

paid to Senator LATIMER was paid by his neighbors, rich and poor. Every class of those amongst whom he lived sorrowed and lamented for that they had lost—a friend. "Peace to his ashes."

Mr. Speaker, I ask unanimous consent that Members who desire to do so may have leave within five days to print remarks in the RECORD on the life, character, and public services of the late Senator LATIMER.

There was no objection.

The SPEAKER pro tempore. Now, in pursuance of the several resolutions and as a further mark of respect to the memory of the deceased, the House (at 5.28 o'clock p. m.) stands adjourned until 12 o'clock to-morrow.

SENATE.

MONDAY, February 22, 1909.

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

The Lord hath made bare his holy arm in the eyes of all the nations, and all the ends of the earth shall see the salvation of our God.

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Who raised up the righteous man? Who gave the nations before him and made him rule over kings? Who hath wrought it and done it? I, the Lord, the first and the last. I am He.

Let us pray.

Father of life, Father of love, Almighty God, we come to Thee to-day to look back upon the memory of him who was the leader of this land in its weakness, in its doubt, in its difficulty—the first in war, the first in peace, the first in the hearts of his countrymen.

Father Almighty, come to us in this day as Thou wert pleased to come to him. Lead Thy servants to-day as in Thine infinite providence and by Thy law Thou wert pleased to lead him. Such men do not come to us by accident. They come to us because they seek the living God with all their heart and soul and strength.

And this is for this Nation to-day. Oh, that this were that happy people whose God is the Lord. Teach us and teach our children's children what it is to sanctify law—to make holy Thy law in our law; in our daily lives to go and come as the children of the living God. Show us how to bear each other's burdens, how to lift up what has fallen down, how to open eyes that are blind and ears that are deaf. Point out to us Thine acceptable way. And, Father, make us always grateful to those who have led us through the desert as he whom we remember to-day led us in his day.

Our Father who art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done, on earth as it is done in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

THE JOURNAL.

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

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. George Washington's Farewell Address will be read, by the order of the Senate, by the junior Senator from Mississippi [Mr. McLAURIN]. The Senator will take the place at the Secretary's desk provided for him.

Mr. McLAURIN read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest,

no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of

that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue

to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern, Atlantic and western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common councils and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy

of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; fomented occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Con-

stitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, evenminded, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the na-

tion subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference of public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorites are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither

seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be not greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free

government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

Go: WASHINGTON.

UNITED STATES, September 19, 1796.

COMMISSION ON COUNTRY LIFE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture, submitting an estimate of appropriation of \$25,000 for all necessary expenses to enable the Commission on Country Life to digest, etc., the material already gathered by the commission to complete its work, etc. (S. Doc. No. 734), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910;

H. R. 28059. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes; and

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed a concurrent resolution authorizing the Speaker of the House and the President of the Senate to cancel their signatures to the enrolled bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and providing for a reenrollment thereof.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. ALEXANDER of New York, and Mr. CLAYTON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26915) making appropriations for the support of the army for the fiscal year ending June 30, 1910, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. WILLIAM B. ALLISON, late a Senator from the State of Iowa; of Hon. ASBURY CHURCHWELL LATIMER, late a Senator from the State of South Carolina; of Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island; and of Hon. ARIOSTO APPLING WILEY, late a Representative from the State of Alabama.

ENROLLED BILLS SIGNED.

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

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

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

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 17171. An act for the relief of Benjamin F. Curry;

H. R. 17303. An act authorizing the extension of Girard street NW. from its present terminus to Fifteenth street NW.;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

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 of San Diego, Cal., for moneys lost by burglary;

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement;

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road;

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

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 25396. An act for relief of applicants for mineral surveys;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico;

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes;

H. R. 27894. An act amending "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906; and

H. J. Res. 219. Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York.

CREDENTIALS.

Mr. McCUMBER presented the credentials of MARTIN N. JOHNSON, chosen by the legislature of the State of North Dakota a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

HOUSE BILLS REFERRED.

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, was read twice by its title and referred to the Committee on Appropriations.

H. R. 28059. An act making appropriations for the Military Academy for the fiscal year ending June 30, 1910, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public buildings acts, and for other purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint memorial of the legislature of Idaho, which was ordered to lie on the table and be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 3, by Macbeth, to the Honorable Senate of the United States of America in Congress assembled, which was filed in this office the 16th day of February, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 16th day of February, A. D. 1909.

[SEAL]

ROBERT LANSDON,
Secretary of State.

Senate joint memorial 3. By Mr. Macbeth.

To the honorable Senate of the United States
of America in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the mining industry we believe to be second in importance only to agriculture; and

Whereas one of the greatest things, in our judgment, to the credit of the United States Government is its cooperation through the Department of Agriculture with the American farmer; and

Whereas we believe a similar cooperation with the miner through a bureau of mines and mining would prove of great assistance to the mining industry; and

Whereas the frequent explosions and the terrible loss of life resulting therefrom, especially in the coal regions of this country, demand the assistance of the Government in discovering some method by which such shocking loss of life may be avoided; and

Whereas the terrible waste in our mining resources is taking place, which through proper assistance from the Federal Government could largely be avoided; and

Whereas we are reliably informed that a bill is now pending in the United States Senate for the creation of a bureau of mines and mining and that such bill has already passed the lower House of Congress: Therefore be it

Resolved by the senate of the State of Idaho (the house of representatives concurring therein), That we most respectfully urge upon the United States Senate the importance of an early passage of such bill, and that a copy of this memorial be forwarded to the Secretary of the United States Senate and to our Senators by the secretary of state.

I hereby certify that the within senate joint memorial No. 3, originated in the senate during the tenth session of the legislature of the State of Idaho.

F. A. SHAW,
Secretary of the Senate.

The within senate joint memorial No. 3 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,
President of the Senate.

The within senate joint memorial No. 3 passed the house of representatives on the 13th day of February, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

The VICE-PRESIDENT presented petitions of sundry citizens of Englewood, N. J.; of New Brighton, Johnstown, Brooklyn, New York City, and Cuba, all in the State of New York, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a petition of Honolulu Harbor, No. 54, American Association of Masters, Mates, and Pilots, of Honolulu, Territory of Hawaii, 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 the National Woman's Christian Temperance Union, of Washington, D. C., praying for the enactment of legislation providing for the appointment of a national liquor commission to investigate the effects of the liquor traffic upon the moral and industrial affairs of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Jackson Woman's Christian Temperance Union, of Brooks, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the memorial and executive committee of army posts, Department of New York, Grand Army of the Republic, of Kings County, N. Y., remonstrating against the enactment of legislation placing certain inscriptions upon military monuments, also against the erection of a monument to the memory of Gen. Robert E. Lee, and praying for federal supervision of the erection of monuments upon federal reservations and the placing of inscriptions thereon, which was referred to the Committee on Military Affairs.

Mr. CULLOM presented petitions of sundry citizens of Casey, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all government buildings, grounds, and ships, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Dahlgren, Ill., praying for the enactment of

legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of the board of directors of the John Crear Library, of Chicago, Ill., praying that the duty on books be increased and remonstrating against the repeal of the present duty thereon, which was referred to the Committee on Finance.

Mr. HEYBURN presented a joint memorial of the legislature of Idaho, which was ordered to lie on the table and be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 3, by Macbeth, to the honorable Senate of the United States of America, in Congress assembled, which was filed in this office the 16th day of February, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 16th day of February, A. D. 1909.

[SEAL]

ROBERT LANSDON,
Secretary of State.

Senate joint memorial 3. By Mr. Macbeth.

To the honorable Senate of the United States
of America, in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the mining industry we believe to be second in importance only to agriculture; and

Whereas one of the greatest things, in our judgment, to the credit of the United States Government is its cooperation, through Department of Agriculture, with the American farmer; and

Whereas we believe a similar cooperation with the miner, through a bureau of mines and mining, would prove of great assistance to the mining industry; and

Whereas the frequent explosions and the terrible loss of life resulting therefrom, especially in the coal regions of this country, demand the assistance of this Government in discovering some method by which such shocking loss of life may be avoided; and

Whereas the terrible waste in our mining resources is taking place which, through proper assistance from the Federal Government, could largely be avoided; and

Whereas we are reliably informed that a bill is now pending in the United States Senate for the creation of a bureau of mines and mining and that such bill has already passed the lower House of Congress: Therefore be it

Resolved by the senate of the State of Idaho (the house of representatives concurring therein), That we most respectfully urge upon the United States Senate the importance of an early passage of such bill, and that a copy of this memorial be forwarded to the Secretary of the United States Senate and to our Senators by the secretary of state.

I hereby certify that the within senate joint memorial No. 3 originated in the senate during the tenth session of the legislature of the State of Idaho.

F. A. SHAW,
Secretary of the Senate.

The within senate joint memorial No. 3 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,
President of the Senate.

The within senate joint memorial No. 3 passed the house of representatives on the 13th day of February, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

Mr. HEYBURN presented petitions of Pocatello Lodge, of Pocatello; Lewiston Lodge, of Lewiston; and Capital City Lodge, of Boise City, all of the Benevolent and Protective Order of Elks, in the State of Idaho, praying for the enactment of legislation providing for the creation of a national reserve in Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DICK presented memorials of the Typographical Union of Portsmouth, the Typographical Union of Dayton, the Typographical Union of Cincinnati, and the Typographical Union of Cleveland, all of the American Federation of Labor, in the State of Ohio, remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

He also presented petitions of Local Lodges Nos. 77, 295, 37, 208, 363, 523, 797, 419, 93, 422, 448, and 56, of Circleville, Warren, Columbus, Ashtabula, Akron, Piqua, Wilmington, Bellaire, Hamilton, Lebanon, Cambridge, and Mansfield, all of the Benevolent and Protective Order of Elks, in the State of Ohio, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TALIAFERRO presented petitions of sundry religious organizations of the State of Florida, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and also to prohibit the importation of opium or other deleterious habit-producing drugs, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of the Harrington & Richardson Arms Company, of Worcester, Mass., remonstrating against the enactment of legislation to regulate the sale of firearms in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a concurrent resolution of the legislature of Wyoming, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming*, ss:

I, William R. Schnitger, secretary of state of the State of Wyoming do hereby certify that the annexed has been carefully compared with the original enrolled house joint memorial No. 3 of the tenth state legislature of Wyoming, and is a full, true, and correct copy of same, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1909.

[SEAL.]

WM. R. SCHNITGER,
Secretary of State.

House joint memorial 3, relating to homestead laws.

Memorial to the Senate and House of Representatives of the United States.

Be it resolved by the house of representatives of the legislature of Wyoming, the senate concurring:

Whereas it has been demonstrated that the homestead act providing for the entry and settlement of 160 acres of public land by a qualified entryman does not cover the needs and reach all the conditions in the arid and semiarid sections of the West, owing to soil and climatic circumstances not considered when the homestead laws was passed;

Whereas in the higher altitudes of the Rocky Mountain West the moisture rarely exceeds 12 inches, the seasons are short, and the precipitation variable in quantity and uncertain during the growing season;

Whereas these facts render it necessary to conserve according to the most scientific methods all the moisture that falls in winter, spring, and summer, thus requiring that at least one-half of the tillable area lie fallow each alternate season; and

Whereas the farmer who undertakes to establish a home and make a living for himself and family in a region in which the greatest natural obstacles must be overcome can not with safety depend alone on his crops, but must have some grazing land: Now, therefore be it

Resolved, That the house and senate of the Wyoming legislature by joint memorial do hereby indorse and approve the 320-acre homestead bill of Hon. FRANK W. MONDELL, and urge the honorable Congress of the United States to enact the same into law at its present session.

Resolved, that a copy of this memorial be sent to each Member of the Senate and House of Representatives at Washington, D. C.
Approved February 17, 1909.

Mr. WARREN presented a joint memorial of the legislature of Wyoming, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming*, ss:

I, William R. Schnitger, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original house enrolled resolution, No. 4, of the tenth state legislature of Wyoming, and is a full, true, and correct copy of same, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1909.

[SEAL.]

WM. R. SCHNITGER,
Secretary of State.

House joint resolution 4, relating to creating forest reserves.

Be it resolved by the house of representatives, the senate concurring:

Whereas the people of the State of Wyoming are oppressed by the present policy of the National Government in withdrawing large areas of the State from the operation of laws enacted by Congress, thus adding to the expense of maintaining law and order and protecting life and property; and

Whereas the creation of large forest reserves has taken from the State areas which contain many other natural resources aside from timber, which must be properly utilized if the State is to develop and become a prosperous Commonwealth among those of the Union; and

Whereas our people are living under a code of rules and regulations prescribed by the Forest Service rather than under acts of Congress; and

Whereas development is greatly retarded because those responsible for such rules and regulations are unacquainted with conditions; and

Whereas the Forest Service and other bureaus at Washington maintain, at government expense, advertising agencies which mislead the people as to the purpose and work of such bureaus; and

Whereas the people of the State of Wyoming are fully aware that the best and highest use of natural resources is not being made under the supervision of these bureaus and that great waste now occurs which might be easily prevented by a more localized control: Therefore be it

Resolved, by the senate and house of representatives of the State of Wyoming, in legislature assembled, That Congress be, and it is hereby petitioned to enact such laws as may be necessary for the control of natural resources and to provide an administration of these laws, in order that direct acts of Congress may operate rather than rules and regulations prepared and enforced by an absent landlord; and be it further

Resolved, That Congress be petitioned to take such steps as will place the control and management of natural resources in the hands of the people of States as rapidly as those States prepare for the responsibility; and be it further

Resolved, That a copy of these resolutions be sent to each Member of Congress and to the chief administrative officers of the Interior and Agricultural Departments.

Approved February 17, 1909.

Mr. FRYE presented a petition of sundry citizens of Brooks, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Wellington Grange, Patrons of Husbandry, of Wellington, Me., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a petition of the congregation of the Methodist Episcopal Church of Mound City, Kans., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge No. 1037, of Junction City; of Local Lodge No. 412, of Pittsburg; of Local Lodge No. 595, of Lawrence; of Local Lodge No. 579, of Fort Scott, and of Local Lodge No. 647, all of the Benevolent and Protective Order of Elks, in the State of Kansas, praying for the enactment of legislation providing for the creation of a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HALE presented a petition of sundry citizens of Brooks, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange, Patrons of Husbandry, of Wellington, 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.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 9191) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district," reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by Mr. du PONT on the 18th instant, proposing that the annual salary of the United States attorney for the district of Delaware shall be, after the beginning of the fiscal year 1910, \$3,000, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. WARREN. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, to report it with amendments, and I submit a report (No. 1055) thereon. I give notice that I shall ask to have the bill taken up at the earliest practicable time. I hope Senators will give this bill their attention and be prepared to consider it on its merits when it comes up. There is considerable new matter contained in the bill, and it is proposed to consider it at a later hour to-day and to-morrow.

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

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 4434) to amend an act entitled "An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools," approved March 3, 1901, reported it without amendment and submitted a report (No. 1057) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band, reported it without amendment and submitted a report (No. 1058) thereon.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (H. R. 19655) providing for an additional judge for the southern district of New York, and for other purposes, reported it without amendment and submitted a report (No. 1059) thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the amendment submitted by Mr. CULLOM on the 3d instant, proposing to appropriate \$5,000 for the erection on the brink of the Grand Canyon in the Grand Canyon Forest Reserve in Arizona, a memorial to the late John Wesley Powell, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. PERKINS. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for

the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it without amendment, and I submit a report (No. 1061) thereon.

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

TERMS OF COURT AT YOUNGSTOWN, OHIO.

Mr. FORAKER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 27139) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district, to report it favorably without amendment, and I submit a report (No. 1056) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that from and after the passage of this act there shall be held at the city of Youngstown, in the northern district of Ohio, a term of both the circuit and district courts of that district on the first Tuesday after the first Monday in March of each year; that grand and petit jurors summoned for service at the terms of either of the courts aforesaid to be held at the city of Cleveland, may, if in the opinion of the judge holding court in that division the public convenience requires it, be directed to serve also at the term then being held, or herein authorized to be then held, at the city of Youngstown; that prosecutions for crimes or offenses hereafter committed in any part of the eastern division of the district shall be cognizable at the aforesaid terms of either of the courts having jurisdiction thereof, etc.

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

BILLS INTRODUCED.

Mr. SMOOT introduced a bill (S. 9440) to amend and consolidate the acts respecting copyright, which was read twice by its title and referred to the Committee on Patents.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (S. 9441) to amend the Code of Law for the District of Columbia regarding insurance (with an accompanying paper); and

A bill (S. 9442) for the relief of Emma L. Hines.

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

A bill (S. 9443) for the relief of the estate of Lee Shute; and
A bill (S. 9444) for the relief of the heirs and legal representatives of W. A. Schoolfield, deceased.

Mr. DIXON introduced a bill (S. 9445) granting an increase of pension to David B. Todd, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 9446) for the relief of E. D. Miller, estate of G. Colhoun, S. B. Crow, James Tate, and others, which was read twice by its title and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 9447) to authorize and empower J. L. Hankinson, N. B. Dial, and their associates, successors, and assigns, to construct a dam, which was read twice by its title and referred to the Committee on Commerce.

Mr. SMITH of Michigan introduced a bill (S. 9448) for the relief of Orlando B. Willcox and certain other army officers and their heirs or legal representatives, which was read twice by its title and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 9449) for the relief of the Bank of Louisiana, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$2,840.83 to pay the Boston and Maine Railroad for railway mail service, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$1,385.22 in settlement of the claim of Pedro Mangalindan, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. McCUMBER submitted an amendment relative to the improvement of harbors and landings of the upper Missouri River, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relating to the improvement of the Missouri River from Sioux City, Iowa, to Fort Benton, Mont., and the Yellowstone River from mouth to Billings, Mont., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CLARK of Wyoming submitted an amendment proposing to appropriate \$7,444.49 in full settlement of the defalcation of Lyman K. Lane, formerly a clerk in the Union Agency, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate \$250,000 for one steam revenue cutter of the first class for service in the waters of Key West, Fla., 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 authorizing the President of the United States, by and with the advice and consent of the Senate, to appoint J. Randolph Peyton, late a cadet at the Military Academy, at West Point, to the position of second lieutenant of infantry in the army, etc., intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$20,000 for the maintenance of the channel at the mouth of the Apalachicola River, Florida, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Commerce.

Mr. STONE submitted an amendment proposing to appropriate \$150,000 to prevent the diversion of the waters of the Missouri River through Lake Contrary and other contiguous lakes, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate \$1,875 to pay John H. Bankhead, of Alabama, for services on the Inland Waterways Commission from March 14 to June 18, 1907, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$32,000 to purchase certain Indian relics deposited for safekeeping in the National Museum by Richard C. Adams, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, 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. CLAPP, Mr. CURTIS, and Mr. OWEN conferees on the part of the Senate.

JUDGES FOR HAWAII, ALASKA, ETC.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLARK of Wyoming. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, 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. CLARK of Wyoming, Mr. NELSON, and Mr. OVERMAN conferees on the part of the Senate.

The VICE-PRESIDENT. Is there further morning business? If not, morning business is closed, and the calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

BILLS PASSED OVER.

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

Mr. CARTER. Let that go to the calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the calendar under Rule IX, at the request of the Senator from Montana.

The bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors was announced as next in order.

Mr. CLARK of Wyoming. In the absence of the Senator from Pennsylvania [Mr. Knox], I ask that that bill be passed over for the present.

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

BANKS IN THE DISTRICT OF COLUMBIA.

The bill (S. 6495) to provide for the incorporation of banks within the District of Columbia was announced as next in order. Mr. GALLINGER. Let the bill be read.

The VICE-PRESIDENT. The bill has heretofore been read.

Mr. KEAN. Let it be read again.

The VICE-PRESIDENT. The Secretary will again read the bill, at the request of the Senator from New Jersey.

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

Mr. KEAN. On page 4, in section 3, line 20, the bill reads "the 1st day of January, 1909." That needs to be changed. I suggest that it should read "the 1st day of April, 1909."

Mr. GALLINGER. Yes; that should be done.

Mr. KEAN. I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, page 4, line 20, after the words "day of," it is proposed to strike out "January" and insert "April," so as to read:

SEC. 3. That from and after the 1st day of April, A. D. 1909, no company, association, or corporation shall transact a banking business or maintain an office or banking house where deposits or savings are received within the District of Columbia except associations organized under the national banking act, corporations organized under an act of Congress entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," approved October 1, 1890; except also a branch or branches in the District of Columbia of foreign banking corporations which have branches outside the United States and are engaged in international banking, building associations receiving payments from their own members, and corporations organized under this act, and any person, firm, or copartnership now engaged or that may hereafter engage in the business of private banking in the District of Columbia, etc.

The amendment was agreed to.

Mr. KEAN. Mr. President, the report of the committee sets forth two amendments. I do not know whether they are included in the bill as printed.

The VICE-PRESIDENT. No committee amendment is indicated on the face of the bill.

Mr. KEAN. If the Secretary will read the report of the committee, he will find that two amendments are indicated.

The VICE-PRESIDENT. The first amendment will be stated.

The SECRETARY. In section 3, page 6, line 1, after the word "bank," it is proposed to insert:

Provided, however, That every person, firm, or copartnership who shall have paid such tax or annual license of \$500 may advertise and put forth signs having thereon, after the name of such person, firm, or copartnership, the words "private banker" or "private bankers," as the case may be.

Mr. GALLINGER. That amendment and the other one suggested in the report should be incorporated in the bill.

Mr. KEAN. Yes; they should appear in the bill.

Mr. NELSON. Mr. President—

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

Mr. KEAN. Certainly.

Mr. NELSON. I desire to say, Mr. President, that I am at a loss to understand the scope of the provisions of this bill from the mere reading of it, and I should be glad to have some member of the committee that has reported the bill explain its object and purpose.

Mr. GALLINGER. Mr. President, the Senator from Vermont [Mr. DILLINGHAM] reported the bill. He is not in the Chamber at present, and I suggest that the bill go over.

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

CONDEMNATION OF LANDS FOR PUBLIC PURPOSES.

The bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States was announced as next in order.

Mr. KEAN. This bill seems to relate to some big scheme. I think it ought to go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from New Jersey.

PAROLE OF UNITED STATES PRISONERS.

The bill (S. 4027) to parole United States prisoners, and for other purposes, was announced as the next business in order on the calendar.

The VICE-PRESIDENT. The bill was considered by the Senate, as in Committee of the Whole, on January 6 last. The committee amendments were all agreed to, and the bill was ordered to be reprinted.

Mr. GALLINGER. Let it be acted upon now.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

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

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

ELECTRIC LIGHT AND POWER IN LAHAINA, HAWAII.

The bill (S. 7697) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Lahaina, Territory of Hawaii, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over.

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

ELECTRIC LIGHT AND POWER IN WAILUKU, HAWAII.

The bill (S. 7698) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, Territory of Hawaii, was announced as the next business in order on the calendar.

Mr. KEAN. Let this bill go over, also.

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

WILLIAM T. ROSSELL, JR., AND HARRY G. WEAVER.

The bill (S. 7486) authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy was announced as the next business in order on the calendar.

Mr. DICK. Let the bill go over.

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

CHEYENNE RIVER AND STANDING ROCK RESERVATIONS.

The bill (S. 7914) to amend sections 7 and 8 of the act of May 29, 1908 (35 Stat. L., p. 460), entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," was announced as the next business in order on the calendar, and was read.

Mr. KEAN. I think the appropriation of \$415,000 should be postponed. I object to the consideration of the bill.

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

ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

The bill (S. 7916) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,'" was announced as the next business in order on the calendar.

Mr. CARTER. The bill relates to a subject which has been very vigorously debated upon this floor from time to time. It seems to be a very important bill. It is appropriate, I think, for some member of the committee conversant with the change of law and the purpose to be subserved to make an explanation of the bill.

Mr. ALDRICH. The Senator in charge of the bill does not seem to be in the Chamber this morning, and I suggest that the bill go over.

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

COMMITTEE ON INDUSTRIAL PEACE.

The bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," was announced as the next business in order on the calendar.

Mr. KEAN. May I ask a question? Did we not the other day pass a bill very similar to this, on the request of the Senator from Virginia [Mr. DANIEL]?

The VICE-PRESIDENT. The title has a familiar sound.

Mr. KEAN. Then I think this bill had better go over. I think the Senator from Virginia had such a bill passed. Let it go over.

The VICE-PRESIDENT. The Chair can not answer the Senator from New Jersey definitely. The bill will go over without prejudice, at the request of the Senator from New Jersey.

APPEALS FROM COURT OF CLAIMS.

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

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was, on page 2, line 1, after the word "eighteen," to strike out:

Robert V. Belt and Joseph P. Mullen *v.* The Chickasaw Freedmen, No. 30192; Robert V. Belt and Joseph P. Mullen *v.* The Choctaw Freedmen, No. 30193.

So as to make the section read:

That either party to the cases hereinafter mentioned now pending before the Court of Claims may, within sixty days from the filing of any judgment by said court, appeal therefrom to the Supreme Court of the United States, to wit: Estate of Charles F. Winton, deceased, et al. *v.* Jack Amos et al., known as the Mississippi Choctaws, No. 29821; S. W. Peel *v.* The Choctaw Nation and The United States, No. 30018; Marion Westcott *v.* The Menominee Tribe of Indians of Wisconsin, No. 30178; F. F. Green *v.* The Menominee Tribe of Indians of Wisconsin, No. 30179; J. A. Liege *v.* The Menominee Tribe of Indians of Wisconsin, No. 30180; Heirs of Samuel Garland *v.* The Choctaw Nation, No. 30252; and also the case authorized by the act of June 21, 1906 (34 Stat. L., p. 325), to be brought by the heirs of Peter Pitchlynn against the Choctaw Nation, should said suit hereafter be instituted.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

Sec. 2. That that part of section 27 of the act of May 29, 1908 (35 Stat. L., p. 444), as follows: "That the lands allotted to said Mississippi Choctaws are hereby declared subject to a lien to the extent of the claims of the said Winton and of the other plaintiffs authorized by Congress to sue the said defendants, subject to the final judgment of the Court of Claims in said case;" and that part of section 16 of said act providing that "the same to be a lien against their respective allotments of land for their pro rata amounts thereof;" and that the following provision of the act approved April 30, 1908 (35 Stat. L., p. 90), "and such contracts as are approved as herein provided, when recorded in the county where such land is located, shall be a lien, in the event of the restoration of such persons to the rolls, against allotted lands or tribal funds of the person so restored to or given rights upon said rolls," be, and the same are hereby, repealed.

The amendment was agreed to.

Mr. KEAN. Let us have the report read.

The VICE-PRESIDENT. The report will be read, at the request of the Senator from New Jersey.

The Secretary proceeded to read the report submitted by Mr. DIXON on the 22d day of January, 1909, which is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 8245) entitled "A bill to authorize appeals to be taken from the judgments of the Court of Claims to the Supreme Court of the United States in certain cases now pending before the Court of Claims, and for other purposes," having examined the same, recommend that it be amended by striking out all of line 12, on page 1, and lines 1, 2, 3, and line 4 to and including the words "ninety-three," and that all of section 2 be stricken out, and as so amended the committee report said bill favorably and recommend its passage.

In support of the foregoing report the committee beg leave to refer to the attached letter of the Secretary of the Interior. The committee has amended the bill by striking out the reference to cases Nos. 30192 and 30193, because the acts authorizing said suits provide in themselves for an appeal to the Supreme Court, and the committee has recommended striking out section 2, because the acts authorizing the actions provide for liens, and the committee believe it would be unfair to the attorneys who have and are prosecuting these actions, and who have already incurred a great deal of labor and expense, to deprive them now of their liens.

DEPARTMENT OF THE INTERIOR,
Washington, December 19, 1908.

SIR: There is inclosed a draft of bill authorizing appeals in certain cases to the Supreme Court of the United States from the judgments or decrees of the Court of Claims.

By section 9 of the act of April 26, 1906 (34 Stat. L., 137), Charles F. Winton, deceased, "his associates and assigns," were authorized to bring suit in the Court of Claims "for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws for citizenship in the Choctaw Nation," and the court was authorized to render judgment on the principle of quantum meruit.

By section 17 of the act of May 29, 1908 (35 Stat. L., 444), William M. Vernon, J. S. Bounds, and Chester Howe, "their associates and assigns," were authorized to interplead in the Winton suit, and the department understands that J. E. Arnold and Joseph W. Gillett have also intervened in said suit, although the law does not specifically authorize them to do so. It is understood that they claim to have been associates of Charles F. Winton, deceased.

Section 16 of the act of May 29, 1908 (35 Stat. L., 444), authorized Robert V. Belt, of this city, and Joseph P. Mullen, of Ardmore, Okla., to bring suit against the Choctaw and Chickasaw freedmen "for services rendered and expenses incurred by them as attorneys" in prosecuting the claims of the freedmen for allotments of land within the Choctaw

and Chickasaw nations; and by section 2 of the same act M. (Marion) Westcott and other traders mentioned therein were authorized to bring suit against the Menominee tribe of Indians of Wisconsin and certain members thereof "for supplies, goods, wares, merchandise, tools, and live stock furnished certain members of said tribe" after January 1, 1898.

By the act of February 18, 1907 (34 Stat. L., vol. 2, p. 2415), S. W. Peel, of Bentonville, Ark., was given the right to bring suit against the Choctaw Nation "for services rendered and expenditures had" in an action in the Court of Claims, wherein Yvon Pike, Lillian Pike, and Yvon Pike as the administrator of the estate of Luther S. Pike, deceased, were plaintiffs, and the Choctaw Nation was defendant.

Section 5 of the act of May 29, 1908 (35 Stat. L., 444), "authorized and directed" the Court of Claims to hear and adjudicate the claims "against the Choctaw Nation of Samuel Garland, deceased, and to render judgment thereon in such amounts, if any, as may appear to be equitably due."

The act of June 21, 1906 (34 Stat. L., 325), authorized and directed the Court of Claims to hear and adjudicate the claims against the Choctaw Nation "of the heirs of Peter Pitchlynn, deceased, and to render judgment thereon."

It is a well-settled principle that an appeal from the judgment of the Court of Claims to the Supreme Court of the United States, in a case of the character of any of those mentioned herein, will not lie unless the jurisdictional act authorizes an appeal to be taken (ex parte Warmouth, 17 Wall., 64, and ex parte Atocha, 17 Wall., 439). This doctrine was upheld by the Supreme Court at its present term in the case of the United States and the Cherokee Nation *v.* John J. Hemphill and Kenneth S. Murchison, case No. 529.

None of these acts provide for an appeal by either party to the Supreme Court of the United States. Many of the cases involve large amounts and are of great importance to the Choctaw and Chickasaw nations and also to the Menominee tribe of Indians. Usually in such cases Congress provides for an appeal by either party to the Supreme Court from the judgment or decree of the Court of Claims, and in the opinion of this department cases of the magnitude of some of these should not stop short of the highest court in the land. The claims against the Menominee tribe and certain individual members thereof are for supplies furnished such individual members in connection with logging operations. The supplies were not furnished to the tribe, and it is believed that should the Court of Claims render judgment against the tribe for supplies furnished individual members thereof such judgment should not be paid unless affirmed by the Supreme Court.

Although the Indian Office and the department recommended the enactment of that part of the act of April 30, 1908, making the contracts between attorneys and persons whose names were stricken from the rolls of the Five Civilized Tribes a lien on the land of such persons in the event their names are restored to the rolls, the department and the Indian Office have reached the conclusion that said provision is unjust and inequitable and should be repealed.

The same is true of similar provisions contained in sections 16 and 27 of the act of May 29, 1908, making the claims of Winton et al. and of Belt and Mullen a lien on the lands of the Mississippi Choctaws and Choctaw and Chickasaw freedmen, respectively. The lands of these people should not be burdened with a lien before judgment is rendered against them, and such legislation is unusual.

I urgently request that you cause the draft of bill inclosed to be introduced and that Congress enact it into law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.

During the reading of the report,

Mr. DIXON. Unless the Senator from New Jersey is especially desirous of hearing the entire report read, I should like to make a suggestion.

Mr. KEAN. I was trying to find out what is the object of the appeal to the Supreme Court. I see what it is now. It is to pay certain attorneys' fees, and therefore I ask that the bill may go over.

Mr. DIXON. I will say to the Senator from New Jersey that the bill was prepared especially at the request of the Secretary of the Interior. I think if the Senator from New Jersey understood its full import he would not object to it.

There are several suits pending against certain Indian tribes which were referred to the Court of Claims and no appeal to the Supreme Court provided for. The Secretary of the Interior and the Commissioner of Indian Affairs are very much of the opinion that these claims should not be paid, and the Secretary asks that in the event of an adverse judgment in the Court of Claims he be permitted to take an appeal to the Supreme Court of the United States before he is compelled to pay over the money.

Mr. KEAN. Do I understand that these cases have been tried in the Court of Claims?

Mr. DIXON. They are now pending, and on account of the large amount involved and for fear of an adverse judgment the Secretary and the Commissioner of Indian Affairs are very anxious that the Government should be permitted to take an appeal in such an event.

Mr. KEAN. I may be very dull of comprehension, but the way I read the first part of the report it sounded to me as if it were a means of increasing attorneys' fees.

Mr. DIXON. No; it is to enable the Government to appeal these cases in the event of an adverse judgment.

Mr. KEAN. I am very strongly in favor of that kind of action, but I thought attorneys' fees had been allowed, and they thought they were a little too small and wanted to get a little more money.

Mr. DIXON. No. It was prepared by the Secretary and the Commissioner of Indian Affairs, and was transmitted at their request. I do not speak of the merits of the cases.

Mr. KEAN. I withdraw the objection.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his objection.

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

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

WARREN C. BEACH.

The bill (S. 4029) to appoint Warren C. Beach a captain in the army and place him on the retired list was announced as the next business in order on the calendar.

Mr. KITTREDGE. Let the bill go over.

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

ALASKA SHORT LINE RAILROAD.

The bill (S. 7781) to extend the time for the construction and beginning construction of the Alaska Short Line Railroad in Alaska, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over.

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

JOHN W. SAVILLE.

The bill (S. 3836) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank was considered as the next business in order on the calendar, and was read.

Mr. LODGE. Let the report be read. I should like to have time to look at the bill. It has some very unusual provisions.

The VICE-PRESIDENT. The report will be read, at the request of the Senator from Massachusetts.

The Secretary proceeded to read the report submitted by Mr. Dick on the 1st instant, which is as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 3836) placing John W. Saville on the retired list of the navy with an advanced rank, having had the same under consideration, respectfully submit the following report:

Passed Asst. Engineer John W. Saville, U. S. Navy, retired, excluded from participating in the benefits conferred on officers with creditable civil war service by the act of June 29, 1906, because of the proviso to that act "that this act shall not apply to any officer who received an advance of grade at or since the date of his retirement."

Mr. Saville did receive an advance of one grade—from assistant to passed assistant engineer—some time after the date of his retirement, namely, in 1884, by special act of Congress, but it appears that the advance in question was one to which he had become entitled before his retirement by reason of his length of service in the grade of assistant engineer, and an advance he would have received before retirement if he had been accorded his examination for promotion at the time when he became entitled to take it by law and navy regulations, to wit, in 1868.

On January 1, 1868, Mr. Saville was entitled to examination for promotion to passed assistant engineer and was at the time qualified, physically and otherwise, it appears, to pass it. He was, however, on duty on the Asiatic Station and it was not deemed advisable for the good of the service to detach him and send him home to stand the examination. After being detained in Asiatic waters until July 24, 1869, eighteen months beyond the time for his examination, he lost his health on account of arduous duties performed on board ship, was condemned by the medical survey, ordered home, and retired in 1871. His physical disability, incurred as the direct result of actual service in exceptional and trying duty, and incurred after the time set for his examination, prevented this officer from receiving the advance to passed assistant engineer before he retired.

Consequently, his advance by special act after retirement was one to which he had long before been entitled to receive and was not a promotion for creditable civil-war service. If Mr. Saville had been allowed to stand his examination at the time (1868) when his length of service as assistant engineer qualified him to do so, he would most probably have been advanced to passed assistant engineer prior to his retirement and would now be eligible for promotion under the act of June 29, 1906. Believing this, your committee is of the opinion that Passed Assistant Engineer Saville should receive the advance of one grade accorded by the act of June 29, 1906, for creditable civil-war service, and recommends the passage of this bill.

During the reading of the report,

Mr. LODGE. I do not ask for the further reading. Let the bill go over.

Mr. DICK. Does the Senator insist upon his objection?

Mr. LODGE. I have read the report, and I do not feel, after reading it, that this is a proper case for such action. Moreover, it takes the very unusual course of dating back the pay, which is carefully excluded from such bills ordinarily.

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

WESTERN JUDICIAL DISTRICT OF PENNSYLVANIA.

Mr. KNOX. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 26068) providing for an additional judge for the western district of Pennsylvania, and for other purposes, to report it favorably without

amendment, and I submit a report (No. 1060) thereon. I ask unanimous consent for its present consideration.

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.

GRANT OF LAND TO ALVA, OKLA.

The bill (S. 7226) granting certain land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, in line 9, to strike out all after the word "Oklahoma," so as to make the bill read:

Be it enacted, etc., That the acre of ground heretofore reserved by the United States for the location of a land office, together with the building located upon lot No. 1, block No. 40, of the plat of the town site of Alva, approved by the Commissioner of the General Land Office on September 14, 1893, is hereby dedicated and conveyed to the city of Alva, Okla.

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.

SALE OF INTOXICATING DRINKS TO INDIANS.

The 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," was announced as the next business in order on the calendar.

Mr. ALDRICH. Let the bill go over.

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

STANDING AND SELECT COMMITTEES OF THE SENATE.

Mr. ALDRICH. I offer a privileged resolution, for which I ask immediate consideration.

The resolution (S. Res. 294) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the standing and select committees of the Senate, as constituted at the end of this session, be, and they are hereby, continued until the next regular session of Congress or until their successors are elected.

FUNGICIDES AND INSECTICIDES.

The bill (S. 6515) for preventing the manufacture, sale, or transportation of adulterated or misbranded fungicides, Paris greens, lead arsenates, and other insecticides, and for regulating traffic therein, and for other purposes, was announced as the next business in order on the calendar.

Mr. KITTREDGE. I promised the senior Senator from Florida [Mr. TALLIAFERRO] that I would not ask to have the bill taken up in his absence. The Senator from Florida is unavoidably detained from the Chamber. Therefore I ask that the bill may go over.

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

CAPT. JOHN C. WILSON.

The bill (S. 4229) for the relief of Capt. John C. Wilson, U. S. Navy, retired, was considered as in Committee of the Whole. It authorizes the President to advance Capt. John C. Wilson, U. S. Navy, retired, on the retired list of the navy, to the grade of commodore on the retired list with the rank he would have occupied in such grade had he been retired June 30, 1907, under the provisions of the navy personnel act of March 3, 1899.

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

PINE RIDGE INDIAN RESERVATION, S. DAK.

The bill (S. 7380) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as the next business in order on the calendar.

Mr. KITTREDGE. Let the bill go over. I ask that a portion of the report, being a letter from the Secretary of the Interior, be printed in the Record.

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

Mr. GAMBLE. I ask that the whole report be printed in the Record.

The VICE-PRESIDENT. Without objection, the bill will go over without prejudice, at the request of the junior Senator from South Dakota, and the entire report will be printed in the Record without being read, at the request of the senior Senator from South Dakota.

The report submitted by Mr. GAMBLE from the Committee on Indian Affairs on the 4th instant is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 7380) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect, having had the same under consideration, beg leave to report that said bill do pass with the following amendments:

On page 7, line 24, strike out the words "one dollar and twenty-five" and insert in lieu thereof the words "two dollars and fifty."

On page 8, line 13, strike out the word "sixty-five" and insert in lieu thereof the words "one hundred and thirty."

The present area of the Pine Ridge Indian Reservation aggregates about 2,765,000 acres. The lands proposed to be opened to settlement under the provisions of this bill will embrace an area of about 900,000 acres. It is the understanding of the committee that a majority of allotments to the adult Indians on this reservation have been made. Provision has been made under recent statutes for the allotment of all the minor children on the reservation. This work is now in progress and it is expected it can be completed on the lands proposed to be opened during the present year.

The provisions of the bill are substantially the same as the one passed during the last session of Congress for the opening of about 3,000,000 acres on the Cheyenne River and Standing Rock Indian reservations, in the States of North and South Dakota. In that case the bill in question was submitted to the Indians upon those reservations prior to its passage, and with slight modifications was approved by them. It was at first contemplated to submit this bill, through an Indian Inspector, for the consideration of the Pine Ridge Indians, but the Inspector, who for a number of years has had that special work in charge, is otherwise occupied and has been unable to take it up, and it is felt by the committee that the provisions of the bill are fair and just to the Indians in all respects, and it would delay the consideration of the matter unduly if action were withheld for that purpose, and the measure could not receive consideration during the present session of Congress.

The reservation is large, and in the judgment of your committee the surplus and unallotted lands are unnecessary for the use of the Indians, and the opening of the reservation would result in a large increase in the settlement and the development of that part of the State and would enhance to a very large extent the value of the holdings of the Indians. Your committee regard it of the highest importance, not only to the Indians themselves, but to the people of the State and of the General Government, that all surplus lands should be opened to settlement at the earliest practicable date.

The bill provides that prior to the issuance of the proclamation for the opening of the lands to settlement the Secretary of the Interior shall cause allotments to be made to all Indians and minors belonging to or holding tribal relations with the Indians upon the reservation who have not heretofore been allotted. It also provides that the Secretary of the Interior, in his discretion, may permit Indians who have an allotment within the area proposed to be opened to relinquish such allotments and to receive in lieu thereof allotments anywhere within the reservation proposed to be diminished.

Sections 16 and 36 of the lands in each township are not to be disposed of, but are reserved for the use of the common schools of the State, and these lands are to be paid for by the Government in conformity with the provisions of the act admitting the State of South Dakota into the Union. The Secretary of the Interior is authorized to reserve such lands as are necessary for agency, school, and religious purposes in conformity with the practice of the Government in measures of this character.

The lands to be opened are to be inspected, appraised, and valued by a commission for that purpose appointed by the President of the United States, which appraisal is subject to the approval of the Secretary of the Interior. The lands to be opened are reserved for homesteads, and one-fifth of the price so fixed for the land is to be paid upon entry thereof and the balance in five equal annual installments. The Secretary of the Interior is also authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and the moneys realized from the sale thereof are to be applied to the benefit of the tribe. The moneys derived from the sale of the lands are to be deposited in the Treasury of the United States to the credit of the Indians of the tribe, and the same shall draw interest at 3 per cent per annum, and these moneys shall be expended for the benefit of the tribe under the direction of the Secretary of the Interior.

The communications from the Secretary of the Interior reporting upon the bill are herewith submitted and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1909.

SIR: The department is in receipt of your letter of December 15, 1908, transmitting a copy of Senate bill No. 7380, authorizing the sale and disposition of the surplus unallotted lands on a part of the Pine Ridge Reservation, S. Dak.

In response your attention is invited to a letter from this department, under even date herewith, addressed to you, regarding Senate bill No. 7379, authorizing the sale and disposition of the surplus unallotted lands on a part of the Rosebud Reservation. The suggestions made therein apply with equal force to Senate bill No. 7380, and if the committee and the Congress agree with Senator GAMBLE and the department that the views of the Indians should be procured before final action is had on this bill, then it would be advisable to delay such action until the next session of the Congress.

Again, the allotting work on this reservation has not been completed, and owing to the number of Indians yet to be allotted the department does not believe that any part of this reservation can be opened prior to the year 1910, in view of which it is not seen wherein any material advantage will be gained by pressing the matter at this session of the Congress.

Should action be taken at this session, however, it is respectfully recommended that the bill be amended by striking out the words "one dollar and twenty-five cents," in section 7, page 7, line 24, and inserting in lieu thereof the words "two dollars and fifty cents;" and that section 8, page 8, line 13, be amended by striking out the word "sixty-five" and inserting in lieu thereof the words "one hundred and thirty," the reasons therefor being the same as those suggested to you in the letter of even date herewith regarding the opening of a part of the Rosebud Reservation.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. MOSES E. CLAPP, United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1909.

SIR: I am in receipt of your letter of December 12, 1908, transmitting for recommendation and report a copy of Senate bill No. 7380, authorizing the sale and disposition of the surplus unallotted lands on a part of the Pine Ridge Reservation, S. Dak.

In response, your attention is invited to a letter of even date herewith, addressed to you, regarding Senate bill No. 7379, authorizing the sale and disposition of the surplus lands on a part of the Rosebud Reservation. The suggestions in the letter referred to apply with equal force to Senate bill No. 7380.

If you still think that the views of the Indians should be procured before action is taken on this bill, then it would be advisable to delay such action until the next session of the Congress. Again, the allotting work on this reservation has not been completed, and as this work must be finished before the surplus unallotted lands can be classified and appraised, it is not believed that any part of this reservation can be opened prior to the year 1910; in view of which it is not seen wherein any material advantage will be gained by pressing the matter at this session of the Congress.

Should action be taken at this or subsequent sessions, however, it is respectfully recommended that the bill be amended by striking out the words "one dollar and twenty-five cents" in section 7, page 7, line 24, and inserting in lieu thereof the words "two dollars and fifty cents," and that section 8, page 8, line 13, be amended by striking out the word "sixty-five" and inserting in lieu thereof the words "one hundred and thirty," for the same reasons as those given in the other communication from this department addressed to you regarding the opening of the surplus lands on the Rosebud Reservation.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. ROBERT J. GAMBLE,
United States Senate.

The letter of the Secretary of the Interior, referred to in the foregoing communication, is also submitted and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1909.

SIR: The department has received your letter of December 12, 1908, transmitting for recommendation and report a copy of Senate bill 7379, authorizing the sale and disposition of the surplus unallotted lands on a part of the Rosebud Indian Reservation, in the State of South Dakota. You suggest that Inspector James McLaughlin be detailed for the purpose of bringing the provisions of the bill to the attention of the Indians with a view of procuring an expression of their views regarding the opening of that part of the reservation described in the bill.

In response you are informed that the department recognizes the fact that Congress can enact legislation of this character without the consent of the Indians interested, but agrees with you that the views of the Indians should be procured before the bill is finally acted on, as it facilitates the work of allotment if the Indians of the tribe have the provisions of the bill explained to them in advance and are given an opportunity to suggest amendments which, if deemed reasonable, Congress may be glad to adopt.

It agrees with you that Inspector McLaughlin, owing to his long experience with the Sioux Indians, is the most satisfactory person to bring this matter to the attention of the members of the Rosebud tribe, and it is believed that he can do more with these Indians in the way of discussing the provisions of the pending bill than any other man now connected with the service.

Mr. McLaughlin, however, has been detailed recently to the work of supervising the distribution of over \$698,000 among some 4,440 beneficiaries under a recent judgment of the Court of Claims, payment for which was authorized by the act of May 30, 1908. (35 Stat. L. 514.) These beneficiaries are scattered throughout several States, and it will take three or four months, if not longer, to complete this work. Mr. McLaughlin's acquaintance with these Indians makes his services in connection with this payment almost indispensable, but while he is engaged therein an excellent opportunity will be given him to confer with the Indians of the Rosebud tribe regarding the intention of Congress to open a part of their reservation at an early date, thereby paving the way for ultimately procuring promptly the views of the Indians regarding the provisions of the pending bill.

The Rosebud Reservation has been reduced very rapidly during the last few years, and intimations have reached this department from trustworthy sources that there is danger that the land available for allotment may be exhausted if too large a reduction is made at this time. I do not believe, therefore, that the strip of land on the east of the present diminished reservation should be opened yet; but should the Congress take action at this session, it is respectfully recommended that the bill be amended by striking out the description of the part of the reservation to be opened (pp. 1 and 2) and inserting in lieu thereof the following:

"Commencing at a point on the tenth standard parallel of latitude north where it is intersected by the western boundary of the Rosebud Indian Reservation, in the State of South Dakota; thence north along said boundary line to a point in the center of the main channel of the White River; thence easterly along the center of the main channel of the said White River to a point where the range line 25 west of the sixth principal meridian intersects the same; thence south on said range line 25 west of the sixth principal meridian to a point where it is intersected by the tenth standard parallel of latitude north; thence west along said parallel to the place of beginning."

Whether action is had on the pending bill at this or subsequent sessions of the Congress, it is recommended further that the bill be amended by striking out the words "one dollar and twenty-five cents," in section 7, page 8, line 2, and inserting in lieu thereof the words "two dollars and fifty cents;" and that section 8, page 8, line 16, be amended by striking out the word "sixty-five" and inserting in lieu thereof the words "one hundred and thirty."

In connection with the foregoing, attention is invited to the fact that prior to the passage of the act of May 29, 1908 (35 Stat. L. 460), Inspector McLaughlin was sent to the Standing Rock and Cheyenne River reservations for the purpose of bringing to the attention of the Indians the provisions of the bill then pending to open the parts of the reservation named. At a meeting of the Indians of both of the tribes named it was informally agreed that \$2.50 per acre would be paid them for all lands granted the States of North and South Dakota for school purposes. As originally passed by the Senate the bill then pending (S. 1385, 60th Cong., 1st sess.) did provide for the payment of these lands at the rate of \$2.50 per acre, but as passed in the House the price was reduced to \$2 per acre; but when the bill came from

conference and as finally passed it provided for the payment of these lands at the rate of \$1.25 per acre.

On being informed of the provisions of the act of May 29, 1908, supra, the Indians of both reservations expressed themselves as being very much dissatisfied and disappointed, believing that the Government had not exercised good faith in dealing with them in this matter, inasmuch as in their opinion they should have received \$2.50 per acre for their land, and, as appeared from the above facts, this was the belief also of a large number of Members of Congress who had given the matter careful attention.

It is believed, therefore, that the Congress can not only well afford but would desire, with all these facts before it, to arrange to pay the Indians for all lands granted the State of South Dakota for school purposes at the rate of \$2.50 per acre.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

HON. ROBERT J. GAMBLE,
United States Senate.

RETURN OF BOOKS TO LIBRARIES.

The bill (S. 7298) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, was considered as in Committee of the Whole.

The VICE-PRESIDENT. The bill was considered as in Committee of the Whole February 15 last, and the committee amendment agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

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

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

DISTRICT POLICE AND FIREMEN'S RELIEF FUND.

The bill (S. 8276) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, was announced as the next business in order on the calendar, and the Secretary proceeded to read it.

Mr. BRANDEGEE. That seems to be a very comprehensive bill; the Senator who reported it is not in the Chamber, and I ask that it may go over.

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

ARMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26915) making appropriations for the support of the army for the fiscal year ending June 30, 1910, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House for a conference be granted, and that the President of the Senate shall appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. WARREN, Mr. FORAKER, and Mr. TALIAFERRO conferees on the part of the Senate.

GOVERNMENT OF THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

IN THE HOUSE,
February 15, 1909.

House concurrent resolution 68.

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and hereby are, authorized to cancel their signatures to the enrolled bill H. R. 25155, "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,'" and that the said bill be reenrolled with the insertion of the words "third paragraph of the" after the words "That the," in the first line after the enacting words of said bill.

Mr. LODGE. I have examined the matter. I ask that the resolution be concurred in.

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

JUVENILE COURT OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. The next bill on the calendar will be announced.

The bill (S. 8518) empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances was considered as in Committee of the Whole.

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

INDIANS OF FORT BERTHOLD RESERVATION.

The bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, was considered as in Committee of the Whole. It proposes to appropriate \$13,860, or so much thereof as may be necessary, to pay such Indians of Fort Berthold Reservation, in the State of North Dakota, as the Secretary of the Interior shall determine to be entitled thereto the value of certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, the value of the horses to be ascertained and determined by the Secretary of the Interior.

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

A. R. HOLZHEID.

The bill (S. 706) for the relief of A. R. Holzheid, who sustained loss of property in the San Francisco fire of April, 1906, was read.

Mr. KEAN. Let the report be read.

The VICE-PRESIDENT. The Secretary will read the report, at the request of the Senator from New Jersey.

Mr. KEAN. I think this is a case where there was some insurance recovered.

Mr. WARREN. This is a case where the chief clerk of the Department of California, instead of taking care of his own personal property, went with General Funston to take care of the sufferers in the earthquake and the fire. He is neither an enlisted man nor a commissioned officer, and therefore has no recourse except to Congress, whereas if he had been an enlisted man or an officer he could have collected the amount of his loss under the provisions of the general law.

Mr. SMOOT. I should like to ask the Senator from Wyoming if this is not a bill which should properly have been sent to the Committee on Claims.

Mr. WARREN. I hardly think so, because the appeal was made by General Funston on account of the peculiar law relating to military affairs. For instance, an enlisted man would, of course, have recourse directly to the department; the department would have had a board of survey and made the return and paid the amount without expecting Congress to appropriate for the payment.

There is only one ground on which it should go to the Committee on Claims. Of course every claim for money might properly go to the Committee on Claims, but that rule has never been enforced. We passed the other day three bills of exactly the same character as this coming from other committees. We have passed such bills coming from the Committee on Post-Offices and Post-Roads and various other committees.

If in the next Congress the chairman of the Committee on Claims and others will approve the stand that every one of the calls upon the Government for money shall go to the Committee on Claims, I shall not resist it, but I would not like to have that rule applied to this particular bill, under all the circumstances.

Mr. SMOOT. I wish to say that, as far as I am personally concerned, I believe that any claim of this character coming to Congress ought to go to the Committee on Claims and that committee should pass upon it. We have claims similar to this one before the committee. I think this bill ought to have been passed on by the Committee on Claims rather than the Committee on Military Affairs.

I will not object any further to the passage of the bill.

Mr. KEAN. I wish to call the attention of the Senator from Wyoming to the letter from headquarters, Department of California, in the report. I ask the Secretary to read that part of the report in which the amount is reduced from \$1,400—

Mr. WARREN. From \$1,400 to ten hundred and some dollars.

Mr. KEAN. To \$412.50.

Mr. WARREN. I say that it was reduced to ten hundred and something, and that is what the bill calls for.

Mr. KEAN. But in the report the amount is reduced to \$412.50.

Mr. WARREN. I do not care to have a part of the report read unless all of it is read. The matter has had careful consideration by the Committee on Military Affairs. If the Senate presumes that that committee is incapable of passing upon it, let the bill go over. It is a matter, however, that is very dear to the heart of General Funston and others, who were so efficient in saving life and property after the earthquake at San Francisco. I think we all know that General Funston, together with his associates, even without definite law, rules, and regulations,

performed one of the greatest deeds that any American ever did when he took his army and went to the rescue of the sufferers in the earthquake and the fire which followed it. This man, who was directly under the General's orders, neglected his own property, which might have been saved if he had remained in his home, but he went out and assisted in the saving of life and property for others. If the Senate believes that he ought to lose all his private effects in the meantime, it will say so.

Mr. KEAN. That is not the question here at all. If the Senator from Wyoming wishes to reward this individual for his services, I am not questioning that, but it is proposed to pay him for clothing that was lost, and, as I read it, the department says that he is entitled to \$412.50. That is what the department says.

Mr. WARREN. As I said before, if there is any question about it, either let the whole report be read or let the bill go over, if the Senator insists on it.

Mr. KEAN. Let it go over then.

Mr. WARREN. I want to say, if I may be permitted, that this is the first bill of this character that has been halted, upon the idea that it should go to the Committee on Claims. It is the most deserving of all the bills of this character, and we have passed probably nearly a hundred. On this particular man at this particular time, under the particular circumstances, I consider it in bad grace, if not in bad faith.

Mr. SMOOT. As far as the objections I offered are concerned, I did not offer them on that ground. I did it upon the ground that perhaps it would be better to investigate and find out just what amount should be paid, in view of the sum stated in the report.

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

ALASKA CENTRAL RAILWAY.

The bill (H. R. 27068) to extend the time for the completion of the Alaska Central Railway, and for other purposes, was announced as next in order.

Mr. KEAN. Let the bill go over.

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

SPECIAL PEACE OFFICERS IN ALASKA.

The bill (S. 8058) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior was considered as in Committee of the Whole.

Mr. KEAN. The last provision in the bill is rather a queer one.

Mr. GALLINGER. I move to strike out the last proviso, beginning in line 8, in the following words:

Provided, however, That no person so appointed shall be entitled to any fees or emoluments of any character whatsoever for performing any of the services herein mentioned, but may be allowed, in the discretion of the Attorney-General, expenses actually and necessarily incurred in connection with such services.

It is manifestly inconsistent with itself.

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.

POSTAL SAVINGS BANKS.

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. KEAN. I ask the Senator from Montana to yield to me. I merely want to have a bill indefinitely postponed.

Mr. CARTER. I yield for that purpose.

INDUSTRIAL PEACE COMMITTEE.

Mr. KEAN. When on the calendar, a little while ago, we reached the bill (S. 6272) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace." I ask that it be indefinitely postponed, a similar bill having passed and become a law on the 18th day of February. It is the same bill with a change of only four words, the words "said committee to consist." That is the only change in the bill as it became a law. I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

Mr. CARTER. I yield for a moment to the Senator from Utah [Mr. SMOOT].

CONDEMNED CANNON FOR UTAH.

Mr. SMOOT. I ask unanimous consent to consider the bill (S. 9198) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Utah.

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

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

Mr. CARTER. I yield to the Senator from Colorado [Mr. GUGGENHEIM].

CONDEMNED CANNON FOR COLORADO.

Mr. GUGGENHEIM. I ask the Senate to proceed to the consideration of the bill (S. 9286) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Colorado.

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

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

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, to report it favorably with sundry amendments, and I submit a report (No. 1062) thereon. I shall ask the Senate in the morning, after the routine morning business, to take up the bill.

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

POSTAL SAVINGS BANKS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that a vote be taken on the pending bill and all amendments then pending or to be offered at 4 o'clock on the 24th.

The VICE-PRESIDENT. The Senator from Montana asks that a final vote be taken upon the pending bill and pending amendments and amendments to be offered at 4 o'clock on the 24th instant.

Mr. HEYBURN. Mr. President, I am constrained to object.

The VICE-PRESIDENT. Objection is made by the Senator from Idaho.

Mr. CARTER. I now offer the amendment to the bill which I send to the desk.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. Strike out all after the enacting clause and insert:

That there be, and is hereby, established a system of postal savings depositories under the supervision and direction of a board of trustees; which board shall consist of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, acting ex officio, and two members appointed by the President, by and with the advice and consent of the Senate, each for the term of five years; and each of said two members shall receive a salary of \$10,000 per annum, and shall hold no other office of trust or profit under the United States while serving under such appointment. All regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited at postal savings depositories shall be prescribed by the board of trustees herein established. It shall be the duty of said board to report to Congress at its next session a plan for the simple and economical administration of the business of said system; and any regulation prescribed by the Postmaster-General under authority of this act shall be subject to the approval of said board. Said board shall report to Congress at the beginning of each regular session their transactions under the provisions of this act, including a statement showing the number of post-offices receiving deposits of postal savings in each State and Territory, the aggregate amount of deposits made therein, the aggregate of withdrawals therefrom, the amount of interest paid to depositors, and the amount of extra expense incident to the system of postal savings, and all other facts which they may deem pertinent and proper to present.

SEC. 2. That each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act. Every postal savings depository office shall be kept open for the transaction of business every day (Sundays and legal holidays excepted) during the usual post-office business hours of the town or locality where such depository is located, and between such additional specific hours as the Postmaster-General may direct: *Provided*, That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the

money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices specified above.

Sec. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over in his or her own name, and by a married woman in her own name and free from any control or interference by her husband; but no person shall simultaneously have more than one postal savings account.

Sec. 4. That the postmaster at a postal savings depository shall, upon the making of an application to open an account under this act and the submission of an initial deposit, deliver to the depositor a pass book upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits shall be made: *Provided*, That the Postmaster-General may, with the approval of the board of trustees, adopt some other device in lieu of a pass book as a means of making and preserving evidence of deposits.

Sec. 5. That at least \$1, or a larger amount in multiples thereof, must be deposited before an account is opened with the person depositing the same, and \$1, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than \$100 in any one calendar month: *Provided*, That in order that smaller amounts may be accumulated for deposit any person may purchase from any depository office for 10 cents a postal savings card to which may be attached specially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps so attached amount to \$1, or a larger sum in multiples thereof, including the 10-cent postal saving card, the same may be presented as a deposit for opening an account, and additions may be made to any account by means of such card and stamps in amounts of \$1, or multiples thereof, and when a card and stamps thereto attached are redeemed by any postmaster he shall immediately cancel the same. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of denominations of 10 cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof.

Sec. 6. That every deposit must be accompanied by the depositor's pass book, and at the time of the receipt of such deposit the postmaster shall enter in such book the amount thereof and the date of receipt, and shall return the same immediately to the depositor. The postmaster shall forthwith notify the Postmaster-General of such deposit and the amount thereof, and the latter shall cause to be forwarded to the depositor written acknowledgment of its receipt. If the depositor shall fail to receive such acknowledgment within such reasonable time as the Postmaster-General shall by regulation prescribe, he shall so notify the latter. The entry upon the pass book shall be conclusive evidence of the making of such deposit until the receipt by the depositor of such acknowledgment or until the expiration of the period prescribed within which the Postmaster-General shall be notified by the depositor of his failure to receive such acknowledgment. Upon the receipt of such acknowledgment it shall be conclusive evidence of the making of such deposit.

Sec. 7. That interest at the rate of 2 per cent per annum shall be allowed and entered in the pass book to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the Postmaster-General may prescribe; but interest shall not be computed or allowed on any amount less than one dollar, or some multiple thereof: *Provided*, That the balance to the credit of any one person shall never be allowed to exceed \$500, exclusive of accumulated interest.

Sec. 8. That every depositor shall forward his deposit pass book to the Postmaster-General in an envelope, free of postage, which will be furnished him at the postal savings depository office, once in each year, on or within thirty days after the anniversary of the first deposit made, for examination and entry of the amount of interest found due. In case a depositor shall lose his or her pass book he or she may secure a duplicate of the same upon application to the Postmaster-General, upon the payment of a charge to be fixed by him by general regulation, but in lieu of payment of cost of same it may be charged to the account of such depositor.

Sec. 9. That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the board of trustees may prescribe. All withdrawals of deposits must be made in even dollars unless the account shall be closed, in which event the depositor's pass book shall be surrendered; and repayments to depositors shall be made under such regulations as the board of trustees may prescribe. No bank in which postal savings funds shall be deposited shall receive any exchange or any other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal savings depository system.

Sec. 10. That postal savings funds received under the provisions of this act and the regulations prescribed hereunder may be deposited in any solvent bank or banks in the neighborhood in which the funds are received at a rate of interest not less than 2½ per cent per annum, the board of trustees taking from such bank or banks such security for deposits so made as they shall deem necessary to insure the safety of the same; or such funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for repayment to postal savings depositors; or for investment (first) in bonds or other securities of the United States, or (second) in bonds or other securities in which investment of the funds of savings banks is authorized by the law of the State or Territory in which such deposits were received: *Provided*, That postal savings funds deposited in any State in which no provision is made by law governing the investment of savings bank funds may be invested in the same character of securities in such State as are made the subject of investment of savings bank funds by the laws of the States of New York or California: *Provided further*, That said board of trustees shall maintain a reserve fund, either with the Treasurer of the United States or the banks as herein provided, not less in amount than 10 per cent of the total funds deposited in postal savings depositories. Interest and profits accruing from the deposit or investment of postal savings funds shall be applied to the payment of expenses of administration authorized by the board of trustees and approved by the Postmaster-General and of interest due to postal savings depositors as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues, or, in the discretion of the board of trustees, the same may be deposited in the Treasury as a reserve fund for the payment of deposits: *Provided*, That in the Treasury or with the Treasurer of the United States postal savings

funds shall be designated and held as "trust funds," subject to disposition as provided in this act and not otherwise. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the district of Alaska, and Porto Rico.

Sec. 11. That postal savings depository funds shall be kept separate from other funds by postmasters and other officers and employees of the postal service, who shall be held to the same accountability under their bonds for such funds as for other public moneys; and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of his or her deposit, unless directed so to do by the Postmaster-General. All statutes relating to the safe-keeping of and proper accounting for public moneys are made applicable to such funds, and the Postmaster-General may require postmasters, assistant postmasters, and clerks at postal savings depositories to give any additional bond he may deem necessary.

Sec. 12. That additional compensation shall be allowed postmasters at post-offices of the fourth class for the transaction of postal savings depository business. Such compensation shall be at the annual rate of one-fourth of 1 per cent of the deposits received at such postal savings depository, and shall be paid from the postal revenues; but postmasters, assistant postmasters, and clerks at post-offices of the presidential grade shall not receive any additional compensation for such service.

Sec. 13. That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated to enable the Postmaster-General and the board of trustees to establish a system of postal savings depositories in accordance with the provisions of this act; and the Postmaster-General is authorized to require postmasters and other postal officers and employees to transact in connection with their other postal duties such postal savings depository business as may be necessary, and he is also authorized to make, and with the approval of the board of trustees to promulgate, and from time to time to modify or revoke such rules and regulations not in conflict with law as he may deem necessary to carry the provisions of this act into effect.

Sec. 14. The postal savings depository funds are hereby declared to be public moneys, and all statutes relating to the embezzlement, conversion, and improper handling, retention, use, or disposal of postal and money-order funds and the punishments provided for such offenses are hereby extended and made applicable to postal savings depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, and other improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to false returns of postal savings depository business, and the forgery, counterfeiting, alteration, and other improper use or handling of postal savings depository blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor.

Sec. 15. That this act shall take effect on the first day of the third calendar month after its approval.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, I was about to recall the attention of the Senate to the fact that there are now pending certain amendments which I presented to the bill as originally reported by the committee. I desire that those amendments shall be disposed of before the consideration of the substitute just offered is entered upon. I understand that there are some Senators who desire to speak upon the amendments offered by myself. I have already given my views to the Senate with respect to those amendments.

It will be noticed by those who have taken the pains to read the substitute, or who have heard it read, that it is substantially a new bill. The whole scope of the original bill has been changed. First, it is provided that there shall be appointed two trustees, who are not now in office, at a salary of \$10,000 each. I am very much opposed to that feature of the substitute. This does not seem to me to be the proper time to take on additional officers for the transaction of this business.

The latter part of the bill is wholly changed. It commits the money collected at the post-offices to these trustees, and they are given the option to either deposit the money in the solvent banks in the neighborhood or to deposit it in the Treasury of the United States, from which, if the latter course be pursued, it may be withdrawn for certain investments. This discretion, as I view the subject, and as I believe the people, certainly of the western country, will view the subject, introduces a feature again into the bill which will be almost universally condemned. It is simply another opportunity to collect the money from these various localities so that it will eventually find its way into the money centers and be entirely incapacitated to render the service to the people of our country that money ought to render.

If the bill were changed so that these savings should be invested in bonds of the United States, if bonds are to be provided for, I would have no objection to it. But I am sure that the experiment which is proposed by this substitute will result disastrously to the people of this country. Therefore, I desire, when the proper time comes, that the amendments which I propose be considered and determined by the Senate before the substitute is taken up.

Mr. CARTER. Mr. President, certain definite objections were urged to the bill as originally reported from the committee. The Senator from Iowa [Mr. CUMMINS] objected directly to that portion of the bill which exempted the funds from garnishment and taxation, and likewise to that portion which provided for the deposit of the funds in national banks in the locality where the deposits were received, claiming, first, that the se-

curity exacted—that is, a prior lien on the resources of the bank—was objectionable; and, second, that the deposits should be made in banks organized under state laws, as well as under the national-bank law.

The amendment now being pressed by the Senator from Iowa is largely disposed of by the substitute, because it will be observed that the substitute does not in terms exempt the funds from garnishment, nor are the funds exempt from taxation, as the property of the depositor. That leaves of the Senator's amendment only one question, and that involves deposits in state banks, and a supplemental question involving the security to be exacted from the banks in which deposits are made.

It is true that the substitute vests in a board of directors or trustees the authority previously vested in the Postmaster-General, or which was vested by the original bill. The committee has directed the report of this substitute for the measure previously reported.

Mr. GALLINGER. Mr. President—

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

Mr. CARTER. I shall be glad to do so.

Mr. GALLINGER. I would ask the Senator what service these two \$10,000 men are to perform? It seems that once a year a report is to be made of certain doings which the Post-Office Department undoubtedly will have in hand, and yet we are to appoint, in addition to the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, two persons at a salary of \$10,000 a year each.

Mr. CARTER. Mr. President, the Postmaster-General, the Secretary of the Treasury, and the Attorney-General are now burdened with exacting official duties. They would be made, under this substitute, ex officio trustees of this fund, but, obviously, they could not give that close attention to the investment of the funds which both their importance and amount demand. The two additional officers would be the active officers connected with the investment of the funds. They would be undoubtedly constantly employed in making investments and would be expected to devote their entire time to the work.

Mr. BORAH. Mr. President—

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

Mr. CARTER. I do.

Mr. BORAH. Mr. President, I have only read this amendment while it was being read by the Secretary in the Senate today. As I understand, speaking to the Senator who is in charge of the bill, section 10 in the former bill is practically eliminated by the substitute?

Mr. CARTER. It is practically eliminated by the substitute.

Mr. BORAH. But the substitute leaves the question of deposit in state banks yet in existence; that is to say, it does not provide for deposits exclusively in national banks?

Mr. CARTER. It provides for deposit in banks, but does not specify the kind of banks, leaving the board to determine as to the bank or banks and likewise as to the security for the return of the funds.

Mr. BORAH. What does the substitute do with reference to making the deposit a first lien upon the resources of the bank?

Mr. CARTER. Instead of thus providing for a first lien on the resources of the bank, the substitute bill provides that such security shall be taken by the board as the board may deem necessary for the safety of the funds. That is left wholly to the board.

Mr. BORAH. Well, Mr. President, I will say, so far as my views of the matter are concerned, that those features of the old bill being eliminated, I would have no objection to the substitute except the question of creating these new officers. It was stated the other day in the discussion of this matter that the postal savings bank bill would incur but very little extra labor, and I do not see as yet from anything that has been said why the two new officers should be created.

Mr. CARTER. Mr. President, the bill as originally framed and reported from the committee contemplated the deposit of the funds in banks exclusively, save where the banks refused to pay the stipulated interest. In that case, which would be rare in practice, it was provided that the funds might be invested in certain classes of securities. This substitute contemplates the deposit of funds primarily in the banks in the States where received. Failing to secure the number of banks to receive the moneys at the rate of interest stipulated, the trustees would then be called upon to invest the funds in such securities within the State as the state law prescribes as safe investments for savings bank funds. Where the state laws do not make provision guarding the investment of saving bank funds, the substitute provides that the character of the security shall be exacted in such State or States as the laws of New York or

California prescribe. It is obvious when investments in securities become a part of the work, and a considerable part of it, that the Secretary of the Treasury, the Postmaster-General, and the Attorney-General can not give personal attention to investments in securities. The best they could do would be to see that the rules for the investment of the funds were strictly adhered to. The details of administration would of necessity be left to others.

Mr. HEYBURN. Mr. President—

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

Mr. CARTER. I yield to the Senator from Idaho.

Mr. HEYBURN. I should like to inquire of the Senator from Montana where this money would rest in the interval between the time that it was taken into the post-office and the time the board found a satisfactory investment for it?

Mr. CARTER. Mr. President, by the substitute bill the same provision is made with reference to the deposits in the local banks as in the original bill. By reference to section 10 the Senator will perceive that the money may be deposited in any solvent bank or banks in the neighborhood in which the funds are received. That is the first provision made in the section.

Mr. HEYBURN. Deposited without interest?

Mr. CARTER. Deposited at two and a quarter per cent per annum.

Mr. HEYBURN. But that requires a contract. Suppose, in view of the fact that it was intended by the board to find some other investment for it, the bank should decline to receive the money and agree to pay interest on it?

Mr. CARTER. Mr. President, that would drive the board to the alternative presented by the section—investment either in securities of the United States or securities of the State in which the money was received.

Mr. HEYBURN. Suppose there were none of either class in existence; what then? There are States that have no indebtedness, and United States securities are rather expensive when you pay the premium they command.

Mr. CARTER. Then, in the last resort, to which the Senator refers, the money would be, as provided by the section, deposited with the Treasurer of the United States.

Mr. HEYBURN. By the postmaster. I find a missing link. I want to know where this money would rest between the time that the postmaster took it into his possession and the time when it was placed in the Treasury?

Mr. CARTER. Mr. President, the Senator will perceive, upon reading the bill, that the receipt, transmission, investment, and safeguarding of funds is placed in the charge of the board of trustees. The Postmaster-General is authorized, with the approval of the board, to issue all needful rules and regulations with reference to such business details as those to which the Senator refers. The mere form in which the postmaster at a small place would remit to a depository would vary under different conditions, and it is obviously better to leave the rule to be prescribed by the administrative officer under the authority of law. That, I think, provides for the missing link to which the Senator has referred.

Mr. HEYBURN. I think the link is still missing.

Mr. CARTER. I think if the Senator will read the bill carefully he will find—

Mr. HEYBURN. I have it before me.

Mr. CARTER. I think he will find that that link is strong enough to drag the load.

Mr. CURTIS. Mr. President—

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

Mr. CARTER. Certainly.

Mr. CURTIS. I should like to ask the Senator if, under section 10 of the amendment, the trustees could not refuse to place the money in the local banks and send it direct to the Treasury of the United States, even though the local banks offered to give them bond or such other security as might be required?

Mr. CARTER. The word "may" is used instead of the word "shall," but in legal contemplation the word "may" is often held to be the equivalent of the word "shall." In this connection it is not made mandatory upon the board to deposit in the banks in the locality where the money is received, but that proceeding is the first mentioned in the section. It is obviously the purpose of the bill that the money be deposited in banks where two and a quarter per cent interest, or a greater amount, will be paid.

Mr. CURTIS. Mr. President—

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

Mr. CARTER. Certainly.

Mr. CURTIS. Then, would it not be wise to amend section 10, in lines 11 and 12, by providing that the money shall not be sent to the Treasury if the required bond is given?

Mr. CARTER. That might be a wise amendment to reach that end. My purpose, Mr. President, at this moment is to make some progress with the bill. I call the attention of the Senator from Iowa [Mr. CUMMINS] to the parliamentary situation.

Mr. CLAPP. Will the Senator pardon me a moment?

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

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

Mr. CLAPP. The Senator was asked what was the object of adding two \$10,000 positions to those already existing. I should like to have the Senator make some reply to that before he sits down. I myself can not see any necessity for it, although there may be such necessity.

Mr. CARTER. Mr. President, the substitute for the bill provides a piece of machinery expected to ultimately handle by deposit in banks or investment in securities a sum that will reach the stupendous proportion of a billion dollars. I doubt not that within the space of one year there will be deposited in the post-offices of the country, of money not now in active use in the channels of trade, not less than \$300,000,000.

Mr. CLAPP. I should like to ask the Senator another question.

Mr. CARTER. Will the Senator permit me to answer the first one before he asks another?

Mr. CLAPP. Yes.

Mr. CARTER. This sum will, according to the experience of other countries, continually increase. The board proposed to be created by the substitute will be charged with the sole responsibility for the investment, collection of interest, safety, and disposition of this vast sum of money. The Secretary of the Treasury can not go to distant States to inquire into investments. By the law of Iowa, I believe—and the laws of Iowa would be the rule of action as to securities for the board in that State—loans could be made upon improved real estate.

The same is true with reference to the investment of savings bank funds in many other States. The Secretary of the Treasury could not leave his station in this city to inquire into the value or character of real estate offered as security in California, in Iowa, or elsewhere; the Attorney-General could not; the Postmaster-General could not; and no officer charged with serious duties at the national capital in connection with other business of this Government could give adequate attention to the State laws of investment.

I believe one of the most conspicuous virtues in the substitute rests in the authority given to this board to loan these postal funds on improved real estate. I have been a witness in the growing parts of this country to the exorbitant rates of interest being charged farmers and citizens of growing towns to enable them to improve their places—rates of interest that, outside of the growing part of this country, would be regarded as usurious. The fund gathered up at the post-offices would have a strong tendency, if loaned as savings bank funds in the State, to reduce the rates of interest on farm loans and on improved property in the cities.

Mr. HEYBURN. Will the Senator yield for a question?

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

Mr. CARTER. Will the Senator permit me first to finish my answer?

Mr. HEYBURN. Yes.

Mr. CARTER. Two additional officers are provided here, to the end that they may give their entire time and undivided attention to this great financial operation as to the receipt of the money, its transmission, and its investment.

Mr. CLAPP and Mr. GALLINGER addressed the Chair.

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

Mr. CARTER. I do.

Mr. CLAPP. I have been very much entertained by the answer of the Senator from Montana. The Government handles a great many hundreds of millions of dollars every year, but I do not think that the Secretary of the Treasury at present goes out and investigates all the reports that are turned in as to the standing of the banks that are designated as government depositories. Does the Senator from Montana think that two men could very carefully and personally examine all the applications for farm or other loans that might be made under any form of bill that would permit of the loaning of government money? I would take it that we ought to make the number, instead of two, about two hundred. Then, perhaps, they could give some personal attention to the matter.

Mr. CARTER. Mr. President, I do not desire to be diverted by a detail. If it is the judgment of the Senate that the Secretary of the Treasury, the Attorney-General, and the Postmaster-General can give needed and adequate attention to this work, it will be an easy matter to strike out that portion of the bill providing for the two additional members of the board, but that a board is more desirable than a single individual to administer a great fund of this kind is, I think, beyond dispute.

Mr. CLAPP. Then, Mr. President, if that be true, we ought to consolidate some of the departments and make them into boards. We have run this Government more than one hundred years with departments and with one head to each department. If it is a fact that a board can do better than the head of a department, it is time some change was being inaugurated.

Mr. BAILEY. Mr. President—

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

Mr. CARTER. I yield to the Senator from Texas.

Mr. BAILEY. I had the pleasure of hearing the Senator from Montana [Mr. CARTER] at the beginning of this debate reply to a suggestion that this was a bill to put the Government into the banking business. He said that this was really not a banking business, but it was merely receiving this money and taking good care of it. Waiving for the time the suggestion that the Government has the right to take care of what the people earn, I now discover that he has, as men usually do, progressed in this argument, and if I did not misunderstand him a moment ago, I heard him suggest that the Government was not only going into the business of loaning money, but by engaging in that business itself it would reduce the rate of interest in the communities where this money would be loaned. I understand that that is now the position of the Senator from Montana.

Mr. CARTER. I say, as to farm loans, that would probably be the effect.

Mr. BAILEY. Then the Senator from Montana abandons the original proposition that this bill does not put the Government into any kind of business, and he now advances the proposition that it puts it into a good kind of a business.

Mr. CARTER. Mr. President, "the Senator from Montana" does not abandon any position previously taken. The bill as originally presented contemplated the disposition of funds in one of two ways: First, by the deposit in national banks in the locality where received, at a stipulated rate of interest, which has not been changed by the amended or substitute bill. Second, failing to secure depositories willing to pay the 2½ per cent interest, the Postmaster-General was authorized to invest the funds in certain specified securities. There has been no change in principle, nor is there any departure in principle, from the original proposition in that regard.

It was objected in many quarters that the bill as originally presented divided the financial operations of the Government between two Cabinet officers—one the Postmaster-General, controlling one large bank account, and the Secretary of the Treasury, another; that something should be done to insure harmonious action as to the financial operations; that a board would be a more responsible agency to handle a great trust fund of this kind than a single Cabinet officer. Therefore the board is substituted for the Postmaster-General, he, however, remaining within the management as a member of that board.

Mr. BAILEY. With loans on farm lands added as an additional function of the Post-Office Department.

Mr. CARTER. There is no reference to farm lands in the bill, but it does provide that the class of securities in which a state savings bank invests in the State may be the subject of the investment of the funds in that State.

Mr. BAILEY. I simply want to repeat what I said a moment ago, and that is that the explanation which the Senator from Montana made of the bill at the opening of the debate will not square with the speech he has just delivered. In other words, his answer to the objection that this bill was putting the Government in the banking business then was that it was in no essential particular characteristic of the banking business. Now the Senator comes and before the bill becomes a law undertakes to extend the operations of the Government in this new field of finance, and he proposes now to allow those who must invest its funds to enter into competition with the people who loan money on farm mortgages.

I have no particular regard for those who loan money on farm mortgages. I belong to the class that borrows and not to the class that loans, and naturally my sympathies would be with any system, a proper one in itself, which tended to reduce the rate of interest on farm loans. But I have never yet believed that the Federal Government has that power; and when I do be-

lieve it I will adopt the old Farmers' Alliance proposition, to loan it on farm lands whenever the farmers need it.

Mr. SMOOT. And direct.

Mr. CUMMINS. Mr. President—

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

Mr. CARTER. If the Senator will indulge me for a moment, I should like to say a word in reply to the last statement of the Senator from Texas.

The Senator from Texas unconsciously confuses the disposition of the fund with the receipt of the fund. The complaint of the banker everywhere has been that the opening of the post-office to the receipt of a deposit deprived the local bank of the deposit thus made, and therefore a competition with the banker was built up under the patronage of the Government. I insisted then, and I insist now, that there is no element of banking in the proposed postal depository system. It is true that small sums, not more than a hundred dollars a month, and not to exceed \$500 in the aggregate, may be received under this proposed measure at any money-order post-office from any person over the age of 10 years, but there all similarity to banking ceases—in the mere matter of deposit—because be it known and always remembered that we do not propose that any postmaster shall become a banker. We will not sell exchange—

Mr. BAILEY. We do that now.

Mr. CARTER. We will not loan money at the post-office; we will not discount paper, or in any sense come into competition with the local bank or any other bank.

Mr. BAILEY. I did not confuse the operation of receiving and lending this money. I perfectly understand the distinction between the two. I was not repeating the bankers' complaint, that by receiving the deposit the Government receives it instead of the bank. I was referring to the Senator's statement that by loaning this money on farm mortgages he was going to reduce the rate of interest, and if that is not a banking operation I am not qualified to describe one.

I desire to say that my objections to this bill are not merely that the Government ought not to go into the banking business. I object to the Government going into any business, and, strange as it may seem, one of these evils brings another. For forty years the Government of the United States has permitted a certain class of bankers to engage in the Government's business of issuing money, and now the Government proposes to go into the banking business in competition with these same people; and thus it will always happen that time sets things even. A government that will permit citizens or corporations to go into its business in time will itself engage in the business of individuals or corporations.

Mr. CARTER. The test applied by the Senator to the banking business, or the definition he would have us accept, might with equal force be applied to every trust fund accumulated under any and all conditions. For instance, the great insurance companies of the country accumulate reserves, and they make certain earnings, not through the banking business, but by the investment of the accumulation. The Government has a great trust fund here to administer—

Mr. BAILEY. If the Government has accumulated any money, I would require it to dispose of it, although I would do it as Andrew Jackson and his contemporaries did. I would deposit it among the several States rather than to engage in business with it; but, in view of the fact that they will soon be scraping the bottom of the Treasury, I hardly think it will be maintained that the analogy the Senator suggests is well taken. The insurance companies have more money than they need. The Government of the United States is very apt, before another twelve-month, to need more money than it has.

Now, I do not deny the power of the Government to take care of its property, or to make any rule and regulation respecting it that it sees fit, but I do deny the duty of the Government and the power of the Government to take care of somebody's else property. If we have reached a point in the history of this Republic where the men who earn money are not capable of taking care of it, in God's name how can we expect them to take care of the Government?

Mr. CARTER. The Senator from Texas brings forward an elemental, fundamental objection to this class of legislation. He has promised, and I hope he will in the very near future favor us with his views in extenso upon that feature of the case.

We are now confronted by a parliamentary situation. The Senator from Iowa presents an amendment, which is under consideration—

Mr. CUMMINS. Mr. President—

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

Mr. CARTER. I yield to the Senator from Iowa.

Mr. CUMMINS. I am very anxious that no confusion shall arise with respect to this matter. It is true, is it not—and I now address myself to the Senator from Montana—that his original bill provided that the money collected in the post-offices must be deposited in national banks in the neighborhood, and it was only in the event that the money could not be so deposited, bearing the rate of interest specified in the law, that the Government was given the power to loan it upon any other security? That was the provision of the original bill?

Mr. CARTER. If the banks declined to receive the money at the rate of interest prescribed, the Postmaster-General, with the approval of the Secretary of the Treasury and the Attorney-General, might otherwise dispose of it in the manner specified.

Mr. CUMMINS. It is true, is it not, that the substitute you have now offered provides that the board of trustees created by the bill may, in the first instance, without attempting to give it to the banks, deposit the money in the Treasury of the United States, to be withdrawn from the Treasury under the conditions there specified?

Mr. CARTER. The amendment proposed as a substitute for the bill makes the Treasurer of the United States the treasurer of this fund, but provides, as the Senator will observe, that it shall always be treated as a trust fund, not as a part of the General Treasury resources.

Mr. CUMMINS. I think, possibly, the Senator does not catch the point of my question. My question is, Is there any obligation upon the part of the board of trustees to deposit any part of the money collected at the post-offices in the banks of the country, whether State or national?

Mr. CARTER. The board may deposit it in the banks or may otherwise invest it, as provided by this section. It is permissive.

Mr. CUMMINS. So originally the Committee on Post-Offices and Post-Roads reported a bill which made it obligatory upon the Postmaster-General to deposit the money in national banks in the locality in which the money was received, and only in the event of an inability so to deposit it there and secure the stipulated rate of interest upon it was the Postmaster-General given the power to invest the money in other securities.

But under your substitute the board of trustees may ignore the banking institutions of the country entirely and deposit all the money in the Treasury of the United States, and withdraw it only for the purpose of investing in the various kinds of bonds or mortgages which are mentioned or described, either directly or indirectly, in the bill. That is the fundamental change that you have made in the bill, is it not?

Mr. CARTER. The treasurer of the fund being the Treasurer of the United States, the money may be deposited in the first instance with the Treasurer. It may, by direction of the board, be deposited by the Treasurer in banks, or it may be invested. The purpose of the section in that behalf is to have definite control in the Treasurer of the United States over these funds from the beginning as the treasurer of the fund. I concede that it is left to the board to determine whether they will invest in the class of securities named or deposit in the banks. They must, of course, make the rate of interest to be paid the depositors, and more, if possible; and in order to do this, it will be necessary either to deposit in the banks at the stipulated minimum rate of interest or else to invest in securities which will pay as good a rate.

Mr. CUMMINS. Mr. President—

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

Mr. CUMMINS. I assumed that the Senator from Montana had yielded the floor.

Mr. CARTER. Before yielding the floor—

Mr. CUMMINS. I desire to say something upon my amendment to the original proposition.

Mr. CARTER. I desire to suggest to the Senator from Iowa the propriety of withdrawing his amendment as applied to the original bill, for the reason that the substitute eliminates two of the points to which the Senator objected—the garnishment feature and the exemption from taxation feature. Thus the amendment proposes to strike out a section, for the reason that it contains these two objectionable features, which will not appear in the substitute if the substitute is taken for the original bill. In order to make progress in the consideration of the subject-matter, the substitute being offered by the committee in lieu of the original, I suggest to the Senator the propriety of withdrawing the amendment and allowing the substitute to be placed before the Senate as the main measure to be considered.

Mr. CUMMINS. Mr. President, I do not want to obstruct this measure in the slightest degree, but I can see some difficulty in pursuing the course suggested by the Senator from

Montana. It may very well be that if the Senate should find the amendments I have proposed wise, and should therefore adopt them, it might be still less inclined to adopt the substitute proposed by the Senator from Montana or the Committee on Post-Offices and Post-Roads. I am therefore not prepared just at this moment to agree to the course named by the Senator from Montana. But I do assure him that I will facilitate the progress of this bill in every way that I can, for I believe in a postal savings system, and I should like to see the Senate adopt such a system. I should be very sorry to see it adopt the system attempted to be created by the substitute. I think no more serious blow could be inflicted upon the measure as a whole than for the Senate to adopt the substitute.

I desire, while I have the floor, to say an additional word with regard to the amendments I have proposed, for I especially want the Senator to understand clearly the difference between those amendments and the substitute. When the original bill was proposed it contained section 10, which provided, among other things, that the deposits should constitute a first lien upon the assets of the bank in which the deposits were made; second, that the deposits should be exempt from attachment or legal process for the indebtedness of the depositor; third, that the deposits should be exempt from taxation; and, fourth, that the employees of the Post-Office Department should give no information with respect to the deposit of any particular person. To strike out those provisions was one part of the amendment I proposed, and, as I understand, the substitute frankly concedes that part of my amendment, and we may therefore dismiss that phase of the case.

Mr. WARNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. Certainly.

Mr. WARNER. It may be unimportant, but I wish to call the attention of the Senator from Iowa to the fact that the substitute contains a provision against employees giving any information.

Mr. CUMMINS. I had not read it carefully enough to know whether it reproduced that part of the bill or not. However, I regard that as a very immaterial thing.

Mr. CARTER. Mr. President—

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

Mr. CUMMINS. I do.

Mr. CARTER. Section 10, which the Senator's amendment proposed to strike out, contained, as he suggested, four propositions: First, the postal savings fund was declared to be public money and subject to the safeguards, and so forth, surrounding public moneys by law; second, exemption from garnishment; third, exemption from taxation; and, fourth, a prohibition upon the communication by postal employees of any information concerning the account of a depositor. The substitute retains the prohibition as to giving information concerning the state of any depositor's account and a later section provides that the postal savings funds received under this act shall be guarded as public moneys.

Mr. CUMMINS. You mean protected by the criminal statutes?

Mr. CARTER. The criminal statutes.

Mr. HEYBURN. Mr. President—

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

Mr. CUMMINS. I do.

Mr. HEYBURN. The Senator from Montana seems to have overlooked the provision in line 16 on page 18, which says that the portions of these funds in the Treasury of the United States are trust funds. I can not reconcile the fact that they are to be trust funds in the Treasury of the United States with the declaration upon which the Senator seems to rely, on page 10, line 8, that they are to be public moneys.

Mr. CARTER. The Treasurer of the United States is the treasurer of this fund, and if the Senator will carefully read the language he will find they are to be held in an account called a "trust account," so as to differentiate between that class of money and the public money.

Mr. HEYBURN. Unfortunately the language does not bear out any such conclusion.

Mr. CUMMINS. I recur to the statement I was making when interrupted, that section 10 provided these four things, and I now understand that the substitute does not reproduce any of them save the declaration that the money is public money, and therefore surrounded by all the protection that the criminal statutes furnish to public moneys, and, secondly, an inhibition upon employees from giving information. I care nothing about either of those things. The three chief features of section 10

were, first, giving the deposit preference over other deposits; second, exemption from legal process; and, third, exemption from taxation; and neither of those features is found in the substitute, as I understand.

Mr. CARTER rose.

Mr. CUMMINS. I am simply stating that as my understanding of the substitute which the Senator has now presented.

Mr. CARTER. The Senator's understanding is correct.

Mr. CUMMINS. However, the amendment I proposed with respect to section 10, while of importance in a general way, was insignificant as compared with the amendment I proposed to section 11. The objection which the people of this country—those who have come into contact with me; those who have communicated with me upon the subject—have to a postal savings bank system is that it will withdraw the money which naturally accumulates in a given locality or given community and take it into some distant town or locality, and thereby prevent that money from doing the work it ought to do in the proper locality. I have had that objection dinned into my ears so often that I must assume there is some validity in it. Any particular locality has a business of its own, it has a trade of its own, it has a commerce which is peculiar to itself, and the money which is necessary to carry on that trade, that business, that commerce, gathers somewhere in that locality; and not only the bankers, but the business men of any such locality are extremely solicitous that it shall not be taken away by any artificial means, especially at a time when money is most needed to transact the business of the community.

The objection these people urged to the bill as originally reported by the committee was that it limited the deposit of money received at the post-offices to the national banks, and it was believed that the state institutions would suffer because of this discrimination in favor of the national banks. Therefore my amendments proposed that the Postmaster-General, who was then invested with the custody of this money, should—not might, not if he thought best to do so, but that he should—take the money collected at any given post-office and deposit it ratably in the banks of the town or city in which the post-office was situated.

It was believed that under such a command and under such a practice there would be no disturbance of the financial conditions of any locality and the banks would continue to do their business as heretofore, and the Government would interfere as little as possible with the business of the country, at the same time affording security and safety to those who desired to deposit their money with the postmasters.

Mr. NEWLANDS. Mr. President—

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

Mr. CUMMINS. Certainly.

Mr. NEWLANDS. May I ask the Senator from Iowa whether we are to understand that the committee in this substitute bill have accepted his suggestion that the funds deposited by depositors with the Post-Office Department shall be put in state banks as well as in national banks?

Mr. CUMMINS. I was about to say that it seems to me the substitute bill is one which, to use a familiar phrase—

Keeps the word of promise to our ear,
And breaks it to our hope.

There is no discrimination or distinction in the substitute bill between banks, and I take it that these trustees may, if they please, deposit the money in state banks as well as national banks. But there is no requirement that they shall do it, nor is there any requirement that they shall deposit the money in any bank whatsoever.

Mr. NEWLANDS. If it will not interrupt the course of the Senator's argument—

Mr. CUMMINS. Certainly not.

Mr. NEWLANDS. I should like to ask him whether he contends that the deposit of these funds should be made in state banks without giving the Government of the United States the power to examine those banks and to determine upon their solvency?

Mr. CUMMINS. Mr. President, I did so contend; I do so contend. I believe that the Government of the United States can very well accept the examination of these banks made by the several States, for the history of state banks, as compared with national banks, reflects a great deal of credit upon the state banks, and the depositors of those banks have lost less, proportionately, than the depositors of national banks.

Mr. NEWLANDS. Mr. President—

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

Mr. CUMMINS. I do.

Mr. NEWLANDS. As I understand it, the Senator from Iowa contends that the United States Government, in making these deposits, should rely entirely upon the examination made by the state authorities, so far as the state banks are concerned.

Mr. CUMMINS. I did not say so, because the amendments that I offered contained the further provision that the bank in which the deposit was made should give to the United States ample security, by way of a bond of indemnity, to repay any money that may have been deposited in the bank by the Government of the United States.

Mr. NEWLANDS. But I understand that the Senator does not require any examination by the United States authorities of the local banks, and that, so far as the examination is concerned, he relies entirely upon the examination of the local authorities.

Mr. CUMMINS. I do.

Mr. NEWLANDS. Now, let me suggest to the Senator that the National Government ought certainly to be as exacting in its requirements of the state banks as it is of national banks so far as the security of those state banks is concerned.

The Senator well knows that the national-bank act provides for a reserve of 15 per cent in the case of country banks and of 25 per cent in the case of the reserve city banks. The Senator knows that in the legislation of some States there is practically no requirement regarding reserves, or, at all events, the requirement is so low as practically to amount to no security whatever.

The Senator will recall that during the last panic the fact was developed that there were about \$10,000,000,000 on deposit in all the banks of the country outside of the savings banks deposits, and that more than one-half of those deposits were in the state banks; and notwithstanding that fact seven-tenths of the total reserves of national and state banks were in the national banks, and only three-tenths of the total reserves were in the state banks—an entirely insufficient amount. In other words, the average reserve in the national banks was about 15 per cent, and the average reserve in the state banks was less than 6 per cent.

I ask the Senator whether it is not a reasonable requirement, when you propose to put these state banks upon an equality with the national banks, so far as the deposit of these postal funds is concerned, to require of them the same reserves that are required of national banks, because the Senator of course recognizes the fact that, outside of the question of a general guaranty of all the banks for the deposits of a bank—a system which has not yet gone into operation anywhere except in one or two States—the security relied upon must be a sufficient reserve and a sufficient capital.

It seems to me that whilst the national-bank act has been noticeably deficient thus far in not requiring a certain proportion of capital to the obligations the bank assumes in the shape of deposits, yet it has been wise in its requirement as to reserves, though not sufficiently wise. But the Senator's amendment, it seems to me, would permit this system of state banks with insufficient reserves to continue. The Senator realizes that the State of New York—

Mr. CUMMINS. I should like to answer your questions one at a time; but if you include them in a speech of an hour in length, I can not remember all the questions.

Mr. NEWLANDS. It is not my intention to make a speech. I will yield the floor, of course, if the Senator objects.

Mr. CUMMINS. I do not object.

Mr. NEWLANDS. I do not propose to make a long speech, but what I wish to do is to make a comprehensive—

Mr. CUMMINS. I yield for the purpose of allowing the Senator to ask me any question he desires; but I want him to ask me a question, and then let me answer it.

Mr. NEWLANDS. What I wished to make was a comprehensive statement, so that he could answer it, as to whether it is not just and proper that the National Government in accepting the state banks as depositories of these funds which are entrusted to them should exact the same requirement of state banks, regarding both capital and reserves, that it exacts of the national banks?

Mr. CUMMINS. Mr. President, although I do not believe that the question propounded by the Senator from Nevada is at all material to the question I am discussing, yet I have no hesitation whatever in answering it just as fairly and as fully as I can.

I understand that the reserves required of national banks constitute only one method for securing the repayment of deposits, and in the panic of 1907 the reserves melted away so that the people generally were not able to observe them. So long as the Government permits one bank to deposit its reserves in another bank, and so on throughout a long chain, I do not re-

gard the reserves that are required by the national law as any security whatever for the depositors, and I would much rather depend upon some other method of ascertaining the solvency of the bank.

However, in the discussion in which I had the honor to engage the other day, I illustrated the safety of state banks, even without a reserve required by law, by a reference to the history of my own State, running over the last six years, and it was there ascertained that the depositors of the state banks suffered not half so much by the failure of banks as the depositors in the national banks.

All that we want is to see to it that the Government shall be secure, that the Government will be likely to receive from these banks these deposits when demanded. If the history of the state banks shows conclusively that the depositors in the state banks fare better than the depositors in the national banks, it seems to me there ought to be no hesitation in trusting the state banks with the government deposits, especially if there be required of the state banks an adequate bond of indemnity.

Mr. NEWLANDS. Mr. President—

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

Mr. CUMMINS. I do.

Mr. NEWLANDS. Let me suggest to the Senator from Iowa that whilst it may be true that the banking system of Iowa is a perfect one, it may not be true that the banking systems of the other 45 States are perfect. The Senator's amendment proposes that we shall authorize the deposit of these moneys in the banks of every State in the Union.

Mr. CUMMINS. And the Territories.

Mr. NEWLANDS. And the Territories. My criticism is directed against the state banks in their aggregate. It may be that in a particular State every requirement of caution may be enforced, but certainly when we find that the state banks in the aggregate had deposits of over \$5,000,000,000 outside of the savings banks, and that they had in their vaults only \$300,000,000, to wit, 5 per cent of their total liabilities to their depositors, we can not say that as a whole the state banks are safe.

I join with the Senator in his criticism of the national banking system, which permits a country bank to count as its reserve the money which it deposits in a New York bank. I believe that that should be remedied; but in the aggregate, when you contrast the national banks with the state banks you will find that the national banks had a deposit of about the same amount or a little less, about \$5,000,000,000, and had on hand \$700,000,000, as against the state banks' \$300,000,000; or, in other words, they had a total reserve of more than double the amount which the state banks had.

Now, it does seem to me that if we enter upon this legislation we should perfect, in the first place, or it can be done later, I presume, our national bank system, so as to do away with the system of country banks counting as their reserve the moneys that are deposited in the central reserve cities, and that we should, at all events, require of the state banks in which these funds are deposited the same security regarding both reserve and capital that are required of the national banks.

I hope that later on we will require additional capital of our national banks, so that there will be some proportion between their capital and their obligations. There is none now. The path of reform lies upon these two lines—increase of reserves and increase of capital. It seems to me that in perfecting this system we should compel the state banks, or at least persuade them, if we are to give them any privileges under this act, to comply with the national-bank requirements regarding both reserves and capital.

Mr. CUMMINS. Mr. President, as I remarked in answer to the previous question of the Senator from Nevada, I think the point the Senator is now making is not fairly involved in the discussion which is now in progress. I care not how rigid the requirement be made testing the solvency of the state banks. I have no desire that any moneys deposited by the Government shall be deposited in banks that are not worthy of trust. My point is, and in that I am sure I have the sympathy of the distinguished Senator from Nevada, that if the Postmaster-General is to deposit the money collected at the post-offices in banks he must deposit it in all the banks of that vicinity which are worthy of confidence and trust.

Mr. NEWLANDS. I am quite with the Senator in that purpose.

Mr. CUMMINS. Surely, I was confident the Senator was of the same mind with regard to that proposition. That was the real point of the amendment I offered to the original bill. I did

not want to leave it in the discretion of the Postmaster-General to distribute the funds even among the national banks. There is not a Senator here who does not know how the deposits are now made in the depositories throughout the country. I do not want to subject the institutions I have the honor to represent to the burden of coming to Washington and through their Representatives in Congress or their Senators bringing to bear such influence as they can upon the Secretary of the Treasury in order to increase the deposit in any particular bank or in any particular locality. It is not fair either to the institutions or to the Representatives of the people here.

There must be this justice done as automatically and as independently as possible, and therefore my amendment commanded a ratable distribution among all the banks of the locality, according to the capital, provided those institutions were located in a State that did exact a proper supervision and examination of its banks. That was the whole object of my amendment.

Now, we find a substitute which destroys the original purpose of the bill, which removes it entirely from its first field and occupies, as the Senator from Texas [Mr. BAILEY] has so well said, quite another. You now have a substitute for the bill which does not require one penny of the money to be deposited in any bank, which permits every dollar of it to be withdrawn from the localities in which it is collected, and then to be invested in a variety of ways.

So far as I have been able to view this measure, if it becomes a law it will inflict a disaster upon the banks, upon the general financial institutions of the part of the country with which I am most familiar, the extent of which it is impossible, as I think, to overestimate.

What is it you now propose? To take this money, bring it to the Treasury of the United States, and then say to these trustees, "You can invest it, if you like, in Government bonds." I say very frankly that if we had Government bonds in which this money could be invested as a permanent policy, I would rather see the savings of the people invested in the bonds of the Government than in any other way whatsoever.

But the distinguished Senator in charge of the bill has not pointed out that we are to have these continuing and permanent securities, unless, indeed, he anticipates that the liberality of this Congress will make it certain that the Government shall issue bonds to pay the ordinary expenses of the Government in a time of profound peace. If that is his anticipation, I earnestly hope that it will not be realized.

Where are the government bonds in which the savings of the people are to be invested? I am not so familiar with the financial operations of the Government as is the Senator from Montana, but I do not know of any bonds in any large amounts that can be used for the purpose of investing these savings of the people.

Mr. CARTER. Mr. President—

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

Mr. CUMMINS. I do.

Mr. CARTER. It is a matter of current knowledge, I think, that we shall issue something in the neighborhood of \$200,000,000 to build the Panama Canal, and that, too, within the next few years—probably as much as \$300,000,000.

Mr. CUMMINS. I think it is more than probable that we will issue bonds for the completion of the Panama Canal, but Senators will remember that only a few moments ago the Senator from Montana declared that within a very short time the Government would collect at these post-offices as the savings of the people more than a billion dollars. Do you hope that there will be bonds of the United States issued to the extent of a billion dollars in order to provide some method of investing these savings?

I think, upon reflection, the Senator from Montana will at once agree with me that the real purpose of the substitute is to authorize the Government to invest these savings in notes and mortgages and municipal bonds and other securities of that character. I for one can not assent to the proposition that the Government of the United States shall enter the business of loaning money on farm mortgages or upon any other security of that character in competition with the thousands of savings banks throughout the length and breadth of the country.

It will be, as I think, a sad day for the savings banks, the worthiest institutions in our land of a financial character, when the Government of the United States undertakes to loan these moneys upon the securities which have been authorized in behalf of the savings banks. I for one want to see the savings banks invest this money. I am willing to see the Government deposit it in the savings banks.

Mr. McCUMBER. Mr. President—

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

Mr. CUMMINS. I do.

Mr. McCUMBER. There has been so very much said upon the matter of government investment of these funds, I should like to ask the Senator his own opinion as to his own State, whether the banks of his State would not take up every dollar that would be collected in his State at 2½ per cent? I know they would in my own State, and that there would not be one cent to invest in anything from any source whatever. I wish to ask, merely for information, whether in the State of Iowa, if it was left at 2½ per cent, and not to the highest bidder or anything of that kind, all that would probably go into the post-offices in the State of Iowa would not be taken by the banks of that State at that rate of interest?

Mr. CUMMINS. Mr. President, I answer the question of the Senator from North Dakota with the greatest pleasure, because it accords wholly with the argument I am attempting to make. Under present conditions, under any conditions, one who endeavors to look into the future can foresee that the banks of our State would take not only every cent deposited in the post-offices in our State under this system at 2½ per cent, but if they had the opportunity to do it I believe they would take all the money deposited in North Dakota and South Dakota and in Nebraska under this system. They would have no difficulty whatsoever in absorbing those moneys and turning them into the ordinary channels of commerce and business.

Mr. McCUMBER. May I ask another question right along there?

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

Mr. CUMMINS. I do.

Mr. McCUMBER. Does not the Senator believe that the same conditions which prevail in his State prevail almost universally over the entire United States?

Mr. CUMMINS. I do so believe.

Mr. McCUMBER. That being the case, it does seem to me that we are worrying more than is necessary about the Government investing funds that the banks will not take. As I understand the bill, it is only in case the banks will not receive this money at 2½ per cent that there is any other provision made for loaning it. If that is not the provision of the bill, it certainly should be made the provision of the bill.

Mr. CUMMINS. I must ask the Senator to read carefully section 10 of the substitute. There is no requirement that the board of trustees shall even endeavor to secure from the banks an agreement to pay interest upon the deposits or any obligation to deposit any part of this money in any bank, State or national.

Mr. McCUMBER. Then, all I can say in response is that I do not think such a bill will ever get through the Senate or the House, or that it will ever become a law, unless it does provide that the funds collected by the post-offices in the State shall be used in that State and turned into the banks in that State, if the banks will receive them.

Mr. CUMMINS. Mr. President, that is the very point I have been attempting to emphasize; it is the very conclusion to which I have been trying to bring the Members of the Senate. That is the fundamental and essential difference between the amendments that I have offered to the original bill and the substitute now brought forward by the committee. In the one, the command was given to the Postmaster-General, or to whomsoever might have control of these moneys, to deposit them, if he could, in the banks in the vicinity at the rate of 2½ per cent per annum. In the substitute now brought forward the discretion is reposed entirely, without any limit, without any restriction, in the board of trustees to either deposit the money in the banks or deposit it in the Treasury of the United States, to be invested in the bonds and securities which I have been attempting to describe. There is all the difference that lies between the banks using these moneys to carry on the business which they have been accustomed to do and the Government of the United States entering the occupation of loaning money in competition with its citizens and its banks upon real estate security or such other security as the laws of the particular State may authorize.

Mr. SMOOT. Mr. President—

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

Mr. CUMMINS. I yield the floor entirely, Mr. President, as I have finished.

Mr. SMOOT. I desire to ask the Senator a question.

Mr. CUMMINS. Very well; I shall be glad to hear the Senator.

Mr. SMOOT. Under the provision of section 10, if the Secretary of the Treasury did deposit the money in a local bank it would be almost the same as money deposited on call, would it not?

Mr. CUMMINS. I think so.

Mr. SMOOT. If that is the case, would the banks of Iowa, if the money were on call, be willing to pay 2½ per cent on such call money?

Mr. CUMMINS. Mr. President, answering the question of the Senator from Utah, I would say that I believe the banks of Iowa would be so willing. I do not want him to understand me to affirm that upon an ordinary checking deposit, which may disappear any day and which disappears often in the course of business, our banks would be willing to pay 2½ per cent interest; but our banks are now paying 2 per cent interest upon all the State funds, and they are all checking funds. They are paying that interest because everybody knows that in the regular course of business there will be on hand at all times substantially steady amounts. Just so in the case of post-office savings, once we have established the policy; the history of all countries shows that such deposits increase and do not diminish. Therefore our banks, in treating with the Postmaster-General, would understand that the deposits were not likely to diminish, but would continue practically the same.

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

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

Mr. CUMMINS. I do.

Mr. McCUMBER. I wish to ask the Senator a question upon that point. Could that not be remedied or fixed entirely by a rule which would require that the banks should pay on the average daily balance during any month?

Mr. CUMMINS. That is precisely what my amendments provide.

Mr. SMOOT. Mr. President, I have no criticism to offer to the amendment as proposed by the Senator from Iowa, because I think the amendment as proposed by him would have that very effect.

Mr. CUMMINS. Certainly.

Mr. SMOOT. But the present section 10 of the bill, it seems to me, would have the effect of placing that money, as it were, upon call.

Mr. CUMMINS. Yes.

Mr. SMOOT. And if the Secretary of the Treasury desired to make an investment any day he could call the money from the bank for that purpose.

Mr. CUMMINS. Mr. President, answering the further suggestion of the Senator from Utah, I am very clear that, if the board of trustees were going forward to invest as rapidly as it could these moneys in mortgages and securities, the banks would not hold the funds subject to those drafts and pay any interest at all.

Mr. SMOOT. That was exactly the idea that I wanted to bring out in asking the question I did of the Senator from Iowa.

Mr. McCUMBER. Mr. President, while the Senator from Montana [Mr. CARTER] has made this bill better in some respects by his substitute, I think he has made it much worse in other regards. If I may briefly state to the Senator from Montana what I believe would be satisfactory to my State at least, and I believe to the Northwestern States generally, I would say that what we expect is simply that the money collected in any town or city shall be deposited in the banks in that city or town, and that it shall be deposited without reference to whether the bank is a state bank or a national bank, provided it is a solvent bank; and, secondly, that the same character of securities that are generally recognized by the State, where the state moneys go into those banks, shall be required of them as depositories of these national funds, and that they will not go out of the State except in such cases and under such emergencies as where there is so much money in the banks of the State which is idle that there will practically be no demand for such funds, and that the banks will therefore not pay the 2½ per cent interest.

Another objection that we have to the bill in its present form is the limit of 2½ per cent interest as the minimum, leaving it open to the Government to charge a greater per cent. I do not believe that we want to take this fund and hold it out to the highest bidder, to any bank that will give the most for it, because the only object of securing this fund is that we may make it yield enough to pay the 2 per cent interest and the cost to the Government in taking care of the fund for the people. There we ought to rest.

I am glad, Mr. President, the Senator has left out the preferential provision, because I think it is objectionable to nearly every person. But the Senator has taken out of the bill a pro-

vision which I believe was and is essential to it, although I disagree upon the matter with the Senator from Iowa, and that is as to the exemption of these funds from taxation. While the Senator from Montana seems to partially admit that these funds may be the subject of taxation, and that we would have no power to exempt them from taxation, I have heard no reason that would justify a conclusion to that effect.

Let me ask the Senator one or two questions. First, if this bill shall go through both Houses of Congress and be signed by the President, will it be a constitutional law? I think the Senator, without going any further, will answer that it will be a constitutional law. Very well, then, Mr. President, if that law is constitutional, it is the supreme law of the land. If it is the supreme law of the land, not only must state constitutions, but state legislative acts, yield to it.

What is the object of this bill? The object, I believe the Senator will answer, and the only object, is to encourage thrift and economy by finding a place for the deposit of the funds of the working and the poorer classes in this country where such funds will be secured to them and where they will produce a little income. All right. Now, assuming that the Senator has agreed with me upon that proposition, the next one that naturally follows is, if that is the object, can that object be destroyed by a state legislature or by the legislation or the constitution of any State in the Union? If we can tax this fund in any way, the Senator will agree with me that we can destroy it, because the power of taxation carries with it the power of destruction.

Let me make that matter clear. Nearly every constitution—and if not the constitution, nearly every law in every State—provides that the property in that State for the purposes of taxation shall be assessed according to its actual value. When you come to assess horses and cattle and lands, the assessor may draw upon his imagination, more or less, as to the value of any of that property, and, as a matter of fact, we know that generally such property is not assessed at more than from one-half to two-thirds of its actual value. No one suffers and no one objects so long as the same class of property is assessed in the same manner throughout the State; but suppose the matter comes up to the assessor in this way: Here is a deposit certificate that calls for \$100. The very moment that is deposited it is worth \$100. Can an assessor say that a check given upon a solvent bank, where the drawer of that check has funds to meet that check, for \$100 is worth less than \$100? Can the assessor in assessing it for taxation place a value upon it of less than \$100? If he can not, then he has got to assess it at its true value; and every dollar of this fund, if it could be assessed at all, could be assessed at its full value.

If we go into Montana, Idaho, Iowa, or any of those western States we find that most of the little cities and towns, not being satisfied to grow gradually and to secure all of the usual benefits of great cities in the way of electric lights, water supply, sewerage, and so forth, have bonded themselves very heavily for all of these luxuries. The result is that the taxes run from 2 to 8 per cent, and I know of many cities where they are 6 and 7 per cent upon the valuation of their property. Here is a fund drawing 2 per cent interest. If the State or the city can tax that fund at all, it can tax it for 6 per cent or 8 per cent interest, as the legislature of that State may desire, and it may absolutely destroy the very object of this proposed law.

I maintain that if the State has a valid right to destroy by taxation, by garnishment, by reason of any judgment, or other mesne process, such action would be destructive of the very object of this law, and if it can destroy the law, then the law is not constitutional, because either this law must be supreme or the tax law of the State must be supreme. They both can not be supreme where one can actually destroy the object of the other.

Therefore, Mr. President, I am free to say that I certainly shall insist that we shall have in this bill a provision such as was contained in the original bill, that the indebtedness owed by the Government to the individual should be absolutely free from taxation, so that the boy, or the girl, or the workman who has a hundred dollars and desires to deposit it in the post-office at the rate of 2 per cent a year, need not have a fear that it will be taxed at the rate of 6 or 7 or 8 per cent a year and thereby entirely destroy the investment feature.

Mr. NEWLANDS. Mr. President, I am entirely in sympathy with the purpose of this bill, which, as I understand is, first, to encourage thrift amongst the people, and, second, to keep in circulation the money which otherwise would go into safe-deposit vaults and stockings. I am particularly in sympathy with the second purpose, which involves the keeping of the money in circulation.

I have not yet made up my mind as to whether I shall vote for this bill. That depends a good deal upon the amendments which may be offered to it and accepted by the Senate.

The Senator from Utah [Mr. Smoot] made a very pertinent inquiry, and that was as to whether the deposits made by the National Government in the banks were not practically call loans. It seems to me that they are unmistakably call loans, and I doubt very much the wisdom of permitting the General Government to allow the proposed board of trustees to withdraw the loans at any time from the local banks for the purpose of investing them in securities of their own choosing. I think by reason of such action at any time we might be likely to have a stringency precipitated upon any community in this country, particularly in the South and in the West.

The very fact that this is a call loan shows the necessity of the state banks having a sufficient reserve, for the purpose of the reserve is to meet the checks of depositors. The United States Government, whenever the postal depositors should call for their money, would have to call upon the banks for the money, and the banks would have to respond. It is of the highest importance, therefore, that they should have a sufficient reserve. It seems to me that it is essential, in securing the solvency of state banks, that we should compel them to comply with all the requirements that we exact of the national banks regarding their reserves.

We know that in some of the States of the Union a system of banking has grown up, particularly under the trust-company system, under which practically no reserves have been kept. That was for a long time the case in the State of New York. Numerous trust companies there having enormous deposits and enormous investments held an actual cash reserve of not exceeding 1 or 2 per cent, and the advantage in profit making which, under the law, they had over the national banks was such that almost every national bank in a large city in the State of New York regarded it as essential to organize a trust company under the state law. The stockholders of the national bank would be stockholders of the trust company, or the stock of the trust company would be held by the national bank, in order to give the national bank the same facility that the state banks had for enjoying profit.

If you will look over the history of the condition of the national banks in New York during the last panic, you will find that their condition was endangered by reason of the condition of the state trust companies, the business of which was done at the back doors of the national banks and was incorporated with the business of the national banks in such a way as to endanger the solvency of the national banks themselves.

Here we propose to put the state banks upon a par with the national banks so far as their being depositories of postal savings funds, which are practically national funds though belonging to the postal depositors. It seems to me that it is only fair and proper that we should exact of such banks the same examination by the United States Government that is exacted of national banks and the same requirements as to reserves; and I trust that hereafter the same requirements will be exacted regarding capital, for it is only by demanding an adequate capital and adequate reserves that each individual bank can be made to respond promptly to its depositors.

I am in sympathy with the Senator from Iowa in his demands that the state banks should have the same privileges as the national banks in the deposits of postal savings funds, but good banking demands that if they are to have the same privileges they must be subject to the same obligations as the national banks in regard to the reserves which they shall keep on hand and as to the capital which they shall maintain.

Mr. CARTER. Mr. President, this discussion seems to hang the fate of postal savings depositories upon the manner in which the fund shall be disposed of when collected at the post-offices. There does not appear to be any opposition in the Chamber to receiving deposits in the amount and to the extent specified in the substitute. Judging by the course of the debate, all Senators are agreed, with one or two exceptions, that the depository system may be useful and is to be commended. But, notwithstanding the benefits to flow from the establishment of the proposed system, the discussion seems to disclose certain irreconcilable divisions on the manner of disposing of the fund.

It is obvious that the Government can not receive deposits at the post-offices and agree to pay 2 per cent per annum thereon without making some use of the money, so as to earn the amount of the interest to be paid plus the expenses of administration. The original bill proposed that the amount of money necessary to pay the interest to the depositors and the expenses of administration should be secured by depositing the funds at interest in banks organized under national law and doing business in the neighborhood where the deposits were received.

In order that the Government might be secured for the repayment of the deposits, it was provided that the postal savings fund deposited in banks should be a prior lien on all the resources of the banks.

Senators objected most strenuously to that safeguard thrown around these funds. It was suggested, and argued very vehemently, that thus making the Government a preferred creditor of a national bank to the extent of the postal fund deposited therein was an unjust discrimination against other depositors of the bank. Others said that the state banks would be discriminated against because the national banks only were named. In order to reconcile the various divergent views the Senator from Iowa [Mr. CUMMINS] presented an amendment, which is the pending amendment, and in so far as applicable to this phase of the subject, substituted for the class of security contemplated by the bill a system of security bonds, to be given by the banks in which funds might be deposited—that is, a bond signed by farmers and merchants and others in the neighborhood where the bank happened to be doing business.

With all due respect to this class of bonds, I think we may be wisely admonished by experience as to their utter insufficiency. I should regard the security proposed by the amendment of the Senator from Iowa as a substitution of mere straw bonds as security for government deposits. It is known to the Senator from Iowa and to everyone that when a bank is called upon to execute an attachment bond or an accommodation bond of any kind, character, or description, including that for the security of deposits, it is not the depositor in the bank who signs the bond, but it is some poor fellow who is in debt to the bank, and therefore can not say "No." When a bank fails the debtor fails, as accommodations can not be any longer extended, and the very thing against which we seek to guard—the loss of the government money—would come to pass through the failure of the bank, and the bond would likewise become valueless because of the bank's failure. It would be just as well to take no security at all for postal savings funds as to allow the bond of Tom, Dick, and Harry to be filed with the Treasurer of the United States or the Postmaster-General as security for a deposit made by the Government. In case the bank should fail, of course, the bond would fail with it.

Finally, that class of bonds, so-called "securities," would merely result in burdening the postal savings fund with an interminable number of lawsuits wherever a failure occurred to any bank in which such a deposit happened to repose at the time.

Mr. CUMMINS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.
Mr. CUMMINS. In view of what has just been stated by the Senator from Montana, will he be good enough to explain what kind of securities is intended in lines 10, 11, and 12, upon page 7, of the substitute, where it is said:

The board of trustees taking from such bank or banks such security for deposits so made as they shall deem necessary to insure the safety of the same.

Mr. CARTER. The substitute proposes to take security. The amendment of the Senator from Iowa proposes to take bonds. We know what that class of bonds amounts to as security.

Mr. CUMMINS. I have been a practicing lawyer, dealing with that kind of bonds for twenty-eight or thirty years, and I have learned to look upon them as exceedingly valuable. I hardly remember an instance in which such a bond has not enabled the person to whom it was given to protect himself from loss. I can hardly understand the Senator from Montana—

Mr. CARTER. I will ask the Senator if it is not a fact that in an average of 90 cases out of a hundred a bond of that kind must be sued upon in order to recover? No one voluntarily pays that kind of a bond. They pay it at the end of a lawsuit, when they must.

Mr. CUMMINS. Answering the Senator from Montana, it has been my observation that not one in ten has to be sued upon. Take, for instance, the great number of indemnifying bonds that are given every day by the surety companies of the United States. They indemnify corporations and persons against every contingency, and it is the rarest thing in the world that a suit is brought upon such a bond.

Mr. CARTER. Of course the indemnity companies, incorporated and doing business for a profit, may not be classed with those who, as a matter of accommodation, often, as would be the case in this instance, are so obligated to the banks that they could not refuse when requested, would sign a bond, and who would be loath to pay when the demand was made.

Mr. CUMMINS. The Senator from Montana will not fail to observe that under the amendment I propose the Postmaster-General could require a bond signed by one of these surety companies if the Postmaster-General thought such a bond was better security or better indemnity than one signed by individuals.

Mr. CARTER. I take it there is a vast difference between the meaning of "security" and "bond." They are far from being synonymous terms. The substitute under consideration requires that security be taken. The amendment of the Senator from Iowa provides that bonds be given, with sureties signing the same; and that would lead, I think, to interminable litigation wherever a loss occurred.

Mr. CUMMINS. The suggestion just made by the Senator from Montana may reveal a matter which is not apparent upon the first reading of the substitute. If I correctly understand what has just been stated by the Senator from Montana, this provision that I read a moment ago is intended to require a deposit of some property owned by the bank in order to secure these deposits; and if that be so, then you are accomplishing indirectly precisely what you tried to accomplish directly in the original bill.

I should like the Senate to understand whether it is contemplated that a bank in which money is deposited under the substitute may take from its assets any securities it may have and deposit them in order to protect the Government for the savings deposit.

Mr. CARTER. The board of trustees would be the sole judges as to the security necessary to insure perfect safety for these funds, and I desire to say to the Senator from Iowa that I will never consent to the passage of any bill which will scatter the accumulated savings of the people over the country in all kinds of business without security of some kind that is entirely adequate.

Mr. CUMMINS. The Senator from Montana recognizes that the Government is ample security for and to the depositor, does he not?

Mr. CARTER. That is true enough; the Government is responsible; but I think it is the duty of Congress in the transaction to protect the Government of the United States and the administration handling these funds.

Mr. CUMMINS. It is the view of the Senator from Montana that the depositors in these banks shall pay the losses that may occur?

Mr. CARTER. Undoubtedly; and it is my conviction that it is the duty of Congress to see that the fund is so conserved that it will, with its earnings, pay back the depositor without taxing the people of the United States to make up any deficiency; and when a bank desires to become the depository for any of these funds, it shall give such security as will convince an intelligent board that there is no reasonable probability of loss to be sustained by the transaction.

Mr. President, the Senator's amendment to section 10 of the bill has been by the new print disposed of. Only those portions are retained in the proposed substitute to which the Senator does not object. So I think we may lay on the table his amendment as to section 10 if the substitute is to be the basis for our action.

But before making any motion in that behalf, I desire briefly to refer to some observations made by the Senator from North Dakota [Mr. McCUMBER]. It is a well-known fact that the deposits in the banks of the country are rarely returned for taxation by the depositor. It is a notorious fact that the money of the country, wheresoever it may be when the assessor comes about, is returned only to a trifling extent for taxation anywhere. The bill as originally presented undertook to exempt these funds from taxation. The Senator from Iowa and other Senators questioned whether we could constitutionally do that. In my own humble judgment the exemption made by the bill would be ineffective for one part, and it might operate, if the view of the Senator prevails, to render the whole effort we are here making a nullity. The elimination of the exemption did not, in my judgment, necessarily result in leaving this money subject to taxation. Two questions will be presented: First, is the money due from the Government of the United States to the individual subject to taxation at all in any State? Second, how will the State tax the money?

A provision in the bill prohibits any agent, postmaster, or employee of the United States from giving any information to any person concerning the amount or condition of any deposit. The assessors could not acquire the information from the Post-Office Department, and according to all human experience they would get very little information from the depositor. So I

think, as a practical matter, there would be very little, if any, of this money ever taxed anywhere.

Mr. GALLINGER. Mr. President—

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

Mr. CARTER. Certainly.

Mr. GALLINGER. I think the Senator's concluding sentence perhaps answers my question. So the Senator in his somewhat adroitly drafted amendment believes that the billion of dollars that will be taken from the people and deposited will escape taxation absolutely? That is the Senator's conclusion, I assume.

Mr. CARTER. The billion dollars is yet to be received.

Mr. GALLINGER. I heard the Senator say to-day that in his opinion it would be received.

Mr. CARTER. That it would ultimately reach that sum.

Mr. GALLINGER. I think the Senator is entirely mistaken as to that; but whether it is a billion, or a half billion, or a quarter billion, or any other portion of a billion, what I want to find out is whether the Senator, in the draft that he is now asking us to support, believes that this money will avoid taxation in the State.

Mr. CARTER. I think the billion or the million, or whatever it may be, will pay just as much taxes as it now pays, for it does not pay any now.

Mr. GALLINGER. It will not pay as much taxes as is paid on deposits in the savings banks of New England, because they are taxed.

Mr. CARTER. A mere trifle; a certain limited portion of 1 per cent.

Mr. GALLINGER. Three-fourths of 1 per cent.

Mr. CARTER. Three-fourths of 1 per cent?

Mr. GALLINGER. Yes.

Mr. CARTER. We pay only 2 per cent, and the banks in the Senator's State pay an average of about 3½ per cent—3.70 per cent, I think it is, in the State of New Hampshire.

Mr. GALLINGER. That is about right.

Mr. CARTER. The tax is deducted before the interest is paid. It pays three-fourths of 1 per cent tax, and then 3.70 per cent besides. This money of the people, put in in small amounts, now in hiding, will pay no more tax in the hands of the Government than it pays in the hands of individuals; and in the hands of individuals, as I have suggested, it in the main pays no tax at all. So we are taking nothing at all from the treasury of any State, county, or municipality in the country in the way of taxes.

With reference to the objection of the Senator from Iowa to section 10 of the proposed substitute, I can only say it will be before the Senate for amendment and perfection. It is not pretended that the bill is perfect. I think it is an improvement in some respects upon the bill as previously presented. It was framed in the light of objections made from time to time by Senators on this floor and by others who urged their objections to the Postmaster-General and the members of the committee.

But how easily the objection of the Senator from Iowa may be disposed of! He says it is permissive only to deposit this money in the banks of the State, and inasmuch as it is only permissive, therefore the board would not deposit in the banks at all. The board would unquestionably attempt so to administer the law as to subserve the best interests of the whole country; and I take it for granted that any board charged with its administration would try to make of the investment feature a beneficial rather than a destructive agency in so far as the business of any section of the country is concerned. It is inconceivable that a board, given discretion to leave the deposits in the localities, doing business in the channels of trade, would willfully and deliberately, I may say maliciously, withdraw the money from the locality and congest it in the centers, for the purpose of doing an injury which could result in no good to any human being anywhere.

Mr. President, to my mind this discretion might be wisely left with the board having the administration of the fund in its charge, but if the Senator or other Senators, sufficient in number to make a majority of the body voting, desire to make it mandatory upon the trustees to leave the money in banks in the locality, then it is but necessary in line 7, page 10, to strike out the word "may" and insert the word "shall," and later on provide in line 12 that if the banks in the neighborhood will not pay the rate of interest, then the money may be otherwise invested or taken to some other locality.

But, Mr. President, what I do insist upon is that we have some disposition made of the Senator's amendment, so that we may progress with the consideration of the bill as here presented. I think upon mature deliberation and with slight amendment it will be found a better working measure than the one previously brought forth and subject to fewer objections.

Mr. CUMMINS. Mr. President—

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

Mr. CARTER. I do.

Mr. CUMMINS. After asking a question of the Senator from Montana I will indicate to him what I shall do with my amendment. Assuming it may be true that the board of trustees could invest the savings fund accumulation in mortgages, so that the net interest would be 4 per cent, do you believe it would be the duty of the board so to invest it or put it in a bank at 2½ per cent?

Mr. CARTER. My understanding is that only a certain percentage of such a fund as this could be or should be invested in any safe convertible securities, and at least 50 per cent of the fund would be kept in the banks drawing interest, for the purpose of greater safety.

Mr. CUMMINS. I merely desire to suggest to the Senator that according to the experience of our part of the country there is no other security so quickly and easily convertible into money as a real-estate mortgage. I know the history of a good many of our banks, organized under the State law, and it is their universal experience that in a time of trouble they can get money upon their real-estate mortgages more easily than upon any other securities they have. Therefore I assume that under the bill, if the board of trustees could invest these moneys at 4 per cent or more upon real-estate securities, the board would consider it its duty to do so.

Now, I ask the Senator whether he believes it would be wise for the Government to enter into the business of investing five hundred millions or a thousand millions or fifteen hundred million dollars in real-estate security?

Mr. CARTER. The question is purely academic. It is not within the range of any contemplation or any possibility. I do say to the Senator that so far as the rational administration of the trust might go the board should get as good rates of interest as could be secured without disturbing the current business of the country. I hope to see the time when the rate of interest allowed to depositors in postal savings banks may be increased somewhat over the 2 per cent. The rate we propose to pay is the lowest rate paid by any postal savings bank in the world. I think England comes next with 2½ per cent.

Mr. CUMMINS. One more suggestion, and then I will state what I desire with regard to my amendment.

The Senator from Montana, remembering the experience of a year and a half ago, will, I am sure, understand that this money, in so far as it is deposited in the national banks, notwithstanding the law requiring the retention of a reserve, will rapidly and almost entirely find its way eventually to the great banks in Chicago and New York. He so understands the natural flow and course of our financial affairs, does he not?

Mr. CARTER. I think the country bankers were pretty thoroughly cured in that behalf in 1907. I knew many of them who had ample resources in the banks of New York who were poverty stricken at home and unable to get currency. The tendency toward a central deposit place, I think, is rapidly diminishing.

Mr. WARREN. Mr. President—

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

Mr. CUMMINS. I do.

Mr. WARREN. I did not observe that the Senator from Iowa had the floor. I rose to ask the Senator in charge of the bill whether it would be agreeable to him for me at this time, or very soon, to call up the agricultural appropriation bill?

The VICE-PRESIDENT. The Senator from Iowa at present has the floor.

Mr. CLAPP. Will the Senator from Iowa yield to me to make a suggestion?

Mr. CUMMINS. Certainly.

Mr. CLAPP. Before the matter is disposed of I desire to suggest to the Senator from Montana that one thing we have labored under as a difficulty in the West is the law which prohibits the loaning by national banks upon farm mortgages. As the Senator from Iowa has well said, in every financial stress in that country the best security, in the last analysis, is the good, safely secured farm mortgage; and if the bill is to go back to the committee for revision, as I understand it is, I suggest to the Senator from Montana the advisability of considering the insertion of a provision in the bill—it would certainly be germane—allowing national banks to make loans on farm lands.

Mr. CARTER. If the Senator from Iowa will permit me, upon a reading of the substitute the Senator from Minnesota will perceive that the securities which the board is permitted

to take in each State are of the class which the savings banks of the State are permitted to take under state law; and in the main, I think, savings banks take real-estate security.

Mr. CLAPP. I do not believe, and I do not think the Senator believes, that that would repeal the present prohibition against national banks loaning upon real estate. A great deal is said about this board. What I want to suggest is that some provision be put in the bill instead of leaving everything to the board.

Mr. CUMMINS. Having stated the objections I have to the substitute offered by the committee—objections which I think are removed by the amendments I offered to the original bill—but being desirous of getting forward with this measure and, if possible, passing a postal savings bank bill, I withdraw my amendments to the original bill, with the understanding that when the substitute is before the Senate I intend to offer such amendments to section 10 of the substitute as will make it practically the amendment I offered to the original bill.

Mr. CARTER. That leaves the substitute the pending amendment?

The VICE-PRESIDENT. The Senator from Iowa withdraws his amendments.

Mr. CUMMINS. I assume that under the parliamentary procedure here I shall have an opportunity to do as I suggested.

The VICE-PRESIDENT. The Senator will be in order in offering his amendments to the proposed substitute as he suggests.

Mr. CARTER. The parliamentary situation presented is that the substitute is now the pending amendment to the bill.

The VICE-PRESIDENT. It is the pending amendment.

Mr. WARREN. Mr. President—

Mr. CARTER. I yield to the Senator from Wyoming for the purpose stated by him.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I desire to call up the agricultural appropriation bill, and I wish to say, to be entirely frank, that my purpose is to have it taken up and to dispose of its reading. When that shall have been done, and before proceeding to any of the committee amendments, I will ask that the bill lie over until to-morrow morning.

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

The SECRETARY. A bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

Mr. LA FOLLETTE. Owing to the confusion, I was unable to hear distinctly the announcement of the Senator from Wyoming.

Mr. WARREN. My statement was that it is my desire to have the bill taken up now, and that, if the formal reading is demanded, it may be read. But I shall ask that the formal reading be dispensed with; and if that is done, after reading the opening paragraph of the bill, it is my desire that the bill shall lie over until to-morrow morning.

Mr. LA FOLLETTE. That was the understanding I had with the Senator from Wyoming.

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

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 Agriculture and Forestry with amendments.

Mr. WARREN. I ask that the first formal reading of the bill be dispensed with, and that the bill be read for amendments, the committee amendments to be first considered.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, and continued to the end of line 7, on page 1.

Mr. WARREN. I ask that the bill may be laid aside; and I give notice that I shall ask that it be taken up immediately upon the conclusion of the morning business to-morrow, subject, of course, to the unanimous-consent agreement heretofore made for to-morrow.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 23, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, February 22, 1909.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we bless Thy holy name for the great souls whom Thou hast from time to time in the dispensation of Thy providence ushered into life, whose thoughts and deeds have enriched the world and made it a better dwelling place for mankind. Such a soul was our beloved and ever-to-be honored Washington, the "Father of his Country," whose character shines on like the stars in the firmament, growing brighter and brighter as the years come and go; whose deeds grow in magnitude with every coming generation, enlarging their mental vision, opening the way to new possibilities, to greater liberty, and the higher civilization. We thank Thee for his life and deeds, and pray for strength that we may follow his illustrious example and fulfill to a larger degree our mission, and thus glorify Thy name, in the spirit of the Lord Jesus Christ. Amen.

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

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 26915) making appropriations for the army for the fiscal year ending June 30, 1910, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent to take from the Speaker's table the army appropriation bill with Senate amendments, disagree to all of the amendments, and ask for a conference. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to ask the Chair when will be the proper time to enter a point of order against Senate amendments to that bill?

The SPEAKER. The Chair can hardly conceive of an amendment which the Senate may have placed on the bill that would be subject to a point of order at this time. The Chair would not pass on that. But this is a request for unanimous consent to disagree to all the amendments, and if that consent is given, of course there would be no way to deal with the Senate amendments at this time.

Mr. MACON. If the Chair will refer to Rule XX—I believe it is—he will observe that there is a time when a point of order can be lodged against amendments put upon a House bill by the Senate where the amendments, if offered in the House, would be subject to a point of order.

The SPEAKER. The Chair is aware of the rule, but the amendments can not be disposed of on a point of order at this time, if the Chair recollects the practice and the rule.

Mr. MACON. I do not understand all of the practices of the House. I can only read the letter of the rule, and I know the rule makes that provision. Now, what the practice of the House is, and whether this practice has entirely run away with the rule or not, I do not know.

The SPEAKER. Not at all. But this is a request for the unanimous consent to disagree to the Senate amendments and to ask for a conference. That would dispose of one stage of the bill, namely, the present stage. If unanimous consent be given, the Chair would appoint the conferees.

Mr. MACON. I understand, Mr. Speaker, but this is the point that I am trying to get at: Whether or not this point could be lodged after that was done? I have no desire to enter a captious objection to anything that the gentleman from Iowa or any other gentleman of this House has to suggest.

The SPEAKER. So that the gentleman may understand, the Chair would state that this bill would go to the Committee on Military Affairs if the point is made, and when reported by them would go to the Committee of the Whole House on the state of the Union, provided that there are Senate amendments that make a charge on the Treasury.

Mr. HULL of Iowa. I want to say to my friend from Arkansas [Mr. Macon] that while I think no point of order could possibly be raised at this time in the House against any action of the Senate, the House might possibly do so when it comes before the House, so far as to send the bill to the Committee of the Whole. There is a large amount of general legislation on this bill. It is going to take some time to adjust matters, even in the legitimate appropriations. There is a large amount of appropriation in this bill bringing in matters that are entirely foreign to what should be on an appropriation bill. And if it shall go to the conference, I am perfectly willing to say to the House that no action will be taken by the conferees to foreclose

the fullest action on the part of the House on all that is new legislation. Now, I would do that if no question had been raised; but at the same time it is exceedingly important, this late in the session, to get these great supply bills in conference as soon as possible. If the Senate conferees recede from this new legislation, that would end it, and then on the legitimate items of increase we can probably come to an agreement that will satisfy every Member of the House who is opposed to legislation on appropriation bills. But I will say to the gentleman that if the Senate conferees will not agree to this, I promise, as one member of the conferees that will be appointed, and I think I voice the sentiment of the other two, that that committee will bring the matter under disagreement so far as legislation is concerned for the House itself to say whether they will agree to it or not. But I do not believe any point of order can be raised.

Mr. MACON. I will read the rule, for the purpose of getting it before the House as it is written.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall be first considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Mr. HULL of Iowa. That is right. I will say to the gentleman he could compel the bill to go to the Committee on Military Affairs. He could then compel the House to go into Committee of the Whole House on the state of the Union on this matter; and when it was reached in committee I would move the same thing that I do now, and you are then just absolutely at the point that you are on my motion now. If I moved to concur, that would be a different proposition. But I say to the gentleman now that on any new legislation the House shall have ample opportunity to pass upon it.

Mr. MANN. Without being bound up in conference?

Mr. HULL of Iowa. Without being bound up in conference.

Mr. MACON. That is entirely satisfactory to me.

The SPEAKER. The Chair hears no objection and announces the following conferees: Mr. HULL of Iowa, Mr. PARKER, and Mr. HAY.

ORDER OF BUSINESS.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

Mr. MACON. Before that is done I desire to ask the Chair—

The SPEAKER. The gentleman from New York desires to submit a proposition to send a bill to conference.

ADDITIONAL JUDGES, HAWAII.

Mr. ALEXANDER of New York. Mr. Speaker, on House bill 21896 I desire to move that the House disagree to the Senate amendments and that a conference committee be appointed.

The SPEAKER. The gentleman from New York asks unanimous consent to take the following bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, what are the amendments of the Senate?

Mr. ALEXANDER of New York. This is an omnibus bill, reported from the Committee on the Judiciary last session and passed May 28. There are several amendments to two or three distinct bills and one increase in the salary of a Hawaiian judge.

Mr. MANN. I have no objection.

The SPEAKER. The Chair hears no objection, and announces the following conferees: Mr. JENKINS, Mr. ALEXANDER of New York, and Mr. CLAYTON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 26916. An act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910."

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7752. An act for the relief of the Boston and Maine Railroad.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7752. An act for the relief of the Boston and Maine Railroad—to the Committee on Claims.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 26916, the Indian appropriation bill, nonconcur in the Senate amendments, and ask for a conference thereon with the Senate, and appoint House conferees.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Indian appropriation bill with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Reserving the right to object, the Senate has added a great many amendments to this bill, legislative in their character. Is the gentleman from New York willing to give the same assurance in regard to this bill as was given by the gentleman from Iowa in regard to the army bill?

Mr. SHERMAN. I did not follow what assurance the gentleman from Iowa gave, but I will say to the gentleman that, hurriedly looking over the amendments that the Senate has added to the Indian appropriation bill, I think I can give assurance that the House conferees will most strenuously object to the adoption of most of those amendments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas.

WASHINGTON'S FAREWELL ADDRESS.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the Hon. HENRY SHERMAN BOUTELL, of Illinois, read George Washington's Farewell Address.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BOUTELL. I would amend that, Mr. Speaker, by making it the honorable gentleman from Missouri.

Mr. CLARK of Missouri. I want you to read it; you are the best reader in the House. [Applause.]

Mr. SHERMAN. Mr. Speaker, may I suggest that the gentleman from Illinois be requested to read from the Clerk's desk.

The SPEAKER. Without objection, the gentleman will read from the Clerk's desk.

Mr. BOUTELL read Washington's Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom the choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded whatever partiality may be retained

for my services, that in the present circumstances of our country, you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given any peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead—amid appearances sometimes dubious—vicissitudes of fortune often discouraging—in situations in which not infrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing wishes that Heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free Constitution which is the work of your hands may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of our hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes, and from different quarters, much pains will be taken, many artifices employed to weaken in your minds the conviction of this truth—as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in like intercourse with the West in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of the indispensable outlets for its own productions to the weight, influence, and future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interests as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endeavor to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to a mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole with the auxiliary of governments for the respective subdivisions will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations. They tend to render alien to each other those

who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself provisions for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities are destructive of this fundamental principle, and of fatal tendency. They serve to organize factions; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterward the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government, and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to main-

tain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them upon geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of the public liberty.

Without looking forward to an extremity of this kind, which nevertheless ought not to be entirely out of sight, the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one party against another; foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passion. Thus the policy and will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From the natural tendency, it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the other, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connection with private and public felicity. Let it be simply asked, where is the security for property, for reputation, for life, if the sense

of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expenses, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages that might be lost by a steady adherence to it? Can it be that Providence has connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices.

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in the place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions and obstinate, even envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times, it makes the animosity of the nation subservient to the projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and the wars of the latter without adequate inducements or justification. It leads, also, to concessions to the favorite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been

retained, and by exciting jealousy, ill will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupt, or deluded citizens who devote themselves to the favorite nation facility to betray or sacrifice the interest of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation to a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak nation toward a great and powerful one dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the stream of commerce, but forcing nothing; establishing with powers so disposed (in order to give to trade a stable course, to define the rights of our merchants, to enable the Government to support them) conventional rules of intercourse, the best that present circumstances and natural opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place

itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not having given more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and the other evidences of my conduct must witness to you and the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in interest and duty to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and constancy which it is necessary to give it, humanly speaking, the command of its own fortune.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectations that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, 19th September, 1796.

[Prolonged applause.]

Mr. SULZER. Mr. Speaker, I now ask unanimous consent to have the Clerk read a short and splendid editorial from the New York American of last Sunday, appropriate to the occasion, on George Washington, entitled "Washington's inspiration." It will only take a few minutes.

Mr. KEIFER. I do not like to object to these things, but there are so many of them—

Mr. SULZER. This will only take a few minutes.

Mr. TAWNEY. I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. SULZER. I ask unanimous consent to print the editorial in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to print the editorial in the RECORD.

Mr. GAINES of West Virginia. What is it proposed to put in the RECORD?

Mr. SULZER. An editorial from yesterday's New York American, entitled "Washington's inspiration."

Mr. MANN. That is all right, but who wrote it?

Mr. SULZER. One of the editorial writers, I presume, on the New York American.

Mr. MANN. I object.

OMNIBUS CLAIMS BILL.

Mr. MACON. Mr. Speaker, I ask unanimous consent that I may at this time have read, for information, the order which I send to the Clerk's desk, with a view of asking unanimous consent for its present consideration.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for present consideration of the omnibus claims bill.

Mr. MACON. It is in order to send the omnibus war claims bill to conference.

Mr. PAYNE. I object.

Mr. MACON. I would like to have it read for information. If the gentleman will withhold his objection, he may save time by doing so.

Mr. PAYNE. Does the gentleman ask unanimous consent for the present consideration of the omnibus claims bill?

Mr. MACON. Mr. Speaker, I ask for the reading of the order for the information of the House.

The SPEAKER. The Clerk will report the request.

The Clerk read as follows:

Ordered, That H. R. 15372, commonly known as the "omnibus war claims bill," be taken from the Speaker's table and the Senate amendments thereto disagreed to; that the same be referred to a conference committee, with instructions to insist upon the House disagreement to all the Senate amendments thereto, except such as provide for the payment for property actually taken, destroyed, or used by the Federal Army during the war between the States where claims therefor have been duly referred to the Court of Claims and proper findings had thereon as to the loyalty of the owner and the character and value of the property.

Mr. MANN. Reserving the right to object, I beg to say to the gentleman that that bill is not on the Speaker's desk at all. It would be impossible to take it from the Speaker's desk. For the present, therefore, I object.

ORDER OF BUSINESS.

Mr. TAWNEY. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 28245).

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York rises to a parliamentary inquiry.

Mr. SULZER. Mr. Speaker, I desire to know if my request for unanimous consent to print that editorial in the RECORD was objected to?

The SPEAKER. The regular order was demanded.

Mr. SULZER. By whom, Mr. Speaker?

The SPEAKER. By the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. No; I did not understand that the request of the gentleman from New York [Mr. SULZER] was objected to, to print the editorial in the RECORD.

Mr. MANN. I shall not object, if the gentleman himself wishes to print it as a part of his remarks.

Mr. SULZER. I do.

Mr. MANN. But to print it otherwise—

The SPEAKER. Is there objection to the gentleman from New York printing as a part of his remarks the editorial indicated?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I wish to say in explanation that this reading of Washington's Farewell Address is a time-honored observance, and I think it is better to keep up the precedent as it has existed, and to read simply George Washington's Farewell Address, and not to couple it with the utterances of editors or of others. I shall therefore object. [Applause.]

The SPEAKER. Objection is heard.

Mr. GARDNER of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. The "gentleman from Massachusetts" got up to offer a privileged resolution, and the Chair recognized the gentleman. Then the gentleman from Minnesota

arose and without waiting for recognition proceeded to make a motion to go into Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair understood that the gentleman from Massachusetts intended to present, not a question of privilege, but a privileged question. The Chair does not recollect whether the gentleman was recognized, but the gentleman from Minnesota rose also to make a privileged motion, and the Chair will have to find out which is of the higher privilege.

Mr. TAWNEY. Mr. Speaker, the motion I made to go into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill was made an hour ago, before the reading of the Farewell Address.

The SPEAKER. And still the Chair will have to ascertain which is of the higher privilege.

Mr. GARDNER of Massachusetts. Assuming that it is of equal privilege, I beg to bring to the attention of the Chair the fact that I was recognized.

The SPEAKER. The Chair will determine whether it is of equal or higher privilege. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 556.

Resolved, That the Secretary of Commerce and Labor be requested to inform the House of Representatives as to the following matters:

(a) What number of aliens were admitted into the United States during the fiscal year ending June 30, 1908, under the allowed claim of theretofore acquired permanent domicile in the United States.

(b) What number of aliens so admitted would, but for such domicile, have been inadmissible.

(c) What number of aliens during this period were admitted on parole or temporarily.

The SPEAKER. The gentleman from Massachusetts intends to follow this with a motion to discharge the committee?

Mr. GARDNER of Massachusetts. Discharge the committee and ask for immediate consideration.

The SPEAKER. The Chair is of the opinion that the motion of the gentleman from Minnesota is of higher privilege.

Mr. GARDNER of Massachusetts. I ask the gentleman from Minnesota to withhold his motion.

Mr. TAWNEY. In order that we may save time, Mr. Speaker, and get into Committee of the Whole for the consideration of the sundry civil bill as soon as possible, I will withhold the motion.

The SPEAKER. The gentleman from Massachusetts moves to discharge the Committee on Immigration and Naturalization from the consideration of the resolution which has been read, and agree to the same.

Mr. GAINES of West Virginia. I ask unanimous consent to agree to the resolution. Nobody seems to object to it.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 28245).

The question was taken; and on a division (demanded by Mr. MACON), there were 151 ayes and 10 noes.

Mr. MACON. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count.

Mr. MACON. But we have just had a count.

The SPEAKER. Perhaps some gentlemen did not vote.

Mr. MACON. I can not conceive of a count that would make it more certain than the count we have just had.

The SPEAKER. Some gentlemen did not rise. The Chair will count.

Mr. WATSON. Mr. Speaker, I think this whole question can be smoothed out without difficulty. The gentleman from Arkansas wants the privilege of speaking ten minutes on the resolution.

The SPEAKER. One hundred and ninety-seven Members present; a quorum. The ayes have it, and the motion is agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill, with Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. General debate has been fixed at two hours, one hour to be controlled by the gentleman from Minnesota [Mr. TAWNEY] and one hour by the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I now yield one hour to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, I have not been a Member of this body long, as terms of service are reckoned here, but I have been a Member long enough to learn that to every Representative in Congress early in his career two methods of progress present themselves—one a particularly easy and pleasant method, the other harder and more difficult. If you select the first and the more easy career, it is only necessary for you to remember that you must not attack wrong in high places if you see it; you must not antagonize great corporations or men of great wealth, unless you do it in general terms. You must absolutely fail to see evidence of individual guilt in public matters, or if you do see it, you must keep still about it. If you pursue this course your stay in Washington will be pleasant and agreeable; White House dinners follow and an entrée into the constantly increasing winter colony of millionaires in this capital city. If you are a lawyer of some experience, this course opens up for you possibilities of lucrative employment and large retainers in New York City at the close of your congressional career, and sometimes even sooner than that.

If, however, you come here with a more serious motive and select the other course, you may expect to encounter difficulties. In the first place, you must not expect to be invited to participate in the social functions of the very rich, even if you would like to be invited. If, in the discharge of your duties under the oath you have taken, you discover and denounce gross improprieties affecting the administration and men in high position, you may expect to be vilified, abused, and misrepresented in the editorial columns of the newspapers friendly to the administration, and you must expect to be abused and misrepresented on this floor by the representatives of the interests you attack.

On the 26th day of January I discussed at some length on this floor certain matters pertaining to the Republic of Panama, and the connection of the present administration and its advisers with the same. I followed it up with one or two shorter speeches on the same subject later on, and I have succeeded in bringing upon myself vilification, misrepresentation, and abuse, almost without a parallel in the history of this body.

I know now that if you are a Member of Congress you are at liberty to shoot as much as you would like to shoot, provided you do not hit the mark. I succeeded in hitting the mark, and from more than one direction there has gone up a shout of disapproval. Immediately after my speech of January 26 there went up from the present administration signals of distress—violent C. Q. D. signals of distress—and every administration paper seems to have steamed out to the rescue. The approved method of rescue seems to be to launch at me in the editorial columns of these papers the grossest misrepresentation and the vilest abuse. I have been described as violating my privileges as a Member of this body. It is said I got the information and the evidence upon which I based my argument from ex-convicts and blackmailers, and that charge was also solemnly made from this floor by a representative of the interests I assailed. My picture is being printed in many papers with the information that this is the picture of a Member of Congress who is charged with getting his information from ex-convicts and blackmailers. The President of the United States finds it proper to give to the press a letter addressed to the representative of an alleged Republic, in which he refers to me by name and makes a personal attack upon me. The President-elect, hurrying to this capital, heard also the signals of distress, and if he is reported correctly in the newspapers, responded in the same way. If he is correctly reported, and if he referred to me in the speeches he made on his way here, he has grossly misrepresented what I said.

It is the grossest misrepresentation, from whatever source it may come, to say that at any time, in any address, or in any way, I have ever placed myself in opposition to the Panama Canal. In my speech on this floor I simply called attention to certain evidences of graft in connection with our operations there. I have been most loyal at all times to the officials in charge of the work there. True loyalty to this great enterprise means that you must expose and denounce all kinds of graft in connection with it in order to avoid the pitfalls into which the French companies fell, and I propose to do this whether it meets with the approval of the next President of the United States or not.

It has never happened before in the history of the country that a President of the United States has personally assailed and has attempted to belittle a Member of Congress in an alleged diplomatic communication.

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

Mr. RAINEY. Yes.

Mr. DOUGLAS. Is it not also true that it is the first time in the history of the country that such a thing became necessary?

Mr. RAINEY. Such a thing can never be necessary under the Constitution of the United States; and I recommend the reading of that Constitution to the gentleman, and to all of you gentlemen, including the gentleman who has just interrupted me with this insulting question, who upon this floor have resorted in your replies to me to personal abuse, who took advantage of my absence from this city to say upon this floor that which took less courage to say when I was gone than when I was here. [Applause on the Democratic side.] I want to say to every one of them, and to you—

Mr. MANN. Is the gentleman making the same remark when these other gentlemen are absent, now, with less courage than if they were present?

Mr. RAINEY. Certainly not. I am talking of when I was away. I want to say you are perfectly safe, all of you. I am not going to retort in kind. I decline to descend to that level of debate in this House. [Applause on the Democratic side.]

If it has happened before, I assert without fear of successful contradiction that it has never before happened that by order of the President the communication was given out to the press for publication in this country. This communication was not intended for Panama. It was intended merely for publication here. It has never happened before that a President-elect, three weeks before his inauguration, has in a public speech assailed any Member of Congress and misrepresented the remarks made by him on this floor.

I did not attack the canal. I am as good a friend of the project as he has ever been. I simply attacked the graft connected with this enterprise there and just now developing; and in this attack I ought to have, as a matter of right, the support and cooperation of the President of the United States and of the President-elect.

I talked for nearly two hours on this floor in discussing these questions without once violating the rules of this House; but the responses made to my speech by the representatives on this floor of William Nelson Cromwell in almost every sentence violated the rules of debate.

I represent here that district in Illinois where the great Lincoln spent his youth and young manhood and the mature years of his life, and on that account I felt it was my duty to leave my work here and go to another city to deliver an address on the occasion of the celebration of the one hundredth anniversary of his birth. I had every reason to believe that Congress would adjourn on that day after the morning hour out of respect to his memory. Congress did not adjourn, however, and upon examining the Record for that day I find the time was spent eulogizing Lincoln and William Nelson Cromwell and attacking me. The fact that I was going away was well known. The fact that I was going to speak in another city was announced in the Washington papers. The representatives of William Nelson Cromwell, however, selected that occasion to make their attacks on me on the floor of this House. To anyone who reads what they said the reason for the selection of this particular time is apparent—it required much less courage to say what they said about me in my absence than in my presence. They did not abuse and misrepresent me on this floor in the heat of extemporaneous debate. They read, each of them, from manuscript, every word carefully written out. One of them read his speech from manuscript prepared, as he admitted himself, by William Nelson Cromwell.

I want again to say to you who so grossly misrepresented the facts and who so grossly violated the proprieties in your attacks on me that you need not be afraid. I am not going to retort in kind. I decline to descend to that level. I want to say to all those who are spending so much time abusing me that I have not yet even commenced this fight. I have only trained my guns on some of the least objectionable features in connection with Panama matters. But I have caught the enemy unprepared. I have never yet discussed or even remotely referred to my resolution to investigate the Panama Canal purchase and the distribution of the \$40,000,000 that of record appears to have been paid to the stockholders of the new French company and to the creditors of the old company. The gentlemen abusing me will evidently exhaust their vocabularies before I reach that matter. But I want now to make myself clearly understood. I want now to say to the President of the United States, who seems at the present time to be reading my speeches; I want to say to the President-elect, and to all these newspapers so anxious to obtain favor with the next administration by abusing me and misrepresenting what I say in their editorial columns; and I want to say to you who have vilified and misrepresented me on this floor that I propose to continue this fight, and you can not stop me by calling me names and by directing at me a system of personal abuse and misrepresentation. I did not come here to represent the interests, and I am

not doing it. I am not seeking any sort of recognition at the hands of the winter colony of millionaires in Washington.

I am not asking or expecting employment at the hands of law-defying corporations in New York City when my term of service here has ended. While I am here I expect to discharge my full duty, under my oath, to my district and to my State. The fact that at the very commencement of this fight I have encountered so much and such violent vituperation and abuse convinces me that I am proceeding in the right direction, and makes me more determined than ever to continue the fight to the end. I spoke the truth on this floor on the 26th day of January. They know I did, and you know I did, and now that these replies are all in, I want briefly to examine what I said in the speech I made on that occasion and the evidence I produced in support thereof, in order that the country may know how much of it has been admitted or denied, and how much of it I obtained from ex-convicts and blackmailers.

These abusive speeches had evidently been prepared in advance, expecting me to discuss the resolution I introduced in Congress on the first day of this session.

I have before me here the resolution I introduced on the first day of this session. I expect to print it at this part of my speech. In the limited time I have, it will be impossible for me to read in full documents that I expect to refer to and to read in part, and I ask unanimous consent at this point to insert this resolution and other papers and documents to which I shall refer, either in my speech or in the appendix thereto, and to extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. RAINEY. Mr. Chairman, this is the resolution:

Resolved, That a committee of five Members of the House be appointed by the Speaker to investigate the purchase by the United States of the Panama Canal property, with the view of ascertaining how much of the \$40,000,000 which appears of record to have been paid to the French company was really paid to said company, or for the stock or holdings of said company, or to the French Government for said company; and with a view also of ascertaining how much of said sum, if any, was directly or indirectly paid to American citizens or to an American syndicate; and with a view of ascertaining whether any Member of either branch of the Congress of the United States in an official capacity profited directly or indirectly by said transaction: *Provided*, That the said committee shall have power to send for persons and papers and to examine witnesses, and also to employ a stenographer and one clerk. Said committee shall report the result of its investigation to the House, with such recommendations as it may deem proper: *Provided further*, That the expenses incurred hereunder shall be paid out of the contingent fund of the House on vouchers approved by the chairman.

I did not discuss this resolution. I did not mention it. I did not refer to it even remotely; and yet the gentlemen attempting to answer me on this floor assume in their speeches that I talked about nothing else, and their arguments—that portion of them not devoted to abuse and misrepresentation of me—simply deal with the canal purchase and the distribution of the \$40,000,000. The press agencies of Mr. Cromwell, in the matter they sent out, represent me as talking to my resolution.

I have only commenced the investigation of the subject embraced in this resolution. I have so far refused to discuss it or to mention it in private conversation or on this floor, but I can assure Mr. Cromwell that the time will come when I will discuss it on this floor, and when I do he and his representatives will have something to answer. I am not going to be led now into the discussion of this resolution and the subjects embraced therein.

In my speech of the 26th day of January, and in subsequent speeches, I called attention to the graft which always surrounds great enterprises of this character, and which brought destruction to the French companies, and then I called attention to the fact that we had also commenced to drift in the direction of the rocks upon which the French companies were destroyed, and that already the Canal Zone was being made the dumping ground for property which the owners wanted to sell and for which no other purchaser could be found than the United States. In support of that assertion I discussed the purchase of the *Tremont* and the *Shawmut*, and no man has yet denied my statements upon this floor with reference to the purchase of these vessels. In brief, these are the facts I charged, and I did not get my information from ex-convicts and blackmailers. The official records of this Government present all the information I gave to the House in this connection.

The *Shawmut* and the *Tremont* were for sale. They were absolutely without value to their owners, a Massachusetts steamship company. They were tied up at the wharf in Seattle, out of commission. The Isthmian Canal Commission in their estimates never asked for the purchase of these vessels, nor of any vessels. This expenditure of money was not contained in

the estimates. After the bill in question reached the Senate, an amendment was put on, mandatory in its character, which compelled the Secretary of War to buy these two ships, which permitted him no election, and under that amendment these were the only ships in all the world he could have purchased. It was purely an administration amendment. I undertake to say that no man in this body knew that under it no other ships could be bought. No man in this body dare now make that admission and expect his constituents to return him to the next Congress. Under this amendment over a million dollars was expended for these two particular ships. These are the facts. They can not be denied. I challenge denial on this floor. No man has attempted to deny this. In reply, I am simply charged with obtaining the information upon which I based my speech of the 26th day of January from ex-convicts and blackmailers. A Representative from Massachusetts, upon this floor, gave a certificate of good moral character to a Senator of the United States, insisted that the Boston steamship company had been unfortunate in business, and contended that we may need these vessels for the purpose of carrying cement to the Canal Zone at some time in the future. No other answer has been made or attempted, and I therefore charge this graft upon the administration. With a deficit in the Treasury of \$84,000,000, constantly increasing, with the prospect of an expenditure within the next few years of three or four hundred million dollars for canal purposes, out of consideration for a Boston corporation, unfortunate, it is said, in business, we took from the Treasury of the United States, a little over a month ago, over a million dollars and permitted it to be distributed among the stockholders of that corporation. There is no more glaring instance of graft than this in all our history as a Nation.

In my speech I proceeded to show that the statements the President of the United States has made with reference to the Panama Canal have been at times peculiarly inaccurate, and I called attention to his special illustrated Panama Canal message of December 15, 1906, sent to Congress after his return from his visit to the Isthmus. I called attention to the fact that he in that message made the definite statement that the Culebra cut was as wide on the top notch at that time as it would ever be necessary to make it. He also stated that the canal bed in the Culebra cut had at that time been sunk 200 feet below what it originally was, and he also stated that it would be necessary to sink it at that point about 130 feet farther. I referred to these three important misstatements of fact by which the country has been misled. Since I made my speech it is announced that last fall the President himself gave the order to widen the Culebra cut two or three hundred feet, and that order is now being executed. There are Members of this House misled by the statement of the President, who believe that the Culebra cut has been lowered 200 feet from where the French company left it. As a matter of fact, at the time of the President's visit the bed of the cut had not been lowered an inch from where the French left it. In constructing the Culebra cut the French company left narrow embankments of earth extending from one side of it to the other, and upon these embankments their little trains of dump cars were drawn back and forth. These cross embankments were tunneled at the bottom in order to permit the water to run through.

When we commenced our work on the canal, we simply cut out these cross embankments, a work of small importance, and established a system of permanent benches along the sides of the cut. In other respects, at the time of the President's visit to the canal, the canal bed was exactly where the French left it. I did not get my information on this point from ex-convicts and blackmailers. I got my information on this question from a study of the plans and conversations with engineers and others who knew the facts. No man upon this floor has yet ventured to dispute the statement I made as to the inaccuracy of the President. Unless the President's alleged diplomatic letter to the President of the Panama Republic can be accepted as a reference to this part of my speech, there has been no reply from any source. In this letter he simply states that, so far as he has knowledge, my statements are unfounded, and I am quite willing to admit that in this particular the knowledge he possesses is not profound, to say the least.

I called attention in my speech, at great length, to the various conflicting employments of William Nelson Cromwell, the manager and director in fact for the administration of everything pertaining to the Panama Canal. I did not obtain this information from ex-convicts and blackmailers. I obtained it all from statements made by William Nelson Cromwell himself and by Secretary Taft before the Senate Committee on Inter-oceanic Canals, and from other public records printed from time to time in Panama matters. The careful digest I made from these sources, showing the conflicting employments of this

versatile attorney evidently surprised Mr. Cromwell himself. The compilation had never before been made. No man attempts to deny any of my statements as to his activities, except Mr. Cromwell himself, in the speech read for him on the floor of this House by the gentleman from New York [Mr. Olcott], to which I shall refer later in my remarks. It remained, however, for the gentleman from Massachusetts [Mr. LOVERING], a client, as he admitted, of William Nelson Cromwell, to truly represent that gentleman and his methods upon this floor. The gentleman from Massachusetts simply adopted the method of attack used by the press agencies of William Nelson Cromwell, and charged me with obtaining the information upon which I based my speech, first, from the New York World, and, secondly, from ex-convicts and blackmailers.

I have received no information from the New York World, as I stated once before to this same gentleman upon this floor. The subjects which I discussed in my speech of January 26 had never before that time been discussed or mentioned in any newspaper in the United States, and no newspaper in the United States was in possession of the facts or of the evidence I presented; but since I denied on the floor that I received my information from the World, the gentleman has made a discovery, and he read here, at the opening of his speech, an interview with me which, he states, appeared in the New York World on the 22d day of October, 1908. In that interview I appear to have made the statement that I proposed when Congress convened to introduce a resolution for the appointment of a special committee to investigate the charges made by the New York World with reference to the distribution of the \$40,000,000 we paid for the canal. I have read the interview placed by the gentleman in the CONGRESSIONAL RECORD. It seems to be substantially correct. I made the same statements, or similar statements, to many reporters about that time at the national Democratic headquarters in Chicago and in other places, and on the first day of the present session I introduced the resolution—the resolution which I have just read in this House, and which I have never discussed and did not refer to in my speech of January 26.

I do not remember to have discussed the matter with any member of the Democratic national committee, and I certainly never received any notice from that organization or from any member of it to the effect that I was expected to introduce this resolution. If the national committee determined to select me to introduce the resolution, they have never yet so advised me. I know of no reason why they should not do so, however, and I know of no reason why I should not have introduced the resolution in question either with or without the consent of the New York World or of the Democratic national committee. I introduced the resolution not knowing that I had been selected by the committee for that purpose, and I do not know it now. The gentleman either did not read my speech of the 26th of January in the RECORD, or if he did read it he has utterly failed to comprehend or understand what I said. In my speech no reference whatever was made to anything contained in my resolution. The argument of the gentleman from Massachusetts, however, is this: I told the New York World that I proposed to introduce a resolution to investigate the charges made by that paper. I did introduce such a resolution. I made a speech upon an entirely different subject.

Therefore, my statement on the floor that I did not obtain the information upon which I based my speech from the New York World is untrue. The New York World, he contends, obtained its information with reference to the distribution of the \$40,000,000 from ex-convicts and blackmailers. Therefore, he insists, I obtained my information upon which I based my speech of January 26 from the New York World and from ex-convicts and blackmailers. I submit that such profound logic and acute reasoning has never been heard here before. The gentleman from Massachusetts has clearly established himself as the Socrates of this body.

I have never asked the New York World for any information in my canal investigations, and they have never tendered me any. I never asked the New York World for information, simply because I knew that some Representative in Congress unable to rise to the dignity of a more formidable reply to my speech would charge that I got my information from the World, and would think that by making this charge he had answered my speech. In this I have not been disappointed. Mr. Cromwell has found a Member of this body willing to adopt that method of reasoning. I want to say, however, that I know of no reason why I should not get information from the New York World or from any other reliable source. That great paper can take care of itself without any help from me in its present difficulties.

The gentleman from Massachusetts then proceeds at great length to denounce the New York World and to disclose an

astounding story of an alleged attempt to blackmail certain persons in the United States, and of an alleged attempt to blackmail Mr. Cromwell, and he proceeds to eulogize Mr. Cromwell. This is absolutely all there is in his speech. He makes no attempt whatever to deny a single fact I stated; he produces absolutely no evidence; there is not a sentence in his entire speech that can by the most violent stretch of the imagination be construed as an answer to anything I said. I know nothing of the matters he mentioned. I never heard until he made his speech that any persons were trying to get Mr. Cromwell to purchase any alleged evidence of the guilt of Mr. Cromwell. I know nothing of any attempts to sell any story to the national Democratic committee. I never heard of such a thing until the gentleman made his speech on this floor. I take it from his speech and from the statement which has since been published by Mr. Cromwell that the evidence to which the gentleman from Massachusetts refers as being concocted by blackmailers had relation to the alleged payment of some part of the \$40,000,000 we paid for the canal to an American syndicate. I did not discuss that matter upon this floor, and the mysterious, wonderful method in which the mind of the gentleman from Massachusetts operates is the most astounding thing I have yet encountered in my investigation of matters connected with the Panama Canal.

In my speech, which the gentleman from Massachusetts [Mr. LOVERING] and others answered, I discussed merely, upon this floor, certain proposed timber legislation in the Republic of Panama and certain proposed railroad legislation there, by which everything of value on one side of the country went to a proposed railroad corporation and everything of value on the other went to a syndicate of Americans. I called attention to the fact that the Amador government refused to give its sanction to the timber contract. I proved by the records made by the present administration in Panama and by the letter of Doctor Amador himself that he refused to sign the timber concession. I insisted that the persons who were interested in the spoliation of Panama evidently induced Secretary Taft to intervene in the recent elections in Panama on behalf of Obaldia. I did not charge that the Secretary of War was a party to this outrageous attempt to despoil the Republic of Panama. In fact, I expressly stated that I did not make that charge. I, however, showed by the evidence—and I published pages of it in the appendix to my speech on that day, January 26—that he did intervene; that he did force the withdrawal of Arias, leaving the field open to Obaldia alone; that on account of his interference Obaldia was elected without opposition; and then I published the official admission of a member of the cabinet of Obaldia, showing that his proper cabinet officer had signed this outrageous timber contract.

I published the evidence he had made himself, to the effect that he tried to force it upon the General Assembly of Panama, and I published in the appendix to my speech pages of evidence in support of my propositions, including an interview with William Nelson Cromwell, which he has never denied, given out to a New York newspaper, in which he most violently rejoiced over the fact that Arias had been forced from the field and that Obaldia would be elected without opposition. I discussed no other matters in my speech. I referred to nothing else. The press agents of Mr. Cromwell and the gentlemen who have spoken upon this floor are only attempting to throw dust on the issues I raised and to obscure the evidence I presented by setting up straw men here in this House and then knocking them over.

In my speech I said I did not know who was back of Randolph G. Ward in his railroad operations. I do not know now, but I commented upon the entire harmony with which both plans were proceeding as indicating a possible agreement between the promoters of each. The anxiety displayed by William Nelson Cromwell and by others to escape the charge of even of the remotest connection with either of these schemes is absolute proof of the infamous character of both projects and makes it unnecessary for me to discuss or to explain further the provisions of either of them.

All the evidence I produced in support of my assertions is printed in the CONGRESSIONAL RECORD, immediately following my speech of January 26. A casual examination of it by any person of only a moderate degree of industry ought to establish the fact that I have made out my case. In the appendix to my speech I stated the origin of the evidence I presented, and told where it came from and where I obtained it. I obtained it nearly all from the Isthmus of Panama, open letters and documents, many of them published in the Spanish editions of the papers there, and translated by competent persons at my expense. If those editors of administration papers throughout the country who are abusing me and misrepresenting the

source of my information, were possessed of the slightest degree of industry and fairness, they could find the source of my information by examining the appendix to my speech in the CONGRESSIONAL RECORD. I regret that I am not able financially to have this great mass of evidence printed and sent out to the thousands of persons who have written to me requesting me to send it to them. A Member of Congress can have such documents printed only at his own expense. This fact is not generally known. I have back of me no great corporations, no men worth millions, who are assisting me in the fight I am making. I regret exceedingly that I am unable to comply with the requests upon me for copies of my speeches on this question and for copies of the appendix to the same. I can not even undertake, with the limited means I control, to employ stenographers to answer the letters I have received and am receiving, and for that reason I am apparently discourteous to many hundreds of earnest, honest citizens of the United States.

In my speech I called attention to a secret meeting of a few members of the General Assembly of Panama on a Sunday night in December last, behind locked doors and armed guards, in the palace of the President in Panama. The fact that this meeting was held was not even known in the city of Panama until I made my speech, and I am somewhat surprised to learn, from the cable message made public here on February 12, that any who attended that meeting had even admitted that such a meeting was held. I did not expect these men, secretly assembled in a Spanish-American Republic in the nighttime, protected by armed guards, to admit the purpose for which they were there. I said that at that meeting the statement was made that the men who were back of John Ehrman and his timber enterprise were William Nelson Cromwell, Roger L. Farnham, his confidential clerk, W. S. Harvey, and one other gentleman, whose denial I myself read on this floor, and whose enthusiastic repudiation of everything and everybody connected with the scheme I have not the slightest desire to controvert, as I have before stated upon this floor. I do not have the slightest doubt as to the fact that his name was used there absolutely without his consent. I shall not refer to him again in this connection.

I also produced and printed on page 1436 of the CONGRESSIONAL RECORD an official declaration issued by Ramon M. Valdes, a member of the cabinet of Obaldia, dated January 2, 1909. In order that I may not be charged with obtaining it from ex-convicts and blackmailers, I will say that I found it in the Spanish edition of the *Diario*, a newspaper published on the Isthmus of Panama, of January 4, 1909, and had it translated by a competent person. In this letter he officially states that the persons interested in the contract are Messrs. W. S. Harvey, Alfred E. Drake, and Jonas E. Whitley, of the United States. Therefore the men who are charged on the Isthmus with being back of this proposed contract are William Nelson Cromwell, Roger L. Farnham, Alfred E. Drake, Jonas E. Whitley, and W. S. Harvey. Of the five gentlemen I have mentioned William Nelson Cromwell is the only one who has at any time made any denial of his alleged connection with the enterprise, in spite of everything that has been said in the newspapers to the contrary. I regret exceedingly that under the evidence I propose now to present I can not accept his denial. I do not know any of these gentlemen. I have never, to my knowledge, seen any of them. Some days have elapsed now since my speech of January 26. They have all had ample opportunity to deny their connection with this enterprise, and those who have not denied their connection with it must now be assumed to have admitted the same. All of the gentlemen I have mentioned, except Mr. Cromwell, are exceedingly unimportant.

It is only their relation to Mr. Cromwell that makes them at all important in this connection.

Mr. GAINES of West Virginia. If it does not disturb the gentleman from Illinois, will he tell me whether he has already given to the House in his former speech, which I did not hear, or whether he proposes now to give us the source of his own information that this meeting was so secretly conducted, in order that we may judge of its reliability?

Mr. RAINEY. I am proceeding with the discussion of that matter now. This leaves connected with this proposition the five gentlemen whose names I have read. Now, I want to call attention to the fact, in spite of everything that has been said in the columns of the newspapers to the contrary, that only one of these gentlemen has denied his connection with it.

It becomes necessary now to find out just who Mr. Roger L. Farnham is, and in order that I may not be charged with obtaining my information on this point from ex-convicts and blackmailers, I will read now from the statement made by William Nelson Cromwell before the Senate committee. On the 9th day of May, 1906, Mr. Cromwell testified before the Senate Committee on Interoceanic Canals, and I read from these hearings,

volume 4, Senate Document 401, Fifty-ninth Congress, second session, page 3075. Mr. Cromwell was being examined by Senator Morgan as to the effect of the appointment of his clerk, Mr. Farnham, as a director of the railroad company.

Senator MORGAN. That is all right. Now, answer the question. Could your clerk, Farnham, in the case of an equal division among the board of directors, turn you out of that position or keep you in, at his pleasure?

Mr. CROMWELL. Mr. Farnham, like myself, would act upon his judgment as a director, and be responsible for it.

Senator MORGAN. Has he the power, under the by-laws and charter, to turn you out of that executive committee?

Mr. CROMWELL. You mean, sir, in the contingency mentioned of a tie vote?

Senator MORGAN. Yes.

Mr. CROMWELL. He would have the power, as a director.

Senator MORGAN. He is still your clerk?

Mr. CROMWELL. He is still in the service of my firm, of course.

Senator MORGAN. On a salary?

Mr. CROMWELL. Certainly.

Senator MORGAN. How much salary does he get?

Mr. CROMWELL. I think it is \$3,500.

Senator MORGAN. How long has he been in that situation?

Mr. CROMWELL. A good many years.

Senator MORGAN. How many years?

Mr. CROMWELL. I have already testified about it. I think it is ten years or more.

Senator MORGAN. About how many years?

Mr. CROMWELL. I think it is over ten years, speaking from memory.

I submit that a man who has been working for so many years on a salary of \$3,500 per year would not be of much financial assistance in a project of this character.

In order to show who Mr. E. A. Drake is and in order at the same time not to be charged with obtaining my information from ex-convicts and blackmailers, I read from a letter addressed to me from the office of the Isthmian Canal Commission of the 8th day of February of this year. With reference to Mr. Drake, they say:

In addition to being a director of the Panama Railroad Company he is vice-president of that company, having been elected to that position on April 1, 1907. Prior to that time he was secretary and treasurer of the company for many years, and he was also appointed assistant to the president on April 2, 1906.

I might add that he is regarded in railroad circles as being Cromwell's man in railroad matters, and they have always been closely associated. Now, bearing in mind the fact that neither of these gentlemen has at any time denied his connection with the proposed timber contract, I want to read a letter from Doctor Amador, the ex-President of Panama, written to President Obaldia and dated December 31, 1908. It was given out for publication by Obaldia himself, and published in the *Panama Journal* on January 5, 1909, and in the *Diario* on January 4, 1909. I presume, therefore, that no one will charge me with getting this information from an ex-convict or blackmailer. I clipped it myself from these papers and had it translated. I have already published it in full in the CONGRESSIONAL RECORD of this session, on the 26th day of January, 1909, at pages 1435 and 1436. In the letter ex-President Amador discusses his refusal to sign the timber contract in question, and says:

This contract was proposed to me after an opinion had been given on it by a Panamanian lawyer, who, I believe, was Dr. Ramon M. Valdes, now secretary of state.

Manuel Obaldia was only present on one of the many interviews I had with the interested parties.

Mr. Drake, a man whom I highly esteem, spoke to me very little about the contract, confining himself to showing me its legality and advantages.

It was Mr. Farnham who, on many accounts, insisted that I should make the contract, assuring me in a short time he and his family would be very rich.

I never told anyone that a sum of money was offered to me, and this is what several persons have asked me and what I have always said.

Will Mr. Farnham explain why he and his family would be very rich in a short time if Doctor Amador signed this contract. Can Mr. Drake explain his interest in the matter? The time to deny Doctor Amador's statement is now, while the old gentleman is still living. His health is in a precarious condition, and the announcement of his death may be made at any time. It will not be safe for these gentlemen to deny their connection with this matter until after his death.

I do not know who Jonas E. Whitley is, except from information he has given out to the reporters in New York City, who are watching and reporting the proceedings connected with the libel suits brought against the *New York World*. I hope I will not be charged with obtaining this information from ex-convicts and blackmailers. The Associated Press reports, published in the papers of the 29th day of January of this year, contain this statement:

Another visitor received by Mr. Jerome yesterday was Jonas Whitley, a representative of William Nelson Cromwell, who was one of the early witnesses called before the federal grand jury in Washington.

In the same connection, and corroborating this statement, the *New York Times* on the same day contained this item:

Jonas Whitley, an associate of William Nelson Cromwell, was another caller at Mr. Jerome's office yesterday in connection with the Panama case.

I might add that the name of Mr. Jonas E. Whitley is indorsed as a witness on the back of the indictments just returned against the New York World and the Indianapolis News. I could probably find a similar item in every New York paper of that date, as reported by other reporters. The reporters covering this investigation at that time evidently got this information from Mr. Whitley himself.

Mr. Chairman, I do not know who Mr. W. S. Harvey is. I am not at all interested in ascertaining who he is. I only know that he is a man of no importance, and it is not necessary for him or for any Member of this body to insert in the Record here an expurgated letter from him abusing and criticising me.

Mr. McCREARY. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. McCREARY. I want to state to the gentleman that Mr. W. S. Harvey is a man of high character and position in the city of Philadelphia. He is the president of the Philadelphia Museums, a man of considerable importance, a man of character.

Mr. RAINEY. If he is president of the museum, it might be proper for him to go there himself. He might, so far as I know, make the most excellent freak they have. [Laughter on the Democratic side.]

Mr. GAINES of Tennessee. Excluding Mr. Harvey, has the gentleman been able to find out where these other three or four men lived before they went into this Panama undertaking?

Mr. RAINEY. They live in the United States.

Mr. GAINES of Tennessee. In New York City?

Mr. RAINEY. I think the most of them in New York City; I think all of them. I am not after Mr. Harvey, I will say to the gentleman from Pennsylvania. I am sorry that he got caught in my net. I am after bigger fish than the president of a museum in Philadelphia.

Mr. McCREARY. I want to say to the gentleman that it is a commercial museum for the development of the products of other countries brought into this country, and is not a museum of funny things.

Mr. RAINEY. Then his presence in that museum would be absolutely out of place.

Mr. McCREARY. It is a museum of business and he is a business man, and he certainly would have come here—

Mr. RAINEY. I did not yield for a speech.

Mr. McCREARY. I am not making a speech.

Mr. RAINEY. I am not after Mr. Harvey; I am after bigger men.

As I said, this leaves only W. S. Harvey, who, although at first he denied his connection, through his stenographer, with the timber contract, now admits the same. I know nothing at all about him except that he is a man of no importance. I care nothing for his expurgated letter assailing me, which has been read into the Record, nor do I care to make any reply to the same. I am not after him at all. I am after more important persons than he will ever be. I am sorry he got caught in my net. I am trying hard for larger fish. If I knew the man higher up, represented by him, I would probably have some valuable information.

This completes the list. These are the only men I have ever claimed the evidence I have submitted connects with this enterprise, except one whose denial I have stated I will not controvert. Of these four, one is Mr. William Nelson Cromwell's private secretary, one is his railroad representative, and one is his associate and business representative. I regret that I know nothing about the fourth gentleman I have mentioned. None of them have any money with which to handle an enterprise involving the expenditure of a million dollars or more for roads and the removal of the timber from half the public land in Panama in sixty years. The only man among the five of any financial responsibility is William Nelson Cromwell. He boasted before the Senate committee recently that he had more money than he needed, and that he controlled \$100,000,000 worth of money and securities.

Under the evidence I have presented, I submit that his denial is not of as much value as his representatives on this floor claim for it. I respectfully submit that he has not escaped and he will not be able to do so.

Of the gentlemen I have mentioned, Mr. Drake will be particularly valuable to Mr. Cromwell. His connection with the railroad makes it possible for him to obtain most valuable information with reference to the timber resources of Panama. The Isthmian Canal Commission in its report for the fiscal year ending June 30, 1908, announced that they proposed to commence surveys. I quote from their report:

To embrace the entire watershed of the Chagres extensive surveys of the upper valley will be necessary, and it is anticipated that this work will be accomplished during the current year.

This survey will, of course, embrace the entire Atlantic Ocean side of the Republic of Panama from Colon to the boundary line

of Colombia. With Mr. Drake in his official position, it is easy to see that Mr. Cromwell will have always advance information with reference to the timber supply on this vast area of territory, but perhaps even without Mr. Drake he would be able to get the information he wants. His influence seems to have been always all powerful with the present administration in Panama matters, and it is probable he will exert about the same influence on the next administration.

In making this reply I am compelled to answer, not a speech made by the gentleman from New York [Mr. Olcott], but a speech made by William Nelson Cromwell himself, and simply read on this floor by the gentleman from New York [Mr. Olcott], as he himself acknowledged in his remarks. The speech in the main is a defense of the Panama Canal purchase and the distribution of the \$40,000,000 we paid for it. These matters I propose at some future time to discuss on this floor. I have not yet even referred to them, although I have spent much time investigating them. A large portion of his speech is taken up with a defense of his administration of the funds of the Panama Republic in New York. I did not challenge this. So far as I know now, his administration of these funds may be all he claims for it. I have not as yet gone into the questions he discussed.

I want to call attention to the fact that, although at great length I stated Mr. Cromwell's various conflicting professional employments—his prosecution of bogus claims against this Government while occupying an advisory position, and being, in fact, an officer of this Government; the frauds he practiced upon this Government while managing the railroad after we had, in fact, purchased the property and before its delivery—he has not denied a thing I said in this connection except to say that he and his clerk, Mr. Farnham, and Obaldia are not just at the present time directors of the Panama Railroad Company. His denial in this particular is weakened by the fact that he admits they were all directors of that company, and he was general counsel of the company when the acts I complained of occurred.

I also charged that while he was counsel for the Panama Railroad Company he also occupied the absolutely conflicting position of being of counsel for Mr. Harriman and his transcontinental railroad lines. In Mr. Cromwell's speech he denies that (I quote his words) he acted as counsel for "the transcontinental roads under Mr. Harriman's control." This evasive denial makes it necessary for me to state just what his official position was with reference to the Harriman interests. He was counsel for the steamship lines owned by Mr. Harriman and operated by him between our Pacific ports and the Pacific Ocean terminal of the Panama Railroad, and used by Mr. Harriman as a means of regulating transcontinental freight rates, so as to avoid any competition the Panama Railroad and the steamship lines might otherwise be able to present. This employment was more inconsistent with the position he then held as general counsel for the Panama Railroad and steamship lines than any other Harriman connection he might have had.

Mr. Cromwell, like all of his defenders speaking on this floor, occupies his time discussing things I did not mention, and denying things I did not say. The effort is to obscure the issue I raised here on the 26th day of January in my speech, and to create the impression that answers have been made to the proof I presented in connection with my speech.

Mr. Cromwell insists that he never met Obaldia until that gentleman came to Washington as the representative here of the Republic of Panama, but in the same article, read by the gentleman from New York [Mr. Olcott], he exhibits a remarkable knowledge of the personal history of Obaldia and of his career in the Colombian Senate, to which I referred in my speech.

I did not expect Obaldia to agree with me in my estimate of him, and I am not surprised that he has failed to do so. The only answer he makes, however, to my speech is contained in his telegram to his son, Manuel Obaldia, in New York City, who is the same Manuel Obaldia implicated by Doctor Amador in his letter, a part of which I have read, in the timber frauds on the Isthmus of Panama. In his telegram to Manuel Obaldia, President Obaldia merely states that his attitude while in the Colombian Congress and his entire public life are far beyond the reach of slanderers. He continues by stating that the timber contract and the railway proposition have both been rejected, and that there is a bill under consideration regulating forest exploitation on the entire Atlantic coast, including the Chagres Valley. This telegram from Obaldia is accepted as proof positive that my charges were unfounded, and that Obaldia himself is opposed to the effort to steal the forests of his country. On the contrary, the proof I have already presented shows that he favored it; that the proper cabinet officer signed the proposed contract; and that his administration tried to compel the general assembly to approve the same.

I published in the CONGRESSIONAL RECORD, on January 26, at pages 1435 and 1436, a letter from a prominent citizen of Panama, Santiago de la Guardia, addressed to the President of Panama, protesting against the contract we are discussing. The letter is dated December 29, 1908. I did not obtain it from any blackmailer. I copied it from the Panama Daily Star and Herald of January 3, 1909. Referring to the timber contract in this letter, La Guardia says:

I am going to speak about the contract that a foreign syndicate wants to obtain in order to get a wide, a new, and very big zone of our territory to exploit for fifty years—the woods of our Atlantic coast. This syndicate is represented by two of our countrymen, whom it is not necessary to name. They want this contract not for themselves, but to give it to other men. But it would be better that if they get it were for them, because this grace, that may better be called national disgrace, would so remain within the family and would not inherit the danger of diplomatic reclamations, so terrible for weak countries.

That contract was born with the stigma, with the I. N. R. I. of dishonor in its pasteboards.

Here is, yet alive, the respectable old gentleman who preceded you in the supreme command. He is near to the tomb. But he will be covered by his sweat cloth at the same time that with the nimbus of having returned the infamous proposal with which he was tempted. There is also, full of youthfulness and life, the present deputy and secretary of public works at the same time. He can inform you that he was the messenger with whom the ex-President Amador sent back the papers of the infamous offer.

The population is alarmed, is indignant at the notice of the monstrous contract which despoils and insults us.

Ramon M. Valdes, secretary of state, on behalf of Obaldia, answered the above letter. The answer was printed in the Diario, of Panama, on January 4, 1909. I obtained it from that paper and published it in the CONGRESSIONAL RECORD on page 1475. This letter defends the proposed timber contract. Referring to the charge that the promoters of the enterprise during Amador's administration tried to bribe Amador, Valdes states in this letter:

But I can well say, in meditating and thinking over these things, that we should be assured that if there had been any attempt of bribery with Doctor Amador, how can that occasion any doubt as to the honor of the men who are to-day in the government, and what relation can their conduct have with an action performed by a government now out of power, and how can you believe, General, that this supposed attempt at corruption ought to enforce the abandonment of a matter that possesses such favorable aspects for the material development of the country? You can give no sufficient reasons in support of your ideas.

As a member of the government, I favor the projected operation, because I think it advantageous for the country, and because I am inspired by the natural zeal of the administration, of which I form a part, to free itself from the sin of indolence which I attribute to the past administration, in all things related to the progress of our Republic.

On January 15 the Panama Journal, on the front page, in discussing the lumber contract, makes this statement. I quote from the Journal on that date:

Interest in the lumber contract signed between the secretary of the treasury, Carlos A. Mendoza, and Mr. John Ehrman is steadily growing. The very able report presented to the National Assembly by the committee appointed to inquire into the pros and cons of the question has done much to remove the misunderstanding that had been created as to the real aims of the contract.

And again, on the 18th day of January of this year, the same paper, the organ of the administration in Panama, contains the following statement on the first page, which I read:

The lumber contract signed between the secretary of the treasury, Carlos A. Mendoza, and Mr. John Ehrman has raised a storm of unreasoning protest from a number of possibly well-meaning but certainly ill-informed gentlemen, who are apparently blind to its many and undoubted advantages.

The same paper, in the same issue, also contains the following statement:

There was an interesting session of the National Assembly Friday afternoon to discuss the report of the committee appointed to inquire into the lumber contract between the secretary of the treasury and Mr. John Ehrman. * * * Dr. Carlos A. Mendoza, in a most earnest and forceful speech, retraced the history of the lumber contract. * * * And the speaker, his voice ringing with emotion, declared that he gave way to no one in his love for his country, and that he had been guided solely by the purest patriotism and most ardent desire to benefit the Republic when he had signed the contract, which he firmly believed would be of untold, incalculable advantage to Panama.

In connection with the above extracts I have read from the Panama Journal, and in order to show the method adopted by the Obaldia government to compel the approval of the contract signed by Obaldia's ministers, I read now from an open letter written by an American, printed both in Spanish and in English, and distributed generally throughout the city of Panama and the Republic of Panama. So far as I have been able to ascertain—and I have read, I think, every issue of all the Panama papers from the date this letter was circulated until the present time—the statements contained in it have never been denied by any administration papers in the Republic of Panama, nor by anyone

else. You may therefore at this time, I think, accept it as true. I read from the letter:

ANCON, January 18, 1909.

The evil that men do lives after them.—Shakespeare.

SANTIAGO DE LA GUARDIA.

SIR: Saturday I witnessed the peculiar spectacle of a "popular" government passing, or attempting to jam through, an unpopular measure by the aid of the "big stick," in the shape of policemen's clubs in the hands of the police force—packing the capitol building with policemen to prevent any popular demonstrations on the part of the unwilling public. This is the method of darkest Russia; it is worthy of Gabrera or of Castro; but Castro, with all his faults, was rabidly and at times unreasonably patriotic, and many of his troubles came from that very virtue. He would not allow thieving foreign syndicates nor unscrupulous promoters to grab the territory of the Republic. We do things better in the States. When we wish to put through one of those thieving bills—such as a franchise bill, for illustration—we chloroform the general public; you club them into insensibility with a policeman's club if they object. Our system has several advantages over yours. It is almost a pleasure to be robbed in the States. There the public suffers no pain from the operation. Your system is too crude and primitive, compared with ours, but as you are adopting many of our ideas, no doubt you will also conform to our methods of graft.

This contract has against it two points. First, it creates a monopoly, giving one-half of the Republic to one company. Second, it would destroy the timber with no adequate means for replacing it. The effect of this would be most detrimental to the country in every way. The land of the world is passing fast enough into the possession of syndicates and great land speculators. Its effect and tendency is to create a peasant and tenant class of farmers. No government which gives any heed to the warnings of history and which attempts to profit by the teaching and lessons of experience should attempt to concentrate its land in the hands of a few men. * * *

WILSON.

This letter is an interesting document, and throws considerable light on the methods used by Obaldia in keeping his contract with the American syndicate.

After I made my speech of the 26th day of January, Manuel E. Amador, a son of ex-President Amador, sent a telegram to Mr. Santiago de la Guardia, at Panama. I have never seen the telegram, but I read now an extract from the Panama Star and Herald of February 1, 1909. Although I am giving the sources of my information very definitely and am producing here on the floor the papers from which I am reading, I have not the slightest doubt but that the gentleman from Massachusetts [Mr. LOVERING] will insist that I am getting my information from blackmailers and from ex-convicts. I read now from the Panama Star and Herald of February 1, 1909:

A telegram from New York, addressed to Mr. Santiago de la Guardia, by Mr. Manuel E. Amador, son of ex-President Dr. Amador Guerrero and ex-consul-general of Panama in New York, reads as follows:

"To-day's dailies are full of horrid sentiments against the Panama Government. The former administration was praised in a speech made in the House of Representatives denouncing the cession of the forests. The national honor demands the rejection of the contract before Taft's arrival."

The last paragraph is full of significance.

The cable messages received from Panama during the recent visit of Secretary Taft to that country do not indicate that he was particularly active in defeating the timber proposal. The only thing he apparently did was to tell the citizens of Panama to pay no attention to sensational statements and speeches made in the United States.

On the 29th day of January I published in the CONGRESSIONAL RECORD, on page 1641, a dispatch from the special correspondent of the New York Herald to that paper. The dispatch is dated at Panama, January 27, 1909, the day after I made my speech. I read from the CONGRESSIONAL RECORD, on page 1641:

Panama is in a ferment of excitement on account of the project of the present administration to make what is termed "a gift" of the entire Caribbean coast of the republic to an American syndicate. President Obaldia has sent two special appeals to the Chamber of Deputies urging the ratification of the timber concession, and the result has been the stormiest sessions held by the legislative body since it came into existence.

There is a grave question now whether the concession will be ratified. It is the pet measure of President Obaldia.

The concession has been designated on the Chamber floor as the "Cromwell grant."

Speakers have sarcastically inquired why the Government does not find another set of Americans and grant them the Pacific slope of the Republic, so as to complete the transaction at the same time and have each company administer affairs on its own side under Mr. Cromwell's guidance.

I am wondering if the mental processes of the gentleman from Massachusetts are still leading him to the conclusion that I obtained and am obtaining my information from blackmailers.

Obaldia, in his telegram which has been read into the RECORD, announces that the "Amador-Arias government was not overthrown, but after expiration of the constitutional term was defeated in free elections." The mental processes of President Obaldia are quite as remarkable as the mental processes of the gentleman from Massachusetts [Mr. LOVERING].

I have already placed in the RECORD four columns of evidence on this question, and I have printed it on pages 1432, 1433, and 1434 of the CONGRESSIONAL RECORD. The evidence I have printed shows that from 600 to a thousand marines, perhaps more than that, were sent to the Isthmus of Panama just before the elections by the President of the United States. The *Tacoma* and the *Prairie* were sent to Panama. The battle ships *New Hampshire* and *Idaho* were ordered to leave for Panama—all just before the elections. Some of the evidence I have presented shows that the intention at one time was to assemble there a force of 1,800 marines in the latter part of June and the first part of July. The elections occurred on the 12th of July.

On the 28th day of June the battle ship *New Hampshire* and the battle ship *Idaho* arrived at Colon with large contingents of marines on board. The dispatches from Panama on that day show that the cruiser *Prairie* was already there, with a full complement of men. The dispatches show that on the 30th day of June the Tivoli Hotel was filled with army officers of high rank, and I have printed their names on page 1473 of the CONGRESSIONAL RECORD. They registered, all of them, as private citizens, and asked that their identity be not made known. On the same page of the CONGRESSIONAL RECORD I printed extracts from the official letter of William H. Taft, written while he was on the Canal Zone on the 18th day of May, 1908, and published in the *Panama Star* and *Herald* of June 22, 1908, threatening intervention and proposing to station two Americans at each polling place in the Republic; in other words, proposing that the election be held with American soldiers and marines, friendly to Obaldia, at every polling place.

Mr. Squires, our minister there, was favorable to the Amador party prior to the election, until he was summoned to the United States. After he had reported to Mr. Root and to Mr. Taft, according to the *Panama Star* and *Herald* of July 20, 1908, he went back to the Isthmus an almost open supporter of Obaldia.

On the 6th day of July, 1908, Arias withdrew his candidacy. I published his letter of withdrawal in the CONGRESSIONAL RECORD, on page 1434. Referring to Mr. Taft's intervention, in his letter of withdrawal, Señor Arias says—and I read now from his letter:

These events plainly demonstrate the imminent peril of the military occupation of this country by forces of the United States of America, the which will be a death blow to our national life. The whole country understands how inevitable this is, and what grave peril it involves, and for this reason it behoves us to avoid at all cost even the remotest probability of having to lament irremediable evils.

Therefore, after the most mature reflection, and guided solely by what I consider my patriotic duty, I have decided to present to you, as I now do present it, my renunciation of the candidacy for the presidency of the Republic, with which you have honored me, and to which afterwards have adhered spontaneously and disinterestedly the majority of the liberal and conservative Chiriquins and a considerable number of both parties in the other provinces of the Republic.

Commenting upon the withdrawal of Arias, the *Panama Star* and *Herald*, in its issue of July 6, 1908, prints an editorial, which I have reproduced at page 1474 of the CONGRESSIONAL RECORD, and from which I now read in part:

The result of the action of Mr. Arias may mean the loss to the country of a firm and capable ruler. * * * By his renunciation the country loses, but if his continuance in the race would bring about the irreparable disaster which now threatens, the country is even more indebted to him for his unselfish action. * * * We can but express the hope that the patriotic action of Mr. Ricardo Arias and the Constitutional party may yet be the means of averting the loss of independence, which now threatens the Republic.

Immediately following the withdrawal of Mr. Arias, Mr. William Nelson Cromwell exultingly gave out to the *New York Herald* the interview which I have printed at page 1474 of the CONGRESSIONAL RECORD, and which I will now read. I hope that Mr. Cromwell's representatives on this floor will not charge me with obtaining it from blackmailers. It was published in the *New York Herald* on the 6th of July, 1908, two days after the withdrawal of Arias. This interview shows the interest Mr. Cromwell had in the withdrawal of Arias. I read now from the article in the *New York Herald*.

William Nelson Cromwell expressed the greatest gratification to-day when he learned from a *Herald* correspondent that Secretary Arias had withdrawn as a candidate for the presidency of the Republic of Panama, leaving the way clear for Don Domingo Obaldia.

And I also published in the CONGRESSIONAL RECORD of January 26, on page 1474, the farewell message of President Amador to the General Assembly of Panama on the 1st day of September, 1908. I read only a part of it:

The results of that electoral investigation, as you well know yourselves, proved how exaggerated the charges against this Government had been, as made by William H. Taft, who was then the Secretary of War of the United States. * * * Nevertheless, the situation, as created by that memorandum and the subsequent measures which threaten seriously the very existence of the Republic, forced one of these great parties to leave the field in an absolute and patriotic manner, so that the returns of the polling places have not made known the will of the people.

The answer, of course, to all the proof I have presented and am presenting now on these questions simply is that I have received my information from blackmailers. Under these circumstances I submit that even the gentleman from Massachusetts [Mr. LOVERING], with his wonderful reasoning powers, will not be able to show that Mr. Arias was defeated in a free election. With American troops at the polls, and with no opponent at all in the field against Obaldia, his election as President of Panama ought not to occasion much surprise. The proof I have presented shows that an honest old Spanish-American statesman, Doctor Amador, refused to sanction the concessions to which I have called attention.

The proof shows that Secretary Taft was in some way induced to intervene in the elections; that he did force one of the parties from the field; that the Amador government, which had refused these concessions, was defeated. Obaldia and his ministers immediately signed the timber contracts which I have been discussing, and which it seems I have succeeded temporarily in defeating in the Republic of Panama. The defeat, however, is only temporary. I understand from the Panama papers which have just reached Washington that the proposition now is to submit the proposed Ehrman contract to the highest bidder; in other words, to sell all of the forests on the Atlantic Ocean side of Panama to those persons who are willing at a public letting to pay the most for them. Mr. Cromwell and his followers are in possession of about all the information there is as to the value of these properties. There is no one to bid against them. The scheme to despoil the Republic of Panama is only made more complete by the proposition now before the General Assembly.

I have printed in the CONGRESSIONAL RECORD, on page 1478, a remarkable compilation, made at my request by the Bureau of Forestry, showing the timber resources of Panama. It is remarkable that upon a subject so little understood in this country so much information can be collected. This compilation furnishes conclusive evidence as to the value of the Bureau of Forestry and the thorough work they are capable of doing. There is enough, evidently, known about the forests of Panama to indicate that their value is simply incalculable. I published enough information to show that the forests of Panama sought by these Americans may, in the near future, almost approach in value the entire forest resources of the public lands of continental United States. Imagine, if you can, the effect that would be produced in this country if Congress should pass an act putting up for sale to the highest bidder all the forests on all the public lands of the United States.

The effect of my speech of January 26, I know, is only temporary, but temporarily at least I have succeeded in protecting Obaldia's native country from him.

I think I am justified in calling attention to the unfair tactics adopted by my opponents on this floor and by the press bureaus of Mr. Cromwell. My speech absolutely remains unanswered. Mr. Cromwell's representatives on this floor and his press bureaus were prepared for another and a different kind of a speech. Their guns were loaded for that. The attack I made was entirely unexpected, and the next attack I propose to make on these gentlemen will be just as entirely unexpected by them when it comes. They were prepared to answer any speech I made on the resolution I introduced providing for an investigation into the distribution of the \$40,000,000 we paid for the canal, but they were prepared only to answer that by a system of personal abuse and misrepresentation. I did not make the speech they expected me to make, nor refer in any way to my resolution. They, however, treated the matter as though I had made it, and posed before the country as having answered everything I said by simply answering a supposed speech that I had not made upon this floor. I want to assure these gentlemen that at some future time I do propose to discuss my resolution and to discuss the question as to what has become of the \$40,000,000, and when I do discuss it on this floor I will give Mr. Cromwell and his representatives and his press bureaus something to answer.

In my experience in the practice of the law, which covered a period of nearly twenty years, while I never had much to do with the criminal practice, I had many opportunities to observe the methods of criminal lawyers. The method of defending a criminal when all other methods fail is simply to bring before the jury witnesses who will testify to his previous good character. The gentlemen who have replied to me on this floor in such numbers have simply become character witnesses for William Nelson Cromwell and others. Several of them, standing here on this floor, tearfully referred to Douglas Robinson and insisted that I had made an attack upon his reputation. I have never mentioned him in any of my speeches. I had forgotten his very existence until these gentlemen referred to him so feelingly.

I have stated that there is one gentleman I shall not refer to again. His repudiation of the whole thing and of everybody connected with it has entirely disarmed me. He is the only gentleman, however, whose name I do not propose to mention again in connection with this and with other matters that I propose to discuss hereafter.

I insist that the proof I have submitted to-day and heretofore, which appears in the CONGRESSIONAL RECORD, sustains fully the charges I have made.

Now, to show that William Nelson Cromwell's hand is still uplifted against the Treasury of the United States, and in order to show that he is engaged at the present time in an indefensible attempt to betray and to further despoil the Republic of Panama, which he claims to be representing here in a position of trust and confidence, I want to refer to some other matters. I presume that this portion also of my speech will be answered by the production of some additional character witnesses, and by further statements to the effect that I am obtaining my information from blackmailers and from ex-convicts.

Mr. Cromwell, in the speech made by him through the gentleman from New York [Mr. ORCOTT] on this floor, has seen fit to discuss his present efforts to conclude a treaty between Colombia and Panama, in which he refers to the necessity for some contribution from Panama to Colombia as her proportion of the public debt of Colombia, and I want to refer now briefly to the proposed Cromwell treaties. I read now from a dispatch signed by Cromwell and Arosemena, dated at Washington, D. C., on January 10 of this year, which was published in the Panama Star and Herald of the 18th day of January of this year. The dispatch is addressed to Obaldia and reads as follows:

All three treaties signed at midnight, and we rejoice at this happy conclusion of our labors. Your prompt cables of approval gave us encouragement and aroused a most hearty responsiveness by the United States. Please accept the profound expression of our gratitude for your congratulations, which we reciprocate to you all.

On January 8, 1909, Cromwell sent to J. A. Orango, secretary of foreign relations of Panama, at Panama, the following telegram:

I appreciate deeply your advice by cable of this date containing congratulations and approval. It is, indeed, a glorious result, for, aside from the material advantage for Panama, it places the nation in a firm and splendid position, not only with respect of this Government, but all the nations of the world. You should justly feel proud at your important part in this great achievement. I am sending you full report by mail steamer *Panama* to-morrow. I am leaving for Washington to-night to close treaty.

CROMWELL.

I think we can, therefore, safely assume that, whatever these treaties contain, Mr. Cromwell is responsible for them.

Now, permit me to ask some gentleman on the other side to explain why we should pay to the Republic of Colombia, with a deficit of \$84,000,000 staring us in the face, \$10,000,000 more than when I made my first speech on this subject, the enormous sum of \$1,250,000? Can you think of any reason why Panama should also pay to Colombia \$2,500,000 and impoverish herself in doing it?

Mr. LOVERING. Will the gentleman yield?

Mr. RAINEY. I will, though I have but little time.

Mr. LOVERING. Why does the gentleman discuss the subject of this treaty on the floor of the House?

Mr. RAINEY. I will tell the gentleman, if he will keep still.

Mr. LOVERING. It is a matter between the State Department and Panama. The treaty is now before the United States Senate and should not be discussed in the House.

Mr. RAINEY. I am discussing a treaty between Panama and Colombia, published by William Nelson Cromwell in the Panama Star and Herald, and I have a right to discuss it. In view of Mr. Cromwell's proposed treaty between Colombia and Panama, I have no hesitancy in saying that there is something he and the present administration are laboring to cover up. Under the Hay-Bunau-Varilla treaty we commence, in 1913, to pay to Panama \$250,000 per year forever as rental for the Canal Zone. Under the treaties which Mr. Cromwell proposes we are to commence to make now, and this year, these payments of \$250,000 per year. In other words, he proposes that the Hay-Bunau-Varilla treaty shall be amended so as to provide that our payments of \$250,000 per year as rental for the Canal Zone shall commence, not nine years from the date of the ratification of the treaty, but four years from the date of the ratification of the treaty. In other words, he proposes to so change the Hay-Bunau-Varilla treaty as to impose upon this country, already burdened with a tremendous Treasury deficit—with hundreds of millions of dollars of Panama Canal appropriations staring us in the face—the additional burden of \$1,250,000.

And he proposes that this enormous sum shall be taken from our Treasury and paid, not to the Republic of Panama, but to Colombia. In addition to that, he proposes that for five years

after 1913 the \$250,000 per year we have agreed to pay to Panama shall be paid by us to Colombia direct. In other words, by the treaties of which he is so proud Panama deprives herself for five years of her fixed source of revenue and consents that it be paid to Colombia, and the United States contributes from its Treasury \$1,250,000 and pays it to the treasury of Colombia. This is not all Mr. Cromwell proposes to do for the Republic of Panama.

On account of an extension of the canal franchise granted by Colombia to the New French Panama Canal Company Colombia became the owner of 50,000 shares of stock in the new company, with a par value of 5,000,000 francs. In order that I may not be charged by Mr. Cromwell's representatives with obtaining information from blackmailers, I read from the testimony of William Nelson Cromwell before the Senate Committee on Inter-oceanic Canals, page 1115, Senate Document No. 401, second session Fifty-ninth Congress:

Senator MORGAN. In one of the purchases or extensions or prolongations of concessions made by Colombia to the Panama Canal Company the sum of \$1,000,000, or 5,000,000 francs, were issued in stocks to Colombia?

Mr. CROMWELL. Yes, sir.

Senator MORGAN. The shares have been paid?

Mr. CROMWELL. The shares stand in the name of the Republic of Colombia and are now in litigation in France.

Senator MORGAN. Then, according to your statement, if I understand it, Colombia is still an owner of how many shares?

Mr. CROMWELL. Five million francs.

Senator MORGAN. Of shares in the New Panama Canal Company?

Mr. CROMWELL. Yes, sir; the total capital of which company is 65,000,000 francs. I do not admit by my reply, Senator, and I do not wish to admit, that Colombia is the real owner of those shares. I do not pass upon that question.

These shares are still held in France in order to permit some determination to be made as to their ownership. The shares never have been delivered to Colombia, and the supposed revolution which occurred there on November 3, 1903, had the effect of transferring the sovereignty of the canal strip to Panama. I submit that any international court would hold that Panama is now clearly entitled to nearly \$1,250,000, deposited in France, a part of the \$40,000,000 paid for the canal awaiting the determination as to who is the owner of these shares. Any impartial court would give this money to Panama or to the United States, depending upon which country exercises sovereignty over the canal strip at the present time. It certainly can not be held that Colombia exercises any sovereignty there. Under the franchise of the Panama Railroad Company that company agreed to pay a rental of \$25,000 per year to Panama. In our treatment of the matter we regard the sovereignty over the strip as being so far transferred to the United States that the annual payments due from the railroad are now being made to the United States Government. I do not understand that the United States, however, is claiming the moneys deposited in France on account of these shares.

The treaty for which Mr. Cromwell claims so much credit provides that the Republic of Panama shall surrender to the Republic of Colombia all its claim to the moneys arising from the sale made by the New French Panama Canal Company to the United States on account of moneys due on the shares held there in escrow. In other words, for some reason it has become necessary for Mr. Cromwell—and when I speak of Mr. Cromwell I mean also the present administration here and the future administration, because in Panama matters he acts for both—to placate the Republic of Colombia. Mr. Cromwell seems to have arranged matters so that the United States will be called upon to assume an additional obligation of \$1,250,000 and to pay it to Colombia. The Republic of Panama, by these treaties, consents for five years, commencing with 1913, that we pay to the Republic of Colombia \$250,000 per year, \$1,250,000 in all; and the Republic of Panama turns over moneys in France rightfully belonging to it to Colombia to the amount of \$1,250,000. In other words, the United States and Panama are asked to make these sacrifices, and Colombia gets out of it \$3,750,000 in cash. Mr. Cromwell's position is that this is being done in order that Panama may pay a part of the public debt of Colombia.

I submit that in the history of the world no such treaty as this has ever been seriously contemplated. Since the completion of our own successful revolution against England, over a century and a quarter ago, no man has been found in this country, or even in England, willing to advance the doctrine that we ought to pay part of the public debt of England, either foreign or domestic. I know of no precedent for Mr. Cromwell's treaties. No people in the world, so far as I know, after having successfully completed a revolution, have ever been called upon or have ever agreed to pay any portion of the debt, foreign or domestic, of the country from which they separated.

Now, in this connection, I want to refer to my resolution providing for an investigation as to the disposition of the

\$40,000,000 fund, which we of record appear to have paid to the French company. My investigation of the records show that at every meeting of the directors of the New Panama Canal Company in France Colombia was represented. Colombia ought to know, and evidently does know, what became of the \$40,000,000. This is the only reference I have ever made on this floor to my resolution. And let me suggest in this connection that if Colombia does know what became of the \$40,000,000 fund, no better method could be found in which to silence Colombia and destroy incriminating evidence than to pay to her the enormous sum of \$3,750,000. I simply make the suggestion. It may be that this tremendous bribe to Colombia is being arranged in order to cover up facts with reference to the supposed revolution of November 3, 1903, on the Isthmus of Panama, and the connection of the present administration with the same. The conclusion is irresistible that Mr. Cromwell is arranging these treaties for one or the other of these reasons. All that Panama gets out of the treaties is the agreement on the part of Colombia to recognize her independence, and an agreement on the part of Colombia to determine boundary lines in an almost impenetrable jungle, where land is of no value and where few people live. Of what benefit to Panama is the recognition of her independence by Colombia? In the very first clause of the Hay-Bunau-Varilla treaty the United States forever guarantees the independence of the Republic of Panama.

Permit me now in this connection to call attention to another remarkable situation on the Isthmus of Panama. With thousands of capable young men seeking employment in this country, in this period of depression, with a panic on our hands from which we have not yet emerged, the President has issued an executive order permitting the employment of citizens of Panama in important positions on the Canal Zone. Heretofore the personnel of gold employees has been restricted to American citizens. We now agree to employ also citizens of Panama. In order that some acute reasoner on the other side may not charge me with obtaining my information from blackmailers, I insert here in my speech my recent correspondence with the Isthmian Canal Commission on this subject:

ISTHMIAN CANAL COMMISSION,
WASHINGTON OFFICE,
February 18, 1909.

HON. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, and in compliance with your request there is inclosed herewith a copy of the executive order of December 23, 1908, amending the executive order of February 8, 1908, so as to allow the employment of Panamanian citizens on the gold roll of the Isthmian Canal Commission on the Isthmus.

Very respectfully,

F. C. BOGGS,
Captain, Corps of Engineers, U. S. Army,
Chief of Office.

Inclosure: Copy executive order of December 23, 1908 (873-100).
EXECUTIVE ORDER.

By authority of the President, it is
Ordered, That the executive order of February 8, 1908, restricting the personnel of gold employees to American citizens be amended to read as follows:

"On and after this date the employment by the Isthmian Canal Commission of skilled laborers, clerks, and all others who have heretofore been known as 'gold employees' of the commission shall be restricted to American citizens and citizens of Panama, except where American or Panamanian labor or services of the character required is not available."

Foreign employees now upon the pay roll of the commission shall not be affected by this order, save in the event of any reduction of force preference shall be accorded to American citizens and citizens of Panama.

ROBERT SHAW OLIVER,
Acting Secretary of War.

WAR DEPARTMENT,
Washington, D. C., December 23, 1908.

Permit me to suggest that with Mr. Cromwell and Mr. Drake and the others controlling the situation on the Canal Zone, a judicious distribution of our Isthmian Canal patronage among the partisans of members of the General Assembly of Panama will result in most important concessions to Mr. Cromwell and his friends. I have never seen a citizen of Panama whose highest ambition in life was not to hold some official position, and about half the population do hold some official position. If they can not get anything else, they are satisfied to serve as policemen at a salary of a few dollars per month. There are more politicians and public officials to the acre in Panama than in any other section of the entire world. The distribution of our patronage among Panamanians may mean other things. I do not know how many Panamanians are now employed, nor what promises have been made to them, but I can notice the rather suspicious closing up of one or two of my sources of information on the Isthmus of Panama.

When the Canal Zone government bill was pending in the House a few days ago, I offered an amendment which provided that positions on the gold rolls in Panama should go only to

American citizens, insisting that if by that bill we were proposing to inaugurate the most gigantic system of spoils ever heard of in the world, the spoils ought to go to American citizens, even if none of them were members of my party.

The amendment I proposed received not a single vote on the Republican side of this House, and every Democratic vote was cast for it.

The proposed Cromwell treaties provide that all differences that may arise between the United States and Panama as to the interpretation to be given the Hay-Bunau-Varilla treaty shall be submitted to arbitration, the United States to appoint one member of a tribunal of arbitration, the Republic of Panama to appoint another, the two members thus nominated to select a third member. If they fail to agree, the treaties provide that Peru shall select the third. It follows, as a matter of course, that the third member, if selected by Peru, and Panama would, of course, force this situation, would be friendly to Panama.

There is only one question of difference pending now between the United States and Panama on account of the Hay-Bunau-Varilla treaty, and that refers to the question of tariffs. Panama insists the commissaries we have established on the zone should be discontinued, under the treaty, and that the United States should permit the Republic of Panama to collect duties on the articles sent to the Isthmus and sold to the twenty-five or thirty thousand employees of the United States on the Canal Zone. This is the question that is likely to arise, after these treaties go into effect, if they are ever ratified, and under the circumstances we can expect this question to be decided, if Mr. Cromwell's plans prevail, against the United States. In other words, the situation Mr. Cromwell is endeavoring to force by the treaties is this:

The United States is to be required to increase its Treasury deficit and to pay to Colombia \$1,250,000; Panama impoverishes herself by giving up the \$1,250,000, clearly belonging to her, now held in France, and gives up for five years after 1913 the revenue we propose to pay her. In return for this Panamanians are to be admitted to the lucrative positions on the Canal Zone in our service, and ultimately, in order to permit Panama to recoup her losses on account of the Cromwell treaties, she is to be permitted to levy taxes upon the army of Americans and other employees we have sent to the Isthmus for the purpose of building this canal.

I respectfully submit that in these treaties Mr. Cromwell's hand is upraised, as it always has been, against the Treasury of his country, and he is doing the best he can to betray the country, with reference to which he occupies now a supreme advisory position.

Two of these treaties have been given out by Cromwell and Obaldia and published in the Panama Star and Herald on Monday, January 18. I have obtained the proposed Cromwell treaty between Panama and Colombia from that paper and will print it as an appendix to my speech. These treaties, it appears from the information given out by Mr. Cromwell, have already been approved by the present administration in this country. It remains yet to be seen whether they will be ratified by the General Assembly of Panama and by the Senate of the United States. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

APPENDIX.

The following item appeared in the Panama Star and Herald of January 18, 1909 (a paper published in the city of Panama, Republic of Panama):

DRAFT OF PANAMA-COLOMBIA TREATY.

Through the courtesy of His Excellency President Obaldia we are able to present a draft of the treaty between Panama and Colombia, which was signed at Washington at midnight of the 9th instant, as announced in our columns yesterday.

There may be in the text of the signed treaty certain modifications of some of the articles as they appear in the draft, but, pending the receipt of the approved text, we think the following of sufficient general interest and importance to warrant publication at the present time.

The following copy of the Panama-Colombia treaty, as given out by President Obaldia, of Panama, appeared in the same issue of the above newspaper. It contemplates the enactment of treaties between the United States and Panama and the United States and Colombia before it becomes effective:

Treaty between the Republic of Colombia and the Republic of Panama.

The Republic of Colombia and the Republic of Panama, equally animated by the desire to remove all obstacles to their good understanding, to adjust their pecuniary and other relations to each other, and to mutually secure the benefits of amity and accord, have determined to conclude a convention for these purposes, and therefore have appointed as their respective plenipotentiaries; that is to say, the President of the Republic of Colombia, Enrique Cortes, envoy extraordinary and minister plenipotentiary of the Republic of Colombia, and the President of the Republic of Panama, Carlos Constantino Arosemena, envoy ex-

traordinary and minister plenipotentiary of the Republic of Panama, who after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

RECOGNITION OF INDEPENDENCE.

The Republic of Colombia recognizes the independence of the Republic of Panama and acknowledges it to be a free, sovereign, and independent nation as of the 3d day of November, 1903.

ARTICLE II.

DECLARATIONS OF AMITY.

There shall be a mutual and inviolable peace and friendship between the Government of Colombia and its citizens on the one part and the Government of the Republic of Panama and its citizens on the other part, without exception of persons or places under their respective dominion.

ARTICLE III.

PECUNIARY RELATIONS—TRANSFER OF CERTAIN INSTALLMENTS—INDEMNIFICATION OF PANAMA AGAINST EXTERNAL AND INTERNAL INDEBTEDNESS.

The Republic of Panama assigns and transfers to the Republic of Colombia and its assigns and nominees, in lawful and due form, the first ten annual installments of \$250,000 gold coin, each becoming due to it, the Republic of Panama, from the United States of America on the 26th days of February in the years 1908 to 1917, both inclusive, under and pursuant to the provisions of article 14 of the treaty between the United States of America and the Republic of Panama exchanged February 26, 1904, and under and pursuant to the amendment thereof embodied in a treaty of even date between said nations, whereby said article 14 is amended by substituting the words "four years" for the words "nine years," so that the first annual payment of which that article treats shall begin four years from the exchange of said treaty of February 26, 1904, instead of nine years from said date, in such manner that the said installments shall be paid by the United States of America directly to the Republic of Colombia or its assigns and nominees for account of the Republic of Panama, in lawful and due form, beginning the 26th day of February, 1908. Such installments as may have matured when the ratifications of this treaty shall be exchanged pursuant to its terms shall be payable on the thirtieth day after the date of such exchange.

In consideration of the payments and releases which the Republic of Panama makes to the Republic of Colombia the latter recognizes and agrees that the Republic of Panama has no liability upon and no obligations to the holders of the external and internal debt of Colombia nor to the Republic of Colombia by reason of any such indebtedness of claims. Colombia recognizes and agrees that it is itself solely obligated for such external and internal debt, assumes the obligation to pay and discharge the same by itself alone, and agrees to indemnify and hold harmless the Republic of Panama, should occasion arise, from any liability and expense in respect of such external and internal indebtedness.

ARTICLE IV.

MUTUAL EXONERATION.

Each of the contracting Republics releases and discharges the other from all pecuniary claims and obligations of any nature whatever, including the external and internal debt of Colombia, which either had against the other on the 3d day of November, 1903, it being understood that this reciprocal exoneration relates only to the national debts and claims of one against the other, and that it does not relate to individual rights and claims of the citizens of either Republic. It is understood that such individual rights and claims which originated in incidents occurring previous to the 3d day of November, 1903, shall be decided in accordance with the legislation of the Republic against which they are presented and by the tribunals or authorities of the same, so that in no case shall the claimant enjoy greater privileges or advantages than the citizens of the Republic against which the demand is made.

ARTICLE V.

CONFIRMATION BY PANAMA OF ITS ABANDONMENT OF ANY CLAIM TO PANAMA CANAL SHARES.

The Republic of Panama recognizes that it has no title or ownership of any sort to the 50,000 shares of the capital stock of the New Panama Canal Company standing in the name of the Republic of Colombia on the books of said company at Paris, and the Republic of Panama confirms the abandonment of all right and title which, with respect to said shares, it made in the courts of justice of France.

ARTICLE VI.

RIGHTS OF CITIZENS.

The citizens of each Republic residing in the territory of the other shall enjoy the same civil rights which from time to time are accorded by the laws of the country of residence to the citizens of the most favored nation. It being understood, however, that the citizens of either of the two Republics residing in the other shall be exempt from military services imposed upon the citizens of such Republic.

The natives of the country of either of the two contracting Republics who have heretofore or shall hereafter become citizens by naturalization in the other Republic, shall not be punished, molested, or discriminated against by the Government of the country of which they were natives, or by the citizens thereof, by reason of their acts of adhesion to the country whose citizenship they have adopted.

ARTICLE VII.

NEITHER NATION SHALL ANNEX TERRITORY OF THE OTHER.

Both Republics agree, each for itself, that neither of them shall admit to form any part of its nationality any part of the territory of the other which separates from it by force.

ARTICLE VIII.

NEGOTIATIONS TO BE CONDUCTED FOR TREATY OF COMMERCE, ETC.

As soon as this treaty and the contemporaneous treaty of even date between the United States of America and the Republic of Panama and between the United States of America and the Republic of Colombia shall be ratified and exchanged, negotiations shall be entered upon between the Republics of Panama and Colombia for the conclusion of additional treaty or treaties, covering questions of commerce, postal, telegraph, copyright, consular relations, extradition of criminals, and the like.

ARTICLE IX.

It is agreed between the high contracting parties, and is declared, that the dividing line between the Republic of Colombia and the Republic of Panama shall be as follows, to wit:

From Cape Tiburon, on the Atlantic, to the headwaters of the Rio de la Miel, and following the range by the Cerro de Gandi to the Sierra

de Chugargun and that of Mall, going down by the Cerros of Nique to the heights of Espave, and from there to the Pacific at such point and by such line as shall be determined by the tribunal of arbitration hereinafter provided, and the determination of said line shall conform to the decision of the tribunal of arbitration in respect of the title and limits of the district or corregimiento of Jurado, as next provided.

As to the district or corregimiento of Jurado, the boundaries and attribution of which to either the Republic of Colombia or the Republic of Panama will be fixed by the determination of the line aforesaid by said tribunal of arbitration, the title thereto and the precise limits thereof and the right to the sovereignty thereof as between the high contracting parties shall be conclusively determined by arbitration in the following manner:

SECTION 1. A tribunal of arbitration shall be created to investigate and determine all questions of fact and law concerning the rights of the high contracting parties to all the territory in the above-mentioned region of Jurado. The tribunal shall consist of three members; the Republic of Colombia shall nominate one member, the Republic of Panama shall nominate one member, both of whom shall be nominated within three months after the exchange of ratifications of this treaty, and the two members of the tribunal thus nominated shall jointly nominate a third member, or, in the event of their failure to agree within three months next after the appointment of the last of them, and on request of the President of either of the high contracting parties, the third member of the tribunal shall be appointed by the President of the Republic of Peru.

The tribunal shall hold its sessions at such place as the tribunal shall determine.

The case on behalf of each party, with the papers and documents, shall be communicated to the other party within three months after the appointment of the third member of the tribunal.

The counter cases shall be similarly communicated, with the papers and documents, within three months after communication of the cases, respectively.

And within two months after communication of the counter case the other party may communicate its reply.

The proceedings of the tribunal shall be governed by the provisions, so far as applicable, of the convention for the pacific settlement of international disputes signed at The Hague by the representatives of both the parties hereto on the 18th day of October, 1907.

The tribunal shall take into consideration all relevant laws and treaties and all facts proved of occupancy, possession, and political or administrative control in respect of the territory in dispute.

ARTICLE X.

THIS TREATY CONDITIONAL UPON EXCHANGE OF TREATIES OF EVEN DATE BETWEEN UNITED STATES AND COLOMBIA AND UNITED STATES AND PANAMA.

This treaty shall not be binding upon either of the high contracting parties nor have any force until and unless the treaty signed on the same date between the Republic of Panama and the United States of America and between the Republic of Colombia and the United States of America are both duly ratified and ratification thereof exchanged simultaneously with the exchange of the ratification of this treaty.

ARTICLE XI.

RATIFICATION AND EXCHANGE.

The present treaty shall be submitted for ratification to the respective Governments and ratifications hereof exchanged at Washington as soon as possible.

The following is a telegram from Cromwell and the minister of Panama to the United States admitting responsibility for the above treaty. It appeared in the same paper.

DESIRED AGREEMENT REACHED AT LAST—TREATY WITH COLOMBIA SIGNED—LONG-STANDING DIFFERENCE SETTLED.

On Sunday the following important cablegram from Washington was received at executive headquarters:

WASHINGTON, D. C., January 10, 1909.

ORALDIA, Arango, Panama.

All three treaties signed at midnight and we rejoice at this happy conclusion of our labors. Your prompt cables of approval gave us encouragement and aroused a most hearty responsiveness by the United States. Please accept the profound expression of our gratitude for your congratulations which we reciprocate to you all.

AROSEMENA.
CROMWELL.

The news was quickly circulated throughout the city by means of fly sheets and was the subject of comment during the afternoon. Many expressions of satisfaction were heard in influential circles at this happy conclusion of a long-pending matter.

Another telegram from Cromwell appearing in the Panama papers having reference to the Panama treaties:

MESSAGE FROM MR. CROMWELL.

The following congratulatory cablegram has been received by the Hon. J. A. Arango, secretary of foreign relations, from Mr. William N. Cromwell, Panama's counsel in the United States:

NEW YORK, January 8, 1909.

SECRETARY ARANGO, Panama:

I appreciate deeply your advice by cable of this date containing congratulations and approval.

It is indeed a glorious result, for aside from the material advantage for Panama, it places the nation in a firm and splendid position, not only with respect of this Government but all the nations of the world. You should justly feel proud at your important part in this great achievement. I am sending you full report by mail steamer *Panama* to-morrow. Am leaving for Washington to-night to close treaty.

CROMWELL.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GILLET having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 27189. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district; and

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes.

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

S. 9286. An act authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Colorado; and

S. 9198. An act authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Utah.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 68.

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate, be, and hereby are, authorized to cancel their signatures to the enrolled bill H. R. 25155 an act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and that the said bill be re-enrolled with the intention of the words "third paragraph of the" after the words "That the" in the first line after the enacting words of the said bill.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. CURTIS, and Mr. OWEN as the said conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. FORAKER, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. OVERMAN as the said conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SMITH of Iowa. Mr. Chairman, I yield ten minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Chairman, I apprehend that the House is very much wearied with this matter and would fain return to business, but I feel compelled to say a word in reply to the gentleman from Illinois [Mr. RAINEY], who has just taken his seat.

He has revealed to us this morning very little that is new or very little that he had not previously stated on the floor of the House. He has proven nothing. I expected the gentleman would give us the names of his informants. He has finished his speech without enlightening us upon that point. The chief burden of his speech seems to be an attack upon William Nelson Cromwell. Now, I do not propose to say any more in behalf of Mr. Cromwell than I have already said, but I do propose to say to the gentleman that when he was willing to admit that Mr. C. P. Taft had cleared himself of any connection with any Panama deals by his own disclaimer, that Mr. Cromwell was equally entitled to have his disclaimer respected. Now, I have in my hand a paper from Panama published on the 11th day of February, the day before I made my speech in reply to the gentleman from Illinois; and, by the way, this paper is the organ of the opposition to the Obaldia government. This paper contains an editorial, which I have had translated. It states that none of these gentlemen had any connection whatever with the railroad and timber contracts. They did not even know that there were any timber contracts or any railroad contracts. Now, for one moment to refer to the railroad contracts. A railroad contract was proposed by Mr. Randall Ward. It was rejected by the Panama Congress in toto three months ago, and in its place the Panama Congress enacted a law on the 5th of January, twenty-one days before Mr. RAINEY made his speech, stating

that the railroad contract was then before that congress, which provides that the railroad shall be built by the Government. The Panama Congress, on January 5, passed an act authorizing the Government to build the road, and that is the law to-day, and there is no way to go back on that action, and so all dispute had ended long before the gentleman had made his speech.

In regard to Mr. Cromwell, or any of these gentlemen named, having any part in either the railroad or timber contracts, not one of them had a single thing to do with them and they were not known in them; and, moreover, some of these gentlemen are not known to each other. Mr. Cromwell and Mr. Douglas Robinson never saw each other, and never spoke to each other, never corresponded, nor was there ever a word passed between Obaldia and any of these gentlemen in regard to the subject of these contracts.

As to the timber contract. This timber contract was a matter that involved neither the payment of money nor the concession of any land by the Government of Panama whatsoever. It was purely and simply in the interest of the State of Panama as a source of revenue. They sold part of the stumpage for cash, and that was all there was to it. In reference to these contracts, I say again that Mr. Cromwell, nor any of these gentlemen in New York, had anything at all to do with them.

Now, the gentleman seems to shift his charge from one ground to another to suit his purpose, and fails absolutely to show from whom he got his information. I desire, Mr. Chairman, to have printed in the Record an editorial from La Estrella de Panama, with the consent of the House. It is a disclaimer as regards all these gentlemen having anything whatsoever to do with this transaction.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to have printed in the Record as part of his remarks the matter he has referred to.

Mr. CLARK of Florida. Before consent is given, I would like to ask what is contained in the editorial? A good many matters have crept into the Record of late which are clean-cut breaches of the privilege of the House.

Mr. LOVERING. It is a translation of La Estrella de Panama, refuting some of the slanderous charges.

Mr. CLARK of Florida. Then I object.

Mr. LOVERING. It is a refutation of some of the charges.

Mr. CLARK of Florida. I object, Mr. Chairman, because I do not think outsiders have the right to enter into debate with Members upon the floor of this House.

Mr. LOVERING. Very well, Mr. Chairman; then let me ask, what right we, as outsiders, have to enter into the affairs of Panama and to discuss what happened in that legislature? [Applause.]

Mr. GAINES of Tennessee. If the gentleman's resolution were passed, the investigation would be as to outsiders.

Mr. LOVERING. The gentleman has already offered a resolution, and he is not pushing it. I would only be too glad to have it passed.

Mr. GAINES of Tennessee. Why does not the committee report it?

Mr. LOVERING. I do not know; the gentleman must ask me some other conundrum.

Mr. GAINES of Tennessee. Why not report it, so that we can have everything made plain?

Mr. LOVERING. The gentleman does not push anything that will do anything or prove anything. I will take occasion at some other time to reply more fully to the gentleman's speech, if necessary.

Mr. SMITH of Iowa. I yield thirty minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Chairman, I regard the speeches made by the gentleman from Illinois last month and this month as most unfortunate, not only for himself but as regards the relations between this House and the country. In a somewhat extended service here I have never known of such a nonchalant disregard for accuracy and for the reputation of men at home and abroad. [Loud applause.] I submit to you, Mr. Chairman, it is beneath the dignity of this House, and certainly I say the gentleman's own dignity, to refer flippantly to a man by saying he ought to be a freak in a museum. That man has his home and family, and a Member should be forced to stand up and sustain some accusation against him rather than speak of him as a freak in a museum. [Loud applause.]

Mr. RAINEY rose.

Mr. BURTON of Ohio. I decline to yield; perhaps I will later.

Mr. RAINEY. The gentleman has admitted it on this floor.

Mr. BURTON of Ohio. I have heard of no admission.

Mr. RAINEY. His letter has been read admitting it.

Mr. BURTON of Ohio. The distinctive feature of the remarks of the gentleman from Illinois to-day has been that he abandons for the most part his accusations made in former speeches, and goes afield and brings in a new lot of accusations here, relating for the most part to a treaty now pending between Panama and the United States, but involving Colombia as well. It would have been more edifying for the House, it would have been more instructive for the country, if the gentleman had proven the accusations made a few days ago; and it is of little use for us to take up and seek to analyze a treaty that is now pending before the Senate. It is impossible that there should be such childlike, such careless, abandonment of the rights of this country as to lead to the unfavorable results which the gentleman has portrayed before us. While most of us in this House have not studied this treaty, because it does not belong to our branch, it is evident that the gentleman from Illinois does not understand it any better than the rest of us, or he would not have sought to take our time in useless discussion.

I must disapprove of his methods. At great length he declaimed here a few days ago about a timber contract pending down in Panama. He declaimed about a concession for a railroad. It appears that the timber contract has been entirely abandoned. It appears that so far from granting a concession to any private individuals to build a railroad, the Government of Panama by its congress voted on the 5th of January, some considerable time before the gentleman's speech was made, that the railroad should be built by the Government and not by private individuals. That is an old scandal. It was old when the gentleman gave credence to it and uttered it here on the 26th of January. It was even then a foreclosed incident. Let our information be up to date.

With great earnestness the gentleman declaimed that we should right wrongs. No one will contradict him on that; but I do object to conjuring up wrongs when there are real wrongs to right.

I object to going into another country and seeking to control its policy, when we have wrongs enough at home to take care of. [Applause on the Republican side.]

These are the questions this House should consider: Is the enterprise on the Isthmus being prosecuted with vigor and, as far as possible, with economy? We certainly should insist that it be managed with honesty. This canal is going to cost a great deal more than was anticipated it would cost. Some of us foretold that in 1902. In the first place, the plans have been changed. It has been made a somewhat larger enterprise than was contemplated. The necessity for sanitation has developed, and sanitation has been provided at very great expense. There has been an increase in the cost of labor and of material, but we are committed to the building of that waterway, and, whatever its expense may be, this country should prosecute it to a prompt and successful termination. [Applause.] There can be no disagreement about that. We have commenced it, and let us go through with it.

But at the same time we must do full justice to the men who are engaged in this work. We should uphold their hands. We should protect them against false accusations from whatever source they may happen to come. In connection with this whole matter there has been an unusual amount of muck raking. It is in part a survival from the old disappointment because another route was not selected. Men who have attacked those engaged in the building of the canal and who have attacked the officials of the Government having to do with it have not been satisfied with scraping through all the sewers in New York and in this country, but they have found it necessary to go down into the miasmatic swamps and polluted pools of Panama, and covered with the slime which they have accumulated, they have sought to communicate a part of it to others who have been doing their best and who have been faithful to the great enterprise and the public. [Applause.]

It is on behalf of these latter that I want to speak to-day. The statement was made by the gentleman from Illinois [Mr. RAINEY] a few days ago that the cut at Culebra was no deeper than when the French left it. In that he was in error. It is true that there had been a narrow prism constructed which had gone to a considerable depth during the time in which the French were engaged in the work. The first thing to do was to widen it. I have a report received from the Isthmian Canal Commission within a few days, in which it stated the following:

ISTHMIAN CANAL COMMISSION,
PURCHASING DEPARTMENT,
Washington, D. C., February 13, 1909.

HON. THEODORE E. BURTON,
United States House of Representatives, Washington, D. C.

SIR: I inclose herewith a sketch taken from the Canal Record showing the condition up to June 1, 1908. This typical section indicates that although the French excavation had gone to a rather low level,

yet the width of the excavation as compared to the width as finally excavated by the Americans was very small. It also indicates that an additional cut had been made by the Americans at that time below the lowest level reached by the French. This is further illustrated in the inclosed map, plate No. 26, taken from the report of the commission for 1908. On this plate is shown a longitudinal section through the Culebra cut indicating the original surface, the lowest line when Americans commenced work, and the line of excavation on June 30, 1908. It might be added in this connection that this section does not indicate the full amount of work done by the Americans, as the entire excavation made by the French was not only lowered, but was considerably widened, as indicated on the cross section taken from the Canal Record. The actual figures covering the amount of material taken out by the French and the Americans are as follows:

Total amount excavated by the old and new French companies to May 1, 1904.....	cubic yards.....	22,600,000
Total amount of material taken out by the Americans since their occupation up to January 31, 1909.....	cubic yards.....	27,615,000

Reverting to the section from the Canal Record, which, as is indicated, is merely a typical cross section, it might be stated that the original surface of the ground for the typical cross section was 190 feet above the sea level. The French excavated to a level of about 145 feet above sea level to width of about 110 feet. The Americans have increased the width of this excavation down to the 145-foot level to width of about 400 feet, and have, in addition, excavated a cut approximately 50 feet wide down to the elevation of about 130 feet above sea level. This, it is noted, was the status on June 1, 1908, since which time an additional amount of 9,170,000 cubic yards have been taken from the cut.

I regret that I have no typical section showing the condition of affairs at the present time, but it can be stated positively that every square foot of the canal prism through the Culebra cut has been lowered materially below the level as left by the French, and, in addition, the prism left by the French has been widened three or four times. Attention is invited to the fact that when speaking of the Culebra cut reference is had to a stretch of the canal about 9½ miles long.

Very respectfully,

F. C. BOGGS,
Captain, Corps of Engineers, U. S. Army,
General Purchasing Officer.

So this enterprise is being prosecuted in a proper manner in a businesslike way, and the gentleman's statement in regard to its not having been lowered was entirely incorrect. It has been lowered over the whole width of the cut.

I note that the President-elect is criticised. It is said by the gentleman from Illinois that the only object Mr. Taft had in going to Panama last year was to press the candidacy of a candidate for the presidency; that he made veiled threats that if one of the candidates was not elected direful results—I have forgotten exactly what they were—would follow to Panama; that he used force to bring about the election of a candidate. From beginning to end those statements are absolutely incorrect. The President-elect of the United States, then Secretary of War, went to Panama to encourage and promote the work in the first place. He took his time to go there to give his sanction and his encouragement to those who were engaged in it, to settle a number of perplexing questions that had arisen with reference to the occupancy of the Canal Zone.

When there he found that fraudulent registration had been resorted to. He was called upon by one side to see that there was a fair election, and he believed in a fair election. He communicated with the leaders of the respective parties, and before soldiers or marines were detailed to go to the polls the request was made not only by the one party, but by the other. There was not an iota of violence. What he did was virtually in fulfillment of obligations binding upon us to preserve order on the Isthmus. I submit the gentleman from Illinois [Mr. RAINEY] should retract his statement made against the President-elect, of whom I believe that we can say, whether we agree with him in politics or not, that we all respect him and believe him to be an able executive, devoted to the good of his country. [Applause on the Republican side.] Yet he has been put in this speech on a level with the scurvy politician who is resorting to force and to violence! Is this a proper accusation to be made in this House and allowed to go without rebuke?

I shall enter upon no extended defense of the others named here. Mr. Cromwell seems to be the special object of attack of the gentleman from Illinois. Mr. Cromwell is one of the most active, intense, and able lawyers in this country. He labored hard, as was his duty, for the selection of the Panama route by the United States, and it is to his efforts more than anything else that this country, as I believe, was saved from a great blunder in the selection of a route. His course in that regard was not perhaps altogether actuated by motives of patriotism. It was in the course of his employment as a lawyer. Since then he has been the attorney for the Republic of Panama. No one is so familiar with the conditions on the Isthmus as he is. Without compensation, with the full knowledge of the State and War departments that he has represented this other interest, he has assisted the President and the Secretary of State and the Secretary of War whenever any tangle has arisen down there. I submit that having performed

this service without pay, with the full and complete understanding of what he represents, he is entitled to just treatment in this House and to a proper tribute of respect for the great results which he has achieved.

Mr. Farnham is the secretary of Mr. Cromwell. Oh, it is always very easy to jump on a subordinate. I know no reason why we should take up the time of this House in attacking or defending anyone in matters which do not concern us. His salary has been mentioned. To my mind, there are far weightier matters that we can consider in this House of Representatives than the course of a subordinate in his dealings with Panama. The people of that country have shown themselves extremely able to take care of themselves. If there was fraud or a threat of graft in the timber contract, they turned it down. If there was danger in a privately constructed railroad, they decided their railroads should be built by the Government; and I say here that, great as we may be in this body, which represents the greatest government in the world, it is hardly in accordance with comity or courtesy for us to drag in here the transactions of another Republic, however humble or however small or however remote it may be. We should be too big for such trifling. [Applause on the Republican side.]

I am not going to enter into a discussion of the factions down there. You all know in Latin America they have factions, and they are sometimes very bitter. I must say this, in extenuation of the course of the gentleman from Illinois [Mr. RAINEY], that I think he has taken one side, a disappointed side, for his information. He has taken their material and their falsehoods without analyzing them. But I am inclined to think that I am not taking the side of any faction when I say that their President is the man best fitted for the office. It was said of him by the gentleman from Illinois that down in Colombia he was the only one who was ready to betray his country. Betray his country! How serious an accusation is that. Should any man here or in Panama make the accusation of betrayal or treason without knowing the facts? What did Obaldia do? Down in the Congress of Colombia, when a treaty with the United States was proposed which would have given us the right to construct the canal, he stood up boldly and represented his constituency and told the Congress that trouble would ensue if it did not ratify that treaty.

He said that Panama was restive, that her people demanded that the Colombian Government, the capital of which was so remote from them, should pay some attention to their wishes. If that is betrayal, make the most of it. It was doing his duty to his constituency which sent him there. A reference was made again to an imprisonment of Obaldia—a further effort to belittle him. What was his imprisonment? He showed such loyalty to Colombia that he was appointed governor of Panama. It was thought that he could harmonize conditions—

Mr. RAINEY rose.

Mr. BURTON of Ohio. At some later time I will perhaps yield; not now—that he could harmonize the conditions there. He went to Panama as governor. A rebellion occurred. The Government or control of Colombia was overthrown. Being the accredited governor from Colombia, he was regarded as one under suspicion. His house was guarded and he was placed in a sort of honorable confinement.

Why attack him as if he were a criminal, why attack him as if he were a traitor? He was elected by a full and fair vote of his countrymen to be President of Panama, and I do not care if they have a population less than even one of the least of our own States, it is not for us to insult their chief magistrate or make accusation against him which can not stand the light of day. [Applause.] Mr. C. P. Taft was attacked. Whenever there is any muck raking to be done about the Panama Canal his name is brought in. Now, it is true I have been through a political contest in which Mr. Taft was on the other side, but that contest was one which left with me nothing but the highest degree of respect for his honesty of purpose and his patriotism. In the fierce light that beat upon him when he was a candidate for the Senate I never heard a word that reflected upon his honesty as a man. [Applause.] I never heard a word that he was engaged in any scheme for exploitation in France or in Panama, and I do not believe a word of it now. [Applause.]

Why, are we not descending far below the level on which we should stand if we drag in the names of private citizens here and openly accuse them on the floor of the House with that which brings reproach and contumely?

Will the gentleman from Illinois, when he is outside of the protection afforded by the Constitution of the United States and the rules of this House, will he out in the open make the statements that he has been making here on the floor of this

House? Will the gentleman make so free with reputations as he has in addressing us? Oh, this noise about there being a gathering of the members of the legislature where the names of Cromwell and others were mentioned as interested in the exploitation of a timber contract, everyone at that gathering has signed a statement throwing that yarn into the air, saying that not the name of a single one of them was mentioned during the meeting, and no one there knew that any one of them ever had any connection with it.

In the last campaign an effort was made to muddy the waters and make out that there was some graft in the disposition of the \$40,000,000 paid to the French Panama Canal Company; and, to the credit of the Democratic national committee, be it said, they refused to have anything to do with such a scandal. And yet these accusations survive, and under those who, like the gentleman from Illinois, are too credulous, they have been brought in here to the House of Representatives to be again spread before the country. If there are any who should maintain a high standard of accuracy in statement, it is ourselves. We are subjects of attack. Every public man recognizes that he must be callous when his good name is maligned. The Members of this House are regarded as yielding to weakness when they contradict a statement, no matter how baldly erroneous it is. It is the experience of each Member that he must go on his way trusting to his general reputation and to the fairness of the people at large, brushing aside scandals when they circulate.

Now, can we afford to make here careless or reckless statements about persons outside? The world over, those who are most censorious are those who themselves are sure to receive censure in return, whether if it be just or unjust. If there is one thing for which every man in this House should labor, it should be to weigh his words, prizing the immortal possession of reputation. In the farewell address, which was read here to-day, George Washington ranks together three things—the protection of life, of reputation, and of property—and, as I recall that immortal document, reputation comes before property. Property once stolen may be recovered again. Time may supply the gaps made by losses, but what consolation is there for that man who prizes his good name, yet against whom wanton accusation is made and scattered broadcast over the land. We ought to be careful what goes into the CONGRESSIONAL RECORD.

It ought to be a model newspaper. So far as I am personally concerned, I am perfectly willing to support a resolution for an investigation of this whole matter, but I am decidedly opposed to yielding to muck raking and sending committees hither and yon at great expense, thereby showing recognition of that which everybody knows is not true and does not need investigation. Have an investigation if you will, but I tell you that the precedent you will form will be that when anyone actuated by fondness for sensation, or desiring through envy or from any other cause to attack a man who is in the lime light, makes careless accusations, this Congress must lower its dignity and investigate the absurd yarns or perhaps the malicious falsehoods which are told. I am not in favor of ordering an investigation by the United States simply because a sensational newspaper attacks somebody. If you do that, you might as well disband all your committees and the Committee of the Whole and form yourselves into committees of investigation.

The gentleman from Illinois [Mr. RAINEY] seems to be honored because he is placed in the "Ananias Club." The "Ananias Club" has never taken out articles of incorporation. [Laughter.] It does not hold annual banquets. The members wear no button. Its members do not buy busts of the founder to place them in public halls. The census of the membership would be exceedingly difficult, but I am afraid the number of eligibles would be extremely large. [Laughter.] As the gentleman from Illinois [Mr. RAINEY] has spoken as if it were an honor to be named as a member, some unkind persons outside will say that he is a paragon among eligibles for the first presidency of the "Ananias Club." [Laughter.]

Now, Mr. Chairman, if that is out of order I will withdraw it. [Laughter.] But I say this with the reservation that the "Ananias Club" is not supposed to be altogether made up of persons who have intentionally made false statements, and I desire to relieve the gentleman from Illinois from any such imputation.

I think, however, that with a carelessness which ill befits a Member of this House, he has listened to statements of detraction against men whose reputations were above reproach; that he has listened to criticisms of public officials where no criticism but rather praise was due; that he has found fault with the prosecution of an enterprise which is being prosecuted with all vigor and dispatch, and which should have the support of every one

of us. There are a number of other things he has said, which, if I were to take them up in detail, might be answered. I think I have dwelt upon those most important, and that I have pointed out his carelessness of statement in all these speeches. I especially deprecate the method which the gentleman from Illinois has pursued in coming in here and making accusations, and then, when his arguments and statements are contradicted, glancing away and bringing up new ones.

In the storehouse from which he draws there must be yarns new and old. Let us first have a square and direct statement from him and proof of that which he has already said, and if they are proven, the House will halt, and perhaps the country will halt, to listen to what else he has to say about the Panama Canal. But so long as the substantial averments which he has made have been proven groundless, it is not for us to turn aside from our ordinary business to pay attention to them or to seek investigation. Indeed, I do not know, Mr. Chairman, but I have already wasted half an hour answering something that needed no answer, because made up of statements which, if they do not fall to the ground from the weight of their improbability, have in them such absurdity and incorrectness that the House ought not to be detained to listen to a contradiction. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, quite apart from the probability or improbability of the charges made by the gentleman from Illinois [Mr. RAINEY], I think it must be clear that if this matter be dropped now, as is suggested by the gentleman from Ohio [Mr. BURTON], a perfectly intolerable position will ensue. Charges of a grave character have been made upon the floor of this House against citizens of the United States. I do not propose to speak about the propriety of discussing relations between this great Republic and the small Republic of Panama, although I may say that I do not quite share the opinion which the gentleman from Ohio expresses of the enormity that characterizes such performances in this House. The Republic of Panama is not exactly an independent body, at least it can hardly be said to exist entirely independent of this country. It is a bantling of our own, and I am afraid it will return several times in the future to plague the serenity of this Government and of this House.

Without pausing to discuss that aspect of the question, I insist it would be an intolerable situation if citizens of the United States who have not been convicted of any crime can be assailed upon the floor of this House and no method provided by which the truth or accuracy of such accusations can be determined. This Government is established to protect the rights of citizens—all of them—and, as the gentleman from Ohio well says, the right to character stands next after the right to life. For my part, I think the right to character should be placed first, for a man whose character is gone, if he continues to live, must live like a dog.

Now, when accusations are made here they are spread upon the record. Surely common justice demands that some method should be devised by which that record can be made to declare whether the charges are justified or not. Some way or other persons so assailed should have the right to be heard in their defense, either here on the floor or by some agency appointed to take their exculpatory statements and empowered to spread them on the record.

When letters from persons who had been assailed were attempted to be read some days ago, objection was made that it was out of order for a Member to stand upon the floor and read a letter of explanation from a person who had been denounced, and the only way by which that letter could be read was by unanimous consent. Can it be possible that this Government, erected to establish justice and to maintain all the rights of every man subject to its jurisdiction, may have one of its branches—and that the most important—perverted and abused to level charges against citizens, to place these accusations in a permanent record, and then by a system of procedure exclude those citizens from the right even to be heard?

Mr. Chairman, this concerns the dignity, the value, aye, the very existence, of this House. This Government, which was designed to be the shield, the rampart of individual rights, and the citadel of justice—which has commanded the admiration of the world ever since it went into operation—will forfeit its title to either admiration or respect if this House, one of its most important features, be made a place from which accusations can be leveled against citizens and those accusations can not even be contradicted by the written declaration of the persons assailed. If such a condition be tolerated, then this body, which

was established as an agency to protect right and establish justice, becomes an engine to perpetrate injustice that is intolerable.

Now, Mr. Chairman, I have risen merely to suggest that in view of this debate the proposition of the gentleman from Massachusetts [Mr. LOVERING] is one which we are absolutely compelled to adopt if we would maintain the credit of the House itself. These charges, in view of the publicity that has been given to them, must be investigated. [Applause.] They should be investigated and the accuracy or inaccuracy of them once for all established, so that the CONGRESSIONAL RECORD may stand an unimpeachable record of actual facts if the charges be true, or else by some formal action they may be declared untrue, so that there shall be spread upon the same record that has damaged an innocent citizen a solemn statement of the reparation made by the House itself. [Loud applause.]

Mr. TAWNEY. I yield five minutes to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Chairman, I desire to call the attention of the committee to the bill H. R. 24148, that I have introduced to provide for the establishment of a children's bureau of investigation and publicity under the Secretary of the Interior, and to add such arguments as I can to the forceful report already submitted by the committee. The bill calls for an expenditure of \$51,820; that is, less than \$52,000. I venture to say that no appropriation of \$52,000 could be more blessed in its effects, be the means of bringing greater happiness to many, or accomplish more for the public welfare. The objects are described in the bill as follows:

The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency and juvenile courts, desertion and illegitimacy, dangerous occupations, accidents and diseases of children of the working classes, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the health, efficiency, character, and training of children. The chief of said bureau shall, from time to time, publish the results of these investigations.

In other words, the bill seeks to establish in the Department of the Interior a central bureau to which all the States, all municipalities, all legislators, and all people generally who are interested in charitable and correctional work and the public welfare can go for information on all the various subjects mentioned in the bill.

No legislation on any matter affecting children is enacted by this bill. It infringes on no rights of the States. Nor is it contemplated that any statistical work, such as is done by the census, shall be done by this bureau. It is not with the statistics, but with the questions of infant mortality, birth rate, and so forth, that the bill deals. If there is any statistical work for the National Government to do that these questions might suggest a need for and that the Census Bureau does not now do, it will be far more economical and scientific that the work should be devolved upon that bureau than upon this new one. But this bureau would stimulate States, municipalities, and institutions to uniform methods of statistics, as has the Bureau of Education, and those statistics of States, municipalities, and institutions would enormously aid to an understanding of conditions and serve to measure the progress made in the lines covered by them.

WHAT THE FEDERAL GOVERNMENT CAN DO.

What the Federal Government can do in the way of direct legislation affecting children may be little, but it can do a great deal in regard to information, investigation, and publicity, and it alone can do it, as alone could the Federal Bureau of Labor and of Education accomplish some of the things they have accomplished, and to which I will allude later. Any body of citizens working on these problems will come to these conclusions, as did the New York committee on physical welfare of school children in regard to the Federal Bureau of Education, and as did the President's conference on dependent children in regard to this bureau.

NUMBER OF CHILDREN.

Of the total population of the United States at the last census, which was 75,994,575, 44.3 per cent, or 33,681,074, were under 20 years of age; 1,916,892 were under 1 year of age; 7,253,736 were from 1 to 4 years of age; 8,874,123 were from 5 to 9 years; 8,080,234 were from 10 to 14 years; and 7,556,089 were from 15 to 19 years.

The problems here discussed are national, but they concern particularly those who live in cities. There were 14,208,347 people (that is, 18.7 per cent) living in cities of over 100,000 inhabitants, of which there were in the North Atlantic division

7,533,280, or 35.8 per cent of its population, and in the North Central division 4,714,117, or 17.9 per cent of its population. There were, in addition, living in cities of over 25,000, 5,509,965 (7.3 per cent), of which 2,565,416 were in the North Atlantic division (12.2 per cent), and 1,383,767 in the North Central division (5.2 per cent). In the Western division 14.2 per cent were living in cities of over 100,000 inhabitants and 11.1 per cent in cities of over 25,000 inhabitants. The drift of population to the cities having over 25,000 inhabitants is irresistible. In 1880 they contained 9,953,396; in 1890, 14,880,255; and in 1900, 19,718,312, an increase of 49.5 per cent for the earlier decade, and of 32.5 per cent for the later decade. On the other hand, the increase in the whole population from 1880 to 1890 was only 24.9 per cent, and from 1890 to 1900, 20.7 per cent.

In cities of over 25,000 inhabitants those under 5 years of age were 2,054,790; those from 5 to 9, 1,989,341; and those from 10 to 14, 1,772,883; a total of children under 15 years in such cities of 5,817,014. The total families were 4,217,644; the average number of persons to a family, 4.7; and of the families only 25.7 per cent owned their homes, either free or mortgaged, whereas 74.3 per cent hired them.

These figures of the children and urban populations and of the housing conditions suggest the magnitude of the problems involved. But the problems multiply when the various aspects of childhood are borne in mind.

If we view the child problem from the point of age, there are the infant, the child just before going to school, the school child, and the child that after school may have gone to work. If we view the child from the point of view of its activities, there are the play child, the study child, and the work child.

If we view it from the point of view of its parental relations, we have the child of living parents, the orphan, the child of criminal parents or parent, the illegitimate child or foundling, and the child of pauper parents. Or, if we view it from the point of view of the place of its upbringing, we have the child in its parents' home, the child brought up in an institution, and the child brought up in the home of others.

Or we may view the child from the physical point of view, in which case, as related to each of the periods of babyhood, pre-school childhood, school childhood, and work childhood, we have

the problems of disease and physical disability due to heredity, general environment, or to ignorance or carelessness. From the moral point of view we have to do with juvenile delinquents, with the merits of probation systems, with juvenile courts, with institutional effects, and with the proper direction of children's interests and efforts. On the moral side of the child there are also questions of heredity and environment; heredity, as related to diseases of parents; environment, as involving, apart from contact with persons in the household or institution, life in large cities—e. g., in tenements—life in smaller cities and in country districts, and as demanding more suitable opportunity for the development of what are called the "natural instincts" of childhood. Concerned with the children of the very poor there are, further, the questions of effective relief and assistance. In the foregoing I have mentioned nothing of a purely educational character, as that is the well-established function of the Bureau of Education, nor have I referred to religious influences; but the several view points suggest the existence of many problems and their urgent importance.

Let me now indicate more particularly under the several topics mentioned in the bill some of the conditions and problems that do or that, unknown to us, may confront us and some of the remedies suggested. The instances will, I hope, excite your interest and enlist your support of the bill.

INFANT MORTALITY.

The magnitude of this scourge is readily shown by the figures of the last report on mortality statistics published by the Census Bureau (1906). In the registration area, which now covers about half the population, there were 212,738 deaths of children under 15 years of age. But of these 133,105 were of infants under 1 year. They formed 20 per cent of the deaths of those of all ages. According to the last census, for the year ended May 1, 1900, the deaths, by age periods, per 1,000 of population were:

Under 1 year.....	165.4
Under 5 years.....	52.1
From 5 to 14 years.....	4.3

The following table, taken from the Twelfth Census, shows the decreases in death rates from 1890 to 1900, but the continuance of a higher proportionate death rate in cities than in the country and the tremendous death rate for the young children:

Death rates per 1,000 population at certain ages, 1890 and 1900.

Year.	Registration States.							Cities in registration States.						
	All ages.	Under 5 years.	5 to 14 years.	15 to 44 years.	45 to 64 years.	65 years and over.	Un-known.	All ages.	Under 5 years.	5 to 14 years.	15 to 44 years.	45 to 64 years.	65 years and over.	Un-known.
1890.....	19.5	64.5	5.3	9.4	21.3	76.6	33.7	22.2	80.4	6.2	10.8	26.3	88.6	20.7
1900.....	17.3	49.9	3.8	7.9	20.3	82.8	25.3	18.6	59.7	4.8	8.8	24.3	90.9	15.9

How to lessen this tremendous infant mortality is a problem worthy of all the information that can be received, gathered, and analyzed by such a bureau as that which is proposed.

Strangely enough, rich and poor children come into the world substantially on an equality. They are "created equal." The inequalities occur after they have arrived in the world. That rich and poor come into the world on a substantial equality is interestingly set forth in the report of the British interdepartmental committee on physical deterioration. That committee was appointed to study the reasons for the poor physique of the recruits furnished to the British army in the Boer war. If for humane reasons we are opposed to war, let us for humane reasons also provide a bureau now to collate similar facts in this country, so important a bearing have they on the public welfare.

On this subject that committee said (and I have italicized some of the language):

So far as the committee are in a position to judge, the influence of heredity in the form of the transmission of any direct taint is not a considerable factor in the production of degenerates.

Professor Cunningham's views, that inferior bodily characters, the result of poverty and not of vice, are not transmissible, were confirmed by Doctor Mackenzie, who at the outset of his interesting evidence elaborated a distinction between inheritable characters and their environmental modifications, the result of these last being imposed on the individual by his life history and not therefore transmissible to the offspring. Doctor Eichholz was disposed to go further, and sought to explain how some mysterious law of transmitted impulse made for the recuperation of each generation, the unborn child fighting strenuously for its own health at the expense of the mother and arriving in the world with a full chance of living a normal physical existence. *This view he supported by the assertion that the number of children born healthy in the worst districts was very great, he himself putting it at not less than 90 per cent.* Doctor Ashby thought this was only partially true, as nature too often failed in its effort; and Doctor Mackenzie

would not even concede so much, as investigations into the effect of food on guinea pigs during pregnancy had, he said, shown that the embryo suffers in greater proportion than the mother. He quoted the opinion of Dr. Noel Paton that "the nourishment of the maternal tissues seems to take precedence over the nutrition of the fetus."

The committee deemed it advisable to hear on this point Dr. Edward Malins, president of the Obstetrical Society of London and professor of midwifery in the University of Birmingham, who thought the testimony of experienced persons was on the whole in accordance with the views expressed by Doctor Eichholz. *He would say that from 80 to 85 per cent of children were born physically healthy, whatever the condition of the mother might be antecedently, so far confirming the opinion that nature intends all to have a fair start.* Doctor Malins kindly undertook on behalf of the Obstetrical Society to institute an inquiry among the lying-in charities and hospitals in London which should furnish information on these facts; this inquiry is unfortunately not complete. The committee were, however, supplied by the courtesy of Doctor Eichholz with evidence which did tend to establish this conclusion from the medical officers working for the Royal Maternity Charity, and from the Paddington and Kensington Workhouse infirmaries.

The committee can not ignore these opinions, though it may well be that the depressing effects of the life struggle on parents are, nevertheless, in some measure transmitted to the offspring. At any rate, some vulnerability toward disease may coexist with a superficially healthy appearance, and granted unfavorable environment the seeds of degeneration are not long in producing a rank harvest. The consolation of the doctrine lies in the encouragement it gives to working for the removal of the causes which are prejudicial to the health of each successive generation, an encouragement which is immensely strengthened by the concurrent testimony of all concerned as to the immediate effect upon growth and development brought about by the withdrawal of even the most unpromising material from noxious surroundings.

If infants of the rich and poor come into the world on a substantial equality, they die with an inhuman inequality.

A German investigator found that for every 1,000 children born among the working classes 505 died in the first year; among the middle classes 173 died in the first year; and among

the higher classes only 89 died during the first year. Doctor Drysdale, of the Metropolitan Free Hospital, London, declared that the death rate of infants among the rich was not more than 8 per cent, while among the very poor it was often as high as 40 per cent. Doctor Playfair said that 18 per cent of the upper, 36 per cent of the tradesmen, and 55 per cent of the working classes die under the age of 5 years. On this point the recent report of the President's homes commission has some data:

High infantile mortality rates have always been considered the opprobrium of the healing art. Dickson asked, over fifty years ago, "How shall we prevent the early extinction of half the newborn children of men?" While powerless to solve all the mysteries connected with this subject, an attempt will be made to answer the practical question, can they be reduced? Space will not permit to enter into detail of infant hygiene, but we must at least point out the fact that the mortality can be greatly reduced by improving the original stock, i. e., the physique and habits of the parents, and placing them as well as their offspring under more suitable environment, especially with reference to fresh air, sunlight, exercise, suitable clothing and habitations, and last, but not least, proper food.

The influence of favorable hygienic conditions was demonstrated by Casper's statistics, published as early as 1825, showing that the infant mortality rate among royal children was only 57, as compared with 345 per 1,000 among the infants of the poor. Of 170 deaths from infantile diarrhea, investigated by Helle in Graz in 1903 and 1904, not one belonged to a rich family, and but 9 to the well-to-do class, while 161 belonged to the poor and the very poor. Clay calculates that of every 100 children born in England, 90 will be alive at the end of the first year of those born in aristocratic families, 79 in the mercantile class, and 68 among the laboring classes. The relation of infantile mortality to the occupation of the women has already been discussed in a previous report.

Dr. George Reid, at the National Conference of Infantile Mortality, held in London in June, 1906, contrasted the infantile mortality in two districts, identical in health conditions, but with the important difference that in one women are largely employed in industrial pursuits, and in the other there is practically no employment for them, with the result that the infantile mortality varied from 149 to 198 per 1,000.

The infantile mortality returns in the United States also indicate that we are dealing with a class mortality, which is highest in communities where women are employed in mills and other gainful occupations, and in consequence the children fall victims to ignorance and neglect. Contrast, for example, the census data for 1900 of Fall River, Mass. (304.7); Lowell, Mass. (273.5); Nashua, N. H. (261.2); Lawrence, Mass. (246.5); Manchester, N. H. (238.4), all typical mill towns, with the rate at Cambridge, Mass., which was 186.5.

That the work of the women has much to do with large infant mortality, as indicated by the reference to American conditions at the end of the foregoing extract, was curiously instanced when Paris was besieged by the German army. There was the most frightful poverty due to unemployment, and yet the mortality of infants decreased 40 per cent, due probably to the fact that the mothers had time to stay at home. Very much the same thing happened during the great cotton famine in Lancashire. But ever in civilized and industrial America instances occur of the birth of children in the factory amid the whirl of the machinery. Exemption of women from work for some time prior and subsequent to childbirth was one of the reforms sought for rural Russia in the recent revolution in that country.

Bad housing conditions are another potent cause of infant mortality. An investigation of 2,711 infantile deaths in Berlin showed that 1,792 occurred in one-room apartments, 754 in two-room apartments, 122 in three-room apartments, and 43 in apartments of four rooms and over.

In the special reports recently made to the President in regard to affairs in the District of Columbia it is said:

It is a well-established fact that infant mortality is very much greater in overcrowded houses. Mr. Thompson says: "Infant mortality varies almost arithmetically with housing conditions. Although children under 5 years are only one-ninth of the population, they furnish one-third of the deaths."

That the death rate in cities is largely influenced by the number of occupants to a room has been repeatedly demonstrated by sanitary statistics. Mr. Russell in his statistics of Glasgow (1871 to 1880) found that the general mortality was 21.7 per thousand, when the average occupancy per room was 1.31; when the average was 2.05 for each bedroom the mortality increased to 26.6 per thousand. It can readily be understood that the closer people are crowded together the greater will be the liability for the transmission of infectious diseases, such as diphtheria, scarlet fever, tuberculosis, and so forth. And when they live in an atmosphere which is vitiated by the emanations from the lungs and bodies of human beings, with insufficient ventilation and a deficient supply of sunlight—nature's great disinfecting agent—their susceptibility to infection is greatly increased. In his investigations made in Budapest, Korosi found that the mortality from infectious disease was 20 per thousand when there were only two occupants per room; where the number was from three to five the mortality was 29 per thousand, and where it was from six to ten the mortality increased to 32 per thousand.

Doctor Kober, in his History and Development of the Housing Movement in the City of Washington, D. C., refers to the death rate among the tenants of the Washington Sanitary Improvement Company as follows:

We have shown that death rates go hand in hand with bad housing conditions. In some cases the general death rate for large groups of population living in insanitary dwellings amounts to double or even treble what might be called a reasonable death rate.

On the other hand, the vital statistics of London show that the death rate "in the improved dwellings for wage-earners" is far below the general mortality of the city, and the experience of the Washington Sanitary Improvement Company is even more gratifying. During the year ending March 31, 1906, the apartments were occupied by 778 adults and 380 children; total, 1,158; births, 39, and only 8 deaths—a death rate of about 7 per thousand—which, with all due allowance for the average age of the occupants, shows a remarkably low mortality when compared with the general death rate among the white population, viz, 15.16 per thousand.

That ignorance and indifference also played an important part in infantile mortality were conclusions reached by the British committee that I mentioned before. In addition to finding that such mortality had not decreased in that country during the last twenty-five years, despite the considerable fall in the general death rate, the committee said:

Coming to particulars illustrative of these conditions, Mr. Wilson, speaking of Dundee, said: "It was quite a common thing to find a woman had had as many as 13 children, and had lost 11 or 12 out of that number, in some cases the whole of them." Mrs. Greenwood, in a paper submitted relating to Sheffield, says: "One woman I know has buried 17 out of 18 children, another has had 16 sons, of whom only 6 are living," though neither of them had worked out of their homes since marriage. Nor, in her opinion, is such waste necessarily connected with poverty; deaths from diseases of the respiratory organs constantly occur, owing to the practice of even well-to-do mothers exposing imperfectly clad children to cold while gossiping with neighbors. Among a certain number of mothers questioned in Hanley and Longton, it appeared that 38 per cent of the children born to them had died in infancy, and the state of the case in many Lancashire towns is certainly no better; thus in Burnley one woman is said to have had 20 children and buried 16, all having died between 1 and 11 months of age; in this case the father was a collier in good wages and the mother stayed at home.

The purity of the milk supply has a very important bearing on infantile mortality, as all know. A recent experience in Washington illustrates this. On April 15, 1908, there was opened at Neighborhood House, in southwest Washington, a milk-distributing depot and dispensary for infants and young children, and the following is from his report:

Dispensaries for children are not uncommon here, but milk depots where clean, pure milk, properly modified to suit individual needs, can be obtained have never been tried in Washington, though other cities have operated them successfully for several years.

Neighborhood House had become much concerned over the large amount of illness among infants in this section during the summer months of 1906 and 1907 and the alarmingly high mortality.

An investigation into the causes of these unfavorable conditions proved that the largest part of the illness among these children and the great majority of infant deaths was caused by digestive disturbances, the result of improper food, wrong feeding methods, and carelessness or lack of knowledge in the handling and preparation of infant foods.

To correct this state of affairs as much as possible, those interested planned and put in operation the following lines of work:

A milk station was located at Neighborhood House, at which, at a nominal cost, clean, pure milk, properly modified, can be obtained for infants needing it.

During the months of June, July, August, and September of 1907, 50 white children, 10 years of age or under, died in southwest Washington alone. During the same period in 1908 only 29 white children, 10 years of age or under, have died in this section, although this year was considered one of the most fatal to children that we have ever experienced. The dispensary feels that it is entitled to at least a part of the credit for this great reduction in mortality through the furnishing of clean, pure milk and the large amount of preventive work which it has done.

What could this bureau do in regard to infant mortality? Would not bulletins published by it and sent broadcast by Members, especially to city constituents, be a tremendous stimulus to legislation by the States regulating the labor of women, to better housing in the cities, to effective inspection of milk, and to a greater regard for human life? Their publication would be no interference with the States, but would aid the States. Considering what we do for cattle, what objection can there be to having the National Government do this much, that not "one of these little ones should perish?"

BIRTH RATE.

Very few birth-rate statistics are kept in this country. Only estimates can be made, and those at the time of the decennial censuses. The last study of this subject made for the Bureau of the Census says:

The number of people in any given place on a certain date is determined by a census, but to ascertain the birth rate it is needful also to know the total number of births occurring in the year of which the census day is the middle. This number is not given by a census, and hence no census of itself can furnish the information needed to compute a birth rate. Neither is there in the United States nor in any considerable part of it any effective agency for securing this information. As a result, the birth rate of the population of the United States, present or past, is unknown.

The information conveyed by a birth rate is of fundamental importance in the discussion of many economic and social questions. For this reason, in default of direct information regarding the birth rate of the United States, efforts have been made to compute it by indirect methods of approximation and to ascertain whether it is stationary or changing, and if the latter, in what direction and how rapidly. The results of these efforts have been far from satisfactory and convincing.

The two methods used by the census to get at the birth rate and the conclusions reached are shown in the following extracts from the foregoing study:

TABLE I.—Number and per cent of children under 10 years of age in total population and decrease in per cent during the preceding ten and twenty years, 1800 to 1900.

Census.	Total population.	Population under 10 years of age.	Per cent of total population under 10 years of age.	Decrease in per cent during—	
				Preceding ten years.	Preceding twenty years.
Continental United States:					
1900.....	75,994,575	18,044,751	23.7	0.6	3.0
1890.....	62,022,259	15,208,691	24.3	2.4	2.5
1880.....	50,155,783	13,394,176	26.7	.1	2.0
1870.....	38,558,371	10,339,426	26.8	1.9	2.3
1860.....	31,443,321	9,013,606	28.7	.4	3.2
1850.....	23,191,576	6,739,041	29.1	2.8	3.8
1840.....	^b 17,063,353	5,440,568	31.9	1.0	.8
1830.....	^c 12,860,702	4,224,897	32.9	4.2	.6
1820.....	9,638,453	^e 3,150,638	32.7	.8	.8
1810.....	7,239,881	^e 2,424,683	33.5	.0	
1800.....	5,308,483	^e 1,776,010	33.5		

^a General enumeration.
^b Exclusive of 6,100 persons in military and naval service.
^c Exclusive of 5,318 persons in military and naval service.
^d Increase.
^e Estimated.

The table shows that at the beginning of the nineteenth century children under 10 years of age constituted one-third and at the end less than one-fourth of the population. A decline in the proportion of children began as early as the decade 1810 to 1820 and continued almost uninterruptedly but by very different amounts until 1900. The average decrease has been about 1 per cent in a decade. The greatest decreases occurred in the decades 1840 to 1850 and 1880 to 1890. This was probably due to the enormous immigration, which swelled the adult population with great rapidity. For the decade 1880 to 1890 this factor may have been reinforced by the change in the form of the age question, although the influence of this upon the number of children under 10 is uncertain. The next largest decrease was in the decade from 1860 to 1870, when the direct and indirect effects of the civil war reduced the proportion of children. But this decrease was accentuated by the serious omissions of that census, especially in the Southern States and among the negroes, for whom the proportion of children is very high.

The figures as a whole suggest that there has been an almost uninterrupted but irregular decrease in the birth rate from near the beginning of the nineteenth century. They do not prove this, for the decrease might be explained by the increasing vitality of the population, leading to a longer average duration of life and consequently the survival of a larger number of adults.

PROPORTION OF CHILDREN TO POTENTIAL MOTHERS.

Continental United States.—The method of estimating the proportion of children, by comparing them with the number of women of child-bearing age, may be applied for the period 1850 to 1900. This method has two advantages over the preceding. It makes it possible to limit the children to those under 5 years of age and to exclude from the second term of the comparison all males and the females not of child-bearing age. Under these conditions any decrease in the proportion of children which the figures may show could not be explained as due to the increased vitality and longevity of the adult population. The limits of child-bearing age are usually assumed as 15 and 44, but for the earlier censuses the limits must be taken as 15 and 49. The figures are as follows:

TABLE II.—Number of children under 5 years of age to each 1,000 females 15 to 49 years of age and decrease in the number during the preceding ten and twenty years, 1850 to 1900.

Census.	Number of children under 5 years of age to 1,000 females 15 to 49 years of age.	Decrease in number during—	
		Preceding ten years.	Preceding twenty years.
Continental United States:			
1900.....	474	11	85
1890.....	485	74	87
1880.....	559	13	75
1870.....	572	62	64
1860.....	634	^a 8	
1850.....	626		

^a Increase.

The proportion of children increased from 1850 to 1860, and then decreased without a break, but by very unequal amounts. The last column of the table has been introduced to call attention to the comparatively uniform decrease by twenty-year periods. The slight decrease from 1870 to 1880 was probably due in part to serious omissions in 1870 among the population having a large proportion of children. The slight decrease from 1890 to 1900 was probably due in part

to the great prosperity of the country between 1890 and 1900, especially in the last years of the decade, in part to the many children born to the millions of immigrants of the preceding decade, and in part, also, to the change in the form of the age question.

In 1900 there were only three-fourths as many living children to each 1,000 potential mothers as in 1860. The assumption that there has been a progressive increase in the inaccuracy of the censuses leading to omissions of larger and larger proportions of children is too improbable for serious refutation, and yet no other alternative can be suggested by aid of which to escape the conclusion that the birth rate has declined persistently since 1860.

Birth-rate statistics are desirable for understanding and apprising ourselves of national tendencies and problems, but they are still more important to each community. This bureau would stimulate communities to secure birth-rate statistics. Those statistics would suggest the need of intensive studies, local and national. This bureau would be a stimulus to local studies, a central bureau of information for all localities to learn of others, and an expert body competent to compare conditions and draw conclusions.

PHYSICAL DEGENERACY.

The conditions described in connection with infant mortality have indicated some of the bad conditions that exist illustrative of physical degeneracy. Physical degeneracy is not necessarily inherited retrogressive deterioration. The distinction and some of the conditions in England are set forth in the British report hereinbefore referred to:

The evidence of Doctor Eichholz contains a summary of his conclusions on this point, so admirably epitomizing the results of a comprehensive survey of the whole subject that the committee can not do better than reproduce it in full at this stage of their report:

1. I draw a clear distinction between physical degeneracy on the one hand and inherited retrogressive deterioration on the other.
2. With regard to physical degeneracy, the children frequenting the poorer schools of London and the large towns betray a most serious condition of affairs, calling for ameliorative and arrestive measures, the most impressive features being the apathy of parents as regards the school, the lack of parental care of children, the poor physique, powers of endurance, and educational attainments of the children attending school.
3. Nevertheless, even in the poorer districts, there exist schools of a type above the lowest, which show a marked upward and improving tendency, physically and educationally, though the rate of improvement would be capable of considerable acceleration under suitable measures.
4. In the better districts of the towns there exist public elementary schools frequented by children not merely equal but often superior in physique and attainments to rural children. And these schools seem to be at least as numerous as schools of the lowest type.
5. While there are, unfortunately, very abundant signs of physical defect traceable to neglect, poverty, and ignorance, it is not possible to obtain any satisfactory or conclusive evidence of hereditary physical deterioration—that is to say, deterioration of a gradual retrogressive permanent nature, affecting one generation more acutely than the previous. There is little, if anything, in fact, to justify the conclusion that neglect, poverty, and parental ignorance, serious as their results are, possess any marked hereditary effect, or that heredity plays any significant part in establishing the physical degeneracy of the poorer population.
6. In every case of alleged progressive hereditary deterioration among the children frequenting an elementary school, it is found that the neighborhood has suffered by the migration of the better artisan class or by the influx of worse population from elsewhere.
7. Other than the well-known specifically hereditary diseases which affect poor and well-to-do alike, there appears to be very little evidence on the prenatal side to account for the widespread physical degeneracy among the poorer population. There is, accordingly, every reason to anticipate rapid amelioration of physique so soon as improvement occurs in external conditions, particularly as regards food, clothing, overcrowding, cleanliness, drunkenness, and the spread of common practical knowledge of home management.
8. In fact, all evidence points to active, rapid improvement, bodily and mental, in the worst districts, so soon as they are exposed to better circumstances, even the weaker children recovering at a later age from the evil effects of infant life.

Physical degeneracy exists likewise in this country. It is due to various causes, such as bad housing, poor food, bad air, neglect, and ignorance. Nor are the well-to-do or the country children free from these defects.

Suggestive of conditions everywhere are some of the observations made by the committee on physical welfare of school children which investigated the home conditions of 1,400 New York school children who were found by school physicians to have physical defects. The report of that committee says:

The overcrowding indicated that whatever might be our conventional ideas of the dependence line, physical defects must be expected in children where three out of four families have four rooms or less for cooking, working, washing, sleeping:

	Per cent.
6 families live in 1 room.....	0.29
232 families live in 2 rooms.....	11
761 families live in 3 rooms.....	36.2
759 families live in 4 rooms.....	36.1
244 families live in 5 rooms.....	11.6

1. If New York school children are typical of school children in the United States, there must be in the schools of this country 12,000,000 children having physical defects more or less serious that should receive attention from parents and family physicians.

2. If the 1,400 children whose physical defects and home conditions as here reported are representative of the school children in New York City and in the United States, they must be handicapped by—

	In New York City.	In United States.
Malnutrition.....	41,600	1,248,000
Enlarged glands.....	182,000	5,460,000
Bad teeth.....	289,600	8,988,000
Bad teeth only.....	83,200	2,496,000
Defective breathing.....	236,400	7,092,000

4. Few of the defects can be corrected by nourishment alone. Plenty of fresh air outside school building and home will not entirely counteract the results of bad ventilation and bad light within school building and home. Country children have adenoids, bad teeth, and malnutrition. Plenty of food will not prevent bad teeth and bad ventilation from causing adenoids, enlarged tonsils, and malnutrition.

5. Neither race nor nationality affords proof against physical defects (Table II). Children whose parents have long resided in the United States need attention quite as much as the recent immigrant (Table IV). American mothers reported the greatest prevalence of tuberculosis and the highest number of miscarriages. American and German children have the largest number of ailments, more particularly measles and whooping cough. Americans and Germans also have the largest number of dark rooms.

17. Inadequate medical care is given children (Table XXXVIII). Families with incomes of \$20 a week or more rely upon patent medicines, mother's remedies, and the prospect of children outgrowing ailments when they should consult private physicians.

d. The causes of physical defects are not confined to "marginal" incomes, but, while more apt to be present in families having small incomes, are found among all incomes wherever there exist bad ventilation, insufficient outdoor exercise, improper light, irregular eating, overeating, improper as well as insufficient food, lack of medical, dental, and ocular attention.

f. To remove physical defects, causal conditions among all income classes should be treated, and not merely symptoms revealed at school by children of the so-called "poor."

g. A comprehensive plan for removing physical defects of school children would involve the following steps:

(6) Physical examination of children when applying for work certificates. (7) Use of information gained regarding general living conditions to secure enforcement of health and tenement laws, restriction of hours of labor, control of dangerous trades, prevention of exploitation of women and children.

A similar study was made in Washington for the President's homes commission, and the report of that commission says:

From this table we learn that out of 43,005 pupils in the graded schools 13,407 were colored and 29,598 were white. Among the colored children 3,784 instances of the defects listed in the table were encountered, or a relation of 28.2 per cent; among the white pupils 11,520 notations of defects, a relation of 38.9 per cent to the whole, were encountered. The difference in percentage of defects between white and colored children is solely due to better condition of the teeth in the colored children. Total defects noted, 15,304, or 35.5 per cent of the pupils examined. These percentages, high as they may appear, are very much lower than the rates reported from New York.

Omitting from this consideration the 6,698 pupils who probably needed only dental care—a matter of importance, however, to the general health—we still have to deal with 8,606 pupils, or 20 per cent of the total, whose physical condition should be a matter of grave concern to the parents. Of this number 149 were crippled, 272 deformed, 461 had strabismus (squint), 312 had discharging ears, 835 defective hearing, 2,176 defective vision, 2,062 were "mouth breathers," 703 were under-sized, 727 ill nourished, and 934 were anemic.

It was not deemed best to conduct physical examinations involving the removal of clothing, and hence the number of ruptured children could not be determined; but, judging from the reports of the agents of the Associated Charities, the number is sufficiently great for serious consideration.

It will be readily conceded that every crippled or deformed child should, if possible, be spared from permanent disability, and no thoughtful parent should hesitate to act when attention is directed to the serious consequences of neglect. Poverty is no excuse for the "do-nothing system," as the medical charities offer adequate facilities for treatment of persons unable to pay for the same.

Nor is there an excuse for not attempting to cure discharging ears, defective hearing or vision, since every observer is familiar with the sad consequences of such defects in the ultimate struggle for existence. Parents may not know that a child afflicted with a squint, harelip, or cleft palate may be transformed into a vicious character, because it is the object of constant ridicule within and without school, and that all of this could be avoided by a timely operation. Parents are probably not aware that many of the nervous affections and even mental defects in boys are due to some slight malformation of the genital organs, for which the Hebrews instituted circumcision. Nor is it generally known that anemic and ill-nourished children and those suffering from enlarged tonsils, cervical glands, or post-nasal growths, and the majority of "mouth breathers" are peculiarly susceptible to disease in general and to tuberculosis in particular.

I submit that bulletins on such physical defects, their seriousness and means of correction, which bulletins could be sent as widespread as are farmers' bulletins, would infringe no rights of the States, but would be an enormous stimulus to

parents and municipalities, and at slight expense work vast good for the public welfare. It is not sufficient to wait until the children go to school. The remedies should be applied early.

Members representing country districts may incline to the belief that these conditions are peculiarly city conditions and do not concern country people. That was not the British experience, may not be the experience of the large manufacturing sections in the North Atlantic and North Central divisions, and may not in the future be the experience of the new manufacturing districts in the South.

The British committee said:

Another factor in the alleged deterioration of the people, connected like the last with their aggregation in towns, is said to be the withdrawal from the rural districts of the most capable of the population, leaving the inferior types to supply their place and continue the stock, the evil being often aggravated, in the opinion of some, by the drifting into the country of the debilitated town population which is crowded out by the inrush of more vigorous elements.

There appears on the face of it to be considerable probability that both these movements are in operation. The effect of certain conditions of town life on the weaker members of the community, and the selective tendency of certain classes of employment which creates a demand for men of greater physical efficiency than is to be found as a rule in a town-bred population, are constantly drawing upon the resources of the rural districts, and it is presumably the men of most energy, and possibly of finer physique, that respond to the allurements offered them.

Thus, after describing the splendid men to be found working as navvies, pig-iron carriers in blast furnaces, bleaching-powder packers, cement workers, laborers in steel-plate mills, and steel smelters, occupations which are not only exceedingly arduous, but throw a severe strain on the powers of endurance and speedily sift out the inefficient, Mr. Wilson says:

"The vast majority of these workers are country bred and have grown to maturity in farm or outdoor work."

Mr. Fosbroke, medical officer of health to the Worcestershire county council, whose evidence was exclusively concerned with the conditions of health in the rural district with which he is familiar, had no doubt that, notwithstanding better wages, better housing, and better feeding, the physique of the agricultural laborer had deteriorated owing to the depletion of the rural population by the exodus of the best types into the towns. In practical proof of this allegation he stated:

"That thirty years ago it was the commonest thing for a laborer to carry 2½ hundredweight of corn up a ladder; now you very seldom see it. Farmers tell me the same."

And again—
"Generally the farmers say that the men are of a weaker type altogether. The more robust men go into the towns."

So far as the cities are concerned many of these unhappy conditions can be remedied. The care that Germany has exercised over German children has had a marked effect in making German conditions superior to English conditions among like classes of the population. In Gorst's *The Children of the Nation* it is related that in 1905 the brass workers of Birmingham sent a deputation to Berlin for the purpose of comparing the condition of the brass workers of the two cities. They were greatly impressed with the cleanliness and tidiness of the children playing about the streets, courts, and squares of Berlin. Of all the thousands of children there was not one who was not neat, clean, and tidy. In the public school of a quarter inhabited by the poor classes they saw no case of poorly fed or untidy children, either in the streets or in the school. The good condition of the children was due to the medical inspection in the school and to supplying the needy with food. On the other hand, when they visited a school in a similar neighborhood in Birmingham, the children were mostly dirty and tattered. A large number wore very bad boots, not clean, and some with soles so dilapidated that the toes showed through. The physique of the children was puny. "The morning was warm and although the windows were wide open the smell was oppressive and unclean. * * * There were many underfed children."

There is much ignorance of ordinary but essential facts in connection with the physical and nervous welfare of children which this bureau would tend to dispel. Mrs. Frances S. Bolton, in an address on *The Physical Rights of the Child*, said:

How many mothers know that a child grows most when he is asleep, and that only during sleep is nervous force accumulated and at all other times it is being spent? How many know that each little baby must pass through all the stages of the evolution of the race? I desire here to enter my plea for more and yet more knowledge of the physical care of children by the so-called "educated, up-to-date mothers." To a child with a good, sound, perfectly healthy body all things are possible in mental and spiritual development, but without perfect physical health little can even be hoped for.

Let me call your attention to a couple of instances of physical infirmity, from much of which children could be relieved effectually if there was widespread knowledge.

First. Deafness of children.—The time-honored custom has been to put deaf children in institutions and teach them to speak and understand only the sign language. Pennsylvania recently established an institution that takes the very young and teaches them to read the lips, avoids the use of the sign language, and equips them to enter school and live and vie with

other children. Said Hon. J. B. Showalter, ex-state senator of Pennsylvania, in addressing the National Congress of Mothers and delegates to the International Congress on the Welfare of the Child:

The early training in speech and language of the deaf child is one of the most, if not most, important subjects to which your attention will be called during your congress. The opportunities for this training at present are meager, and the reasons for this are simply a lack of knowledge on the subject upon the part of the people. Did every mother know that the deaf child can be taught to speak and converse, that the reason he does not speak is because he has not been taught to speak, that if he had the same amount of repetition through the eye as the hearing child receives through the ear, the results would be the same. He would learn to talk and converse just the same as a hearing child. That the time to commence his training is in infancy. Did every mother, did every intelligent person in our own and other lands, know these facts, I take it it would only be a short time till homes similar to the one in Philadelphia would be established in every State and country. America is indebted to Europe for the idea that deaf children could be taught speech.

Were it possible for the delegates to this congress to visit this home, now enlarged to two homes, and there see and converse with the sixty or more happy little tots from two years and up, I am as sure as I am of my own existence that every one of you would return to your homes fully persuaded that the oral method commenced early in life is the only way a deaf child should be taught, and you would not only be convinced of this fact, but you would become enthusiastic promoters of the measure, and that is just what it needs. People need to be told. Legislators need to be informed. Public sentiment needs to be educated.

To such a new method, the efficiency of which was established, this bureau could give tremendous impetus. Here, again, bulletins spread wide-cast would inform parents of the proper way to deal with deaf children, and the consequent happiness to these afflicted ones would beggar the gain from the durum wheat promoted by the Department of Agriculture, desirable though that be. Some will say this method will gain publicity and adoption without need of this bureau. The answer is that for over thirty years it has not. The oral method was discovered in the early seventies, as appears from an address of Dr. Charles S. Turnbull, in which he says:

In the first edition of Doctor Turnbull's work, entitled "Diseases of the Ear," he devoted a chapter to "deaf-mutism," which was a most comprehensive résumé of this interesting subject. It recorded its history and the results of his large experience, detailed accounts of his visits to the schools of this country and abroad, and concluded with an impartial review of all known methods, as early as the year 1871, and he quoted the following paragraph to illustrate Miss Garrett's method (Directions to Parents of Deaf Children, by Mary S. Garrett):

"Great results have already been gained through the oral method, and I have no doubt that greater and better results than any already obtained await us in the future, as the method becomes more widely and more strictly and intelligently applied. The oral pupil who has the least amount of intelligible speech and of lip reading compared with his fellow oral pupils has just that much advantage over the most expert maker of arbitrary signs and the manual alphabet, which are sure to be as unintelligible to the general public as our speech is to the sign maker."

He also alludes to the number of deaf children who are the descendants of the deaf, the marriages due, perhaps, to association in institutions:

Pause and reflect a moment when I tell you that one child is deaf out of every 1,500. Dr. Alexander Graham Bell tells us that over 50 per cent of 2,262 congenital deaf-mutes had deaf-mute relatives and even 13 per cent of the deaf from other (accidental) causes had deaf relatives.

The statistics of the Twelfth Census of the United States show that at least 4.5 per cent of the deaf of the country and 4.5 per cent of the blind are offspring of consanguineous marriages, but we do not know conclusively whether consanguinity in the parents produces the defective condition, or whether it simply intensifies a preexisting tendency in the family. The largest percentage of children of cousins marriages are found among the deaf who have deaf relatives (8.8 per cent), and among the blind (9.5 per cent) who have blind relatives.

This circumstance of hereditary danger is alluded to in the report of the Philadelphia institution mentioned above.

Also the deaf, when educated together during the period of adolescence and early adult life, naturally prefer each other's society, and frequent marriages between them result, and often their children or grandchildren are born deaf. We have illustrations of all of these causes of deafness among our pupils.

General publicity would forewarn against such a cause.

Second. Blindness of children.—In the pamphlet published by the special committee on the prevention of blindness of the New York Association for the Blind it is said, and I have italicized some of the words:

It is an astounding fact—one not generally known—that one-quarter of all the blind children in all the blind schools of this country are unnecessarily blind.

The disease is known as ophthalmia neonatorum, or ophthalmia of the newborn, or infant ophthalmia. It is an infectious disease, appearing at the time of birth, easily preventable if precautionary measures are taken at once or within a few hours after birth; curable if when it develops skilled medical treatment can be secured quickly; fatal to sight if prompt preventive and curative measures are not taken, and ending in total blindness through the destruction of the eyeballs.

In the year 1906 there were 183,012 registered births in the State of New York, the disease appearing in one out of every 200 of these births—evidence of the alarming prevalence of the disease.

Twenty-eight years ago, in 1881, Professor Crede, of Leipzig, director of the maternity hospital connected with the university, announced the important discovery that a 2 per cent solution of nitrate of silver dropped, a single drop, into each eye of a newborn infant, would destroy the germs of ophthalmia neonatorum where these existed, and would not injure the sight of healthy eyes. Crede's figures show surprising results. In 1880, just before and just after the application of his newly discovered preventive measure, the percentage of ophthalmia fell from 7.4 per cent (14 cases out of 187 births) to 0.5 per cent (one case out of 200 births—and in this one case the disinfectant had not been used). Later he reports that out of 1,160 births during the three years, 1880-1883, but one case of infant ophthalmia had developed—possibly two.

The official census of the blind for the State of New York, taken in 1906, gives a total of 6,200 blind persons in the State. Of these, the cases of preventable blindness number 1,384 or 32 per cent of the whole. And of these preventable cases there are 620 classified as blindness caused by ophthalmia neonatorum, or 10 per cent of the whole number of blind persons in the State of New York.

In the United States there are between 6,000 and 7,000 persons who are totally blind because a simple precaution was not taken at the time of their birth.

The average of new admissions in these 10 schools for the blind shows that 25.21 per cent were victims of ophthalmia of the newborn.

In the Pennsylvania School for the Blind there were on an average for eight years 33½ per cent needlessly blind.

The preventive measure is within the capacity of every physician, of every intelligent midwife. It consists simply of the careful washing of all infants' eyes directly after birth, the dropping into each eye of a small portion of an inexpensive solution, obtainable from all druggists, harmless to healthy eyes, destructive of certain germs in diseased eyes—the one application. Just this simple treatment, nothing more, a treatment known to all physicians and presumably to all midwives.

We are inevitably led to the conclusion that to the criminal carelessness or ignorance of those who preside at the birth of the child is due the loss of sight of almost every child whose eyes have been destroyed by infant ophthalmia.

In Chicago, in 1904, we find 86 per cent of all births, principally among Italians, reported by midwives. In Buffalo, N. Y., with a population of about 400,000, nearly one-half of the births, in one year, were attended by midwives. In New York City, in 1905, 43,834 births, or 42 per cent of the whole number, were attended by midwives, employed largely by Italians, Austro-Hungarians, Polish Jews, and other immigrants. For the year 1907, in New York City, there were 68,186 births reported by physicians and 52,536 reported by midwives. In September, 1908, the registered midwives in the five boroughs of New York City numbered 1,382.

Miss Crowell examined 10,000 certificates of births and personally interviewed in their homes 500 midwives, or over one-half of those practicing at that time in the Borough of Manhattan, New York City. She says:

"Classifying according to nationality, I found that out of the 500 midwives, 27 per cent were Austro-Hungarians, Bohemians, Austrian Poles; 25 per cent Italians; 22 per cent Germans; 14 per cent Russians."

(Miss Crowell then goes on to describe the filthy condition of the midwives themselves and their equipment.)

To their effort it is due that, in all of our best conducted lying-in hospitals and in the maternity wards of general hospitals, the ophthalmia of infancy has greatly decreased. As instancing one only of many similar well-managed institutions, it is satisfactory to know that out of 4,000 births during a period of six years, at the Sloane Maternity Hospital, of New York City, where preventive methods are employed, not one case of infant ophthalmia had developed.

It may have been noticed that no figures are given in this paper relating to the cost of blindness. Roughly estimated, the average cost to the State of a person, blind from birth and dependent through life, approximates \$10,000. But the data obtainable are too incomplete, too unsatisfactory to warrant any positive accurate statement.

It may also have been noticed that the only statistics used by the committee are those taken from the records of the causes of blindness in the reports of the schools for the blind. The schools are not obliged to keep such records—some of them do not—but these are the only perfectly accurate statistics we have, and upon these this reform movement is based.

Much more remains to be known. The census returns, carefully compiled, of 1906, give certain valuable figures; they do not give other facts and conditions which only authorized investigation can furnish, and without which preventive work—much needed preventive work—can not be undertaken. For, in this age of trained philanthropic thought and action, when sentiment is followed by investigation, and investigation precedes reform, it is of the first importance that perfectly reliable information from official headquarters should be obtainable.

Does anyone wonder that the committee that published that report is anxious that this federal bureau for children's welfare shall be established. Is it not worth while that the Federal Government, with its great prestige and power of publicity, should spend some part of \$52,000, if thereby it can make "the blind to see?"

ORPHANAGE.

On December 31, 1904, there were in the United States 92,289 inmates of orphan asylums and children's homes, and their annual maintenance cost \$10,050,587. Out of every 100,000 inhabitants there were on an average 112.6 dependent children in institutions; the New York average being 317, Massachusetts, 160, and Illinois, 99. One of the problems of orphanage, as distinguished from the causes of orphanage, is the advantage of upbringing in homes of those willing to take the children as against bringing them up in institutions. The good effect of placing motherless infants in private homes was strikingly shown by the experience of two charitable societies in New York, the results of which are given in the following report, although as I have not the figures of the high death rate in the infant asylums it is not possible to make comparison.

As the work began on April 1, 1898, it had been carried on for a little over nine years and a summary of the results secured during that period will be of interest.

The number of children received by the committee from the city authorities, divided by classes and periods, has been as follows:

	Manhattan and Bronx.		Brooklyn.		Total.
	Found-lings.	Motherless and abandoned.	Found-lings.	Motherless and abandoned.	
Apr. 1, 1898, to Apr. 1, 1899.....	68				68
Apr. 1, 1899, to Apr. 1, 1900.....	36				36
Apr. 1, 1900, to Apr. 1, 1901.....	47		9		56
Apr. 1, 1901, to Apr. 1, 1902.....	52	2	28		82
Apr. 1, 1902, to Apr. 1, 1903.....	56	55	16	1	128
Apr. 1, 1903, to Apr. 1, 1904.....	49	49	9	3	110
Apr. 1, 1904, to Oct. 1, 1904.....	29	54	11		94
Oct. 1, 1904, to Oct. 1, 1905.....	48	115	15	5	183
Oct. 1, 1905, to Oct. 1, 1906.....	53	78	16	1	148
Oct. 1, 1906, to June 17, 1907.....	41	36	17	1	95
Total.....	479	389	121	11	1,000

The mortality among these children, comparing the number of deaths with the total number under care each year, and including in each case all deaths of children in hospitals, is as follows:

April 1, 1898, to April 1, 1899.....	55.9
April 1, 1899, to April 1, 1900.....	31.1
April 1, 1900, to April 1, 1901.....	18.9
April 1, 1901, to April 1, 1902.....	10.7
April 1, 1902, to April 1, 1903.....	14.0
April 1, 1903, to April 1, 1904.....	10.0
April 1, 1904, to October 1, 1904.....	10.3
October 1, 1904, to October 1, 1905.....	11.3
October 1, 1905, to October 1, 1906.....	11.6
October 1, 1906, to June 17, 1907.....	6.5

No wonder that the people who effected that decrease in the mortality of infant orphans desire the establishment of a bureau which will be known to have its information available for the remotest community.

In connection with the burden that orphan children are to the State, Booker T. Washington, at the President's recent conference on dependent children, called attention to the lack of dependent children among colored people and the natural inclination of colored people to look after their own kind, except when they get to a place where they find that there is a fund to take care of them. He said that the total negro population in Alabama was about 900,000, but that there were only 301 colored children in institutions for the care of the dependent.

The cause of orphanage was also touched upon at that conference by Dr. Edward T. Devine, who said that he had to do with a particular inquiry in an industrial community in which during a single year 500 men met death by accidents, leaving families, here or abroad, dependent upon the state or charitable societies, and that in the same community 500 persons died of typhoid fever in the same year, using the illustration to show the peril to the home from such accidents and conditions.

The desultory remarks thus made by me as to orphanage none the less show the importance of it and the thousands of lives dependent for happiness on a proper dealing with its problems, based on ample knowledge such as this bureau would be a means of collating.

The orphans are not the only children who need care, in our cities at least. President Roosevelt, in opening the White House conference on the care of dependent children, said:

There are half a dozen different types of children for whom we need to care. There is first of all the complete orphan, the child who has lost both father and mother. For this child we wish to make permanent provision. My own belief is that the best kind of permanent provision, if feasible, is to place that child in a home. We then have to meet the case—one of the most distressing of cases—where the father has died, where the breadwinner has gone, where the mother would like to keep the child, but simply lacks the earning capacity. Surely in such a case the goal toward which we should strive is to help that mother so that she can keep her own home and keep the child in it. That is the best thing possible to be done for that child. How the relief shall come, public, private, or by a mixture of both, in what way, you are competent to say and I am not. But I am competent to say what I think the goal should be. Then we come to the case of the child who must temporarily be taken away from the parent or parents, but where it is not desirable that the separation should be permanent. Those children offer cases for which the institution is peculiarly fitted. There are other problems, of course, that you will have to deal with; for instance, the crippled child, the child that can not be treated at home for a disease, but yet can be completely cured in a hospital, and the case of the child whose parents are hopelessly vicious or hopelessly inefficient. Here we must provide for the exercising of the greatest wisdom obtainable in knowing just where to draw the line, so as to know just when it becomes necessary to say that even the undoubted advantages of keeping the child in a pretty poor home, if that home is its own, are counterbalanced by the fact that the home has become not a source of benefit, but a source of menace and danger to the child. You will have to consider a dozen such problems.

This bureau would encourage States to require uniform statistics in regard to institutions and homes where children are placed and records which would show the progress, or lack of it, by the children while in the institution and after leaving it.

JUVENILE DELINQUENTS AND JUVENILE COURTS.

The number of juvenile delinquents in institutions on June 30, 1904, was 23,034, distributed among 39 States and Territories. In the South Atlantic division the percentage of juvenile offenders that were white was 61, and of these the male percentage was 64 and the female 40. The colored percentage was 39, of which 36 were male and 59.8 female. On the other hand, in the South Central division the white was 68.5, of which the male was 63.5 and the female 88.7, and the colored was 34.5, of which the male was 36.5 and female 11.3. The census furnished these figures, but obviously can not give the reasons for the differences:

Compare the number of juvenile delinquents with the general population, and we find that in the North Atlantic division 7.9 per cent of the delinquents were colored, as against a colored population of 1.9 per cent, but that in the South Atlantic division only 39 per cent were colored, as against a colored population of 35.8, and in the South Central division 31.5 per cent were colored, as against 30.3 per cent population.

Of the juvenile delinquents committed during 1904, 661 were from 7 to 9 years of age, 6,652 from 10 to 14, and 4,364 from 15 to 19 years of age. Having those figures, however, we are not much wiser when it comes to determining the best methods of dealing with juvenile delinquency and preventing its causes. Intensive investigations are necessary to those ends.

The advantage of juvenile courts was determined by this House when such a court was established for the District. But for its efficiency and progress is it not desirable to have available for study and comparison the records and experience of similar courts elsewhere, and would it not be an economy to States and municipalities to have here a central bureau of information where they could learn of the success, failure, and methods of each other's courts of similar character? If not from such a bureau, where could they get the information?

DESERTION AND ILLEGITIMACY.

Desertion is one of the puzzling problems of relief societies and of magistrates who must deal with deserted wives. Only a short while ago new legislation on this subject was enacted for the District. As the experience of others was valuable to the District, so should its experience and that of all be available for the information and instruction of all.

As to illegitimacy, the British report said: "The mortality among illegitimate children is enormously greater than among children born in wedlock." The following figures for European countries are given in the report of the President's homes commission, and show the difference in the mortality of legitimate and illegitimate children:

	Legitimate children.	Illegitimate children.
	Per cent.	Per cent.
France.....	15.0	30.0
Austria.....	22.9	35.1
Sweden.....	13.0	24.8
England.....	14.0	35.0

Infants are wards of the State none the less because they are illegitimate. Whatever a central bureau could do in the way

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of helping different localities to solve these problems would only be in the fulfillment of the high duty of the National Government.

DANGEROUS OCCUPATIONS.

Some of these are strikingly set forth in an address delivered by Mr. Edwin W. De Leon, first vice-president of the Casualty Company of America, in which he says:

Accidents to working children are due largely to illiteracy and the incapacity to understand and appreciate the dangerous features of industrial life. The failure to read and comprehend rules and warning signs in factories is one of the most prolific sources of injury. Another frequent cause is the inclination to play around dangerous machinery, "skylarking," as factory superintendents term it, which is oftentimes attended with tragic results. I recall a case that came under my personal observation less than six months ago, where a boy 16 years of age, in attempting to show some of his young fellow-employees how rapidly he could force sheets of cardboard through a press, caught his hand between the rolls, and before the power could be shut off his arm was crushed almost to the shoulder and had to be amputated in order to save his life.

In another case a man who was employed in a large rolling mill secured a position for his 13-year-old boy on the rolls rolling steel bars. This boy got possession of a small hand mirror and amused himself by flashing the sunlight into the eyes of the men working near him. While doing this, on one occasion, he failed to turn in time to catch a bar when it came through the rolls. The red-hot bar struck the ground at his feet, coming in contact with one of his legs, and burned off the foot at the ankle.

Perhaps the most usual cause of accidents is the lack of experience of the operator and the want of proper instruction from the foreman or superintendent. In the majority of serious cases with which I have been concerned, the injured child had been employed only a few days or weeks, sometimes only a few hours, and was utterly lacking in experience, education, skill, or capacity to undertake the work. The inevitable result followed, generally the loss of one or more fingers, oftentimes the whole hand, occasionally the loss of an arm.

To illustrate, in Tennessee, a colored boy, presumed to be 14 years of age, but afterwards proven to be only 13, secured employment as the offbearer on a saw, but received no instructions as to work, or any warnings as to the dangers. On the second day of his employment he crawled under the saw table, and his left arm was terribly mangled by the saw. A suit resulted for \$10,000 damages, and the jury returned a verdict for \$1,000.

In a case in Ohio a boy scarcely 15 years of age was set to work in a woodworking plant, where his only duty was to carry away the material cut off by a saw nearly 6 feet in diameter. Having seen the operator of the saw endeavor to overcome the momentum after the power was shut off by pressing against the side of the saw with a stick, this boy attempted to do the same thing, which resulted in the loss of his right arm near the shoulder. A jury assessed his damages at \$2,500.

In a case in Pennsylvania, a boy 12 years of age was employed to feed pieces of steel through a set of rolls while the same were in motion. Not being informed of the danger of this work, and being ignorant of the ordinary hazard of such employment, one of the rags with which he was working was caught into the rolls, and his left hand and arm were drawn into the rolls and so mangled as to necessitate the amputation of the arm about halfway between the wrist and elbow.

From the State of Washington, a case is reported of a boy 14 years of age, employed in a logging camp in which his father was superintendent. In spite of this fact, the boy was not properly warned as to the dangers of the work, and was injured so severely that it became necessary to amputate one of his legs at the thigh. A suit was started for \$25,000 damages, which was afterwards settled by the payment of \$2,300.

Such accidents are not confined to factories or mills, for a case is reported from Rhode Island where a boy under 16 years of age was employed in the laundry room of a department store, and his duties were to run the washer and extractor. While taking a blanket from the machine in some way his arm became caught, crushing it so badly that it had to be amputated. A suit for \$15,000 was promptly begun, and is still unsettled; the plaintiff's claim is \$4,000.

Every policy insuring an employer of labor against loss from liability for accidents to his employees contains a clause exempting the insurance company from liability in case of an accident to or caused by any child employed contrary to law. The great force of this provision and its widespread influence as a deterrent against child labor is at once apparent. Legislation will correct this evil eventually, and public opinion can create a strong sentiment that will tend more and more to ameliorate the condition of working children, but selfish considerations of economy will ever be the most potent argument in favor of the employment of persons of legal age. Employers will come to realize in time, as many of them have already been convinced, that they can not afford to violate the child-labor laws of their State, for they not only incur a liability for damages thereby, but are unable to secure insurance to protect them against loss in such cases.

Only a certain amount of labor is possible to be, and is actually, got out of men, women, and children within the ordinary and reasonable limits of a working day, and the object of the regulations in factory acts is to create the greatest degree of efficiency and productiveness in every working unit. To employ children below the natural and normal age of creative ability, or to work them beyond the limits of their physical endurance, is to impair the commercial value of their efforts and to incur a debt with nature that neither the child nor the community may be able to liquidate in after years.

The problems presented by Mr. De Leon's remarks are not the ordinary ones of child labor where merely the question of age is involved. They present another phase; that of the kind of employment—dangerous, not necessarily unhealthy.

DISEASES OF CHILDREN OF THE WORKING CLASSES.

One of the most marked and typical of diseases of children of the working classes is rickets, which is described by Gorst in *The Children of the Nation* as a disease of infancy which lays hold of the child before it gets into school and makes its first appearance from six to twelve months after birth. The direct cause of the disease is bad feeding, and it results in the children being undersized and deformed; up to 7 years of age there is hope of recovery. He quotes a Doctor Hall, of Leeds, who found 50 per cent of the children in a poor Gentile school suffering from rickets; in a poor Jewish school 7 per cent; and in the good schools frequented by the children of well-to-do artisans, 8 per cent. He also refers to an examination in Manchester by Doctor Ashby of a lot of school children, who were selected for examination because of their inability to learn in class. Some were suffering from marked rickety deformities, being much undersized, with knock-knees and flat feet, while their mental state was much less than that of other children in spite of their having attended school. Many of the others were of poor physique, with curved or limp spines, and flat feet, due to rickets. In England there seems to be an apathy on the part of some of the working classes which makes it difficult to rouse them to action. That apathy is referred to by the committee mentioned before, which reported:

On the other hand, in large classes of the community there has not been developed a desire for improvement commensurate with the opportunities offered to them. Laziness, want of thrift, ignorance of household management, and particularly of the choice and preparation of food, filth, indifference to parental obligations, and drunkenness largely infect adults of both sexes and press with terrible severity upon their children. The very growth of the family resources, upon which statisticians congratulate themselves, accompanied as it frequently is by

great unwisdom in their application to raising the standard of comfort, is often productive of the most disastrous consequences. "The people perish for lack of knowledge," or, as it is elsewhere put, "Lunacy increases with the rise of wages and the greater spending power of the operative class, while a falling wage rate is associated with a decrease of drunkenness, crime, and lunacy." Local authorities, moreover, especially in the rural districts, are often reluctant to use their powers, and in these circumstances progress, unless stimulated by a healthy public conscience in matters of hygiene, is slower than might be wished.

A bureau such as that proposed in this bill would not only stimulate communities to take measures that would reduce to a minimum the diseases peculiar to the working classes, but the investigations it might make would be available for every growing community that wished to avoid the disadvantages that in these respects older communities have suffered.

EMPLOYMENT.

The intensive investigation into the labor of women and children which the Commissioner of Labor, under special appropriation, is now making may answer many of the questions which suggest themselves in regard to employment that are raised by the census figures and common experience. But, as the commissioner testified before the committee reporting this bill that for another twenty years he would be unable to take up this subject again, it is eminently proper that it should be included in the list of matters to receive the attention of this bureau. The welfare of the 1,750,000 breadwinners under 15 years of age needs reporting annually, not every twenty years. Business men desire it. I insert here a letter to that effect from one of the best-known business houses in New York:

WILLIAM ISELIN & Co.,
New York, February 19, 1909.

The Hon. HERBERT PARSONS,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am gratified to find that you are sponsor for House bill 24148, known as the "children's bureau bill." The house in which I am a partner represents over 200 textile mills and many of them among the most important in their branch of the business, and I have a large acquaintance among the managers of these companies. I am sure from many talks with them on the subject of child labor that they will all welcome legislation which would put the Government in possession of all facts concerning child labor and lead to an end of its abuses.

Very truly,

LINCOLN CROMWELL,
3 East Eighty-fourth street, New York.

The physical danger from child labor is indicated in the following portion of the report of the President's Homes Commission:

Quite apart from the fact that child labor is a menace to education, morals, and good citizenship, the effects of premature and involuntary labor upon the health and physical welfare of the child are extremely detrimental. Quetelet, in his *Physique Sociale*, as early as 1869 demonstrated that the muscles of the average child attain only at the age of 13 or 14 a certain amount of strength and capacity for work. Up to this time the muscular fibers contain a larger percentage of water, and in consequence are very tender and immature. Demetjef, cited by Rubner, determined the lifting power of the arms and trunk at different ages of the working classes to be as follows:

Lifting power of the arms and trunk of the working classes at different ages.

Age.	Kilo-grams.	Age.	Kilo-grams.
14 years.....	82	30 to 35 years.....	150
16 years.....	101	35 to 40 years.....	160
18 years.....	128	40 to 50 years.....	148
20 to 29 years.....	140	50 to 60 years.....	134

These figures clearly indicate that the average boy at the age of 14 possesses about one-half the muscular strength of an average adult between 35 and 40 years of age.

As a consequence of imperfect muscular development, it is not surprising that a large percentage of young persons engaged in workshops, factories, or even at the writing desk or merchant's counter develop lateral curvature of the spine and other muscular deformities, not to mention general weakness and predisposition to rickets, tuberculosis, and other pulmonary diseases. All of the bad effects are naturally intensified by insanitary environment, especially when the occupations are attended by the inhalation of dust, injurious gases, and impure air.

Doctor Roberts examined 19,846 English boys and men. Of these, 5,915 belonged to the nonlaboring classes—schoolboys, naval and military cadets, medical and university students; 13,931 belonged to the artisan class. The difference in height, weight, and chest measurement, from 13 to 16 years of age, was as follows:

Difference in height, weight, and chest measurement of 19,846 English boys and men at specified ages.

Class.	AVERAGE HEIGHT.			
	At 13 years.	At 14 years.	At 15 years.	At 16 years.
Nonlaboring.....	Inches. 58.79	Inches. 61.11	Inches. 63.47	Inches. 65.40
Artisan.....	55.93	57.76	60.58	62.93
Difference.....	2.66	3.35	2.89	3.47

Difference in height, weight, and chest measurement of 19,846 English boys and men at specified ages.—Continued.

Class.	AVERAGE WEIGHT.			
	At 13 years.	At 14 years.	At 15 years.	At 16 years.
Nonlaboring.....	Pounds. 88.60	Pounds. 99.21	Pounds. 110.42	Pounds. 128.34
Artisan.....	78.27	84.61	96.79	108.07
Difference.....	10.33	14.60	13.63	19.64

Class.	AVERAGE CHEST GIRTH.			
	Inches.	Inches.	Inches.	Inches.
Nonlaboring.....	28.41	26.28	30.72	33.08
Artisan.....	25.24	26.28	27.51	28.97
Difference.....	3.17	3.37	3.21	4.11

Dr. Annie S. Daniel, in speaking of her personal observations in New York, tells us that a child 3 years old can straighten out the leaves of tobacco and can stick together the materials which form the stems of artificial flowers; at 4 he can put the cover on paper boxes; between 4 and 6 he can sew on buttons and pull basting threads. A girl from 8 to 12 can finish trousers as well as her mother. After she is 12, if of good size, she can earn more money in a factory, because she will be accepted if her size justifies the evasion of the law. The boys practically perform the same labor as the girls, except that they leave home earlier and engage in street work, as peddlers, newsboys, or bootblacks. Doctor Daniel has actually seen two children under 3 years of age working in the tenements of New York—one, a boy 2½ years of age, assisting the mother and four other children under the age of 12 in making artificial flowers. "These children earn from 50 cents to \$1.50 a week, obviously at the expense of health and education—rights which neither the parents nor the community nor the State have a right to withhold."

Its effect on young girls is also alluded to in the British report before mentioned:

Close attention seems to be needed in respect of the physical condition of young girls who take up industrial employment between the ages of 14 and 18. The conditions under which they work, rest, and feed doubtless account for the rapid falling off in physique which so frequently accompanies the transition from school to work.

The committee on physical welfare of school children in New York reprinted the article on "Anatomical or physiological age versus chronological age," by Dr. C. Ward Crampton, who, after showing how different the physiological age may be from the chronological, says:

CHILD LABOR.

The problem of child labor is clearly reduced to a formula by our fundamental thesis. It is proven that the mature are from 30 to 50 per cent stronger than the immature, and that pubescence marks the beginning of the period of rapid increase in weight and strength, regardless of the chronological age. On the merits of the case it is perfectly clear that the immature who are weak should not be allowed to work, and that the mature who are overwhelmingly more fit to work be allowed to engage in it. At present there is a division on the age basis which allows some immature to work and prevents some mature children from working, causing a hardship to many of both classes. This is wholly contrary to common sense, and the feeling of the community is justly against arbitrary method. This is being realized with becoming clearness, as is evidenced by the last report of Commissioner Draper, of the New York state education department (commissioner's special thesis; annual report, 1903; Our Children, Our School, and Our Industries), and by P. Tecumseh Sherman, in his report as commissioner of labor (New York State, 1907). The latter states: "There should be added to our law a requirement of a fixed minimum standard of physical development as a condition to granting a certificate of fitness to work in a factory."

RECOMMENDATION III.

Child-labor legislation should be based upon physiological age. It is agreed that no child found physically defective or ill should be allowed to engage in any but the lightest tasks.

It thus appears that an age minimum is not the sole solution needed for the ill effects of child labor. The good of the children of the Nation will require constant inquiry into the effects of child labor.

There are other questions which are raised by the employment of children. Miss Jane Addams, in her inspiring book, *Newer Ideals of Peace*, points out that we have made no careful study of the effect upon children of the subdivided labor which many of them perform in factories, and says:

A child who remains year after year in a spinning room gets no instruction, but merely a dull distaste for work (p. 158).

She also says:

A modern state might rightly concern itself with the effect of child labor upon industry itself.

And she refers to the complaint that good workmanship can not be secured, due to a system which makes no demand upon originality, but puts large numbers of producers prematurely at work (pp. 162-163):

Let us realize before it is too late that in this age of iron, of machine tending, and of subdivided labor, we need as never before the untrammelled and inspired activity of youth (p. 174).

LEGISLATION AFFECTING CHILDREN IN THE SEVERAL STATES AND TERRITORIES.

Some of the greatest stimuli to state advancement along the lines of educational and labor legislation are the publications

issued by those two bureaus, respectively, giving the recent legislation of the States on their subjects. The same would be true in this case. Imitation is one of the potent factors of civilization.

SUCH OTHER FACTS AS HAVE A BEARING UPON THE HEALTH, EFFICIENCY, CHARACTER, AND TRAINING OF CHILDREN.

Take, for instance, the effect of alcohol. Professor Demme's statistics of 10 temperate and 10 intemperate families, based upon ten years' study and observation, showed:

	Temperance families.	Drunkards' families.
Children.....	61	57
Died before 6 weeks old.....	5	25
Idiots.....	0	6
Stunted in growth.....	0	5
Epilepsy.....	0	5
Nervous in childhood, but cured.....	6	0
Ordinary good health in childhood, per cent.....	81.5	17.5

Said also the British committee:

It must be remembered that even Professor Cunningham, while denying the influence of heredity in most cases, expressed the firm belief that diseases such as syphilis and alcoholism transmit their effects to the third and fourth generation—and in this opinion the committee fully concur.

In the foregoing I have sought to instance for the benefit and interest of Members the kind of things that would concern this bureau. Naturally, what I have suggested is only a small part of the innumerable matters that would challenge the attention of the bureau. They serve to show, I hope, the importance of this bureau for the happiness of many and the welfare of the Nation.

OBJECTIONS.

Despite the need that I think I have shown for this bureau, some objections are made to it, and two are urged in the minority report of the committee.

One of the objections is that the States are doing the work now and that the "entrance of the National Government into this field should be followed by a loss of interest and a cessation of effort on the part of the States." Unfortunately, many of the States are not doing the work now. The registration area in the United States, from which we get our mortality statistics, only covers in population half of the United States, and in extent of territory only a small portion. Figures as to the birth rate are wanting almost everywhere. There have been very few inquiries into physical degeneracy or into desertion and illegitimacy. There has been and there is a tendency to legislation affecting the labor of children; but that legislation has come as the result of agitation from outside of the State as well as in, and will be furthered, and not hindered, by this bureau.

But, as I have shown, there is nothing in this bureau that will in any way infringe on the work of the States. On the contrary, in their case it will serve to stimulate and make more intelligent their work. It is as an aid to them and not as a supplanter that it will act. It will further their legislation, just as the activities of the Bureau of Education have furthered educational legislation in the States, and as the activities of the Bureau of Labor have furthered labor legislation in the States. The greater publicity that is given to lack of knowledge and lack of provision for children in various States will lead to the supplying of the wants. At the present time in the South Central division a child averages only 3.06 years of schooling. Is that period of schooling being increased or retarded by the fact that the Bureau of Education publishes it and all the world knows of the backward conditions there? Of course it is being increased.

The other objection urged by the minority is that there already exist governmental agencies for the gathering of the necessary information and that much of it is being gathered now. They make reference to the Bureau of Education. The functions of that bureau, according to its organic act, are:

To collect statistics and facts showing the conditions and progress of education in the several States and Territories and to diffuse such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

And—

The commissioner is authorized to prepare and publish a bulletin of the Bureau of Education as to the condition of higher education, technical and industrial education, facts as to compulsory attendance in the schools, and such other educational topics in the several States of the Union and in foreign countries as may be deemed of value to the educational interests of the States.

There is nothing in those provisions which conflicts with the provisions of this bill, and that bureau does nothing in regard to infant mortality, birth rate, orphanage, juvenile delinquency and juvenile courts, desertion and illegitimacy, or poor housing conditions, and only touches on labor matters as they affect school children. The Bureau of Education is doing a splendid work. A moment's thought, however, will show that instead of the work for children being a subordinate part of the Bureau of Education, it would be far more logical to make the Bureau of Education a subordinate part of a children's bureau. Education is such a fundamental part of our American system, however, that it is highly desirable that it should have a separate bureau for itself.

Again, it is claimed that the Bureau of Labor is investigating all subjects connected with labor, and therefore covers those matters proposed for this bureau that relate to employment, dangerous occupations, and accidents and diseases of children of the working classes. In the law creating the Department—now the Bureau—of Labor it is provided that its "general design and duties" shall be—

to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive senses of that word, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

And—

The Commissioner of Labor is "specially charged to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production and under a classification showing the different elements of cost or approximate cost of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of the manufacturers and producers of such articles; and the comparative cost of living and the kind of living. And to ascertain and report as to the effect of the customs laws and the effect thereon of the state of the currency in the United States on the agricultural industry, especially as to its effect on mortgage indebtedness of farmers, and what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts or other combinations of capital, business operations, or labor have on production and prices. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country. The Commissioner of Labor is also specially charged to investigate the causes of and facts relating to all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress. The Commissioner of Labor shall also obtain such information upon the various subjects committed to him as he may deem desirable from different foreign nations, and what, if any, convict-made goods are imported into this country, and if so, from whence."

In the foregoing nothing is said of child labor. It is true that by special appropriation an investigation of child labor is being made by the bureau. But, as stated by the Commissioner of Labor, testifying before the committee, it would be twenty years again before he could give attention to the matter of child labor. He further testified that it would be much better to have a separate bureau to do this work, as in any investigation it might make it could inquire into every matter concerning children, whereas his investigation could only be partial and his bureau would have to ignore all causes of conditions other than the one of the effect of labor.

Many will query why the Bureau of the Census does not do this work. So far as statistics are concerned, it can do much of the work. That is the function of the Bureau of the Census, and it furnishes to both the Bureau of Labor and the Bureau of Education, and would furnish to this bureau, basic statistics. Statistics answer a few questions, but they raise a great many more. The Bureau of the Census, which makes only quantitative investigations, is not fitted to make qualitative investigations. This distinction was fought out in this House at the time that an appropriation was inserted in the sundry civil bill for the investigation by the Commissioner of Labor into the subject of the labor of women and children.

It is a very simple matter, however, to see how little the Census Bureau really aids to solve the questions which arise. The special report by the Census Bureau on "Prisoners and juvenile delinquents in institutions" for the year 1904 raises interesting questions, which the Census Bureau does not answer and the only answer to which could be obtained by intensive investigations. Take, for instance, the major offenders committed during 1904, of from 10 to 14 years of age. Why were there only 2 in the North Atlantic division out of a total for all ages of 8,639 in that division, and 74 in the South Atlantic division out of a total of only 3,744 for all ages in that division, and 106 for the South Central division out of a total of all ages of 4,973 for that division?

Why, on the other hand, of major offenders of from 15 to 19 years of age, were there 1,494 in the North Atlantic division, as against only 711 in the South Atlantic division and 1,009 in the South Central division? Why does somewhat the same relation hold true in regard to minor offenders, as to whom there were, between the ages of 10 and 14, in the North Atlantic division 87 out of a total of 67,596, and in the South Atlantic division 153 out of a total of 6,899, and in the South Central division 102 out of a total of 5,233, whereas among minor offenders from 15 to 19 years of age there were many more in the North Atlantic division than in the South Atlantic or in the South Central divisions? Various answers may suggest themselves. Intensive studies must be made, however, to obtain the correct answers.

The inadequacy of census figures to answer questions is again shown by the special report on cities having a population of over 30,000 in 1905. That report suggests a number of interesting queries under the table of arrests of children under 16 years of age. Why, out of a total of 1,412 arrests of children for all offenses, were there in Milwaukee 266 for drunkenness? Many will say that the answer is obvious and no investigation is needed. But why was the proportion still greater in Louisville, Ky., when out of a total of 1,405 arrests 310 were for drunkenness? Why were there so many in Memphis, Tenn., where out of a total for all offenses of 853, 183 were for drunkenness? And why, in Nashville, out of 2,489 arrests, were there 535 arrests for drunkenness? Why in Washington, out of a total of 1,746 arrests, were there only 3 for drunkenness, whereas in Duluth, out of a total of 253 arrests, 50 were for drunkenness?

Why, in South Bend, out of a total of 336 arrests, were 194 for drunkenness; in Malden, Mass., out of a total of 81 arrests, 36 for drunkenness; in Chattanooga, Tenn., out of a total of 1,150 arrests, 387 for drunkenness; and in Racine, Wis., out of a total of 150 arrests, 58 for drunkenness? Why, in Boston, were there 205 arrests for disturbing the peace and 499 for assault and battery; and in Milwaukee, on the other hand, 512 for disturbing the peace and only 117 for assault and battery? Why, in Cleveland, out of a total of 2,407 arrests, while there were only 10 for drunkenness, 111 for disturbing the peace, 59 for assault and battery, should there be 953 for larceny?

Take the question of first, second, and third offenses. Why, in New York, out of a total of 10,732 first offenders, were only 564 brought up on third and subsequent charges; whereas in Baltimore, out of a total of 1,834, 332 were subsequently brought up; and in Cleveland, out of a total of 1,182 first offenses, 357 were brought up a second time and 374 a third time or more?

The questions that suggest themselves are innumerable. They are brought up, not answered, by the census.

FAVORED BY THE CHIEFS OF OTHER BUREAUS.

Commissioner Brown, of the Bureau of Education, and Director North, of the Census Bureau, both approved the bill when before the committee. Commissioner Neill, of the Bureau of Labor, strongly urged its passage. For the convenience of the committee, I here give some extracts from their testimony to show the kind of work their bureaus are doing, to indicate that they are not fitted to do this work, and to give additional reasons why this bureau should be established:

EXTRACTS FROM STATEMENT OF MR. CHARLES P. NEILL, COMMISSIONER OF LABOR.

Mr. NEILL. Mr. Chairman, all I can say simply follows along the lines the Director of the Census has already suggested, that there is a very clear distinction, a clear line of demarcation, between two kinds of statistical work that does not always seem to be clear in the minds of some of those not engaged in such work. There are two kinds of statistical studies. One kind the Census Office only is equipped to handle. A bureau such as the one I have charge of could not handle those in any way at all. On the other hand, there are certain other kinds of work for which the organization of the census is not equipped, namely, intensive statistical studies. I might take just one illustration right here. Take, for instance, the question of infant mortality. We are at this time considering whether we will make a study in that particular topic. We have taken the records of the census and have gone over them very carefully; they have given us certain very valuable leads, but they do not explain what the specific causes are except in a large way. The question of causes requires an intensive study. We take certain cities we would select through the record that Mr. North gives us—without those records we would be entirely at sea—we would take cities showing certain rates and certain cities of a similar kind showing very different rates, and by a house-to-house investigation there determine to what extent those deaths might or might not be due, for instance, to the employment of the mothers of those children. That kind of investigation Mr. North's bureau is not equipped to make. Not only that, but the people that are going to prepare that report must themselves do the field work. That is, I could not sit in the bureau and take the statistics of any of the agents and prepare a report with any degree of intelligence. The persons who prepare the report must go out in the field and keep in touch with that work, or I have to have a thoroughly competent man or woman able to prepare and write that report, a well-trained, well-equipped man or woman, and let himself or herself actually direct the field work. That is, there is a certain background that they see the thing against in the field that nobody else outside of them can get. That work, as I say, could not have been undertaken. We simply would have been perfectly in the dark if it were not for the

large and extensive investigation that the Bureau of the Census makes. I think that it is the same way here. After the census statistics are published and are available for this proposed bureau it would have to take those figures as guides and, taking the general leads that those things would give, make in smaller areas very intensive studies.

Mr. PARSONS. May I ask a question there?

Mr. NEILL. Yes, sir.

Mr. PARSONS. If you went into the subject of infant mortality, would you necessarily also report on how much infant mortality was due to bad living conditions—tenement-house conditions?

Mr. NEILL. No.

Mr. PARSONS. And heredity?

Mr. NEILL. No.

Mr. PARSONS. You would simply look at it from the one side of employment?

Mr. NEILL. Yes. As I say, if we went into that at all it would simply be studied in connection with the woman and child labor study to find out to what extent infant mortality is due to the occupations of mothers who are unable to take care of their children.

Mr. HARDY. In doing that, if you had to consider the number of deaths, in attributing some of them to the occupations of the mothers of the children, would you not also have to segregate those which were caused by tenement surroundings? To affirm one cause you would have to negative others, would you not?

Mr. NEILL. No; we would simply ignore those causes. That would take our attention away from the point of the inquiry.

The CHAIRMAN. Are any of the subjects enumerated in the proposed bill covered by the work of your department?

Mr. NEILL. Very few; and I might add that I have in my drawer a list of topics which we think it important to investigate, which we probably will not reach the end of for about a century or two. So there is no danger of objection to anyone invading the field of our bureau. We are quite willing to give up any part of the field to anybody else.

The CHAIRMAN. It is not so much the invading, but the avoiding of duplication.

Mr. NEILL. Infant mortality, for instance, only comes into our work in this present investigation. Take these subjects: "Accidents and diseases of children of the working classes," "Employment," "Legislation affecting children in the several States and Territories." But we have many other, and I think equally important, things to investigate; and we would be very glad, if there were such a bureau as this, to leave that field of study entirely to that bureau.

Mr. PARSONS. The legislation affecting children that you investigate would be—

Mr. NEILL. Only a small part of it; only affecting children at work. So I do not feel at all, Mr. Chairman, that any of this work is a duplication of what we are doing, and it would be handled in a different way. There are only one or two things that we would touch at all, and then we would handle them in a way entirely different.

The CHAIRMAN. Could not the same results be attained by creating another division?

Mr. NEILL. No; you can not get that kind of a man to go in as head of a division. I would not myself go in as head of a division in another bureau if I was paid twice the salary that I am paid; and I do not believe you could get the same quality of ability to do this work under the Bureau of Labor as you could if it was under an independent bureau. I think that is a point that should be considered in the concentration of government work; that is something that should be kept in view. The concentration, in my judgment, is certain to lead to a less high-grade quality of work.

The CHAIRMAN. You believe, then, the most practical thing and the most advisable thing is to establish a bureau?

Mr. NEILL. Unquestionably.

The CHAIRMAN. Now, as to gathering the statistics; you believe that that can not be done through the Census Bureau?

Mr. NEILL. They can unquestionably gather statistics of extreme value for this study, Mr. Chairman, which the bureau itself could not gather.

The CHAIRMAN. You believe, then, that the bureau might formulate these questions and the Census Office could gather the statistics for the bureau?

Mr. NEILL. It could gather on a large scale the statistics that are wanted; but after those statistics are gathered, it seems to me that in making the intensive studies they ought to be made by their own agents, just as we are doing now. I think Mr. North will agree with me on that; will you not, Mr. North?

Mr. NORTH. Entirely.

Mr. NEILL. I do not suppose Mr. North would argue for a moment that they should ask him for intensive information on a certain point and he send his agents out to get that.

Mr. NORTH. No.

EXTRACTS FROM STATEMENTS OF MR. S. N. D. NORTH, DIRECTOR OF THE CENSUS.

Mr. PARSONS. What has the Bureau of Labor to do with infant mortality?

Mr. NORTH. Nothing whatever.

Mr. PARSONS. Or the birth rate?

Mr. NORTH. Nothing whatever.

Mr. PARSONS. Or physical degeneracy of children? I can see that it would have certain relations.

Mr. NORTH. They are now looking more or less into that very question, I believe; are you not, Mr. Neill?

Mr. NEILL. Very incidentally, if at all.

Mr. PARSONS. What has the Bureau of Labor to do with orphanage?

Mr. NEILL. Nothing.

Mr. PARSONS. Or juvenile delinquency and juvenile courts?

Mr. NORTH. I do not see that they would have anything, particularly, at the present time.

Mr. PARSONS. Or physical degeneracy?

Mr. NEILL. Nothing.

Mr. PARSONS. Or dangerous occupations?

Mr. NORTH. Nothing.

Mr. PARSONS. "Accidents and diseases of the children of the working classes, desertion, and illegitimacy?"

Mr. NORTH. Nothing.

Mr. PARSONS. And "employment?"

Mr. NORTH. Yes.

Mr. PARSONS. Or "legislation affecting children in the several States and Territories?"

Mr. NORTH. No government bureau has any functions under that head. That is a new function which it is proposed to put upon that bureau, which I do not think has ever been assigned to any government bureau.

Mr. PARSONS. May I ask Mr. North a further question?

The CHAIRMAN. Certainly.

Mr. PARSONS. Suppose you have the statistics of infant mortality; do you make any study of the causes?

Mr. NORTH. Yes; we assign the cause of death in each instance, where known.

Mr. PARSONS. But do you classify as to how much, for instance, might be due to heredity or anything like that?

Mr. NORTH. No.

Mr. PARSONS. You make no intensive study?

Mr. NORTH. No, sir.

Mr. PARSONS. Your study is purely statistical?

Mr. NORTH. Yes; quantitative. We do not do intensive work in the Census Office.

Mr. PARSONS. Then, the relation between these matters and your bureau is the same as that between your statistical work in regard to labor and the intensive work in regard to the labor of women and children that Commissioner Neill's bureau has?

Mr. NORTH. Yes; the relationship is identical. That is what I have been trying to say. We could furnish in the Census Office a great deal of useful material for this bureau to work with as a starting point, and that would be perfectly easy, and that is the kind of work we are doing constantly. We are helping other bureaus by furnishing them with the foundation facts upon which they base their work.

EXTRACTS FROM STATEMENT OF DR. ELMER E. BROWN, COMMISSIONER OF EDUCATION.

Doctor BROWN. I have had some conversation with the Secretary of the Interior with reference to this matter. We have not gone over it very much in detail, but he has expressed to me the belief that the subjects which are covered by this bill could be handled under the very broad terms on which the Bureau of Education is organized. Before going into any discussion of that question from my own point of view, I should like to say that I think there is danger that the purposes proposed in the bill will not be rated at their real importance. From the point of view of those of us who are engaged in educational work, these purposes are of the utmost importance, and it seems to us that if we are to make proper provision for the future industrial efficiency of this country, or its efficiency along all social lines, it will be necessary that such investigations as those that are contemplated in this bill should be undertaken with the utmost care. There is, then, on the part of those who are connected with the Bureau of Education and those with whom the Bureau of Education has most to do, a very strong sense of the importance of this measure. It certainly looks to the conservation of the character of our people in ways in which, I am convinced, we shall have to look to it with the utmost care within these coming years.

Mr. PARSONS. Would anybody wanting to know something about juvenile delinquency, for instance, write to Washington and ask the Bureau of Education about it?

Doctor BROWN. It is doubtful. I can not say whether that would be done or not; and we have at the present time no information available, no comprehensive information available, on such a question as that. The only way we can deal with such questions as that would be by considerable extension of our present work. I should say that even to deal with the subjects that should unquestionably be touched upon by the Bureau of Education without any extension of its present functions, it would be necessary for us to have experts that we are not now provided with.

In general terms, the matter appears to me about like this: That if this subject is to be dealt with according to its importance and in a comprehensive and concentrated way, that could best be done by the organization of a special bureau such as is proposed in this bill.

EFFECTIVE WORK OF OTHER FEDERAL BUREAUS.

No one would claim that the work done by the Census Bureau should be done by the States individually. The helpfulness of its work has been acknowledged by all and repeatedly by this House in extending its labors. Nor shall I touch upon the helpful work done for agriculture by the Department of Agriculture and the various bureaus of that department.

It will be more akin to the work to be done by this bureau to mention the work done by the Bureaus of Labor and Education.

The Bureau of Labor makes investigations of the wholesale and retail prices of articles of necessity, of wages and hours of labor, of the cost of living, of strikes and lockouts, of the cost of production and of the economic aspects of the liquor problem, and makes comparison between wages, cost of living, and retail prices in the United States and Europe. No state bureau could be expected to make as comprehensive investigations of such matters, and it would be a waste of public energy to have different States duplicating the whole or part of the work that a central bureau can best do.

Of the work of the Bureau of Education and its effectiveness, these statements were furnished to me by Commissioner Brown:

This office is laying the greatest stress upon the strengthening of the several state offices of education. It has held one conference of state superintendents of public instruction, and a second conference has been called for the near future. It has taken definite steps in the direction of a practical uniformity in state educational statistics and reports, which will render it possible to make much more reliable comparisons between different States than can now be made. It has also made arrangements for systematic distribution to the several state offices of the latest information concerning new legislative acts and administrative regulations in all of the States. The purpose of these new steps is to aid the state office of each of the States in becoming a more active and effective center for the educational life of the State. We have received abundant evidence of appreciation of these new arrangements.

The Bureau of Education has stimulated every State and city of the Union to make an annual survey and record of its educational provision. In 1867, when the office was created, few States made a complete record of their educational work; some none at all; there was no uniform plan for such data as were tabulated; hence those comparative

studies which enable each community to participate in the experience and profit by the progress of every other were impossible. By its system of collecting, collating, and publishing educational information, the bureau presents a record of the progress and existing status of educational provision throughout the Nation unequalled for completeness and accuracy by any similar record in the world. It is cited as a model by the leading nations of Europe. Among the practical results in which this work has greatly aided may be mentioned the establishment of public schools throughout the country and the consequent decrease of illiteracy, which was a threatening evil at the time the bureau was established; the phenomenal increase in the number of high schools, especially in the South; the increase in the average annual school period; the very general increase in teachers' salaries; and the ever-increasing appropriations for school purposes.

But education is a continual process of adjustments to new social ideals and new industrial conditions. The bureau presents each year a record of efforts excited by new demands in the more progressive centers of the country, and thus supplies guidance and direction to other centers in advance of their demand, and to the saving of their energies and resources. Striking illustrations of this service on the part of the bureau are afforded by the spread of compulsory school laws and child-labor laws in this country, and by the ever-increasing attention to school hygiene, sanitation, and medical inspection, and by the increasing provision for physical training and for manual training as integral parts of school education. Information regarding these new lines of effort is in constant demand, and entails, besides the limited publications for which Congress provides, an enormous correspondence.

The new departures in education, as soon as they have passed the experimental stage, are embodied in legislation; hence, the periodical digests of school laws, which have become a feature of publications of this office, act as a stimulus for increasing the scope and raising the standard of popular education.

The influence which has been exercised by special publications of the office is strikingly illustrated by a special report on public libraries, which revolutionized library management and administration in this country, and has become a text-book of the library profession.

This office has also performed an important service in analyzing certain statistics collected from time to time by the United States Census and by the Labor Bureau, and so collating them with the educational statistics as to bring out their bearing upon the educational work of the country.

THE DEMAND FOR THE BUREAU.

People wishing to find out about children naturally look for a bureau or department bearing that name. It is not sufficient that there should be a division within a bureau of another name. The dignity of the subject is worthy of a bureau and worthy of having in it experts such as can only be got if the place is one of the dignity of a bureau. The legislatures, the institutions, and the people of the 46 States need such a bureau to go to for comprehensive information. There will come up questions that only such a bureau can properly investigate, and as to which it will not be fair to call upon individual States to make complete investigations.

The demand for the bureau is overwhelming among people who are concerned with the welfare of children.

The following were among the resolutions unanimously passed at the conference on dependent children recently called by President Roosevelt:

12. The care of dependent children is a subject about which nearly every session of the legislature of every State in the Union concerns itself; it is a work in which State and local authorities in many States are engaged, and in which private agencies are active in every State; important decisions are being made constantly by associations, institutions, and public authorities, affecting questions of policy, the type of buildings to be constructed, the establishment of an adequate system of investigating homes and visiting children placed in homes, and scores of important matters affecting the well-being of needy children. Each of these decisions should be made with full knowledge of the experience of other States and agencies, and of the trend of opinion among those most actively engaged in the care of children, and able to speak from wide experience and careful observation. One effective means of securing this result would be the establishment of a permanent organization to undertake, in this field, work comparable to that carried on by the National Playground Association, the National Association for the Study and Prevention of Tuberculosis, the National Child Labor Committee, and other similar organizations in their respective fields. It is our judgment that the establishment of such a permanent voluntary organization, under auspices which would insure a careful consideration of all points of view, broad-mindedness and tolerance, would be desirable and helpful, if reasonably assured of adequate financial support.

FEDERAL CHILDREN'S BUREAU.

13. A bill is pending in Congress for the establishment of a federal children's bureau to collect and disseminate information affecting the welfare of children. In our judgment the establishment of such a bureau is desirable, and we earnestly recommend the enactment of the pending measure.

The need of such a bureau to conscientious investors was forcibly put at the committee hearing by Mrs. Florence Kelley, general secretary of the National Consumers' League, who said:

Mrs. KELLEY. Mr. Chairman, I speak on behalf of the bureau both as a member of the national child labor committee and also on behalf of another organization which was already agitating for the creation of a bureau before this bill was actually drawn and before the child labor committee was actually created—the National Consumers' League—and I think I can perhaps illustrate one need of such a bureau by stating the experience of one member of the Consumers' League, a lady who, in Philadelphia, inherited a large block of gilt-edge stock in a southern cotton mill. She heard very ugly rumors of the conditions under which children were employed in the mill in which she thus became a very considerable owner. She was hindered from going and looking at her mill herself by lameness, which made it impossible, and she made inquiries. She asked the president of the corporation about the conditions in that State and he told her everything was all right,

that she need have no doubt about it, that the President himself had sent a lady to investigate the conditions under which the work was being done, and before long we should have a report about it. So we have waited, but we have never had that report.

She got tired of waiting and wrote to the governor of the State and asked for a copy of the state census, thinking that she might learn something of the conditions under which children were at work from the state census, not having got very recent light from the federal census, which went back to 1900. The answer was that there was no state census in that State. She wrote then for a copy of the report of the state factory inspector, but the answer was that there was no state factory inspector. She wrote for a report of the bureau of labor statistics, but the answer was that there was no bureau of labor statistics. She wrote for report of the state bureau of education, but there was no such bureau of education. She exhausted the list of all the kinds of information which we get from some other Southern States and from all the Northern industrial States, and there was no information to be got. In the meantime the investigation by the Department of Commerce and Labor, under Commissioner Neill, had begun. That is now in its second year. She has had reports on the cotton crop which is used in her mill, always coming out promptly so as to be of use, but we have no bulletins of investigation of conditions of labor of women and children in that State, and from that source she has no information concerning her mill.

She finally became discouraged, did not wish to be a part employer in a corporation about which she could get no official information whatever, sold out her stock, and invested in tenement houses in New York, because about those you always know the worst [laughter]; you always know exactly where you are when you have tenement-house property in New York.

This is a highly intelligent and large investor, who is eager to invest money as her forbears have done before, in the same industry in which their investments have always been, if she can get the same kind of current, trustworthy information about that as about the crop that is used in the mill, or about hundreds and hundreds and hundreds of other investments.

We can not learn about many of our States; we can not get information about the conditions under which the children are working until that information has lost all its value. The organization of which I am a member compiles every year all the new child-labor legislation in a little handbook of child-labor legislation. We can not understand why it is left to us to do that, why there is no central body to which we can write here in Washington and get that information up to date and understandable. We have to go through a sort of process of predigesting it before any ordinary investor like that can understand it.

I forgot one item. The rumor came around very insistently, but always as a rumor, that there was a horrible thing in the State in which my friend's cotton mill stood, known as the "hook-worm disease;" that absolutely the only way the children could be cured of the hook-worm disease was by being exposed to tuberculosis by going to work in the cotton mills. If they stayed in the mountains where the air was pure, they fell victims to this disease with this ugly name, the meaning of which, indeed, we did not know. It was right puzzling to my friend, and she inquired in every direction about it, and finally she heard the rumor that the person who really knew about the hook-worm disease in the hill country of South Carolina was a physician in the Marine-Hospital Service.

Now, a northern investor is not likely to think just out of her own head that the only person who knows about the health of the children in the mountains of South Carolina is concealed in the Marine-Hospital Service [laughter], and that if you want to get that information you have to inquire and inquire and inquire until you accidentally come on this fact. We want to get away from such fumbling as that. If any stupid, illiterate farmer up near Catskill, in New York, wants to know something about raising artichokes on his farm, all he has to do is to get his son or the village schoolmaster to write to the Department of Agriculture, and he will be supplied with information not only about artichokes, but about everything relating to agriculture in the most expeditious way, in every mail, much of it very valuable. But how different is the situation with regard to the children. We think we ought to be able in the same way to send a postal card, even, to a bureau here and at least get a clew how to go about our work. We will get some satisfaction out of the fact that we have a clew furnished us, as the Marine-Hospital Service was suggested as the place where that lady might get her information. [Applause.]

Mr. PAGE. In order to remove your impression about that disease, I may say that it is a disease of the sand country and not of a hill country.

Miss KELLEY. You see, even that we could not find out.

The general lack of information was instanced by Mr. Homer Folks, secretary of the State Charities Aid Association of New York.

Mr. FOLKS. I remember that there was a blank sent out at the time of the Paris Exposition on which certain institutions were asked to make an exhibit of their works. Up to that time we had estimates, and I think I can say without any fear of contradiction that there was a remarkable unanimity of opinion up to that time as to the outcome, that it was an extraordinary fact that 80 per cent of children cared for by every possible method turned out well. There was always a little exception, just a little, if it was closely analyzed, but so far as known it was estimated that 80 per cent was about the figure. That particular blank called for a careful inquiry as to how many of them were doing well up to 21 years of age. One particular institution, the Massachusetts State Reformatory, took it to heart, and the figures which they arrived at—I may say it was a very excellent institution—after making a careful inquiry of the facts, were such that they were not placed on exhibition.

Mr. HARDY. That was a reformatory for criminal children?

Mr. FOLKS. Oh, just juvenile delinquents.

Mr. HARDY. That would be very different from the general average, would it not? It certainly ought to be, at least.

Mr. FOLKS. Juvenile delinquency is one of the subjects included in the proposed inquiries of the bureau. As to the others, we have hardly enough data to make a read good guess. I have been engaged in that kind of work myself; I have been in close touch with that; it has been my special interest for fifteen years.

Mr. HARDY. I presume every State in the Union has an orphan's home?

Mr. FOLKS. I think that is probably true. There is some kind of an institution in the State, but not every State has one.

Mr. HARDY. There are States with no state orphan's home?

Mr. FOLKS. A great many of them.
 Mr. HARDY. Then you have orders' homes also; Odd Fellows, Masons, or other orders have homes in nearly every State?
 Mr. FOLKS. Every conceivable kind of home nearly.
 Mr. HARDY. Do those institutions publish any statements?
 Mr. FOLKS. They say how many people they had during the year and how many passed out of their care.
 Mr. HARDY. Nothing of their training?
 Mr. FOLKS. They tell you what they did while they were there, something about it, more or less—usually less. But what the effect was upon the children, what they were doing a year after they left there, what kind of citizens they become, they make no mention of.
 Mr. HARDY. It seems to me your purpose is more to collect information about these matters.
 Mr. FOLKS. That is just exactly our purpose.
 Mr. HARDY. What is going to become of the magazine writers who tell us these things? [Laughter.]
 Mr. FOLKS. Some of us are ready to take our information from a federal bureau. [Continued laughter.]

Mr. H. F. Fox, president of the Children's Protective Alliance of New Jersey, said:

Mr. Chairman, I happen to be the president of a state board in New Jersey which has to care for the dependent children, and for fifteen years have had some experience of various kinds in legislation that we have been trying to secure for children in the State. At every session, almost, we have had to meet the question of how to get certain kinds of information for the benefit of legislative committees or for the benefit of the governor or the departments in the State, and I am sorry to say that in a great many cases we have fallen down because the information has not been accessible.

I think it is proper to call attention to the amount of careless and ill-considered social legislation affecting children and others that is being enacted in a great many of our States. A great deal of this lax legislation could be wisely directed with the information which could be obtained through such a bureau as this. I think it was Uncle Zeke who said: "It ain't the ignorance in the world as much as it is knowing about so many things that ain't so." Only last week a noted temperance orator of this country informed the people that 80 per cent of the children who are working in the factories are children of drunken parents. If that is true, it is important that we should know it; and if it is not, it is equally important that we should know it.

Judge Lindsey, of the juvenile court of Denver, said:

I was in a certain city recently, and I went to the chief of police and asked him how many children had been in jail that year. He said 100. When we investigated the records we found there were 650 boys alone brought to the jail in that city of less than 150,000 people. I went into another city of less than 200,000 people, and when I asked the jailor how many boys had been in jail he said five or six hundred. When we investigated the records we found there were 4,000 arrests in that city among the boys alone under 20 years of age and over 2,000 brought to the jail who were under 17 years of age.

My friends, if we had a bureau of this kind it would stimulate the gathering of reliable statistics as it can not be stimulated or done in any other way. The head of a bureau of this kind would send to the head of a city a blank to be filled out and kept, and it is going to stimulate the official who is to fill out to keep records and return them to the Government. We have had some experience of this kind showing that this is done. Our state board sent out blanks to different judges, asking for information on this subject, and the information came in, but it does not come in any other way. There must be some kind of stimulus, if you please, to officials to get this information together, and it is going to come through a federal children's bureau, and in my judgment in no other way.

For instance, how many boys brought to jails in the cities of this country return within five years? In my own city, through private effort and investigation, we found 62 per cent of all the boys brought to jails returned in five years for worse offenses. In Chicago, under the commercial club, about ten years ago, a similar investigation was made, and they found that 75 per cent returned in five years. What effect does the work have in preventing crime? Another thing, 20 per cent of the boys in some cities of this country come to jails before they come of age. One out of every five mothers' sons comes to the jails in the cities of this country, according to some private investigations. Isn't that a fact, my friends, that this Government should know and be able to demonstrate?

Mr. Bernard Flexner, of Louisville, Ky., said:

Mr. FLEXNER. Mr. Chairman and gentlemen of the committee, I will not consume more than a moment. I have nothing to add to the argument on behalf of this bill. I want to add a word as a representative of those in a State where private initiative has probably done a great deal less than has been done in other parts of the country. Practically all of the speakers who have preceded me represent parts of the country where private associations, private initiative, has been busy for many years gathering some of the information which it is proposed this bureau will get together—in a fragmentary way, it may be true. Now, we may have been slower in Kentucky in waking up to this problem. We have been. We are probably in the same situation that many other States are. We want to do the best that it is possible to do for the children. The only way, speaking from practical experience, in which it has been possible to get any spread of information upon many of the questions which are contemplated under this bill has been by an extensive correspondence which, in the main, had led to very unsatisfactory results. Therefore I take it that in a great many of the States there has been less sound public opinion than in others. I can probably make the point clear by an illustration of what took place in Kentucky a few years ago. A farmer accidentally turned up a mineral on his farm. He knew nothing about it. He sent on to Washington, and the Geological Survey sent down one, two, and three experts, who spent months in the remote part of the State investigating the find. An elaborate bulletin of 400 or 500 pages, profusely illustrated, appeared in due time, and hundreds of thousands of dollars was poured into the State of Kentucky in consequence of the work which the Federal Government did in the State of Kentucky on that particular farm. I am not here to underestimate the value of that. I merely want to say that while at one and the same time you are telling us how to open up our mines and to pursue the best methods with reference to the development of zinc and feldspar mines, let us be able to find out the best methods to care for the children.

I also add as an appendix to my speech the address of Miss Lillian D. Wald, head of the Nurses' Settlement on the east side of New York, which address was made to the delegates to the President's conference.

WHY NOT PROVIDE A CHILDREN'S BUREAU?

We have, among others, a Bureau of Pensions, a Bureau of Education, a Weather Bureau, a Bureau of Animal Industry, a Bureau of Plant Industry, a Bureau of Entomology, a Bureau of Soils, a Bureau of Chemistry, a Bureau of Biological Survey, a Bureau of Statistics, a Bureau of Corporations, a Bureau of Manufactures, a Bureau of Labor, a Bureau of the Census, a second Bureau of Statistics, a Bureau of Fisheries, a Bureau of Navigation, a Bureau of Immigration and Naturalization, and a Bureau of Standards. And there are many separate offices that are in effect bureaus, though not so named. If we have a Bureau of Soils, why not a bureau of children? Why a Bureau of Biological Survey or a Bureau of Standards and not a bureau for children? And are fisheries more important than children?

What sort of investigations are other bureaus of the Government making? In the sundry civil bill, which we are considering, we are asked to vote \$42,000 for continuing ethnological researches among the American Indians and the Indians of Hawaii. Why not make researches into the welfare of children? Is not the examination of children as important as the "examination of the geological structure and mineral resources of the national domain?" Is not the welfare of the children of the Nation as important as "gauging streams and determining the water supply?" As important as "chemical and physical researches relating to the geology of the United States?" As important as the "investigation of structural materials, such as stone, clay, and cement?" As important as the "cause of the decrease of food fishes?" And yet for all of these other purposes we are spending great sums, many times what is asked by a children's bureau. I do not decry these other expenditures. They are desirable. But \$52,000 for a children's bureau is a still more desirable expenditure.

If over \$300,000 is being spent for the eradication of scabies in sheep and another \$126,000 for the eradication of scabies in cattle, why not spend a small portion of those amounts to save one-fourth of our blind from being blind, to make the deaf to hear, and to give to those charged with caring for the wards of the Nation the bureau of central information, the need of which they assert.

CONCLUSION.

Let me repeat what I stated at the outset, namely, that no appropriation of \$52,000 would be more blessed in its effects, be the means of bringing more happiness to many, or accomplish more for the public welfare. It is said that—

The problem of the child is the problem of the race.

And again:

Give me the child and the State shall have the man.

In our country, made up of many States, we have found it important in various directions that there should be a central bureau with information for all. In no direction is it more important than in that of children. In ancient times there were cruel systems by which the survival of the fittest was established in brutal fashion, and only infants that could stand exposure were allowed to live. Such a practice now would horrify mankind. Our doctrine, on the contrary, is that if possible "not one of these little ones should perish." In the name of the thousands of infants who perish daily for lack of parental knowledge, of the thousands of children who need not have been born blind, of the thousands of children who, though deaf, could live as do those who hear, of the thousands of orphans, of juvenile delinquents, of the underfed, of the malformed, and of the children stultified by work, I ask that this bill be enacted into law, so that the American people, for reasons selfish as well as humane, can do their full part toward guarding the interests of the child.

APPENDIX.

A PLEA FOR THE CREATION OF THE CHILDREN'S BUREAU UNDER THE DEPARTMENT OF THE INTERIOR, BY LILLIAN D. WALD, NEW YORK, MEMBER OF BOARD OF TRUSTEES OF NATIONAL CHILD LABOR COMMITTEE, HEAD WORKER HENRY STREET SETTLEMENT.

Although the national child labor committee stands sponsor for the bill introduced in Congress for the establishment in the Department of the Interior of a children's bureau, the committee can no longer claim sole guardianship of this measure, nor would it indeed desire to do so. Two or three days ago 25,000 clergymen in these United States proclaimed once again from pulpits of all creeds the eternal message of the value of the child, outlined to their hearers the modern conception of childhood's claim upon society, and the obligations to the child of a society which has prospered by all the results of a progressive civilization. They asked their congregations, whether Jew or Gentile, to consider and support this effort to bring the child into his rightful share in the heritage of this civilization. And not only have the 25,000 clergymen and their congregations shown their desire to participate in

furthering this bill, but organizations of many diverse kinds have assumed a degree of sponsorship that indicated indisputably how universal has been its call to enlightened mind and heart. The national organizations of women's clubs, the consumers' leagues throughout the country, college and school alumnae associations, societies for the promotion of special interests of children, the various state child labor committees, representing in their membership and executive committees education, labor, law, medicine, and business, have officially given endorsement. The press, in literally every section of the country, has given the measure serious editorial discussion and approval. Not one dissenting voice has it been possible to discover; not one utterance contradicts the principles that have been laid down by these various representatives of humanitarian thought and unselfish patriotism throughout America.

It may be at first something of a shock to hear of taking the child out of the realm of poetry and pure sentiment into the field of scientific organized care and protection; but only to the superficially sentimental could it appear that the poetry and purity of childhood might be sacrificed by using all the fruits of modern thought, study, experience, and knowledge to their advantage. "Even the least of these." What would the bureau do? What measures for the advantage of the child, the future citizen, and the country would the bureau further? What innovations in governmental functions would the bureau introduce? These are pertinent questions that may well be asked, and which must be answered to the satisfaction of the men in both Houses of Congress before we shall have the right to ask them to vote for its creation. The bureau would be a clearing house, a source of information and reliable education on all matters pertaining to the welfare of children and child life, and especially it would investigate and report upon the questions now nowhere answered in complete or unified form, and whose enormous importance to national life is so strikingly evident.

It would investigate legislation affecting children in the several States and Territories, and all other facts that have a bearing upon the health, the efficiency, the character, the happiness, and the training of children. Nothing would it do to duplicate any work now being done by state or Federal Government, but it would strengthen their work and bring into immediate usefulness all of the statistical facts that may lie in the treasure-house of any governmental department or any private association. Practical cooperation of this kind, based on intelligent sympathy, has already been assured by the far-seeing Chief of the Educational Bureau and by the head of the Census Bureau. As much of the results of their researches as would enrich the children's bureau would be laid before it almost without the asking, and yet, important as is their information and their knowledge, it covers only a part of what pertains to the whole great question of the wisest and most enlightened guardianship of our children—the most valuable natural asset of our Nation. Literally, the establishing of the Education Bureau is all that we have done that could be directly construed for the children, from which a construction might be made that we as a Nation are indifferent.

The children's bureau would not merely collect and classify information, but it would be prepared to furnish to every community in the land information that was needed, diffuse knowledge that had come through experts' study of facts valuable to the child and to the community. Many extraordinarily valuable methods have originated in America and have been seized by communities other than our own as valuable social discoveries. Other communities have had more or less haphazard legislation, and there is abundant evidence of the desire to have judicial construction to harmonize and comprehend them. As matters now are within the United States, many communities are retarded or hampered by the lack of just such information and knowledge which, if the bureau existed, could be readily available. Other communities within the United States have been placed in most advantageous positions as regards their children because of the accident of the presence of public-spirited individuals in their midst who have grasped the meaning of the Nation's true relation to the children and have been responsible for the creation of a public sentiment which makes high demands. But nowhere in the country does the Government, as such, provide information concerning vitally necessary measures for the children. Evils that are unknown or underestimated have the best chance for undisturbed existence and extension, and there, where light is most needed, there is still darkness. Ours is, for instance, the only great Nation which does not know how many children are born and how many die in each year within its borders; still less do we know how many die in infancy of preventable diseases; how many blind children might have seen light, for one-fourth of the totally blind need not have been so had the science that has proved this been made known in even the remotest sections of the country.

Registration and our statistics on these matters are but partial, and their usefulness is minimized by the unavoidable passage of time before their appearance. There could be no greater aid to the reduction of infant mortality than full and current vital statistics of children, such as no one community can obtain for itself, and for want of which young lives, born to be valuable to society, are wasted. We realize only occasionally, or after the occurrence of some tragedy, how little is known of other important incidents of the children's lives. We can not say how many are in the jails or almshouses, though periodically the country is stirred by some newspaper report such as that one of a little boy of 12 sentenced to five years in a federal penitentiary, or that of a little boy confined for some months upon a trivial charge and incarcerated with a murderer and other evil men and women in the cell of a county jail. Outside the few States which have juvenile courts there is chaos in the treatment and punishment of difficult children, and largely because of lack of knowledge concerning this important matter. This information can not be effectively obtained by private agencies. It is too vital to be left to that chance. Only the Federal Government can cover the whole field and tell us of the children with as much care as it tells of the trees or the fishes or the cotton crop.

I remember that some three years ago, when it was our pleasure to bring this suggestion before the President, his first expression of approval was, if I recall rightly, that it was "bully." It was a coincidence that the Secretary of Agriculture was departing that same morning to the South, to find out what danger to the community lurked in the appearance of the boll weevil. That brought home, with a very strong emphasis to the appeal, the fact that nothing that could have happened to the children would have called forth such official action on the part of the Government.

What measures for the advantage of the child and the country would the bureau further? No direct responsibility or administrative function for furthering new measures would be likely to fall upon the experts of a children's bureau, but, proceeding by the experience of other scientific bodies, there would be ample justification for employing the best minds of the country for the application of the knowledge gained, by using the stimulus of suggestion and education. It takes no stretch

of the imagination to believe that, with the light of knowledge turned by responsible experts upon all phases of the problem of the child, the American people could be trusted if not with the immediate solution then with serious consideration, for what appears to be a national apathy is not really so in fact. What innovation in the governmental function would this introduce? This measure for the creation of a children's bureau can claim no startling originality. It would introduce no innovation—no new principle—in the functions of government. It is along the line of what we have been doing for many years to promote knowledge on other interests. On material matters, look carefully into the history of the development and present scope of the various bureaus within the authority of the Government; ample and fascinating analogies will be found.

Other countries, too, have awakened to realize the import of efficient guardianship of their children, have gathered expert information, and are using it under the leadership of trained specialists. The French call the development of this "child culture," which implies the use of scientific minds and trained powers, coordinated functions, and the protection of the state to the end of efficient manhood through a well-guarded childhood. Current literature every day shows the trend of civilized people to fix the responsibility upon the present generation to preserve and cultivate its resources, indeed charging as a crime against us any reckless waste of these. The English children's bill, already enacted, is the best example of this as regards the children. That bill is a most remarkable document indeed, covering practically every incident in the child's life that might come within the concern of the Government. Its 90 folio pages constitute a complete code and reflect not only the wide range of the Government's information, but cover every interesting phase of the development of this vital social and economic matter. A "veritable children's charter" it has been called. The forms of the English Government and ours differ. We do not desire the code; details and administration can be left to the States; but we do desire and we most urgently need information and the best means of broad publicity on all matters relating to the children that the national intelligence and conscience may be stirred. The full responsibility for the wise guardianship of these children lies upon us. We cherish belief in the children and hope, through them, for the future. But no longer can a civilized people be satisfied with the casual administration of that trust. I ask you to consider whether this call for the children's interests does not imply the call for our country's interests. Can we afford to take it? Can we afford not to take it? In the name of humanity, of social well-being, of the security of the Republic's future, let us bring the child into the sphere of our national care and solicitude.

Mr. TAWNEY. I yield to the gentleman from Nebraska [Mr. KINKAID].

[Mr. KINKAID addressed the committee. See Appendix.]

Mr. TAWNEY. Mr. Chairman, I ask for the reading of the bill.

The Clerk read as follows:

UNDER THE TREASURY DEPARTMENT.

PUBLIC BUILDINGS.

Aiken, S. C., post-office: For completion of building under present limit, \$35,000.

Mr. MANN. I move to strike out the last word. With reference to these public-building items, of which there are a large number in the bill, I should like to ask the gentleman whether these items on page 1, Aiken, S. C., and Albuquerque, N. Mex., are now in process of construction?

Mr. TAWNEY. They are not in process of construction, unless the purchase and acquisition of title to the site and the preparation of plans and specifications is the beginning of construction.

I will say with reference to all of these items of appropriation for public buildings that the committee have allowed the estimates submitted by the Supervising Architect of the Treasury where construction has been begun and is now in progress, or in cases where title has been acquired and plans and specifications are under way, and where the department will need the amount estimated in order to carry on the work during the fiscal year 1910.

In all cases where the department submitted an estimate for an appropriation, stating that the site has not yet been selected, or the title not acquired, we have disallowed all of those estimates. We are justified in that further because the Supervising Architect has informed us that in cases where sites were not selected prior to January 15, the date of submitting the revised estimates, it will be impossible for him to expend any part of the money during this fiscal year if it is appropriated. Therefore in making our recommendations we drew the line upon the estimates of the Supervising Architect between those cases where construction has been begun under previous authorization, where sites have been selected and plans and specifications are now under way and the money can be expended during the fiscal year 1910, and cases where no site has been selected and where the money could not be expended during the fiscal year 1910, if appropriated.

Mr. MANN. May I ask whether, in the case of the Aiken, S. C., post-office, there has been any more done than to acquire a site?

Mr. TAWNEY. The acquisition of a site is all that I know has been done. The title is perfect in the United States and the plans and specifications are under way; and that is true of all of these cases.

Mr. MANN. Now, Mr. Chairman, I move to strike out lines 9 and 10.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, strike out lines 9 and 10.

Mr. TAWNEY. Just one word in reply to the question of the gentleman from Illinois. I will read what the Supervising Architect says in submitting the estimate:

In regard to Aiken, S. C., the site has been selected and the title vested in the Government, and in order to complete the building there the balance will be required, in amount \$35,000.

Mr. MANN. Mr. Chairman, I have no feeling against Aiken, S. C., nor against the federal building to be constructed there. It has been authorized by law. There is no more occasion for striking this out than there is for striking out the other one hundred or more cases in the bill. I shall test the sense of the committee on the question.

Here we are in a position where, in my opinion, before the 1st of July we will have a deficit for this fiscal year of over \$150,000,000. Do we propose to go home into the different districts and say that we are issuing bonds for the purpose of putting up federal buildings without which the public business will be as well transacted as it is now? Is that to be the proposition that we will defend throughout the country?

When the public building bill came in authorizing the buildings the country was in a prosperous condition and there was every reason to believe that the Government might easily, out of the Treasury, pay the expense of this large number of public buildings throughout the United States. We had a fat Treasury, and it was well at that time to do that which the Committee on Public Buildings and Grounds recommended and provide for the future construction of these buildings. But we are not in that condition now. Shall it be our policy to borrow money for the construction of buildings which, in the main, are merely monuments to the gentleman representing the district in Congress and not at all necessary for the operation of the business of the Government?

I have no doubt that Aiken, S. C., is a fine city, and has most estimable citizens, and an able Representative on the floor of the House; but, no doubt, the post-office business in Aiken, S. C., will progress just as well for the next few years if no public building is constructed there as it will if we borrow money for the purpose of constructing a building.

If this motion shall prevail, I shall offer a similar motion as to all the other items in this bill for the construction of public buildings where nothing further has been done than to acquire a site.

Mr. FITZGERALD. Mr. Chairman, I can not agree with my friend from Illinois on this motion. It would be an unfortunate thing if this Congress should leave scattered throughout States of the Union vacant pieces of property owned by the Federal Government as monuments to the incapacity of the Republican party to conduct business properly. [Laughter.]

Mr. MANN. They would not object to it in South Carolina I am sure. [Laughter.]

Mr. FITZGERALD. We should much prefer that the Government should go in debt rather than to permit so many monuments to be scattered throughout the country to the incapacity during recent years of the Republican party.

In this particular instance Congress appropriated \$15,000 and acquired a site in Aiken, S. C. I am not much of a judge of the value of property in that particular locality, but it does seem to me that there must have been acquired a very large tract of ground upon which to place this modest-priced building to cost \$35,000. At all events, the site has been acquired. The department is ready to proceed, and I am anxious to have this building erected before the town grows to such an extent, as will be shown by the census to be taken in a few years, as to compel the Representatives from that State to insist that the limit of cost be largely increased, and the expense made much greater to the Government. While I am glad to welcome the gentleman from Illinois to the ranks of the patriots who have been attempting to stop the unjustifiable taking of money from the Federal Treasury, I fear that he has commenced at the wrong place.

Later on I shall invite his attention to some instances in which a great saving can be had without any detriment to the public business. I trust that he will reserve his efforts until we reach those places in the bill, and, with our aid, stop some of the liberal appropriations that are recommended.

Mr. MANN. Oh, I think I will find some that the gentleman may not like.

Mr. TAWNEY. Mr. Chairman, it is not altogether unfortunate that the gentleman from Illinois [Mr. MANN] has made the motion he has and has made the remarks he has upon that

motion. It affords an opportunity to call attention to the lateness of the hour in this session that the gentleman from Illinois and other gentlemen have deemed it necessary to commence preaching economy and calling attention to the danger to the Treasury of the United States in consequence of the anticipated deficit of \$150,000,000 at the end of this fiscal year. This deficit was predicted a year ago when the Committee on Appropriations and others endeavored to keep down the expenditures without the aid of the gentleman from Illinois.

Mr. MANN. Mr. Chairman—

Mr. TAWNEY. It is also true that we have at this session of Congress—

Mr. MANN. Mr. Chairman, I am making discoveries. The gentleman from Minnesota [Mr. TAWNEY] is a great discoverer.

Mr. TAWNEY. As I started to say, Mr. Chairman, it is also true that at this session of Congress we have increased the appropriations for the army and navy in the aggregate \$23,000,000, or \$5,000,000 more than is necessary to meet all the appropriations carried in the sundry civil bill for the construction and completion of public buildings, when sites have been selected under previous authorization, which appropriations amount to \$18,000,000. It is also true that the gentleman from Illinois only a few days ago, when the army appropriation bill was under consideration, voted in favor of appropriating \$500,000 for war balloons. He is perfectly willing to expend the public money, and even to borrow money, for the purpose of exploiting the air in time of peace, but is unwilling to expend any money for public buildings and necessary internal improvements because of the deficit in the Federal Treasury. In view of the fact that we are this year, out of every dollar of our revenue, exclusive of the postal revenues, expending 70 cents for war purposes and only 30 cents for all other governmental purposes, I think, Mr. Chairman, that if we have to borrow money to meet our extravagant war expenditures in time of peace, nobody should object to borrowing money to meet expenditures for internal improvements, improvements that are permanent in their character and are intended to meet the necessities of our Government in time of peace as well as in time of war. I do not believe that the gentleman seriously thinks that there is any prospect of his amendment prevailing. Nevertheless, it serves the purpose of calling attention to the fact that we are paying no attention whatever to the Public Treasury when considering war expenditures, but are admonished to practice economy when it comes to appropriating money for the peaceful objects of our Government. [Applause.]

Mr. BARTHOLOMT. Mr. Chairman, I merely wish to say a word in answer to the remarks made by my friend from Illinois. He says these public buildings that are appropriated for in this bill are not needed. From evidence submitted to the Committee on Public Buildings and Grounds at the last session, the members of that committee concluded that they were not only needed, but very much needed in the interests of the public business, and for that reason these authorizations were made. I do not think there is a single case provided for in this bill in which the public business will not be facilitated by the erection of the public building which is here authorized; and I for one, as a humble member of the Republican party, to which reference has been made, should very much dislike to have the impression go out to the country that we have ample money to build unnecessary battle ships, but not money to build necessary public buildings. [Applause.]

Mr. GARRETT. Mr. Chairman, I should like to ask the gentleman in charge of the bill what sort of a system or rule was adopted in the appropriations made in this bill with respect to public buildings?

Mr. TAWNEY. Mr. Chairman, I have once before explained to the House that the Committee on Appropriations accepted the estimates of the department made for the purpose of erecting buildings heretofore authorized, and have also accepted the estimates for the amount which, in the judgment of the department, can be expended in the construction of buildings during the next fiscal year. Where the site for the building was selected and the title is vested in the Government prior to the submission of the revised estimates on January 15, the estimate was accepted, and in all cases where sites were not selected at that time the estimates have been rejected; and in rejecting them we have done so upon information given to us by the Supervising Architect that if the appropriations were made the money could not be expended during the fiscal year 1910.

Mr. GARRETT. Unless the site had been purchased and the title vested before January 15 no appropriation has been made in the bill.

Mr. TAWNEY. Unless the site was selected prior to January 15 the Supervising Architect informs us that there was no necessity of appropriating money, because it could not be ex-

pended because of the vast amount of work the department now has. As I recall it, they have about 175 buildings in course of construction and for which plans are being prepared.

Mr. SMITH of Iowa. If the gentleman will permit a suggestion, of course under existing law the drawing of plans is done under separate appropriations. Now, if the site has not yet been selected, the plans are not drawn, and after the title has been acquired by condemnation or otherwise, they then proceed to draw the plans to conform with the character of the site selected and money is appropriated here for the drawing of plans and all the preliminary work in the general appropriation separate from the distinct buildings.

Mr. FOSTER of Indiana. In this case where no sites are selected before the 15th of January, does the money heretofore appropriated for these buildings still remain available?

Mr. TAWNEY. The money heretofore appropriated in the cases where the site was not selected prior to the submission of the revised estimates will be available and remain available until expended, and in all cases appropriations have been made. This does not mean there will be no money remaining to go on with the preparation of plans and specifications or in the preparation of ground for the foundation or the erection of the buildings, as far as appropriation has been made. Under the previous authorization and appropriation the Supervising Architect can enter into a contract for the construction of all of these buildings, whether the site was acquired prior to January 15 or not. Therefore they can enter into a contract to go on and spend as much money as they have available during the next fiscal year.

Mr. GARRETT. If I understood the gentleman correctly, there are cases in which a site was selected before January 15 and purchase was not completed until after that time for which appropriations are made in this bill.

Mr. TAWNEY. My recollection is—I have no recollection of any cases of that kind.

Mr. SMITH of Iowa. Just one case.

Mr. TAWNEY. There may have been possibly one case.

Mr. GARRETT. What is that case?

Mr. SMITH of Iowa. That is the case of Chelsea, Mass. Exception was made in Chelsea in the hope of helping it out in a disaster by means of this prompt appropriation, but that is the only exception.

Mr. GAINES of Tennessee. May I ask the gentleman, in the post-office and public buildings bill of last session \$5,000 was appropriated for a site at Springfield, Tenn., and the case is in this condition: I have been trying for months to get as prompt a report on it as I could and I find from information received from the Treasury Department that the Government has now abandoned getting it otherwise than by a friendly condemnation proceeding.

Mr. TAWNEY. I will say to the gentleman from Tennessee there is no estimate submitted at all for that.

Mr. GAINES of Tennessee. I am just trying to get at the exact legal status in reference to this money. Now, here is a case where we appropriated \$5,000 for a site, and the district attorney at Nashville (Mr. Tillman) was directed to investigate the title, and he found a flaw in it, and he so reported to the department, and the department informs me that some time ago a friendly condemnation proceeding had been agreed on, and that proceeding is now proceeding. As I understand, in a case of that sort no money is carried in this bill to put up a suitable structure or additional money to pay for a site. That \$5,000 has already been appropriated, but it seems the Government has been unable to get the title.

Mr. TAWNEY. That is the exact situation.

Mr. BARTHOLDT. But that will not cause any delay necessarily, because for the Supervising Architect to carry out the provision of the last public-buildings bill it will not be reached anyway before the next fiscal year.

Mr. GAINES of Tennessee. Now, another proposition. If the title had been all right and had been vested in the Government in time before this bill was passed and appropriation made for the superstructure, would the appropriation be carried in this bill in that case?

Mr. BARTHOLDT. The appropriation would have been carried in this bill in that case.

Mr. GARRETT. Mr. Chairman, I want to get clear in my mind now—it was clear in the mind of the gentleman from Minnesota, of course, if not exactly clear to me—there is no appropriation carried in this bill for any buildings except where the site has been selected and the title put in the Government prior to January 15 of this year, except, as I understand, in the case of Chelsea.

Mr. TAWNEY. That is the only exception.

Mr. GARRETT. That is the only exception?

Mr. TAWNEY. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I hope that my friend from Missouri, the chairman of the Committee on Public Buildings and Grounds, did not misunderstand what I said before, though I fear he misunderstood what I intended to say. I have no criticism of the authorization of the building at Aiken, S. C., or the other public buildings which have been authorized through his committee. I do not doubt that it is advisable to construct a public building at Aiken, S. C., and at the other places named. I have no hesitation in believing that it will be a fine thing for the business of the Government in the end; but I decidedly doubt the advisability of the Government, with an empty Treasury, attempting to construct public improvements of that kind when the business of the post-office at Aiken, S. C., will not suffer in the slightest degree if the public building there be delayed for several years longer, or at least until after we have passed a revenue measure which will bring into the Treasury as much income as there is outgo.

Now, my genial friend from Minnesota [Mr. TAWNEY] hoped that I might have come sooner to his aid in saving the revenues of the Government. It is true, Mr. Chairman, that I advocated on the floor of this House an appropriation for a balloon; but if I had known of the hot air that the gentleman himself proposed to indulge in, I would not have favored a gas-manufacturing establishment with which to fill the balloon. [Laughter.]

Mr. SMITH of Iowa. Will my friend permit me to ask him a question?

Mr. MANN. I always yield to the gentleman.

Mr. SMITH of Iowa. If the gentleman knew, when he voted for the \$500,000 for a balloon, that \$100,000 of it in the specifications were for a gas-bag garage, did he really think we needed that public building more than some of these other public buildings?

Mr. MANN. I certainly think we need it much more. We have no need at present, so far as the present needs are concerned, for many of the public buildings in this bill. The Government of the United States ought to make experiments with war balloons some day, and the gentlemen who are now quarreling over that will regret that they were the cause of defeating that appropriation, worth more many times over than all of the buildings provided for in this bill. But I wish to remind the gentleman from Minnesota [Mr. TAWNEY] that he is slightly derelict in his memory. He only recalls one instance in which I advocated an appropriation which he was opposing. I wonder if he did not think of the playgrounds, for which an appropriation of \$15,000 was desired; and it is proposed now to appropriate millions of dollars which are not needed because I advocated \$15,000 for the children. The gentleman's memory is getting poor and weak. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 6, yeas 61.

So the amendment was rejected.

The Clerk read as follows:

Baltimore, Md., post-office: Not to exceed \$5,000 of the appropriation heretofore made for the extension of the post-office is made available for the installation of street railway tracks on the site of said building, including the necessary connections with the street railway tracks in adjacent streets.

Mr. SULZER. Mr. Chairman, this is the birthday of George Washington—one of the greatest and grandest and most glorious characters in all history. With all lovers of liberty I appreciate his sterling character, his determination, his perseverance, and his self-sacrificing patriotism. There will never be but one Washington in America. He stands alone in the annals of our country—revered and respected and beloved by every friend of freedom. It was peculiarly appropriate that his Farewell Address should be read this morning in the House of Representatives. At the conclusion of the reading of that address I rose in my place and asked unanimous consent to have read an editorial from yesterday's New York American entitled "Washington's inspiration," and, I regret to say, the gentleman from Mississippi [Mr. WILLIAMS] objected. I know not who wrote this editorial, but it is one of the best I have ever read. It is timely and appropriate and one of the best short essays on George Washington that it has ever been my good fortune to read. It should be read by every ambitious and patriotic youth in the land. It ought to be preserved in the CONGRESSIONAL

RECORD, and I now ask unanimous consent to have it read as part of my remarks.

The CHAIRMAN. There being no objection, the Clerk will read.

The Clerk read as follows:

WASHINGTON'S INSPIRATION.

Every American to-morrow will celebrate the birthday of George Washington. That is a birthday that will never be forgotten while liberty, or even the hope of liberty, shall exist in this country.

Among the great men of this Nation and of the world Washington stands out as the representative of courage, fixed purpose, that no defeat or disappointment could destroy.

Washington stands as the quiet, brave man among the world's great heroes.

Thanks to the public schools, there are few men, women, or children in this country that lack a fairly comprehensive idea of Washington. We see in him the big, mental and physically powerful upholder of liberty and of justifiable revolution.

We are encouraged in every one of our struggles of government by the memory that Washington was, above everything else, a rebel. He was no man bowing the neck meekly before injustice, prostituting the name of law. He looked at acts, at conditions of life, at the will of the people. You could not blind him with talk of law, or established rights, or tradition, or precedent.

He had been a soldier under the command of England. But that did not keep him from leading the rebellion against England when he knew that she was wrong and that America was right.

He was a rich man, and died one of the richest men in this country. That did not prevent his sympathizing with those that were not rich. It did not prevent his siding against the horde of cowardly rich that cluttered up New York's island and that protested against everything done in the name of liberty or ran away to Europe.

Washington was the great, strong rebel against injustice. He was slow to make up his mind; his name does not figure among the fiery orators that asked for liberty or death. But when everything was done, the name of George Washington stood out as that of a man who had carried the load, fought the fights, endured disappointment, ingratitude, the cowardice of enlisted troops, and all the other burdens of a man who tries to work for the people.

The whole world recognizes the grandeur of Washington's character. The people of America should celebrate his birthday not merely with praise of him or study of his character. The best way to celebrate the birthday of Washington is to make ourselves better Americans, more worthy of this country that he took from England, more determined to resist taxation without representation, as he resisted it, whether that taxation be put on our backs by the English in 1776 or by the money king of 1909.

We can't be worthy of Washington by admiring Washington or thinking about him or praising him. To deserve such a man as that, men of the Nation should try to be like him.

We can't all be physical giants, as he was. We can't create artificially within ourselves the wonderful, patient, plodding courage, the unbelievable persistence that that man showed in his long, uphill fight.

But every man, the weakest even, can, if he will, imitate Washington in one respect. The least of us can take for guiding star one idea, one inspiring purpose or belief, and stick to that.

This picture ingeniously presents the flag of this country in the form of a blazing torch lighting up Washington's hour of disappointment and sorrow.

You know that Washington wasn't a man of victories, but a man of many defeats. He had raw and unreliable troops. And these troops didn't by any means consist exclusively of heroes. He was forever retreating, forever enduring disappointment, and the most frequent disappointment was the sight of the coat tails of vanishing soldiers that had enough of fighting and left Washington to fight it out alone.

He did fight it out. Always before him there were the light and the hope of a free nation. He was determined to make this country free.

He was determined to beat the English and to drive them out. He was determined that the people of America should rule in America, and should not submit to a foreign king or a foreign people or a foreign parliament.

He never dropped that thought for one moment, and therefore they could not beat him. He did last, he did fight, he did drive out the English, and he made this people free, free to rule themselves within their own borders.

That is the George Washington that Americans of to-day should think about, the man determined that the people should rule themselves.

We need a George Washington now.

We need great leaders, plain citizens imbued with the one idea of liberty, real liberty, real freedom, not the second-rate, sham freedom that casts an unthinking ballot and accepts dictation and taxation from the cunning money rulers by whom the ballot was written and the candidates nominated.

We haven't any intention of basing upon Washington's birthday any special political sermon. We don't wish to imitate the well-meaning person who got up at the funeral and said that if nobody objected he would like to say a few words about the single tax.

We are not going to use a birthday or a funeral for any special theorizing.

We do say to the men who read this paper that they and this country need persistent principle. They need some of that courage that isn't beaten down by one defeat, or ten, or twenty.

America needs men to whom the idea is the thing, and victory or defeat a secondary matter.

This one inspiring idea we need, not only in our political life, which has degenerated into a mere imitation of freedom and democratic government, but in our individual lives as well.

Half of the men and women in the world, and more than half, are like boats drifting on the water without a rudder, or a compass, or a chart, or a destination. With the pangs of birth they are launched upon the sea of life, and they drift. One current drives them this way, another that way, and then a breeze of public opinion or neighborhood gossip springs up and drives them somewhere else. They drift here and there and back again, and at the end they drift into the local graveyard, having gone nowhere and done nothing.

It is all for lack of a purpose, an inspiration. What is there that you can do? What is there that you want to do? What work within your power is worthy of an earnest human being? Make up your mind about that, and then stick to it, as Washington stuck to his idea of American independence.

Pick out some one thing, plan out for yourselves some one direction. Start in the right way and steer straight, and keep at it. There's very little competition in the world. And of real determination there's less than of any other quality.

Washington won because he was a determined man. There were no Washingtons competing with him, and yet absolute determination might have made a Washington out of any one of a dozen of those that he tired out and defeated in the end.

We can't have marvelous genius and intelligence. Those things are born in a man. But Washington did not have them. He hadn't the eloquence of Patrick Henry. He hadn't the political genius of Jefferson, or the wit or intellect of Franklin. Around him there were men that could eclipse him in everything except dogged determination. There they couldn't beat him. And that quality in George Washington beat England and freed this country.

Don't you suppose that the quality that drove the English out of America and established this Nation could settle your little problems for you? Try it and see.

Look at this picture of Washington—a crude enough picture in our quick-printing processes, but a splendidly ideal picture.

Get into your life an idea that shall light up the blackest moment, let yourself be guided by an inspiring thought and purpose. It will make defeat often repeated more glorious than some cheap victory.

Think over Washington to-day, and on his birthday to-morrow, and see if you can't get out of his life a part of that one quality which made it great, and put it into your own life.

Determination will make any man succeed.

The Clerk read as follows:

Beaumont, Tex., public building: Not to exceed \$800 of the appropriation heretofore made for the public building at Beaumont, Tex., is made available to acquire, by condemnation or otherwise, additional land for enlargement of site for said building.

Mr. BARTHOLDT. Mr. Chairman, I notice there are several items in this bill which are also contained in a public-building bill which was passed here last Friday. I should like to ask the chairman of the Committee on Appropriations, more for advice than anything else, as to whether it would be well to provide for these necessities in two bills, or whether these items might be stricken out of this bill and left in the other? I want to be entirely frank in this matter. There is a possibility of the public-building bill which passed last Friday failing for the reason that I understand an effort may be made in the other House to load it down with appropriations. We in this House have pursued a policy in this session of not allowing any new appropriations; hence, if the other House insist on making them for the Senators, I, as a member of the conference, would be justified in insisting that they be also made for Members of this House, or that the whole bill fail. So with this situation I would like to hear the chairman of the committee.

Mr. TAWNEY. Mr. Chairman, I would say that I have no objection whatever to the several provisions referred to by the gentleman from Missouri going out of this bill. But I would suggest to him that none of them involve any additional appropriations. They are merely a transfer of part of the appropriation made for the building to the purchase of additional land for sites. But the better plan, the safest plan, in view of the fact that these changes are absolutely necessary, would be to let them pass the House in this bill; then if there is a likelihood of the public-buildings bill passing, so that they would be in both bills, the bill could be amended in the Senate and these provisions stricken out. If the public-buildings bill fails, then this bill would be in conference, and we could put them back in.

Mr. BARTHOLDT. Mr. Chairman, I have no objection to these items being retained in this bill.

Mr. DAWSON. But the gentleman from Missouri says they carry appropriations as well as transfers.

Mr. BARTHOLDT. No appropriation.

Mr. DAWSON. It would hardly be the same legislation as this.

Mr. BARTHOLDT. Exactly the same legislation.

Mr. TAWNEY. The items that he refers to carry no appropriation at all. They are transfers of an appropriation previously made.

Mr. SMITH of Arizona. I would like to ask the chairman of the Committee on Public Buildings and Grounds what proposition, if any, is made in this bill or any other for those buildings that were provided for in the last general public buildings bill of last Congress?

Mr. BARTHOLDT. As has been explained a little while ago, Mr. Chairman, in all cases where the sites have been purchased and title vested in the Government before January 15, the Committee on Appropriations has inserted an appropriation for that respective building. Where the title has not been vested in the Government up to January 15, no provision is made in this bill.

Mr. SMITH of Arizona. What provision is made, if any, for buildings provided for other than appropriations made providing for the plans of the buildings?

Mr. TAWNEY. All of them. An appropriation is carried in this bill for that purpose.

Mr. BARTLETT of Georgia. The gentleman is mistaken about those buildings in which the titles have not been vested

in the Government. If he will consult the letter of the Supervising Architect of the Treasury printed in the hearings, he will find the statement is not borne out by the facts. The committee has reported appropriations for buildings where the title to the property has not been vested in the Government.

Mr. TAWNEY. There is one.

Mr. BARTLETT of Georgia. There is more than one.

Mr. SMITH of Iowa. There are more cases than that. The sites have been selected in every case where the transfer of the appropriation has been made except Chelsea.

Mr. BARTLETT of Georgia. Up to what time?

Mr. SMITH of Iowa. Up to the 15th of January, the time the report was made, there was absolutely no exception except Chelsea, and in every case where it had been requested it had been refused; the only case excepted was that of Chelsea in the hope that it might help them on account of the fire there.

Mr. BARTLETT of Georgia. Where the site had not been vested; there are a number of places where the Supervising Architect reported that the title had not vested in the Government, and yet they are provided for.

Mr. TAWNEY. But there is no objection to that, I hope.

Mr. BARTLETT of Georgia. I was not objecting; I was speaking of some being put in and of some being left out.

Mr. GARRETT. If this is a matter of selection by system it is all right; if by cancellation it is not.

Mr. BARTHOLDT. There is absolutely only one exception in the United States, and that is the town of Chelsea.

Mr. BARTLETT of Georgia. I think they did right about that.

Mr. GARRETT. I think so, too.

The Clerk read as follows:

Beloit, Wis., post-office: For completion of building under present limit, \$55,000.

Mr. COOPER of Wisconsin. Mr. Chairman, I should like to ask the gentleman from Minnesota a question. I notice on page 16 of the hearings a statement of buildings appropriated for, but not in course of construction. Beloit, Wis., is omitted, but Beloit, Kans., is in that list. Over on page 38, however, I see provision for Beloit, Wis.

Mr. BARTHOLDT. It is in the bill.

Mr. COOPER of Wisconsin. I know it is in the bill; but I did not want, at any other place or time, any statement made that it did not come from the Treasury Department.

Mr. TAWNEY. If the gentleman will look at page 38 of the hearings, containing the revised estimate, and a part of the report from which he was reading, he will observe that the memorandum accompanying the estimate for Beloit, Wis., is this:

The site has been selected and the title vested in the Government, and in order to complete the building thereon the balance will be required, in amount \$55,000.

Mr. COOPER of Wisconsin. I was relying upon this table on page 16.

Mr. TAWNEY. Construction has not yet begun in the case of Beloit, Wis.

The Clerk read as follows:

Cleveland, Ohio, rent of buildings: For rent of temporary quarters for the accommodation of government officials, \$51,428.20, or so much thereof as may be necessary.

Mr. SABATH. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I notice here an appropriation of \$51,000 for rent of buildings in Cleveland. Is that for one year, or for what length of time?

Mr. TAWNEY. That is for the fiscal year 1910, or for the year beginning July 1, 1909. That is for the rent of buildings to accommodate the post-office necessities of the city of Cleveland.

Mr. SABATH. It does not so state. The bill states:

For rent of temporary quarters for the accommodation of government officials.

It does not say it is for a post-office. Is it for a post-office?

Mr. TAWNEY. Yes.

Mr. SABATH. And for all the other federal offices?

Mr. TAWNEY. All that will be accommodated in the federal building when it is completed.

Mr. SABATH. Can the gentleman state about how many years it will take to complete that building?

Mr. TAWNEY. I refer the gentleman to the Supervising Architect of the Treasury Department for an answer. I can not state.

Mr. MANN. This bill provides for the completion of the building.

Mr. SABATH. But it does not say when it will be completed. I know we had an experience in Chicago, where we were obliged to pay rent for about ten or twelve years.

Mr. FITZGERALD. The gentleman must remember that all western cities are not like Chicago.

Mr. SABATH. I know, but the city of Chicago was not responsible for the delay. It was the department.

Mr. MANN. The gentleman must remember that Chicago has been much more rapid about getting public buildings completed than New York City has.

Mr. SABATH. Chicago needs the public buildings more than New York, because it is increasing in population much faster than New York.

Mr. TAWNEY. I will say to the gentleman that the amount carried in this bill, \$51,428.20, for rent of temporary quarters for the accommodation of government officials, is the same amount that has been appropriated every year since 1907. Prior to that the amount was in excess of that figure. For 1906 it was \$54,000.

Mr. SABATH. What I am anxious to know is, how long will that continue?

Mr. TAWNEY. The limit of cost is \$3,775,000. The appropriations up to date amount to \$2,750,000, and the estimate for this year is \$1,025,000. It is supposed to be completed within the next fiscal year.

Mr. SABATH. Let us hope so.

Mr. BURTON of Ohio. I trust the information is satisfactory to the gentleman. The contract has recently been let for the completion of the interior finish, and that will complete the building. There has been a good deal of delay in the building, for which the community has not been responsible.

Mr. SABATH. Who is responsible for these delays in building public buildings?

Mr. BURTON of Ohio. I do not know that anybody is. That is too complicated a question for me to answer.

The Clerk read as follows:

Crookston, Minn., post-office: For site and completion of building under present limit, \$20,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, to correct a misprint.

The Clerk read as follows:

On page 10, line 14, strike out the word "twenty" and insert the word "twenty-five."

The amendment was agreed to.

The Clerk read as follows:

Eugene, Oreg., post-office: For site and completion of building under present limit, \$20,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

At the end of line 19, page 13, insert:

"Everett, Wash., for site and completion of building under present limit, \$30,000."

Mr. HUMPHREY of Washington. Mr. Chairman, I trust the chairman of the committee will accept this amendment, as this item was left out by mistake. The site has been selected and the appropriation has been made for the construction of the building, and under the rule laid down by the committee they ought to accept the amendment. It arose through a mistake made by the department.

Mr. GAINES of Tennessee. How did the mistake occur?

Mr. HUMPHREY of Washington. I presume the department became confused between two post-offices; in one they reported that a site had been purchased when it had not, and the other that it had not been purchased when it had.

Mr. TAWNEY. The facts were these: The department reported to Congress that no site had been selected for the office at Everett. They reported that a site had been selected for Walla Walla, Wash. It now appears the site has been selected for Everett and no site has been selected at Walla Walla.

Mr. GAINES of Tennessee. Has the title to the site been vested in the Government at Everett?

Mr. HUMPHREY of Washington. No; but it has been selected and the contract closed.

Mr. GAINES of Tennessee. It has been "selected" in my case since last December, but as yet no title has been vested in the Government. The chairman of the committee has stated that where the title had not been vested in the Government no appropriation was carried in the bill.

Mr. TAWNEY. Oh, no; the gentleman misunderstood me. In the case that the gentleman from Tennessee alludes to the department made no estimate whatever, because the controversy as to condemnation proceedings were pending in the matter, and they made no estimate at all.

Mr. GAINES of Tennessee. I understand that.

Mr. TAWNEY. Of course the committee would have no jurisdiction or right to insert any appropriation here for a public building not authorized and where there had been no estimate submitted.

Mr. GAINES of Tennessee. The government officials have been trying to get title and have not been able to get it and

have had to resort to condemnation proceedings, which are now pending, as stated. I simply wanted to know if the case of the gentleman from Washington was in any way like mine. It seems that it is not, but I hope that he will get the appropriation if he is due it.

Mr. HUMPHREY of Washington. It is not like mine. In this case the department has selected a site and has obligated itself to take it, and there is no controversy about it.

Mr. TAWNEY. When was the site selected?

Mr. HUMPHREY of Washington. I do not know.

Mr. BARTLETT of Georgia. The appropriation for Walla Walla will have to be stricken out, then.

Mr. TAWNEY. Yes; if that is the fact.

Mr. HUMPHREY of Washington. The error has probably arisen in confusing these two offices.

Mr. GAINES of Tennessee. There is no doubt in the world but that the Government is going to take the lot selected in my case; but the title is not in the Government, and that is the case of the gentleman from Washington.

Mr. HUMPHREY of Washington. There is no trouble about the selection of the site in my case.

Mr. TAWNEY. If the gentleman from Washington can inform the committee as to whether the site has been selected at Everett and not Walla Walla, I have no objection to making the change by striking out Walla Walla and carrying Everett, but I have no information from the department.

Mr. HUMPHREY of Washington. I do not want to consent to the striking out of Walla Walla.

Mr. TAWNEY. If the circumstances are as stated by the gentleman from Washington, Walla Walla will go out if Everett goes in, because we have undertaken to carry out the policy of appropriating where the site has been selected prior to the time the revised estimate was submitted; and we do not intend to carry any appropriation for construction of a building where a site has not been selected, for the reason that the department says that they can not spend the money if we make the appropriations, and it seems ridiculous to make an appropriation for the construction of a building where the appropriation can not be expended in the next fiscal year.

Mr. HUMPHREY of Washington. I agree with the gentleman.

Mr. TAWNEY. Just sets aside that much of the current revenue of the next fiscal year that can be of no service until the following fiscal year.

Mr. GAINES of Tennessee. What does the gentleman mean by the term "when the site has been selected?"

Mr. TAWNEY. I mean the site has been selected and that fact reported to the committee. We have in every case, with the exception of the case mentioned by my colleague, the gentleman from Iowa [Mr. SMITH], Chelsea, Mass., allowed the appropriation estimated; but where the site has not been selected, or was not selected at the time this report was submitted to us, no appropriation has been carried, for the reason that the money can not be expended.

Mr. GAINES of Tennessee. Is the site supposed to be selected simply when the department has picked out a lot, but the title has not been passed?

Mr. TAWNEY. If the site has been selected by the Government, it has been accepted, although deeds of conveyance may not have passed between the owner and the Government.

Mr. GAINES of Tennessee. My understanding is that until title has been vested in the Government the department does not consider the lot has been "selected." Of course I suppose that is because the title may fail and the Government may not be able to get it unless it condemns and takes it, and I think that is my case.

Mr. HUMPHREY of Washington. This amendment comes squarely within the rule laid down by the committee, and it was for the purpose of calling the attention of the committee to this mistake that I offered the amendment. Therefore I ask for a vote.

Mr. TAWNEY. Mr. Chairman, before the vote is taken I would like to ask the gentleman what information he has as to the selection of the site for Everett, whether the department has advised him the site has been selected, and when?

Mr. HUMPHREY of Washington. They have. I was in communication with Mr. Beekman Winthrop, who has charge of this matter in the Treasury Department, and he informed me that the site has been selected, and I advised him then to call up the Committee on Appropriations, and he did have some conversation, I think, with that committee. There is no question about the facts in the case.

Mr. TAWNEY. I will say to the gentleman that I am informed that the gentleman to whom he refers, and who communicated with the Committee on Appropriations, did not even

know that this letter of January 15 had been sent to the committee.

Mr. HUMPHREY of Washington. I think that is true. He did not know it.

Mr. TAWNEY. I would suggest to the gentleman from Washington that he allow this provision and amendment to pass over without prejudice until I can ascertain from the Supervising Architect what the facts are.

Mr. GAINES of Tennessee. Will the gentleman read that letter from the department?

Mr. TAWNEY. It is printed in the hearings.

Mr. HUMPHREY of Washington. If I can have the attention of the gentleman a minute, I will state I have no objection to that being done. As far as the attention of the gentleman to whom I referred not having been called to that letter, I am not surprised he did not know about it, because if he had known, it probably would not have contained the errors that are in it.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that his amendment may be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

Marlboro, Mass., post-office: For continuation of building under present limit, \$40,000.

Mr. BOOHER. Mr. Chairman, I move to strike out the last word. Following the paragraph that has just been read should appear, Maryville, Mo. In the last session a building was authorized there and \$50,000 appropriated. As I understand the statement of the chairman of the committee, no additional appropriations are to be made this year unless the site had been selected before the 15th of January. Now, I understand the site was selected there before that time, but the title was not vested in the Government; and if by selecting the site is meant vesting the title, why, of course the title had not vested before the 15th of January.

Mr. TAWNEY. The Treasury Department reports to the committee the site has not been selected for the Maryville post-office, Maryville, Mo.

Mr. BOOHER. On the 15th of January?

Mr. TAWNEY. That is in the report dated January 15.

Mr. BOOHER. I was notified by the department during the holidays that the site had been selected and where it was selected, but the deeds had not passed.

Mr. TAWNEY. I will say to the gentleman from Missouri that on Saturday of last week the Supervising Architect, after this bill was reported, authorized me to say to any Member of the House who was interested in the appropriations for buildings in his district, that in no case, even if the full amount up to the limit of cost was appropriated where the sites for buildings had not been selected and approved by January 15, could a dollar of the money be expended during the next fiscal year; that the amount of work they had on hand would be all and more than they could perform.

Mr. BOOHER. Then nothing would be accomplished by making an appropriation for that building at this time?

Mr. TAWNEY. Nothing whatever, except that the amount would be set aside out of current revenues to meet this appropriation to be expended in the year 1911.

Mr. BOOHER. And nothing will be lost?

Mr. TAWNEY. Nothing will be lost.

The Clerk read as follows:

Milford, Mass., post-office: For site and completion of building under present limit, \$55,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Georgia offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 24, after line 11, add:

"Milledgeville, Ga., post-office: For completion of building under present limit, \$30,000."

Mr. BARTLETT of Georgia. Mr. Chairman, I find in the hearings before the committee a letter from the Supervising Architect of the Treasury, dated January 8, in which the statement is made that "the site for this building had not yet been selected, but that one would probably be selected in the near future, and that in order to complete the building it would be necessary that the balance be appropriated in the amount, \$30,000." Since that time, a very few days after the 8th of January, this site was selected and was approved; in fact, the agent of the Government had reported upon the site that has been selected. The titles have been made, and I do not know why they have not been approved. There is no trouble about the title, and the only question now why it has not been approved is the Attorney-General has not completed the approval of the

titles. In other words, the proposition to build this building at Milledgeville occupies the same position as Waycross, Ga., and one or two other towns that are mentioned in this bill, where the Government has selected a site but the title has not vested in the Government.

The Government in this case has already gotten the titles, the titles have been made, and the only question is whether the Attorney-General will approve them. Now, in my opinion, I believe this amount ought to be appropriated. First, there was \$50,000 appropriated in the public-buildings bill. Of that \$20,000 has been appropriated and made available. The site has cost \$10,000, and now as early as the 8th of January the Supervising Architect recommended that the other \$30,000 be appropriated. The site has been selected and approved, all the titles have been made to the Government and this occupies a position where the amount asked for ought to be appropriated. I hope it will be, as there is no reason why it should not be.

Mr. TAWNEY. Mr. Chairman, I am sorry indeed to oppose the amendment offered by the gentleman from Georgia, but I want to say to the committee that the total estimates for public buildings submitted to Congress aggregate, in round numbers, \$23,000,000. Now, the amount recommended by the committee is \$18,000,000, in round numbers. To ascertain whether or not any reduction of the estimates could be made, the committee necessarily inquired into the question of whether, if the amount estimated for was all appropriated, that amount could be expended during the next fiscal year, and we ascertained that in those cases where sites had not been selected prior to the time of submitting this report that if we made the appropriation the money could not be expended, and therefore the committee concluded not to appropriate money that could not be expended.

By adopting that policy we reduced the estimates \$5,000,000. Now, if this amendment is adopted then we may as well go back and take in all the other buildings in which Members of the House are interested—

Mr. BARTLETT of Georgia. Will the gentleman permit—

Mr. TAWNEY (continuing). For which appropriations have heretofore been made and which have been authorized by law. In that event we will appropriate \$5,000,000 that can not be expended during the fiscal year 1910.

Mr. BARTLETT of Georgia. Oh, no, Mr. Chairman, there are not a great many that occupy the same position that this case does. That site has been selected, and the approval was not made because I happened to be on a visit to Panama on official business, and—

Mr. TAWNEY. I can not answer that.

Mr. BARTLETT of Georgia. I can, and the gentleman ought to take my word for it, certainly.

Mr. TAWNEY. I would accept the gentleman's word for anything. I accept the word of the gentleman on anything or on any subject, but, Mr. Chairman, we have to discriminate somewhere; we must distinguish between the appropriations for previous authorizations, and the discriminations made here are in those cases where the money can be expended and where the money can not be expended. Now, I want to say a word, if the gentleman will permit me, that, in my judgment, there are about \$8,000,000 recommended in this bill for public buildings that will not be expended during the fiscal year 1910. In fact the Secretary of the Treasury recommended to Congress an appropriation of a lump sum of \$10,000,000, which would be all that, in his judgment, could be expended on previous authorization. This would have allowed him to spend it wherever he saw fit—

Mr. ADAMSON. Will the gentleman from Minnesota permit me to interrupt him—

Mr. TAWNEY. In just a moment. (Continuing.) But the committee did not feel justified in departing from the established rule and custom of the House, which is to specifically appropriate for the various buildings under existing authorizations, so that every Member would know the amount made available for carrying on the construction of the building in which he was particularly interested. Had we followed the recommendation of the Secretary of the Treasury, no Member would have known whether his building or the building authorized in his congressional district would be advanced in construction during the next fiscal year or not, so we have recommended all they can possibly expend, and, in my judgment, have given them more than can be expended.

If the gentleman from Georgia [Mr. BARTLETT] will point out to me that the appropriation which he now has of \$20,000 will not be sufficient to enable the department to do all that can be done on his building during the next fiscal year, I will not object to increasing the amount; but in view of the fact that the site, if it has been selected at all, has been selected only recently—and I do not doubt but that it has been selected—the

title has not yet passed, plans and specifications are not yet prepared, and they have \$20,000 now available for the purpose of beginning work, and the contract for the entire building can be let under the existing authorization and the existing appropriation. Therefore \$20,000 being all that can be expended during the next fiscal year, and that amount being now available, I do not see any good reason why an exception should be made in this particular case.

I now yield to the gentleman's colleague [Mr. ADAMSON].

Mr. BARTLETT of Georgia. Surely the gentleman will permit me right here to ask him a question?

Mr. ADAMSON. I yield to my colleague from Georgia [Mr. BARTLETT].

Mr. TAWNEY. I first promised to yield to the gentleman from Georgia [Mr. ADAMSON].

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I hope the time will be extended five minutes in order to answer our questions.

Mr. BARTLETT of Georgia. I wanted to say to the gentleman that the reason I can not give him the exact date of the approval and selection of the site is that this is a holiday, and there is no access to the records of the Treasury Department to-day, or I would have undertaken to do it. If the gentleman will permit this amendment to go over—

Mr. TAWNEY. Does the gentleman from Georgia [Mr. BARTLETT] think that the work on his building or site is going to be delayed by reason of not securing money which the department says can not be expended during the next fiscal year?

Mr. BARTLETT of Georgia. Do I understand the gentleman to say that the Supervising Architect says that if he had this money he could not expend it?

Mr. TAWNEY. The Supervising Architect informed the committee, and authorized me to state to the Members of the House, that the money could not be expended in cases where sites had not been selected prior to the time this report was submitted.

Mr. BARTLETT of Georgia. That is not this case.

Mr. TAWNEY. He has so reported.

Mr. ADAMSON. I merely wanted to understand, Mr. Chairman, the information that the gentleman from Minnesota [Mr. TAWNEY] has on this question. I am in the same boat exactly with my colleague in this matter. I had a site purchased at Lagrange, Ga., for \$8,000, with appropriation available of \$20,000, and I want to know if the gentleman has any information that more money than the remaining \$12,000 can not be expended during the next fiscal year, or if the building will not be delayed by reason of lack of funds?

Mr. TAWNEY. I have the statement of the Supervising Architect, in charge of this public construction—

Mr. ADAMSON (continuing). Because if it is necessary—

Mr. TAWNEY (continuing). And the Supervising Architect gave in detail the number of buildings now in the course of construction, and where the plans and specifications are prepared, or nearly prepared, so that the contract for the construction can be let; and he says it is impossible for him to do any more with any amount.

Mr. ADAMSON. If it were possible to accelerate the building by making the increased appropriation now, I think it ought to be made now.

Mr. TAWNEY. So do I, and they would have so recommended if that were so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. JOHNSON. I want to say, for the information of the committee, that the Supervising Architect has just about completed the plans for the buildings that were authorized in 1906, and those of us who had public buildings provided for in the act of 1908 will not likely find our plans perfected and the department ready to proceed with the construction of our buildings during the next fiscal year, unless some provision is made for an additional force in the Supervising Architect's Office to make these plans.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Newark, Ohio, post-office: For site and continuation of building under present limit, \$15,000.

Mr. ASHBROOK. I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill a question in reference to this item. By a former act \$90,000 was authorized for the purpose of acquiring a site and erecting a public building at Newark, Ohio. The site was accepted, acquired, and paid for some time last summer. Eighteen thousand dollars, I believe, was the consideration for the site, which

would leave \$72,000 for the building. I would like to inquire of the chairman of this committee why only \$15,000 was made available, when I understand the contract is to be let this spring for the building?

Mr. TAWNEY. I would say to the gentleman that the item of appropriation is on a building the limit of cost of which was \$90,000.

Mr. ASHBROOK. That is right.

Mr. TAWNEY. There has been appropriated \$60,000 already.

Mr. ASHBROOK. You say has already been made?

Mr. TAWNEY. Yes, sir; already made. Now, the Supervising Architect in submitting his estimates said:

The site has been selected and the title vested in the Government, and in order to continue the building there will be required of the balance \$15,000.

There is a balance of \$30,000, and we have given all that can be expended on the building in continuing the building for the fiscal year 1910.

Mr. ASHBROOK. That is satisfactory.

The Clerk read as follows:

New York barge office: For continuation of reconstruction of annex, and building pier in connection therewith, \$100,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, to form an additional paragraph.

The Clerk read as follows:

Page 26, after line 22, insert:

"For purchase of necessary materials and equipment and for all necessary service for the installation, cost not to exceed \$175,000, of pneumatic-tube service between the new custom-house and appraisers' stores, New York, N. Y., \$175,000, or so much thereof as may be necessary."

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

The Clerk read as follows:

Red Wing, Minn., post-office: For site and completion of building under present limit, including \$2,500 to reimburse the construction fund for extraordinary expenses incurred on account of foundation work, \$12,500.

Mr. SABATH. Mr. Chairman, for the purpose of asking a question, I move to strike out the last word. The sum of \$12,500 is appropriated on page 30, line 11, for Red Wing, Minn. It states "for extraordinary expenses incurred on account of foundation work."

Mr. TAWNEY. The object is stated in the language of the bill. Why this is necessary, I will state to the gentleman. After the contract was let for the foundation for this building a defect was discovered in the foundation which could not have been ascertained or known prior to the work on the foundation. This defect necessitated the expenditure of an additional amount for the construction of the foundation.

Mr. SABATH. Who was responsible for the defect in the foundation—the contractor?

Mr. TAWNEY. No; the city of Red Wing is built on the banks of the Mississippi River. I understand there was in the early days a livery stable, since torn down and covered over so that its existence was not known, where the site for this building was selected. When they commenced work on the foundation, they were compelled to go much deeper than they anticipated. This fact was not ascertained and could not be ascertained prior to their beginning work on the foundation. Now, because of this additional cost in the foundation the appropriation will have to be increased; otherwise there will not be sufficient money to build a building of sufficient size to meet the needs of this growing and most prosperous city of my State. I would say to the gentleman that Red Wing is not in my district.

Mr. SABATH. And the department and Supervising Architect are willing to recommend the \$12,500 in addition to the original contract?

Mr. TAWNEY. Yes; the Supervising Architect has recommended it in order to continue the work on the foundation and to complete the building.

The Clerk read as follows:

For rent of temporary quarters for the accommodation of government officials at Richmond, Va., \$20,000.

Mr. ENGLEBRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 30, after line 21, insert the following:

"Riverside, Cal., post-office: For site, continuation of building, under present limit, \$50,000."

Mr. ENGLEBRIGHT. Mr. Chairman, in explanation of this I will state that this is for a building in the district of my colleague [Mr. SMITH], and in a statement to me he disagreed with the statement made in the hearings. As to-day was a public holiday, I was unable to verify the matter, and I would ask that action on this amendment be postponed without prejudice until the matter can be inquired into.

Mr. TAWNEY. I can not consent, Mr. Chairman, to that. The amendment offered by the gentleman from Georgia having

been disposed of, I think we may as well dispose of this now as at any other time. The department has reported to Congress that the site has not been yet selected, and if we allow one amendment for the amount of the estimate for a building where the site has not been selected, there is no reason why we should not do it for all, and that would result in the appropriation of a great deal more money than can be expended in the fiscal year 1910. We did consent that the amendment of the gentleman from Washington should go over, for the reason that if he is right, then the amendment offered by him should be adopted; but the provision carried in a bill for another building should be stricken out of the bill.

That is the only reason why I asked that that go over. But in view of the fact that the site was not selected when this report was made, and the Supervising Architect informs us that the money can not be expended if the appropriation is made, it seems unnecessary to delay the consideration of the bill by a further discussion of the matter.

Mr. LAWRENCE. Is it not true that a contract can be let for the full amount of the authorization, even if the appropriation is not carried in this bill?

Mr. TAWNEY. Certainly; there is an appropriation already made for Riverside of \$30,000.

Mr. LAWRENCE. So that nothing is lost?

Mr. TAWNEY. No time is lost. The \$30,000 will be available for the building, not for the plans and specifications, because an appropriation is carried in this bill for the plans and specifications, independent of the appropriation for the building. So the plans and specifications will be prepared, the foundations made ready, and the contract let for the completion of the building, and in the next sundry civil appropriation bill the amount that can be expended during the fiscal year 1911 will be put in the bill for the purpose of completing the building.

Mr. ENGLEBRIGHT. All I desire is to ascertain if the committee have inquired into this proposition to know if the item comes within the rule.

Mr. TAWNEY. It does not come within the rule, because the site was not selected before January 15.

It is perhaps unfortunate for some Members of the House that their activity in selecting sites has not been as great as their activity to-day in the matter of seeking an appropriation. If they had been more active before this time, their buildings would have come within the rule, and the sites have been selected.

Mr. ENGLEBRIGHT. There are a number of members of this committee who could not forego the opportunity to go down to Fort Monroe to see the battle fleet come in. Under such circumstances it was necessary to call the attention of some one else to the matter, and, it being a public holiday, it is impossible to get the information at the Treasury Department that is desired in reference to this item to-day as to dates.

Mr. TAWNEY. I hope the amendment will be voted down.

The amendment of Mr. ENGLEBRIGHT was rejected.

The Clerk read as follows:

Springfield, Ohio, post-office: For additional land, and completion of the enlargement, extension, remodeling, or improvement of building under present limit, \$35,000.

Mr. TAWNEY. Mr. Chairman, I offer an amendment to correct the text of the bill, an error in the amount.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, line 17, strike out "thirty-five" and insert "twelve."

The amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman let the Springfield, Tenn., item go over until to-morrow morning?

Mr. TAWNEY. I have no objection to letting it go over until to-morrow morning; but if the facts are as I understand them to be, I do not see what benefit the gentleman could derive from letting it go over. There is no building authorized.

Mr. GAINES of Tennessee. That is what I am trying to get. I want to get a building authorized.

Mr. TAWNEY. If the gentleman wants to get a building authorized, he will have to talk to the chairman of the Committee on Public Buildings and Grounds.

Mr. MANN. The gentleman from Tennessee is in the same fix as I am in, but I am keeping still.

Mr. GAINES of Tennessee. I want to offer an amendment here.

Mr. TAWNEY. The gentleman can offer his amendment, if he wishes to. Of course it will be subject to the point of order that the building is not authorized, and there is no way in which an appropriation for it can be carried in this bill until it is authorized.

The Clerk read as follows:

Tuscaloosa, Ala., post-office and court-house: For completion of building under present limit, \$40,000.

Mr. GARRETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 35, after line 19, insert the following as a new paragraph: "Union City, Tenn., post-office: For site and completion of building under present limit, \$37,000."

Mr. GARRETT. Mr. Chairman, on January 8, as shown by the report, the department reported that that site had not been selected. Subsequent to that date the site was selected, but I am not prepared to assert here now that it was selected before the 15th of January. I do not know the exact date. On account of this being a holiday and the department being closed, I have been unable to ascertain.

The arbitrary rule adopted by the committee in fixing the 15th of January is, perhaps, a wise one, but at the same time it is really hard for some of us to understand why that should apply if the site had been adopted before the passage of this bill.

It is somewhat singular that all around me, so far as I can ascertain, every site that was appropriated for and every building appropriated for in the last bill, the site has been selected and purchased prior to the 15th of January except in my particular locality.

Mr. MACON. If the gentleman will pardon me for interrupting him, I will say that I have one at Paragould, Ark., in the same boat, and no appropriation is carried for it in this bill.

Mr. TAWNEY. Mr. Chairman, I will say that this proposition is identically in line with the others that have been offered. The report of the Secretary of the Treasury to the committee of Congress is:

Union City, Tenn.: The purchase of the site and construction of the building is authorized; limit of cost, \$50,000. There has been appropriated \$13,000 for the purpose of carrying out the authorization, but up to the time that this report was submitted in January last the site had not been selected. Any additional amount could not be expended during the fiscal year if appropriation is made.

Mr. BARTLETT of Georgia. The date of that letter is January 8, 1909.

Mr. GARRETT. The site has since been selected and purchased, as I was informed quite a number of days ago, but I am not prepared to say that it was selected before the 15th of January.

Mr. TAWNEY. The letter transmitting the report is dated on the 15th of January. I will ask the gentleman from Tennessee if he, prior to the time of the reporting of this bill, made any inquiry as to whether or not the site had been selected?

Mr. GARRETT. I did, many days ago.

Mr. TAWNEY. Was any effort made by the gentleman or friends in the present fiscal year to facilitate the acquiring of the site, so that it could be ready to go on and secure the additional appropriation?

Mr. GARRETT. The agent of the Treasury Department was in that town in October or November of last year. I saw him at the time. Perhaps it was in August or early September.

Mr. TAWNEY. The authorization was made in the latter part of May, and the appropriation of \$13,000 was made also in the latter part of May. What was done between that time and the last of October or November to procure the site?

Mr. GARRETT. I do not know; I communicated with the department and was advised that the agent would be there as soon as possible. The agent did call and examined this at the time he was examining all the Tennessee sites, all the places for Tennessee buildings. Every effort was made by the Representative from that district to hasten matters, and every effort was made by people there to hasten matters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Walla Walla, Wash., post-office and court-house: For site and continuation of building under present limit, \$40,000.

Mr. TAWNEY. Mr. Chairman, I understand the paragraph in respect to Walla Walla is to go over with the amendment offered by the gentleman from Washington [Mr. HUMPHREY] with respect to the appropriation for Everett until they can ascertain, in each case, whether the site has been selected.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent—

Mr. TAWNEY. No; that was included in the request for unanimous consent this afternoon. I simply call attention to it now, so that there will be no question to-morrow if it becomes necessary to strike out Walla Walla.

The Clerk read as follows:

Authority is hereby given to close C street SW., between Fourteenth and Fifteenth streets, bounded on the north by block 231 and on the south by block 232, in the city of Washington, D. C., for use in connection with the erection of the building for the Bureau of Engraving and Printing.

Mr. FITZGERALD. Mr. Chairman, I offer the following as a separate paragraph.

The Clerk read as follows:

After line 19, page 38, insert:

"Provided, That no part of any appropriation made herein for public buildings shall be paid to members of the so-called Council of Fine Arts, created by executive order January 18, 1909, as compensation or expenses, and no part of such appropriation shall be expended on the preparation or formulation of any plans which have been submitted, or may be suggested, by said Council of Fine Arts."

Mr. FITZGERALD. Mr. Chairman, there has been created by executive order a so-called "Council of Fine Arts." Under the order issued by the President, no federal official is permitted to select a site or to agree upon the plans for a public building, monument, or other work which may be artistic and monumental, unless the matter be first submitted to and approved by the so-called "Council of Fine Arts."

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. The gentleman refers to structures that are either artistic or monumental. We all know that none of the federal buildings are artistic. Does the gentleman mean by that that they are constructed as monuments to the Members who get them?

Mr. FITZGERALD. From my own experience I believe they could properly be classed as monumental. However desirable it may be to have some body of competent men to pass upon the plans and designs for various monuments or structures erected for the Federal Government, I am sufficiently old fashioned in my notions of the theory of this Government to believe that such a body should be created by the legislative body and not by the executive.

Mr. TAWNEY. Will the gentleman from New York permit a question?

Mr. FITZGERALD. Yes.

Mr. TAWNEY. I am not familiar with this executive order. Do I understand from the gentleman that its jurisdiction extends throughout the entire United States and applies to all public buildings wherever erected under authority of law?

Mr. FITZGERALD. That is the effect, as nearly as I can make out from the correspondence which I find in the hearings on the sundry civil bill. There has been some very interesting correspondence between the President and Mr. Glenn Brown, representing the American Institute of Architects. I quote from one of the letters so that the committee may understand how far-reaching this matter is. The President says:

I shall direct all my Cabinet officers to refer to the council, for their expert advice, all matters in their charge embracing architecture, selection of sites, and landscape work, sculpture, and painting. Moreover, I shall request the council to watch legislation and on its own initiative to make public recommendations to the Executive and to Congress with regard to proposed changes in existing monuments, or with regard to any new project. I earnestly advise your body to take immediate steps to secure the enactment of a law giving permanent effect to what I am directing to be done. The course you advocate, and which I approve, should not be permissive with the Executive; it should be made mandatory upon him by act of Congress.

Further along in the hearings I find this order:

I direct that the heads of executive departments, bureaus, and commissions govern themselves accordingly. Hereafter, before any plans are formulated for any buildings or grounds, or for the location or erection of any statue, the matter must be submitted to the council I have named and their advice followed, unless for good and sufficient reasons the President directs that it be not followed. The Supervising Architect of the Treasury will act as the executive officer for carrying out the recommendations of the council.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 19, 1909.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman from New York a question. Does he find in the hearings or anywhere any authority given to this Council of Fine Arts to tear down public buildings under the direction of the President, as well as to oversee the erection of them?

Mr. FITZGERALD. Mr. Chairman, upon the propriety of tearing down buildings, it appears there was no necessity to have specially qualified men tender their artistic views. Certain buildings having offended the artistic sense of one official of the Government; they were torn down at his order, regardless of the Council of Fine Arts.

Mr. SLAYDEN. Being ugly, they were self-condemnatory.

Mr. FITZGERALD. I wish to repeat, it may be highly desirable to have some such body of men as this to pass upon public buildings in their design and location, but the duty of that body should be carefully prescribed and enumerated, and should be fixed by Congress and not by the Executive.

Not only are my views as to the theory of this Government that the legislative powers are lodged in the legislative department somewhat old fashioned, but they seem to be in harmony with the Constitution of the United States. My own views being strengthened by a reference to the Constitution, I was prompted to suggest this amendment. This amendment will accomplish two things. It will prevent in the first place the payment of a per diem and expenses to any one of these 30 eminent men who may be called to Washington or to one of the many places in the United States for the purpose of determining what particular site should be selected for a public building. For instance, if it were deemed necessary that this council should go to Yazoo, Miss., in order to pass upon the particular site determined for a public building and to see that it was located with reference to its utility and artistic surroundings, it would be impossible to pay these gentlemen, under this amendment, either for services or for expenses.

I have no doubt, however, knowing as I do about the renowned hospitality of the people of Yazoo, Miss., that if by any effort they could induce these distinguished gentlemen to visit their town, so that its public building would not be located in a manner that would be offensive to the artistic sensibilities of the residents of the town, they would willingly pay all of the expenses, and, indeed, add quite an additional sum for adequate compensation. That is true not only of Yazoo, but it is true of all other places. As an inducement, therefore, to the patriotic impulses of the people of the various sections of the country, I am anxious to prevent the payment from the public funds for such services and expenses. The other purpose to be accomplished by the amendment will be to prevent the expenditure of any public moneys in the preparation of plans which may, through any coercive methods, be submitted to this council—

Mr. DWIGHT. Will the gentleman allow me a question?

Mr. FITZGERALD (continuing). And I hope there will be no objection to the amendment. I now yield to my colleague.

Mr. DWIGHT. Does this order relieve the Supervising Architect from his duties, or is he to continue in his place without performing the duties of that office?

Mr. FITZGERALD. It is difficult to say. He is made the executive officer through which the orders of the Council of Fine Arts shall be carried out. It may be somewhat suggestive that in the letter from the officer of the American Institute of Fine Arts he pays the Supervising Architect the compliment of saying that only under his particular department has there been any success realized in reaching artistic ideals, and that letter of this official of the American Institute of Architects suggests that the Supervising Architect of the Treasury should be the executive officer.

This led me, in my ignorance, almost to suspect that perhaps the Supervising Architect of the Treasury had been the instigating cause of this whole movement.

Mr. WILLIAMS. I understand the gentleman from New York insists upon the archaic constitutional principle that no money once covered into the Treasury shall be paid out except by direction of law.

Mr. FITZGERALD. The gentleman from Mississippi will recall that we listened to-day, with great attention, to the Farewell Address of George Washington. So impressed was I by that portion in which he referred to the danger of one department of the Government encroaching upon the other departments of the Government that I immediately took from beneath the heap of documents in my desk a copy of the Constitution of the United States and refreshed my memory as to the particular powers that had been granted to the various departments of the Government. Having found that the legislative power had been vested in the Congress, and fearing that perhaps somebody might be tempted to encroach upon the powers that have been delegated to the Congress, I thought I should do my small part to carry out that excellent advice proffered by the Father of his Country when he was retiring from public life. [Applause.]

Mr. TAWNEY. Mr. Chairman, I would suggest to the gentleman from New York that his amendment is not offered at the proper place in this bill.

Mr. FITZGERALD. It will do well there, but I shall offer it at the next place [laughter]; there are two places, I think.

Mr. TAWNEY. At the end of the paragraph appropriating \$800,000 for general expenses, for superintendence, preparation of plans and specifications—

Mr. FITZGERALD. Where is that; on what page is it?

Mr. TAWNEY. Beginning on page 41 is where the limitation should be placed, because it is out of this appropriation, beginning on page 41, from which the expenses of this commission might be paid on the theory that they were employed in their professional capacity.

Mr. FITZGERALD. They might be paid out of appropriations for sites and buildings; but, Mr. Chairman, I am perfectly willing to withdraw this amendment at this time and offer it at that place providing the committee will not insist that I repeat the speech I have just made in support of the amendment.

Mr. WILLIAMS. We will compromise on that promise.

Mr. BARTHOLDT. Mr. Chairman, at first blush it appears as if the creation of this commission on art was a proposition to create a body coordinate with a committee of Congress, or with Congress itself, but when we analyze the matter we will find that its activities could really apply only to the executive branch of the Government. It is true that Congress has the right and power to prescribe, if it wishes to do so, the nature, style, and character of the public buildings. Congress has also the right to designate a particular site in each town for public buildings; but as a matter of practice, Mr. Chairman, those matters have heretofore been left entirely to the executive branch of the Government, namely, the Treasury Department.

Mr. WILLIAMS. But to officers designated by the law.

Mr. BARTHOLDT. In the Committee on Public Buildings and Grounds we only authorize the appropriations for the purchase of a site or the erection of a building, and we do not specify where that particular site shall be located, nor do we specify the architectural style of the building.

Mr. WILLIAMS. But does not the law designate the particular officer who shall do these things, to wit, the Supervising Architect of the Treasury? And now the President undertakes to reverse that legislative action, naming a new body instead of the one that has been named by law.

Mr. BARTHOLDT. In answer to that, Mr. Chairman, I suggest that if Congress would exercise its power in designating the site in all the towns where public buildings are to be erected, and also specifying the architectural style of each building, then it would be unnecessary either for the executive department or any commission to do it.

As it is, that authority is now exercised by the Supervising Architect's Office; and, of course, if the Supervising Architect sees fit to consult outside talent, if he wishes in the matter of selection of sites and the selection of a particular style of building to listen to the expert testimony of a commission on art, he has a right to do so. But it does not seem to me, considering the present practice of Congress with regard to that matter, that the activity of that commission would in any way interfere with our business here.

Mr. FITZGERALD. There is in this bill a provision for a new public building in Washington. The site is designated. It is to be constructed under the supervision of the Superintendent of the Capitol Building and Grounds. He has had charge of the erection of two office buildings, which in their architecture have been eminently satisfactory to everybody.

Mr. PARSONS. In connection with those buildings there have been consulting architects, have there not, and one of them is a prominent member of this advisory committee?

Mr. FITZGERALD. That is right; but the Superintendent of the Capitol Building and Grounds is a bureau official of the Department of the Interior, and he would not be able to do what he has done in these instances, nor select such professional assistants as he might desire and believe to be advisable, and to proceed on the plans formulated without having to submit those plans to this self-constituted commission of fine arts.

Mr. BARTHOLDT. Only in case that Congress should neglect to exercise authority in prescribing in specific terms the character of the building.

Mr. FITZGERALD. Congress has never attempted to enact what the style of architecture or the plans should be, but there are certain officials of the Government charged with the duty of arranging these matters. To have some unofficial body authorized to say that these men should not perform their duties unless they satisfied them would be to make it impossible to select a site for a public building in any part of the United States without the utmost difficulty.

Mr. BARTHOLDT. Mr. Chairman, I suggest, further, that it would be within the province of any committee of Congress to call before them experts with a view of determining the style of a public building and determining what specific locality shall be selected for it.

Mr. TAWNEY. If the gentleman will permit me right there, the distinction between the statement of the gentleman and the proposition in regard to the commission of fine arts is this: If they have any power at all, this commission is clothed with the power of overriding the judgment even of Congress in respect to the character and style of architecture of the building and the location of the same.

There is a difference between acting in an advisory capacity and having absolute power to control action. The architects who assisted Mr. Wood in preparing plans for the office buildings acted only in an advisory capacity; he was not bound to accept their judgment. But, if I understand this order, if it has any legal effect at all, it clothes this commission with absolute power to determine the character of the architecture, as well as the location and style of the buildings—

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY (continuing). Independent of any law that Congress may enact on the subject.

Mr. BARTHOLDT. I think I have the floor, Mr. Chairman. I want to say, and this point ought to be clearly understood before we vote upon an amendment of this kind, that the advice of experts on art or architecture who offer their services either to the Supervising Architect or to any committee of Congress should be welcome to us. The Supervising Architect even now—for instance, in the case of the building at Denver—goes into the field and selects private architects for the purpose—

Mr. MANN. The law permits that.

Mr. TAWNEY. Under the Tarsney Act he is doing that all over the United States.

Mr. BARTHOLDT. This commission, in my judgment, could only act in an advisory capacity, and only in the absence of specific instructions from Congress. Congress has not exercised the authority. They could pass a bill here to designate exactly in what style a building is to be erected and where the site should be purchased. They do not do it. We leave it to the executive department, and when a matter of that kind comes to the executive department then that department can cooperate with such commission of experts in the matter of selecting the proper architectural style or the proper location for a building.

Mr. MANN. Now, will the gentleman yield for a question?

Mr. BARTHOLDT. Yes, sir.

Mr. MANN. Mr. Taylor is now the Supervising Architect, is he not?

Mr. BARTHOLDT. Yes, sir.

Mr. MANN. The law, as we pass it for a public building, authorizes Mr. Taylor to prepare plans or to employ an architect from the outside to prepare plans. Is not that correct?

Mr. BARTHOLDT. That is true.

Mr. MANN. Now, according to the papers, this order in reference to the Fine Arts Council prohibits Mr. Taylor from using his judgment either as to the plans or as to the employment of an architect on the outside and requires him to use the judgment of somebody else, who is not an official in any way. Does the gentleman think this leaves it to Mr. Taylor to use his judgment?

Mr. BARTHOLDT. Mr. Taylor himself, as I am informed, is to be president of that commission.

Mr. MANN. But I want the gentleman to give us his opinion as to whether, under this order, Mr. Taylor is to be Supervising Architect, or Mr. Glenn Brown. Of course we all know these thirty will never all be present. Is it to be Mr. Taylor we will authorize by law, or Mr. Glenn Brown, who will supervise Mr. Taylor and direct him against his judgment what he shall do—

Mr. BARTHOLDT. In order to answer that question—

Mr. MANN. I have very great respect for Mr. Glenn Brown's judgment.

Mr. BARTHOLDT (continuing). It is first necessary to determine whether that commission would have a legal status and whether it would be entitled to recognition by Congress. I did not propose to pass upon that question in my remarks at this time.

Mr. MANN. Without reference to the legal status, from what we see in the papers, the Supervising Architect could not use his judgment. He must be willing to yield his judgment to that of an unofficial person or be fired.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I would like to have the gentleman's time extended a minute or two to ask him a couple of questions. The gentleman from Missouri is a connoisseur in art. I want to ask him if this commission is the same that located General Grant's statue down here in a mud hole?

Mr. BARTHOLDT. I am not able to tell my friend.

Mr. CLARK of Missouri. Is it true that the Supervising Architect of the Treasury refuses to furnish the same plans and specifications for any two public buildings in the United States? Do you know anything about that?

Mr. BARTHOLDT. The Supervising Architect refuses to do what?

Mr. CLARK of Missouri. Refuses to furnish the same plans and specifications for any two public buildings.

Mr. BARTHOLDT. No; he does not refuse to do that, but he is guided by the condition of the ground. In other words, the conditions are not always the same; even in two particular cases, where the buildings may be exactly the same, special plans may have to be prepared because of the different conditions of the ground upon which the buildings are to be erected.

Mr. CLARK of Missouri. Is that not a mere pretext to give a lot of men employment as draftsmen that would not be necessary if he had uniform plans and specifications for, say, \$30,000 buildings, \$40,000, \$50,000, or \$60,000 buildings, and just keep them in stock?

Mr. BARTHOLDT. As I understand, Mr. Chairman, the same plans are used and reused for many buildings. The architects tell me it is impracticable to do so in all cases of like appropriations, because of the different conditions of the ground, as I said before.

Mr. MADDEN. Will the gentleman allow me to answer that question?

Mr. CLARK of Missouri. I want to get it out of him first. That difference would only apply in the foundation, would it not?

Mr. BARTHOLDT. Yes.

Mr. CLARK of Missouri. Now, the reason I asked the last two questions was for my own information. I think the commission made the greatest kind of a mistake when they located the Grant monument where they did. The reason I asked you these two questions is because it is stated in the press—I have heard it stated and believe it to be true—that the Supervising Architect refuses to use the same plans and specifications for two buildings, no matter whether the circumstances are precisely the same or whether the cost is the same or not; and if that is true, that is a kind of business that ought to be broken up.

Mr. BARTHOLDT. Mr. Chairman, I want to say in answer to the suggestions of my friend, that the Supervising Architect is very desirous of completing the work he has on hand. He has been very active in persuading the Secretary of the Treasury to assign more space to him. He has doubled his force of draftsmen. He has done these things for the purpose of satisfying Members of Congress and completing the work in which they are interested. Consequently, it is to his interest to use plans that have heretofore been used for other buildings as often as possible, and it is fair to suppose that if he does not use them there are good and sufficient reasons for his action, namely, that he can not use them on account of the difference in conditions.

Mr. CLARK of Missouri. As a matter of fact, lots of these buildings are built on perfectly level ground. Now, it can not be true that with that kind of a condition existing he needs separate plans and specifications for every one of them. I can understand that a hilly piece of ground might possibly demand a different kind of a building, especially so far as the ground floor is concerned, from a building in a prairie country out in Missouri, Kansas, or Nebraska.

Mr. PARSONS. How about the materials?

Mr. CLARK of Missouri. The material ought to be the same in all of them.

Mr. BARTHOLDT. That is not what I was going to talk about. I merely wanted to call the attention of the committee to the fact that if this art commission which has been created by the President goes to work, its advice will not extend to Congress, because we do not legislate on the questions upon which these gentlemen would give advice, but would apply only to the executive departments of the Government.

Mr. TAWNEY. How does the gentleman reconcile that statement with the language in the executive order:

Hereafter, before any plans are formulated of any buildings or grounds, or for the location or erection of any statue, the matter must be submitted to the council I have named, and their advice followed, unless for good and sufficient reason the President directs that it be not followed.

Mr. BARTHOLDT. That is exactly it, Mr. Chairman. We do not legislate with regard to the style of buildings, and we do not select the sites. Consequently, before a site is selected, and before the construction of the building is begun, the executive departments can secure, if they want to, the advice of just such experts as are the members of that art commission.

Mr. GAINES of Tennessee. Why is it that we have a corps of architects in the Treasury Department, and when we put up buildings like those at Annapolis and other places we have to go outside and employ architects and pay them from 10 to 15 per cent upon the face value of the building?

Mr. MADDEN. Only 5 per cent.

Mr. GAINES of Tennessee. No; you are mistaken about that.

Mr. HULL of Iowa. At West Point they do not pay that. They only pay 3½ per cent there.

Mr. GAINES of Tennessee. A few years back I got copies of the contracts and put them in the Record.

Mr. HULL of Iowa. Not West Point contracts for the new buildings there?

Mr. GAINES of Tennessee. No; I did not say West Point. I said Annapolis, and, I think, the White House also. Now, why do we keep that class of architects down in the Treasury Department, who, it seems—and I do not say it with disrespect—are not first class, and then when we want architects we have to go to New York for them?

Mr. BARTHOLDT. In answer to that, I need refer only to the scale of wages paid by the Government. The Supervising Architect of the Treasury receives, I believe, five or six thousand dollars a year, while a first-class architect in private life can make \$25,000 a year. The men under Mr. Taylor receive, none of them, more than \$2,500 or \$3,000. When it comes to the expenditure of millions of dollars for great ornamental government buildings, then, in my judgment, it is desirable to secure outside talent for that purpose. The Government does not pay its servants enough to secure the highest talent.

Mr. GAINES of Tennessee. Does the gentleman mean to say that we have architects who are capable of making plans and estimates for buildings which Congress goes by and then these architects have not gumption enough to put up the buildings, and hence we have to go to New York or elsewhere to get architects to make plans and put up the improvements?

Mr. BARTHOLDT. I think the work performed by the Treasury Department speaks for itself. The government buildings in our country are a credit to the United States—

Mr. GAINES of Tennessee. And so they are in the city of Nashville.

Mr. BARTHOLDT. And a credit to the Supervising Architect and the men employed by him.

Mr. GAINES of Tennessee. But the architect in the case I speak of did not do the work, but went to New York.

Mr. DOUGLAS. Mr. Chairman, a point of order. Can not we have the amendments reread?

Mr. FITZGERALD. I ask consent, Mr. Chairman, that the Clerk read the amendment which I have modified.

The CHAIRMAN. Without objection, the Clerk will again report the amendment, as modified by the gentleman from New York.

The Clerk read as follows:

After line 19, page 38, insert:

"Provided, That no part of any appropriation made in this act shall be paid to members of the so-called 'council of fine arts,' created by executive order under date of January 8, 1909, as compensation or for expenses; and no part of any such appropriation shall be expended in the preparation or formulation of any plans which have been submitted to, or approved or suggested by, said council of fine arts."

Mr. MADDEN. Mr. Chairman, I want to say in reply to the gentleman from Missouri [Mr. BARTHOLDT] that no two buildings costing a similar amount could be erected exactly alike, unless they are built side by side under similar conditions. In the one case you may endeavor to erect a building in a locality where the labor conditions are such as to make a \$30,000 building very much inferior to a \$30,000 building in another locality. You may be obliged to transport the material a long distance and thereby be obliged to pay a larger amount of money for the material that enters into the construction of the building.

Mr. SABATH. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SABATH. Does the gentleman wish to state that it is absolutely necessary to have different plans and different specifications, because the scale may be different?

Mr. MADDEN. It is necessary that different plans and different specifications be made for the construction of buildings that cost a similar amount. That is because, as I said, the labor conditions may not be similar, and, second, the material which is to enter into the construction of them may have to be transported so long a distance that the cost is double in one case what it would be in the other.

So that if you are obliged to pay twice as much for a thousand brick in one town as in another town, it can readily be understood that you can not put as many thousand bricks into the building for \$30,000 as in a case where they would only cost half as much. It should be understood, too, that in some localities labor is much higher than in other localities, and in such cases you can not put up a building so ornamental for \$30,000 as you can where the wages are only half as much.

There may be conditions where you are obliged to put the foundations for the building in rock and to excavate the rock in order to get a foundation for the building. In such cases

nearly half the cost of the \$30,000 building may be expended in excavation, and no one will undertake to say that under these conditions you can put up a building as ornate for \$30,000 as you could under conditions totally dissimilar. In such a case everybody would agree that similar buildings could not be erected for \$30,000.

So that a \$30,000 building erected in one locality may be a different kind of a building from a \$30,000 building erected in another locality. You may specify the same kind of material to enter into the construction of these buildings; but if you do, and the cost both of the manufacture and the transportation and the labor entering into the erection of the building being widely variant, you will have a different building for the \$30,000 in one case than you have in the other, and everybody will agree that under such conditions one set of plans would not answer in both cases.

Mr. CLARK of Missouri. Mr. Chairman, no such difference in conditions exists as stated by the gentleman from Illinois.

Mr. MADDEN. Oh, yes; they do.

Mr. CLARK of Missouri. The gentleman is talking about the great city of Chicago.

Mr. MADDEN. I beg the gentleman's pardon; I have been in the building business all my life.

Mr. CLARK of Missouri. In the city of Chicago?

Mr. MADDEN. No; all over the United States, and I know what the conditions are.

Mr. CLARK of Missouri. There are not any two towns in the United States in which the difference of the price of pressed brick is double in one town what it is in another.

That is one of the conditions he stated. Take Illinois, Missouri, Iowa, Kansas, Nebraska, most of Oklahoma and the Dakotas, and the vast majority of the land in those States is nearly as flat as the top of a table, and the same kind of a \$50,000 building or a \$60,000 building—very few of them are built as low as \$50,000—that will do for a town of four or five thousand inhabitants in Illinois will do for the same kind of a town in any other of the States I have mentioned. The difference in the prices of labor is very little in country places. I can understand that if one piece of ground is hilly and another is flat, it will make a difference in the cost of the foundation, but in two towns that are built on flat ground there can not be \$500 difference in building a \$60,000 or a \$75,000 house in one of them and building identically the same kind of a house in the other.

Mr. BARTHOLDT. If my colleague will permit, supposing the excavations in the one case cost \$3,000 and the excavations in the other case \$6,000. There is \$3,000 less left for the building, and consequently the plans will be different.

Mr. CLARK of Missouri. Why not take that difference of foundation into consideration when making these allotments of money to us to build these public buildings around over the country?

Mr. BARTHOLDT. We can not know that in advance.

Mr. CLARK of Missouri. But the gentleman can inquire of the people who come here to get the buildings to see what kind of a piece of ground it is to be built on.

Mr. BARTHOLDT. I suggest the selection of the site is made after we make the authorization.

Mr. CLARK of Missouri. I understand that, and I have never had anything to do with the selection of a site, and I never will have anything to do with it.

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

Mr. CLARK of Missouri. I yield.

Mr. KEIFER. In the gentleman's remarks a few moments ago he had something to say about the Grant monument.

Mr. CLARK of Missouri. Yes.

Mr. KEIFER. I want to know if he knows who designed this monument down here, and especially the four pedestals on the corners and on which are located four emblems of the Kingdom of Great Britain in the form of a great bronze lion, put there in the attitude of a walrus in each case? [Laughter.]

Mr. CLARK of Missouri. I can not answer that, Mr. Chairman. I do not think that Great Britain has any patent on lions.

Mr. KEIFER. It has on the lion as an emblem.

Mr. CLARK of Missouri. If it has, then a certain distinguished citizen of this Republic will soon be infringing that patent, as I understand. While I am at it I will state another fact, that I think whoever it was that remodeled the White House practically ruined it.

Mr. KEIFER. I agree with the gentleman.

Mr. MANN. I hope the gentleman does not think it is so far ruined that he would not be willing to grace it sometime as its occupant?

Mr. CLARK of Missouri. I know I would grace it any way it was fixed, if they give me a chance—be glad to do it, even in its present dismantled condition. [Laughter and applause.] I repeat that my information is that the Supervising Architect of the Treasury absolutely refuses to make two plans and sets of specifications for public buildings, though the appropriations are the same, and if it is true there is no sense in it. It is a waste of public money. I want to repeat a statement I made here the other day, that the deficiency in the revenues now amount to about \$13,000,000 a month, and that deficiency is increasing every day, and that if the tariff debate drags on until the 1st of September, which it is likely to do, no sensible man will be surprised if the deficiency in the revenue amounts to \$25,000,000 a month; and it is high time that we were cutting down the expenditures and appropriations somewhere. [Applause.]

Mr. MANN. I notice great applause of that sentiment, but I could not get the people to vote with me this morning.

Mr. TAWNEY. I move that all debate on the paragraph and amendment be now closed, Mr. Chairman.

Mr. DOUGLAS. Mr. Chairman, pending that motion I would like to move to strike out of the amendment all after the word "or," so as to separate the amendment into two parts.

Mr. KEIFER. I thought that amendment was withdrawn.

Mr. FITZGERALD. Oh, no.

Mr. DOUGLAS. And on that I want to say just a word.

Mr. TAWNEY. Mr. Chairman, I move that all debate be now closed on the paragraph and amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that debate on the paragraph and amendments be now closed.

The question was taken, and on a division (demanded by Mr. PARSONS) there were—ayes 51, noes 12.

Mr. PARSONS. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The Chair will count.

Mr. FITZGERALD. I make the point of order that the Chair can not count on that point of order. The gentleman made the point of no quorum and the Chair can not count.

The CHAIRMAN. The Chair understood the gentleman to make the point that no quorum was present.

Mr. FITZGERALD. I ask for a vote on the amendment.

Mr. BENNET of New York. I make the point of order, Mr. Chairman, that there is no quorum of the committee present—

The CHAIRMAN. The Chair is preceding to count.

Mr. BENNET of New York. I want to overcome that slight technicality.

Mr. GAINES of Tennessee. Mr. Chairman, can not we demand tellers?

The CHAIRMAN. The Chair is counting to ascertain whether a quorum is present.

Mr. GAINES of Tennessee. And I was endeavoring to help the Chair.

Mr. TAWNEY. If the gentleman from New York [Mr. PARSONS] desires to discuss this amendment for five minutes I have no objection.

Mr. DOUGLAS. I want to discuss the amendment for five minutes. In this amendment two things have been discussed together; one is absolutely separable from the other. One is to pay money to people not authorized by law to receive it and the other is—

Mr. TAWNEY. I will withdraw my motion to close debate.

Mr. PARSONS. Mr. Chairman, I have made my point.

Mr. BARTLETT of Georgia. Mr. Chairman, I understood the motion has been carried to close debate. I apprehend that the point of no quorum will have to be withdrawn before anything else can be done.

The CHAIRMAN. It is upon the motion to close debate that the point of no quorum was made, so the committee has not yet decided to close debate.

Mr. BARTLETT of Georgia. But, Mr. Chairman, a parliamentary inquiry. The gentleman who makes the point of no quorum must withdraw it. The Chair having ascertained that no quorum is present, and not being able yet to count a quorum, until that point is withdrawn by the gentleman business can not be transacted.

The CHAIRMAN. The Chair has not yet completed the count. [After counting.] One hundred and one gentlemen are present, a quorum; and the motion to close debate is agreed to.

Mr. DOUGLAS. Mr. Chairman, I ask for a separate vote on the two propositions contained in the amendment, and I would like for five minutes, by unanimous consent, to discuss the second proposition.

The CHAIRMAN. Is there objection to the gentleman addressing the committee for five minutes?

Mr. MANN. Mr. Chairman, I object on account of the time wasted on the point of no quorum. I was willing to give time before, but not now.

Mr. DOUGLAS. I made no such point; I was trying to get leave to speak.

Mr. MANN. The two gentlemen are working together.

Mr. DOUGLAS. We are not working together.

Mr. PARSONS. I assume all responsibility.

Mr. MANN. I assume the responsibility of objecting, then.

The CHAIRMAN. The Clerk will submit the first proposition to the committee.

The Clerk read as follows:

After line 19, page 38, insert:

"Provided, That no part of any appropriation made in this act shall be paid to members of the so-called Council of Fine Arts, created by executive order under date of January 18, 1909, as compensation or for expenses."

Mr. FITZGERALD. Mr. Chairman, if that part of the amendment should be voted down, there is nothing left. I ask that the amendment be voted on in its entirety. You can not divide that, for if the first part is voted down there is nothing left of the second part.

Mr. DOUGLAS. I submit that the second part is a totally distinct proposition.

Mr. FITZGERALD. I submit that I did not draw it that way.

The CHAIRMAN. The Chair will state the second part reads as follows:

And no part of any such appropriation shall be expended in the preparation or formulation of any plans which have been submitted to or approved or considered by said Council of Fine Arts.

Mr. FITZGERALD. What appropriation? It is necessarily related to the first part of the amendment.

The CHAIRMAN. The Chair thinks the gentleman from New York is correct, and the amendment is not divisible. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. PARSONS. Division, Mr. Chairman.

The committee divided; and there were—ayes 67, noes 17.

Mr. PARSONS. Mr. Chairman, I make the point that there is no quorum. On this matter we are entitled to a full vote, as it is an important one. [Cries of "Regular order!"]

The CHAIRMAN. The Chair understands the gentleman from New York [Mr. PARSONS] to raise the point of no quorum?

Mr. PARSONS. I do.

Mr. WILLIAMS. I make the point of order, Mr. Chairman, that the action of the gentleman is evidently dilatory. He is doing it for a dilatory purpose. We just had a count of the committee, which disclosed a quorum.

The CHAIRMAN. At the same time, the vote does not disclose a quorum, and the Chair will count.

Mr. WILLIAMS. Mr. Chairman, that point was once ruled upon by the Speaker.

The CHAIRMAN. The Chair will count. [After counting.] There are 103 gentlemen present—a quorum. So the amendment is agreed to.

Mr. TAWNEY. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 28245) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, and had come to no resolution thereon.

CIVIL GOVERNMENT IN PHILIPPINES.

The SPEAKER, in pursuance of a concurrent resolution of the House heretofore adopted, vacated his signature to an enrolled bill of the House (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

JOHN H. HAMAKER.

Mr. JONES of Washington. Mr. Speaker, I desire to call up Senate concurrent resolution No. 98, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, by the Senate (the House of Representatives concurring), That the President be, and he hereby is, requested to return to the Senate the bill (S. 4024) for the relief of John H. Hamaker.

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

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 and joint resolution:

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

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

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

H. R. 17171. An act for the relief of Benjamin F. Curry;

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes;

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 17303. An act authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.;

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa;

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois;

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes;

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

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association of Mobile, Ala.;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

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

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 17960. An act for the relief of Marcellus Butler;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 23707. An act to incorporate the Imperial Palace, Dramatic Order Knights of Khorassan;

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 7029. An act for the relief of C. L. Huey;

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

H. R. 25396. An act for relief of applicants for mineral surveys;

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

H. R. 27894. An act amending "An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers

of the Interstate Commerce Commission," approved June 29, 1906;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. R. 13712. An act for the relief of the legal representatives of Sarah J. Montgomery, deceased;

H. R. 19606. An act to provide for granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico;

H. J. Res. 219. Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9286. An act authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Colorado—to the Committee on Military Affairs.

S. 9198. An act authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Utah—to the Committee on Military Affairs.

PRICE OF POWDER.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to print a short letter in the RECORD from Mr. Robert S. Waddell, on the subject of powder prices, the amount of powder made, who makes it, and so forth.

The SPEAKER. Is there objection?

There was no objection.

The letter is as follows:

POWDER-TRUST POWDER PRICES—AMOUNT MADE IN UNITED STATES.
THE INDEPENDENTS.

What a government witness says:

WASHINGTON, D. C., February 1, 1909.

Hon. JOHN WESLEY GAINES,
Washington, D. C.

DEAR SIR: I listened to your debate in the House to-day on the smokeless-powder question with a great deal of interest. I have also read the discussions in the RECORD of the past few days, and desire to call your attention to a few items.

COST OF SMOKELESS POWDERS.

From personal knowledge, which has been confirmed by the office employees as well as several chemists and operatives in the plants of the du Pont trust, I give you herewith the items from the cost sheets of the trust:

	Cost per pound.
Ordnance smokeless powder	\$0.34
Military smokeless powder (30 cal.)	.41

These cost sheets of the trust have for several years shown the cost of these powders at all of their plants not to exceed the figures stated, and frequently from 1 to 3 cents less per pound. This cost covers raw materials, including cotton, acids, alcohol, and ether, labor in manufacture, steam for boiling, power, interest on plant and working capital, depreciation of plant, proportion of administrative expense, freight for delivery to Government, cost of selling, including the lobby expense at Washington, and insurance.

Any price received for the powder in excess of above figures is clear net profit. There is no danger whatever attached to the manufacture of this powder. It is in a wet state for months after it is made.

Reference has been made to the time for drying the powder. It is true that it requires six months for the alcohol remaining in it to evaporate, but this is only for the larger grades for 12-inch guns. It requires about four months for 10-inch powder, three months for 8-inch, two months for 6-inch, and the powder for the smaller ordnance is dried in a little more than thirty days. The average time is about three and one-half months.

Frequent mention is made of the cost of alcohol. That is as much a part of the raw material as cotton, and is not a perfume added to the finished product. The alcohol is included in the cost of 43 cents per pound at Indianhead. All of the additional items suggested by the trust for the purpose of stimulating the price or cost of powder are pure fiction.

* Government now paying 67 cents for this powder.

* Government now paying 84½ cents for this powder.

Finished gun cotton ready for treatment with alcohol costs 16 cents. The alcohol, if all wasted, would add 3.8 cents per pound. But the alcohol is nearly all recovered by distillation and is used over and over again, just as the acids are recovered and used many times.

Regarding the volume of business in the United States for a single year, I desire to give you the data:

Six hundred thousand kegs, 25 pounds each, black rifle powder; total, 15,000,000 pounds.

The Du Pont trust manufactures all of this.

Six million eight hundred thousand kegs blasting powder, 25 pounds each; total 170,000,000 pounds.

The Du Pont trust manufactures of this about 153,000,000 pounds.

And the 13 independent companies manufacture the remainder, about 17,000,000 pounds.

Four million five hundred thousand pounds smokeless sporting powder for shotguns and rifles.

The Du Pont trust manufactures nearly all of this, more than 96 per cent.

Four million six hundred thousand pounds smokeless ordnance and military powders, of which the Du Pont trust manufactures 3,000,000 and the Government at Indianhead and the army plant make about 1,600,000 pounds.

I will not burden you with the statistics showing the immense volume of dynamite made in this country, of which the Du Pont trust produces more than 80 per cent. Surely these figures will indicate the magnitude of this monopoly.

Very truly, yours,

ROBERT S. WADDELL,*

President Buckeye Powder Company, Peoria, Ill.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CURRIER, from the Committee on Patents, to which was referred the bill of the House (H. R. 28192) to amend and consolidate the acts respecting copyright, reported the same without amendment, accompanied by a report (No. 2222), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24471) for the relief of certain homestead settlers in Alabama, reported the same with amendment, accompanied by a report (No. 2223), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. Res. 568) requesting the Secretary of War to transmit to the House a copy of the last report of Charles E. Magoon, provisional governor of Cuba, reported the same with amendment, accompanied by a report (No. 2221), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 28285) 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. 2220), which said bill and report were referred to the Private Calendar.

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. GILLET: A bill (H. R. 28286) for the retirement of employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. SMITH of Michigan: A bill (H. R. 28287) to amend the Code of Law for the District of Columbia regarding insurance—to the Committee on the District of Columbia.

By Mr. GARRETT: A bill (H. R. 28288) to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. AIKEN: A bill (H. R. 28289) to authorize the building of a dam across the Savannah River at or near the mouth

*Notice Mr. Waddell is one of the main witnesses for the Government in the suit pending in the United States federal court in Delaware against the Du Ponts et al.—the "powder trust."

of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: Resolution (H. Res. 586) concerning the Tennessee Coal and Iron Company—to the Committee on the Judiciary.

By Mr. MANN: Concurrent resolution (H. C. Res. 69) providing for the printing of 2,000 copies of the hearings, etc., of the Select Committee of the House to Investigate Pulp Wood, etc.—to the Committee on Printing.

By Mr. BENNET of New York: Concurrent resolution (H. C. Res. 70) relative to telephone and telegraph service in the House—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 28290) for the relief of the estate of Justiniano Castillo—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 28291) granting a pension to Charles Payne—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 28292) granting an increase of pension to Chester A. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28293) granting an increase of pension to Olney A. Clark—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 28294) for the relief of Franz Jochum—to the Committee on Military Affairs.

Also, a bill (H. R. 28295) for the relief of Herman N. Midtbo—to the Committee on Private Land Claims.

Also, a bill (H. R. 28296) for the relief of the legal representatives of Dedrick Stokieu, deceased—to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 28297) for the relief of the heirs of Albert Stanton, deceased—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 28298) granting an increase of pension to John H. Edge—to the Committee on Pensions.

By Mr. LAW: A bill (H. R. 28299) granting a pension to Helen F. Waldron—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 28300) granting a pension to Ellen O'Donnell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Pittsburg Chamber of Commerce, favoring adequate appropriation in aid of government testing laboratories—to the Committee on Appropriations.

Also, petition of Chamber of Commerce of Pittsburg, favoring a river and harbor bill for the Sixty-first Congress—to the Committee on Ways and Means.

Also, petition of Council of Jewish Women, favoring H. R. 24148, for the establishment of a children's bureau—to the Committee on Expenditures in the Interior Department.

By Mr. AIKEN: Petition of Council of Jewish Women of Charleston, S. C., favoring H. R. 24148, to provide for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. BARCHFELD: Petition of Chamber of Commerce and Pittsburg Coal Exchange, of Pittsburg, Pa., asking an appropriation of \$50,000,000 annually for improvement of inland waterways—to the Committee on Rivers and Harbors.

Also, petition of B. M. Robinson, of Joplin, Mo., and W. R. Caukins, of Carthage, Mo., asking a tariff of 1½ cents per pound on zinc ore—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Petition of citizens of Steubenville, Ohio, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. CALDER: Petition of Fred. J. Wright, of St. Joseph, Mo., favoring repeal of the duty on lumber—to the Committee on Ways and Means.

Also, petition of New York Typographical Union, No. 6, against clause in census bill permitting printing outside of the Government Printing Office—to the Committee on the Census.

Also, petition of General George A. Custer Garrison, No. 2, for legislation retiring petty officers and enlisted men of the navy after twenty-five years of continuous service—to the Committee on Naval Affairs.

By Mr. CAPRON: Petition of Wool Sorters' Union, No. 349, of Lawrence, against reduction of duty on textile goods—to the Committee on Ways and Means.

Also, papers to accompany bills for relief of Chester A. Chapman, Olney A. Clark, and Joseph J. Butcher—to the Committee on Invalid Pensions.

Also, petition of Providence Lodge, No. 14, Benevolent and Protective Order of Elks, of Providence, R. I., for an appropriation to create a reserve in the State of Wyoming for the protection of the American elk—to the Committee on the Public Lands.

Also, petition of Pawtucket (R. I.) Merchants' Association, for an appropriation to survey a canal through the State of Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of West Kingston (R. I.) Grange, Patrons of Husbandry, favoring parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of Limerock (R. I.) Grange, Patrons of Husbandry, favoring a national highways commission—to the Committee on Agriculture.

Also, petition of Coventry (R. I.) Woman's Club, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of practicing dentists of Newport, R. I., favoring creation of an army dental corps—to the Committee on Military Affairs.

By Mr. CLARK of Florida: Petition of Jacksonville (Fla.) Lodge, No. 227, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. COOK of Pennsylvania: Petition of Philadelphia (Pa.) Lodge, No. 2, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of the Civic Club of Philadelphia, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Shoe Wholesale and Manufacturers' Protective Association, against legislation for parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of council of Jewish Women, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. DAWSON: Petition of M. J. Nelson and others, of Lamotte, Iowa, against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of the George Hummer Mercantile Company, of Iowa City, Iowa, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petition of Ira Holt and other citizens of Vermont, against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

By Mr. FOWLER: Petition of Elizabeth (N. J.) Lodge, No. 289, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petitions of William S. Tyler, of Plainfield, N. J., and Morris County (N. J.) Society for Prevention of Cruelty to Children, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. FULLER: Petition of J. J. Winter, of Garfield, Ill., favoring placing sugar and neat hides on the free list—to the Committee on Ways and Means.

Also, petition of Clarence A. Shand, favoring the Davis bill, for encouragement of industrial schools—to the Committee on Agriculture.

Also, petition of G. C. Spafford, favoring parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. GOEBEL: Petition of Bethlehem Council, No. 79, Junior Order United American Mechanics, Cincinnati, Ohio, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Memorial of the executive committee of the Grand Army of the Republic of Kings County, N. Y., against the erection of monuments in Arlington Cemetery to confederate officers—to the Committee on the Library.

Also, petition of the National Lime Manufacturing Association, asking an appropriation to investigate into the manufacture of lime—to the Committee on Appropriations.

Also, petition of the Brotherhood of Bookbinders of New York, opposing the census bill as to employees—to the Committee on the Census.

By Mr. GUERNSEY: Petition of Howard Kipp and others, of Fort Fairfield, Me., favoring a national highways commission—to the Committee on Agriculture.

Also, petition of M. F. Whitehouse and others, of Wellington Grange, Patrons of Husbandry, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Texas: Petition of the twelfth annual convention of the American Live Stock Association at Los Angeles, Cal., against advances in interstate-rate fares and charges except upon approval of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Falls County Farmers' Union, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of the Commercial Club of Omaha, against any reduction of the duty on wool—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Rev. W. W. Knox, of New Brunswick, N. J., in favor of certain temperance legislation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Asbury Park (N. J.) Lodge, No. 128, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. OLLIE M. JAMES: Petition of the Livingston County Commercial Club, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. KIMBALL: Paper to accompany bill for relief of Mary E. Harrison and other heirs of James O. Harrison—to the Committee on War Claims.

By Mr. LANING: Petition of C. L. Yost and 180 others, of Lorain County, Ohio, asking for parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph Heltz and others, of Monroeville, Ohio, in favor of radio-telephone legislation—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOWDEN: Petition of Freeport (Ill.) Lodge, No. 617, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. PUJO: Petition of Crowley (La.) Lodge, No. 745, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. SPERRY: Resolutions of Seymour Grange, No. 91, of Seymour, Conn., favoring the parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Middletown Lodge of Elks, of Middletown, Conn., and the Derby Lodge of Elks, of Derby, Conn., favoring the preservation of the American elk—to the Committee on the Public Lands.

By Mr. STERLING: Paper to accompany bill for relief of Edward C. Butler (H. R. 26971)—to the Committee on Claims.

By Mr. SULZER: Petition of the Down Town Taxpayers' Association, of New York, against sale of Wallabout market lands to the National Government—to the Committee on Naval Affairs.

Also, petition of F. Fischer & Bros., of New York, favoring legislation promoting money-order facilities with certain foreign countries—to the Committee on the Post-Office and Post-Roads.

Also, petition of the River Improvement and Drainage Association of California, for betterment of the Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

Also, petition of the trustees of the New York Public Library, against increase of duty on imported books and removal of library books from the free list—to the Committee on Ways and Means.

Also, petition of the Manufacturers' Association of New York, for an appropriation to improve the waterways of New York State—to the Committee on Rivers and Harbors.

Also, petition of committee of 100 of the American Association for the Advancement of Science on National Health, for appropriation to assist in staying the ravages of preventable diseases—to the Committee on Appropriations.

Also, petition of the National Association of Farmers, favoring removal of duty on hides—to the Committee on Ways and Means.

Also, petition of Frank Howell Field, favoring creation of a court of patent appeals (S. 3161; H. R. 21455)—to the Committee on Patents.

Also, petition of E. H. Roberts, for increase in pay of railway mail clerks and for payment of expenses of runs from initial terminals—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Civil Service Reform League, against the Crumpacker census bill, relative to employment of additional clerical force—to the Committee on the Census.

Also, petition of Guy G. Fake, for national encampment of United Spanish War Veterans, favoring the raising of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of the National Lime Manufacturers' Association, for appropriation to enable investigation by the Geological Survey for the improvement of lime manufacture—to the Committee on Appropriations.

Also, petition of the International Brotherhood of Bookbinders, favoring census printing by the Government Printing Office—to the Committee on the Census.

By Mr. WEBB: Petition of citizens of Charlotte, against certain proposed tariff schedule amendments on leather gloves—to the Committee on Ways and Means.

By Mr. WOODYARD: Petitions of citizens of Ravenwood, St. Marys, Parkersburg, and Sistersville, all in the State of West Virginia, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, February 23, 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. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. By the consent of the Senator from Wyoming, in charge of the agricultural appropriation bill, and in order to forward the business of the Senate, I move that the Senate proceed to the consideration of House bill 27523, the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in "Schedule A," under the subhead "Salaries of ambassadors and ministers," on page 3, after line 8, to insert:

The following provision of an act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1894, be, and is hereby, repealed, namely:

"Whenever the President shall be advised that any foreign government is represented, or is about to be represented, in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or chargé d'affaires, he is authorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation. This provision shall in nowise affect the duties, powers, or salary of such representative."

And hereafter no new ambassadorship shall be created unless the same shall be provided for by act of Congress.

The amendment was agreed to.

The reading of the bill was continued to page 6, line 8.

Mr. HALE. An amendment was left out by mistake. On page 6, after line 8, I move to insert:

The President is hereby authorized to assign any regularly appointed secretary of embassy or legation to service in the Department of State, without change of salary, for a period not to exceed two years in any one case and of a number not to exceed three secretaries of embassy or legation at any one time. In each case the post from which the transfer is made may be filled by another appointment at the same salary, for which purpose the sum of \$8,625, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending June 30, 1910.

The amendment was agreed to.

The reading of the bill was continued to line 20, on page 9.

Mr. HALE. I move to strike out lines 21, 22, 23, 24, and 25, at the bottom of page 9, in the following words:

CLERKS AT THE EMBASSY AT LONDON.

For two clerks at the embassy to Great Britain, one at the rate of \$1,800 per annum and one at the rate of \$1,200 per annum; \$3,000.

And insert the following:

CLERKS FOR DISTRIBUTION OF INFORMATION.

For three clerks to be employed in the Department of State and to be charged with the distribution of information among the diplomatic mis-

sions, one at the rate of \$1,800 per annum, one at the rate of \$1,600 per annum, and one at the rate of \$1,200 per annum; \$4,600.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 15, after line 18, to insert:

INSTALLATION OF A WATER SUPPLY AT PEKING, CHINA.

To provide for an adequate water supply and proper apparatus in the legation at Peking, China, as a protection against fire, \$14,000.

The amendment was agreed to.

The next amendment was, under the subhead "International Union of American Republics," on page 16, line 3, before the word "thousand," to strike out "fifty-six" and insert "fifty-four;" and in line 5, after the word "bureau," to insert "or from the sale of the bureau publications," so as to read:

International Bureau of American Republics, \$54,000: *Provided*, That any moneys received from the other American Republics for the support of the bureau, or from the sale of the bureau publications, shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the bureau.

The amendment was agreed to.

The next amendment was, under the subhead "International Institute of Agriculture," on page 16, after line 24, to strike out:

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1910, \$4,800.

And to insert in lieu thereof the following:

For the payment of the quota of the United States for the support of the International Institute of Agriculture at Rome, Italy, for the fiscal year 1910, \$4,800; for the salary of one member of the permanent committee and for the actual and necessary expenses of delegates to the Grand Assembly of the Institute of Agriculture, \$8,600; in all, \$13,400, the said amount to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to insert:

INTERNATIONAL SANITARY BUREAU.

For the annual share of the United States for the maintenance of the International Sanitary Bureau for the year 1910, \$2,830.79.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to insert:

INTERNATIONAL SEISMOLOGICAL ASSOCIATION.

For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association, and the expenses of the United States delegate in attending the meetings of the commission, \$1,300.

The amendment was agreed to.

The Secretary continued the reading of the bill to page 20, line 16, the last paragraph read being as follows:

The judicial authority and jurisdiction in civil and criminal cases now vested in and reserved to the consul-general of the United States at Shanghai, China, by the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," shall, subsequent to June 30, 1909, be vested in and exercised by a vice-consul-general of the United States to be designated from time to time by the Secretary of State, and the consul-general at Shanghai shall thereafter be relieved of his judicial functions.

Mr. BACON. Mr. President, I do not wish unduly to delay the bill, but this relates to a very important matter which is provided for in a general law which was considered with very great care, and an attempt to amend which was very persistently made during the last session of Congress. However, it did not meet with favor by the Committee on Foreign Relations. It is impossible for me to tell, without having the act before me, to what extent this amendment is vital. If I am not mistaken as to the law to which it refers, and if I am, of course I shall be glad to be corrected.

Mr. HALE. What is the Senator referring to?

Mr. BACON. I refer to the amendment on page 20, which has just been read by the Secretary.

Mr. HALE. There is no amendment of the committee on page 20.

Mr. BACON. It is no amendment by the Senate committee, but the provision comes from the House.

Mr. HALE. It is a provision in the bill as it came from the House.

Mr. BACON. We are interested in legislation which comes from the House, as well as in amendments offered by the Senate committee.

Mr. HALE. We could hardly call a clause in the bill, as passed by the House, an amendment. It is in the bill as it comes to us from the other House.

Mr. BACON. I did not mean to be understood that it is an amendment to the House bill. I am speaking of the provision as it is embodied in the House bill, which is an amendment to an existing law. That is what I refer to, and I say, if I am not mistaken in my understanding of it, and, in fact, I can not be, it is an amendment to the act creating a United States court