Thomas McCann, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, $24.


Martha L. Brown, widow of John B. Brown, late of Company B, Third Regiment Massachusetts Volunteer Cavalry, $12.


Alfred Saxey, late of Company F, Tenth Regiment Kansas Volunteer Infantry, and first lieutenant Company H, First Regiment Indian Home Guards, $30.


Joseph Bigby, late of Company E, Fifth Regiment, and Company K, Seventh Regiment, Delaware Volunteer Infantry, $12.


Eliza Jane Ellis, widow of George Ellis, late of Company H, One hundred and fourth regiment U. S. Colored Volunteer Heavy Artillery, $12.


John W. Dunham, late of Company E, Second Regiment Kentucky Volunteer Infantry, $50.

Elizabeth B. Hughes, widow of William B. Hughes, late colonel and assistant quartermaster-general, United States Army, $40.

Henry S. Tilton, late of Company E, Seventh Regiment Vermont Volunteer Infantry, $30.


Amelia Hayes, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, $30.


George M. Teachout, late of Company H, One hundred and eleventh Regiment New York Volunteer Infantry, $50.

Malinda E. Church, widow of John W. Church, late major, First Regiment Michigan Volunteer Light Artillery, $12.


Howell Atwater, late captain Company E, First Regiment Connecticut Volunteer Cavalry, $30.

Mr. McCUMBER. In line 25, on page 11, before the word "warrant," strike out "twelve" and insert in lieu thereof the word "twenty," so as to read:

The name of Marie Sinclair Russell, widow of Henry R. Williams, late captain Company K, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment agreed to.

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

The bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors was considered as in Committee of the Whole.

Mr. McCUMBER. It proposes to pension the following persons at the rate per month stated:

J. B. Sessions, late of Company I, Thirty-seventh Regiment U. S. Volunteer Infantry, war with Spain, $30.

John Sexton, late of Fourth Regiment Volunteer Infantry, war with Spain, $12.

Winslow H. Reaves, late second lieutenant, Artillery Corps, U. S. Army, $50.

Marlanna C. Rockwell, widow of Charles H. Rockwell, late rear-admiral, United States Navy, $40.

Samuel H. Askey, late first lieutenant Company A, Second Regiment Georgia Volunteer Infantry, war with Spain, $30.


Colby King, alias Colburn-Keeny, late of Captain Standage's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, $16.


Agnes L. Miller, widow of James M. Miller, late rear-admiral, United States Navy, $50.

John A. Browne, late of Thirty-sixth and Fourth Companies, E. Coast Artillery, $25.

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

Mr. McCUMBER. I believe that is all, Mr. President.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to (at 12 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 24, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 23, 1909.

The House met at 12 o'clock noon.

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

Our Father in heaven, we thank Thee from our heart of hearts for the safe return of our national fleet from its long and arduous voyage and we pray that it may serve to strengthen the ties of friendship and brotherly love between us and the nations at whose ports it touched; that the time may speedily come when these grim defenders of our rights and liberties shall be no longer needed, and that all state, national, and international problems shall be settled by the better methods of arbitration; that Thy kingdom may come and Thy will be done on earth as it is in heaven. Amen.

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

PANAMA CANAL.

Mr. CLARK of Florida. Mr. Speaker—The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Florida. To a question of the highest privilege, Mr. Speaker. I desire to ask if the Clerk will read the resolution which I send to the desk.

The SPEAKER. The gentleman from Florida claims the floor on a question of the highest privilege.

Mr. CLARK of Florida. Mr. Speaker, I ask that the Clerk will read the resolution which I send to the desk.

The Clerk reads as follows:

Whereas on the 29th day of January, A. D. 1909, this House of Representatives being there in session at the Capitol, and having under vaccination in Committee of the Whole House on the state of the Union H. R. 26935, in "general debate," the Hon. Henry T. Rains, a member of the Committee of the Whole House on the state of the United States from the State of Idaho, then and there delivered from his place on the floor of the house in which he addressed the manner in which the government of the United States acquired rights on the Isthmus of Panama, with relation to the proposed canal across said Isthmus; the conduct of consummating the contract for the purchase of the canal property; the conduct of certain persons, official and nonofficial, connected therewith; and the general subject of the acquisition, construction,
tion, and management of the said Panama Canal, as well as the acts and doings of the said persons in and about the same; and

second, that on the 9th day of February, A. D. 1909, in the open session of the House of Representatives, the same being in Committee of the Whole House upon the state of the Union, and having under consideration the report on the question of highest privilege.

In "general debate" H. R. 26915, the said the Hon. Henry T. Bacon, a Representative from the Republic of Panama, further said that at a meeting of the House in the Committee of the Whole as stated, on the subject aforesaid, and connected therewith, be, and the same is hereby, referred to the Judicary Committee of the House for investigation, and doings of the said persons in and about the same; and

questioned any speech or debate in either House (Senators and Representatives) except in cases of high privilege.

Mr. Overstreet. I move that it be laid on the table.

Mr. Overstreet. The gentleman desires to speak upon the point of order—The Speaker. Will the gentleman give way to a question?

Mr. Overstreet. No.

Mr. Cockran. Pardon me until I conclude. Or does he question the right to challenge by resolution as a breach of our privileges the fact that the Secretary of State by direction of the President has undertaken to characterize the action of a Member of the House?

Mr. Overstreet. I did not intend to discuss the facts. I think that a sufficient answer is that as it is presented it is deprived of its privilege. I think that the entire paper as filed does not disclose a question of privilege.

Mr. Cockran. Just a word. Do you claim it is not a privileged matter to question the right of an executive officer to debate in correspondence with a foreign government what is matters of the House, or do you make the point of order that this particular resolution now before the House is lacking in proof of the subject-matter about which it seeks to have action taken?

The Speaker. To the Chair is prepared to rule. But if the gentleman desires to speak upon the point of order—

Mr. Clark of Florida. I would like to have a moment or two. Mr. Speaker. I shall not take up the time of the House.

The Speaker. The Chair will hear the gentleman for a moment on the point of order.

Mr. Clark of Florida. I trust the Chair will let us have our voices, because my voice is in such condition that I cannot afford to strain it.

I want to call the attention of the Speaker to section 6 of Article I of the Constitution:

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Now, then, Mr. Speaker, this House has passed upon this question at various times; and if the Chair will bear with me for a moment, and if the Chair will not now usurp the sole object—I cannot be heard. Mr. Speaker, in this confusion.

The Speaker. The House will be in order. Gentlemen will please be seated and cease conversation. The gentleman from Florida.

Mr. Clark of Florida. As I was saying, my sole object is to have the House placed where the privileges of its own membership may be preserved inviolate and its dignity maintained. There has been so much said about this affair, and so many attacks made upon Members on account of debates had and speeches made here, that it occurred to me this matter ought to go to the Judicary Committee, in order that we may have the subject investigated and a report made; and if there is no rule regulating such affairs as this, that some rule may be prescribed, after the House is put in possession of the facts and can intelligently make and prescribe a proper rule. With this object in view, I looked up the authorities to ascertain whether or not it is a privileged matter; and I want to call the Speaker's attention to one or two decisions here.

In a case from volume 17 of the Congressional Globe, beginning on page 1068, a case where the Commissioner of Indian Affairs wrote a letter calling in question some remarks made by a Member upon the floor in debate. That matter was called to the attention of the House and was thoroughly discussed. Mr. Woodward, a Member of Congress, speaking to the resolution, said that—

The communication is too long to read, and I will print it in the Record, but it simply called in question the remarks made by the Member, and there was no insulting language in it, in
The case involving a discussion of the letter of the Hon. W. Medill, Commissioner of Indian Affairs, is found in volume 17 of the Congressional Globe, Thirtieth Congress, first session, beginning on page 1008 and concluding on page 1017.

Mr. Fries presented a letter from Mr. Medill, Commissioner of Indian Affairs, in reply to a speech made by Mr. Clingman two or three days before the House, in which he expressed the opinion that the Commissioner was not a proper person to be placed in the office of the Bureau of Indian Affairs. The letter from Mr. Medill denied the fact that there was any corruption in his office, and stated that the letter was written to him with having made false and unfounded assertions, and asked that a subcommittee might be appointed to investigate the charges.

Said communication was read, and is as follows:

To the honorable the House of Representatives of the United States:

We are to debate which of us shall carry a breach of the Privileges of the Member or an act. Should the Clerk of this House, the Sergeant-at-Arms, or any other officer here present, ever accept the responsibility of conducting an investigation of the present gentleman's character, it will be an outrage, not only on the administration of the whole branch, but upon the whole service intrusted to the constituted authorities of the country. It is seldom that a public officer is guilty in noticing attacks on this kind; but the above charges are of so grave and specific a character, that no seriously reflecting mind could, I think, believe them to be true, and yet, upon the administration of the whole branch, if not upon the whole service, it is said that there was gross corruption in his office, and that there was anything like a breach of the Privileges of the Member or an act which I think to be most unjustifiable, and which seems to me to be a mere pretexts of scorn and contempt to all upright and honest men; and proper legislation would be had at the hands of the House, if I am not mistaken, to prevent their recurrence. If untrue and without any foundation, it is due to every principle of justice and common fairness that the fact be not overlooked, and that the person who has been accused be at liberty to defend himself, and that the House should have no occasion to be called upon to do it.

I submit, Mr. Speaker, that it is one of the gravest breaches of the privileges of this House. It is a breach of the privileges of the Member, and it is an indignity to the House itself; and it occurs to me that the time has come when this House, if it desires to have the respect of other branches of the Government and of the world, should begin to assert itself along the lines of maintaining its dignity and being as to the merits of this controversy.

I know nothing about it, and care less; but I do say that this provision of the Constitution is a wise provision of the Constitution is a wise provision; that it was to be adjudicated under the treaty of 1835 with the Cherokees, it was to be adjudicated somewhere, and it occurs to me that the time has come when this House, if it desires to have the respect of other branches of the Government and of the world, should begin to assert itself along the lines of maintaining its dignity and being as to the merits of this controversy.

Under the permission given me to extend my remarks in the Record on the point of order made by the gentleman from Indiana, Mr. Overton, I shall print some few precedents which I consider to be in my favor, and the debate makes a few further observations of my own.
ment, and made an important alteration therein, which might seriously have affected the rights and interests of the House, and of the Members of this House, as well as of the House of Representatives. — Notwithstanding the peculiar position of the gentleman, as stated above, to the House, and of the Executive Department, Mr. Woodard would not have been able to resist the temptation to make a speech which he would be unwilling to have published. Notwithstanding the remarkable circumstance, and the honorable gentleman's connection and influence in the House, Mr. Woodard would not have been able to resist the temptation to make a speech which he would be unwilling to have published. Notwithstanding this remarkable circumstance, and the honorable gentleman's connection and influence in the House, Mr. Woodard would not have been able to resist the temptation to make a speech which he would be unwilling to have published.

And he, Mr. Woodard, would not have been able to resist the temptation to make a speech which he would be unwilling to have published. Notwithstanding this remarkable circumstance, and the honorable gentleman's connection and influence in the House, Mr. Woodard would not have been able to resist the temptation to make a speech which he would be unwilling to have published.

Mr. Woodard would have said that he had no remarks to offer in relation to the propriety of the course pursued by the honorable Member from North Carolina, and that he would have considered the report of his remarks in the Intelligencer, in which he had alluded to the corruption of the Indian Bureau, as entirely accurate, but, from information received since he had made those remarks, he had become convinced that the statements made by Mr. Rockwell, of Connecticut, were perfectly well founded in fact, and that the charges were well merited. Messrs. Burt and Evans followed, and spoke at some length against the proposition made by Mr. Cummins, of the House of Representatives, and reiterated some of the strong language which he had heretofore used against the gentleman from North Carolina. Mr. Rockwell, of Connecticut, rose, and defended the Indian Bureau, of Mr. Woodard, and said that he had been accused of corruption and fraud, and that he had been charged with corruption and fraud, and that he had been charged with corruption and fraud, and that he had been charged with corruption and fraud, and that he had been charged with corruption and fraud. Mr. Woodard said that he had been accused of corruption and fraud, and that he had been charged with corruption and fraud, and that he had been charged with corruption and fraud, and that he had been charged with corruption and fraud, and that he had been charged with corruption and fraud.

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Mr. Houston further enforced the propriety of gentlemen on this floor taking early conduct under their scrutiny with respect, and considered it necessary and desirable that the House respect the person of him, and should not repel them with warmth. He added, however, it would be for the proper conduct of the House, had they denied the charges and demanded an investigation.

Mr. Clay alleged in his legislative experience, he had noticed one case, and one only, similar to this. Some years since, a high officer of State, who was self accusatory of his own party, and another distinguished member of the State, and he was struck by the base and calumious charges brought against him, and he was glad to say it had been indignantly denounced by the House of representatives of the State of Indiana. The House had not hesitated to strike him as an officer by the House, by apologizing to them with tears in his eyes. This paper proved conclusively that the House was an officer. Representing the people on this floor had chosen to say he had no confidence in an executive officer in the public department of the Government of the United States, he presented a paper to this House impeaching the moral character and talents of a gentleman who sat in that Chair of this House. He knew nothing of the correctness of these charges; he had known the Commission been acquainted with the office. He was prepared to enter into this investigation with something of a partiality. He had always denominated the man feeling against him.

Mr. Thompson said it could be read when he got through, and was precisely what he had expected. Mr. Clay had a right to say, but he did not mean to read the report.

Mr. Clay said he had not noticed the charges against him, as he had not heard them.

Mr. Thompson repeated the correction of the report which he had made.

Mr. Thompson understood that the gentleman from North Carolina, who had never made any report, was represented. When an individual Member of this House thought proper to attack an individual out of this House, this House, as a House, could know nothing of it in the matter: it was his own affair. But the man feeling himself aggrieved had no more right to send this information to the House than to the Members who had to insult the Speaker for having signed a bill which might not be entirely agreeable to the opinions of some Members, or to be provided that Members should not be held responsible elsewhere for what they had expressed in this House.

Mr. Thompson would accept the suggestion of his friend, and confine himself to the House, that the gentleman from North Carolina had only spoken of rumors of what he had heard, and yet the gentleman from North Carolina should stand revealed to be insidious, and his motives arraigned by an executive officer.

Mr. Clay said it was impossible for him to correct the report of the gentleman from North Carolina.

Mr. Thompson said he had referred to the difficulty of reporting with entire correctness in the noise and confusion on the floor of the House. If Members of the House were not out of order, affairs would have been, if he had considered the report remarks an attack on his character, to have addressed the gentleman from North Carolina on this point, but the House had not made a report of the statement. The gentleman from North Carolina would not have been permitted to read his report in these words.

Mr. Clay said the question was whether it was impossible for any man of however high integrity and great energy to purge the Indian Bureau of the festering corruption which existed in its various ramifications.

Mr. Clay wished to explain, but objections were made.

Mr. Clay then continued. He was told he was wasting the whole day. The House had wasted weeks and months in discussing private and unimportant bills, and now, when he stood up to defend the high and constitutional rights and prerogatives of this House, was he to be told his time was wasted?

He continued to comment on the communication as exceedingly improper in the House, and defended himself. If he were in order, he would offer the following resolution:

That the report of the Committee on Indian Affairs be referred to that officer, and that he be informed that this House would expect the officers of the Government to follow the constitution and laws, and be misconducted as it was in its language, and that he would not be permitted to make his report.

The House at a point of order. The paper upon the Speaker's table had not been received by the House, and it could not be made a part of this paper, it could not be assigned no other reason than that which was implied by its rejection.

Mr. Clay then continued. Various points of order were made, and some conversation ensued thereupon.

Mr. Fries inquired whether he had the right, under the rules, to withdraw the paper.

The Speaker replied that he had.

Mr. Fries then stated, in deference to the wishes of his friends, that he withdrew the paper in view of reaching the important object at which he and his friend, Colonel McDill of Tennessee, had come to Washington of filing the charges preferred by the gentleman from North Carolina, he withdrew the communication, with the intention of moving a resolution of inquiry.

I next call attention to the case of the Hon. S. Pleasonton, at that time Fifth Auditor of the Treasury Department, who wrote a letter to the Speaker of the House taking exception to remarks made by the gentleman in his capacity as Speaker of this House. The record of this case is contained in volume 12, 9 pages 101-102, of the Congressional Globe, third session Twenty-seventh Congress, and is as follows:

CONGRESSIONAL RECORD-HOUSE.
December 14, 1882.

SIR: In a report of a debate in the House of Representatives on Monday last, contained in the National Intelligence of yesterday, it is stated that Mr. Sprigg, among other things, observed: "Fifth Auditor for full and detailed information to the whole subject of the House, and in this way injustice was done to the House, and in this way injustices was done him, as it would be done to other Members if similar proceedings should be permitted. He did not know, however, how the object he had in mind.

TREASURY DEPARTMENT.
OFFICE OF THE FIFTH AUDITOR.
December 14, 1882.

SIR: In a report of a debate in the House of Representatives on Monday last, contained in the National Intelligence of yesterday, it is stated that Mr. Sprigg, among other things, observed: "Fifth Auditor for full and detailed information to the whole subject of the House, and in this way injustice was done to the House, and in this way injustices was done him, as it would be done to other Members if similar proceedings should be permitted. He did not know, however, how the object he had in mind.

Hon. John White,
Speaker of the House of Representatives.

In relation to this letter, I would say that he was forcibly impressed with the opinion that if we allowed Members to introduce their letters before the House because of reflections made upon their persons, the power of this House was, indeed, materially weakened. It was a gross insult to the House, and even if he did commit an error in setting it in relation to a public officer, had the officer a right to come before the House in this insidious manner to attack the statement of a Member? No; the paper was "insidious" and was against the will of the House, and it was transmitted, as required by the resolution, partly to the Committee on the 5th of this month. The gentleman from North Carolina presented a paper to this House impeaching the moral character and talents of a gentleman who sat in that Chair of this House. He knew nothing of the correctness of these charges; he had known the Commission been acquainted with the office.

Mr. Sprigg individually called for the papers of this House. It was called for by the Speaker of the House, and in this way injustice was done to the House, and in this way injustices was done him, as it would be done to other Members if similar proceedings should be permitted. He did not know, however, how the object he had in mind.

The paper was sent to Mr. Sprigg on the 24th of May, and had occupied one clerk about six weeks in the preparation of it; and yet he alleges no answer had ever been returned to his calls for information. I have the honor to be, very respectfully, your obedient servant.

S. Pleasonton.
view was to be reached; but he would submit to the House that, without reference to the fact that the same action had been taken by the Clerk short of his consent, be directed to strike the letter from the journals (which, he believed, to be the only action in the character of a Member) to be certain, would have startled both the House and the country. At present he could not speak to the House on the subject, independent of all party feeling, but he trusted it would be bound up with the printed documents. These, and by nine-tenths of the House would have joined him in his bed by sickness when the appropriation bill was before the House, before the country.

Mr. Winslow presented a respectful letter to one of his (Mr. Clark's) colleagues, and that gentleman, in the course of some remarks, disapproved of this course of allowing individuals to reply to the speeches of Members on that floor. Holding the relations to a Member of Congress that a fellow-Member should be subjected to interminable confusion, he disapproved of this course of allowing individuals to reply to the speeches of Members on that floor.

Mr. Meriwether could not agree with the gentleman from New York. The cases cited by him were in point, for the communications were written to the House by the committee's report without comment as to the action of the House; but in this case the individual came as an officer of the Treasury Department, and he had been in one of the offices of the print chamber of the House.

Mr. Proffit said his name had been alluded to in this debate, and it was not accurate. The Committee had thought it fit (without any complaint from him) to attack him at the last session of Congress, and as much he had never on the House floor. Mr. Proffit said his name had been alluded to in this debate, and it was not accurate. The Committee had thought it fit (without any complaint from him) to attack him at the last session of Congress, and as much he had never on the House floor.

Mr. Winslow's letter was read and printed in the newspapers, and if objection is made to the publication of communications by the House, it should be directed to strike the letter from the journals which, being printed in the newspapers, might be considered by the public as a publication of the words of the House.

Mr. Meriwether thought the House should not be in the position of having to decide the question of the publication of letters. The House had no right to strike the letter from the journals which, being printed in the newspapers, might be considered by the public as a publication of the words of the House.

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the Member in his representative capacity was a breach of the privilege of free debate, as it is wholly outside the control of the Member in his individual capacity, only, then the publication would not constitute a breach of his privileges. (Hinds's Precedents, vol. 3, sec. 3293.)

The Speaker, Mr. Speaker, is much stronger than the case just cited. In the case here the alleged offender occupies the exalted position of Secretary of State, the chief place in the Cabinet of the President of the United States. He declares in the publication itself that in what he is doing he is acting under the direction of the President of the United States himself. The publication is addressed to the diplomatic representative of a foreign government. It is given out to the various news agencies of the world from the highest source, and to the public in all the principal newspapers of the land, and it is filed in the archives of the State Department in the permanent records of that department, there to remain as long as the Government itself shall last.

And what of the subject-matter of the publication? In its terms it seeks to belittle the personality and to minimize the importance of the Hon. HENRY T. RAINERY, a Representative in this House from the State of Illinois. It refers to him as unimportant, and holds him and his efforts here in the discharge of what he conceives to be his duty up to the representative of a foreign government and to the whole world as an object of ridicule. Aye, Mr. Speaker, it goes further and charges the gentleman from Illinois with uttering untruths in the course of a speech. This House has this Thursday Member in question for words uttered in debate here? Does not the Secretary of State criticise a Member on account of a speech made here? Is not this an attack upon a Member for and on account of a speech made by the Member in course of debate in the orderly procedure of this House? Could there be a clearer violation of the constitutional provision in question?

During the first session of the Fifty-seventh Congress when Mr. Speaker Henderson was in the chair, the Hon. Frank Wachter, a Representative from the State of Maryland, raised a question of privilege on account of a certain publication in a Baltimore newspaper. A point of order was raised, and the Speaker pointed out that in holding that a question of privilege was involved, the Member having been "attacked in his representative capacity." (Hinds's Precedents, vol. 3, sec. 2904.)

In the case of Hon Joseph H. Acklen, a Representative from the State of Louisiana, the House entertained as a question of privilege newspaper charges against a Member in his representative capacity, and ordered an investigation. (Hinds's Precedents, vol. 3, sec. 2904.)

In the first session of the Fifty-ninth Congress, on a resolution offered by Hon. THURT W. SIMS, then and now a Representative from the State of Tennessee, the Hon. Joseph G. Caspar, Secretary of State of that State, held that a newspaper address being then before the House, the Members of Congress—without naming any of them—with abusing the "franking privilege" constituted a breach of the privilege of free debate here, and that the Hon. Frank Wachter, a Representative from the State of Maryland, raised a question of privilege on account of a certain publication in a Baltimore newspaper. A point of order was raised, and the Speaker pointed out that in holding that a question of privilege was involved, the Member having been "attacked in his representative capacity." (Hinds's Precedents, vol. 3, sec. 2904.)

In the first session of the Twenty-ninth Congress the House, by a decisive vote held an employee of the House having charged in a newspaper that a Member uttered a falsehood in debate, that this was a breach of the privileges of the House.

With the precedents cited, it seems to me there can be no question that Mr. Bacon has been guilty of a gross breach of the privilege of a Member of this House, and he has been guilty of an infraction of the dignity of the House. Such communications are well calculated to detest thum men who may happen to be Members of this House in the very act of doing in that free debate contemplated by the Constitution. Many men might be inclined not to engage in discussion upon this floor if their views should happen not to coincide with the views of the administration, if some high and mighty official of the State Department is to be privileged to hold them up to ridicule without let or hindrance. The rule should be enforced, the dignity of the House should be maintained. Certain privileges of our membership should be preserved inviolate.

If an outsider, be he public official or private citizen, is unjustly assailed here, he has his remedy, ample and complete. He has redress. Such a wrong should be stricken out, and his relief, and I am confident this House of Representatives will never become so weak and cowardly as to deny justice to an outraged American citizen.

The Speaker. The Chair has listened carefully to the reading of the preamble and the resolution. It seems to the Chair that if a question of privilege be presented at all by the Secretary of State by direction of the President to another government. It is true that a Member of the House shall not be called in question in the performance of his duty. As to the point of order by believing that the House must determine for itself when the matter is presented by proper resolution. The Chair takes it that a citizen might criticise the remarks of a Member of the House, from its behalf, the Chair very much doubts whether it would present a question of privilege.

In this case neither the Secretary of State nor the President has sent any communication to the House. It has referred in its resolution to the proposed canal on the Isthmus of Panama with relation to the proposed canal across said Isthmus; the manner of procuring the United States acquired rights on the Isthmus of Panama; the manner of consummating the contract for the purchase of the canal property; the manner in which certain persons are to be compensated, and the general subject of the acquirement, construction, and management of the acts and doings of the said persons in and about the same; and the manner in which certain persons are to be compensated, and the general subject of the acquirement, construction, and management of the acts and doings of the said persons in and about the same; and

Whereas on the 29th day of January, A. D. 1900, in the open session of Congress in the House of Representatives, the Hon. Robert Bacon, Secretary of State as aforesaid, addressed the House in the following language: 'The Hon. Henry T. Rainey, a Representative in the Congress of the United States from the State of Illinois, then and there delivered from his place on the floor of the House, an address in which he discussed the manner in which the Government of the United States acquired rights on the Isthmus of Panama with relation to the proposed canal across said Isthmus; the manner of consummating the contract for the purchase of the canal property; the manner in which certain persons are to be compensated, and the general subject of the acquirement, construction, and management of the acts and doings of the said persons in and about the same; and

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Whereas on the 6th day of February, A. D. 1900, the Hon. Robert Bacon, Secretary of State of the United States, caused to be composed, written, and printed in a certain and numerous newspapers which are published in the city of Washington and elsewhere throughout the United States, and which are of general circulation in the United States and elsewhere, as well as making the same by filing therein a part of the permanent records of the State Department of the United States, a certain document alleged to be in reply to a communication addressed to him, and not having been previously received by him, the said Hon. Robert Bacon, Secretary of State of the United States, aforesaid, and to have been written by some official of the Government of the Republic of Panama, which has been a forerunner to the present action by the said the Hon. Robert Bacon, Secretary of State as aforesaid; and the said the Hon. Robert Bacon, Secretary of State as aforesaid, has been addressed to the newspaper published in the city of Washington, D. C., in its issue of the 10th day of February, A. D. 1900, and which newspaper has and enjoys a wide circulation throughout the United States, as follows, viz.:

"Sir: The President directs me to say in answer to your communication of February 6, 1900, that the resolution of the House was made in the name of the members of the House of Representatives. Under our Constitution we have, for what we regard as wise reasons, provided that for any speech or debate in which they (the members of the House) may have spoken in any other place.'

The Speaker. The Chair regards the utterances of Individual Members are not to be taken as expressing the views either of the Government of the United States or the House of Representatives. As regards the statement in question made by Representative Rainey, the President attached so little importance to him that he had not even read them until your protest came.
Mr. OLMSTED (interrupting the reading). Mr. Speaker, may I interrupt the reading at that point? I think there is a mistake there. I read the letter when it appeared, and it did not say "attached so little importance to him," but "to it."

Several Members. To them.

Mr. CLAYTON. To him in the text that I read.

The SPEAKER. In the resolution as read from the Clerk's desk the word "him" is used. The Chair will state to the gentleman from Florida that it is suggested that the word "him" is used in the resolution which he had presented to the desk instead of the word "them;" that is, that as it is read here the "him" referred to the gentleman from Illinois [Mr. RAINERY], and that the "them" should refer to the statements.

Mr. CLARK of Florida. Mr. Speaker, the copy I saw used the word "him." I noticed it particularly that the word "him" was used.

Mr. WILLIAMS. Mr. Speaker, I read the statement in the newspapers, and my recollection is that it said "them" and not "him."

Mr. CLARK of Florida. Mr. Speaker, I can not go back on the senses of my own vision. I saw the word "him."

Mr. CLAYTON. And I saw it also as the gentleman from Illinois [Mr. RAINERY] recited that, as

So the reading was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. WAGNER with Mr. ADAMS.

Mr. SHERMAN with Mr. RYDER.

Mr. BENNET of New York with Mr. FORNES.

Until further notice:

Mr. BURKE with Mr. RAY.

Mr. BIRD with Mr. BARTLETT of Nevada.

Mr. BURTON of Delaware with Mr. DAVENPORT.

Mr. CLEMONS with Mr. FLOOD.

Mr. COURTS with Mr. ADAMS.

Mr. DAVIDSON with Mr. GODWIN.

Mr. DAWES with Mr. GOODE.

Mr. FOGARTY with Mr. GREGG.

Mr. FOSS with Mr. HACKETT.

Mr. GILMANS with Mr. HOBSON.

Mr. GORE with Mr. HUMPHREYS of Mississippi.

Mr. GRAHAM with Mr. JONES of Virginia.

Mr. HOLLANDER with Mr. KIFF.

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. LANDIS with Mr. LASSITER.

Mr. LAW with Mr. MURPHY.

Mr. MCCALL with Mr. SHACKLEFORD.

Mr. WEEKS with Mr. STEPHENS of Texas.

Mr. WILSON of Illinois with Mr. TAYLOR of Alabama.

Mr. SWAPP with Mr. WADE.

Mr. MARSHALL with Mr. ROBINSON.

Mr. LORIMER with Mr. ANSELL.

Mr. ALEXANDER of New York with Mr. CRAWFORD.

Mr. RAY with Mr. SMALL.

Mr. FAIRCHILD with Mr. CRAVENS.

Mr. FOLEKER with Mr. PATTERSON.

Mr. MUD with Mr. TALBOT.

Mr. CARY with Mr. WEISSE.

Mr. JACKSON with Mr. WOLF.

Mr. McGAVIN with Mr. FRATT.

The result of the vote was announced as above recorded.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the Recom. The SPEAKER. The gentleman from Florida asks unanimous consent to extend and revise his remarks on the point of order. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent for about three minutes in which to make a statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Speaker, a moment ago, in the resolutions that have just been laid upon the table, the gentleman from Florida [Mr. CLARK] recited that, as published in the Washington Post, the objection language appeared as regards the declarations of Mr. RAINERY made by Representative RAINERY.

The President attached so little importance to him that he had not even read them until your protest came. During the reading of the resolution I arose and stated to the House, when the question was brought up by the gentleman from Pennsylvania [Mr. OLMS], that my recollection
of the account that I had read in the public prints was that the title was attached somewhere important instead of "to him." I have since obtained a copy of the Washington Post of that day, and find that the language as recited in the resolution is verbatim the language as published in the "Washington Post." I was therefore a little bit afraid that what I said might do some injustice to Mr. Clark of Florida, the author of the resolution, and read it in some other paper, if I read it in the Post, I read it with my mind rather than with my eye; in other words, read what ought to have been written rather than what was written. I say ought to have been written rather than what was written because I take it for granted that the Secretary of State wanted to go out of his way to be effusively and personally and illogically offensive he would have used the word "him" rather than the word "his." The object of making this statement is that a misstatement shall be corrected either in the language of the resolution or to the accuracy of quotation of the gentleman from Florida in quoting it. Having set one of the resolutions that he was quoting from the Washington Post, he was, of course, correct in what I read, whether the paper said verbatim--whether accurate or inaccurate--whether it was a correct copy of the original instrument or not. I am further inclined to think that all of the gentleman's efforts of Mr. Raine to get a copy of the original instrument have been unavailing.

SAINE AND NECHES RIVERS

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 27382) to provide for improving the navigable capacity of the Sabine and Neches Rivers, and the canal connecting the Sabine and Neches Rivers with the mouth of Taylors Bayou. Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to perform the purposes of Jefferson River, or any subdivision thereof, in the State of Texas, or any citizen or citizens, or any corporation or corporations, the making of contracts for the improvement of the Sabine and Neches Rivers, and the canal connecting the mouth of these rivers with the mouth of Taylors Bayou, by deepening and otherwise improving and extending the channel to be done in accordance with such plans and specifications as may be approved by him on the recommendation of the Chief of Engineers. That in all such contracts the whole or any part thereof, shall be subject to the supervision, control, and regulation of the Secretary of War, and to such special conditions as he may impose for the protection of the interests of the United States: Provided further, That the prosecution of the work shall be borne by the party or parties to whom the permit is issued: And provided further, That the Secretary of War shall have full power and authority to cooperate with said counties of Jefferson and Orange, or subdivisions thereof, or citizens, in the making of contracts for the improvement, and, if deemed expedient, may direct the dissemination of such funds as may be provided for such improvement by the party or parties whose this permit is granted, and under such terms and in such manner as may be mutually agreed upon by the Secretary of War and the parties to whom this permit is granted.

The committee amendments were read as follows:

"Agreed to, and inserted a sentence 'in his discretion,' and strike out the words: 'in his discretion,' and strike out all after the word 'enacted,' in line 6, on page 2, and insert the following: 'Act nor any privilege acquired or work executed thereunder shall be used as the basis for any claim against the United States for remuneration for any expenditures made by the said party or parties: Provided further, That the methods be pursued in executing the work herein named, including the making of the necessary contracts and the expenditure of the funds provided, shall be such as may be mutually agreed upon by the Secretary of War and the parties to whom the permit is issued.'"

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk. The purpose of the bill is to permit the counties of Jefferson and Orange, in the State of Texas, or some subdivisions thereof, to expend their own money in deepening the channels of the Sabine and Neches Rivers, and to deep water at Taylors Bayou. The canal that they propose to deepen was dug 10 feet deep by the Government, and no appropriation is provided in the present rivers and harbors bill for this work. The citizens of the localities in question propose themselves to raise the money to dig the canal to a depth of 25 feet. They ask permission of Congress that they may do this. The citizens of the States of Texas recently, at the instance of these people, passed a law permitting them to tax themselves and to issue bonds, but this cannot be done two-thirds of the voting taxpayers of the district must consent to the issuance of the bonds by vote.

Mr. PAYNE. I understand the question, then, this channel has been claimed by the United States and the Government is making no further appropriation.

Mr. COOPER of Texas. No; the gentleman from New York is in error. Mr. PAYNE. Are there any improvements being made on it? Mr. COOPER of Texas. No; but the anxiety of the people to have the work immediately done and the conditions there was before the bill was made, so that it remained dormant.

Mr. PAYNE. The Government, the gentleman said, was making no further appropriations.

Mr. COOPER of Texas. Not in the present bill. The present bill recognizes this project, and the Rivers and Harbors Committee suggest in the bill that if the citizens want to cooperate the Government would willingly accept their cooperation.

Mr. PAYNE. What committee reports this bill?

Mr. COOPER of Texas. The Committee on Rivers and Harbors. Mr. PAYNE. I have no objection.

Mr. COOPER of Texas. Mr. Speaker, I desire to make the statement that the committee has offered an amendment. I understand that there is no pride of opinion with the committee respecting that amendment. The objection that I have to this amendment—and that objection, I think, will appeal to this House—is this, that the amendment makes a legislative declaration that this bill shall not be the basis for any future return by the Government of the money; that is to say—Mr. MANN. Oh, not at all. Mr. COOPER of Texas. The gentleman is in error. Mr. MANN. I have it before me. Mr. COOPER of Texas. Then read it.

Mr. MANN (reading)—"That neither this act, nor any privilege acquired, or work executed thereunder, shall be used as a basis for any claim against the United States for remuneration for any expenditures made by these said parties or party."

Mr. COOPER of Texas. The anxiety to have this work done at once induces me to object to this amendment. The taxation to be levied and collected from the people for this worthy purpose and the money to be spent in the construction thereof. The people have not the right to expect that the Government would afterwards refund the money; in fact, it should be done. Now, if you throw it in their faces that the money shall not be refunded, by this legislative declaration, if you make this legislative brutum fulmen, you deter men from voting for this proposition who otherwise would vote for it.

Mr. TAWNEY. Will the gentleman permit? The gentleman has asked unanimous consent, and objection has been reserved, for the consideration of the bill which the gentleman has sent to the desk, which included amendments. Now, if he proposes to throw out the committee amendment striking out the committee amendment, I shall have to object.

Mr. COOPER of Texas. Mr. Speaker, I was bound and now I am gagged, and I consent to the amendments.

Mr. MANN. I hope the gentleman will not go to the Senate and try to get it stricken out, because we will have to think that would be bad faith.

The SPEAKER. Without objection—Mr. MANN. Mr. Speaker, reserving the right to object, there is a proposition which the gentleman now makes to let certain parties advance certain money in reference to—Mr. COOPER of Texas. Not advance; appropriate.

Mr. MANN. That is the proposition of the gentleman at present, to advance money for improvements, and then proposes to have that reimbursed. If the gentleman consents to the committee amendment, it is believed that the gentleman does not expect that the committee amendment will be in the bill when it comes back from the Senate.

Mr. COOPER of Texas. The gentleman draws from his fertile imagination in that. If I could control the Senate, Mr. Speaker, I would answer the gentleman. I do not know what the Senate will do.

Mr. MANN. I think we had better ascertain, then, for the present, I object.

The SPEAKER. Is there objection?

Mr. MANN. For the present, I object.

PANAMA CANAL

Mr. OLMSTED. Mr. Speaker, I desire to make a brief statement for the sake of accuracy. I have called up the Secretary of State and have had read to me over the telephone the press copy of the original letter of the Secretary of State, to which reference has been made. I refer to it.

As regards the statements made by Mr. Raine, the President attached so little regard to them that he had not even read them until your protest came, etc.
Mr. WILLIAMS. I am glad to hear it was published both ways. I had read it that way somewhere.

Mr. OLMS TED. It referred not for the gentleman from Illinois [Mr. RAINET], but to the statements of Mr. CLARK of Florida. Speaker.

Mr. CLARK of Florida. Why does the gentleman rise?

Mr. CLARK of Florida. I would like to ask the gentleman from Pennsylvania a question in reference to the statement read.

Mr. OLMS TED. I ask unanimous consent that the statement may be printed in the resolution of the gentleman from Mississippi [Mr. Williams].

Mr. CLARK of Florida. I would like to ask the gentleman from Florida what he may ask the gentleman from Pennsylvania [Mr. Olmsted] a question. [After a pause.] The Chair. Yes.

Mr. CLARK of Florida. I would like to know what the gentleman read?

Mr. OLMS TED. I read from my own manuscript, taken down in the letter book from the original letter signed by the secretary of the Secretary of the Interior Department has approved the original letter of the

Mr. CLARK of Florida. Does the gentleman know who read it to him?

Mr. OLMS TED. Yes; the private secretary to Mr. Bacon, the Secretary of the State.

Mr. CLARK of Florida. As I understand it, standing at the telephone in the Capitol he gentleman took down what the secretary of the Secretary of State said was a letter press copy of the original letter. Is that what I understand?

Mr. OLMS TED. He read the letter to me from the impression made in the letter book from the original letter signed by the Secretary of State.

Mr. CLARK of Florida. Yes; that is his statement to you? Mr. OLMS TED. Certainly. He read the letter to me from the book. He did not know what was going on up here.

Funds of Chippewa Indians.

Mr. STEE NERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution No. 53.

The SPEAKER. The Clerk will report the resolution.

The Clerk reads as follows:

Resolved, etc., That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, required to make to Congress a report of the moneys received from all sources for the Chippewa Indians in Minnesota on account of the sale of lands and timber under the provisions of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and the acts amendatory thereto, together with all items, if any, as may have been realized from other sources for the benefit of said Chippewa Indians, and the disbursements made from said funds.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, what is the necessity for this resolution?

Mr. STEE NERSON. The necessity is this: Twenty years ago in their contract was passed disposing of about 4,000,000 acres of land belonging to the Chippewa Indians. Part of them were pine lands and part were agricultural, and the Government has been disposing of millions of dollars of timber, and the Indians do not know how much credit they are to have. Of course it costs a lot of money to do this work for the Indians, and they are anxious—like you or I would be—to know how much the resulting net credit is to be. They want the report to Congress after these twenty years, in order to find out whether they have got anything to their credit or not. The resolution was unanimously reported by the Committee on Indian Affairs, and the Interior Department has approved it, as shown by the following letter,

Department of the Interior,

Washington, May 22, 1889.

Sir: I have the honor to acknowledge receipt, by your reference of May 14, 1889, of H. J. Res. 53, being a joint resolution to provide for an account of moneys received from all sources for the Chippewa Indians in Minnesota.

This resolution has received the favorable consideration of the department, and I recommend that it be passed.

Very respectfully,

JAMES RUDOLPH GARFIELD, Secretary.

Mr. CLARK of Missouri. Why has not the Indian Bureau kept informed as to how much money they have there which belongs to these Indians?

Mr. STEE NERSON. They have been trying to find out for many long years.

Mr. CLARK of Missouri. Who?
The Clerk read as follows:

A bill (H. R. 27473) to amend an act approved January 5, 1905, entitled "The American National Red Cross," be, and is hereby, amended to read as follows:

Fifth. And to continue and carry on a system of national and international relief, and to empower the authority to make those acts a crime in the States unless such power is derived from the Constitution, and the Constitution limits the power of Congress to declare what crimes are and the places over which it may exercise criminal jurisdiction. Now, Mr. Speaker, I do not want to stand in the way of any proper amendment to this act incorporating the Red Cross Society.

Mr. AMES. Will the gentleman permit another interruption? Mr. BARTLETT of Georgia.

Mr. AMES. This bill is drawn to conform to the terms of a treaty entered into by the United States. It simply carries out its provisions.

Mr. BARTLETT of Georgia. Congress can not by treaty violate the Constitution of the United States any more than Congress can by legislative enactment violate the Constitution of the United States, and possesses no more power in the one case than in the other. That is my view of the matter, and I think it can be sustained by authority. So far as I am concerned, very reluctantly I oppose this bill, but as I always understand the question to this is whether the Congress has the power to extend to Congress the power of creating offenses and declaring crimes and their punishment, which Congress has no power to do. I must feel constrained, unless it is remedied, to enter my objection against this bill.

The SPEAKER. The gentleman from Georgia objects. Subsequently:

Mr. BARTLETT of Georgia. Mr. Speaker, I have been appealed to, and I am willing to withdraw my objection to the consideration of the bill and let it be considered at this time. Mr. GAINES of Tennessee. I want to reserve the right to object to the consideration of the bill.

The SPEAKER. Does the gentleman from Tennessee object? Mr. GAINES of Tennessee. I reserve the point of order.

The SPEAKER. But does the gentleman object? Mr. GAINES of Tennessee. If you put it that way, if you force me to make my point of order, then I will not do it. I will withdraw it. I thought I had a right to reserve it.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none. The gentleman can make a point of order to the bill.

Mr. GAINES of Tennessee. I had the right to reserve it also. Mr. Speaker, I thought I had a right to reserve it also.

The SPEAKER. What right? Under what rule?

Mr. GAINES of Tennessee. The right to reserve a point of order, because it is done here continually, every day, just as the gentleman from Georgia did a few minutes ago.

The SPEAKER. But there is no point of order pending, and there is no point of order that is not in order now that would have been in order before.

Mr. GAINES of Tennessee. I reserved the right to object to the consideration of the bill. That is what I wanted to do. The SPEAKER. The Chair did not understand the gentleman.

Mr. GAINES of Tennessee. I am glad the Chair understands me now. I understand the Chair. All I want is for the gentleman to tell me what the bill is. I think I am for it, but I want to know more about it.

Mr. AMES. The bill is to amend an act creating the Red Cross, and the amendment desired is in two particulars only—to provide a way for the disposition of the balance of funds contributed for special relief purposes. They do that now under their own rules, but they want the authority of law, as it would be impossible to pro rate small contributions in case some crime in after an emergency had passed.

Mr. GAINES of Tennessee. This is the organization whose object is the relief of the army and navy in time of war and for the relief of victims of disasters, and all that sort of thing?

Mr. AMES. Yes.

Mr. GAINES of Tennessee. And now you want a charter from the Federal Government?

Mr. AMES. No; we are trying to prevent the abuse of using the Red Cross and make the Red Cross a trade-mark is a crime when used to create a crime in such States, or to make these acts offenses against the General Government? If so, I am opposed to the bill.

Mr. AMES. Mr. Speaker, this is analogous legislation to that which we have enacted in reference to the use of the flag as an emblem. I do not know that I can more perfectly answer the gentleman's question.

Mr. BARTLETT of Georgia. Mr. Speaker, whenever Congress undertakes to define an offense against the United States and provide the punishment for such act, Congress must somewhere have Jurisdiction under the Constitution granting it the power to pass such act. Now, Mr. Speaker, I do not like to inquire of the gentleman, or anyone else interested in this bill, where Congress derives power to say that the use of any emblem of the Red Cross as a trade-mark is a crime when used to create a crime in such States, or to make these acts offenses against the General Government? If so, I am opposed to the bill.

Mr. AMES. Mr. Speaker, whoever Congress undertakes to define an offense against the United States and provide the punishment for such act, Congress must somewhere have Jurisdiction under the Constitution granting it the power to pass such act. Now, Mr. Speaker, I do not like to inquire of the gentleman, or anyone else interested in this bill, where Congress derives power to say that the use of any emblem of the Red Cross as a trade-mark is a crime when used to create a crime in such States, or to make these acts offenses against the General Government? If so, I am opposed to the bill.

Mr. GAINES of Tennessee. And now you want a charter from the Federal Government?
Mr. AMES. Certainly.

Mr. RAHLE of Georgia. This is a matter—

Mr. GAINES of West Virginia. Mr. Speaker, a parliamentary inquiry. Is this bill under consideration?

The SPEAKER. Yes; and so announced by the Chair.

Mr. RAHLE of Georgia. Mr. Speaker, I very rarely object to the consideration of any bill. I have read the bill, and I am perfectly willing that the House should take it up for consideration, but I do not yield my views on the subject, nor will I vote for the bill at all. For the reasons I stated when I reserved the objection, and the Chair misunderstood me and thought that I made an objection.

I did not intend to object because of the great good services to humanity that the organization renders. But, however great its service is to humanity, I am not willing to vote for the bill because, as I said, it undertakes to do what I believe to be illegal, etc., under the act for the reservation of the Osage tribe of Indians. We have been trying to impose upon this society. We know in time of epidemic and in times of war and other trying conditions, people who are suffering from these conditions, and the Osage tribe of Indians.

Mr. GAINES of Tennessee. Mr. Speaker, this society looks after the sick and wounded in the army and the navy in time of war and in times of epidemic. I am going to vote for this bill, because I believe it will do to signify our confidence in a body—the Indians, the committee, and everybody else—all in favor of this.

Mr. AMES. I yield two minutes to the gentleman from Tennessee.

Mr. GAINES. Mr. Speaker, it would be illegal; but there are people who have been trying to impose upon this society. We know in time of epidemic and in times of war and other trying conditions these charitable people, these good people, are imposed upon, and I think it is the duty of Congress to bar impostors and take care of these people, messengers of love and comfort under the trying conditions.

I am not familiar with the details of the bill; all that I have gotten from the debate to-day. The provision as to the emblem of the society, the Supreme Court has upheld the state law of Nebraska that makes it a crime to use the flag for advertising purposes.

Mr. Hand of Nebraska, 26th C, S, W., p. 34, 1907.) The Federal Supreme Court and state supreme court upheld the law, and that being the case, I do not see why we cannot pass a similar law and give the Supreme Court a chance in this case.

The SPEAKER. The question is on the engrossment, third reading of the bill, and third reading of the bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution No. 126, authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo.

The Clerk read the resolution, as follows:

"Resolved, That the joint resolution of the State of Wyoming, six condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service: Provided, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property."

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

Mr. McGUIRE. Certainly.

Mr. SULZER. Do I understand that this is a Senate bill?

Mr. McGUIRE. Yes.

Mr. SULZER. Has it been reported by the Committee on Military Affairs of the House?

Mr. McGUIRE. It has, unanimously. It conveys six condemned cannon to the city of Cheyenne, Wyo.

Mr. SULZER. I have no objection to the bill.

There was no objection. The joint resolution was ordered to be engrossed and read a third time; was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was required:

S. 4027. An act to parole United States prisoners, and for other purposes;

S. 3245. An act 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;

S. 3249. An act granting a main land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla.;

S. 3242. An act for the relief of Capt. John C. Wilson, U. S. Navy, retired;


S. 3016. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances;

S. 3018. An act 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; and

S. 3018, An act authorizing the Attorney-General to appoint and equip special police officers and other employees of the Alaska school service may be named by the Secretary of the Interior.

INTERNATIONAL FIELD SPORTS, VIENNA.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to discharge the Committee on Military Affairs from further consideration of the message of the President of the United States, January 9, 1906, relative to the international field sports in Vienna, and that the same be referred to the Committee on Industrial Arts and Expositions.

The SPEAKER. The Clerk will report the motion of the gentleman from Massachusetts.

The Clerk read as follows:

"Discharge the Committee on Military Affairs from further consideration of the President's message of January 9, 1906, relative to the international shooting and field sports exposition in Vienna, and that the same be referred to the Committee on Industrial Arts and Expositions."
The SPEAKER. The gentleman makes the motion by direction of what committee?
Mr. GARDNER of Massachusetts. By direction of the Committee on Industrial Arts and Expositions.
Mr. PERKINS. Mr. Speaker, by direction of the Committee on Military Affairs I move to strike out the words "Industrial Arts and Expositions" and insert the words "Committee on Foreign Affairs."
The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.
The Clerk read as follows:
Strike out the words "Industrial Arts and Expositions" and insert "Foreign Affairs."
The SPEAKER. The question is on the amendment.
The amendment was agreed to.
Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman from New York and myself were about to ask unanimous consent for three minutes in which to explain the reasons for this motion.
Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the vote be vacated, and also ask unanimous consent that the gentleman from Massachusetts [Mr. GARDNER] may have five minutes if he desires as much, and I may have five minutes, if I desire as much, to explain the matter to the House.
The SPEAKER. The gentleman from New York asks unanimous consent that the action of the House agreeing to the amendment be vacated, and that the gentleman from Massachusetts and the gentleman from New York may have five minutes each for debate. Is there objection?
Mr. CARLIN. Mr. Speaker, I object.
The SPEAKER. Objection is heard. The question is on agreeing to the amendment.
The question was taken, and the amendment was agreed to.
Mr. GAMBLE. Mr. Speaker, I object. The question now is on agreeing to the motion as amended.
The question was taken, and the motion as amended was agreed to.

MONTANA, WYOMING AND SOUTHERN RAILWAY COMPANY.
The SPEAKER laid before the House the bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont., with Senate amendments thereto.
The Senate amendments were read.
Mr. HULL of Iowa. Mr. Speaker, I move that the House disagree to the Senate amendments--
Mr. SPEAKER. I make the point of order that the Senate amendments will have to be considered in Committee of the Whole House on the state of the Union.
Mr. HULL of Iowa. Then the bill will have to go to the Committee on Military Affairs if that point of order is sustained.
The SPEAKER. The point of order in the opinion of the Chair is well taken, and the bill will be referred to the Committee on Military Affairs.

RESURVEY OF PUBLIC LANDS.
The SPEAKER laid before the House the bill (H. R. 24835) authorizing the necessary resurvey of public lands, with Senate amendments thereto.
The Senate amendments were read.
Mr. MONDIEL. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.
The motion was agreed to.

Mr. MONDIEL. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.
The motion was agreed to.

BUCKET SHOPS.
The SPEAKER laid before the House the bill (H. R. 20131) to amend an act entitled "An act to establish a Code of Law for the District of Columbia" relative to gambling, bucket shops, and bucketing, with Senate amendments thereto.
The Senate amendments were read.
Mr. CAMPBELL. Mr. Speaker, I move that the House concur in the Senate amendments.
The motion was agreed to.

INTERNATIONAL FIELD SPORTS IN VIENNA.
Mr. GARDNER of Massachusetts. Mr. Speaker--
The SPEAKER. Does the gentleman rise?
Mr. GARDNER of Massachusetts. Mr. Speaker, I rise for the purpose of entering a motion of reconsideration on the vote just taken on the reference of a certain message respecting the international field sports in Vienna.
The SPEAKER. The motion will be entered.

SUNDAY CIVIL APPROPRIATION BILL.
Mr. TAWNEY. Mr. Speaker, 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.
The motion was agreed to.

The Speaker then took charge of the House resolved 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. 29240), with Mr. CAMPBELL in the chair.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on that paragraph. I want to ask the chairman of the committee what has been the practice heretofore with reference to such paragraphs?
Mr. TAWNEY. The practice for several years has been to collect these rents and turn them into the Treasury of the

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.
The Clerk read as follows:

For repairs and preservation of public buildings: Repairs, and preservation of custom-houses, courthouses, and post-offices, quarantine stations, and marines hospitals, buildings and wharf at Sitka, Alaska, built or acquired by contract for buildings or the enlargement of buildings, and other public buildings and the grounds thereof, including necessary wire screens, under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $550,000: Provided, That this amount not exceeding $50,000 may be used for marine hospitals and quarantine stations, including wire screens for same, and not exceeding $12,000 for the Treasury, Butler, and Winder buildings, at Washington, D. C.

Mr. TAWNEY. Mr. Chairman, I move to strike out the words "fifty" and insert in lieu thereof the words "one hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, may I ask the gentleman where the provision for marine hospitals, carried in this item this year but not heretofore, has heretofore been carried?

Mr. TAWNEY. It has not been heretofore.
The repairs are under the jurisdiction of the Treasury Department, the Supervising Architect. Now we have added the buildings in the quarantine service, owing to the fact that we have taken over the quarantine service in a number of States. Mr. MANN. It was not carried in this item last year.

Mr. TAWNEY. My bill says it was. I do not know.

Mr. MANN. Well, the gentleman may be like a good many other people. Here is the law, and the gentleman can look at it.

Mr. TAWNEY. The amount carried this year is $50,000, and the Supervising Architect called on me since this bill was reported and called attention to the fact that $50,000 would not be sufficient to meet the necessities of the service in view of the fact that the quarantine buildings have all been bought under the jurisdiction of his department, and if the gentleman will read Public Laws page 254, appropriation for new buildings, and so forth, first session Sixtieth Congress, he will find under the provision for repairs and preservation of public buildings the procedure.

That of the sum hereby appropriated $50,000 may be expended for marine hospitals.

Mr. MANN. Where is that Item?

Mr. TAWNEY. In the same paragraph which you have before you.

Mr. MANN. I will read the paragraph through if the gentleman desires me.

Mr. TAWNEY. Well, read it through.

Mr. MANN. For repairs and preservation of public buildings. It is carried in a different place--

Mr. TAWNEY. The language is changed owing to the fact we have changed--

Mr. MANN. Is this purely for repairs?

Mr. TAWNEY. Almost entirely so. Not a dollar can be expended for anything else.

Mr. MANN. Under the language of the proviso you could expend for building new hospitals if you want to do so.

Mr. TAWNEY. No; I do not think the construction of the language would justify that statement. It has never been done; it has all been expended for repairs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.
The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Treasury is authorized, until their removal be completed, to rent all buildings not reserved by the Treasury, built on lands heretofore or hereafter acquired for building sites or for the enlargement of building sites, the proceeds to be deposited in the Treasury, and a report thereof to be submitted to Congress at the beginning of each regular session of Congress:

Mr. GARRETT. Mr. Chairman, I reserve the point of order on that paragraph. I want to ask the chairman of the committee what has been the practice heretofore with reference to such paragraphs?

Mr. TAWNEY. The practice for several years has been to collect these rents and turn them into the Treasury of the
Mr. COX of Indiana. Has the Government heretofore been collecting any rents from property situated in such a way as those now under discussion? Mr. BARTHOLDT. Not frequently.

Mr. COX of Indiana. Now, can the gentleman give us some probable estimate as to the amount of money?

Mr. BARTHOLDT. I cannot.

Mr. TAWNEY. If I may say to the gentleman from Indiana [Mr. Cox], in answer to the question, that the Government is expending in the District of Columbia about $450,000 for rents on those buildings, and that we are coming to get at, if I can get the information, is how much rental does the Government receive from buildings such as contemplated under the provision?

Mr. TAWNEY. If the gentleman will take the hearings before the sundry civil subcommittee, he will find a statement there in full.

Mr. COX of Indiana. It is so voluminous that I have not time to do so.

Mr. TAWNEY. They are indexed. He can readily turn to it. I have not the information at hand.

The Clerk read as follows:

General expenses of public buildings: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1898 (35 Stat. p. 337, pt. 1): For compensation of skilled draftsmen, civil engineers, computer operators, in charge of computer services as the Secretary of the Treasury may deem necessary and specially needed to perform the work of recording and transmitting data, to the end of carrying out the provisions of this act, the rates for similar services at the time and place where such services are performed: Provided, That the expenditures on this account for the fiscal year ending June 30, 1910, shall not exceed $400,000; for compensation of mechanical labor force, including carpenters, plumbers, machinists, and such other services as the Secretary of the Treasury may deem necessary and specially ordered; for the compensation of superintendents and assistants, superintendents, and for the compensation of inspectors and all other officers and employees, on duty in connection with the work on public buildings, under orders from the Treasury Department, office rent, and expenses incident thereto, for superintendents, including temporary stenographic and other assistance incident to the preparation of reports and the care of public property; for commissions to disbursing agents in accordance with law; for cost of advertising; for office supplies, including drafting materials, specially prepared paper, typewriting machines and equipment, stationery, and supplies, and buildings and structures as the Secretary of the Treasury may deem necessary and specially ordered or approved for the use of the office of the Secretary of the Treasury; for expenditures for the work of superintendents of public buildings, including the compensation of architects and assistant superintendents of repairs engaged in work incident to repair of buildings, mechanical equipment, and similar services; for the compensation of surveyors, including the compensation of city surveyors, including the compensation of city engineers, including such other services as may be prescribed by the Secretary of the Treasury, and such other minor and incidental expenses not enumerated before the sundry civil subcommittee, he will find a statement there in full.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. TAWNEY. The gentleman from Minnesota [Mr. TAWNEY] offers the following amendment, which the Clerk will report.

Mr. MANN. May I ask the gentleman a question in reference to the paragraph and the commissions, to those already paid under it? The question was raised yesterday in the Committee as to how much is paid for the preparation of plans, specifications, and so forth. The gentleman from Missouri [Mr. CLARK] this morning stated that he was informed that 7% per cent was taken out of the appropriation for particular buildings for the preparation of plans, and so forth. How is the money paid? Out of this appropriation or out of the appropriation for specific buildings?

Mr. TAWNEY. Herein lies the propriety for the preparation of plans and specifications and office expenses of superintendence was paid out of the appropriation made for each specific building. There was a great deal of complaint on ac-
count of that, and at the last session of Congress a law was enacted or a provision was carried in the public-building act authorizing and directing the Treasury Department to submit estimates at the beginning of each session of the amount required for preparing plans and specifications for buildings previously authorized or that would be prepared during that year, and also to estimate the amount necessary for superintending incidental expenses and all office expenses connected with the administration of a public-building act.

The amount estimated by the department was $1,000,000, and the amount recommended by the committee was $800,000, for the character of building.

Mr. CLARK of Missouri. There would be no delay if they would give us what we want to have. I ask if the gentleman will permit me, that would be all very well if all Members of Congress and Senators could be induced to accept the same plans and specifications for the same characteristic of building.

Mr. CLARK of Missouri. That is what ought to be done. Mr. TAWNEY. But as soon as you attempt that local influence is brought to bear upon the Member of Congress and the Senator for a different type of building, so that the office here would have to change its plans all the time. Mr. CLARK of Missouri. I had a talk with a gentleman from Illinois [Mr. MANN] a little while ago on this subject, and I will say that I picked up some information; and that is to have four, five, or, if necessary, half a dozen, or even a dozen plans and specifications over there to use a duplicate of one of them whenever you erected a building.

Mr. TAWNEY. I intend to ask the gentleman if the gentleman will permit me, that would be all very well if all Members of Congress and Senators could be induced to accept the same plans and specifications for the same characteristic of building.

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tic standpoint, to a certain extent, be an honor and a credit to the company which they are erected.

Mr. CLARK of Missouri. I think of all the buildings that we ever put up, except a penitentiary, a post-office building is the one most thoroughly intended for business.

Mr. HEPBURN. I move to strike out the last word. I do so for the purpose of letting the gentleman in charge of this bill if there are no other appropriations than the $800,000 carried in this paragraph for the use of the Architect of the Treasury.

Mr. TAWNEY. There is in the legislative bill a provision for the proper administration of the building department of the Treasury, that, the force that is there all the time to carry on the regular work of the office— the Supervising Architect's Bureau. Aside from that there is no other appropriation available for the payment of the cost of administering the public-buildings act passed by Congress.

Mr. HEPBURN. That was how much?

Mr. TAWNEY. Eighty-one thousand dollars is the amount carried in the legislative bill.

Mr. HEPBURN. Now, I want to ask the gentleman if he is so impressed with the necessity of making this addition that he will put more than $800,000 in the bill?

Mr. TAWNEY. I will say to the gentleman that I am positive the total cost of each building, so that the contract might be let in the order of the budget, and thereby, of supervision should be under this outside architect, and the consulting architects use their judgment in giving the architect the plans which he is to follow. I do not know to what item the gentleman has reference.

Mr. SABATH. This department cannot be charged with any portion of the public-building act to provide for the public buildings throughout the country the amount necessary in the administration of the law.

Mr. TAWNEY. There is no other fund or appropriation in this bill that is available for the payment of any part of that expense. Even the rate of interest incurred under the Tarsney Act must be paid out of this $800,000.

Mr. GOULDEN. I would like to ask for information why the appropriation for the completion of these various buildings are made in piecemeal; why they are not made at the session when the original bill is passed, or why, when it comes from the Committee on Public Buildings and Grounds, it should not include the full cost of each building, so that the contract might be let for the whole building to be erected as speedily as practicable.

Mr. TAWNEY. I think my friend from New York is a good business man. If he should authorize the construction of a large building, he would give the architect a contract to do the work within the time he sets out, and thereby, perhaps, save his means for several years thereafter. The appropriation in the bill is for the purpose of putting a stop to the custom of piecemeal appropriations. If the post-office building would not be large enough, nor would it be a building that would comply with the requirements of the business in the city of Chicago. I am afraid this department is composed of a great many other such errors.

Mr. MANN. This department cannot be charged with any responsibility for the present building in Chicago, because at the request of the Members of Congress in both Houses at the time this public-building act was passed, it was provided that they should select an outside architect, and an outside Chicago architect is responsible for the utter inadequacy of that building.

Mr. SABATH. But the department retained the supervision, did it not?

Mr. MANN. Not at all. It was provided that all the work of supervision should be under this outside architect, and the department did not have the responsibility of it.

Mr. SABATH. Was the fence around that building also under the supervision of the Chicago architect?

Mr. MANN. It was.

Mr. GOULDEN. He was a Chicago architect, was he?

Mr. MANN. I regret to say that he was a Chicago architect.

Mr. TAWNEY. Another factor the gentleman has lost sight of, and that is that out of this $800,000 is to be paid the services necessary to the administration of the public-buildings act.

Mr. SABATH. The gentleman says a part of the $800,000 is used for the purpose of repairs on public buildings?

Mr. TAWNEY. No, I do not quite hear the gentleman.

Mr. MANN. A part of it is used, under the last public-building act, with reference to the purchase of a site on the west side, very close to the gentlemant's district, if not in it, for the new public building.

Mr. SABATH. I do not quite hear the gentleman.

Mr. MANN. A part of this appropriation is for the purpose of carrying out the public-building act to provide for the public building on the west side of the city of Chicago.

Mr. TAWNEY. I have heard that the Supervising Architect and the consulting architects will use better judgment than they did on the post-office building in Chicago.

Mr. MANN. If the gentleman had been in the House very long, he would not have made that remark to me. [Laughter.]

Mr. SABATH. I am not making it to the gentleman from Illinois, but for the benefit of the department, because before the building was completed everyone in Chicago knew that the post-office building would not be large enough, nor would it be a building that would comply with the requirements of the business in the city of Chicago. I am afraid this department is composed of a great many other such errors.

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Mr. SABATH. Under the so-called "special act." Is that true?

Mr. TAWNEY. What is the gentleman's question?

Mr. SABATH. That we are appropriating $200,000 under this act for outside architects.

Mr. TAWNEY. Yes; under the Tarsney Act. That is $200,000 included in the $800,000; that amount is set aside for expenses under the Tarsney Act.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Will the gentleman from Illinois [Mr. MANN]...
please tell the House where they got the architect who bungled up that Chicago post-office building?

Mr. MANN. I was appointed by the last Secretary of the Treasury under the Cleveland administration.

Mr. GAINES of Tennessee. Where did he come from?

Mr. MANN. From Chicago.

Mr. GAINES of Tennessee. I understood he did not come from Chicago.

Mr. MANN. The gentleman's understanding was wrong.

Mr. FITZGERALD. Why did they not get one from New York?

Mr. MANN. He now lives in New York. [Laughter.]

Mr. MANN. He was a Chicago architect and built one of the worst Post Office buildings.

Mr. GAINES of Tennessee. I understood the gentleman to say a moment ago to his colleague [Mr. SABATTI] that the architect who put up that building did not live in Chicago, but the one who put up the fence did live in Chicago.

Mr. MANN. The gentleman understood me incorrectly.

Mr. GAINES of Tennessee. What are the facts?

Mr. MANN. The facts are that Congress provided that a Chicago architect should be selected to draw the plans for the building and supervise the construction of the building. That was done. The architect was named by the Secretary of the Treasury just as the Cleveland administration went out. There was no criticism on the Secretary of the Treasury for naming the architect. He made a mistake, I think myself.

Mr. GAINES of Tennessee. Does the gentleman think all the best architects in the United States live in the city of New York?

Mr. FITZGERALD. Sure! [Laughter.]

Mr. MANN. I am informed that this architect of whom we are speaking now lives in New York, and my own personal opinion is that he does not contribute anything at all to the best architecture of the country.

Mr. WAL. I would like to inform the gentleman from Tennessee that the post-office was not completed under Mr. Cleveland's administration.

Mr. GAINES of Tennessee. Oh, I do not uphold the Cleveland judgment in a wrong, or any other administration. I think the Democrats have less right to do wrong than the Republicans.

Mr. MANN. Oh, I was not trying to bring in any partisanship in this matter. I was simply giving information.

Mr. GAINES of Tennessee. I understand that entirely. I have heard a great deal of talk about the failure of that post-office to come up to what it should have come up to, and I am trying to get at who caused the trouble, or who did not put it up right. Does the gentleman from Illinois, who has had experience evidently in this kind of business, think we should go out and employ architects that we have down here in the Treasury and employ outside architects to do this work?

Mr. MANN. Congress provided by the Tarsney Act in 1836 that ought to be done in various cases, because it provided that Congress might employ the architect, and I have been of the opinion that when it is desirable to employ outside architects.

Mr. GAINES of Tennessee. Oh, well, to carry on the local work of the Treasury.

Mr. MANN. No; to prepare the plans. I would not have all the government buildings emanate from the same brain as to style of architecture.

Mr. GAINES of Tennessee. I understand that there are a number of architects down there, and they are good men and gentlemen. They put up a beautiful piece of work in the city of Nashville, the annex to the old custom-house. It could hardly be made more beautiful, even if you got the architect from Chicago or New York. It is as beautiful as can be for the money.

Now, I do not see why it is we should use thousands and thousands of dollars in going around over the country importing some architects to carry out the plans that are made in the Treasury building.

Mr. MANN. He leave it in the discretion of the Supervising Architect to get these outside persons.

Mr. GAINES of Tennessee. Are these plans and specifications prepared in the Treasury building by our own artists?

Mr. MANN. As a rule.

Mr. GAINES of Tennessee. Then, what does the outside architect have to do?

Mr. MANN. They do not have anything to do unless the Supervising Architect engages an outside architect to prepare the plans and supervise the erection of some particular building.

Mr. GAINES of Tennessee. One final question. How much was that Chicago architect paid to put up this building?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask that my time be extended.

Mr. TAYLOR. Mr. Chairman, I object to any further extension of time on this question.

Mr. GAINES of Tennessee. I think it is well enough some­what to revive ancient history. Mr. Chairman, I move to strike out the paragraph. Now, will the gentleman from Chicago tell me how much this architect was paid in Chicago to put up this building?

Mr. MANN. I am unable to tell the gentleman. There was a contract entered into in accordance with the provisions of the law.

Mr. GAINES of Tennessee. Can the gentleman's colleague [Mr. MANN] inform us on this question?

Mr. MADDEN. I can not tell the exact figures.

Mr. GAINES of Tennessee. I still stick to the proposition I made yesterday. I may be mistaken, but I am almost certain I am not, that these architects are paid at the rate of 10 to 15 per cent commission on the value of the contract, and they are paid extra every time the plans are changed. My recollection is that is the case in the remodeling of the White House and the rebuilding at Annapolis, and I take it it is the rule.

Mr. MANN. I may say to the gentleman I think he is in error on this proposition. I think that wherever an outside architect is employed at the rate of commission fixed by the American Institute of Architects—

Mr. GAINES of Tennessee. That is true.

Mr. MANN. Which is about 5 per cent.

Mr. MADDOX. Then it is half to 5 per cent.

Mr. MANN. And no higher rate.

Mr. GAINES of Tennessee. I stand corrected.

Mr. MANN. And that is entirely abolished under this para­

Mr. GAINES of Tennessee. But I am going to look up that 15 per cent proposition, and I will put the result of it in the paragraph. Mr. Chairman, I ask you to strike out the following paragraph.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois first.

The Clerk read as follows:

On page 43, line 2, after the word "machines," insert the words "machines for the sake of the same.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I simply wish to say in connection with this matter that the outside architects employed by the Treasury Department to design, build, and super­intend their construction are employed at a given percentage on the cost of the building. If they only designed a building, the percentage is about one-half what it is if they design and super­intend, and the outside percentage of the cost is fixed by the American Institute of Architects at not to exceed 5 per cent of the cost. I wish to say in connection with the architect employed to design the building is required to furnish his own offices, all his own draftsmen and engineers, and pay them out of the compensation he receives from the Government. If these outside architects were not employed, a very large addi­tional force would be required to be employed in the Treasury Department under the direction of the Supervising Architect of the Treasury, and it is a question whether the employment of this additional force would not cost the Government more money than it paid for the employment of outside architects. The employment of outside architects, too, enables the Government to get different designs of buildings throughout the country. It is very desirable that we have all the designs of one design of a building; if they were all designed in the Treasury Department, they would all have the appearance of a cheese box; perhaps—all look alike—and the art feature of the buildings would not be discernible by the people of the country. The purpose of the whole system of these architects is to get a variety of designs, to show the various characteristics of architecture, to encourage competition in the art, and to create a better condition of things in the erection of buildings throughout the country.

Mr. MANN. I may say that if we do not use architects especially so employed as the result of competition. The Supervising Architect of the Treasury Department requires the submission of plans from a number of architects throughout the country whenever a public building is to be erected of any consequence.
and the man submitting the best plan is usually appointed the architect for that particular building. My judgment is that it does not cost the Government any more money than it would cost if we did not employ outside talent at all. I am certain that we shall get better results in the very character of our architecture than we would if we did employ such talent. So the objection made by my colleague from Illinois [Mr. SABATH] to the appropriation of the fund for the employment of outside architects will not be taken, in my judgment.

Mr. SABATH. Will the gentleman yield?

Mr. MADDEN. Oh, certainly.

Mr. SABATH. I have not objected to the engaging of the outside architect, but I do object to the appointment of the gentleman from Illinois, that the bureau is in the hands of incompetent men.

Mr. MADDEN. I can not agree to that statement at all. I think the message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be printed and bound in cloth 1,500 additional copies of the final report of the James Point and St. Mary's River Commission, embodying the reports of the various officers of the James Point Expedition, held at Norfolk, Va., in 1907, with accompanying illustrations; 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives.

Also,

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8918) to provide for the payment of additional copies for the use of the Senate and House of Representatives; and for the payment of the bills of the Senate and House of Representatives as the conferees on the joint resolution of the 45th Congress, 4th session, for the printing of additional copies of the report of the 43rd Congress, 4th session, with accompanying illustrations.

The committee informally rose; and Mr. SHERMAN 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 agreed to the reports of the committees of conference of the House and Senate in the following bills:

H. R. 2446. An act for the relief of Clarence Frederick Chapman, of Va.

H. R. 29464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

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

Resolved, That the Senate have concurred in the House of Representatives amending resolution 103.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 1,500 additional copies of the final report of the James Point and St. Mary's River Commission, embodying the reports of the various officers of the James Point Expedition, held at Norfolk, Va., in 1907, with accompanying illustrations; 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives.

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Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8918) to provide for the payment of additional copies for the use of the Senate and House of Representatives; and for the payment of the bills of the Senate and House of Representatives as the conferees on the joint resolution of the 45th Congress, 4th session, for the printing of additional copies of the report of the 43rd Congress, 4th session, with accompanying illustrations.

The message also announced that the Senate had passed its amendments to the bill (H. R. 24838) authorizing the necessary reserve of public lands, disagreed to by the House of Representatives, had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOW, Mr. FLINT, and Mr. BANCEA 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. 24838), making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, agreed to by the House of Representatives, had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURCHAM, Mr. CURTIS, and Mr. TAYLOR as the conferees on the part of the Senate.

SUNDAY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago stations, at the rate of $10 per month each for the No. 1 surfman in each station, and at the rate of $5 per month for each of the other surfmen in each station, $70 per month for each of the No. 1 surfmen, $3 per day for each of the other surfmen, and $10 per month, or actual employment, and $8 per day for each occasion of service at other stations, including the old Chicago stations, for surfmen; compensation of volunteers at life-saving and lifeboat stations; actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and vessels of the Life-Saving Service; repairs and outlays for same; rebuilding and improvement of same; incidental and unexpended supplies and provisions for houses of refuge and for shipwrecked persons; the compensation of volunteers at life-saving and lifeboat stations, for the fiscal year ending June 30, 1910, $2,400,000; for the performance of duty in the Life-Saving Service; for carrying out the provisions of sections 5 and 12 of the act approved March 3, 1889, for telephone lines, and their maintenance; for telephone lines and care of same; and contingent expenses necessary to accomplishing the objects of the act, $760,000.

Mr. SHERLEY. That is the limit.

Mr. TOMAS of North Carolina. Mr. Chairman, some time ago the legislature of North Carolina passed a resolution calling upon the representatives of the State of North Carolina in Congress, to vote for and advocate pensions for the men of the crews of the Life-Saving Service.

Mr. Chairman, since I have been a Member of Congress I have constantly and persistently, in season and out of season, urged the advocacy of pensions for the men of the Life-Saving Service for disability incurred by them in the line of duty. I shall continue to advocate such a measure so long as I represent the people of North Carolina in part and as long as I am a Member of this House.

Mr. GOULDEN. Has the gentleman introduced a bill for that purpose, may I be allowed to inquire?

Mr. TOMAS of North Carolina. I will, sir. That is my recollection. If I have not introduced a bill, I have advocated such a bill before the Committee on Interstate and Foreign Commerce, and my remarks are printed in the committee hearings.

Mr. Chairman, this service is one of the most meritorious of all the branches of the Government service. The life-savers are the friends of the human race. A great reputation was made for New York; in his early service, "the Humanitarian," my friend Mr. GOULDEN, New York, in his early service in Congress in the advocacy of the Life-Saving Service.

Mr. SHERLEY. That is the present law, the act of May 4, 1882, provides:

That if any keeper or member of a crew of a life-saving or lifeboat station shall be so disabled by wound or injury received in the line of duty as to render him unfit for further service in the Life-Saving Service, he shall be entitled to receive, as a pension, the full pay during the continuance of disability, not exceeding the period of one year, unless the general superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable, but in no case shall such disabled keeper or member of a crew be continued upon the rolls or pay for a longer period than two years.

Also the present law provides:

That if any keeper or member of a crew of a life-saving or lifeboat station shall be so disabled by wound or injury received or disease contracted in the line of duty as to render him unfit for further service in the Life-Saving Service, he shall be entitled to receive, as a pension, the full pay during the continuance of such disability, not exceeding the period of one year, unless the general superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable, but in no case shall such disabled keeper or member of a crew be continued upon the rolls or pay for a longer period than two years.

Mr. GOULDEN. Two years is the limit, however?

Mr. TOMAS of North Carolina. That is the limit.

Mr. GOULDEN. In both cases?

Mr. TOMAS of North Carolina. In both cases. This provision, Mr. Chairman, of the act of May 4, 1882, is all the provision made for the men and the families of the men of the Life-Saving Service who are disabled in the line of duty.

Mr. SHERLEY. Will the gentleman permit a suggestion right there?

Mr. TOMAS of North Carolina. I will, sir.

Mr. SHERLEY. That is further qualified also by the fact that the comuptroller has held that where a man has had sick leave, that such leave is to be deducted from the year's pay if he is not able to perform his duty by reason of any wound or injury received or disease contracted in the line of duty. That is the limit.

Mr. TOMAS of North Carolina. That is true, and I think the hearing before the Committee on Appropriations, of which the chairman is a member, is a memorial to a life-saving crew in his district, of long and meritorious service, who was subjected to such deduction of pay.

Mr. SHERLEY. The gentleman to whom my friend refers is still living, is he not?

Mr. TOMAS of North Carolina. I think in the service of a few years he was partly disabled and to have sick leave. Now, if he was retired, and he has had very long and distinguished service, and should undertake to claim the benefits, it would practically be no benefit, owing to the long term of sick leave that would have to be deducted.
Mr. THOMAS of North Carolina. It is entirely correct, that when he contended that the existing law gave the benefit less the allowance he has had for absence on account of sickness. Now, Mr. Chairman, I have no desire to detain the committee. There is a bill now pending before Congress for pensions to the retired employees of the United States Life-Saving Service. This bill is Senate bill 25, and I am going to ask leave to print that bill as a part of my remarks instead of offering it as an amendment to the sundry civil pensions bill. I am subject to a point of order if offered as an amendment to an appropriation bill.

But, Mr. Chairman, before I ask that leave, I want to say, in conclusion, that I hope this bill some day, or some similar bill, will receive full discussion. There has been some talk that pensions for the Life-Saving Service may lead to a civil pension list. I am as much opposed to a civil pension list as my other friends in the Life-Saving Service are not in the same class with those who are civil employees; and the Life-Saving Service can be differentiated from any other service or any other branch of the government service. I hope that some bill to pension the men of the Life-Saving Service will some day be passed by this House, and that just provision will be made for the heroic men and their families of this humane service.

The CHAIRMAN. The gentleman asks unanimous consent to print the bill as a part of the legislation of the North Carolina legislature, as part of my remarks.

Now, Mr. Chairman, I ask unanimous consent to print the bill as a part of the legislation of the North Carolina legislature, as part of my remarks.

The bill is as follows:

A bill (S. 25) to promote the efficiency of the Life-Saving Service. Be it enacted, etc., That a retired list of the following named officers and employees of the United States, namely, superintendents of life-saving districts, keepers of life-saving stations, and members of life-saving crews, shall be hereby created, and officers and surfmen placed upon the retired list shall receive therefor fifty per cent of the compensation of the grade held by them at the date of retirement.

SEC. 2. That when any superintendent of a life-saving district, keeper of a life-saving station, or member of a life-saving crew has become incapable of performing the duties of his position, he shall be either placed on the retired list or dropped from the service by the Secretary of the Treasury as hereafter provided.

SEC. 3. That the Secretary of the Treasury shall, from time to time, examine all officers and employees of the United States, namely, superintendents of life-saving districts, keepers of life-saving stations, and members of life-saving crews, and determine whether any of them are in a class with men who are to be placed on the retired list, and when any superintendent of a life-saving district, keeper of a life-saving station, or member of a life-saving crew shall become incapable of performing the duties of his position he shall be either placed on the retired list or dropped from the service by the Secretary of the Treasury as hereafter provided.

SEC. 4. That when the Secretary of the Treasury shall order the examination of any officer or employee in the Life-Saving Service as specified in the last section, he shall be instructed to report the result of such examination to the Secretary of the Treasury, and thereupon the action of the Secretary of the Treasury shall be determined, and if any officer or employee shall be found to be incapable of performing the duties of his position he shall be placed on the retired list.

SEC. 5. If, upon examination, it shall be found that any officer or employee in the Life-Saving Service shall have been disabled in the service, it shall be the duty of the Secretary of the Treasury to report the same to the Congress, and they shall be instructed to provide for the care and maintenance of such officers or employees in their old age.

SEC. 6. That all laws inconsistent or in conflict with the provisions of this act be, and the same are hereby, repealed.
will say that that was not a civil pension bill. That provided for graduated pay and for retirement of the officers of the Revenue-Cutter Service.

Mr. JOHNSON of South Carolina. Oh, I am perfectly familiar with the bill.

Mr. DAWSON. If the gentleman will allow me, I want to correct an erroneous statement that the gentleman made with regard to the bill which is proposed to be reported, to which he has referred, relating to the clerks in the department in Washington. Instead of being a civil pension bill, that is an annuity bill, not in the nature of a pension at all. It provides that each individual shall have set aside from his pay a sufficient sum to enable him on reaching a certain age to purchase an annuity.

Mr. JOHNSON of South Carolina. I hope the gentleman will not retire from the arena until the battle is over. Do not the bill to which the gentleman refers provide that if this fund is found insufficient, it shall be supplemented by an appropriation from the Treasury?

Mr. DAWSON. Not necessarily.

Mr. JOHNSON of South Carolina. In other words, you have no fund upon which to start. The proposition is that these clerks shall pay a certain percentage of their salaries, which at 37 per cent, compounded semiannually, would produce a certain annuity. But your bill provides that until this fund accumulates, it shall be supplemented by an appropriation from the Treasury. Is that not a fact?

Mr. DAWSON. The underlying principle of the bill is not to pension civil employees, but to compel them to provide an annuity against old age.

Mr. JOHNSON of South Carolina. A compulsory insurance company.

Mr. DAWSON. In effect, or rather a compulsory savings bank.

Mr. JOHNSON of South Carolina. By which the Government of the United States undertakes to borrow money at 37 per cent, compounded semiannually. That is better than the insurance companies do for those of us who insure voluntarily. If the Government of the United States at the rate of 2 per cent, and installs an insurance department for government clerks at 37 per cent compound interest, you may call it what you please, but it is the Treasury Department coming to the rescue of these people.

Now, to recur to the bill to which the gentleman from North Carolina refers. The vice in this bill is in the fact that while it is not called a civil-pension bill it is that in substance and in effect. If the members of the committee will examine the hearings before the subcommittee that made up this bill, they will find that it provides for a waiting list; that men who have been in the service for a certain length of time may be placed on the waiting list. That is what the bill calls for, but it is in substance and effect a civil pension, and that fact was brought out in the hearings.

Mr. MANN. Which bill does the gentleman refer to?

Mr. JOHNSON of South Carolina. The bill to permit the enlisted men of the Revenue-Cutter Service to be placed upon waiting orders, which bill was passed at the first session of the Sixty-first Congress.

Mr. MANN. I thought the gentleman was talking about the bill now pending.

Mr. THOMAS of North Carolina. The gentleman has taken a wide range in his speech.

Mr. JOHNSON of South Carolina. I have a right to do so in the Committee of the Whole.

Mr. THOMAS of North Carolina. The gentleman has discussed a civil-service pension bill for the clerks in the department, and he has discussed the Revenue-Cutter Service bill. The bill which I discussed before the committee was a bill to pension the employees of the Life-Saving Service. I explained to the gentleman that I favored the bill for the retirement of the officers of the Revenue-Cutter Service and to give them graduated pay.

Mr. JOHNSON of South Carolina. I understand that perfectly.

Mr. THOMAS of North Carolina. I say to the gentleman that I opposed to any civil-pension list; but that a certain amount of pensioning the men in the Life-Saving Service is concerned, I am for it, and expect to stand for it as long as I represent the State of North Carolina in Congress.

Mr. JOHNSON of South Carolina. That is exactly what I am complaining about—that the gentleman says he is opposed to a civil-pension list, and then he advocates it when called by some other name.

Mr. THOMAS of North Carolina. Mr. Chairman, this Life-Saving Service pension bill, I wish to say to the gentleman from South Carolina, provides for pensions, it is true, but it is not a civil-pension list. Such a list would include all government employees. The bill provides only that the men of the Life-Saving Service shall be placed on the retired list when incapacitated by old age or disability incurred in the line of duty, and that they shall receive thereafter 75 per cent of the pay of the grade held by them at the time of disability. Their disability is to be passed upon by a board, and the proceedings and decisions of the board are to be transmitted to the Secretary of the Treasury for approval. The bill explains itself. I do not advocate a civil-pension list; and so far as the Revenue-Cutter Service pension bill is concerned, I have explained that fully.

Mr. GOULDEN. Mr. Chairman, I want to say to the gentleman from North Carolina that there is a bill to be reported by the Committee on Reform in the Civil Service providing annuities for all government employees, which I think will cause the gentleman to change his mind completely on that subject.

Mr. THOMAS of North Carolina. I am not prepared to advocate a pension for clerks, but I am for this Life-Saving Service bill.

The Clerk read as follows:

Not exceeding $10,500 of the unexpended balance of appropriations remaining available for the construction of a life-saving station suitable for exhibition purposes on the grounds of the Alaska-Yukon-Pacific Exposition.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph just read.

Mr. SMITH of Iowa. Mr. Chairman, the construction of this life-saving station has been expressly authorized by act of Congress. The only necessity for this legislation is that it was supposed by the Life-Saving Service that they could build this station out of their appropriation, but the accounting officer of the Treasury held that it would have to be built out of the appropriations for the exposition. Unfortunately, at the time the ruling was made by the accounting officer, the appropriation in control of the Supervising Architect for the exposition was exhausted.

Mr. MACON. Was there an obligation on the part of the Government under existing law to construct it?

Mr. SMITH of Iowa. No; I think the act expressly provided that the life-saving station should be provided.

Mr. MACON. And they used it for other purposes?

Mr. SMITH of Iowa. In one sense the gentleman is correct, but I want to call attention to the fact that this exposition, unlike all other American expositions, has declined to ask any loan from the Government of the United States, and, I may say, to a very small amount, from the sea and lake coasts of the United States authorized by law, or so much as necessary, and the bill was to provide for the construction of a life-saving station suitable for exhibition purposes on the grounds of the Alaska-Yukon-Pacific Exposition.

Mr. MACON. Was there an obligation on the part of the Government under existing law to construct it?

Mr. SMITH of Iowa. No; I think the act expressly provided that the life-saving station should be provided.

Mr. MACON. And they used it for other purposes?

Mr. SMITH of Iowa. In one sense the gentleman is correct, but I want to call attention to the fact that this exposition, unlike all other American expositions, has declined to ask any loan from the Government of the United States, and has declined to ask the Government to participate at all in the ordinary sense of contributing generally to the exposition. All it asked of the Government was to give a governmental exhibit. No other exposition has been conducted on that principle. Now, everybody who has attended any of these expositions realizes that this life-saving exhibit is of great interest to the Department, and that a very small portion of a show that was promised them in the act that was passed, by reason of a mere controversy over the accounting in the Treasury Department, when the exhibit was displayed by this exposition company than any other in American history, it seems to me would be ungracious.

Mr. MACON. Mr. Chairman, what the gentleman says appeals to me in many ways. Since I have been a Member of Congress I have consistently and continuously voted against appropriations of money belonging to the whole people of the United States in order to furnish entertainment for a part of the people of the United States, and I may say, to a very small percentage of them at that. Perhaps the great exposition that was celebrated at St. Louis was the "World's Fair" did not furnish entertainment for the public, but the people of the United States. That is my position on and reason for questioning and voting against appropriations of this sort. But since the gentleman from Iowa has said that this particular exposition company has in some way, in some way or another, petitioned the Government, I am going to withdraw the point of order in order to give the gentleman the opportunity to make a show for the people who can and will attend it, and I am going to withdraw the point of order in order to give the Government on behalf of that kind of conduct upon the part of other organizations, how the Government is to entertain the people in their respective communities. I withdraw the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Buron of Ohio took the chair pro tem. The following message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bills of the following...
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American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, under the direction of the Smithsonian Institution, an appropriation amounting to $5,000, of which sum not exceeding $1,500 of the Treasury: Provided, That no portion of this sum shall be expenditures of engraving and printing: For salaries of all necessary employees, other than plate printers and plate printers' assistants, which, when once made, shall be expended under the direction of the Treasury: Provided, That no portion of this sum shall be expended under the direction of the Treasury: Provided, That no portion of this sum shall be expended under the direction of the Treasury: Provided, That no portion of this sum shall be expended under the direction of the Treasury: Provided, That no portion of this sum shall be spent for printing United States notes: Tax stamps of larger denominations than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act: To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word to ask what the purpose of that provision is about notes.

Mr. SMITH of Iowa. Mr. Chairman, I will state that that provision has been carried for a great many years. Personally I think it might be dropped, but the gentleman is aware of the reason. The reason there was a belief in the country that small notes were better for the mass of people than large notes, and consequently at the time when that notion was very prevalent and in the fear that the Government would gradually get the notion that these large notes means the average citizen could not get hold of any of it this provision was put in. I do not think it affects the actual circulation a particle now, but it has behind it its traditions, and I do not think it is wise to attempt to get rid of it at this juncture.

Mr. BENNET of New York. I am sorry to say that it does not cause me any personal inconvenience. I withdraw the proviso.

The Clerk read as follows:

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, under the direction of the Secretary of the Smithsonian Institution, an appropriation amounting to $5,000, of which sum not exceeding $1,500 of the Treasury: Provided, That no portion of this sum shall be spent for printing United States notes: Tax stamps of larger denominations than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act: To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. HITCHCOCK. Mr. Chairman, I would like to inquire of the chairman of this committee, or the gentleman in charge of the bill at this time, how long these researches are to be continued, and what good is being derived as a result of this annual expenditure?

Mr. SMITH of Iowa. Mr. Chairman, I may say that as far as I am personally concerned I have often made the inquiry when these investigations would be ended and never have been able to obtain satisfactory light on that subject. As the gentleman who spoke first says, the work of the bureau consists of the collection of the folklore of the Indians. In place of having exhausted the sources they claim that there is an abundance of material yet to be worked upon and are constantly demanding an increase of this appropriation and are constantly bringing upon the committee great pressure to secure such increase.

It has only been steadily standing out against the further expenditure of money in this direction by the committee has been able to keep the appropriation down approximately to what it has been in recent years.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Iowa a question in connection with that item. Is it true or not true that there has been a tremendous growth in the ratio of salaried officials in the bureau that is conducting these researches in proportion to the amount of work done?

Mr. SMITH of Iowa. I do not think so. My judgment is that that is not true.

Mr. SLAYDEN. Then it is an exceptional bureau, is it not?

Mr. SMITH of Iowa. Well, I do not think there has been any growth in the salaries in this bureau, but they never get done with anything. That is my criticism.

Mr. HITCHCOCK. Mr. Chairman, I move to strike out the paragraph.

Mr. SMITH of Iowa. Mr. Chairman, I hope that that will not be done. A part of this work, I might say, if the gentleman from Nebraska moves on this paragraph, has only just been inaugurated—the part of the work in Colorado.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the paragraph.

Mr. HITCHCOCK. Mr. Chairman, I am not disposed in making this motion to insist upon it if any justification can be shown

Mr. THOMAS of Iowa. Music of the Indians and nearly all other music is entirely out of my sphere.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HITCHCOCK. Yes.

Mr. FITZGERALD. Did the gentleman ever hear any of this Indian music?

Mr. HITCHCOCK. I have.

Mr. FITZGERALD. Does he not think that it is very soothing to the troubled soul?

Mr. HITCHCOCK. Mr. Chairman, I notice, furthermore, that this ethnological bureau proposes to extend its researches to Hawaii and Samoa, and I believe later that it will be extended to the Philippine Islands, and be indefinitely extended.

Mr. HARDY. Will the gentleman permit me a question? Do the hearings show that there is any appropriation to investigate ancient mythology or the Norse legends?

Mr. HITCHCOCK. As far as I have proceeded in the matter I believe not, but I suppose when they have exhausted the more recent subjects of ethnology they will go on and take up the past so as to keep busy.

Mr. HARDY. Is there anything on the subject of the "fair god" of Mexico being investigated?

Mr. HITCHCOCK. Mr. Chairman, I believe there is a desire expressed to send an expedition to Mexico for some purpose. I notice also the tribe of Omaha Indians has been investigated. I might possibly have some sympathy with that, as I narrowly escaped being an Omaha myself. I believe, Mr. Chairman, that this is for the purpose of those ethnological appropriations in this bill which ought to be cut out, and unless the gentleman in charge of the bill can offer some good reason why this appropriation of $42,000 should be continued I shall ask for a vote.

Mr. DAWSON. If the gentleman will allow me, I notice in the hearings it is provided for an investigation up in the neighborhood of Salt River, which leads me to think that the appropriation should not be opposed on that side of the Chamber.

Mr. HARDY. Mr. Chairman, will the gentleman allow another question—

Mr. JOHNSON of South Carolina. We have already been up in America an investigation and know the conditions without expending any money to find out. [Applause.]

Mr. SMITH of Iowa. I do not think this provision ought to be stricken out. It is a scientific investigation, and while it serves no purpose it ought to be continued. I notice that the Government would always more rapidly to completion than it has, I do not believe it ought to be suspended right in the midst of the work. My theory is that it ought to be finished up, and not stop it in an incomplete state. The second paragraph of the handbook of American Indians is not ready for delivery—

Mr. HITCHCOCK. Will the gentleman permit me to interpose a question?

Mr. SMITH of Iowa. I would like to finish this sentence, but I will cheerfully yield even now.

Mr. HITCHCOCK. Will the gentleman accept this amendment to the paragraph of completing ethnological researches "instead of "continuing"?
Mr. SMITH of Iowa. I would be very glad to accept the amendment if I felt any confidence that it would be completed.

Mr. HITCHCOCK. I believe it would if the gentleman would accept the amendment.

Mr. SMITH of Iowa. I want to call the gentleman's attention to the fact that the handbook of languages has been printed.

Mr. HITCHCOCK. In this handbook of languages we have known all over the State of Iowa that the word "Iowa" means "beautiful land." I picked up this book of languages and there found the word "Iowa" meant by every one, and I have not been satisfied in all respects with the work of this bureau from that day to this. Good progress has been made on the handbook of languages, and it is only after a considerable period that this work will be completed during the present year. The second and final part of the handbook of American Indians is not yet ready for delivery, but 250 pages have been printed; 200 more are practically ready for printing, and the proofs of the remainder are being read as rapidly as the nature of the work will permit and as one person can accomplish it. Steps have been taken during the year to record on maps the location of all Indian settlements existing or formerly having existed in the United States.

Now this work is work in progress which has been carried on for many years, and I do not think it ought to be summarily stopped. I will say this, that last year we put the amount in the bill at $40,000; that in another body we found great difficulty in keeping it down to $42,000; and it was only after a considerable period of time that this appropriation began to increase a year ago. It seems to me that it will be idle to strike it out, and I therefore hope the amendment of the gentleman will not prevail.

Mr. HITCHCOCK. Mr. Chairman, with your permission of the Chair I will amend my motion, and instead of striking out, I will insert in lieu thereof the word "complete."

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to withdraw his first amendment proposed. Is there objection? [After a pause.] The Chair hears no objection, and it is so ordered. The gentleman now proposes an amendment, which the Clerk will report.

The Clerk reads as follows:

"Page 51, line 21, strike out the word "continue" and insert in lieu thereof the word "complete.""

Mr. MANN. I hope that the amendment will not prevail. The work done by the Bureau of Ethnology is of great value. It is not practicable to finish the work now in hand within the next fiscal year. The most important work probably in hand now is in the nature of a dictionary or encyclopedia of information relating to the American Indian. A portion of that work has been published, but it is probably the most exhaustive work on the subject of Indians that has ever been contemplated, and requires a considerable time to complete. The work is not great, but it will furnish when completed, in compact form, a reference library containing all of the knowledge concerning the Indian that there is. It will be of great value to anyone who wishes to know the history or customs of the Indian. As it seems to me, it would be a mistake, especially for that portion of the country that is much interested in the Indian question, to stop obtaining this information and the publication of it.

Mr. HITCHCOCK. Is there any more reason for obtaining information of this sort than there is for the Government going into any field of exploitation or investigation? If this can be done, then we are justified in sending out expeditions to make these searches in archeology or in ancient history anywhere. There is no practical value in it.

Mr. MANN. There is a practical value in this, and this work that is now being carried on in the main is not original research. It is being carried together in compendium form the results of original research for many years, which, as it stands, is probably not of so much value except to particular students, but when this work is completed the gentleman will have in his possession a compact reference library concerning Indians which can be obtained anywhere else, a public document of great value to anybody who wishes to refer or consult concerning Indian or Indian questions.

Mr. HITCHCOCK. Can the gentleman give any idea how many years more this appropriation is to be continued? I understand that what is going on in these studies will appropriation bills an indefinite number of years already.

Mr. MANN. For many years the Government has carried on this research work among the Indians through the Smithsonian Institution. So far as the original-research work is concerned, my recollection is, and I would not undertake to be correct in saying it is true in toto, that in that work practically completed. There has been talk about doing some work among the Hawaiians, although practically little work has been done there so far. This bill authorizes it. There has not been much done, and there would not be a great deal to do to there, but the principal appropriation at present is preparing and arranging this compendium or encyclopedia of information concerning the Indians.

Mr. HITCHCOCK. Now, I suppose next year it will be among the Samoans, and I suppose next year it will be among the Philippine Islanders, and then in Porto Rico.

Mr. MANN. The gentleman probably is aware of the fact is, I may say to the gentleman, that the Filipino government is already conducting original research work along ethnological and physical lines, and it is not expedient to go over there— an original research work of great volume.

I do not think it would be amiss for our Government, having possession of the Hawaiian Islands, having possession of one or more of the Samoan Islands, to have information published concerning the natives of these islands, who will soon disappear, so far as being in the aboriginal condition is concerned only. Who else will contribute that information to the world? But, of course, there will not be great expense so far as that information is concerned. I hope the gentleman will withdraw his motion.

Mr. HITCHCOCK. I have not any disposition, Mr. Chairman, to insist on the amendment if there is in the future any definite idea as to the ending of this seemingly endless appropriation.

Mr. MANN. Oh, well, there is, as far as that is concerned.

Mr. HITCHCOCK. If it is approaching its conclusion, as the gentleman from Illinois assures us, I will withdraw the amendment.

The Clerk reads as follows:

"The Astrophysical Observatory: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, supplies, making necessary observations in high altitudes, repairs and alterations of buildings, and miscellaneous expenses, $13,000."

Mr. HITCHCOCK. I move to strike out the last word. I desire to ask the chairman of the committee what this Astrophysical Observatory is and what can be accomplished by it?

Mr. TAWNEY. If the gentleman will turn to page 340 of the hearings, he will there find a very exhaustive description of the work of the Astrophysical Observatory, but also of the work that has been going on for a number of years by the men in charge of that institution.

Mr. MANN. I will say to the gentleman that the Astrophysical Observatory was practically founded by Doctor Langley when he was Secretary of the Smithsonian Institution. Doctor Langley was admitted to be one of the foremost scientists in the world, and his special work was along the lines of research work carried on by his assistant. He is not able to form my own opinion as to the value of that work, but I will say to the gentleman, from information which was in his possession when I was a Resident of the Smithsonian Institution, the work at the Astrophysical Observatory is considered scientific circles to be of great value, and the work of that particular institution is considered of the highest value, not only for scientific research, but in the end for practical results.

Mr. HITCHCOCK. Now, Mr. Chairman, I would like to read to the committee some of the achievements of the Astrophysical Observatory as they appear to be chronicled on page 341 of the hearings before that committee. Mr. Abbot there testified before the committee. In speaking of the work of the Astrophysical Observatory, he tells of the striking examples of practical assistance which it has been to the people of the United States. For instance, he says:

"From its scientific side, there is a gentleman named King who has recently published a little volume on the ventilation and lighting of buildings."

Now, I concede that if the Astrophysical Observatory authorities should publish a volume on the lighting and heating of houses, that might be of some practical value; but it did not. A private citizen was left to do that. This gentleman he names had recently published a little volume on the ventilation and lighting of buildings. Then Mr. Abbot continues, referring to this private citizen:

He quoted from our volume, and he wrote me a letter asking for information regarding the brightness of the sky, and whether a long window should be used or not. He was very glad to let me in the most light. He published in his book my letter in reply.

I regret to say that we are still living in doubt—we in the House of Representatives as to whether a window ought to be put in vertically or horizontally in order to furnish light to the horses in a stable.

Mr. MANN. Probably it would do the gentleman good to read the letter; then he would know.
Mr. HITCHCOCK. Let me go to the second achievement, as told by Mr. Abbot:

Again, the gentleman in charge of the Carnegie Desert Laboratory at Tucson, I think, has time away from some time assigned to him to experiment as to the amount of radiation of the sun and of the sky which would fall upon the leaf of a tree and the various horizontal surfaces if that leaf were removed.

He required this information both for Tucson and for an elevation of 5,000 feet above sea level. After a whole year of observation and accumulation of data for one particular day of the year, and if for the whole sky, you wish, for the sky in any particular color of rays, I was able to give him the information he requested, and he wrote me a series of letters which was the first that had ever before had such information available to him for carrying on such work as he proposed to do.

I can easily imagine no botanist ever had such information or would want such information as he has received.

Mr. MANN. I do not suppose the leaf has ever known one way or the other. Probably the leaf itself will never have scientific knowledge as to whether it requires more sunlight vertically or horizontally; but if left alone the leaf would discover probably whether one or the other was the better position for it.

Now, the gentleman makes light of the question as to whether a window put in vertical or horizontal would give more light. The gentleman himself makes "light" of the subject, but he has no "light" upon the question. It would probably be of great value to him if he could obtain "light," either horizontal or vertical, upon this and many other questions. (Laughter.) I think it is of great benefit in preparing your mind to know whether more sunlight comes into a window in one shape or another shape. The gentleman may make light of the matter of shape. But in estimating the flow of water through a pipe the size of the hole of the pipe is not all that determines the amount of water that will pass through, but the shape of the hole has much to do with the question.

So that the shape of the window may have much to do with the amount of sunlight that comes in; and this information is of practical value in many respects.

The clerk read as follows:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, and all other necessary expenses, $500,000, of which sum $300,000 may be used for necessary drawings and illustrations for publications of the National Museum.

Mr. GARRETT. I move to strike out the last word. I wish to ask the chairman of the committee how many expeditions there are now out engaged in this Smithsonian work?

Mr. TAWNEY. Chided those under the jurisdiction of the Geological Survey; I do not know how many.

Mr. MANN. This item does not cover any of the cost of expeditions.

Mr. GARRETT. It seems:

Furnishing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government.

Mr. MANN. Yes; but it does not cover the cost of any expeditions.

Mr. GARRETT. Where are they covered?

Mr. MANN. These collections are made in various branches of the government service—the Geological Survey, the War Department, and various others.

Mr. TAWNEY. Principally the Geological Survey.

Mr. GARRETT. Are there any expeditions out under the Smithsonian now?

Mr. MANN. Once in a while there is one.

Mr. GARRETT. Is there not one going to Africa soon?

Mr. MANN. Yes. If that is what the gentleman wants to get at, I will be glad to give the information.

Mr. GARRETT. This is a matter concerning which many statements have been made, and it seems well to have the facts now, rather than to pass the expense of the expedition which the President is about to lead us to be paid by the Government.

Mr. MANN. No portion of the expense of the President's trip to Africa is to be paid out of the public fund. Last summer, after the President determined that he would make a journey to Africa upon the expiration of his presidential term, the President wrote to the Secretary of the Smithsonian Institution, stating that he was in the process of making a trip to Africa and thought he would have an opportunity of collecting a large number of specimens of kinds which might not be obtained in any other way. I do not know if he has been able to do it, but I suppose he assumed, from the fact that he would be an ex-President of the United States, he might have better opportunities of collecting than he would have had before he went abroad. He did that, and he determined that he had no public fund or appropriation out of which to pay the expenses. Therupon he made a request to a number of gentlemen throughout the country, asking them if they were willing to contribute toward the expenses and in the way he has raised a fund of about $20,000 to cover all the expenses, which fund has been contributed to the Smithsonian Institution for the purpose of paying, in the way he has described, the expenses of this trip, but the expenses of the gentlemen who go with the President to Africa. The Smithsonian Institution has engaged several private gentlemen, men who are expert in reference to the preservation and collection of specimens. They will go with the President on his trip to Africa, and when the President has finished his hunting trip there he will return by way of Europe, as I understand, and the Smithsonian scientists will continue their work after the President has left, collecting both botanical and zoological specimens to be sent to the Egyptian line. The expense of all of that, so far as the scientists employed by the Smithsonian are concerned, will be paid out of private contributions made to the institution for that purpose, and the President will pay the expenses of himself and his party, as distinguished from those whom the Smithsonian send along with him.

Mr. GARRETT. I will say to the gentleman that the information which he has given is the information which I had received; but I thought it quite proper here, in the face of the many published statements and the confusion that seems to exist about it, to have an express and explicit statement, such as he has made, to go into the Record.

Mr. MANN. Whatever else the gentleman may at times feel like elevating the President on other matters, in my opinion there has been, in this matter, nothing in the action of President Roosevelt which can be criticised in anywise whatever. On the contrary, in the hope that he might be able to contribute more or less to the scientific information of our Government and to the great National Museum which we have, while he might have given those specimens to many other museums in the country, he has reserved what he expects to collect for the benefit of the Government of the United States through its National Museum. [Applause.]

Mr. SLAYDEN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. The information that we get through the press is usually interesting, but not always accurate, and I am like the gentleman from Tennessee—in order to have a positive, clear statement made about some of the matters, such as we have just had by the gentleman from Illinois, I want to say that there is another matter that I would like to know about.

An officer of the United States Army was retired, I believe, prematurely and, as the gentleman from Tennessee has mentioned, he had no public retirement pay. It was stated at the time of the retirement that after the 4th of March he would accompany a distinguished citizen to the United States and would have no public retirement pay. What was the authority who was ordered to do that, if he was ordered to do it, and is he to receive the usual full pay given to a retired officer engaged in active service, or is it to be paid out of the Treasury, if he is to receive full pay, or is it 3 per cent contributed also by a generous, benevolent institution?

Mr. MANN. Mr. Chairman, I am not able to say. My understanding is that if any such officer accompanies the President he is not to be paid by the Smithsonian Institution. As to whether such an officer is to accompany the President and receive full pay I do not know. The distinguished gentleman who has asked me the question is a member of the Committee on Military Affairs. I recently propounded the same conundrum to the chairman of the Committee on Military Affairs in the House, and was unable to obtain the information which the gentleman now seeks to obtain from me. I take it that it is a newspaper error, because I have been under the impression that it could be possible for the War Department to order a retired officer to be paid full pay simply because he was to accompany a private citizen, no matter how eminent that private citizen might be, but I am not able to say anything about it. [Applause.]

Mr. SLAYDEN. The gentleman is quite right. I do not think the War Department would have authority to do it; but I have stated that it had been done, and that is why I asked the question.

Mr. MANN. It was so stated in the newspapers, and while the newspapers do the best they can, they occasionally make mistakes.

Mr. KEIFFER. Will the gentleman from Illinois yield to me to make a statement in his own time?

Mr. MANN. Certainly.

Mr. KEIFFER. I understand officially that the officer to whom the gentleman has referred will draw his usual retired officer's pay while he is abroad. The only thing he has asked
The Clerk read as follows:

For moving collections, furniture, and other property of the National Museum, including all expenses incidental thereto, to be immediately available, $4,000.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee tell me whether this provision will vacate the long room that was talked about as the art gallery during the last session of Congress—the "lecture room," as it was then called?

Mr. MANN. No; they are not.

Mr. EDWARDS of Georgia. They are distributed?

Mr. TAWNEY. No; these are books purchased by the institution for use in the office.

For purchase of books, pamphlets, and periodicals for reference in the National Museum, $2,000.

Mr. INTERSTATE COMMERCE COMMISSION, instead of in the Treasury of the United States, is made appropriations for altering and repairing that room in which I send to the desk and ask to have read.

Mr. MANN. I have no reason to doubt that that is the case.

For moving collections, furniture, and other property of the National Museum in connection with the occupancy of the new building for the National Museum, including all expenses incidental thereto, to be immediately available, $4,000.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee tell me whether this provision will vacate the long room that was talked about as the art gallery during the last session of Congress—the "lecture room," as it was then called?

Mr. MANN. The long room is not a part of the museum; that Smithsonian Institution would then and it was determined one time to make that interior part into a gallery of art. The present intention, I think, is to put an elevator in that part of the institution and cut those rooms up into working rooms of some sort, unless it should be determined to treat them otherwise.

There is a large room which would be available for the beginning of a gallery of art, and last year it was asked that an appropriation be made for the purpose of converting that room into an art gallery, but the appropriation was not made.

Mr. DOUGLAS. I looked that matter up to some extent. Mr. Walcott called my attention to the fact that Congress had made appropriations for altering and repairing that room in that part of the building several times. I want to know whether the gentleman from Illinois is aware that, as a matter of fact, the building does not, to all intents and purposes, belong to the Government.

Mr. MANN. The Smithsonian building?

Mr. DOUGLAS. Congress has repaired it a dozen times within the last twenty years.

Mr. MANN. The Smithsonian building belongs to the Smithsonian Institution. It is true that Congress sometimes appropriates money for repairs for the building in some way, which Congress itself, which that Smithsonian Institution would not be able to do out of its fund. A large share of the funds used by the Smithsonian Institution are contributed by Congress through its appropriations. The fund of the Smithsonian Institution which is used in the beginning of the year is in the Treasury of the United States, and upon which the Government pays 5 per cent interest.

Mr. DOUGLAS. What I was anxious to know, Mr. Chairman, if I may say so, was whether there was any movement on the behalf of the trustees of the Smithsonian Institution to convert that room into a gallery at their own expense or in any way to utilize the collection which is already in the hands of the Government.

Mr. MANN. Mr. Chairman, I think I am safe in saying that there is no expectation of doing that out of the funds of the Smithsonian, which would be utterly inadequate, so far as the permanent income is concerned, for that purpose. Last year the Board of Regents passed a resolution in reference to the matter, and asked for an appropriation for that purpose, which was not allowed of. However, I may say to the gentleman, I did not partake in the movement. It did not seem to me advisable to attempt to establish a gallery of art in that room.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

To further enable the Interstate Commerce Commission to enforce compliance with the terms of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary operators, agents, and employees, not exceeding $225,000, of the appropriation of $350,000 made for this purpose for the fiscal year 1909, remaining unexpended at the close of the fiscal year 1908, for fiscal appropriation for expenditure during the fiscal year 1910, together with the further sum of $125,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

Mr. FITZGERALD. Mr. Chairman, this is one of the items of the bill on which I am not in accord with the committee. The provision in the bill as reported will make available for the next fiscal year $350,000 to enable the Interstate Commerce Commission to make the investigations which it is supposed is required by section 20 of the Hepburn Act. If the amendment offered by me is agreed to it will make available $125,000. This particular paragraph was the subject of considerable discussion in the last session of Congress. The Interstate Commerce Commission originally submitted an estimate of $750,000 for the present fiscal year to make the investigations authorized by section 20 of the Hepburn Act. In a communication to the chairman, the Interstate Commerce Commission stated that it had expenditures of $500,000 that amount would be sufficient for the purpose during this fiscal year.

The Committee on Appropriations, after a careful investigation, reported an appropriation of $50,000. The House, under the recommendation of the Committee on Appropriations, increased the amount to $350,000.

Mr. MANN. Mr. Chairman, the record shows, and I believe that any candid person, will admit, that the judgment of the committee was accurate, and that those who insisted upon the appropriation not having given that consideration essential to so important a matter, or else that their judgment was not as sound as that of the committee. In the hearings before the Committee on Appropriations this year it appears that up to the 31st day of January of this year the amount expended out of this appropriation was $41,534.14. There are now employed under this appropriation 55 persons, and they are not, for the purpose to which they are employed, paid out of a different appropriation. Five thousand five hundred and fifty-nine dollars is the maximum sum that has been expended during any fiscal year, and if as much as $8,000 a month be expended during the balance of the year, not more than $72,000 can possibly be expended during the present fiscal year. Under the circumstances I am convinced that the commission will not require $500,000 for the next fiscal year, but that $125,000 will be ample.

I wish at this time, Mr. Chairman, to call the attention of the committee to the fact that those who do not investigate these questions are easily misled, and sometimes grow overenthusiastic about subjects with which they have no familiarity. It is not my custom to discuss or to comment upon statements contained in the private correspondence between gentlemen, and, as a matter of fact, in the letter which is before us, something confidential in its character, or considered so, is thereafter made part of a public record and is used to bolster up the contention of one of the persons, I believe it to be proper to discuss the contents of the letter which is before us.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent to proceed for five minutes more.

There was no objection.

Mr. TAYLOR. Mr. Chairman, I have here the letter sent by the President to the Speaker under date of April 30, 1908. It was sent by the President to the House recently as an appendix to one of his messages. I wish to read this letter:

Mr. TAYLOR. The White House, Washington, D. C., April 30, 1908.

Mr. DEAR MR. SPEAKER: There is one matter connected with the sundry civil bill to which I should call your special attention, and that is the cutting down of the appropriation asked for by the Interstate Commerce Commission to carry out the provisions of the Hepburn law to only $50,000. In accordance with the request of the Committee on Appropriations, in carrying out the desire of the leaders of the House, the Interstate Commerce Commission, instead of asking, as they originally asked, for $500,000, which was the amount necessary to do the best work, cut down the request to $50,000, the very minimum under which the work can be done effectively.

To provide only $50,000 really amounts to making a sham appropriation, and would be better than spending the small amount in operation for a year, for such a course would have the merit of giving the commission the semblance of doing its work. I regard this, with the most important provisions of the Hepburn Act, and to refuse to provide the money necessary to carry it out properly, as coming this year for that section, and saw the result that would undoubtedly be so understood by the country at large. I feel that the Hepburn Act was one of the great pieces of legis-
There are many men who disagree with me about the President in some things. I believe that there are many very desirable attributes possessed by him. In some respects he has been a very remarkable and useful man. I believe that in other respects he has done many things that properly received the condemnation of those who stand here as representatives of the people. I believe now, considering the use to which this letter to the Commissioner has been made, and considering the baseless and unfounded charges that in connection with another matter resulting in a sharp controversy between the House and the President, that either the President or somebody in his behalf should acknowledge the grave mistake that was made by the Interstate Commerce Commission, not only by its very enthusiastic friends, but by those who insisted that the appropriation recommended by the committee should be increased from $50,000 to $350,000. Supreme of the House agreed that the Interstate Commerce Commission had appropriated the amount originally asked—$750,000—the amount which, as it is stated in House document 82, was imperative to conduct this work, how absurd such action would have been.

Let me read what was said in the commission's request:

After a careful consideration of the whole matter, it is the judgment of the commission that they now require for the year a somewhat larger appropriation than that recommended last year.

That is, this fiscal year—

a thoroughly well-equipped and well-organized board of examiners will require money paid out at a rate of not less than $750,000 a year.

They cannot expend at the rate of 10 cents per mile. Lower, they reduced the amount to $500,000 because they said that by January or February, 1909, the force could not be properly organized. To quote their language—

That there is an appropriation of $350,000 for the next fiscal year—

Meaning this fiscal year—

will satisfy our requirements; but, as we understand the matter, at any rate, it will be requisite to make expenditures for the year un­

"sham" appropriation; that it would be better to repeal the law than to make such an appropriation; that the commission only wished to use what it asserted it could properly use in the amount that it asserted it could possibly properly use in the year.

I am calling attention to is that the President said that the commission, with all the knowledge that the commission, with all the means of a board of examiners. To refuse to use this appropriation would be the very worst of the big railroad men whose compensation is to nullify completely these two years' work.

I am calling attention to is that the President said that the President, with all the knowledge that the President had, estimated the amount of $6,000 as the average amount spent during each month, the commission would not spend more than $72,000 this year.

Mr. FITZGERALD. In one minute; I just wish to make a few statements. This merely emphasizes the fact that no one man, no one executive department of the Government, has been so divinely constituted that he possesses all the wisdom and all the knowledge that man can possess.
Now, I submit it would have been a serious mistake last summer for this Congress to have adopted a provision appropriating $350,000, provided the commission had been able to obtain a sufficient number of men for carrying into effect the provisions of the law. I said then, as I say now, that we passed the law provided for certain things to be done under the law, and I propose so far as it within lies to say to that commission: "You shall have all the means you require for the purposes of carrying out the provisions of the law, and you shall be able to ably to accomplish the exercise that the Congress failed to appropriate sufficient money for that purpose."

Therefore, Mr. Chairman, it seems to me to be unfortunate that the gentleman from New York [Mr. FITZGERALD] should bring this up in this way. No one claimed that it would require $350,000 unless the requisite number of skilled men could be obtained.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. TOWNSEND. I will.

Mr. TAWNEY. I will ask the gentleman if he did not himself say a year ago, and I am now quoting from the Record, this:

Mr. TAWNEY. Will the gentleman state how many men they contemplated employing in this service?

Mr. TOWNSEND. The original proposition was 250 when the quota is full. They have now 161 men, as I remember it, men who have passed the civil-service examinations and have been qualified at this time to take up the operations under the provisions of this act.

While, as a matter of fact, they have only 34 men employed now.

Mr. TOWNSEND. I do not wish to dispute the Rcoxom but my objection is to the situation of the situation at that time was, and it is my understanding now, that I did state that 165 men—it was my intention to say that, at least—or a number of men had been examined, and only a small proportion of them had met the qualifications and passed the examinations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman be given five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNSEND. But, gentlemen, this is a question for us to determine now. We are not going to spend $350,000 unless the commission obtains qualified men to carry out this work, and unless they do get them the money will remain in the Treasury.

Now, I for one want the commission to have all the authority and all the means possible for carrying out the twentieth section of the law, and I submit it would be a mistake if we did not do this. I am sorry that there was no hearing before the Committee on Appropriations on this subject, but this law was passed before the commission had an opportunity to act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNSEND. I do not think it was necessary that the commission should have an opportunity to act. Appropriations Committee was going to report the same amount as last session.

Mr. TAWNEY. I would say to the gentleman from Michigan [Mr. Knapp], that the discussion of the commission was before us, and I interrogated him in regard to both the estimate for the fiscal year and the appropriation for the current fiscal year.

Mr. Knapp was also present at a later hearing, but the subject was not gone into, for the reason that the committee, after considering it, had decided, without any reference to what had passed last year, to carry the amount substantially as we had carried it in the current law, at $350,000, and that understanding has been had on the subject.

Mr. TOWNSEND. Then was my understanding in the matter, and therefore I had taken no pains myself to go into it and did not think there was any division of opinion upon it.

Mr. TAWNEY. If the gentleman will pardon me, I will add that, subsequent to that time, I had a conversation with Mr. Harlan, and I think the disbursing officer of the commission wrote a letter to me explaining the matter, which I shall put in the Record; if I have an opportunity to address the committee?

Mr. TOWNSEND. I understand the chairman of the committee is in favor of this provision for $350,000?

Mr. TAWNEY. I am.

Mr. SHERLEY. If I understand the reason of putting this in at the full $350,000, it was because it would be possible to get the full force now; and that was not true a year ago.

Mr. TOWNSEND. That has subsequently been proven to be the case.

Mr. SHERLEY. Is not it a fact that a year ago you had read to the Committee of the Whole, in consideration of this matter, a statement of the commissioners that for two years they had been at work on this matter and were then ready to institute the full force of the commission?

Mr. TOWNSEND. I stated a year ago that it would take some time to institute the full force.

Mr. SHERLEY. Did you not have this letter read?

[INTERRUPTIVE CONVERSATION.]

Washington, April 29, 1909.

Mr. TOWNSEND. So far as I am aware, every member of the commission is heartily in favor of the appropriation asked for effective administration of the twentieth section of the act, and I am sure there is not a single man on that commission who would be extreme disappointed if the appropriation is not made.

For nearly two years we have been planning this work under the able direction of Professor Adams, and we shall be ready to carry it on efficiently just as soon as the money is provided. The uniform system of keeping accounts was put in force on July 1, 1907, and the examination and inspection of these accounts should begin with the next fiscal year. The commission obtains qualified men to carry out this work, and unless they do get them the money will remain in the Treasury. If you do not get the money you will not be able to get the work done. You will have to spend money to get the work done. You will have to spend money to get the work done.

Mr. SHERLEY. If I understand the chairman of the commission obtained qualified men to carry out the work, this: That the committee missed it by about $3,500,000 and you gentlemen by nearly $200,000?

Mr. TOWNSEND. I submit it was not a question between the gentleman and the committee as to whether the commission could spend this money, but the question was whether the commission could spend the money that was asked of it by the government by Congress, and you by nearly $200,000.

Mr. SHERLEY. Will the gentleman permit an interruption?

Mr. TOWNSEND. The complete record will show that the gentleman contended, and I think the gentleman is correct about that right to do it, that it was an improper thing to do to spend that money.

Mr. SHERLEY. Now, if the gentleman will yield further, I called attention to the value of this kind of work. Speaking from the personal experience that I had in the reorganization of the Monon Railroad, I was in favor of it, but did not believe they needed the large sum asked, and subsequent facts established that they did not need the amount.

Mr. SHERLEY. I did not remember that the gentleman had made that suggestion.

Mr. SHERLEY. I think if the gentleman will refresh his recollection he will find several things that will come to him as having occurred.

Mr. FITZGERALD. Never contended that this was an improper method of expending the money. I did not agree with some as to the advisability of entering as extensively on this plan as some who advocated it, and I did not believe that the commission could use as much money as it asked.

Mr. TOWNSEND. I think the gentleman is correct about that and I think it was not necessary with that. I believe that the monom in last session will dispose that the principal argument of some gentlemen against my amendment increasing the amount was that the law did not provide for the additional appropriation. The commission in reference to its construction of the twentieth section of the law. It was not the principal question whether the commission could spend the additional appropriation, but, rather, ought it to do so?

Mr. GAINES of Tennessee. Has the commission been prevented by injunctions from undertaking anything which they proposed to do?

Mr. TOWNSEND. Not at all. The only thing I had heard prior to to-day about this appropriation was that the committee was on good ground, and, believing this, I have not gone into the reasons which acted the commission in asking for it. But this I do know, in talking with members of the commission from time to time, and especially with Professor Adams, who has had charge of this matter, that he has not been able to get the men that the commission felt were properly fitted for this purpose from time to time, and therefore the commission have not spent the money. Their plans have not been completed as they expected a year ago.

Mr. GAINES of Tennessee. The Government has not been hurt.

Mr. TOWNSEND. Not a bit.

Mr. GAINES of Tennessee. The taxpayers have not been hurt.

Mr. TOWNSEND. Not a dollar.

Mr. GAINES of Tennessee. No criminals have been hurt.

[Laughter.] Now, the gentleman knows that I voted with him on his proposition, and I stand here to defend it, and I am going to defend it before we get away from it; but I still do not under-
Mr. FITZGERALD. Let me suggest to the gentleman that that will not follow, because Congress will convene in December. The commission will have $125,000 to use between the 1st of November and the 1st of December. If then the commission is able to show that it will need more money, there will not be the slightest difficulty in obtaining it; while if we adopt the theory of the gentleman from Michigan, simply because we believe different offices are well advised and intend to carry out the law, of appropriating all they ask for, all the money that ever was in the Treasury would not be sufficient to supply their imaginary wants.

Mr. TOWNSEND. This is a different proposition than the ordinary one. If the commission had not been engaged for, let's say, these several years in preparing a system which they say now, even as they said a year ago, they are prepared to carry out, it might be different; but I submit, Mr. Chairman, that we can better afford in this particular instance to grant what the commission has asked for, and especially as we do not have the full hearings on this particular subject, which would set forth just exactly the reasons the commission had for asking for this appropriation.

Mr. FITZGERALD. Yes. The gentleman says we have not the full hearings. Mr. TOWNSEND. Mr. Chairman, I do not believe they would ask for money if they were not prepared to make some demonstration. I have not talked with them directly on the subject, but I do not believe they would ask for money if they were not prepared to make some demonstration. I have not talked with them directly on the subject, but I do not believe they would ask for money if they were not prepared to make some demonstration. Mr. TOWNSEND. Mr. Chairman, I do not believe they would ask for money if they were not prepared to make some demonstration.

Mr. FITZGERALD. Mr. Chairman, I do not believe they would ask for money if they were not prepared to make some demonstration. Mr. TOWNSEND. Mr. Chairman, I do not believe they would ask for money if they were not prepared to make some demonstration.

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prations for recommending $50,000 for the purpose of carrying out section 20 of the Hepburn Act, and charged that we were attempting to throttle the execution of that act, that we had recommended the appropriation of all the money the commission could use in that service, at least until the next session of Congress.

The commission, I am glad to say, proceeded in the organization of the force for this purpose along the same lines the Committee on Appropriations supposed and proposed that they should, and as the result of their desire and effort to find competent men for the service, at the end of the first seven months of this fiscal year we now find they were able to expend only a little over $125,000 of the $250,000 unexpended balance of the appropriation of $350,000, which was recommended by the Committee on Appropriations for the coming fiscal year with the utmost economy; that this was because of the fact, as he explained, that they could not provide for all the inspection required for the next year of at least $250,000, and that, as the result of their desire and effort to find competent men for the service, at the end of the first six months of this fiscal year they had only expended $125,000 of the $250,000 unexpended balance of the appropriation, that there was no intention on the part of the Committee on Appropriations nor on the part of those who voted to support this section of the Hepburn Act, to interfere with the execution of the interstate-commerce act.

Mr. Chairman, not only myself, but nearly every member of the Committee on Appropriations during the past year has recommended an appropriation of only $50,000 for this service, which now appears to have been more than the commission can expend in this fiscal year. In executing section 20 of the Hepburn Act, had the 12 employees or examiners remained under the general appropriation as it was then intended they should do, and had they not been transferred to the appropriation of $350,000 on the 1st of July, when this appropriation became available, instead of being then in the month of October, as the gentleman from Michigan [Mr. Towse] suggested, the commission did not have a man competent to enter the service until the 1st of October, and in the first month after this appropriation became available they added only 8 men to the 12 then employed. If gentlemen will refer to the hearings, on page 92, you will there find a complete statement of the expenditures for the month of January, the amount expended for compensation, expenses, and also of the number of special agents or examiners.

In the month of July this year the commission were quite right in saying they would have no more than $20,000 more than they had when their appropriation was made in May. In the month of August they had 20, in the month of September they had 24, in the month of October they had 32, in the month of November they had 30 in the month of December 35, and in the month of January 1 less, or 34. So that, Mr. Chairman, the criticism of the committee, either here or elsewhere, on account of our having recommended $50,000 for this service during the first six months of this fiscal year, was absolutely without justification in fact or in reason. In the light of our experience it is now proven that those who charged that the recommendation of the committee was a mere sham and was evidence of an intent on our part to destroy the effect of the interstate-commerce act were made either through ignorance or malice.

Now, Mr. Chairman, in regard to the hearings on this estimate of this session, as an individual, Professor Adams, the statistician of the commission, called on me. I told him I did not think it would be absolutely necessary to have any hearings on the proposition other than what we did have and which held me personally, and that it would be perfectly sufficient for them to get men under the civil-service regulations who were competent to perform the high grade of service required in the enforcement of this section, but that at the present time, by some arrangement—I do not now pretend to quote what Mr. Adams said, but my impression is that by accepting these places from the civil-service regulations they were either now or expected in the near future to obtain more competent men for the performance of this service. Thereafter the chairman of the commission, Mr. Knapp, in a letter addressed to me February 9, says:

"Mr. Chairman, Mr. Tawney: Mr. Adams found it necessary to leave some unexpected for the West on Sunday, and therefore was not able to tell me personally of the interview that he had had with you on Saturday. I distinctly understand that you said to him that a recommendation that $20,000 for the coming fiscal year $250,000 from the unexpended balance of the appropriation for 1908 would enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce, and make a new appropriation of $100,000, so that for the coming year there will be available the sum of $350,000 for that branch of work, which is the same amount appropriated for the current year.

I understood that you were perfectly willing that we should have a full amount which they now estimate can be expended. For that reason, Mr. Chairman, I hope that this amendment offered by the gentleman from New York [Mr. Fitzerlolle] will not prevail.

I want to say that in reappropriating the $225,000 of the unexpended balance of the current appropriation, it is done more for the purpose of emphasizing the fact that when we were in

"Very sincerely yours,

MAm. A. KNAPP,
Chairman."
In the light of what transpired on this floor when it was proposed to increase the appropriation from $50,000 to $250,000, and in view of the statements which were then made and have since been made regarding the motive that prompted the Committee on Appropriations to make that amount of $50,000 for the first time, this admission on the part of the chairman of the Interstate Commerce Commission that Congress at its last session appropriated at least $225,000 more than was necessary for the work of the Interstate Commerce Commission, does satisfy the sane man of the charges made against the Committee on Appropriations or any member of that committee. This admission is also a tribute to the judgment of those who in this House voted against the appropriation for the year, and the Interstate Commerce Commission could expend during the current fiscal year for this service.

Mr. GAINES: The time of the gentleman from Mississippi has expired.

Mr. GAINES: Mr. Chairman, I remember, and there are many in this House who remember, when we were going along in this way on this particular kind of bill about four or five years ago, that the gentleman from Georgia [Mr. BARR-LETT] rose and offered an amendment of $250,000 to help execute the Sherman antitrust law, that had been called for time and again by all the Attorneys-General, going back almost to the beginning of that law, and in a few moments on the other side the gentleman from Iowa [Mr. HEWERX] offered an amendment, or a substitute, appropriating $500,000, and that became a law in a few years after we appropriated $250,000, and added to that $500,000, a part of which had been used, but a small part, I will say.

Now, for the year since then we appropriated several hundred thousand dollars for that fund, and in the bill now pending we have $250,000 “balance,” and add to that amount $100,000 more, which would make that fund something over $400,000. Now, the fact is, Mr. Chairman, that for twelve months or more after that first $500,000 was appropriated there was less than $30,000 used by the Attorney-General and his associates in executing that law, and the most of that was used in the merger or “merger case,” and there was a handful used in the beef-trust case, which dragged behind the merger case.

Now, gentlemen, what was the moral effect of appropriating that $500,000? It certainly did not have an immoral effect. It certainly showed the violators of that law that Congress meant to do all that it could to have the law executed.

And simply because violators of that law have grown in number; because trusts and combinations have become stronger in this country; because we have not been able to put a single one of the malefactors and violators of that law in the penitentiary; because we have not been able, in other words, for the last ten years, to prosecute and to enforce that law, does that mean that we shall abandon that appropriation, that we shall abandon the proposition and policy of keeping more money than the Interstate Commerce Commission could expend during the current fiscal year for this service.

Mr. MANN: Mr. Chairman, if I take the gentleman from New York in offering his amendment only offers it as a part of that facetious cynicism which he sometimes gives to the House. There is not a Member in the House who has more facility in exercising in good-humored sarcasm a situation than the gentleman from New York. I take it that he only desires to emphasize the fact that a year ago, as events have now proven, the Committee on Appropriations was right and the President was wrong in refusing to appropriate to this proposition, including the gentleman from Michigan [Mr. TOWNSEND], because his amendment for $350,000 was made law and he fought like a hero to have it made law.

For me, I make no apologies for voting for it, and I shall vote against the amendment of the gentleman from New York [Mr. FITZGERALD]. And when I go into, if you please, the hills of private life in far-away “Sunny Tennessee,” I shall stand then upon, as now, and have for years, every position I have taken here, to make the lawless railroad combinations and trusts turn loose the people’s threats, their hands and feet, their liberties by nature and law, and let them stand up under the law, and enforce the Sherman antitrust law, as the gentleman from Michigan [Mr. TOWNSEND], because his amendment for $350,000 was made law and he fought like a hero to have it made law.

Suppose the Supreme Court decides against the railroads on this commodity proposition. The commission will have to send a corps of men all over the country to investigate the question whether or not the railroads are owning their own coal mines and are operating them. After the commission has had a fair chance; after the railroads have stopped enjoining them; after the Supreme Court has been speaking in no measure of these laws, as it does every time it acts, the commission will proceed to set up the rights of the American people under the law. For my part, I shall stand firm and square with law and order, for justice to all, and err, if err we must, on the side of the people.

Mr. MANN: Mr. Chairman, if I take the gentleman from New York in offering his amendment only offers it as a part of that facetious cynicism which he sometimes gives to the House. There is not a Member in the House who has more facility in exercising in good-humored sarcasm a situation than the gentleman from New York. I take it that he only desires to emphasize the fact that a year ago, as events have now proven, the Committee on Appropriations was right and the President was wrong in refusing to appropriate to this proposition, including the gentleman from Michigan [Mr. TOWNSEND], because his amendment for $350,000 was made law and he fought like a hero to have it made law.
It would seem that the Committee on Appropriations in reporting the bill a year ago had better knowledge of what the Interstate Commerce Commission needs than the commission itself had. But the commission, although their pride might have led them to expend this money in order that they could say that it had been expended; although they might have complied with it would have been simply "sham recommendations." There was no disposition on the part of the House or of Congress. Mr. Chairman, it often happens that executive branches of the Government think they can expend more money. It is the duty of the Committee on Appropriations to ascertain what they think can be expended; and while the Committee on Appropriations may desire to justify themselves, I do not believe that either the chairman of the committee or the members of the Committee on the minority side, need to defend themselves on the floor of this House. That committee will have the confidence of the House, and I hope that after this proof of their correct prophesying they will have the confidence of the Chief Executive, who was wrong about the expenditures a year ago. It seems to me that this money was engaged in an attempt to show to the House, and to those who occupy seats on that side of the House, that some wisdom is possessed by men in official to the party of which I am a member, but that it will result in immense good to the great mass of the people of the country. Mr. Chairman, let me hope that those who do not fear not only the substance, but the shadow, of the "big stick," will have the courage to stand up and vote not to give money that is unnecessary at this time to this department of the Government.

Mr. MANN. Now, I suggest to the gentleman, as the "wind­
posing in a very graceful speech, that he withdraw his amend­
ment.

Mr. FITZGERALD. To be frank, I would do so if I did not have the absolute conviction that this money cannot be used for the purposes for which it is requested. On coming to this committee, I said to the members of the committee that I did not believe the money could be used; and that I would express my opinion in the Committee of the Whole.

Mr. MANN. The gentleman has expressed his convictions.

Mr. FITZGERALD. Well, I wish to have this committee record once more the fact that it is unable to appreciate common and prefers to do what it knows to be improper rather than follow common sense when it has the opportunity.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New York [Mr. Fitzgerald].

The amendment was rejected thereon, and the question was put: page 56, line 15, strike out "signal.

The Clerk read as follows:

"The word "signal," ought not to be in this provision, because it relates to appliances and systems for safety devices, regardless of whether they are signal systems and appliances or not.

The original resolution only applied to signal appliances.

Mr. TAWNEY. I think the amendment ought to be adopted. There is no objection to it.

The amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I notice in lines 4, 5, 6, and 7, on page 56, this provision:

Hereafter all inspectors employed for the enforcement of said act shall make one report or does it mean a copy of each report?

Mr. TAWNEY. It is a report on the condition of the mail cars, a copy of which will be transmitted to the Postmaster-General.

Does the expression "which report" mean that the inspectors shall make one report or does it mean a "copy of each report?"

Mr. FITZGERALD. To be frank, I would do so if I did not have the absolute conviction that this money cannot be used for the purposes for which it is requested. On coming to this committee, I said to the members of the committee that I did not believe the money could be used; and that I would express my opinion in the Committee of the Whole.

Mr. MANN. Now, I suggest to the gentleman, as the "wind­
saying to the gentleman that it is a great economy to this Government in saving force of inspection.

Mr. COOPER of Wisconsin. I was trying to get at the proper construction of the language.

Mr. Chairman. I want to say that inasmuch as these inspectors are employees of the Interstate Commerce Commission, it is not proper for them to report to the Post-Office Department. They are to report to the Interstate Commerce Commission. They have repeatedly reported, a copy of their report goes to the Post-Office Department for the purpose of advising it as to the safety of the cars for mail purposes.

Mr. GAINES of West Virginia. In regard to what?

Mr. HUMPHREY of Washington. In regard to not desiring the appropriation for this year.

Mr. TAWNEY. The statement was made by the Supervising Architect this morning, in the presence of the subcommittee on the general deficiency appropriation bill. Whether the stenographer took it down or not, I do not know.

Mr. HUMPHREY of Washington. It was, I presume, and the statement made to the Speaker by the Acting Secretary of the Treasury was that they want the appropriations, which was that the Supervising Architect said they were to be disposed of on the basis of the estimate and that this may go over until tomorrow, to see if we can get a statement.

Mr. TAWNEY. I object that this may go over until to-morrow, to see if we can get a statement.

Mr. HUMPHREY of Washington. I ask unanimous consent that this may go over until to-morrow, to see if we can get a statement.

Mr. TAWNEY. The CHAIRMAN. I object.

Mr. GAINES of West Virginia. Oh, no object; let us get what the facts are.

The CHAIRMAN. Objection is made.

Mr. TAWNEY. I object for this reason: I think the matter ought to be disposed of on the statement of the gentleman himself. He does not bring himself within the rule, stating that the site has been selected some time in the month of February. Why, in my view, was the site not selected prior to the 15th of January? I want the statement from the Department of the Treasury, so that the people who are interested in this building may know the truth.

Mr. HUMPHREY of Washington. I am going to ask that the statement be again put in the record if I cannot accept that of that kind, so that we may have something in the Record to show the facts. I do not like to be placed in the position of having a statement made by the Secretary of the Treasury one way and something in the Record to show the other. I am not asking to be treated any differently in this matter from the rest; and if it is true, as he states, that the site was not selected before the 15th of January and it would be useless to make the money available, I do not want it. If the contrary is true, I do want it. In either case I want the record, so that the people who are interested in this building can know the truth.

Mr. TAWNEY. Mr. Chairman, I think that the estimate sent to the Speaker by the Acting Secretary of the Treasury was doubtless sent at the request of the gentleman from Washington.

Mr. HUMPHREY of Washington. It was, I presume, and the statement made to the Speaker is that they want the appropriation now. The Acting Secretary says that he earnestly recommends that this item be included in some appropriation bill of the present Congress, asking for $40,000. The gentleman's information is to the contrary.

Mr. TAWNEY. No; my information is this: They now have $35,000; the site was not selected until after the estimates were in, and the site has not been selected by that.

Mr. HUMPHREY of Washington. I ask unanimous consent that this may go over until to-morrow, to see if we can get a statement.

Mr. TAWNEY. The CHAIRMAN. I object.

Mr. TAWNEY. Mr. Chairman, I want to read a page of a letter which I hold in my hand, delivered to me by the Speaker of the House of Representatives, dated February 20, 1900:

Referring to the act approved May 20, 1898, which authorized the purchase of a site and the erection of a building at Everett, Wash., at a cost of $135,000, I have the honor to state that the site has been acquired, and in order that the work on the building may be commenced in the near future, an appropriation of $40,000 is necessary. I have therefore earnestly recommended that this item be included in some appropriation bill of the present Congress: "Everett, Wash., post-office and custom-house: For the prosecution of work under the present limit of cost, $40,000."

Mr. Chairman, that is addressed to the Speaker and signed by Mr. J. B. Reynolds, Acting Secretary of the Treasury. I am at a loss to understand why he should have written a letter of that kind, requesting an appropriation to be made at this Congress, if he has given out the information that it would not be needed. What is the necessity of writing a letter of that kind and most urgently urging that it be made, if that statement is correct?

Mr. TAWNEY. Mr. Chairman, I will say for the information of the gentleman from Washington that I did not say that the site has been selected. I was under the impression that the statement which I made was that the money, if appropriated, could not be expended. It was the Supervising Architect of the Treasury Department who made the statement that the site had been selected by the gentleman from Wisconsin.

Mr. CHAIRMAN. Without objection, the request of the gentleman from Minnesota will be granted.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reads as follows:

After line 19, page 13, insert:

Everett, Wash. : For site and completion of building under present limit, $30,000.

Mr. TAWNEY. I want to say, Mr. Chairman, that it is stated by the gentleman from Washington [Mr. HUMPHREY] that he does not bring himself within the rule, stating that the amount asked for to construct the building at Everett, Wash., post-office and custom-house: For site and completion of building under present limit, $30,000.

Mr. TAWNEY. I want it if the gentleman from Washington will apply to the Supervising Architect he will receive a statement in writing that if Congress should appropriate this money he will proceed as quickly as possible for him to expend it, for that is the statement he made to the subcommittee on the general deficiency bill this morning.

Mr. HUMPHREY of Washington. It was, I presume, and the statement made to the Speaker is that they want the appropriation now. The Acting Secretary says that he earnestly recommends that this item be included in some appropriation bill of the present Congress, asking for $40,000. The gentleman's information is to the contrary.

Mr. TAWNEY. No; my information is this: They now have $35,000; the site was not selected until after the estimates were in, and the site has not been selected by that.

Mr. HUMPHREY of Washington. I ask unanimous consent that this may go over until to-morrow, to see if we can get a statement.

Mr. TAWNEY. I object.

Mr. TAWNEY. Mr. Chairman, I want to re-read a letter which I hold in my hand, delivered to me by the Speaker of the House of Representatives, dated February 20, 1900:

Referring to the act approved May 20, 1898, which authorized the purchase of a site and the erection of a building at Everett, Wash., at a cost of $135,000, I have the honor to state that the site has been acquired, and in order that the work on the building may be commenced in the near future, an appropriation of $40,000 is necessary. I have therefore earnestly recommended that this item be included in some appropriation bill of the present Congress: "Everett, Wash., post-office and custom-house: For the prosecution of work under the present limit of cost, $40,000."

Mr. Chairman, that is addressed to the Speaker and signed by Mr. J. B. Reynolds, Acting Secretary of the Treasury. I am at a loss to understand why he should have written a letter of that kind, requesting an appropriation to be made at this Congress, if he has given out the information that it would not be needed. What is the necessity of writing a letter of that kind and most urgently urging that it be made, if that statement is correct?

Mr. TAWNEY. Mr. Chairman, I will say for the information of the gentleman from Washington that I did not say that the site has been selected. I was under the impression that the statement which I made was that the money, if appropriated, could not be expended. It was the Supervising Architect of the Treasury Department who made the statement that the site had been selected by the gentleman from Wisconsin.

Mr. CHAIRMAN. The CHAIRMAN. I object.

Mr. TAWNEY. Mr. Chairman, I want to re-read a letter which I hold in my hand, delivered to me by the Speaker of the House of Representatives, dated February 20, 1900:

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Mr. Chairman, that is addressed to the Speaker and signed by Mr. J. B. Reynolds, Acting Secretary of the Treasury. I am at a loss to understand why he should have written a letter of that kind, requesting an appropriation to be made at this Congress, if he has given out the information that it would not be needed. What is the necessity of writing a letter of that kind and most urgently urging that it be made, if that statement is correct?

Mr. TAWNEY. Mr. Chairman, I will say for the information of the gentleman from Washington that I did not say that the site has been selected. I was under the impression that the statement which I made was that the money, if appropriated, could not be expended. It was the Supervising Architect of the Treasury Department who made the statement that the site had been selected by the gentleman from Wisconsin.
The CHAIRMAN. The Clerk will report the amendment.

The Clerk reads as follows:

Page 36, strike out lines 3, 4, and 5.

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

Mr. TAWNEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed his seat, Mr. Watson, Chairman of the Committee of the Whole House on the state of the Union, reported that committee under consideration the bill H. R. 25924, the sundry civil appropriation bill, and had directed him to report that it had come to no resolution thereon.

FORTIFICATIONS APPLICATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take the fortifications appropriation bill (H. R. 27064), from the Speaker's table, nonconcurrence in the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take the fortifications appropriation bill from the Speaker's table, nonconcurrence in the Senate amendment, and ask for a conference. Is there objection?

Mr. FITZGERALD. Why not concur in it; it is so modest?

The SPEAKER. The Chair bears no objection, and the Chair announces the following conference.

The Clerk reads as follows:

Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHEPHERD.

CITY AND SUBURBAN RAILWAY.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 20837 and ask to nonconcurrence in the Senate amendments and send the same to conference.

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

The Clerk reads as follows:

A bill (H. R. 20837) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes.

Mr. MANN. Mr. Speaker, I object.

Mr. SIMS. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, I make the point of order that this should go to the Committee of the Whole House on the state of the Union.

The SPEAKER. Upon what ground?

Mr. MANN. There are a number of Senate amendments which require consideration in the Committee of the Whole House, as I recall them.

Mr. SMITH of Michigan. Will the gentleman yield for a moment? I concede the gentleman has the right, but I want to say that if that bill has to go back to the committee it means that two bills of some importance will not be considered at this session of Congress. Now, this amendment was put on the city and suburban bill, and it passed the other day, which is simply in the interest of safety to life.

Mr. MANN. A very simple bill passed the House the other day.

Mr. SMITH of Michigan. It was.

Mr. MANN (continuing). And a very complicated and complex bill comes back from the Senate.

Mr. SMITH of Michigan. The second amendment simply authorizes the Washington, Spa Springs and Gretta Railroad Company.

Mr. MANN. Oh, the Senate amendment authorizes every other car line in the state of Washington to do certain things that they are not now authorized to do.

Mr. SMITH of Michigan. That is the first amendment.

Mr. MANN. Well, I think it ought to be considered in the Committee of the Whole House on the state of the Union before it is enacted into law. It is a very sweeping and broad proposition.

Mr. SMITH of Michigan. Well, I was in hopes the gentleman would withdraw his objection and let it go to conference. I think the matter can be satisfactorily adjusted there to the satisfaction of the two Houses.

Mr. MANN. It is a proposition that I think ought to be considered by the Committee of the Whole House.

The SPEAKER. The Chair desires to ask the gentleman, as a matter of fact, whether or not the Bladensburg road is held in fee by the United States in whole or in part?

Mr. SMITH of Michigan. The bill is properly on the Union Calendar. There is no question about that. It is a Senate bill which the House has already considered. It is properly on the Union Calendar, and that is why I ask unanimous consent, as I did to send it to conference.

The SPEAKER. Does the original House bill give such location on the Bladensburg road as the Senate bill? The Senate amendment, touching the right of way on the Bladensburg road, is new?

Mr. SMITH of Michigan. Yes, sir.

The SPEAKER. The Chair sustains the point of order.

METROPOLITAN POLICE.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15230, an act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," and concur in the Senate amendment.

The Senate amendment was read.

Mr. MADDEN. Mr. Speaker, I reserve the right to object.

That ought to go to the Committee of the Whole House.

Mr. SMITH of Michigan. Mr. Speaker, I hope the gentleman will reserve his objection for just a moment.

Mr. MADDEN. I take the point of order that it ought to be on the Union Calendar.

Mr. SMITH of Michigan. This only strikes out—

Mr. TAWNEY. Mr. Chairman, I move that the Chair is of the opinion that the point of order is not well taken. It merely amends the bill by striking out the words "sickness or.

Mr. SMITH of Michigan. That is one of the two ways in which they were to get relief.

The SPEAKER. The Chair is inclined to think it is not subject to a point of order. But under the rule it is subject to such motion.

Mr. MADDEN. Mr. Speaker, I move that the bill be referred to the Committee on the District of Columbia.

The question was taken, and the motion was rejected.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House concur in the Senate amendment.

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

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that it may be considered in order to take up and dispose of District of Columbia business the same as of yesterday, after the disposition of the sundry civil bill.

Mr. MADDEN. Mr. Speaker, I object.

INDIANS OF FORT BERTHOLD RESERVATION.

The SPEAKER laid before the House the following request from the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate a bill (S. 8918) to provide appropriation to certain fund of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Indian Agent of Animal Indecency, in the year 1901.

The SPEAKER. If there be no objection, the request of the Senate will be complied with.

There was no objection.

SUPPORT OF ENTRY, RANIER, MINN.

Mr. BEDE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 9017, and amend by striking out after the enacting clause and inserting the bill H. R. 27478, which is No. 421 on the Union Calendar. This is a bill for a support of entry at Ranier, Minn.

The Senate bill contains the words "St. Paul," where it should contain the word "Minnesota." It should be "collection district of Minnesota," but in the Senate bill it says "collection district of St. Paul."

The SPEAKER. The gentleman from Minnesota [Mr. Bunn] asks unanimous consent to take from the Speaker's table the bill (S. 9017) for the establishment of a subport of entry at Ranier, Minn., and amend by striking out all after the enacting clause and inserting the bill H. R. 27478.

The Chair would suggest to the gentleman to strike out the words "St. Paul."

Mr. BEDE. The House bill has been reported by the Committee on Ways and Means.

The SPEAKER. Precisely. How does the House bill differ from the Senate bill?

Mr. BEDE. It is the same, except the name. I would be willing to correct it by striking out "St. Paul."
The SPEAKER. The gentleman asks unanimous consent that the words "St. Paul" be stricken out of the Senate bill. Is there objection? [After a pause.] The Chair hears none.

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

Subsequently.

The SPEAKER. Without objection, House bill 27478, substantially similar to the bill of the Senate which has just been amended, will lie on the table.

There was no objection.

LANDS IN THE CANAL ZONE.

The SPEAKER laid before the House the bill (H.R. 18944) relating to the use, control, and ownership of lands in the Canal Zone, subsections of Panama, with Senate amendments, which were read.

Mr. MANN. Mr. Speaker, I move the House concur in the Senate amendments.

Mr. FITZGERALD. What are the amendments of the Senate?

Mr. MANN. The House bill originally passed last year was for the leasing of lands on the Canal Zone. Section 4 authorized the President to make exchange of lands. The necessity for that has expired, I may say, and the Senate amendment has stricken that out and renumbered the sections.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendments.

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

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PERKINS. Mr. Speaker, I understand that the diplomatic and consular appropriation bill (H.R. 27729) has been returned from the Senate and is on the Speaker's table. I ask unanimous consent that the House disagree to the Senate amendments and send the bill to conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the diplomatic and consular appropriation bill, with Senate amendments, to disagree to the Senate amendments, and ask for a conference thereof. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees: Mr. COUNINS, Mr. LANDIS, and Mr. HOWARD.

ORDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker—The SPEAKER. For what purpose does the gentleman rise?

Mr. SMITH of Michigan. To make a motion, may it please the Chair. I would like to see if we can get some time for the disposition of District business.

Mr. SMITH of Michigan. I move that it may be in order to take up and dispose of District bills, the same as it was in order on Monday, after the disposition of the sundry civil bill. I desire to strike out District business as seen and disposed of, and have the Speaker's permission to take up and dispose of District business the same as of yesterday.

Mr. MANN. I make the point of order that it is not in order.

The SPEAKER. The Chair sustains the point of order; it is not in order under the rule. If the gentleman desires to ask unanimous consent—

Mr. SMITH of Michigan. I made the request, and that was refused. There was objection made. I asked unanimous consent, and some one objected.

Mr. MADDEN. Mr. Speaker, I have no objection to unanimous consent being granted for the purpose of considering unobjectionable bills, but that is the only condition upon which I am willing to give unanimous consent.

Mr. SMITH of Michigan. There are 15 or 20 bills on the calendar, and somebody could get up and raise an objection to every bill. There is the bill for admission to the insane asylum, the teachers' retirement bill, and three or four others that would take considerable time. I ask unanimous consent, that we could not get up if there was objection. We have several Senate bills that we would like to dispose of.

Mr. MADDEN. Mr. Speaker, I will withdraw my objection on the condition that the House may call up bills for unanimous consent.

Mr. SMITH of Michigan. Well, I will accept that.

The SPEAKER. The gentleman modifies the request, and asks unanimous consent that on the completion of the sundry civil bill, it shall be in order to call up bills by unanimous consent relating to the District of Columbia.

Mr. KEIFER. I would like to know for what length of time. You say, after finishing this bill, the same day or next day.

Mr. HENRY of Texas. I did not hear the request of the gentleman from Michigan.

Mr. KEIFER. There ought to be some limit of time in which they can call up the bills.

Mr. MANN. I suggest that the gentleman make his request that it be in order, after the disposition of the sundry civil bill, to take up bills reported from the Committee on the District of Columbia, to the consideration of which no objection is made. That limits the time, in effect.

The SPEAKER. Does the gentleman modify his request?

Mr. SMITH of Michigan. Yes.

The SPEAKER. Is there objection?

Mr. HENRY of Texas. I did not hear the request.

The SPEAKER. The gentleman from Michigan asks unanimous consent that, on the completion of the consideration of the sundry civil appropriation bill, it shall be in order to call up bills on Monday, District day, to which bills no objection is made.

Mr. HENRY of Texas. I do not object to that.

Mr. SHERLEY. Does that give him any right that he does not now possess?

The SPEAKER. It would make it in order for the gentleman to ask unanimous consent. As it is now, it would be in order to ask unanimous consent, if the gentleman could humiliate himself enough to suggest to the Speaker that he submit the request for unanimous consent.

Mr. MANN. I take it that the regular order at that time would be the presentation of such bills, with the right to object to their consideration, which makes quite a difference.

Mr. SHERLEY. Do I understand that this takes away from the Speaker the very important power of determining whether he will grant recognition to the gentleman?

The SPEAKER. Cranks to the Speaker's gratification, yes. Mr. SHERLEY. Out of consideration for the Speaker, I shall not object. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8245. An act 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—to the Committee on Indian Appropriations.

S. 8058. An act authorizing the Attorney-General to appoint as special police officers such employees of the Alaska school service as may be named by the Secretary of the Interior—to the Committee on Naval Affairs.


S. 4229. An act granting certain land in the city of Alva, Okla., used for land-office purposes by the Government, to the city of Alva, Okla.—to the Committee on the Public Lands.

S. 8518. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances—to the Committee on the District of Columbia.

S. 8905. An act for the establishment of a probation system for the District of Columbia—to the Committee on the Judiciary.

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 additional copies of Senate document 541, Senate concurrent resolution, consisting of Senate and House Reports of 1888, 1890, 1894, and 1897, 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives—
to the Committee on Printing.

Senate concurrent resolution 105.

Resolved by the Senate (the House of Representatives concurring), That there be printed and circulated 1,500 additional copies of the final report of Jamestown Tercentennial Commission, embodying the various resolutions of the Jamestown Exposition held at Norfolk, Va., in 1907, with accompanying illustrations; 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives—
to the Committee on Printing.
Under clause 2, Rule XXIV, House bill (with Senate amendment) following title was taken from the Speaker’s table and referred to its appropriate committee, as indicated below:

H. R. 20837. An act entitled “An act to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes”—to the Committee on the District of Columbia.

Mr. Wilson of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the following bills of the following titles, when the Speaker signed the same:

H. R. 27139. An act to provide for the sittings of the United States courts of the district courts of the northern district of Ohio at the city of Youngstown, in said district; and

H. R. 29068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes.

The Speaker announced his signature to enrolled bills of the following titles:

S. 5989. An act authorizing the Department of State to deliver to Maj. C. W. Wilcox decoration and diploma presented by Government of France; and

S. 7829. An act to amend an act entitled “An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road,” approved April 26, 1882.

Mr. Tawney. Mr. Speaker, I move that the House do now take a recess until 11 o’clock to-morrow morning.

The motion was agreed to.

Accordingly (at 5 o’clock and 52 minutes p. m.), the House took a recess until Wednesday, February, 24, 1909, at 11 o’clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of a bridge over the Tittabawassee River in the State of Michigan (H. Doc. No. 1471)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas R. Hardaway, administrator of estate of Alfred Anderson, against The United States (H. Doc. No. 1472)—to the Committee on War Claims and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for site for a public building at Morgantown, W. Va. (H. Doc. No. 1473)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for work on the public building at Everett, Wash. (H. Doc. No. 1474)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. Hamilton of Michigan, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 258) authorizing the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C., reported the same without amendment, accompanied by a report (No. 2224), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCall, from the Committee on the Library, to which was referred the bill of the House (H. R. 17990) providing for the erection of two memorial arches at Valley Forge, Pa., reported the same without amendment, accompanied by a report (No. 2225), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. Gillis, from the Committee on Reform in the Civil Service, to which was referred the bill of the House (H. R. 28280) for the retirement of employees in the classified civil service in the same manner as employees, accompanied by a report (No. 2227), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. Hull of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 29064) granting certain obsolete ordnance for ornamental purposes, reported the same without amendment, accompanied by a report (No. 2229), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. Campbell, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 6183) granting to the Southern Power and Irrigation Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, reported the same without amendment, accompanied by a report (No. 2232), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. Wiley, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 9402) for the relief of John H. Layne, reported the same without amendment, accompanied by a report (No. 2230), which said bill and report were referred to the Private Calendar.

Mr. Hull of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 2821) to authorize the Secretary of War to build a fortification at the Military Academy at West Point Mr. Demetrio Castillo Jr., of Cuba, reported the same without amendment, accompanied by a report (No. 2235), which said joint resolution and report were referred to the Private Calendar.

Mr. Smith of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2544) for the relief of William Martinson, reported the same without amendment, accompanied by a report (No. 2239), which said bill and report were referred to the Private Calendar.

Mr. Capron, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2544) for the relief of William Martinson, reported the same without amendment, accompanied by a report (No. 2231), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 29291) granting a pension to Charles Payne, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. Smith of Texas: A bill (H. R. 28301) to encourage and promote commerce in agricultural products among the States and with foreign nations, and to remove obstructions thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. Estopinal: A bill (H. R. 28302) authorizing and empowering the Secretary of Commerce and Labor to establish aids to navigation in Southwest Pass, Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. Acheson: A bill (H. R. 28303) authorizing the purchase of a said portion of a tract of land within the land covered by a calendar. By Mr. Brinton of Ohio: Resolution (H. Res. 588) to pay for clerical service to Committee on Rivers and Harbors—to the Committee on Accounts.

By Mr. Acheson: Memorial of the legislature of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

By Mr. Bonynge: Memorial of the legislature of Colorado, concerning title to public lands in the Territory of New Mexico as a State—to the Committee on the Territories.

By Mr. Sulzer: Memorial of the legislature of Wyoming, relating to creating forest reserves—to the Committee on the Public Lands.
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. AIKEN: A bill (H. R. 28306) granting a pension to Frederick Wagner—to the Committee on Invalid Pensions.

By Mr. HUFF: Memorial of the State of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming relating to creating forest reserves—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

By Mr. LINDSAY: Memorial of the legislature of Wyoming relating to homestead laws—to the Committee on the Public Lands.

By Mr. HUFF: Memorial of the State of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming relating to creating forest reserves—to the Committee on the Public Lands.

By Mr. CAMPBELL: A bill (H. R. 28310) granting an increase of pension to John L. Sumner—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 28311) for the relief of Willis S. Mahon—to the Committee on Military Affairs.

By Mr. CUSHMAN: A bill (H. R. 28312) granting a pension to George McHood—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 28313) for the relief of the heirs at law of the late Joseph S. Claghhorn and John Cunningham, both now deceased—to the Committee on War Claims.

By Mr. HIGGINS: A bill (H. R. 28314) granting an increase of pension to John E. Drohan—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 28315) granting an increase of pension to Walter C. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28316) granting an increase of pension to Robert Morris—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 28317) granting a pension to Frederick Wagner—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 28318) to correct the military record of John B. Cox—to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 28319) granting an increase of pension to Charles J. Brown—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 28320) for the relief of the heirs of Augusta W. Diehl, deceased—to the Committee on War Claims.

By Mr. BURTON of Ohio: Resolution (H. Res. 567) to pay Joseph M. McMillan a certain sum of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHEBON: Petition of Samuel J. Taylor, of the coal operators of Pittsburg, favoring establishment of a bureau of mines—to the Committee on Mines and Mining.

By Mr. AIKEN: Petition of Mrs. Agnes Collard and other citizens of New York, favoring legislation to regulate interstate commerce in intoxicants—to the Committee on Interstate and Foreign Commerce.

Also, petition of Port Chester (N. Y.) Lodge, No. 863, Benevolent and Protective Order of Elks, favoring the preservation of the American elk—to the Committee on the Public Lands.

By Mr. ANDRUS: Petition of Mrs. Agnes Collard and other citizens of New York, favoring legislation to regulate interstate commerce in intoxicants—to the Committee on Interstate and Foreign Commerce.

Also, petition of Port Chester (N. Y.) Lodge, No. 863, Benevolent and Protective Order of Elks, favoring the preservation of the American elk—to the Committee on the Public Lands.

By Mr. MASON of Oregon: Petition of the Oregon Grange, No. 1323, Benevolent and Protective Order of Elks, favoring the preservation of the American elk—to the Committee on the Public Lands.

By Mr. CALDER of Maine: Petition of the Star Egg Carrier and Tray Manufacturing Company, favoring H. R. 21920—to the Committee on the Public Lands.

Also, petition of C. L. Knapp & Co., of Lebanon, Kans., asking revision of the tariff on crotchet—to the Committee on Ways and Means.

Also, senate concurrent resolution 19 of the legislature of Kansas, favoring legislation to place on the market, under certain restrictions, liquor licenses by the Federal Government in prohibition States under strict accordance with such prohibitory laws, and for an amendment to the interstate-commerce act prohibiting shipment of intoxicating liquors—into a prohibition State for sale in said State—to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Etna Grange, No. 1831, favoring a national highways commission—to the Committee on Agriculture.

By Mr. BURLING: Petition of citizens of Maine, for a national highways commission and federal aid in construction of highways (H. R. 13357)—to the Committee on Agriculture.

Also, petition of residents of Jackson, Miss., favoring passage of the Littlefield-Bacon bill—to the Committee on the Public Lands.

Also, memorial of the legislature of Maine, relating to homestead laws—to the Committee on the Public Lands.

Also, petition of Atchison (Kans.) Lodge, No. 647, Benevolent and Protective Order of Elks, favoring the preservation of the American elk—to the Committee on the Public Lands.

Also, petition of succeeding resolutions of the State of Kansas, arguing the necessity of placing on zinc ores—into the Committee on Ways and Means.

Also, petition of Atchison (Kans.) Lodge, No. 647, Benevolent and Protective Order of Elks, favoring legislation to place on the market, under certain restrictions, liquor licenses by the Federal Government in prohibition States under strict accordance with such prohibitory laws, and for an amendment to the interstate-commerce act prohibiting shipment of intoxicating liquors—into a prohibition State for sale in said State—to the Committee on the Judiciary.

By Mr. HUFF: Petitions of Mount Pleasant (Pa.) Lodge, No. 773, Benevolent and Protective Order of Elks, favoring the preservation of the American elk—to the Committee on the Public Lands.
Also, petition of Frank A. Schinpf, of Philadelphia, Pa., protesting against the reduction of the tariff affecting the lithographic industry, to the Committee on Ways and Means.

Also, protest of J. Kern, the Greensburg Hardware Supply Company, R. M. Bowser & Son, and John F. Ely, against establishment of parcels-post, to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against passage of Senate bill 3940—to the Committee on the Interior.

By Mr. KAHN: Petitions of Andy Fisher and 76 other residents of Ironton, Mo.; Ira H. Craig and 47 other residents of Winnac, Pa.; W. A. Bauer and 47 other residents of Pittsburg, Pa.; J. R. Smith and 136 other residents of the State of Washington; Robert Purtie and 15 other residents of Tacoma, Wash.; James A. Ulrich and 45 other citizens of Middletown, Pa.; Abel Adams and 49 other residents of Hoquiam, Wash.; Wilber F. Knapp and 112 other residents of San Francisco, Cal.; Charles Gildea and 84 other residents of San Francisco, Cal.; Frank C. Mahfet and 46 other residents of Madisonville, Ohio; and A. S. Andrews and 32 other residents of Brockton, Mass., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition to accompany bill for relief of Ellen O'Donnell—to the Committee on Invalid Pensions.

Also, petition of the Marine Cooks and Stewards' Association of the Pacific, against removal of marine hospital from its present location in San Francisco city to Angel Island—to the Committee on Naval Affairs.

By Mr. KNAPP: Petition of merchants of Pulaski, N. Y., against the proposed postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Watertown (N. Y.) Lodge, No. 496, and Oswego Lodge, No. 271, Benevolent and Protective Order of Elks, in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. LAWRENCE: Petition of North Adams (Mass.) Lodge, No. 481, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

Also, petition of the Men's Club of the Methodist Episcopal Church of Dalton, Mass., favoring the Burkett-Foelker bill (S. 5706), preventing telegraphing of gambling bets, etc.—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of citizens of Alexandria, Minn., against duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of loyal veterans' organizations, against erection of secession monuments in the District of Columbia, to the Committee on the Library.

Also, petition of the International Brotherhood of Railroad Telegraphers, favoring H. R. 15457—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of Childress (Tex.) Lodge, No. 1135, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. SULZER: Petition of Trades and Labor Council of Fond du Lac, Wis., against S. 3826—to the Committee on Labor.

By Mr. TOWNSEND: Petition of Washington Lodge, No. 13, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. WANGER: Petition of Bristol (Pa.) Lodge, No. 970, and Northtown (Pa.) Lodge, No. 714, Benevolent and Protective Order of Elks, for legislation creating a reserve in the State of Wyoming for the care of the American elk—to the Committee on the Public Lands.

Also, petition of Frank Fisher, of Santa Cruz, Calif., petition of Frank A. Schinpf, of Philadelphia, Pa., protesting against the reduction of the tariff affecting the lithographic industry, to the Committee on Ways and Means.

By Mr. WHEELER: Petition of Sharon (Pa.) Lodge, No. 103, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. WILEY: Petition of citizens of the Second Congressional District of Alabama, for a reservation of duty on lumber—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, February 24, 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. McCormack, and by unanimous consent, the further reading was dispensed with.

THE VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Brownlow, Chief Clerk, announced that the House had passed the bill (S. 778) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company.

The message also announced that the House had agreed to the amendments of the following bills:—

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," and

H. R. 18934. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama.

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

S. 4548. An act to provide for the sale of timber on allotted Indian land, and for other purposes; and

S. 907. An act for the establishment of a seaport at Ranier, Minn.