAIN THROUGH MILITARY RESERVATION, COUNTY OF NORFOLK, VA.

Mr. MAYNARD. Mr. Speaker, I now renew my request for unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (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., and that the same be considered in the House at this time.

The SPEAKER. The gentleman from Virginia renews his request for unanimous consent for the discharge of the Committee of the Whole House on the state of the Union from further consideration of the bill (H. R. 4836), and for its consideration in the House at this time. The Clerk will report the title of the bill.

The Clerk again reported the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I offer the following amendments, to go in after the committee amendment:

Seventh. That all work incident to this license shall be subject to the supervision and approval of the officer of the United States Army in charge of said reservation.

Eighth. That the occupation of said reservation incident hereto shall be subject to such rules and regulations in the interests of good order, police, sanitation, and discipline as said officer may from time to time prescribe.

Mr. MAYNARD. Mr. Speaker, I accept the amendments.

The SPEAKER. The Chair hears no objection. The question is on the committee amendment and the amendments offered by the gentleman from Illinois.

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, was read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the bill H. R. 26203, the pension appropriation bill, and pending that motion, I desire to ask unanimous consent that all general debate be closed in four hours. I have an arrangement with the gentleman from Mississippi [Mr. BOWERS], by which we will, if consent is given, divide the time satisfactorily.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, pending which motion he asks unanimous consent that general debate be limited to four hours upon the bill, to be controlled by the gentleman from Ohio [Mr. KEIFER] and the gentleman from Mississippi [Mr. BOWERS]. Is there objection? [After a pause.] The Chair hears none. The question now is on the motion of the gentleman from Ohio.

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 further consideration of the pension appropriation bill, with Mr. BUTLER in the chair.

Mr. BOWERS. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. WILLETT].

[Mr. WILLETT addressed the committee. Remarks stricken out by order of House resolution No. 516, January 27.]

Mr. LANGLEY. Mr. Chairman, I desire to inquire whether if the committee does not desire to listen to the remarks of the gentleman from New York it has any remedy under the rules of the House; whether the House can stop him if the Chair does not rule him out of order?

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Kentucky?

Mr. WILLETT. I decline to yield.

Mr. LANGLEY. Mr. Chairman, I did not ask the gentleman to yield. I was making a parliamentary inquiry.

The CHAIRMAN. The gentleman will please state it. But so long as the gentleman proceeds within the rules and practice of the House he is in order and may proceed.

Mr. LANGLEY. But suppose we do not think his speech is in order?

The CHAIRMAN. Then the gentleman from Kentucky may raise the point of order and the Chair will consider it.

Mr. LANGLEY. All right.

The CHAIRMAN. The Chair will say to the gentleman from Kentucky that the Chair is listening with patience, but the Chair is unable to hear everything the gentleman says.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York [Mr. WILLETT] yield to the gentleman from Illinois?

Mr. WILLETT. I decline to yield.

Mr. MADDEN. I move, Mr. Chairman, that the gentleman be compelled to proceed in order.

The CHAIRMAN. The Chair feels that the motion of the gentleman from Illinois [Mr. MADDEN] is not in order at this time, because the language used by the gentleman from New York has not yet been decided to be out of order, no point having been raised. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. Will the gentleman from New York yield?

Mr. WILLETT. I will not yield.

Mr. GARDNER of Massachusetts. The gentleman must yield to a point of order.

The CHAIRMAN. The Chair did not understand that the gentleman rose to a point of order. Will the gentleman please state it?

Mr. GARDNER of Massachusetts. I make the point of order that the gentleman's discourse is out of order and in violation of the rule which says personalities must be avoided.

The CHAIRMAN. Which part of the gentleman's speech does the gentleman from Massachusetts [Mr. GARDNER] refer to?

Mr. GARDNER of Massachusetts. To the part in which he speaks of a persistent defamation of Admiral Schley.

The CHAIRMAN. Will the gentleman from New York [Mr. WILLETT] please suspend for a moment and be kind enough to quote the language to which the gentleman from Massachusetts takes exception, so that the Chair may distinctly understand it?

Mr. WILLETT. The gentleman from Massachusetts objects to my languauge. He must know what I said. Let him report what he objects to.

The CHAIRMAN. The Chair will be better satisfied to have the language repeated by the gentleman from New York [Mr. WILLETT], for the reason that the gentleman from Massachusetts may not quote him distinctly and correctly.

Mr. WILLETT. The lines in relation to Admiral Schley read:

> The persistent defamation of Admiral Schley, who really fought the battle of Santiago Bay.

The CHAIRMAN. The Chair is obliged to the gentleman for having repeated his language.

Mr. WILLETT. Is all this debate coming out of my time?

The CHAIRMAN. The Chair will say that the gentleman will be protected as to time. The Chair has the opportunity if the committee will accord the Chair the right.

Mr. BATES. Mr. Chairman——

The CHAIRMAN. The Chair will rule. The Chair is decidedly of the opinion that that remark is out of order. [Applause on the Republican side.]

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. The gentlemen will please permit the Chair to rule. In few of the other remarks that the gentleman has made, and in the general tenor of his remarks respecting the President of the United States, the Chair has already expressed an opinion, and has requested the gentleman to proceed in order, but the Chair will now ask the gentleman, if he sees proper, to explain what he means.

Mr. WILLETT. The language speaks for itself. It is an historical fact that the President, in the controversy between Admiral Schley and Admiral Sampson, took the side of Sampson and cast reflections constantly upon the attitude of Admiral Schley in his claim for authority at the time this battle was fought.

The CHAIRMAN. The Chair will state to the gentleman from New York that the gentleman from Massachusetts called the attention of the Chair to the use of the words "defamation of Admiral Schley" on the part of the President of the United States, and the Chair, having in view previous expressions to which the Chair has objected, holds and will repeat that, in the judgment of the Chair, that remark is out of order——

Mr. GARDNER of Massachusetts. Mr. Chairman——

Mr. BATES. Mr. Chairman——

The CHAIRMAN. Leaving it to the House to determine whether or not the Chair is right.

Mr. GARDNER of Massachusetts. A point of order Mr. Chairman.

The CHAIRMAN. The gentleman will please state it.

Mr. GARDNER of Massachusetts. I raise the point of order that a Member, having been out of order in debate, is no longer entitled to the floor, and that another Member may be recognized.

The CHAIRMAN. The Chair remembers the rule. It is for the committee to determine whether the gentleman shall have the floor, and not the gentleman who makes the point of order.

Mr. MANN. I raise a point of order.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I desire to call your attention to clause 4 of Rule XIV.

> If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate.

I insist that the gentleman shall take his seat and not be permitted to proceed. [Loud applause on the Republican side.]

Mr. MANN. Mr. Chairman, I raise a point of order. The gentleman from Iowa has called attention to clause 4 of Rule XIV. I desire to call the attention of the Chair to clause 5 of Rule XIV, which prescribes the procedure in such cases, and which reads:

> If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House, but he shall not be held to answer nor be subjected to the censure of the House therefor if further debate or other business has intervened.

The CHAIRMAN. The Chair will state his recollection as to the application of the rule. That rule is enforced where some punishment is proposed, but ordinarily it is not enforced. The gentleman simply takes his seat until some gentleman moves that he be permitted to proceed in order. Will the gentleman from New York kindly take his seat?

Mr. CANDLER. Mr. Chairman, I move that the gentleman may be permitted to proceed in order.

The CHAIRMAN. The gentleman from Mississippi moves that the gentleman from New York may be allowed to proceed in order.

Mr. VREELAND. The gentleman from New York has not taken his seat.

The CHAIRMAN. The Chair thinks the gentleman will, and that he has merely overlooked doing so. The motion is made that the gentleman may proceed in order.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CANDLER. Division!

The CHAIRMAN. The Chair would be glad to have this vote taken by tellers.

Mr. MANN. I ask for tellers.

The question was taken on ordering tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Mississippi [Mr. CANDLER] will take their places and act as tellers.

The committee divided; and tellers reported—ayes 78, noes 126.

The CHAIRMAN. The committee has concluded that the gentleman from New York shall not proceed. [Loud applause on the Republican side.]

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

The CHAIRMAN. The gentleman will please state it.

Mr. FITZGERALD. The only power the committee has is to have the words of the gentleman taken down and reported to the House, for action by the House. There is no provision of the House for action of the committee other than that, but it is for the House to act, and not the committee, on the language.

The CHAIRMAN. The practice of the House is the practice of the committee. If the committee had desired more stringent action, the words might have been taken down and reported to the House; but as the gentleman from New York quoted his language, and has been dealt with, therefore it would seem to the Chair that the committee having already acted it is not necessary to refer the subject to the House.

Mr. FITZGERALD. The point I make is that the committee has no such power, and is limited to the exercise of this provision in the rule.

The CHAIRMAN. The committee has authority to report the words to the House if they were taken down. No gentleman asked that the words be taken down until we had proceeded with business, on the question of order, which is now disposed of.

Mr. FITZGERALD. I did not catch the statement of the Chair.

The CHAIRMAN. It is simply a question of order, and the committee has now disposed of it.

Mr. FITZGERALD. The Chair apparently does not catch the point I made, and that is, the committee has no power to do what the Chair claims it has done.

The CHAIRMAN. The Chair did understand the gentleman, and his position was plainly stated. The Chair is of the opinion that the committee has jurisdiction, and the committee had authority to act just as the committee did act.

Mr. KEIFER. Mr. Chairman, I will ask the gentleman from Mississippi if he desires to yield some time now?

Mr. BOWERS. I can use some now, or the gentleman from Ohio [Mr. KEIFER] may use his time, just as he prefers.

Mr. KEIFER. Suppose you yield to some other gentleman now?

Mr. BOWERS. Very well, I yield thirty minutes to the gentleman from Missouri [Mr. SMITH].

Mr. SMITH of Missouri. Mr. Chairman, it is my purpose to discuss during the time allotted me what is known as the "Enrolled Missouri Militia bill."

At the beginning of the first session of this Congress I, with a number of other gentlemen from Missouri and from other parts of the country, introduced pension bills. I introduced my bill for the purpose of pensioning what is now and has ever been known as the "Enrolled Missouri Militia" and other militia of that State.

This proposed legislation has been before Congress for a great number of years in one form and another, and how long it will remain before Congress before definite action is taken upon the measure no one can foretell. It has received the attention and been discussed before the Committee on Invalid Pensions again and again, but without results. I learned at a hearing before this committee near the close of the last session that similar bills had for many years received the consideration of gentlemen from Missouri, like Judge DE ARMOND, Mr. BARTHOLDT, and others from that State, and hence I take it for granted that there must be merit in the bill.

Missouri, as is well known, was one of the border States. It was bounded on three sides by loyal States and on one side by a State which went into the Confederacy. Possibly no State in the Union had so much internal strife and so much commotion, dissension, and disorder of various kinds as did the State of Missouri; and had it not been for the decisive action of men like Francis P. Blair, Samuel Glover, James O. Broadhead, B. Gratz Brown, and others like them, the probabilities are that Governor Clabe. Jackson and his coadjutors would have swung the State into the Confederacy. But by their prompt action and the men, with swords back of them, for some of whom I am now speaking, the State of Missouri was made a loyal State and kept within the Union.

Some of these soldiers have been pensioned, some have not.

The Three Months' Militia that were called out early in the year 1861, in pursuance of a proclamation by President Lincoln for 75,000 to suppress insurrection, have been pensioned by the extension of the general pension laws not many years ago. The Missouri State Militia, an organization under the command of federal officers generally, and particularly when necessity required, have also been pensioned.

In answer to the Senate resolution of June 14, 1902, in which Secretary of War, Root, was directed to transmit to the Senate a statement showing the various classes of Missouri volunteers, militia, and home guards that were in the service during the civil war, the Secretary, in contrasting the enrolled Missouri Militia and the Provisional Enrolled Missouri Militia, said that their military status was precisely the same.

And yet the Government has pensioned the Provisional Enrolled Missouri Militia and left unpensioned the Enrolled Missouri Militia.

The bill which I introduced is well guarded and protected, so that the Pension Bureau, with the authority that it has in matters of that kind, can prevent the pensioning of any Enrolled Missouri Militia, or any other militia, who ought not to be pensioned. The provisions of the bill are simple, and yet comprehensive, and its provisions have been censored by the Pension Bureau often, and until the bill, so far as the Missouri Militia are concerned, is about as perfect as it can be made.

I desire to read just a part of the bill to show its main provisions, omitting the language that articulates it with the general pension laws, which is as follows:

extended to include the officers and enlisted men of the state militia and other organizations of the several States of the Union that were organized for the defense of the Union and cooperated with the military and naval forces of the United States in suppressing the war of the rebellion, who served ninety days or more in any of said military organizations during the said war, and were honorably discharged therefrom or otherwise relieved from duty under orders of a military or naval officer of the United States, and that a certificate of discharge from such service from either state or United States authority shall be conclusive proof of such service, and to the widows, minor children, and dependent mothers and fathers of such persons: *Provided*, That no person, his widow, or minor children, shall be entitled to the benefits of said acts unless the company or organization in which he served was organized under orders of a commanding officer of the military or naval forces of the United States, or served under authority of a military or naval officer of the United States, or cooperated with the military or naval forces of the United States in the suppression of the war of the rebellion, and was paid or maintained by the United States during his services in said militia or other organization, or was paid or maintained by the several States, and such States were reimbursed by the United States Government.

Those coming within the provisions of this bill are not to be pensioned unless they were organized for the defense of the Union, and to cooperate with the military and naval forces of the Federal Government in the suppression of the rebellion, and unless they had seen as much as ninety days' actual service in the field, and had been honorably discharged or otherwise relieved from duty under military orders, and were organized under and commanded by federal commanding officers.

All of these requirements and others can be carefully preserved and applied by the Pension Bureau to the parties seeking pensions. They are not to be pensioned unless they were acting under the command of federal officers at the time that they were in the service to suppress the rebellion, and served actively ninety days. There is no reason why these men, or those who are left of them, should not be pensioned as well as any of the other militia of the State of Missouri.

Mr. BATES. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. Will the gentleman yield?

Mr. SMITH of Missouri. Yes; certainly.

Mr. BATES. I desire to ask the gentleman from Missouri whether the provisions of the invalid-pensions law of 1890 were not extended to a company or regiment of Missouri volunteers some two years ago?

Mr. SMITH of Missouri. There was an extension of the general pension laws to what is known as the Missouri State Militia, and also to the Provisional Enrolled Missouri Militia, and to the Home Guards.

Mr. BATES. Does this bill which the gentleman favors follow the precedent set by that action?

Mr. SMITH of Missouri. If I understand the gentleman, I think it does.

Mr. BATES. I think that was a joint resolution.

Mr. SMITH of Missouri. This is not a joint resolution, but an original bill for the purpose of extending the provisions of the pension laws to the Enrolled Missouri Militia and other militia that served at least ninety days under the direct command of federal officers in the suppression of the rebellion.

Mr. BATES. Then, this measure contemplates embracing the balance of the Missouri Militia?

Mr. SMITH of Missouri. That is the purpose of it.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH of Missouri. Yes.

Mr. CAMPBELL. I have known for some time that one branch of Missouri Militia had already been covered into the regular service so that they are now eligible for pensions. Does the gentleman from Missouri know how many there were of those and how many still remain outside, and what the two branches of the Missouri Militia were that made the distinction in the first instance?

Mr. SMITH of Missouri. I think I do, and I shall attempt to answer that before I conclude my remarks. I shall undertake at this moment to show that certain of the Missouri Militia, which now enjoys the benefits of the general pension laws came in under the arrangement of 1861 between President Lincoln and Governor Gamble. That arrangement thus made was so clear and so conclusive when brought to the attention of Congress that it could no longer be ignored. Congress perceived that the President in 1861 wanted the Militia of Missouri, when in line of duty and under the control of federal officers, recognized, and hence some of the Missouri Militia finally secured by resolution an extension to them of the general provisions of the pension laws. The Enrolled Missouri Militia was called out in the summer of 1862 for the purpose of meeting an emergency that unexpectedly arose in the State, that of holding the State within the Union. Something like twenty-five or thirty thousand of that class of militia were then organized and put into active service. They were armed as well as could be by the State, and Brig. Gen. John M. Schofield, at that time the military commander of the Missouri State Militia, acting with the state authorities, assumed command of the Enrolled Missouri Militia and the other militia of the State, and drove from the boundaries of the State the outside invaders, and suppressed the raiding bands within the State, and saved the State. In one of his reports he said that had it not been for the Enrolled Missouri Militia he could not have expelled the invading troops and have subdued the guerrillas and raiding bands in the State. Notwithstanding these facts, and the statements contained in Secretary Root's report, of which the committee has often heard, of the valor and value of these men to the State in preserving the Union, they have not yet been pensioned, and I regret to say that there has never yet been a report by the Committee on Invalid Pensions of this bill or any similar bill. The committee simply contents itself by saying that the bill is not broad and comprehensive enough, that it

does not extend to all kinds of military companies in the various States of the Union, and stops at that, as if it had done its duty in the case and was not required to make a bill that would cover the conditions or lend a hand in helping to do it.

Mr. HAMMOND. May I ask the gentleman a question?

Mr. SMITH of Missouri. Yes; certainly.

Mr. HAMMOND. I would like to ask if the members of the Enrolled Missouri Militia were regularly enrolled within the State.

Mr. SMITH of Missouri. Yes, sir, they were.

Mr. HAMMOND. Is there a record of the enlistment of these men and of the service they performed?

Mr. SMITH of Missouri. Yes; there is a record.

Mr. HAMMOND. So that it would be possible from official records to determine the length of service of each militiaman and the kind of service he rendered?

Mr. SMITH of Missouri. It would, yes, by state records.

Mr. HAMMOND. Those, of course, are state records.

Mr. SMITH of Missouri. Those are state records, but there are copies of them here in the War Department. Now, as to that, I ought to explain further. You will understand that the Enrolled Missouri Militia was called out into service as I have said, in 1862, because the state authorities, and I will add General Schofield, too, believed that there was about to be a general uprising in the State, of those in sympathy with the South for the purpose of turning the State over to the confederacy. To this call for troops something like 25,000 responded. The response was prompt and organization of the forces was active and effective to meet the conditions that seemed to threaten the integrity of the State with the Union.

Mr. HAMMOND. Now, will the gentleman yield for one more question?

Mr. SMITH of Missouri. Yes, sir.

Mr. HAMMOND. Who made that call? You state there was a response made to the call; now, who made the call?

Mr. SMITH of Missouri. It was made by Governor Gamble after interviewing and consulting Gen. John M. Schofield, brigadier-general, United States regular forces, as well as commander of the Militia in Missouri. These militia were in part supported by the General Government. They received their uniforms, their arms, part of their subsistence, including forage and food, and some from the enemy. After a year or more had elapsed—and now here comes the pretext and technical trouble, and the alleged reason why the men I am speaking of have not been pensioned. After the storm had cleared away and it looked as if the State was secure through the valiant services of the Enrolled Missouri Militia, it was then thought some of them could be dispensed with and sent home.

Hence the Provisional Enrolled Missouri Militia came into existence, and here is the rub, and this point is technical, empty as a bubble, as I shall show, and yet, so far as I can learn, has never yet been brought out and debated. General Schofield, who had commanded these men that saved, as he himself asserted, the State of Missouri to the Union, came to the conclusion in some indefinable way that it was not necessary to keep them all in the field, and in a cold-blooded way suggested that a better grade of men, whom he thought would make better soldiers, should be picked out of the Enrolled Missouri Militia, that had saved the State against Joe Shelby's raid and a general guerrilla warfare in 1863. In keeping with this suggestion, 10 regiments, not full, however, were detailed from the body of the Enrolled Missouri Militia and organized, to be known as the "Provisional Enrolled Missouri Militia." This class of militia have a pensionable status, and I am glad they have, and they ought to have it. But they were not mustered in or mustered out, any more than the Enrolled Missouri Militia, but they were picked or selected by Governor Gamble and his officers, as was suggested by General Schofield. Permit me, however, to state that the Enrolled Missouri Militia did not retire from the service, nor were they disbanded until April, 1865.

These men, the Enrolled Missouri Militia, who enlisted in April, 1862, disbanded in 1865, served their State and kept it in the Union, have never been pensioned, but their comrades have been, simply because they had a little better social standing before enlistment; and here I want to call the attention of the House to what Secretary of War Root had to say with respect to this anomaly in military jugglery:

The members of the Provisional Regiments, Enrolled Missouri Militia, organized under the authority of the governor of the State February 3, 1863, that were detailed from the regiments of the Enrolled Missouri regiments, their military status was precisely the same, as the original force—

Meaning the Enrolled Missouri Militia. That is what Secretary Root said in answer to the Senate resolution to which he undertook and did make a comprehensive report, giving from the records in the War Department the exact status of every militia organization of the State. He says that the Enrolled Missouri Militia and the Provisional Enrolled Missouri Militia have a military status of exactly the same character and quality.

I do not know, whether this authority here is regarded as very valuable or not, but, generally speaking, when Secretary Root announces himself on any proposition, it usually receives weight; then why should it not have a controlling influence in this regard? But the Committee on Invalid Pensions—and its attention has been called more than once to this identical language, notwithstanding this statement of the Secretary and many hearings, at one of which I addressed the committee last May—has consistently and persistently refused to make any report on this bill, or report a bill of its own, giving these old soldiers, many of whom are decrepit, a pensionable status.

Mr. EDWARDS of Kentucky. Mr. Chairman, I would like to ask the gentleman a question. Could the gentleman give about the number of people this bill would include?

Mr. SMITH of Missouri. I made a statement in answer to that question when this bill was heard before the committee at the first session of this Congress, and then said that the estimate of the number of Missouri militia yet living, and who would be affected by the proposed legislation, varied from 3,000 to 10,000 veterans. Originally there were about 25,000 of them, and perhaps 3,000 have been pensioned already, and at least half the others are dead, which would leave a remnant of 5,000 or 6,000. I speak from my own knowledge, because I happen to be connected in a very personal way to this question, for my father was a soldier of the Missouri Militia, and I have an acquaintance with a number of the men, who served in the Enrolled Missouri Militia, and therefore I know personally that at least half of them are dead, so far as my knowledge extends. If I could compute the number that are yet alive and that ought to be pensioned under this bill, should it become a law, there would not, in my opinion, be more than 6,000—possibly not that many.

Mr. HAMMOND. If it will not disturb the gentleman, I would like to ask another question. The gentleman states that several regiments of the Enrolled Militia were picked out in 1862, and that the balance of the militia was not disbanded until the close of the war.

Mr. SMITH of Missouri. That is correct.

Mr. HAMMOND. Now, will the gentleman please state what services were performed by the members of the militia not picked out or detailed between the time the Provisional Militia of Missouri was organized and the time when the Enrolled Missouri Militia disbanded—the general service performed by the Enrolled Missouri Militia?

Mr. SMITH of Missouri. So far as my information goes, there was no difference in the service at all. There seems to have been some trouble or misunderstanding, which resulted in the discontinuance of General Schofield. There was a good deal of feeling in the State at that time. Factions and strife were strong and bitter, and no doubt he had a good deal of trouble in controlling his men. Therefore he said, he would like to have a certain class of men excluded from the service, because they were not exactly of the character that ought to be in the service. The correspondence with respect to this subject may be seen in Secretary of War, Root's report, pages 77 to 79, which I hold in my hand. After the storm, as I stated, had passed over, and there was visibly no further use for these bad men as soldiers, the authorities undertook to organize a more decent set of men to serve the country. A certain class, supposedly the rabble, were not picked or detailed for the Provisional Enrolled Missouri Militia, and while each did the very same service and served their country in 1862, 1863, and 1864, during the uprising in 1862, which I have described, the Shelby raid in 1863 and the Price raid in 1864, only the picked Provisional Enrolled Missouri Militia have been pensioned.

Mr. HAMMOND. But after this selection, what service did they render?

Mr. SMITH of Missouri. I understood you to ask, What service did the picked Provisional Enrolled Missouri Militia render the country? I answer, no more real service than did the Enrolled Missouri Militia, and I quote again, listen to these laudatory testimonials quoted in behalf of the Enrolled Missouri Militia.

Of the service of the Enrolled Missouri Militia, the adjutant-general of the State of Missouri said in his annual report for the year 1863:

Regiments and parts of regiments were ordered into active service and relieved therefrom at various times throughout the State whenever the emergency required it, and life and property, either from bands of guerrillas or an invasion of the enemy in force, become unsafe in any locality. In doing this a sound discretion was used, so as not to involve the State in too great an expense for their payment.

Again, in the same report, the adjutant-general said:

During the month of January the enrolled militia in active service were continually engaged in skirmishes and fights with small bands of guerrillas and bushwhackers, in all of which they invariably routed the enemy whenever a fight could be gotten out of them or a stand was made. The heaviest engagement in which the enemy was in any considerable force was at the battle of Springfield, upon the 8th of that month, and the gallant part taken by the Enrolled Missouri Militia, under the command of Brigadier-General Holland, in the defense of that point against the attack of the greatly outnumbering forces of the rebels under Marmaduke, forms a bright page in the history of our state troops.

In his annual report for the year 1864, the adjutant-general said:

This body of our state forces, thus designated to distinguish it from other local troops in the service of the United States, and which is properly the militia of the State, has performed an immense amount of duty throughout the State during the past year and has proved a valuable adjunct to the troops in the service of the United States in not only repelling invasion in force, but in suppressing the bands of guerrillas and cutthroats, which, under the name of "confederate soldiers," have, in a great measure, succeeded in their attempts to desolate Missouri.

In 1863 a concurrent resolution was passed by the senate and house of representatives of the State of Missouri, as follows:

Resolved by the senate (and house of representatives concurring therein), That a committee of two on the part of the senate and three on the part of the house be appointed to memorialize Congress to extend to the Missouri State Militia and the Enrolled Missouri Militia the benefit of the pension laws of the United States and all other laws conferring rights and privileges upon the volunteer soldiers in the United States service.

And in 1864 the following joint resolution was adopted:

Resolved by the general assembly of the State of Missouri, That our Senators in Congress be instructed and our Representatives be requested to prepare and support the passage of an act through the Congress of the United States to secure to the widows and orphans of deceased soldiers of the Enrolled Militia of this State who died or have been killed in actual service, and to such soldiers of the same as have been wounded in the service of the State in the present rebellion, such pension and bounty as may be allowed by the laws of Congress to the volunteer soldiers of the United States.

The point is that the 10 picked regiments as already described, known as the "Provisional Enrolled Missouri Militia," were supposed to be constantly in camp or in the field, whether they were or not, or whether they had anything to do or not. The original Enrolled Missouri Militia were supposed to be, and in fact were, always ready for actual war; however, when there was nothing to do, and no fighting to be done, and the country required no protection, they went home temporarily, Cincinnatus-like, subject to be called at any hour, as they frequently were, to defend their country and help preserve the Union; for instance, when Joe Shelby raided the State in 1863, and Price made his raid in 1864, and when Marmaduke made his raid in southeast Missouri in the fall of 1862; and they were in service many, many times of sudden excitement, or when scares were bruited abroad of some threatened invasion or raid from the South.

Mr. HAMMOND. Will the gentleman yield there?

Mr. SMITH of Missouri. Yes, sir; of course.

Mr. HAMMOND. Then, afterwards, I understood they were called out when there were skirmishes and raids and guerrillas to be suppressed.

Mr. SMITH of Missouri. Yes; I admit that the Provisional Enrolled Missouri Militia did their part, but not any more than the Enrolled Missouri Militia.

Mr. NORRIS. Will the gentleman yield for a question there?

Mr. SMITH of Missouri. Yes, sir.

Mr. NORRIS. Were the Enrolled Missouri Militia called after this detailing of which you speak took place?

Mr. SMITH of Missouri. Yes, sir; frequently, and particularly for Price's raid.

Mr. NORRIS. These instances that the gentleman has given occurred after the selections had been made, did they?

Mr. SMITH of Missouri. Yes, sir. These selections by detailing were made by an order of the governor, February 3, 1863. (See Secretary Root's Report, p. 82.) After that, at different times, the whole militia force of the State was called out, as I have stated; for instance, in the summer of 1863, when Joe Shelby raided, especially southwest Missouri, and also in the fall of 1864, when Price made his celebrated raid.

Mr. GOULDEN. Will the gentleman yield?

Mr. SMITH of Missouri. Yes, sir; certainly.

Mr. GOULDEN. The gentleman uses the term "called" frequently, and I would like to know whether these troops or *militia* were called by state authorities or United States authorities.

Mr. SMITH of Missouri. The Missouri Militia, except the Three and Six Months' Militia, of every name were called out by the governor of the State, after the arrangement made by Governor Gamble with President Lincoln in 1861, for the double purpose of protecting the State and preserving the Union. This was all particularly brought out before the committee by me at the hearing on this bill on the 8th of last May, to which I here refer.

Mr. GOULDEN. Then, what is the objection, may I ask, to granting these men pensions, if they served ninety days or over?

Mr. SMITH of Missouri. There seems to be to the committee one very serious objection—which, to my mind, however, is but technical—and that is that they have no military status in the War Department at Washington.

Mr. GOULDEN. In that they were never enrolled?

Mr. SMITH of Missouri. More than that, they were never regularly mustered in or mustered out of service; but I desire to note that the Provisional Enrolled Missouri Militia were not mustered in or mustered out, nor were the Missouri State Militia mustered in or mustered out. The status of these two classes of Missouri Militia is precisely the same in this respect as the Enrolled Missouri Militia, and yet they have been given a pensionable status, and those who survive are to-day drawing pensions, and rightfully, too.

Mr. GOULDEN. From whom did they receive their pay for military service in the militia?

Mr. SMITH of Missouri. They were originally paid by the State of Missouri, and subsequently, April 17, 1866, an omnibus act was passed by Congress to reimburse the State of Missouri—

For moneys expended in enrolling, equipping, subsisting, and paying such state forces as have been called into service in said State, since the 24th day of August, 1861, to act in concert with the limited state forces in the suppression of the rebellion against the United States.

The exact amount appropriated for this purpose was $7,456,417.80, and other smaller sums were appropriated for a like object, and this act, or acts of Congress, ought to constitute an equitable estoppel against the Government making any opposition to placing these men on the pension rolls of the Government, and if I were in a court of equity, they would be.

Mr. GOULDEN. That is the best reason why they should be put on the pension rolls by the Government.

Mr. SMITH of Missouri. The facts are, that the Enrolled Missouri Militia was armed and equipped by the Government and did much service, continuing throughout the war, and the only technical difficulty is that they were never mustered in and out of the service. The further fact is, as Missouri was a border State, the militia of all classes were required to do much, and really did more service, a great many times over, than did the regular United States soldiers that were in the State.

I want to make this observation, because of its importance in this debate, that the appropriations made to reimburse the State were made indiscriminately without singling out any particular kind of militia.

Mr. RUSSELL of Missouri. I will ask the gentleman if it is not a fact that members of this Enrolled Missouri Militia, although they have never been regularly pensioned under the law, fought the battles and many of them were wounded, and many of them killed in battles?

Mr. SMITH of Missouri. That is true. Many who served in different local militia companies, and were on temporary rolls, who were injured in battle, or injured in the service have been pensioned by special acts, but this practice has been abandoned by the committee absolutely, as I understand.

Mr. THISTLEWOOD. I would like to ask the gentleman if this difference in reference to pensions has not been due to the fact that some were enrolled with the understanding that they were not to leave the State of Missouri, and yet if the Enrolled Missouri Militia did not have to go out of the State a good many times?

Mr. SMITH of Missouri. I do not believe that any enrolled with that understanding, but often they were taken out of the State and sent into border States to pursue invading armies, guerrillas, raiders, and otherwise to protect the State. I know of my own knowledge that Captain Cochran's company, that was organized principally in Bollinger County, in southeast Missouri, was with other Enrolled Missouri Militia, under the command of General Rogers, a United States commander, garrisoned at Cape Girardeau, kept scouting and scouring all southeast Missouri and northeast Arkansas. My father belonged to Captain Cochran's company, and was in actual service six months—hard service—in the fall and winter of 1864 and 1865. I know this to be true, of my personal knowledge.

Mr. EDWARDS of Kentucky. Mr. Chairman, realizing that the gentleman from Missouri has given this question a great deal of thought, and understanding that there are other border States whose militia are in the same condition as that of Missouri, I would like the gentleman to state to the House if he has knowledge or information what other States are in such or like position, and about the total number, if he could give it, that would be benefited by his bill.

Mr. SMITH of Missouri. I can not do that. I think the State of Kansas is in a very similar condition to the State of Missouri.

Mr. EDWARDS of Kentucky. I would like to ask the gentleman, as a further question, if he would be willing to embody in his bill a general provision, or accept an amendment, including all the other States that have their militia in a similar position?

Mr. SMITH of Missouri. Certainly I would. I think my bill, as it is, will cover them all. Without quoting its language exactly, it states that it is "extended to include the officers and enlisted men of the state militia and other organizations of the several States of the Union that were organized for the defense of the Union," and so forth, and to extend to them the benefits of the pension laws. As I understand it, the Pension Bureau could formulate such kind of procedure as would be required to carry out and give effect to the terms of the measure or, act as the general power under my bill is given.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LLOYD. Mr. Chairman, the gentleman from Mississippi [Mr. BOWERS], who is in charge of the time on this side, is temporarily out of the Hall, and I have been left in charge of the time on this side. I yield to the gentleman ten minutes further time.

The CHAIRMAN. The Chair understands the gentleman from Mississippi [Mr. BOWERS] has charge of the allotment of the time on that side of the House. The gentleman has asked in his absence that the gentleman from Missouri be recognized for ten minutes further.

Mr. SMITH of Missouri. My bill could be amended so as to reach Kentucky, Kansas, or any other State and cover its militia, organized as in Missouri, but who were never mustered in or mustered out and are without a pensionable status on that account. That feature of the bill, or a supplemental bill recommended as an amendment to my bill, would cover the State of Kentucky or any other State in a similar condition.

First. To recapitulate, the Enrolled Missouri Militia was called out and enlisted July 22, 1862, for the purpose of protecting the State and its citizens, repelling foreign invasion, and suppressing raiding bands within, which it did to the satisfaction of the state and federal authorities, as I have shown, the total strength of which was 85 regiments, 16 battalions, and 33 independent companies, aggregating possibly 40,000 men from first to last.

Second. The record shows beyond controversy that they were constantly, when the necessity demanded it, under the immediate command of General Schofield, General Rosecrans, General Dodge, and General Rodgers from the date of their enlistment, July 22, 1862, until they were disbanded, March 12, 1865.

Third. The record shows indisputably that the State could not have been defended and kept within the Union without the service of the original Enrolled Missouri Militia. I wish the Committee on Invalid Pensions were present and would take notice of this.

Mr. EDWARDS of Kentucky. I suppose that the gentleman means that he would like to have that portion of the committee present who are not in favor of reporting this bill.

Mr. SMITH of Missouri. I should like to have them present.

Mr. EDWARDS of Kentucky. I should like to see them here also.

Mr. SMITH of Missouri. Fourth. I have mentioned several times the agreement formed by Governor Gamble and President Lincoln November 5, 1861, which set in motion the plan to organize the Enrolled Missouri Militia. I have noted the act of Congress April 17, 1866, to reimburse the State of Missouri for moneys expended in enrolling, equipping, subsisting, and paying such state forces as were called into the service in said States since the 24th day of August, 1861, to act in concert with the United States forces in the suppression of the rebellion against the United States.

Fifth. I have called your attention to the action of the senate and the house of representatives of Missouri in 1863 memorializing Congress to give to the Enrolled Missouri Militia the benefits of the pension laws of the Government. Yet, when this matter was fresh in the minds of Congress and in the minds of the people of the State of Missouri, they could not say enough laudatory things about the Enrolled Missouri Militia, for whom I am now speaking. I have told you that the late Secretary of War, the Hon. Elihu Root, believed that they were worthy defenders of the Union between 1862 and 1865 and ought to be given a pensionable status by Congress. (See his report to the Senate, pp. 80, 81.) And yet the honorable Invalid Pensions Committee have for twenty years ignored every bill and every resolution and every hearing, every demand, and every plea, personal and public, made by them and their friends, and the effort of a united Missouri delegation in the House. All has been regarded as mere babble.

Sixth and last. I here set forth the view taken by President Lincoln of the Enrolled Missouri Militia. He regarded the Enrolled Missouri Militia as being under the national military control, stated in a letter written by him to Charles Drake and others, in reply to the demand that General Schofield be relieved as commander of the Department of the Missouri and that the Enrolled Missouri Militia be disbanded. In the letter, dated "Executive Mansion, October 5, 1863," President Lincoln says:

As to the Enrolled Missouri Militia, I shall endeavor to ascertain better than I now know what is its exact value. Let me say, however, that your proposal to substitute national force for the enrolled militia implies, in your judgment, the latter is doing something which needs to be done; and if so, the proposition to throw that force away and to supply the place by bringing other forces from the field where they are equally needed seems to be very extraordinary. Whence shall they come? Shall they be withdrawn from Grant, or Banks, or Steel, or Rosecrans? Few things have been so gratifying to my anxious feelings as when in June last the local force in Missouri aided General Schofield to so promptly send so large a general force to the relief of General Grant, then investing Vicksburg and menaced from without by General Johnston. Was this all wrong? Should the enrolled militia then have been broken up and General Herron detached from Grant to police Missouri? So far from finding cause to object, I confess to a sympathy for whatever relieves our general force in Missouri and allows it to serve elsewhere. *I therefore, as at present advised, can not attempt the destruction of the enrolled militia in Missouri. I may add that the force being under the national military control, it is also within the proclamation in regard to the habeas corpus.*

A. LINCOLN.

I want to say, in conclusion, that Missouri furnished over 100,000 men to help preserve the Union, that she did more than Iowa, more than Kansas, more than many other States. Many of these men who were of the militia first afterwards became soldiers in the Regular Army and, with the assistance of the men for whom I am now speaking to this Congress and the country, saved the great State of Missouri to the Union and protected the citizens of that State and preserved civil liberty and civil authority in the country. During all thes eforty years, they have struggled with disease and poverty, and now with old age and, most of all, that desolate feeling of having been forgotten and forsaken by their beloved country. There is only a very small fraction of these men now living, something like 5,000 or 6,000.

Mr. Chairman, it is high time that justice be done these men.

Though the mills of God grind slowly, yet they grind exceeding small;
Though with patience He stands waiting, with exactness grinds He all.

[Applause.]

Mr. KEIFER. I now yield to the gentleman from Kentucky [Mr. LANGLEY] thirty minutes.

Mr. LANGLEY. Mr. Chairman, while I disclaim any relationship to an insurgent, and while I am, generally speaking, tolerably well satisfied with the present rules of the House, I have sometimes felt, when listening to the many varieties of oratory that we hear on all sorts of subjects under the liberty of general debate, that I would be willing to vote for an amendment to the rules which would confine debate at all times to the matter pending before the House. I felt very much in that humor a little while ago when the gentleman from New York [Mr. WILLETT] was addressing the House.

I have no ambition, Mr. Chairman, to pose as the eulogist of the present President. His record both before and since he became President, and his championship of the cause of the people, of the great policies, national and international, the enforcement of which have helped to make this the greatest Republic, aye, the greatest nation of the earth, are sufficient eulogy of him. [Applause on the Republican side.]

I do not deny that I am, and have been for many years, a stanch admirer of Theodore Roosevelt, and I am glad to have this opportunity of saying that in my judgment no man since the birth of the Republic has done more to increase its prestige or to promote the cause of civic righteousness, and that his name and deeds will be cherished by the people of this country long after those who are snapping at his heels have been buried in oblivion. [Applause on the Republican side.]

The country will determine whether or not gentlemen on the Democratic side of the House have acted consistently, in view of the fact that the other day they voted to rebuke the President on the ground that they were maintaining the dignity of the House and the rights and privileges of the coordinate branches of the Government, while to-day they joined in applauding the language of the gentleman from New York [Mr. WILLETT], which, I assert, was far more disrespectful to the Executive and a far greater invasion of those rights and privileges than any language contained in any message of the present or any other President ever was to Congress.

But, Mr. Chairman, I have digressed from the subject I arose to discuss. It is not my purpose to indulge in any criticism of this Government for its lack of liberality in pension appropriations. When we remember that the pending bill carries nearly $161,000,000 and that up to the present time this Government has expended practically $4,000,000,000 in the payment of pensions, certainly no one will contend that we have been ungenerous in pension appropriations. [Applause on the Republican side.] Yet, every time a pension appropriation bill passes I can not help feeling the injustice that, in my judgment, has been done to that class of soldiers referred to in part by the gentleman from Missouri [Mr. SMITH], the militiamen of Kentucky and other States who aided in the suppression of the rebellion. I do not propose to advocate, and I have never advocated, the extension of the pension laws indiscriminately to all state militiamen, regardless of the character or length of service performed by them. I am referring rather to that comparatively small class of militiamen who cooperated with the armed military forces of the United States in the suppression of the rebellion and who rendered valuable service to that end. Gentlemen who have studied this question know that there were three principal steps in the enactment of legislation for the benefit of invalid pensioners. I am somewhat familiar with this question, because I spent nearly ten of the best years of my life as an examiner in the adjudication of pension claims and as a member of the Board of Pension Appeals in passing upon appeals from the decisions of the Commissioner of Pensions.

Those three steps were, first, the law which provided pension for disability due to the service; second, the act of June 27, 1890, which provided pension for disability without regard to service origin; and, third, the act of February 6, 1907, which provides certain rates of pension at certain ages. The gentleman from Missouri [Mr. SMITH] has given us an interesting discussion of his bill providing relief for certain organizations of Missouri state troops. As the gentleman from Kentucky [Mr. EDWARDS] suggested to him, I think that a bill should be passed which is broader than his bill, and which will include the cases of militiamen of other States who have a similar status. I see that I am honored with the attention of several gentlemen who are interested in this subject, and therefore I am going to beg your indulgence while I send to the Clerk's desk and have read in my time a bill which I have prepared after much thought and investigation, and which I think meets the suggestion of the gentleman from Kentucky [Mr. EDWARDS].

The Clerk read as follows:

A bill (H. R. 16095) to extend the provisions of the pension laws to officers and enlisted men of state military organizations who rendered military service to the Union during the war of the rebellion, and to their widows, minor children, and dependent parents.

Whereas the officers and enlisted men of military organizations of certain States who, while cooperating with the armed forces of the United States and acting under the command of United States officers, rendered actual and valuable service to the cause of the Union during the war of the rebellion and aided in its suppression; and

Whereas such officers and enlisted men and their widows, minor children, and dependent parents are barred from the benefits of the pension laws solely for the reason that such officers and enlisted men were never actually enrolled and mustered into the service of the United States: Therefore

Be it enacted, etc., That any officer or enlisted man of a state military organization who rendered service of the character set forth in the foregoing preamble and who is disabled by reason of injury received or disease contracted in the line of duty while rendering such service, and the widows, minor children, and dependent parents of any such officers or enlisted men dying of such injury or disease, shall be entitled to the benefits of the provisions of the pension laws embodied in Title IV of the Revised Statutes of the United States.

SEC. 2. That the provisions of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," and of the amendments thereto, be, and the same are hereby, extended to such officers and enlisted men of the state military organizations referred to in the foregoing preamble who rendered service of the character therein set forth for a period of ninety days or more, and to their widows, minor children, and dependent parents.

SEC. 3. That the provisions of the act approved February 6, 1907, entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," be, and the same are hereby, extended to the officers and enlisted men of state military organizations who rendered service of the character set forth in the foregoing preamble for a period of ninety days or more.

SEC. 4. That the Secretary of the Interior shall prescribe rules and regulations governing the character of evidence necessary to prove the service herein set forth: *Provided*, That a certificate of the adjutant-general of the State to which the military organizations belonged, showing the date of discharge therefrom, shall be accepted in lieu of the honorable discharge required by the provisions of the acts referred to in sections 2 and 3 of this act: *And provided further*, That the provisions of this act shall not apply to the case of any officer or enlisted man in which the evidence discloses any fact that would have barred him from an honorable discharge had he been in the military service of the United States at the date of his discharge from such state military organization.

Mr. LANGLEY. Mr. Chairman, I regret that the chairman of the committee before which this bill is pending is not now on the floor, because I would like to hear from him some good reason, if he has one, why a bill of that character should not be enacted.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. LANGLEY. Yes.

Mr. GOULDEN. To what committee does the gentleman refer and to what committee would that bill go?

Mr. LANGLEY. Necessarily a bill of this character would go to the Committee on Invalid Pensions. The bill I have had read by the Clerk is pending before that committee now, but I have been unable thus far to get a report on it.

Mr. OLLIE M. JAMES. Does the gentleman's bill provide relief for what are known as "state guards?"

Mr. LANGLEY. It does. All members of those organizations in Kentucky, and elsewhere for that matter, who cooperated with the federal forces—the armed military forces of the United States—in the suppression of the rebellion are intended to be covered by its provisions.

Mr. OLLIE M. JAMES. I notice that; but there were many persons in my country, for instance, that were in the state guards who rendered service, but they were not under the control of any federal general.

Mr. LANGLEY. But did they cooperate with them?

Mr. OLLIE M. JAMES. They did in a way, but it was under the control and direction of state officers. I notice the gentleman's bill provides that they must have rendered service under the control and direction of the Federal Government.

Mr. LANGLEY. I will state to my colleague that in drawing this bill my chief purpose was to embody in its provisions, as far as possible, limitations similar to those contained in the general pension laws, so that they would differ only from cases now pensionable in that these men were not mustered into the service of the United States. My own opinion is that if legislation of this character is enacted it should be broader than the provisions of this bill, but after a careful consideration of the situation and after consulting with a number of gentlemen, including several officials connected with the adjudication of pension matters, I arrived at the conclusion that a bill framed conservatively, as mine is, would have a good chance of passing.

Mr. OLLIE M. JAMES. The only point to which I was attempting to direct the attention of the gentleman was this, that if a soldier in a state guard rendered effective service for the time which is provided for in this bill, though he was not under the supervision and control of a federal officer, it seems to me he would have as good a case as though he were under the control of a federal officer.

Mr. LANGLEY. That is so; but does not this bill cover a case of that kind?

Mr. SMITH of Missouri. I will ask the gentleman this question: Will the delegation from Kentucky join with the delegation from Missouri and go to the Pension Committee and ask that committee to report a bill which will cover the case?

Mr. LANGLEY. Mr. Chairman, I will be delighted to do so, and I am sure my colleagues will also. Not only that, but I will state to the gentleman that I have already talked with several gentlemen from Missouri and other States who are interested in this question, with a view of getting a hearing before the House Committee on Invalid Pensions on it.

Mr. MILLER. Mr. Chairman, will the gentleman yield for a question?

Mr. LANGLEY. Certainly I will.

Mr. MILLER. Will the gentleman from Kentucky have any objection to the acceptance of an amendment, such as suggested by the gentleman from Kentucky [Mr. OLLIE M. JAMES], providing that all persons who rendered effective service to the Union cause, even though under state officers, should be included in the bill?

Mr. LANGLEY. I have not, Mr. Chairman, if I thought an amendment of that character were necessary and that it would not endanger the passage of the bill, which, in view of this discussion, seems more promising than I had thought.

Mr. KEIFER. If the gentleman will allow me, I would state that while these troops served under state officers and did services which were valuable, that such service was always under the general direction of the federal officer who had charge of the district at that time.

Mr. MILLER. Not always.

Mr. OLLIE M. JAMES. Mr. Chairman, I think the gentleman from Ohio is entirely in error, because the troops in Kentucky were under the direction of the governor of Kentucky.

Mr. KEIFER. They were classed together under the general having charge of the district.

Mr. LANGLEY. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. EDWARDS], who can clearly state that point, as he has recently made a careful investigation of it.

Mr. EDWARDS of Kentucky. Mr. Chairman, my information is that there was an arrangement by the President of the United States, through the War Department and the governor of Kentucky, under which the State Militia of Kentucky and home guards did cooperate with federal troops, and while I do not think it would be necessary to incorporate such an amendment for the purpose of covering the home guards or state guards of Kentucky, I do not see any objection to it, because I believe any man who served ninety days or more in the suppression of the rebellion is entitled to be recognized by the Government for such services and should receive a pension.

Mr. OLLIE M. JAMES. The trouble about an understanding between the President and the governor of Kentucky is that it is not of record, and a soldier would have great trouble in proving the understanding originally had between the President and the governor.

Mr. EDWARDS of Kentucky. But not the fact of the cooperation.

Mr. OLLIE M. JAMES. No; but you remember the Kentucky troops who had charge of guarding the capitol at Frankfort.

Mr. EDWARDS of Kentucky. Some; but not many.

Mr. OLLIE M. JAMES. A good many; and there might be a considerable question whether they were doing that under instructions of the President, as Commander in Chief of the Army——

Mr. EDWARDS of Kentucky. With permission of the gentleman from Kentucky [Mr. LANGLEY], I will say, on the contrary, that that is a matter of record in the correspondence between the President and the governor of Kentucky. I have a copy of this correspondence, and if I had thought of this question coming up at this time I would have brought it. The Capital Guards are one of the divisions in Kentucky that were provided for in this correspondence, but because of differences between the governor and the federal authorities they were never mustered in, but there is a record of the facts.

Mr. MILLER. That may be true as far as Kentucky is concerned, but it is not true of those that rendered efficient services in other States. If the gentleman from Kentucky will accept such an amendment as suggested by the gentleman from Kentucky [Mr. OLLIE M. JAMES], they will find the Kansas delegation heartily in agreement with them in trying to secure this legislation.

Mr. LANGLEY. I will say to the gentleman from Kansas, if it appears that such an amendment is necessary, in order to cover the class of cases referred to, then, so far as I am concerned, I will be glad to see it inserted, and I am only sorry that the bill we are now discussing is not before the House in such a shape that it could be amended.

I am not conceding that the bill needs amending in that respect, because my understanding is that all of these troops being in a federal military division, or department, were cooperating with the armed forces of the United States whenever they performed any service in the suppression of the rebellion, and that while performing such service, at least, they were "acting under the command of the United States officers" within the meaning of my bill, even though they may have been acting directly under the orders of the governor of the State; and I think their status was, in effect, the same so long as they were actually in the service and subject to the orders of these federal forces. It seems to me that this is necessarily the case, in view of the language contained in Article II of the Constitution, which reads as follows:

> The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

But the gentleman from Kentucky [Mr. OLLIE M. JAMES] and the gentleman from Kansas [Mr. MILLER] may be right in their contention. Of course I will gladly cooperate with all of the friends of the militia in the effort to perfect the measure so as to reach every deserving case. What I am contending for is not only right action, but quick action, and I want to do everything in my power to effect both these ends.

As I was proceeding to say, Mr. Chairman, when I was interrupted, the first section of this bill requires proof that the disability was contracted while the soldier was in the service and line of duty before pension can be granted under the "old" or "general" law, as it is usually termed. The second and third sections of the bill provide that it must appear that the soldier rendered the character of service to which I have referred for a period of ninety days, and the fourth section that no cause appears that would have barred the soldier from an honorable discharge if he had been in the service of the United States before the provisions of the acts of June 27, 1890, and February 6, 1907, shall apply. I have failed to hear from any gentleman a satisfactory reason why such legislation as this should not be enacted. I have heard it contended that these troops had an opportunity to go into the service of the United States and declined to do so, and that for that reason they should not be pensioned, but as a matter of fact many of them did not have the opportunity to go into the United States service.

In my own State of Kentucky, for example, a good many regiments were never mustered into the United States service because before they had the opportunity the State's quota was filled, but they nevertheless cooperated with the federal authorities there, the armed military forces, and rendered arduous and valuable service in the suppression of the rebellion. Many of them were wounded in battle, many of them lost their lives in the service, many were taken prisoners, and many contracted diseases from which they have never recovered. They rendered, I undertake to say, more arduous and more valuable service in the suppression of the rebellion and underwent more hardships than did thousands of soldiers whose names are now upon the pension rolls and who have received this recognition over these militiamen simply because they were mustered into the service of the United States, while the militiamen were not. It is an unjust discrimination, Mr. Chairman; service ought to be a far more important factor than muster.

Mr. EDWARDS of Kentucky. Mr. Chairman——

The CHAIRMAN (Mr. WALDO in the chair). Does the gentleman yield?

Mr. LANGLEY. Certainly.

Mr. EDWARDS of Kentucky. I would like to know from the gentleman, if he has investigated that part of this matter, how many soldiers he estimates a general bill along this line would place on the pension rolls?

Mr. LANGLEY. Mr. Chairman, in reply to the gentleman from Kentucky, I will state that while I can not answer that question now, I have talked two or three times with the Adjutant-General of the United States Army regarding the matter, and he tells me that he thinks the records are in such shape that it will be comparatively easy to approximate the number that would be affected by this bill. And I may say further in this connection, that he seemed inclined to the opinion that his records were in such shape that it could be easily ascertained what organizations in Kentucky and elsewhere were cooperating with the federal authorities, and for how long a period they so cooperated.

The contention is made also, and I presume that is what the gentleman from Kentucky [Mr. EDWARDS] has in mind, that the passage of this bill would involve a very large increase in our appropriation for pensions. I do not think so. It is evident already, Mr. Chairman, that no general pension legislation is to be enacted at the present session of Congress, and I give notice now to the Committee on Invalid Pensions that I will have ready at the next session the information to which reference has been made, and will be prepared to show that the passage of this bill will not greatly increase our pension appropriation.

I see that my time will soon be up——

Mr. SMITH of Missouri. I would like to ask the gentleman a question.

The CHAIRMAN. Will the gentleman from Kentucky [Mr. LANGLEY] yield to the gentleman from Missouri?

Mr. LANGLEY. I will.

Mr. SMITH of Missouri. Can the gentleman say how many men of this character there are in his State?

Mr. LANGLEY. I could not answer that positively, I will say to the gentleman from Missouri; but the larger part of them, I think, have already passed away. Only a comparatively small remnant of them is left. There are only a few thousands at the most; and, so far as Kentucky is concerned, the enactment of this bill would not place any considerable additional burden on the Treasury of the United States.

I want, before I close, to refer to one or two other matters and to make another appeal for more liberal pensions for all of the old veterans.

Mr. EDWARDS of Kentucky. Mr. Chairman, a while ago the gentleman from New York [Mr. GOULDEN] asked the gentleman from Kentucky [Mr. LANGLEY] to what committee this bill had been referred. Now, I think I violate no confidence of the committee when I say that there has been some contention that the Committee on Invalid Pensions does not have jurisdiction of this sort of legislation, because of the fact that these soldiers, or this militia, ought to be mustered in, or ought to have some action in this House that usually comes through the Military Committee; and as the gentleman from Kentucky has had expe-

rience on the Pension Board of Appeals and is a lawyer and has been giving this question considerable thought, I would like to have his opinion on that question, and if his time expires I think I can procure more for him.

Mr. LANGLEY. Mr. Chairman, so far as the matter of the respective jurisdictions of the Committee on Invalid Pensions and the Committee on Military Affairs is concerned, I am perhaps not as capable of determining that as is the gentleman from Kentucky [Mr. EDWARDS], he having had longer service in this body than I have. I presume that would be largely a question of what the rules provide and what the customary practice has been. At least it is more a question of that character than it is a legal question, as I view it.

I am perfectly clear, however, on one point, and that is, that Congress has the power to fix the conditions upon which any person may be admitted to the pension rolls, and in the exercise of that power it can, of course, give a pensionable status to persons who were in state organizations without requiring that they be mustered into and out of the United States service. In fact, it has done so in several instances. This being the case, I think it would be a technical and unnecessary proceeding to have the Committee on Military Affairs take the action suggested, or rather report a bill for that purpose.

What we are trying to get at is to give these militiamen a pensionable status just as they stand and in recognition of the service they rendered, conceding that they never were in the service of the United States. My bill was drawn upon that theory, you will observe. Section 4 provides that the certificate of the adjutant-general of the State, showing date of discharge from the state service, shall be accepted in lieu of the honorable discharge from the United States service which is required in the acts of 1890 and 1907, and the concluding proviso also renders a muster in and a muster out of the United States service unnecessary. Consequently I think my bill clearly comes within the jurisdiction of the Committee on Invalid Pensions, and that the Committee on Military Affairs has nothing to do with it.

Mr. SMITH of Missouri. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Kentucky [Mr. LANGLEY] yield to the gentleman from Missouri [Mr. SMITH]?

Mr. LANGLEY. Certainly.

Mr. SMITH of Missouri. I desire to ask the gentleman whether the provisions of my bill are not general enough to enable the Pension Bureau to formulate a procedure that will let in the militia of all the States, and whether the bureau has not jurisdiction to arrange a procedure to admit them to pension?

Mr. LANGLEY. Of course the bureau has only such jurisdiction as Congress gives it. I have not given as careful a study to the gentleman's bill as I should have done perhaps. I was greatly interested in his discussion of the question, which I think was able and most convincing.

Mr. SMITH of Missouri. Before this matter is postponed to another session, I should like to ask the gentleman to examine my bill and see whether it will cover his State.

Mr. LANGLEY. I will be glad to do that, but I know that my bill covers my State.

Mr. SMITH of Missouri. I think myself that it does, and covers the State of Kansas also.

Mr. LANGLEY. I care not whose bill is passed. I simply feel that Congress and the country owe it to these brave and patriotic old heroes who rendered such valiant service to the Union cause to place them on an equality with the other soldiers of the country who now have a pensionable status.

Mr. GILLESPIE. I would like to make an inquiry of the gentleman as to the principle on which he asks that these men shall be placed upon the pension roll. They were men who were called out by the governor of the State for the protection of the citizens of the State when the governor thought the general protection of the Federal Government was not sufficient; when there might be sudden uprisings, or things of that kind, and to protect the citizens, the governor goes on and musters these forces that are to act entirely independent of the United States forces. Do you believe that soldiers, men engaged in warfare that way, have a right to rely upon the Federal Government for pensions, even though they did cooperate for the purpose of more effectually extending their aid in protecting the State, independent of the Federal Government? How do you argue that these men should be allowed a pensionable status by the Federal Government?

Mr. LANGLEY. So far as allowing them a pensionable status at this late day—which I understood the gentleman's question to suggest as an objection—is concerned, I think that that ought to have been given them many years ago——

Mr. GILLESPIE. Another question, if the gentleman pleases.

Mr. LANGLEY. The gentleman makes his questions so lengthy, if he will pardon me, and propounds so many of them before I have a chance to——

Mr. GILLESPIE. I would like to hear a little more elaboration of the proposition—upon what principle should the Government pension them?

Mr. LANGLEY. As I said a while ago, I am not contending that all the militia of all the States that was called out for temporary purposes or uprisings, of which the gentleman from Texas speaks, should be given a pensionable status. I am referring to that class of men like those in Kentucky, for instance, who were called out by the governor, some of whom, at least, went into the service with the understanding that they were going into the United States service, and who, although not mustered in, proceeded to cooperate with the armed forces in aiding to suppress the rebellion. The principle involved in my proposition is similar to that, I claim, upon which Congress based the legislation for the relief of the Texas Rangers, the Enrolled Missouri Militia, the Provisional Missouri Militia, and an organization of Tennessee Militia, which was given a pensionable status years ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I yield five minutes more to the gentleman.

Mr. LANGLEY. I thank the gentleman from Ohio for his courtesy. They were armed and equipped by the United States Government; they were furnished clothing by the United States Government; and in some instances they were taken entirely out of the State under the command of federal officers. I will say further to the gentleman from Texas [Mr. GILLESPIE] that the Government of the United States afterwards reimbursed the State of Kentucky for its expenses incurred in that connection, thereby recognizing that these militiamen had a status which removes them from the class of militiamen to which the gentleman from Texas is referring.

Mr. GILLESPIE. Is it not true, not perhaps of the kind described in the gentleman's bill, but that these irregular troops who belonged to organizations acting independent of the federal forces and who are trying to get on the pension roll, if we took them all that there would probably be 200,000 of them, including all the border States? Is there not danger that if we open up this question all these 200,000 irregular troops will get on the pension rolls?

Mr. LANGLEY. The gentleman seems to think that if Congress recognizes this small class of militiamen that I have endeavored to describe and to distinguish from the large body of militiamen throughout the country, that it will necessarily have to go still further and give them all a pensionable status. I do not recognize the force of that argument. Congress can undoubtedly go as far as it thinks proper and then stop, and we must assume that this is what it will do. I do not know how many state militiamen there are altogether, even in these border States, who are still surviving and who, of course, would be glad to get a pension if they could; but of the class described in my bill I do not think, as I have already said, that there are more than a few thousand surviving who would be given a pensionable status under its provisions.

Now, I hope gentlemen will not interrupt me further, as I have lost a great deal of my time by these questions, but I was glad to have them, because it evinces a growing interest in this subject and makes me exceedingly hopeful of favorable action.

There were one or two other matters that I was anxious to discuss. One of them was the paragraph in the bill which appropriates for only one pension agent, the purpose of which is, of course, to accomplish, by this indirect method, what could not be accomplished directly under the rules of the House, the consolidation of all the pension agencies in Washington City. That question will, of course, be fully discussed when we reach that paragraph of the bill under the five-minute rule. But I want to say now that I am opposed to the consolidation. It is claimed that it is in the interest of economy, but I do not believe, on the whole, that it will have that effect.

I am opposed to it also because most of the pensioners in my State and district are opposed to it, and because it will be less convenient to the pensioners and will necessarily delay more or less, the payment of pensions in a large part of the country. I am opposed to it also because it will result in throwing out of employment nearly all of the people employed in these agencies, many of whom are old soldiers, and the widows and orphans of soldiers. Their salaries are too small, as a rule, to enable them to move to Washington and live, and many of them could not come if their salaries were increased. I am opposed to it because, as a result of this situation, the consolidation would take jobs from people in the different localities where the agencies are located and give the work to clerks here in the Pension Bureau who would otherwise be dropped sooner or later because of a diminution in the work of that bureau.

There has been too much discrimination in this respect already. Too many government positions are now held by citizens of Washington and its immediate vicinity notwithstanding the fact that the theory of the civil-service law is that an equitable apportionment of these places must be made among all the States.

So far as the Louisville agency is concerned, I will challenge a comparison of its present administration with that of the Washington agency or any other agency. A distinguished Union soldier of Kentucky, Hon. A. T. Wood, has charge of that, and it is conducted in an up-to-date manner in every respect. He tells me that for a considerable period preceding the quarterly payments he and his clerks all work at least an hour more than the clerks here in Washington.

I am sorry that I have not the time allotted to me to discuss this question at greater length. I also wanted to say a few words in behalf of the widows of civil war veterans, and particularly those who married the soldiers before or during the service and who, in a sense, bore their share of the hardships and privations of the war. I also wanted to advocate the repeal of the law which denies pensions to widows who married the soldiers since 1890, and to urge favorable consideration of my bill extending the provisions of the act of June 27, 1890, and its amendments, to the veterans of the Spanish-American war and their widows and orphans, and my bill granting these veterans a bounty, and one or two other measures of interest to soldiers and in which I am deeply interested, but my limited time will not permit. I hope, however, to get these measures before the House a little later on, when I will have a chance to express my views on them.

Let me, in conclusion, urge again a more liberal pension law for the old soldiers. In my judgment, Mr. Chairman, the time is now at hand when this Government should provide a pension law liberal enough to place the old veterans of the civil and Mexican wars entirely above want, so that they will not have to labor for support, but may live in comfort for the remainder of their days. Most of them are now receiving only 40 to 50 cents a day; and yet it is contended by some that we have already done enough for the old soldier.

I can recall at this moment many a humble home down in my district wherein dwells an old man, a soldier of the Union, who is trying to keep body and soul together, and sometimes trying to support others as well, on this small pittance of 40 or 50 cents a day.

The time has come when we ought to give every one of these old veterans a pension of at least a dollar a day. If it be contended that the condition of the Treasury is such now as not to warrant this action—that we have not the money—I, for one, would be glad to have the opportunity to vote for an issue of bonds to meet the additional expense.

In view of the glorious record that these old veterans will leave behind them; of the heroic struggles through which they passed; of the hardships they endured; and of what they accomplished for their country, I am sure that the next generation will not object to bearing its share of the burden. [Applause.]

Mr. LLOYD. Mr. Chairman, I yield to the gentleman from New York [Mr. GOULDEN] ten minutes.

Mr. GOULDEN. Mr. Chairman, the wide latitude of debate allowed by the Committee of the Whole House, if not always instructive, at least, I think tends to the gayety of nations.

We were very much amused this morning, and some of us perhaps instructed, by the remarks of the distinguished gentleman from New York [Mr. WILLETT], and while many of us did not agree with him in what he said as to the Chief Executive, at the same time I fear that the suppression of free speech in the House is a very bad precedent to establish. To my mind it was a dangerous thing to do and subversive of free government.

I usually agree with the reports of committees, believing that a committee bringing in a unanimous report have given the question more consideration than it is possible for individual Members of the House to give, but there are times when I shall have to be classed as an insurgent. Although my friend from Kentucky [Mr. LANGLEY] rather disclaims any intention of being put into the category of an insurgent, I observe that he is about as frequently, perhaps, in that list as many of the rest of us who are Members of this House on the question of supporting the views of the standing committees of this body.

H. R. 26203, with report numbered 1851, now under consideration has the merit at least of being brief and to the point. In addition to this excellent feature, the bill is carefully and intelligently prepared, and, with one exception, it is entitled to the approval of the House. That is the paragraph relating to the pension agencies. Under existing law there are eighteen located in the chief cities of fifteen States and one in the District of Columbia, New York and Pennsylvania having two each. This arrangement, now in successful operation for many years, has proven very satisfactory, and, in my judgment, should be continued for at least some years longer.

The pensions paid yearly have steadily grown in volume owing to the just recognition of the debt due the men who, in the civil war, saved the Nation, as well as to their widows.

In the ten years from 1899, when the amount paid was $144,651,879.80, it has increased to the sum carried in the present bill of $160,869,000, an increase of more than $16,000,000 in ten years. The age law and the increase in widows' pensions that Congress enacted into law in 1907 and 1908 are responsible for this great increase.

In 1907 the appropriation reached the low-water mark, amounting to $138,155,412.46. The present bill may properly be called the *high-water mark in the matter of pensions.*

During 1907 and 1908, 67,636 new claims were added to the list. Notwithstanding this large number of additional claims, the total number on the roll decreased in 1907 from 985,971 in 1906 to 967,371, and in 1908 it fell to 951,687, a net loss of 34,284, due to death principally.

The decrease in number in the next five years will be far greater, and the total will not, in my judgment, exceed 600,000.

As this year's appropriation is the largest in the history of pensions, it seems to me to be a mistake to attempt to change the system of payment by centralizing it into one office, and I am therefore opposed to the change at this time.

The report accompanying the bill has the following comments on the proposed change. A few salient ones I shall read for the information of the House and the country:

Pension agents.—The compensation of pension agents is fixed by the act of June 14, 1878 (Supp. Rev. Stat., pp. 347 and 348), by the act of July 4, 1888, and by the act of March 3, 1885 (Stat. L., vol. 23, pp. 99 and 362.)

The bill provides for the payment of the salary of one pension agent at $4,000. This is in accordance with the recommendation of the Secretary of the Interior (Mr. Garfield), concurred in by the Commissioner of Pensions (Mr. Warner), made pursuant to a proviso in the pension appropriation act approved March 4, 1907, which reads as follows:

That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. *This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies.*

From the closing lines of Secretary Garfield's report, it seems that the President has the right and power to reduce the number of agencies, and therefore the proposed change is unnecessary. I have the fullest confidence in President Roosevelt, as well as in Judge Taft, who becomes Chief Executive on the 4th day of March, and believe that the matter should be left in their hands to determine. The President can thoroughly examine into the needs of the bureau, and if deemed wise, and in the interests of those intended to benefit, the veterans and the widows of the same, he can readily and intelligently apply the remedy. I desire to insert the action of the Grand Army of the Republic of New York City, printed in the RECORD of March 18, 1908.

MEMORIAL COMMITTEE,
GRAND ARMY OF THE REPUBLIC,
New York, March 17, 1908.

To honorable United States Senators and
Members of House of Representatives:

The memorial committee of the city of New York, boroughs of Manhattan, Bronx, Queens, and Richmond, in meeting assembled, unanimously disagree with the proposition to discontinue the pension agencies throughout the country and the establishment of an agency in the city of Washington, and they do most earnestly urge in behalf of the comrades resident in our city that the United States Senators and Members of the House of Representatives from the State of New York use their influence and effort against the proposed law, and for a continuance of agencies as at present existing under the law.

GEO. B. LOUD, *Chairman.*
EDWARD J. ATKINSON, *Secretary.*

I feel quite confident that those who are beneficiaries under the various laws of a grateful government to a most deserving class, by a large majority, are opposed to this change. In my judgment, there is no good, valid reason for it except the matter of economy, and I do not regard that as sufficient to justify trying an experiment at this time. [Applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. KEIFER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr KEIFER. Mr. Chairman, I now yield twenty-five minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Chairman, I desire to avail myself of the present opportunity to offer a few observations upon the rules of the House of Representatives. The present House of Representatives is more than five times greater in number than the first House of Representatives that met after the adoption of the Constitution. I think all who study the subject will agree that the rules governing the organization of a legislative body should be determined somewhat by the size of the body and the length of time that it has to dispose of its business. The rules that would properly govern 4 or 5 men when in session would be, I think all will agree, entirely inadequate to an organization composed, in round numbers, of 400 people. As a matter of fact, most of the people who defend the rules of the House, and oppose any change therein, always devote their attention and their defense to those portions of the rules which nobody has attacked.

It will be conceded, I believe, by all those who think that many rules, even of a very stringent nature, are necessary in the House of Representatives in order to permit us to do any business at all. As far as I know, no one has claimed that all the rules are bad; and it is no defense of the evil, if there be evil in them, to make a defense against those portions of the rules which nobody complains of, and which everybody admits are right and just.

The gentleman from Pennsylvania [Mr. OLMSTED] the other day devoted a great deal of his time in showing how it was that Members had all the opportunity necessary for debate, and what would happen if unlimited debate were allowed, and then devoted considerable time to a defense of what are ordinarily known as the "Reed amendments" to the rules of the House. So far as I have heard, no one has claimed that there should be a rule that would permit unlimited debate, or that what are known as the "Reed rules" are wrong in practice or in principle.

Notwithstanding the fact that, in my judgment, most of the rules are good and are the result of wisdom and experience, I do believe in one or two particulars the rules of the House of Representatives are not only wrong, but vicious, and ought to be changed, in order to permit the House to do the business that was intended by the framers of the Constitution it should do, and do it in the way that it should be done and in a manner satisfactory to the great people of the country that we represent.

In the first place the rules of the House provide that the Speaker shall have the power to appoint all the standing committees. Everyone who has given the subject any study knows that most of the legislation is at least mapped out by the standing committees of the House. In an organization such as this, it must necessarily be that most of the work will be done in committee. As a matter of practice, I understand the rule to be that the Speaker appoints the members of the standing committees coming from the majority side, and the leader of the minority appoints the members of the standing committees who come from the minority side.

In this way the two men—and I am not criticising or finding fault or complaining of the patriotism, the wisdom, or the ability of the present Speaker or of the present minority leader, nor do I complain of the statesmanship of any of their illustrious predecessors—I am speaking of them not as individuals, and have no complaint to find with them personally as such, but as a part of the system or the scheme that I believe to be wrong. A man on the majority side who desires to get an appointment on a committee seeks the favor of the Speaker to get it. If he be a minority Member, he goes to the minority leader. And in this way a power, second almost to none that has been granted by the Constitution of the United States, has been given by the House rules to one, and in a certain degree to two Members of the House of Representatives.

Every Member of the House of Representatives comes here anxious for a place on some particular standing committee. For reasons best known to himself the coveted position means much to him in his political welfare. Is it any wonder that he is anxious to stand well in the eyes of the man who holds his future destiny in his hand? Is it surprising that he should strive to please the man who has the power to advance or ruin his future political prospects?

The Speaker and the minority leader, by virtue of the rules and practice of this House, hold in their hands, to a great extent, the political welfare of every Member. It is no answer to this argument to say that this power is never used. If the system is wrong in principle, it should be abolished. Neither should the system be retained, even though it be admitted, which it is not, that just as good results would follow from the present method as the one proposed. It is not enough that we do right, but we should do right in the right way. Even if it be admitted that this great power is never intentionally used to influence Members in their official action, it would nevertheless be quite natural that in legislation pending in this House, or in questions of policy before a political caucus, where the wishes or desires of these men were known, that the Members who had been the recipients of political preferment at their hands, unless they were vitally interested to the contrary, should endeavor to pay the political debt they owed. It is no reflection upon the Speaker or the minority leader that the House should desire to take into and retain in its own hands this great and responsible function of legislation that the framers of the Constitution never contemplated should be delegated to any one man, however wise or able.

One of the most serious objections to the rules of the House, and in my opinion it is the most objectionable and vicious of any, is that there is practically no provision within the rules themselves for amendment or a change of the rules except by the consent of the Speaker.

Any resolution to change the rules of the House will be by the rules referred to the Committee on Rules, which we all know means practically to the Speaker himself. Thus when we adopt the present rules at the beginning of a Congress we have tied the hands of the House absolutely as far as any change is concerned in the rules themselves and made it impossible during the entire sessions of that particular Congress to amend them in any way without the consent of the Speaker.

Many propositions have been made that the Committee on Rules ought to be elected by the Members of the House of Representatives themselves. In order that I may explain more fully my views on this subject, I desire to call attention——

Mr. EDWARDS of Kentucky. I would like to ask the gentleman a question.

Mr. NORRIS. I will yield to the gentleman.

Mr. EDWARDS of Kentucky. Under the rules as now constituted, can not the House elect its committees if it so desires?

Mr. NORRIS. Practically no.

Mr. EDWARDS of Kentucky. I call attention to Rule X, where he will find that it says:

> Unless otherwise specially ordered by the House, the Speaker shall appoint—

And so forth.

Mr. NORRIS. Yes; but it has never been "specially authorized," and I do not suppose it ever will be or could be under the rules. The fact is it can not be unless we change the rule and thus make it "specially authorized." That is just what I propose to do.

Mr. EDWARDS of Kentucky. But it is not necessary to change the rules to give the House that authority?

Mr. NORRIS. I think so. I was going to say, when the gentleman interrupted me, that in order to explain more fully the idea I have in regard to the change, I want to call the Members' attention to House resolution 417 that I introduced in this Congress, having in view an amendment to the present rules. It provides that the Committee on Rules as now existing shall be abolished, and that another Committee on Rules consisting of 15 members shall be elected by the House. The resolution provides that 9 members of this committee shall belong to the majority party, 6 to the minority party, and that they shall be elected as follows:

> The States of the Union shall be divided into nine groups, each group containing, as near as may be, an equal number of Members belonging to the majority party, and such Members in each of said groups shall meet and select one of their number as a member of said Committee on Rules. The States of the Union shall likewise be divided into six groups, each group containing, as near as may be, an equal number of Members belonging to the minority party, and such Members in each of said groups shall meet and select one of their number as a member of said Committee on Rules.

Mr. MANN. These divisions are made according to the number of Representatives?

Mr. NORRIS. According to the majority and the number of the minority as near as may be.

Mr. CAMPBELL. Will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. CAMPBELL. Under Rule X the appointment of committees is provided for by the Speaker unless otherwise ordered by the House.

Now, what rule stands in the way of the House taking upon itself the responsibility of appointing these committees?

Mr. NORRIS. Oh, probably none; but it would take another rule to "otherwise provide."

Mr. MANN. The rule of common sense.

Mr. NORRIS. There is not any method provided for their appointment, and any method proposed would under the rules be referred to the Committee on Rules, which we all know would mean its death.

Mr. CAMPBELL. It is simply the practice of the House?

Mr. NORRIS. Yes.

Mr. CAMPBELL. That has resulted in the Speaker appointing the committees?

Mr. NORRIS. I do not know as to that, but I think it has always been done.

Mr. MANN. Oh, no; it has not always been done.

Mr. MADDEN. Did the gentleman suggest any number of members of the Committee on Rules?

Mr. NORRIS. I did. The proposed amendment that I have offered provides for 15, and I was just explaining when the gentleman interrupted me.

Mr. OLLIE M. JAMES. How does the gentleman divide the 15 between the majority and the minority?

Mr. NORRIS. I have just explained that nine would come from the majority side and six from the minority side. The resolution provides that no member of the Committee on Rules shall be a chairman of any of the standing committees. In my judgment that ought to be changed, and it ought to provide that no member of the Committee on Rules should be a member of any other standing committee.

Mr. MADDEN. Will the gentleman yield?

Mr. NORRIS. Yes.

Mr. MADDEN. Would not the gentleman think that a great hardship, to take the brains of the membership of the Rules Committee away from active participation in the affairs of the House and the country?

Mr. NORRIS. Well, if the members of the committee were the only ones that had any brains, that would be true; but I am going on the theory that there will be a whole lot of brains left over, enough to supply all the committees. I would not be surprised if even the gentleman himself would not be on the Rules Committee.

Mr. MADDEN. I assume that in the selection of the fifteen gentlemen under the plan proposed by the distinguished gentleman from Nebraska he would assure the country that none but the best brains of the House would be selected for that committee.

Mr. NORRIS. Well, I suppose that that would be true. It would be the best brains of the House and of the country, and as good as the House afforded; but there would be just as good left, I assume, and I hardly think that the gentleman's inference could mean, or that it might be construed to mean, that by taking 15 men out of the House we would exhaust the House of all its ability and brains.

Mr. MADDEN. Oh, not at all.

Mr. NORRIS. Neither would I think the gentleman would assume that, even under the present rules, all of the brains, although there may be a great portion of it there, are to be found on the Committee on Rules or any other standing committee of the House.

Mr. MADDEN. The idea I wished to convey was that if men of a very high and superior order of ability were selected as members of the Committee on Rules, the knowledge and intelligence that these men possessed might be well utilized in other places as well as on the Committee on Rules.

Mr. NORRIS. Well, that might be. I recognize the fact that if we were adopting or trying to adopt this resolution it would be subject to amendment, and if the gentleman from Illinois could convince the House that there was not brains enough to go round and that the members of the Committee on Rules had a monopoly of the brains, the House would, no doubt, refuse to put in the amendment I have suggested, and would allow the Committee on Rules to be distributed throughout the other committees.

Mr. MADDEN. Will the gentleman yield to one further question?

Mr. NORRIS. Yes.

Mr. MADDEN. In view of the few times during the session of Congress that the Committee on Rules is called upon to act, would the gentleman think it possible to get the men of the widest experience in the legislation of the country to act upon the Committee on Rules if they were to be debarred from the right to act upon other committees?

Mr. NORRIS. That might be, and that would be something to take into consideration, of course, whether we were going to deprive them of it. That is only one of the details upon which men might very honestly disagree, but it is only my individual opinion that a member of the Committee on Rules, as proposed by the resolution, would have enough to do without being put on any other standing committee. If this particular resolution were adopted we would have a Committee on Rules that would be representative of the entire membership of the House, a committee that would be subject at any time to the will of the majority of the Members of the House of Representatives, one that would be absolutely representative of the entire country. I know—or I believe, I will say—that throughout the country generally the idea prevails that the House of Representatives has delegated too much of its power to the Speaker. Right here we often hear gentlemen talking about the degeneracy of the House of Representatives, and that it has lost its prestige that it used to command, and that it ought to have before the country under the Constitution. In my judgment, it is because we have delegated practically all of our powers as Members of the House of Representatives to the presiding officer. The Speaker of the House should be its servant, doing its will, and not its master, controlling its action.

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

Mr. NORRIS. Yes.

Mr. MANN. Along that line. The gentleman proposes a Committee on Rules of fifteen, as the gentleman explained, and I see by the gentleman's resolution that it is practically a committee of three.

Mr. NORRIS. Oh, no.

Mr. MANN. Well, the gentleman's resolution provides that a committee of fifteen shall have authority to delegate to a subcommittee of its members of not less than three in number the power to report special rules to the House of Representatives for the transaction of business, and within the limitation of the authority granted such subcommittee shall have all the authority of the full committee. That is giving the power to turn over all the power to a committee of three.

Mr. NORRIS. In answer to the suggestion or question I will say, Mr. Chairman, that it often occurs that it is necessary that the Committee on Rules has to take immediate action on something that is up before the House. I have talked with a great many men with regard to this particular subject, and it is generally conceded that there must be, in order to keep the House running properly, a small committee that will have the power if an emergency arises in the consideration of a bill, when they want to report a special rule to report it immediately and not take the necessary time that would be involved to call together a large body of men, and that was my object in putting that in the resolution, and it is safeguarded from the fact that the Committee on Rules delegates whatever power it deems necessary in such a case up to the extent of its own authority.

Now, it often occurs in the consideration, as I have seen it occur since I have been in the House, of an appropriation bill that some point of order has been made against a particular item in the bill and which would be declared out of order, properly, too, on the ground that it is new legislation, but it would be something that everybody probably except one or two men, or the one man who made the point of order, wanted to go in. The Committee on Rules, through this subcommittee, would be able to meet that emergency. This illustration shows the desirability of this provision for a subcommittee.

Mr. MANN. What I want to ask the gentleman is this, If he thinks that the power of the House is absorbed through the rules by the Speaker, as he seems to think, why does he think that granting authority to a subcommittee of three will be used and limited to emergencies? Why does he think the power in one case is less and will not be exercised in the other?

Mr. NORRIS. Because the committee that is provided for in the resolution comes from an entirely different source and derives its power from an entirely different source, as it comes directly from the membership of the House.

Mr. MANN. Then 15 Members of the House would confer authority upon 3 in one case, and the gentleman thinks it is more unlikely for 15 Members to confer authority on 3 than for 391 to confer power on 1. I do not think so.

Mr. NORRIS. I think it is likely that 15 Members, elected by divisions of the country such as I have described, would be more likely to represent the ideas and the purposes of the House than that 3 men appointed by the Speaker, including the Speaker himself, would be likely to represent us. Now, I admit——

Mr. MADDEN. Will the gentleman permit?

Mr. NORRIS. Certainly.

Mr. MADDEN. Would these men be appointed by the House or by the 15?

Mr. NORRIS. These 3 would be a subcommittee of the 15.

Mr. MADDEN. That would be a sort of executive committee.

Mr. NORRIS. It would be a subcommittee. You can call it "executive committee" if you want to, but I want to again call attention——

Mr. MADDEN. I apprehend the gentleman thinks that the Speaker usurps the power that should be in the rules themselves now.

Mr. NORRIS. Well, I have not said that the Speaker usurps any authority or power, and I do not want to say it.

Mr. MADDEN. Let us admit he does.

Mr. NORRIS. I do not care to go into a discussion of a side issue on this proposition. I have not made that charge and I am not going to be led up to it in this discussion. It may be some time we will get there when we can not help it, but I do not want to cast any reflection on the Speaker or anyone else. I refer to him as part of a system. I am not fighting him personally, but I am opposed to the system that he represents.

Mr. MADDEN. Well, if the individual who happens to be Speaker should by any chance become arbitrary by reason of the power that is vested in him by the House, is it not more than likely that those three members of the executive committee proposed by the gentleman would be still more arbitrary if they were given power?

Mr. NORRIS. No.

Mr. MADDEN. And would it not be much more easy to get consent from one arbitrary functionary than from three arbitrary functionaries?

Mr. NORRIS. No; I say not. The resolution provides in the first place that a committee on rules, composed of 15 Members, shall be selected, not even by a caucus of the different parties, but the selection is thrown to the several divisions, where in each division the Members meet together and select one of their own number who shall become a member of the Committee on Rules. He represents that division. He is your member on the Committee on Rules or mine. He is responsive to the men who gave him the position, and he does not depend for his position on the Committee on Rules, upon the Speaker, or any caucus, or upon any particular individual.

The resolution amending the rules which I have proposed also provides that this committee of 15 on rules, in addition to having all the power now exercised by the present Committee on Rules, shall have the power to appoint all the standing committees of the House. This committee would be the most powerful and influential of any committee of the House. It is important, therefore, that its selection be safeguarded by every possible protection. Its selection by geographical groups, as proposed in my resolution, would put it beyond the power of any man or set of men to control its selection or to wrongfully influence its action when selected. It would be unwise, in my judgment, to permit the members of this committee to be elected directly by the House. Such a course would result in their selection by party caucuses. This would mean that they would be selected at a meeting where nearly every man present would be anxious for some particular committee appointment, and the man who had power to make that appointment would thereby have an unequal and unfair advantage in influencing and controlling the action of the caucus. I am neither charging that this has been done in the past nor admitting that it has not. It is sufficient to say that the power exists, and its use should be avoided by some such rule as the one proposed.

It is no wonder that the House has lost its prestige before the country. It has delegated by its rules much of its power to legislate to the Speaker. The lawmaking power of our Government has been by common consent of the country, like Gaul of old, divided into three parts: The Executive, the Senate, and the Speaker. The House will never regain its prestige and perform its proper function in governmental affairs, as well as regain the confidence and respect of the country, until it takes into its own hands the responsibility for legislation and resumes the powers it was intended to have by those who framed the Constitution. To do this, I believe it is necessary that it should adopt some rule or rules containing the principle, if not the form, of the one proposed.

Mr. MADDEN. I would like to ask another question, please.

Mr. NORRIS. All right.

Mr. MADDEN. Then the gentleman is dividing authority and making it sectional instead of making it cover the whole country?

Mr. NORRIS. If the gentleman would do me the honor to read the resolution itself, he would find the entire country is covered.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. KEIFER. Mr. Chairman, I yield five minutes more to the gentleman from Nebraska.

Mr. NORRIS. Mr. Chairman, I do not believe I will take up the additional time that has been yielded to me. I want only to say in conclusion that these particular criticisms which are made in reference to particular clauses in the resolution which I have offered may be good or they may not be good. As a matter of fact, there is not any reason why the scheme should fail or why the plan is bad because some particular part of it is bad. If it is not a good idea to give the Committee on Rules the power to appoint a subcommittee to meet emergencies, then it is not necessary to give them that power. If that is a bad plan, then that part should be excluded, but if we are going at it in good faith, criticism on any proposed change to the rules ought to be made in good faith and not simply for the purpose of finding fault with them. There may be various other ways that this same result could be brought about. In my judgment, this is the best way; but that some such scheme or some such plan should be adopted, or that there should be some governing body of this House similar to the one that I have proposed in this resolution, I believe, is not doubted by a great majority of the membership of this House or by the country generally.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. NORRIS. I will yield.

Mr. OLLIE M. JAMES. The gentleman referred in his remarks to the minority leader having part in this vicious parliamentary status that is in existence in the House?

Mr. NORRIS. Yes.

Mr. OLLIE M. JAMES. Is it not true that the minority leader has fought all the special rules that have been brought in here and against the adoption of the rules which now govern this House?

Mr. NORRIS. I refer to the minority leader having the power to name under the practice the minority members of all the standing committees, and to that I object.

Mr. OLLIE M. JAMES. Is it not further true that in this House, when it has been found necessary to shut off debate or to deny amendment, it has always been necessary to bring in a separate rule, and that that separate rule has been adopted by the votes upon the gentleman's side of the House and over our opposition?

Mr. NORRIS. Yes, sir; as a rule that has been done, and in every instance that I remember, in my judgment, rightly done. I would not adopt or change any rule by which you would take away from the majority the power to rule or the power to close debate at any time they saw fit.

Mr. OLLIE M. JAMES. The gentleman said that it was rightly done always.

Mr. NORRIS. I did not say "always." I said "at times."

Mr. OLLIE M. JAMES. The gentleman remembers when the Esch-Townsend railroad rate bill was brought here, does he not? That was brought here under a rule which absolutely denied the right of amendment.

Mr. MANN. The gentleman is entirely mistaken in his memory.

Mr. OLLIE M. JAMES. Not about the Esch-Townsend bill; I am entirely correct.

Mr. NORRIS. I do not care to have in my time a controversy over an unimportant and immaterial proposition.

Mr. OLLIE M. JAMES. I do not think it is immaterial, if the gentleman will pardon me. I said, in my belief, that the bill came in here under a rule—and I think the RECORD will prove it—and you could not introduce an amendment to the bill. Now, then, would the gentleman say it is proper to deny the House the right to amend legislation?

Mr. NORRIS. I would not say that, and yet I realize that there are times when it would be necessary to adopt that kind of a rule. I do not have any definite recollection of the particular instance to which the gentleman refers, but I believe he is absolutely wrong, and in the case to which he refers I am confident that many amendments were offered and considered, and now, since my attention is called to it, I have a distinct recollection in the very case to which the gentleman refers, that in connection with the gentleman from Tennessee [Mr. GAINES] I prepared an antipass amendment to that bill which was offered on the floor of the House, discussed, and voted on. I do not believe we ought to unreasonably cut off debate on important legislation, but I do believe the majority ought to have the power to limit debate or to absolutely cut it off whenever they see fit. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STERLING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 388) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his winesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEYBURN, Mr. DILLINGHAM, and Mr. MCLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4632. An act for the relief of the Davison Chemical Company, of Baltimore, Md.;

S. 8143. An act granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation;

S. 6136 An act authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho; and

S. 2253. An act for the relief of Theodore F. Northrop.

The message also announced that the Senate had passed the following resolutions:

Resolved, That it is with deep regret and profound sorrow that the Senate has heard the announcement of the death of Hon. WILLIAM PINKNEY WHYTE, late a Senator from the State of Maryland.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. BOWERS. I yield fifteen minutes to the gentleman from Porto Rico.

Mr. LARRINAGA. Mr. Chairman, I wish to improve the opportunity given to me by the gentleman from Mississippi to thank the gentleman from Ohio [Mr. DOUGLAS] for having brought before this House the question of Porto Rico. Every Porto Rican, after reading his speech, will also feel grateful to him, because we really feel that our country is what in your press is called "The Forgotten Island." I do not agree with all the points touched in his speech, much less with section 4 of his bill, for granting American citizenship to the Porto Ricans.

The gentleman from Ohio begins by saying that the discussion of last session in this House about the Porto Rican regiment took a wide range. It did; and I believe, Mr. Chairman, it was a happy occurrence both for the United States and for the people of Porto Rico. I will explain in a few words. The Provisional Regiment of Porto Rico was to be made a permanent one. There were, in my understanding, some objectionable features in the bill, but they were removed by Congress. The bill passed, making the Porto Rican Provisional Regiment permanent, and putting American and Porto Rican officers on the same footing; and the effect of that fair dealing with our people made the best impression throughout the island.

Next, the gentleman from Ohio expressed the idea that the Island of Porto Rico, for the last ten years, under American rule had progressed politically, socially, and in every way. This is a very wide proposition for me to discuss in the time conceded to me, Mr. Chairman, but I will say that I differ with the gentleman from Ohio in what he says with reference to our political progress. I can not agree with the gentleman from Ohio on the first part of this proposition. How can he explain to me or to anybody else that we have progressed politically? On the 12th of April, 1900, we were given the organic act, commonly called the "Foraker Act." Under that act, which we think was not what we Porto Ricans deserved, it is stated that the upper house will be formed of 11 members appointed by the Executive. The majority of its members (6 of them) are to be Americans. Of the remaining, 5 at least were to be natives of Porto Rico. There was an injustice in that.

Since the 12th day of April, 1900, Mr. Chairman, more than 25 appointments have been made, and we never have been able to have that minimum increased by one single man up to this day. Every time that we went before the Executive, when a vacancy occurred, we failed to have that minimum of 5 increased to 6, in spite of the provisions and of the spirit and meaning of that act; and that minimum of 5 remains to this very day. How can the gentleman say that we have progressed politically? Has the executive been separated from the legislative? No, sir; it has not. Has the membership of that upper body been increased at least with one more from the native population of the island, as allowed by the act? It has not.

Mr. Chairman, as I have said before, I have no time to go fully into the matter, because I propose to touch all the different points treated by the gentleman from Ohio.

The gentleman from Ohio has undertaken to compare the political system that we had under Spain with that which was given to us under American rule. The gentleman, I believe, is not very well informed about it. He says that it will be something of a surprise to many Americans to learn that but an appearance of autonomy had been granted by Spain to Porto Rico the year before American occupation. Yes, Mr. Chairman, it was a year before American occupation; but for forty years we had been struggling with the Spanish Government to obtain our rights, and they were conceded to us little by little.

First, we were given limited representation; then we were given the Spanish constitution and made Spanish citizens; then free trade was given us in ten years by deducting one-tenth of the duties every year, and a year before American occupation we were given home government. Mr. Chairman, in order that every Member of the House may compare that charter with the present organic act, I am going to have that charter translated into English and a copy furnished to every Member of this Congress. That act provided that the majority of the upper house should be elected by the people, and now not a single man of that body is at present elected by the people. It provided that these men were to hold some property or have other social qualifications independent of money. I do not think, Mr. Chairman, that that was a very unwise provision at the beginning.

Now the law is more liberal. The 11 members appointed by the President may not even be taxpayers nor residents of the island. But I leave it to the opinion of every Member of the House as to whether those were not more safe qualifications.

Mr. GOULDEN. Will the gentleman pardon an interruption?

Mr. LARRINAGA. Certainly.

Mr. GOULDEN. Have these 11 members always been appointed by the Executive?

Mr. LARRINAGA. They have always been appointed by the Executive.

Mr. GOULDEN. And were they always good men?

Mr. LARRINAGA. In the majority of cases, with only a few exceptions, as could be expected in the selection of any body of men.

Mr. Chairman, I affirm that in the Spanish act the Executive had no more power than the governor of Porto Rico has to-day. I propose to prove it further on.

In our autonomic charter the people of Porto Rico had some participation in the treaty-making power, for we had the right to appoint special delegates to look after the interests of the island whenever a commercial treaty with any other nation was to be adjusted.

Mr. GOULDEN. But your contention is that at least a part of those men, if not all, should be elected.

Mr. LARRINAGA. The majority of them, at least, yes; and also that the executive be separated from the legislative. The gentleman brings me to a point that I was going to touch upon later, namely, the proposition of the gentleman from Ohio [Mr. DOUGLAS] that the time has come when this Congress should give a better government to Porto Rico, or, to quote his own words:

I sincerely believe that the Porto Rican people are capable of a much greater measure of self-government than is conferred upon them by the present organic law governing that island.

God bless him for those words. Mr. Chairman, this will be a word of encouragement that will reach the island, and I feel deeply grateful to the gentleman from Ohio, although I can not agree with him in some of the points that he took up on Saturday on the floor of this House. [Applause.] The gentleman further says:

Their present parliament consists of two houses—an executive council and a house of delegates. The executive council consists of 11 members, all appointed by the President, 6 of whom, citizens of the United States, are all heads of departments, and the other 5 are citizens of Porto Rico, without portfolios.

Now, gentlemen, I want to appeal to the American sentiment of every Member of this House in support of my contention—one that every good American will favor—that no such a mixture of the executive with the legislative should exist in any civilized country. [Applause.] I know very well, and every Porto Rican knows, that this organic act was only intended to be temporary. Congress had on its hands Cuba, Porto Rico, and the Philippine Islands. Your greatest statesmen here did not know much, I believe, about what they were going to do with them. Porto Rico was put in a sort of limbo, to wait there for the resurrection. [Laughter.] But we believe, Mr. Chairman, that the time has come when we should be given a government more in accordance with the principles of the American democracy, with the principles of this Nation, the greatest champion of human rights and liberty on the face of this earth. [Applause.]

I am certain, Mr. Chairman, that within my time I can not take up in detail all the points of interest in the speech of the gentleman from Ohio; neither could I, at this moment, take up the task of comparing in detail the government we had before with that under the present Foraker Act.

But even admitting, for the sake of argument, that the political organization that we had under Spain was less liberal than the Foraker Act, does that prove that the latter instrument is what the people of Porto Rico deserve? Does that make this charter worthy of the American Nation? Has not the gentleman from Ohio himself nobly declared that the people of Porto Rico are capable of a larger measure of self-government than is conferred upon them by the present organic law governing the island? What is it then, Mr. Chairman, that stands between this body of just men and justice? How long is this eternally temporary act to stand? The gentleman from Ohio dwells upon our present prosperity. It is true, Mr. Chairman, that half of the island is prosperous. Our sugar and tobacco industries have prospered and are swelling the figures of our exports, but these industries are the industries of the wealthy men only, of the combines of the rich capitalist; but what of the poor man's industry, what of our coffee industry, that at all times has been the sinews of our wealth? Why are we to-day begging Congress to help us to rebuild our main industry? Because the executive council, our upper house, during three consecutive sessions rejected the legislation passed by the lower house elected by the people.

Three times, and by both political parties, an agriculture loan was vetoed to help the poor coffee planters whose farms had been damaged by the cyclone. What were those $5,000,000 that would have saved our main industry compared with the importance of a staple that has in one single crop reached the figure of $16,000,000.

Why have most of the small coffee farms been allowed to pass into the hands of the rich? Because our executive council, our upper house, rejected a bill passed by the lower house to cancel the taxes due by the small planters, and the poor men saw their little farms sold at auction by the hundreds to pay $4 and $5 and $10 taxes.

Amongst the improvements mentioned by the gentleman from Ohio, there is in truth a very important one which is being carried out with the federal money—the improvement of the harbor of San Juan.

Why have we not to-day our harbors improved and the pestilential swamps around our cities converted into firm, sanitary land, yielding large profits to the Public Treasury, saving all that money to the Federal Treasury? Because nine years ago our executive council killed our autonomic board of harbor works, which worked successfully and independently of the central government with their own funds.

Mr. Chairman, it would be an endless task to enumerate all the oppressions, all the hardships imposed on the people of Porto Rico by that executive council as constituted by our present organic act.

Let my distinguished friend from Ohio frame a bill on the lines that he has sketched in his speech, and if he succeeds in bringing it to the consideration of this House, I am sure, Mr. Chairman, that this body of fair-minded Americans will vote for it to a man, and he and this Congress will carry with them the blessings of a million people.

Mr. BOWERS. Mr. Chairman, I desire to address the committee very briefly with reference to some of the provisions of the bill under consideration. In the outset let me say that, as presented by the Committee on Appropriations, this bill is practically the same measure presented to the House one year ago, the only difference being in the amount appropriated for the various purposes covered by it. The general pension appropriation bill of one year ago carried about one hundred and sixty-three million and a few thousand dollars. This bill carries $160,869,000, or $2,184,000 less than the bill passed by the Congress one year ago.

The provisions of this measure as to the administration of the fund, the payment of the money, the medical examinations, and the pension agencies are identical with the measure reported and passed by the House one year ago.

I take it that no discussion whatever will ensue on the measure, except, perhaps, on so much of it as appropriates for 1 pension agency instead of 18 pension agencies, as in the past. In view of the fact that the House sitting to-day is the same body which sat a year ago, and of the fact that the membership of the House, with a very few changes, is identical with the membership at that time, I take it that no full or extended discussion of this particular proposition is necessary.

The question of economy of administration, of the sufficiency and efficiency of administration under the proposed plan of reduction, was thoroughly gone into and thrashed out at the time. It may not, however, be amiss to remind the House that prior to that time the matter had been referred, by the joint action of the House and Senate, to the Secretary of the Interior, seeking from him some expression as to the conditions of the Pension Bureau in this respect, and recommendations as to what could or should be done, not only to secure economy of administration, but also an improvement of the service. The reply to that inquiry, the reply of the Secretary, came to the former session of the Sixtieth Congress in the shape of a letter, which I hold in my hand and which I ask leave to incorporate at the conclusion of my remarks.

The CHAIRMAN. Without objection, this order will be made.

There was no objection.

Mr. BOWERS. Mr. Chairman, I do not care, in view of the fact that I shall incorporate the letter in my remarks, to quote from it or allude to it to any great length. But I do want to call the attention of the committee to the fact that the Secretary was unequivocal, and is still, on the proposition that not only a vast saving in the matter of expenditure, wholly needless, wholly unnecessary expenditure, will be accomplished, but that in addition the administration of the Pension Bureau, instead of being in any way impaired or injured, would be absolutely and materially bettered.

During the hearings which were had at the last session of Congress on this point the very able Commissioner of Pensions, a gentleman well known to this body for his long years of efficient and faithful service here, was, if possible, more emphatic in his commendation of these proposed changes, and in his advocacy of what might be termed the "new system," than the Secretary. I recall that among other expressions used by him on that occasion he declared that if this was a matter of the administration of any private business no gentleman who had examined into it would hesitate for a moment on the proposition of making the change and working out the reform.

Speaking very briefly in the hearings had a short while ago at this session of Congress, and speaking briefly, because of the fact that no extended remarks were necessary in view of the thorough way in which the matter was thrashed out a year ago, he said, of the proposed reduction in the number of agencies:

> You would do it in a moment if it were your own business. You take New Hampshire, Maine, and Massachusetts, three little agencies, and they would not make a vest pocketful.

Mr. TIRRELL. Can the gentleman inform us how many employees there are in the Boston office?

Mr. BOWERS. I have not the figures before me. I was reading, and had to read literally what the Commissioner of Pensions said on that subject. I do not know what the situation of the Boston office is. I do not care to and, in the discussion of this matter, have not taken up any particular agency for the purpose of demonstrating these propositions. It does not seem to me to be the proper way to proceed about it. The inquiry which should address itself to this committee, in my judgment, is whether a general consolidation can be profitably effected of all or of the greater number of these agencies; whether there are some that could be dispensed with, whether the whole number could be lessened with profit to the Treasury in the shape of decrease of expenditure and decrease of outlay, and with profit to the administration by way of betterment of the service, or the unification of the service and unifying methods throughout the whole department.

As I said a year ago, the sums appropriated for the payment of pensions, medical examiners, stationery, and so forth, are matters which are arrived at by mathematical calculation.

The high-water mark was reached in the last bill, reached because of the passage of what was known as the "McCumber bill," the old-age pension bill, and of the increase in the amount of widows' pensions, and the removal of the provision, that theretofore existed, that required widows to be dependent and in the attitude of not possessing more than a given amount of property. The larger amount of the last bill was due to the increase of the number of pensioners flowing from the passage of those two acts.

From that time—that is, from the time when the movement following the enactment of these bills reached its flood—it has diminished, and will, so the authorities of the bureau believe and the committee believes, continue to diminish in the future.

Mr. TIRRELL. Mr. Chairman, I would like to ask the gentleman another question, and that is, whether under the present administration of the business of the Pension Department the pensioners appear personally at these pension agencies scattered throughout the country to obtain their pension money or whether it is paid to them by sending in a duly signed and sworn affidavit—it is not necessary for them to appear personally.

Mr. BOWERS. Why, the fact is, the majority of them, of course, send in their affidavits and receive their money in that way. There are a few agencies at which some considerable number of people, I believe, do come and get their pensions; but when the gentleman remembers that the same agency pays in many instances a number of States, he will see how utterly im-

possible and impracticable it is for the vast number of them to come in person and get their money.

Mr. TIRRELL. I know the custom formerly was for the pensioner to personally appear, and I have seen the department so overrun with people in Boston that they would wait hours before they could get to the desk. I wish to ascertain whether that custom has been changed.

Mr. BOWERS. Oh, they still come to some agencies in considerable numbers, but the majority of the pensions must be paid, of course, by correspondence.

Mr. TIRRELL. I will ask the gentleman why they should appear personally.

Mr. BOWERS. I do not see any reason at all. I think they would be much better paid by correspondence.

The following is the letter from the Secretary of the Interior referred to above:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 13, 1907.

SIR: The "act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes," approved March 4, 1907, contained the following proviso:

"*Provided*, That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies."

In compliance with said provision I submit herewith the following report:

"1. *Economic execution of pension laws.*—The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers and checks, is approximately $550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order all pensioners could be paid by the Commissioner of Pensions, or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, $350,000, a saving of 20 cents per annum per pensioner, or $200,000. After the first year of the consolidation, I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least $25,000 more.

"2. *The prompt and efficient payment of pensioners.*—If all pensioners are paid by the Commissioner of Pensions, or one disbursing officer, provision should be made for a division of the pensioners into three groups, one group to be paid each month, as at present, and all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents.

"3. *Inconvenience to pensioners.*—As all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents, there would be no inconvenience to pensioners except the slight delay which would be caused in the case of pensioners living remote from Washington in the time required for a voucher to reach Washington through the mails and for the check to be returned. The checks would, however, be issued quarterly, as now, and the pensioner receive his payment regularly every three months after the receipt of the first payment. Many of the pensioners now paid by the San Francisco agency do not receive their checks until seven or eight days have expired from the date of mailing of vouchers. Pensioners now living in Montana, Utah, Washington, and Wyoming, who are now paid by the San Francisco agency, would experience but a slight delay in receipt of their checks if paid in this city. In this connection attention is invited to the fact that there are 52,201 pensioners in the agency district paid by San Francisco. More than 10,000 of these pensioners are now being paid by other agencies, and there is no complaint of delay in receiving payment. All navy pensioners residing in the Southern States are now paid by the Washington agency, and there is no complaint about delay in payment. There are 26,448 pensioners residing in the State of California. of this number nearly 5,000 are not paid by the San Francisco agency, but are paid by other agencies."

There are certain other conditions to which attention should be invited if all pensions should be paid by the Commissioner of Pensions or one central disbursing officer located in this city. The records would be readily accessible for reference by the bureau. A large amount of extra correspondence is now required to furnish information to correspondents relative to the payment of pensions. The bureau must first obtain such information from the pension agents, and a great deal of time is consumed in securing this information, especially from agencies located in distant cities.

All vouchers now required by pensioners are printed by the Government Printing Office, in this city, and forwarded to the different pension agents, there to be prepared and mailed to the pensioner with checks for the preceding quarter. All checks now used by the pension agents are likewise printed in this city. A considerable saving would result in the cost of printing vouchers and also in the cost of printing checks if such vouchers and checks were prepared for one agency rather than for eighteen.

All paid vouchers must be forwarded by the pension agents to the Auditor for the Interior Department in this city. There is always danger of the loss of such vouchers in the mails. Many vouchers of widow pensioners under the general law and under the act of June 27, 1890, were recently lost in transit from one of the pension agencies to the auditor in this city. No trace of the missing vouchers has as yet been discovered. The pension agent has since died, and his accounts can not be settled for many months on account of the lost vouchers.

It is further suggested that if it be decided to consolidate the eighteen agencies into one agency, the entire eighteen agencies be abolished and provision be made that the payments be made by the Commissioner of Pensions or one disbursing officer, to be appointed by the Secretary of the Interior.

The statute now provides (26 Stat. L., 138) that the pension agent, with the approval of the Secretary of the Interior, may designate and authorize a clerk to sign the name of the pension agent to official checks. There are 18 such designated clerks now employed, 1 at each agency. The name of the pension agent is printed on all checks used, but before the check is issued it must be countersigned by the designated clerk. Only 1 clerk may be thus authorized to sign such checks for any one pension agent under the law as it now stands. If all pensioners were paid by the Commissioner of Pensions or by 1 disbursing officer the services of 6 or 8 clerks would be required to sign such checks, and if the 18 agencies be abolished and all payments made by the Commissioner of Pensions or 1 disbursing officer, provision should be made authorizing the Commissioner of Pensions or the disbursing officer, with the approval of the Secretary of the Interior, to designate the necessary number of clerks to sign the name of the Commissioner of Pensions or disbursing officer to such official clerks.

Ample accommodation for the consolidated agency could be furnished in the Pension building.

Under the practice now in vogue there is a duplication of records. Each of the 18 agents receives from here the certificates of pensions for the pensioners residing in his district. A record is made here and also by the agent at the agency, who then forwards the certificate with the voucher to the pensioner. A consolidation of the agencies would require but one record of the certificate, etc., which would be kept in the office here in Washington, and the certificate and voucher would be mailed direct to the pensioner from here. This would do away with having the certificate mailed to the agent, the making of a record by the agent, and the mailing by him of the certificate and voucher to the pensioner.

It would seem that the law should leave to the discretion of the Commissioner and the Secretary as to when the transfers from the different agencies should be made. To require all of such transfers to be made on one date would entail unnecessary work, and might result in delay and complications in making payments.

If the 18 agencies are abolished, and provision made for the payment of all pensions from the city of Washington, I respectfully suggest that an appropriation of at least $10,000 should be made to be immediately available for the purpose of carrying out the consolidation and defraying the necessary expenses of the removal of the records, etc., of the agencies to the city of Washington.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. KEIFER. Mr. Chairman, I hope to confine myself to a discussion of the pension appropriation bill. I wish, however, to say that after a few moments' discussion of the bill I expect general debate to end, and that we shall take the bill up under the five-minute rule, with the hope that it may be passed to-day.

Mr. Chairman, this bill, if enacted into law, will appropriate $160,000,000 for paying, for the fiscal year ending June 30, 1910, army and navy pensioners of all classes now borne on the pension rolls, or who may hereafter be placed thereon under the provisions of any and all acts of Congress, with a proviso that navy pensions shall be paid from the income of the navy pension fund as far as it is sufficient for the purpose. The interest on the navy pension fund for the fiscal year 1908 was $360,409.92, while the amount expended for naval pensions in that year was $4,934,350.50. The navy pension fund at present amounts to $14,000,000.

The bill reported to this House for the same purpose for this fiscal year called for an appropriation of $150,000,000, but before it became a law it was amended in consequence of the passage of the widows' pension act of April 19, 1908, to $162,000,000 for the payment of pensioners. It will be seen that the appropriation for the next fiscal year for the same purpose is $2,000,000 less.

This bill carries an appropriation of $869,000 for the expense of paying pensions for the next fiscal year. On account of information received since it was agreed upon in the Committee on Appropriations, I will ask that the appropriation for the payment of fees of examining surgeons be reduced from $500,000 to $400,000, which will reduce the total appropriation for the cost of paying pensioners for the next fiscal year to $769,000. The appropriation for the present fiscal year, for the same purpose, was $1,053,000.

The bill provides for the payment of a salary to only one pension agent—$68,000 less than was appropriated for pension agents for this and each of many preceding years. It carries an appropriation of $335,000 for clerk hire at agencies, $75,000 less than was appropriated for that purpose for this fiscal year, and it includes nothing for rent or for inspection of agencies.

The disbursements on account of pensions for the fiscal year 1907 were $138,155,412.46, and for the fiscal year 1908 were $153,093,086.27. Those for this fiscal year, 1909, can not be exactly ascertained until the year ends.

Unless there should be new general pension legislation it is believed there will be a rapid reduction of the annual value of the pension roll. Notwithstanding the large additions to the pension roll under the McCumber Act of February 6, 1907, and the widow's pension act of April 19, 1908, there has been a steady decrease in the number of pensioners for the two preceding years, as well as since the year 1905, when the number reached 998,441, the maximum of all the years and a number never again likely to be reached. The total number of pensioners on the rolls for the fiscal year 1906 was 985,971, for the fiscal year 1907 was 967,371, and for the fiscal year 1908 was 951,687.

The average annual value of each pension has steadily increased through the same years. In 1905 it was $136.96, in

1906 it was $138.18, in 1907 it was $145.60, and in 1908 it was $167.50.

The total decrease in the aggregate number on the pension roll during the last fiscal year was 15,684, notwithstanding the large addition of new pensioners. The reduction by death alone was 50,676.

The following table shows the decrease in the pension roll from all causes:

Decrease in pension roll during fiscal year ended June 30, 1908.

By death	50,676
By remarriage	944
By minors arriving at the age of 16 years	1,025
By failure to claim for more than three years	711
For other causes	1,010
Total	54,366

The number of survivors of the civil war on the pension roll June 30, 1907, was 644,338, and on June 30, 1908, the number was 620,985, a decrease of 23,353 during the year, and the number of civil-war pensioners dropped on account of death during the fiscal year 1908 was 34,333, and for other causes 864. The number of civil-war veterans added to the pension roll in that year was 10,935. The number of civil-war pensioners dropped on account of death was 3,132 greater in the fiscal year 1908 than in the previous fiscal year, and it was in excess of 5 per cent of those on the roll. They will naturally, on account of the infirmities of age, decrease in a greater per cent in this and in future years.

There were 328,676 pension certificates issued in the year ended June 30, 1908, though only 37,691 were original certificates, the others being for increases, reissues and so forth. Prior to June 30, 1908, there were filed in the Pension Bureau 431,113 claims under the act of February 6, 1907, only 16,926 of which were undisposed of June 30, 1908. The total number of applicants for pensions at the end of the fiscal year 1908 was 123,483, as against 356,181 at the beginning of that year, a comparatively few of which were for original pensions.

The amount of pensions paid to soldiers, sailors, and marines, their widows, minor children, and dependent relatives, on account of military and naval service since the foundation of the Government is shown by a table taken from the report of the Commissioner of Pensions, which follows:

Total paid for pensions since the foundation of the Government.

War of the Revolution (estimate)	$70,000,000.00
War of 1812 (service pension)	45,694,665.24
Indian wars (service pension)	9,355,711.03
War with Mexico (service pension)	40,876,879.10
Civil war	3,533,593,025.95
War with Spain and insurrection in the Philippine Islands	22,563,635.41
Regular Establishment	12,630,947.88
Unclassified	16,393,945.35
Total disbursements for pensions	3,751,108,809.96

No nation of the world has approached in liberality the United States in the disbursement of pensions and bounty to its soldiers and sailors.

There were 5,047 pensioners on the pension rolls residing in 63 foreign countries who were paid in the fiscal year ended June 30, 1908, an aggregate of $811,473.31. There was paid $21,420.53 to pensioners residing in our insular possessions.

PENSION AGENCIES.

There are 18 pension agencies, from which all pensioners are now paid. They are located at the places and each agency paid the number of pensioners and the amounts for the fiscal year 1908 stated in the table following:

Agency.	Pensioners June 30, 1908.	Money disbursed in 1908.
Augusta	16,718	$2,945,856.05
Boston	58,499	9,046,412.21
Buffalo	43,536	6,812,641.35
Chicago	73,787	11,854,787.69
Columbus	93,969	15,940,259.79
Concord	15,633	2,748,387.69
Des Moines	52,207	8,548,546.18
Detroit	39,964	6,917,428.79
Indianapolis	59,504	10,626,002.48
Knoxville	63,030	9,428,559.60
Louisville	26,143	4,145,360.12
Milwaukee	48,241	7,910,832.71
New York	53,398	8,068,753.78
Philadelphia	57,302	8,602,333.47
Pittsburg	43,602	6,876,520.86
San Francisco	43,378	6,767,265.76
Topeka	109,579	17,621,652.81
Washington	58,197	8,790,728.39
Total	951,687	153,652,329.73

This bill provides for but one agency.

The number of pensioners paid from the several agencies varies, as shown by the table, from 15,633 at Concord, to 109,579 at Topeka; and the disbursements at the former for the fiscal year ended June 30, 1908, were $2,748,387.69, and at the latter $17,621,652.81. There are wide differences as to the number of pensioners paid and the disbursements made between other agencies.

The cost per capita of all kinds, including salary, clerk hire, and contingent expenses, at each of the following pension agencies in the fiscal year 1907 was: At Augusta, 76 cents; Concord, 77½ cents; Detroit, 58 cents; Columbus, 45½ cents; Topeka, 42½ cents; Philadelphia, 53 cents; Pittsburg, 56½ cents; Chicago, 51½ cents; Knoxville, 51 cents; New York, 65 cents. It will be noted that generally the larger the agency the less it costs to maintain it.

The cost at the Washington agency in paying a pensioner, treating the examining surgeons (4,662) as though pensioners, in the fiscal year 1907 was 51 cents. In Washington there is much extra labor and loss of time in paying pensioners residing in foreign countries and those residing in our insular possessions. Notwithstanding this extra labor, the cost of paying a pensioner at the Philadelphia agency is greater than at the Washington agency.

The cost for clerk hire alone in the fiscal year 1907 in paying a pensioner at the Augusta agency was 53 cents, at Concord 52 cents, and at Detroit 47 cents, while at the Columbus agency it was 40 cents, and at the Topeka agency it was 39 cents, and at the Philadelphia agency 45½ cents, and at the Pittsburg agency 46½ cents, and at the Chicago agency 42½ cents, at the Knoxville agency 44½ cents, and at the Washington agency 47 cents.

There was paid at the Topeka agency that fiscal year 109,579 pensioners, which was in excess of those paid in the four agencies of Augusta, Concord, Detroit, and Louisville by 11,121. The number of pensioners (93,969) paid at the Columbus agency exceeds those paid at the Augusta (16,718), Concord (15,633), and the Louisville (26,143) agencies by 35,475.

The cost of salaries ($12,000) and clerk hire ($36,821.63) at these three agencies in the fiscal year 1907 was $48,821.63, while at the Columbus agency the cost for salaries and clerk hire was $43,102.39, less than at the three named by $5,719.24, though it paid 34,449 more pensioners than were paid at the three agencies named.

The payments for the fiscal year 1908 at the Columbus agency to pensioners amounted to $15,940,259.79, and the aggregate payments at the Augusta, Concord, and Detroit agencies only amounted to $12,611,672.53. These and other facts conclusively show that great economy must result from a consolidation.

It is not now deemed necessary to again go over and repeat all the arguments and reasons hitherto made here for a reduction of the number of pension agencies. The reduction should be made on the ground of economy, especially as the interests and convenience of the pensioners are maintained. There are 15 of the 46 States of the Union in which agencies are located and there is 1 in the District of Columbia. The States of Maine, New Hampshire, Massachusetts, Illinois, Ohio, Iowa, Indiana, Michigan, Wisconsin, Kentucky, Tennessee, California, and Kansas have each 1 agency, and the States of New York and Pennsylvania have each 2 agencies, as the above table shows, and there is no agency in either of the other 31 States or in any of the Territories. The agencies are not located geographically in reference to the convenience of the pensioners, nor centrally with reference to the number of pensioners to be paid at each agency. No regard is had to the number of pensioners to be paid or the aggregate amount to be paid at each agency. If there is any good reason for maintaining small pension agencies in the interest or for the convenience of the pensioners, then we would proceed to establish at least enough more (42) agencies to bring the number to 50, each of which would pay more than is now paid at each of several of the agencies. This would give about 5 more agencies to Ohio. Remoteness of the residence of the pensioners from the agency is not now regarded.

The Knoxville agency pays pensioners residing in 10 States—the Carolinas to and including Texas, and the intervening Gulf and other States—and all the navy pensioners residing within that agency are now paid from Washington. Topeka pays the States of Kansas, Colorado, and Missouri, the Territories of New Mexico and Indian Territory, and the State of Oklahoma. San Francisco pays the States of California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; the Territories of Alaska, Arizona, and Hawaii; the Philippines, Guam, and the Samoan Islands belonging to the United States, including all navy pensioners residing in these States and Territories.

Here are magnificent distances, and yet we have no cry of neglect or delay. Twelve of the 18 agencies do not pay the navy pensioners residing therein.

The difference in the time of a pensioner residing in Philadelphia receiving his payment under the proposed plan and under the old would not be noticeable, and the delay or difference in payments to pensioners in Ohio, Indiana, Illinois, New York, New Jersey, Pennsylvania, and the New England States would rarely be over twenty-four hours. And, as has been explained, there would be no difference at all, after the first payment, under the proposed plan; under the new plan the pensioner would still receive his pension every three months precisely the same as now, the date of receiving the payment in each paying month only being changed.

The claim is made that the payment of pensions in Washington (where there was paid last fiscal year 53,197 pensioners) is greater per capita than at some other agencies. This is only seemingly true as to the two large agencies at Topeka and Columbus. I have already shown that in the payment of 4,662 examining surgeons and in the payment of the 5,047 pensioners who reside in foreign countries from the Washington agency there is a large extra expense and much increase in labor and considerable loss of time due to several causes, best stated by the commissioner in a letter to me of February 5, 1908. The postage required to be paid in paying foreign pensioners largely augments the expense at the Washington agency.

The admitted saving the first year of $225,000 would be sufficient to pay 1,600 widows, or other pensioners, $12 per month. The much larger saving each year in the future would proportionately enable the Government, if it desired, to increase the pension roll.

All months will have, under the proposed plan, pension payments on the 4th of the month.

At each agency now there are eight months in the year when no payments are made. Payments are now made on January 4, April 4, July 4, and October 4 at the following pension agencies: Buffalo, Chicago, Concord, Des Moines, Milwaukee, Pittsburg—six.

On February 4, May 4, August 4, and November 4 at Indianapolis, Knoxville, Louisville, New York City, Philadelphia, Topeka—six.

On March 4, June 4, September 4, December 4 at Boston, Augusta, Columbus, Detroit, Washington City, San Francisco—six.

Under the plan to pay all pensioners from Washington one-twelfth of the pensioners would be paid monthly. Under the present plan no payments are made in the months of February, March, May, June, August, September, November, and December, eight months in the year, from the agencies at Buffalo, Chicago, Concord, Des Moines, Milwaukee, and Pittsburg. And no payments are made in the months of March and April, June and July, September and October, December and January, eight months in the year, from the agencies of Indianapolis, Knoxville, Louisville, New York City, Philadelphia, and Topeka. And no payments are made in the months of April and May, July and August, October and November, and January and February, eight months in the year, from the agencies at Boston, Augusta, Columbus, Detroit, Washington City, and San Francisco. If all pensioners are paid from one place, the same clerks can work on each month's payments.

The Commissioner of Pensions gives it as his opinion that the pensioners could be paid with at least 125 less clerks than are now found necessary.

The number of clerks employed and required to transact the pension-agency business is about 430, as the Commissioner of Pensions advises me, and he gives it as his opinion that all the pensioners can be paid from the Pension Bureau with at least 125 less clerks, or by the employment of about 300 clerks only.

There are now 18 chief clerks, while under the new plan but 1 would be required. And now 18 machines and outfits for addressing envelopes, and so forth, will be required, while if the agencies are consolidated only 1 such machine will be required. One clerk with an addressing machine can address as many envelopes as 12 clerks by the ordinary method.

A somewhat similar condition exists in regard to adding machines. They have been found almost indispensable in the conduct of the agency business. If the agencies are consolidated, not one-fourth as many adding machines will be required as are now necessary. There will be much saving in clerical work, delays avoided, and time saved in the payment of original pensions.

Pension certificates, when issued here, are recorded in the bureau here—a record made of them. The certificates are then sent to the different agencies in the jurisdiction of which the pensioners live. They are again recorded there—a duplication of the work—and then, after being recorded, they are mailed with the vouchers for the first payment to the pensioners. On account of the enormous amount of work made by the recent pension acts, the pension agencies (except the one in Washington) have been, on an average, thirty days behind in forwarding the certificates and vouchers to pensioners. This, as most, if not all, Members of this House know, has led to much complaint and even dissatisfaction and to much unnecessary correspondence, because the pensioner receives his voucher from the agency long after he receives notice of the allowance of his claim from the Pension Bureau.

If there was but one agency, by a consolidation here in Washington, and the certificates and vouchers were issued from the bureau they would go promptly to the pensioners instead of being delayed in the agencies. This would also save the expense and delay of double recording, and at the same time the pensioners would get their first payment sooner than they do now.

The death rate of pensioners is now above 4,000 per month. In substantially all these cases there is an accrued pension to be adjusted through the Pension Bureau, and then the result, where widows and minor children are involved, has to be sent to the agencies for payment, and this now produces delay, confusion, double work, and much correspondence, which would be saved, mainly, if all payments were made from the Pension Bureau as proposed.

The Secretary of the Interior, Mr. Garfield, and the Commissioner of Pensions, Mr. Warner, have each expressed the belief that there would be a large saving in the cost of paying pensions; that they could all be paid from the Pension building; that in many instances the payment of pensioners would be materially facilitated; that there would be no necessity of a duplication of the records, as is now required, and that there would be a great saving in the matter of making settlements with the several agencies.

Originally under an act of Congress (August 4, 1790) invalid pensioners were paid by the Commissioners of Loans. Some other pensioners were paid direct by the Treasury Department, and still others by the Paymaster-General of the United States Army, without any separate establishment being maintained to pay pensions. Later pension agencies were provided for. Formerly there was no system of paying, as now, by checks, for want of banks to cash them. The law (R. S. U. S., sec. 4780) passed February 5, 1867, and still in force, authorized the President to establish agencies for the payment of pensions whenever in his judgment the public interests and the convenience of the pensioners required.

If we appropriate for but one pension agent, the President will have to disestablish all the present agencies save one. The commissioner, in the hearings (p. 8) submitted a plan for the consolidation of the agencies into one agency, a portion of which I quote:

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

By this plan it will be seen that about one-twelfth of the pensioners would be paid each month, while now each agency pays a different number, and at each agency there are eight months in the year when no payments are required to be made at all, and at most the clerks are engaged only in preparatory work two of each of the three months constituting a quarterly payment period. The plan is to have one set of clerks, with one addressing machine and one or more adding machines, do the work of each monthly payment, and thus comprise within each year the payment of all pensioners. It is believed, however, this method alone would not only result in largely reducing the clerks required and the consequent expense of maintaining them, but that it will promote their efficiency and secure regularity and promptness in paying pensioners.

Pensioners now receive their checks on an average of not less than ten days after pension day, however prompt the pensioners may be in forwarding their vouchers. It is the opinion of the Commissioner of Pensions that if the pensioners were all paid from here, with a largely reduced number of clerks, from 50,000 to 60,000 of them could be sent their checks in one day after their vouchers are received; and as only 317,229 pensioners

would be paid here each month, less than six days would be required to make each monthly payment. In this way the payment of pensions would be facilitated rather than retarded. The difference in the time required for the vouchers and checks to pass by mail would, in the first payment, measure the delay. In many cases that difference would be small, and after the first payment from here would be at least as regular every three months as now. Pensioners are now paid in alphabetical order from each agency, and hence those far down the alphabet are not paid as promptly as others, yet no wrong arises from this.

The expedition in the payment of pensioners is not the only consideration. Large expense and some delay in making payments result from agencies being away from the seat of Government. I quote on this point from a letter of the Commissioner of Pensions:

All pension checks must now be printed in this city and forwarded through the mails to the various pension agencies throughout the country. All vouchers to be executed by the pensioners are printed here in this city by the Government Printing Office and are forwarded through the mails to the various pension agencies, to be prepared and forwarded to the pensioners. More than 100 different forms of vouchers are now required for the eighteen pension agencies. As an illustration: Fifty-four different forms of vouchers are now required for pensioners under the act of February 6, 1907, three forms for each different agent, one at the $12 rate, one at the $15 rate, and one at the $20 rate. If all pensioners were paid by one disbursing officer, only three forms of vouchers would be required under this act instead of fifty-four. All certificates issued by the bureau must first be forwarded to the pension agency, there to be reentered upon a different set of books and mailed to the pensioner from the agency. If all pensioners were paid from this city, the certificates would be issued by the bureau and mailed to the pensioners upon the same date they are now mailed to the pension agency. The pensioners would therefore receive the new certificates much more promptly than they do now. All vouchers, after being paid by the pension agent, must be again mailed to this city, to the Treasury Department, where the accounts are audited. This bureau can not furnish the latest post-office address of a pensioner or state when the pensioner was last paid without first securing a report from the pension agent upon whose rolls the pensioner's name is inscribed. If all pensioners were paid from this city, all such information would be immediately available, which would greatly assist in the prompt dispatch of the correspondence of this bureau. All pension claims, as you are aware, are adjudicated here in this bureau; and if all payments were made here, a complete history of each case would be readily available and the bureau enabled to make prompt response to all inquiries.

It seems impossible to exhaust the many substantial reasons—economy and the pensioners' interests being kept steadily in view—in favor of a consolidation of the pension agencies.

The Topeka agent paid over one-ninth (109,579) and the Columbus agent about one-tenth (93,969) of the pensioners on the rolls in the fiscal year 1908 each paying month or quarter, while, if all had been paid from Washington, one-twelfth (317,229) would have been paid each month in the year. It follows that one set of paying clerks and a less number would be required at Washington to make the payments as promptly as they are now made at the several agencies.

No other agency now pays as much as one-twelfth of the pensioners, and about one-half of the agencies pay less than one-twentieth of them, and each of two pays less than one-fiftieth of them, while the average of all pensions paid at all the agencies is one-eighteenth. Unless each of sixteen of the agencies employs a relatively larger number of clerks than the two large pension agencies, or than would be necessary at Washington after the consolidation, they fail to pay the pensioners within their respective districts as promptly as pensioners are now paid at the two named agencies or as they would be paid at one agency, and all clerks have to be retained throughout the whole year, though no payments are made in eight of the twelve months of the year. And the salaries of the pension agent and his chief clerk and the cost of an addressing and of adding machine outfits at each agency is still to be added.

It seems reasonable to conclude that the Secretary's and commissioner's estimate of a reduction of the now average cost each year of paying each pensioner will, if the change is made, be more than realized, and that the maximum estimate of the annual reduction made by the Secretary of the Interior of $350,000 will at least result. Should this prove to be the case, the saving would be sufficient to pay about 2,900 soldiers, sailors, or their widows each a pension of $12 per month, or that much increase on the pensions they are now drawing under existing law. If there is a reason for great liberality in disbursing the public moneys, there is more justice in giving it to those who bore the heat and burden of campaigns and battles, and to the dependent widows of those who are dead, than there is in unnecessarily keeping up local pension agencies.

The demands on the Republic for payment of pensions alone are too great to warrant any extravagance or liberality in the cost of paying them. And the maintaining of useless and expensive agencies for disbursing pension money merely because local parties will be benefited, or because worthy people will be thrown out of employment if they should be dispensed with, is not warranted either on the ground of necessity or on the ground of justice to the places of their location. If agencies should be maintained, because of local interests, where they are now located, then their number should be very largely increased in the interest of other equally necessitous and worthy localities.

Why should not all great cities, with their vast numbers of pensioners residing therein and in their vicinages, be given pension agencies? The cities of Baltimore, Cleveland, Cincinnati, St. Louis, New Orleans, Kansas City, Denver, St. Paul and Minneapolis, Omaha, Los Angeles, Portland (Oreg.), Seattle, and other large cities, in some of which and in their immediate vicinity reside more pensioners than reside in some agency districts, are now and have always been without a pension agency, and pensioners of some of these places and many others in the States and Territories receive, uncomplainingly, their pension checks from agencies located outside of their States more than a thousand miles away. Thirty-one of the forty-six States of the Union and all the Territories, Arizona, New Mexico, and so forth, have no pension agency located therein. From Knoxville the army pensioners of ten States are paid, and other agencies pay pensioners of several States and Territories. The San Francisco agency pays the pensioners of eight States and three Territories and of the Philippines. The States and Territories of this agency are divided by the Rocky Mountains range, and are vast distances apart and from San Francisco. And the San Francisco agency pays the pensioners as regularly and promptly in the States of Idaho and Montana and in the Territories of New Mexico and Hawaii as it pays those residing in the Pacific coast States or in San Francisco. Remoteness from the paying agency is not a material factor.

And there is no rule of equitable division of work at the agencies. New York and Pennsylvania have each two pension agencies located therein. The two New York agencies disbursed in the last (1908) fiscal year $1,058,864.66 less than the Columbus (Ohio) agency and $1,740,251.68 less than the Topeka (Kans.) agency, and the two Pennsylvania agencies disbursed in the same year $511,795.90 less than the Columbus agency and $2,452,053.58 less than the Topeka agency. Greater disparities with other agencies appear by the figures. If the equitable distribution of the public funds alone is sought, it will best be accomplished in paying pensioners who reside in all parts of the United States.

Neither the revenues of the Government nor good economic business methods justifies the continuance of an expensive system of paying pensioners that is clearly now unnecessary and in no way beneficial to them.

The manifest attempts to magnify a few special instances of inconvenience to pensioners in having their pensions promptly paid into a general detriment to all pensioners has long since spent its force in the light of the facts. The pensioners, especially those who desire in the future an increase of the pensions now being paid them, are willing that economy and good business principles should be applied in paying pensioners.

I would hesitate long before I would favor any plan of paying pensions, even though economy demanded it, that would work serious delay in paying pensioners generally. There is no clamor for pension agencies in 31 States and in all our Territories where there are now none, as in each pensioners residing remote from all pension agencies are paid as regularly and promptly as in any of the other States. So as to pensioners residing in the Territories.

The facts warrant the conclusion that no pensioners will be seriously delayed in receiving their pensions under the proposed plan of reducing the agencies to 1; that there would be prompter payments made on original and increase pension certificates and on allowances of accrued pensions to widows and orphans, and that there would be at least $350,000 saved annually in the cost of paying pensions. I regret exceedingly that certain pension agents would be dispensed with under the consolidation plan, and that worthy clerks would, in some instances, lose their places. Some of them would doubtless be transferred to the Washington agency or to the Pension Bureau to continue the work they are now engaged on. There would necessarily have to be a gradual disestablishment of the agencies by the President.

Mr. STAFFORD. Has not the President the power to-day to discontinue the agencies if he so elects?

Mr. KEIFER. Yes.

Mr. TIRRELL. Mr. Chairman, the gentleman in the course of his remarks stated that there was delay in the payment of pensions in the local offices. Now, will the gentleman tell us whether that delay is caused by an inadequacy of clerical force in the local offices?

Mr. KEIFER. There is always some delay necessarily in all the offices. I did not speak of any extraordinary or unnecessary delay. I was speaking of a fact that the pensions were not paid,

generally, on an average earlier than ten days after the day of payment came.

Mr. TIRRELL. If there is no inadequacy of the clerical force in the local offices, will the gentleman tell us, they being supposed in the local offices to work during the hours of quiet, how the pensions could be paid more expeditiously and cheaply by having an office here in Washington? I mean, to any considerable extent. There is no rent paid in these offices, is there?

Mr. KEIFER. Yes; $4,500 is paid for rent at the New York agency.

Mr. TIRRELL. Most of the places have a federal building?

Mr. KEIFER. Yes.

Mr. TIRRELL. Where there is no rent. Now, is there any additional expense, will the gentleman tell us, outside if there is no more clerical force throughout the country to pay these pensions? Is there any more expense except the agents in charge, at $4,000 a year?

Mr. KEIFER. The Commissioner of Pensions stated to us in his testimony something like a year ago that he could start off by reducing the number of clerks from 425 to 300. It is very obvious to the gentleman, if he will reflect, that if these clerks are engaged with the proper addressing and adding machines, it would do away with a large number of people in one place, and if they are engaged in paying pensioners every month in the year, that they would pay vastly more than they would otherwise pay if they were located at the several agencies with simply a proper number to commence paying pensions every three months. There are two months of every three months that they do not pay anybody or are not required to pay anybody.

Mr. DALZELL. I would like to call the attention of the gentleman to the fact that a year ago the Commissioner of Pensions testified that he would want the same number of clerks. He said:

> We would bring a majority of them from each agency here with their records, so as to have them go right to work. In the Pension Bureau proper we have no more clerks than we need, and we have no one to spare to put in the agency to do that work.

That is to say, bring clerks from San Francisco here, for example.

Mr. KEIFER. Did the gentleman want to ask a question?

Mr. DALZELL. I asked if that is so.

Mr. KEIFER. No.

Mr. DALZELL. It is not so?

Mr. KEIFER. The testimony taken before the subcommittee at that time shows that he stated that 125 clerks could be dispensed with. Now, he did say something about wanting a sufficient number of clerks to make up a force to pay pensions from one office, but I think the connection in which the gentleman reads it leaves a wrong impression.

Mr. DALZELL. If my friend will permit——

Mr. KEIFER. Certainly.

Mr. DALZELL. Did not he use exactly this language:

> We will want the same clerks. We would bring a majority of them from each agency here with their records.

Did he say that or not?

Mr. KEIFER. That is just exactly what he said, that he would take of the number of other clerks such number of them as he could use. He said he would use the same clerks they are now using somewhere else and bring part of them to the city of Washington, and that is the effect of the statement you have just read.

Mr. GARDNER of Michigan. May I say to the gentleman from Ohio that in the claim they could use a majority of the clerks the gentleman from Pennsylvania would seem to feel as though a majority meant all; but a majority might be 55 or 60 per cent of them and yet have a very great reduction in the aggregate number of clerks.

Mr. DALZELL. The majority, my friend will observe, is used in connection with the number that would be brought to Washington, not to the number that would be used.

Mr. KEIFER. He is speaking of the same clerks that are employed in other agencies to be brought here, and the context shows clearly that they were only going to bring part of them.

Mr. STAFFORD. Has the committee taken any additional testimony this year concerning the adequacy of quarters here in case all these agencies were consolidated at Washington?

Mr. KEIFER. I think there has been no formal testimony taken. I have talked with the Commissioner of Pensions to-day over the phone at his instance, and I have understood from him, as well as the Secretary of the Interior, that the quarters would be adequate, and they so testified a year ago, and there has been no change since.

Mr. STAFFORD. I beg to challenge the last statement that they so testified a year ago, because I have in my hand the hearings of a year ago, in which the commissioner used this language:

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

So that statement is predicated upon the idea they have not sufficient room, but these offices would have to seek other quarters and place an expense upon the Government.

Mr. KEIFER. Mr. Chairman, it is just exactly the reverse of what the gentleman suggests.

Mr. STAFFORD. Well, I am only taking the language of the hearing.

Mr. KEIFER. At the time the commissioner testified they were contemplating moving a large part of the Patent Office models in the Pension building, and they were using one part of the Pension building for the Bureau of Indian Affairs; and when he spoke of having sufficient room for paying the pensioners, of course he did not mean that he would adopt the Patent Office and the Indian Office and give them room.

He expected to have the Pension Bureau devoted to the payment of pensions as well as the other things which properly belong to it.

Mr. STAFFORD. Provided the offices that are now in use in the Pension building are vacated, then there would be sufficient room?

Mr. KEIFER. That is, such as have no connection whatever with the pension business.

Mr. STAFFORD. They are still occupied, and would have to be vacated, or other quarters would have to be provided?

Mr. TAYLOR of Ohio. Will the gentleman yield for a question?

Mr. KEIFER. Yes; I will yield for a question.

Mr. TAYLOR of Ohio. The gentleman stated that a number of men were housed in the Pension building that had no connection in their official duties with the work of pensions?

Mr. KEIFER. A number of offices there.

Mr. TAYLOR of Ohio. Where would these men go if this building were vacated by them?

Mr. KEIFER. Go to their proper offices, where they came from.

Mr. TAYLOR of Ohio. And would not they have to get the quarters, and then would not that be an expense to the Government?

Mr. KEIFER. I suppose the gentlemen think that we could defeat this very economical proposition by assuming that we might use the Pension Office for any other business that we pleased, although it was built for the purpose of accommodating the Pension Commissioner and all his forces and every other thing connected with pension duties. We are not going to say that we will not have room there because somebody wants to become an intruder with his office that does not belong there.

I wanted to say one word——

Mr. ALEXANDER of New York. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from New York [Mr. ALEXANDER]?

Mr. KEIFER. Certainly; if I have the time.

Mr. ALEXANDER of New York. On what does the gentleman base his assertion that the proposed consolidation would be cheaper than the present plan of agencies?

Mr. KEIFER. Mr. Chairman, I have spent more time than I intended to in order to demonstrate that, and the gentleman will have to read my speech in the RECORD in the morning.

Mr. ALEXANDER of New York. Mr. Chairman——

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman from Ohio [Mr. KEIFER] yield?

Mr. KEIFER. I yield to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER of New York. I have listened very carefully to the gentleman's very interesting speech, but I have failed to hear anything which would be received as evidence in a court of justice in support of the statement that it is more economical to consolidate than to continue under the existing plan. Now, if the gentleman will summarize, it may enlighten.

Mr. KEIFER. It is sufficient to say, at least, in answer, that it has been shown in every instance that where there were a few paid at a pension agency it cost more than at a place where there was a larger number paid, and that applies all through.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. KEIFER. Yes, sir.

Mr. MADDEN. Is it not a fact that there are about a million pensions?

Mr. KEIFER. Nine hundred and fifty-one thousand and some hundreds.

Mr. MADDEN. Is it not a fact that to consolidate the pension agencies would save 25 cents per capita in the cost of distributing pensions?

Mr. KEIFER. On the average.

Mr. MADDEN. A million pensions at 25 cents would be $250,000, would it not?

Mr. KEIFER. Yes, sir.

Mr. MADDEN. Per annum. That is one way that you would save something. Now, is it not a fact that the people who would be employed to distribute the pensions in the central office would be at work all the time, while those who are employed in the various offices now are only at work one-third of the time?

Mr. KEIFER. I have stated that fully in my remarks.

Mr. MADDEN. The gentleman from New York [Mr. ALEXANDER] seemed to think that there was no evidence of economy by the consolidation, and I simply wanted to call this to his attention.

Mr. TIRRELL. Upon that point——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts [Mr. TIRRELL]?

Mr. KEIFER. Yes.

Mr. TIRRELL. Did it not appear in the discussion last year, or the year before, that it cost more per capita among the old veterans and those entitled to pensions to distribute the money from Washington than from any of the other agencies in the country?

Mr. KEIFER. There did not appear any such thing at all. It costs more than it did in the larger agencies, and I want to say, for the benefit of the gentleman from New York [Mr. ALEXANDER], that in making some of the calculation last year as to the cost of paying the pension here in the city of Washington they made it on the basis of the number of resident pensioners paid, and omitted to include the foreign pensioners paid, and omitted to include the number of pension surgeons that are all paid from here, no matter whether they are located in this city or in the most remote parts of the United States. And if the calculation had been in all cases fairly made, treating each one of the examining surgeons, and so forth, as a pensioner, it would have reduced the average cost very much below the average as stated in the RECORD last year.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARDNER of Michigan. Mr. Chairman, I ask that the time of the gentleman may be extended for ten minutes.

Mr. KEIFER. I do not care on my own account to have an extension.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. I understood the gentleman from Ohio said he did not desire an extension, and therefore I think we are ready to proceed.

The CHAIRMAN. Does the gentleman from Ohio desire to have his time extended?

Mr. KEIFER. I am not going to occupy any part of the time extended to me unless it is to answer some questions.

Mr. HAUGEN. I will ask the gentleman is it not a fact, by reason of recent legislation, the work of the Pension Office has been largely increased in the Bureau of Pensions?

Mr. KEIFER. It was for a time, but it is now lower than it ever was before.

Mr. HAUGEN. And that the force has not been decreased in proportion?

Mr. KEIFER. I can not answer that.

Mr. HAUGEN. I understood the gentleman to make that statement before the committee.

Mr. KEIFER. We are not talking about the Pension Bureau, but the pension agencies.

Mr. HAUGEN. We understood from the statement made before the Committee on Expenditures in the Interior Department that a large number of the clerks now employed in that bureau will be detailed to do this very work, and a large number of clerks will be dispensed with.

Mr. OLLIE M. JAMES. I am heartily in favor of curtailing the number of these agencies, but is it not true that that has twice passed through the House, and each time that it went to the Senate has not the House yielded? Can the gentleman give us any assurance that it will not be the same the next time?

Mr. KEIFER. You are making a prophecy. I do not know.

Mr. STAFFORD. The gentleman stated a moment ago that there was an error in the computation last year, wherein it was stated that the Washington agency cost 10 cents more per capita than the other agencies with the same number of pensioners enrolled.

Mr. KEIFER. No.

Mr. STAFFORD. I have the figures right before me, if the gentleman disputes that fact. I can state to him instances from the record giving the cost per capita at Washington at 63.17 cents, which was the highest amount of any excepting four other agencies—and three of these are paying the smallest number in the country—Concord, Augusta, Louisville, and New York exceeding the pro rata amount, the increase for the latter being partly accounted for by the large rental which we are obliged to pay for quarters in that city. I desire to ask the gentleman if he has found from the revised estimates of this year, taking into consideration the four places to which I have referred where the per capita expense is larger, that from the figures compiled a year ago, if all the agencies had been consolidated, there would have resulted an increase of $100,000.

Mr. KEIFER. The gentleman is mistaken. The testimony fixed the average cost in Washington for the fiscal year 1907 at 51 cents per capita, and I am unable to answer the part of the question which relates to the revised estimate, because only this afternoon I was called to the telephone by the Commissioner of Pensions to enable him to tell me of the error that I have just spoken of, that would reduce the per capita of paying pensions in Washington now provided, that included pension surgeons or examining surgeons and others which properly should have been included and treated as though they were pensioners.

Mr. STAFFORD. Then the gentleman has just been informed this afternoon by telephone from the commissioner, showing the cost?

Mr. KEIFER. What I have just stated was communicated to me this afternoon by telephone.

Mr. STAFFORD. Has the gentleman anything to show what it really costs to dispense this service in Washington?

Mr. KEIFER. The expense was 51 cents per pensioner, and that was much lower than many of the other agencies—quite a number of them—and still higher than the cost of paying the pensioners at Columbus and Topeka agencies, because they did not pay so many pensioners, and they have included these extras.

Mr. STAFFORD. In the report of the Secretary of the Interior for the year ending June 30, 1907, the total expense of the Washington agency is given as $33,865.41, and the number of pensioners provided for by this agency 53,640, making an average of 63.13 cents cost per capita for the payment of pensions at the Washington agency, whereas in Milwaukee the cost is only 54 cents—almost 53 cents—and so on down the list.

Mr. KEIFER. I do not care to occupy any further part of my time.

Mr. GARDNER of Michigan. Lest a wrong impression be left on the House by the gentleman from Wisconsin, and I am sure the gentleman does not mean to leave any such impression as his figures would imply, although he might have heard the gentleman from Ohio say that all of the examining surgeons are paid from the Washington office, and no credit whatever is given in the per capita estimates for that.

Mr. STAFFORD. I heard the gentleman, and asked him further, because of that remark, whether he could give the expense so that the committee would have some information as to just how much it does cost to do this work here in Washington. The gentleman from Ohio said he had no such information.

Mr. KEIFER. That is the fact.

Mr. GARDNER of Michigan. Then just a moment on this point——

The CHAIRMAN. The Chair would like to ask the gentleman from Ohio whether he yields any time to the gentleman from Michigan?

Mr. KEIFER. I yield time, if I have it.

The CHAIRMAN. The time for general debate is entirely exhausted. The Chair understands there is no more time for anyone to consume. The Chair will therefore direct the Clerk to read the bill.

The Clerk read as follows:

For army and navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon under the provisions of any and all acts of Congress, $160,000,000: *Provided*, That the appropriation aforesaid for navy pensions shall be paid from the income of the navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. FOSTER of Vermont. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 4, page 2, add the following:

"*And provided further*, That every widow otherwise entitled on the 19th day of April, 1908, to have her pension increased to $12 per month by reason of the act approved on said day, shall be granted said increase from said day notwithstanding the fact that her pension had theretofore been increased by special act of Congress on account of a dependent child."

Mr. MANN. I reserve the point or order.

Mr. KEIFER. That is new legislation, and I think we ought not to take it up on this appropriation bill. I make the point of order that it is not in order, because it is new legislation.

The CHAIRMAN. Does the gentleman from Ohio make the point of order against this amendment?

Mr. KEIFER. I do.

Mr. FOSTER of Vermont. I ask the gentleman to reserve it.

Mr. KEIFER. I will reserve it.

Mr. FOSTER of Vermont. The gentleman from Vermont understands perfectly well that this amendment is subject to a point of order. I regret that I had no opportunity to take it up with the Committee on Appropriations before offering it here. I took the matter up Saturday with the chairman of the Committee on Invalid Pensions [Mr. SULLOWAY], and so surprised was he to find what the ruling of the Pension Office was that I at once took the matter up over the telephone with the Pension Office. Only a short time ago I was informed over the telephone that the Pension Office felt bound to abide by the decision made some months ago.

This is the situation. Suppose a widow was drawing $8 per month prior to April 19, 1908. Suppose that she had a dependent child and that Congress granted the child, by special act, a pension of $12 per month, making the pension payable to the mother during her lifetime, but continuing the pension as long as the child lives. We have a provision in the pension laws to the effect that no person on the pension roll by virtue of a special act of Congress shall receive the benefit of any general pension legislation without giving up the pension granted by the special act.

The Pension Bureau holds that the widow above described, inasmuch as her pension has been increased by the special act of Congress, can receive no benefit from the widows' pension act of April 19, 1908. That is to say, while it is true that she was drawing only $8, and while it is true that the entire purpose of Congress in passing the special act was to provide a pension for the child, nevertheless, in view of the fact that the child's pension is made payable to the mother during her lifetime, she can not have her own pension raised to $12, as was done in the case of all the other widows of her class. This is not just. This is not what Congress intended, either, when it provided the pension for the child, or when it passed the general widows' pension law of April 19 last. While this amendment is therefore subject to a point of order, I sincerely hope that upon reflection that point will be overlooked.

Mr. MANN. Just what does this amendment do?

Mr. FOSTER of Vermont. It enables the widow, whose case I have described, to enjoy the benefit of the law of April 19, 1908, by having her pension of $8 increased to $12, notwithstanding the fact that in addition to her own $8 she was being paid, under the special act of Congress, $12 per month on account of her dependent child. This amendment would give her the increase of $4 per month, which Congress undertook to give to every widow of a soldier who had served ninety days.

Mr. MANN. I did not listen very attentively to the reading of the amendment. The gentleman just said where a widow had her pension increased——

Mr. FOSTER of Vermont. On account of this helpless and dependent child.

Mr. MANN. Well, I know; but if she was getting this $12, how much more would she get under the amendment?

Mr. FOSTER of Vermont. Under this amendment she would get $4 more.

Mr. MANN. Bills are not passed giving the existence of a helpless and dependent child as the reason for paying pensions, as I understand it.

Mr. FOSTER of Vermont. Why, certainly; we frequently, by special act, grant a pension of $12 per month to the helpless and dependent child of a veteran. I yield to the gentleman from New Hampshire [Mr. SULLOWAY].

Mr. SULLOWAY. I will try and state it to the gentleman from Illinois. Widows were receiving $8 a month. When there is a helpless and dependent child, it has been the habit of Congress to grant by special act $12 for the support of that child, which gave to the widowed mother a total pension of $20. In that class of cases where the widow was receiving $8 in her own right and receiving $12 for the child——

Mr. TAWNEY. During the child's minority?

Mr. FOSTER of Vermont. No; during her lifetime. At her death the $12 go to the child or its guardian.

Mr. KEIFER. Up to 16 years of age.

Mr. FOSTER of Vermont. No; pardon me, the $12 pension is made payable to the mother during her life, and at her death it is paid to the guardian of the child.

Mr. SULLOWAY. The widow receives no benefit from the act of April last, whereas all the other widows get $12. The gentleman from Vermont [Mr. FOSTER] is exactly correct in his statement as to the result to that widow. What is proposed by his amendment is to give to the widow who is getting $8, the $12, which you intended to give her, I suppose, or at least I did, when we passed the act.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. FOSTER of Vermont. Mr. Chairman, I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from Vermont asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FOSTER of Vermont. I yield to the gentleman from Illinois.

Mr. MANN. The gentleman from New Hampshire said it was the practice to pass a bill for $12 a month where there was a dependent child. To whom does the pension run?

Mr. SULLOWAY. To the mother. The bill reads something like this: Pension to the widow, giving her name, is increased $12 by reason of her having this child who is dependent and helpless.

Mr. MANN. The gentleman is still in error.

Mr. SULLOWAY. I think I should know, I have read many hundreds of them.

Mr. MANN. The gentleman's statement does not agree with himself.

Mr. FOSTER of Vermont. Let me give you the exact language used in these private acts:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aurelia E. Willard, widow of George S. Willard, late of Company G, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Alice L. Willard, helpless and dependent child of said George S. Willard, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Aurelia E. Willard the name of said Alice L. Willard shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Aurelia E. Willard.

Mr. EDWARDS of Georgia. Did I understand the gentleman to say the pension would be continued to the child during its minority, or during its lifetime?

Mr. FOSTER of Vermont. During its lifetime. This is the case of dependent or crippled children. It seems to me that it was the purpose of Congress all the time, that where the widow, because of her widowhood, was receiving $8 and was simply being paid the additional $12 by the act of Congress for the benefit of the child, she should not be deprived of the increase which we gave to the other widows.

Mr. COX of Indiana. And the gentleman proposes to give her that $12?

Mr. FOSTER of Vermont. I propose to give her $12 a month from the time the bill went into effect last April—that is, to give her the increase of $4 provided for in the act of April last.

Mr. TAWNEY. The effect of the gentleman's amendment would be this: She would have a pension in her own right of $12 a month, and a pension on account of her child of $12 a month.

Mr. FOSTER of Vermont. That is the idea exactly.

Mr. TAWNEY. She would be receiving the pension of $24 a month?

Mr. FOSTER of Vermont. Yes; she would draw $12 just as every other widow does, and in addition to that she would receive, or there would be paid her, $12 a month which is now being paid her on account of the helpless or dependent child.

Mr. TAWNEY. Will the gentleman explain how the law we passed, increasing the pensions of widows, discriminates against the widow who has received $12 a month by special act?

Mr. FOSTER of Vermont. We have a very wise provision that if a person by special act of Congress is drawing a pension, that person shall not profit by any general pension legislation without surrendering the pension granted by the special act. The Pension Office holds that the widow's pension is increased by the special act granting the $12 per month on account of the helpless child, and that therefore it can not grant her any increase under the general law so long as the $12 per month continues to be paid to her.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. FOSTER of Vermont. Again, Mr. Chairman, I will ask for an extension of five minutes.

The CHAIRMAN. The gentleman from Vermont asks that his time be extended five minutes. Is there objection?

Mr. BOWERS. Mr. Chairman, inasmuch as I intend to make the point of order which the gentleman from Ohio reserved, I think I will object now.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1910, $500,000.

Mr. KEIFER. Mr. Chairman, I move to amend this paragraph by striking out the word "five" in line 7, page 2 of the bill and inserting in lieu thereof the word "four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 7, strike out the word "five" and insert the word "four," so that the amount will read "$400,000."

Mr. KEIFER. This amendment, Mr. Chairman, I make because I have ascertained from the Commissioner of Pensions since the committee reported this bill that in consequence of the age pensions reducing the number for examination required to be made by the examining surgeon, in the opinion of the Commissioner there will not be needed for the next fiscal year more than $400,000. That is a saving of $100,000 over that recommended by the Commissioner some weeks ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

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

Mr. KEIFER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BUTLER, 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. 26203 (the pension appropriation bill) and had come to no resolution thereon.

ADMISSIONS TO CITIZENSHIP.

The SPEAKER laid before the House the bill (S. 388) to conform and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, with a House amendment thereto disagreed to by the Senate.

Mr. BENNET of New York. Mr. Speaker, I move that the House do insist upon its amendment to the Senate bill, agree to the conference asked for by the Senate, and that the Chair do appoint the conferees.

The motion was agreed to.

The Chair announced the following conferees on the part of the House:

Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. BURNETT of Alabama.

NATIONAL ACADEMY OF SCIENCES.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1337), which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 8 of the act of Congress making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, approved May 27, 1908, I transmit herewith for the consideration of the Congress the report of the National Academy of Sciences relating to the conduct of the scientific work under the United States Government.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 18, 1909.*

ONE HUNDREDTH ANNIVERSARY OF BIRTH OF ABRAHAM LINCOLN.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1345), which was read, referred to the Committee on the Library, and ordered to be printed:

To the Senate and House of Representatives:

I have received from the committee of the Grand Army of the Republic, with the approval of its commander in chief, a communication running in part as follows:

"Pursuant to the recommendation of the committee authorized by the Forty-first National Encampment, Grand Army of the Republic, and appointed to take into consideration the fitting celebration of the one hundredth anniversary of the birth of Abraham Lincoln, which was made a report to the Forty-second National Encampment that was unanimously adopted, the undersigned have been appointed a committee to prepare a programme for the occasion, met in New York City October 19, 1908, and submit the following as the result of its deliberations:

"1. That the commander in chief be requested to invite the President of the United States, governor of States and Territories, and mayors of cities to participate with the Grand Army of the Republic in public recognition of the centennial anniversary of the birthday of Abraham Lincoln, February 12, 1909, and by proclamation, as far as practical, recommend that the day be observed as a special holiday."

I regard the proposal as eminently proper. It will be from every standpoint desirable to observe this hundredth anniversary of the birth of Abraham Lincoln as a special holiday. I recommend that Congress pass a law authorizing me to issue a proclamation setting apart this day as a special holiday.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 18, 1909.*

ENROLLED BILLS 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. 23713. An act authorizing the construction of a bridge across Current River, in Missouri.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2873. An act for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof;

S. 6293. An act for the relief of Robert Davis;

S. 4632. An act for the relief of the Davison Chemical Company, of Baltimore, Md.;

S. 213. An act for the relief of S. R. Green;

S. 437. An act for the relief of D. J. Holmes;

S. 879. An act for the relief of John S. Higgins, paymaster, United States Navy;

S. 1751. An act to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance;

S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;

S. 2580. An act for the relief of B. Jackman;

S. 5388. An act for the relief of Benjamin C. Welch;

S. 5268. An act for the relief of J. de L. Lafitte; and

S. 3848. An act for the relief of James A. Russell.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 23351. An act for the relief of the owners of the Mexican steamship *Tabasqueno;*

H. R. 14343. An act to correct the naval record of Randolph W. Campbell; and

H. R. 8615. An act to correct the naval record of Edward T. Lincoln.

PUBLIC SCHOOLHOUSE CONDITIONS, DISTRICT OF COLUMBIA.

Mr. GARDNER of Michigan. Mr. Speaker, I present a report concerning the public schoolhouse conditions in the District of Columbia, coming from the Commissioners of the District of Columbia, and ask unanimous consent that it be received and printed as a public document (H. Doc. No. 1346).

The SPEAKER. The gentleman from Michigan asks unanimous consent to present a report from the Commissioners of the District of Columbia concerning public school conditions in the District of Columbia, and that the same be printed as a public document. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EULOGIES.

Mr. GILL. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

House Order No. 16.

Ordered, That there be a session of the House at 2 p. m. Sunday, February 14, for the delivery of eulogies on the life, character, and public services of the Hon. WILLIAM PINKNEY WHYTE, late a Member of the United States Senate from Maryland.

The SPEAKER. Is there objection?

There was no objection.

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

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

ADJOURNMENT.

Then, on motion of Mr. KEIFER (at 5 o'clock and 3 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, 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 protection of public lands (H. Doc. No. 1333)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting copies of franchises granted by the executive council of Porto Rico (H. Doc. No. 1334)—to the Committee on Insular Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General Public Health and Marine-Hospital Service submitting an estimate of appropriation for quarantine services (H. Doc. No. 1335)—to the Committee on Appropriations and ordered to be printed.

A letter from the chairman of the Interstate Commerce Commission, transmitting a report on the street railroads in the District of Columbia (H. Doc. No. 1336)—to the Committee on the District of Columbia and ordered to be printed.

A letter from the president of the National Academy of Science, transmitting a report on the conduct of scientific work under the United States Government (H. Doc. No. 1337)—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Edward E. Walker, sole heir of estate of James Walker, against The United States (H. Doc. No. 1338)—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Ranger*, Thomas Pedrick, master (H. Doc. No. 1339)—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brigantine *Fanny*, Jesse Smith, master (H. Doc. No. 1340)—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for improvements in the federal building at Providence, R. I. (H. Doc. No. 1341)—to the Committee on Public Buildings and Grounds and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report of Special Agent W. A. Graham Clark on the lace industry of England and France (H. Doc. No. 1342)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of rents received from the property purchased for an annex to the Post-Office Department (H. Doc. No. 1343)—to the Committee on Expenditures in the Post-Office Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 25406) authorizing the settlement or adjustment of legal disputes concerning tidelands adjacent to the harbor of the city of Tacoma, reported the same without amendment, accompanied by a report (No. 1869), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 26461) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1868), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6780) granting a pension to Jackson Yates—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18634) granting a pension to Mary Walsh—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16609) granting an increase of pension to John Feaghey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8996) granting a pension to George C. Rimes—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17078) granting an increase of pension to Thomas McClure—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24829) granting an increase of pension to William I. Milligan—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 26262) granting an increase of pension to Martin Murray—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25504) granting a pension to Alexander J. Souden—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25862) granting a pension to Liston H. Pearce—Committee on Pensions discharged, and referred to the Committee on Invalid 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. FULTON: A bill (H. R. 26462) establishing the age of those applying for a pension under an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico," approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 26463) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 26464) for the validation of certain certificates of naturalization—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah (by request): A bill (H. R. 26465) to provide for the exportation of distilled spirits other than those contained in distillers' original packages—to the Committee on Ways and Means.

By Mr. KENNEDY of Iowa: A bill (H. R. 26466) authorizing the city of Burlington, Iowa, to construct a bridge across the Mississippi River at Burlington, Iowa—to the Committee on Interstate and Foreign Commerce.

By Mr. HUFF: A bill (H. R. 26467) to amend an act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, and for other purposes, approved March 3, 1883—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 26468) to provide for the refunding to the rightful owners, their heirs or legal representatives, the proceeds of the cotton tax illegally collected by the United States from the people of the State of Arkansas in the years 1863, 1864, 1865, 1866, 1867, and 1868, and provide for the disposition of such as may be unclaimed—to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 26469) for an increase of the irrigation fund, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. CLAYTON: A bill (H. R. 26470) to enlarge the powers of Andrew J. Smith and his associates, their successors and assigns, under the act approved March 10, 1908—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: A bill (H. R. 26471) to cause a survey of the Wabash River—to the Committee on Rivers and Harbors.

By Mr. PEARRE: A bill (H. R. 26472) to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. KNOWLAND: A bill (H. R. 26473) for a resurvey of Oakland Harbor, Alameda County, Cal.—to the Committee on Rivers and Harbors.

By Mr. DAVENPORT: A bill (H. R. 26474) to provide for the erection of a public building at Tulsa, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. FRENCH: A bill (H. R. 26475) extending the provisions of an act granting pensions to certain enlisted men, soldiers, and officers, approved February 6, 1907, to certain en-

listed men, soldiers and officers of Indian wars—to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 26476) to erect a monument on the Missisinewa battle ground, in Grant County, Ind.—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 26477) to establish mining experiment stations to aid in the development of the mineral resources of the United States, and for other purposes—to the Committee on Mines and Mining.

Also, a bill (H. R. 26478) to amend "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902—to the Committee on Irrigation of Arid Lands.

By Mr. MORSE: A bill (H. R. 26479) granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes—to the Committee on the Public Lands.

By Mr. McKINLAY of California: A bill (H. R. 26480) authorizing the President of the United States to place on the retired list certain officers of the army or navy under certain conditions—to the Committee on Military Affairs.

By Mr. WALLACE: A bill (H. R. 26481) to provide for a survey of the Ouachita River in Arkansas, with view to continuous navigation between Camden and Arkadelphia, Ark.—to the Committee on Rivers and Harbors.

By Mr. PRINCE: A bill (H. R. 26482) to authorize the construction of two bridges across Rock River, State of Illinois—to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: A bill (H. R. 26483) to authorize the construction of a light-house upon Diamond Shoal by Albert F. Eells and associates, and to provide for the rental and purchase thereof by the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: A bill (H. R. 26484) to regulate the movement and anchorage of vessels in Penobscot River, Maine—to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 26485) to continue improvements in Red River in Louisiana—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 26486) to authorize the construction of a public building at Winnfield, La.—to the Committee on Public Buildings and Grounds.

By Mr. LOUD: A bill (H. R. 26487) to dredge a channel in the Saginaw River, Michigan—to the Committee on Rivers and Harbors.

By Mr. WATKINS: A bill (H. R. 26488) to authorize the construction of a public building at Mansfield, La.—to the Committee on Public Buildings and Grounds.

By Mr. FORDNEY: A bill (H. R. 26489) to dredge a channel in the Saginaw River, Michigan—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: Resolution (H. Res. 490) providing for the consideration of Senate joint resolution 106—to the Committee on Rules.

By Mr. HITCHCOCK: Resolution (H. Res. 493) directing the Secretary of State to report to the House certain information—to the Committee on Foreign Affairs.

By Mr. CHANEY: Joint resolution (H. J. Res. 234) to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind.—to the Committee on Military Affairs.

By Mr. GOLDFOGLE: Joint resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia—to the Committee on Foreign Affairs.

By Mr. HULL of Tennessee: Concurrent resolution (H. C. Res. 54) directing a survey, etc., to be made of Obeds River in Tennessee—to the Committee on Rivers and Harbors.

By Mr. FULTON: Memorial of the legislature of Oklahoma, for relief of settlers on the Kiowa, Comanche, and Apache Reservation—to the Committee on Indian Affairs.

By Mr. HAMILTON of Michigan: Memorial of the legislature of Michigan, urging legislation to create a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. DARRAGH: Memorial of the legislature of Michigan, favoring the enactment of a law establishing a volunteer retired list of officers of the civil war—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. ANSBERRY: A bill (H. R. 26490) granting an increase of pension to William H. Karschner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26491) granting an increase of pension to Frederick N. Welker—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 26492) to remove the charge of desertion from the military record of Alexander Harrison—to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 26493) for the relief of the estate of John Stewart, deceased—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 26494) granting an increase of pension to John Crowley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26495) granting an increase of pension to Calvin L. Randall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26496) granting an increase of pension to William Varian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26497) granting an increase of pension to Serena Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26498) granting an increase of pension to John W. Van Natta—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26499) granting an increase of pension to Theodore C. Green—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 26500) for the relief of Edward C. Kittle—to the Committee on Military Affairs.

Also, a bill (H. R. 26501) granting a pension to Edward C. Kittle—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 26502) granting an increase of pension to William H. Cole—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 26503) to renew and extend certain letters patent—to the Committee on Patents.

By Mr. BROWNLOW: A bill (H. R. 26504) granting an increase of pension to Pleasant Smith—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 26505) granting an increase of pension to Thomas J. Holmes—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 26506) for the relief of Amos Hershey—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 26507) to correct the military record of George W. Dunning—to the Committee on Military Affairs.

Also, a bill (H. R. 26508) granting an increase of pension to Nancy J. Steward—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 26509) granting an increase of pension to Louis G. Schauberger—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 26510) granting an increase of pension to George W. Arison—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 26511) granting an increase of pension to James M. Patterson—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 26512) granting an increase of pension to Mary A. Cook—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 26513) granting an increase of pension to John Harrigan—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 26514) granting a pension to James O'Rourke—to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 26515) granting a pension to Maggie Dorwin—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 26516) authorizing Daniel W. Abbott to make homestead entry—to the Committee on the Public Lands.

By Mr. FULLER: A bill (H. R. 26517) granting an increase of pension to Christian H. Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26518) granting an increase of pension to Moses Baldwin—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 26519) granting an increase of pension to Orlando G. Andrews—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 26520) granting an increase of pension to Warren L. Lovell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26521) granting an increase of pension to William J. Rowe—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 26522) granting an increase of pension to Joseph Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26523) granting a pension to Henry P. Niebuhr—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 26524) granting an increase of pension to Michael Collins, 2d—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 26525) granting a pension to Mary J. Ellsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26526) granting a pension to Nettie J. Smith—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 26527) for the relief of the legal representatives of Allison Groves, deceased—to the Committee on War Claims.

By Mr. HASKINS: A bill (H. R. 26528) granting an increase of pension to James P. Burt—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 26529) granting an increase of pension to William J. Wilson—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 26530) granting an increase of pension to John Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26531) granting an increase of pension to Frederick Keidel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26532) granting an increase of pension to Warren S. Dungan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26533) to reimburse the members of the Fifty-first Iowa regimental band for the use of musical instruments and music during the war with Spain—to the Committee on Claims.

By Mr. HIGGINS: A bill (H. R. 26534) to correct the military record of Dwight Bromley—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 26535) granting an increase of pension to Arthur Belding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26536) granting an increase of pension to Byron C. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26537) granting an increase of pension to Isaac Hogaboom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26538) granting an increase of pension to Samuel Hillegas—to the Committee on Invalid Pensions.

By Mr. HITCHCOCK: A bill (H. R. 26539) granting an increase of pension to William E. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26540) granting an increase of pension to Joseph R. Maddock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26541) granting an increase of pension to J. H. Shugart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26542) granting an increase of pension to Clara Swanson—to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 26543) granting an increase of pension to George W. Irvin—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 26544) granting an increase of pension to George W. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26545) granting an increase of pension to Samuel Leasure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26546) granting an increase of pension to Thomas G. Gillespie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26547) granting an increase of pension to John D. Harbison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26548) granting an increase of pension to Enos K. Strawn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26549) granting an increase of pension to William L. De Haven—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 26550) granting a pension to David Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26551) granting an increase of pension to James W. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26552) granting an increase of pension to Henry L. Smith—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 26553) for the relief of W. C. Willis—to the Committee on War Claims.

Also, a bill (H. R. 26554) for the relief of the heirs of John W. Malone, deceased—to the Committee on War Claims.

Also, a bill (H. R. 26555) for the relief of Martin L. Loftis—to the Committee on War Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 26556) to refund certain tonnage taxes and light dues levied on the steamship *Montara* without register—to the Committee on Claims.

By Mr. JACKSON: A bill (H. R. 26557) to correct the military record of William Lockard—to the Committee on Military Affairs.

By Mr. OLLIE M. JAMES (by request): A bill (H. R. 26558) granting an increase of pension to John D. Worley—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 26559) granting lands to the town of Conconully, Okanogan County, Wash., for cemetery purposes—to the Committee on the Public Lands.

By Mr. KÜSTERMANN: A bill (H. R. 26560) granting a pension to Anna Franks—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 26561) granting a pension to John Moncrief—to the Committee on Pensions.

Also, a bill (H. R. 26562) granting a pension to Titus B. Willard—to the Committee on Pensions.

By Mr. McHENRY: A bill (H. R. 26563) granting an increase of pension to Wesley R. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26564) granting an increase of pension to Jonathan P. Bare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26565) granting a pension to Eva Miller—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 26566) granting an increase of pension to Adolph Dassonville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26567) granting an increase of pension to Frederick A. Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26568) granting an increase of pension to Orlando Fountain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26569) granting an increase of pension to William C. Medbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26570) granting an increase of pension to Henry A. Buttner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26571) granting an increase of pension to Ruben F. Hutchins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26572) to correct the military record of Orlando A. Stebbins—to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 26573) granting a pension to Russell B. Gregg—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 26574) for the relief of Lee Stover—to the Committee on Claims.

By Mr. MORSE: A bill (H. R. 26575) granting an increase of pension to F. W. Sackett—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 26576) granting an increase of pension to Mark Tomlinson—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 26577) granting an increase of pension to Elliott C. Allen—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 26578) granting an increase of pension to Howard G. Cleaveland—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 26579) granting an increase of pension to Benjamin F. Hetrick—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 26580) granting a pension to J. P. Coshow—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 26581) granting a pension to Frank A. Berlage—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 26582) granting an increase of pension to Charles M. Bailey—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 26583) granting an increase of pension to Samuel H. Bawden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26584) for the relief of Elizabeth A. White—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 26585) removing the charge of desertion from the military record of Frank B. Parnell—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 26586) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 26587) granting an increase of pension to James J. Chew—to the Committee on Invalid Pensions.

By Mr. TAWNEY. A bill (H. R. 26588) granting a pension to Annie M. Biggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26589) granting an increase of pension to Gertrude Bentzoni—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 26590) for the relief of Harry W. Krumm, postmaster at Columbus, Ohio—to the Committee on Claims.

By Mr. WILEY: A bill (H. R. 26591) granting an increase of pension to Josephine L. Jordan—to the Committee on Invalid Pensions.

By Mr. WILLETT: A bill (H. R. 26592) granting an increase of pension to Adolph Bayler—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 26593) granting an increase of pension to Andrew P. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26594) granting an increase of pension to James Soper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26595) granting an increase of pension to Andrew J. Shields—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 26596) for the relief of J. F. Clark—to the Committee on War Claims.

Also, a bill (H. R. 26597) granting an increase of pension to Elijah King—to the Committee on Invalid Pensions.

By Mr. COUSINS: Resolution (H. Res. 491) to pay to Fred Douglas a certain sum of money—to the Committee on Accounts.

By Mr. CARY: Resolution (H. Res. 492) for the relief of Selina Field, widow of Norton J. Field, late a private, Capitol police—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Memorial of farmers' institute at Farmer, Defiance County, Ohio, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of L. G. Athey 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. BANNON: Petition of Eli Hartly and others, for parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John C. Barber—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Nevada: Petitions of Local Unions, No. 246, of Bullion; No. 220, of Goldfield; No. 245, of Beatty; No. 243, of Fairview; No. 244, of Rawhide; No. 264, of Millers; No. 241, of Manhattan; No. 92, of Silver City; and No. 265, of Eureka, all in the State of Nevada, praying for an investigation of the mines operated by Treadwell Mining Company on Douglas Island, Alaska—to the Committee on Mines and Mining.

By Mr. BATES: Papers to accompany bills for relief of John Crowley, Serena Young, John W. Van Natta, T. C. Greene, and Calvin L. Randall—to the Committee on Invalid Pensions.

Also, petition of citizens of the Twenty-fifth district of Pennvania, favoring parcels post on rural delivery routes and establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Brown & Gaston, of Cochranton, Pa., against a parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Board of Trade of Harrisburg, Pa., favoring appropriation to pay railway mail clerks' expenses from their initial terminal—to the Committee on the Post-Office and Post-Roads.

Also, petition of B. J. Walker, of Erie Malleable Iron Company, favoring H. R. 4924, for relief of officers of the navy retired for disability, but on active duty—to the Committee on Naval Affairs.

Also, petition of citizens of Mill Creek, Erie County, Pa., favoring H. R. 18204 (aid for technical education)—to the Committee on Agriculture.

By Mr. BENNET of New York: Paper to accompany bill for relief of Edward C. Kittle—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William S. Walsh (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BOOHER: Paper to accompany bill for relief of Nannie Beades—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of Chamber of Commerce of Pittsburg, for a river and harbor bill at this session of Congress—to the Committee on Rivers and Harbors.

Also, petition of National Business League of America, for appropriation to erect buildings for the consular service—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of Pittsburg, for legislation to prevent unjust discrimination against American owners of foreign patents—to the Committee on Patents.

Also, petition of Chamber of Commerce of Pittsburg, for an increase in the salaries of United States circuit and district judges—to the Committee on the Judiciary.

Also, petition of Elton W. Miller, favoring H. R. 22887, in the interest of clerks and draftsmen employed at the various arsenals—to the Committee on Naval Affairs.

Also, petition of Stationary Firemen's Local Union, No. 81, favoring H. R. 16880, providing for a license for firemen, stokers, and water tenders in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of F. A. Noyes and others, of John Dority Grange, No. 381, Patrons of Husbandry, in favor of creation of national highways commission—to the Committee on Agriculture.

Also, petition of Hon. Marcellus J. Dow, of Brooks, Me., protesting against overcharge by express companies—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: Petition of business men of San Marcos, Tex., against 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 Ann Elizabeth Davis Smith—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of James Singer, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, a petition of Merchants' Association of New York, urging all Members of Congress to encourage the return of railroad business to normal conditions by ceasing and discountenancing ill-considered or unjustified censure of existing methods of railway management, and by limiting new legislation to such measures as have been so carefully investigated as to determine not only the necessity for their enactment, but also their proper form and scope for the accomplishment of intended reform—to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of National Business League of America, favoring H. R. 21491, for erection of consular, legation, and court buildings—to the Committee on Foreign Affairs.

By Mr. CAULFIELD: Petition of National German-American Alliance, of St. Louis, against the so-called "Humphrey amendment" to the criminal code—to the Committee on the Judiciary.

By Mr. CHANEY: Paper to accompany bill for relief of Nancy J. Stewart—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Dunning—to the Committee on Military Affairs.

Also, petition of S. B. Niblack & Co. and others, of Wheatland, Ind., against parcels-post and savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of Harrisburg (Pa.) Board of Trade, favoring payment of expenses of railway mail clerks while away from their initial terminal—to the Committee on the Post-Office and Post-Roads.

Also, petition of John H. Board, favoring enlarged authority of Agricultural Department to furnish intelligent farm labor—to the Committee on Agriculture.

By Mr. COOPER of Pennsylvania: Petition of Harrisburg (Pa.) Board of Trade, favoring paying expenses of railway mail clerks away from their initial terminal—to the Committee on the Post-Office and Post-Roads.

By Mr. DARRAGH: Petition of A. C. Horton and 20 other citizens of Mecosta County, Mich., for establishment of parcels-post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of W. H. McGinnis, of Le Claire, Iowa, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. DRAPER: Petition of National Business League of America, favoring H. R. 21491 (erection of consular, legation, and court buildings abroad)—to the Committee on Foreign Affairs.

By Mr. DUREY: Petition of retail merchants of Stratford, N. Y., against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon: Petition of R. F. Hynd and 47 others, of Morrow County, Oreg., favoring removal of duty on jute grain bags and material used in manufacturing the same—to the Committee on Ways and Means.

By Mr. ESCH: Petition of John H. Broad, favoring enlarged power of Agricultural Department to supply intelligent farm labor—to the Committee on Agriculture.

Also, petition of Pepin County Cooperative Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Maggie Dorwin—to the Committee on Invalid Pensions.

Also, petition of American Prison Association, for appropriation to aid preparatory work of International Prison Commission, etc.—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of Lake Side Grange, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Merchant Marine League of the United States, favoring a ship-subsidy law—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Christian H. Mann—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Wilmer Atkinson, against H. R. 24473—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of Pittsburg, for passage of regular river and harbor bill for this session of Congress—to the Committee on Rivers and Harbors.

Also, petition of Robert T. Waddell, favoring removal of duty on explosives—to the Committee on Ways and Means.

Also, petition of National Business League of America, favoring appropriation for erection of consular, legation, and court buildings—to the Committee on Foreign Affairs.

Also, petition of John H. Board, favoring an appropriation for enlargement of power of Agricultural Department to provide more intelligent farm labor—to the Committee on Agriculture.

Also, petition of Chamber of Commerce of Pittsburg, for legislation against discrimination by foreign patent laws against American owners of foreign patents—to the Committee on Patents.

Also, petition of Chamber of Commerce of Pittsburg, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of William E. West, jr., and citizens of Little Compton, R. I., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. HAMILTON of Iowa: Petition of citizens of Keota, favoring S. 5151 and H. R. 405, for protection of prohibition territory against liquor traffic through interstate commerce—to the Committee on the Judiciary.

Also, petition of citizens of Keota, favoring passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of citizens of Keota, favoring S. 509, anti-gambling bill—to the Committee on the Judiciary.

Also, petition of citizens of Keota, favoring the Humphrey amendment to the penal code requiring that all intoxicating liquors be labeled and name of consignee be on each package—to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petition of business men of Saugatuck, Mich., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Petition of Chamber of Commerce of Savannah, Ga., against S. 7867, for inspection of naval stores—to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of board of trustees of Chamber of Commerce of San Francisco, for an appropriation to restore the jetties at entrance of Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of Mines, of Los Angeles, Cal., favoring an import duty on asphaltum—to the Committee on Ways and Means.

Also, petitions of H. G. Codier and 47 others, of Port Jervis, N. J.; A. S. Campbell and 23 others, of Martel, Tenn.; C. P. Edwards and 47 others, of Graham, N. C.; George W. Hines and 40 others, of Boonesboro, Md.; Tom Clancy and 95 others, of Eureka, Cal.; and J. Alvin Nelson and 45 others, of Vale, N. C., for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of citizens of Clarinda, Iowa, favoring the Davis bill (H. R. 18204), in favor of technical education—to the Committee on Agriculture.

By Mr. HILL of Connecticut: Petition of Excelsior Lodge, No. 259, International Association of Machinists, of Derby, Conn., against S. 5083, and with reference to immigration generally—to the Committee on Immigration and Naturalization.

Also, petitions of Kent Grange, No. 154; Goshen Grange, No. 143; Colebrook Grange, of Colebrook; New Canaan Grange, No. 138; and Litchfield Grange, No. 107, all of Connecticut, in favor of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of Benjamin F. Hall—to the Committee on Invalid Pensions.

By Mr. HUFF: Papers to accompany bills for relief of Enos K. Straun, John D. Harbison, William L. Dehaven, Thomas G. Gillespie, Samuel Leasure, and George W. Taylor—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert B. Robinson (H. R. 22248)—to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Petition of John Ackerman, of Paterson, N. J., asking for the enactment of a law creating a national highways commission—to the Committee on Agriculture.

By Mr. JAMES: Paper to accompany bill for relief of Thomas McClure (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. KAHN: Petition of E. R. Tillman and 95 others, of Eureka, Cal., favoring an Asiatic exclusion law against all Asiatics other than merchants, travelers, and students—to the Committee on Foreign Affairs.

Also, petition of board of trustees of Chamber of Commerce of San Francisco, Cal., in favor of improvement of Humboldt Bay, California—to the Committee on Rivers and Harbors.

By Mr. KNOWLAND: Petition of citizens of Alameda, Contra Costa, and Solano counties, Cal., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. KÜSTERMANN: Petition against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of citizens of Hackensack in mass meeting, against the extradition by the Russian Government of Christian Rudovitch and Ivan Pouren—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of National Business League of America, favoring H. R. 21491, for erection of consular legation and court buildings abroad—to the Committee on Foreign Affairs.

By Mr. LOUD: Petitions of Elmira Grange, No. 762; Luzerne Grange; Glennie Grange, No. 1124; and Alabaster Grange, No. 779, Patrons of Husbandry, for legislation to establish a parcels post and postal savings banks (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John Winston (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Russell B. Gregg—to the Committee on Invalid Pensions.

By Mr. McMILLAN: Petitions of Pleasant Valley Grange, No. 838, of Pleasant Valley, N. Y.; Mount Hope Grange, No. 902, of Dutchess County, N. Y.; and others, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. NELSON: Petition of citizens of Second Congressional District of Wisconsin, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. NORRIS: Petitions of citizens of Republican City, Bloomington, and Alma, all in the State of Nebraska, against parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Paper to accompany bill for relief of John Dempsey—to the Committee on Invalid Pensions.

Also, petition of citizens of New York State, favoring the parcels-post and postal savings banks systems—to the Committee on the Post-Office and Post-Roads.

By Mr. POLLARD: Petition of Lincoln Commercial Club, for allowance of expenses of railway mail clerks from their initial terminals—to the Committee on the Post-Office and Post-Roads.

By Mr. PRAY: Petition of Local Union No. 2046, United Mine Workers of America, of Chestnut, Mont., favoring legal investigation of the Treadwell Mining Company—to the Committee on Mines and Mining.

By Mr. PUJO: Paper to accompany bill for relief of Benjamin F. Hetrick—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of Commercial Club of Topeka, against parcels post on rural free-delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SLEMP: Paper to accompany bill for relief of William Smith—to the Committee on Invalid Pensions.

By Mr. SMITH of California: Petition of many citizens of California, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Memorial of legislature of State of Michigan, for creation of a civil war volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. SNAPP: Petition of citizens of Elgin, Ill., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of National Business League of America, favoring H. R. 21491, for erection of consular, legation, and court buildings—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of Pittsburg, Pa., for legislation giving adequate protection to American inventors—to the Committee on Patents.

Also, petition of John H. Broad, favoring legislation for enlargement of authority of Agricultural Department to furnish adequate supply of intelligent farm labor—to the Committee on Agriculture.

Also, petition of Gas Engine and Power Company and Charles L. Seabury & Co., favoring H. R. 25542, relating to liens on vessels for repairs—to the Committee on the Merchant Marine and Fisheries.

By Mr. TIRRELL: Petition of Albert Nudham, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Franklinville Grange, No. 869, of New York, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Paper to accompany bill for relief of John Feaghey (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

SENATE.

TUESDAY, *January 19, 1909.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 1337), which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 8 of the act of Congress making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, approved May 27, 1908, I transmit herewith for the consideration of the Congress the report of the National Academy of Sciences relating to the conduct of the scientific work under the United States Government.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 18, 1909.*

CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 1345), which was read and referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

I have received from the committee of the Grand Army of the Republic, with the approval of its commander in chief, a communication running, in part, as follows:

"Pursuant to the recommendation of the committee authorized by the Forty-first National Encampment, Grand Army of the Republic, and appointed to take into consideration the fitting celebration of the one hundredth anniversary of the birth of Abraham Lincoln, which was made a report to the Forty-second National Encampment that was unanimously adopted, the undersigned have been appointed a committee to prepare a programme for the occasion, met in New York City October 19, 1908, and submits the following as the result of its deliberations:

"1. That the commander in chief be requested to invite the President of the United States, governors of States and Territories, and mayors of cities to participate with the Grand Army of the Republic in public recognition of the centennial anniversary of the birthday of Abraham Lincoln, February 12, 1909, and by proclamation, as far as practical, recommend that the day be observed as a special holiday."

I regard the proposal as eminently proper. It will be from every standpoint desirable to observe this hundredth anniversary of the birth of Abraham Lincoln as a special holiday. I recommend that Congress pass a law authorizing me to issue a proclamation setting apart this day as a special holiday.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 18, 1909.*

LACE INDUSTRY IN ENGLAND AND FRANCE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Special Agent W. A. Graham Clark on the lace industry in England and France (H. Doc. No. 1342), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Ranger*, Thomas Pedrick, master (H. Doc. No. 1339), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brigantine *Fanny*, Jesse Smith, master (H. Doc. No. 1340), which, with the accompanying paper, was 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 and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 4836. An act 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.;

H. R. 24151. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va.;

H. R. 24492. An act to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York;

H. R. 26216. An act to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona;

H. J. Res. 232. Joint resolution to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory; and

H. J. Res. 233. Joint resolution to enable the States of Mississippi and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

ENROLLED BILLS SIGNED.

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

S. 213. An act for the relief of S. R. Green;

S. 437. An act for the relief of D. J. Holmes;

S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;

S. 879. An act for the relief of John S. Higgins, paymaster, United States Navy;

S. 1751. An act to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance;

S. 2253. An act for the relief of Theodore F. Northrop;

S. 2580. An act for the relief of B. Jackman;

S. 2873. An act for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof;

S. 3848. An act for the relief of James A. Russell;

S. 4632. An act for the relief of the Davidson Chemical Company, of Baltimore, Md.;

S. 5268. An act for the relief of J. de L. Lafitte;

S. 5388. An act for the relief of Benjamin C. Welch;

S. 6136. An act authorizing the Secretary of War to grant a revocable license to certain lands to Boise, Idaho;

S. 6293. An act for the relief of Robert Davis;

S. 8143. An act granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation; and

H. R. 23713. An act authorizing the construction of a bridge across Current River, in Missouri.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a concurrent resolution, in the nature of a telegram, of the legislature of the State of California,