

By Mr. LANGHAM: Petition of Lewis F. Shoemaker & Co., against the corporation-tax clause of the Payne bill, and for its repeal—to the Committee on Ways and Means.

By Mr. MCKINNEY: Petition of soldiers of Carthage, Hancock County, Ill., favoring National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Military Order of the Loyal Legion of the United States, San Francisco, Cal., favoring a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of veterans of the civil war and citizens of California, favoring increase of pensions as provided in the National Tribune bill—to the Committee on Invalid Pensions.

Also, petition of Napa (Cal.) Chamber of Commerce, favoring bill by Mr. HUMPHREY of Washington in modification of the postal act of 1891—to the Committee on the Post-Office and Post-Roads.

Also, petition of San Francisco Parlor, No. 49, Native Sons of the Golden West, favoring a ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Board of Trade of San Francisco, for official participation by the United States Government in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

Also, petition of Charles E. Slayton and Anti-Japanese Laundry League, for modification of law so as to exclude all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Napa (Cal.) Chamber of Commerce and Los Angeles (Cal.) Chamber of Commerce, for an appropriation of \$400,000 to improve Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

Also, petition of Merchants' Association of San Francisco, for enlargement of powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Paper to accompany bill for relief of William W. Sturch—to the Committee on Invalid Pensions.

By Mr. PUJO: Papers to accompany bills for relief of Francois Joseph Vantrot and Nicholas Sanyuinetti—to the Committee on War Claims.

SENATE.

MONDAY, January 17, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SURVEY OF PUBLIC LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of a report of the Commissioner of the General Land Office covering the survey between July 1, 1908, and July 1, 1909 (S. Doc. No. 289), of public lands lying within the limits of railroad land grants, which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

RETIREMENT PLANS FOR CIVIL EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of the 11th instant, reports relating to civil-service retirement in Great Britain and in New Zealand, and stating that the Bureau of Labor now has in course of preparation reports covering civil-service retirement systems in other foreign countries, which will be transmitted at as early a date as practicable, etc. (S. Doc. No. 290), which, on motion of Mr. HALE, was, with the accompanying papers, referred to the Committee on Public Expenditures and ordered to be printed.

IMPROVEMENT OF CHARLESTON (S. C.) HARBOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 10, 1909, the report of the Chief of Engineers relative to the further improvement of the harbor at Charleston, S. C., which, with the accompanying paper and illustrations, was referred to the Committee on Commerce and ordered to be printed.

LEATHER TRADE IN CUBA AND MEXICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Arthur B. Butman

on the shoe and leather trade in Cuba and Mexico (H. Doc. No. 553), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MACHINE-TOOL TRADE OF BELGIUM.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Capt. Godfrey L. Carden on the machine-tool trade of Belgium (H. Doc. No. 554), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

COTTON GOODS OF LATIN AMERICA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent W. A. Graham Clark on cotton goods of Latin America (H. Doc. No. 552), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

REPORT OF CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company for the year 1909 (H. Doc. No. 542), which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

David Auld and sundry subnumbered cases *v.* United States (S. Doc. 288); and

John T. R. Mearns, sub No. 176, Richard Rollins, sub No. 180, Mary E. Hare, widow of John Hare, sub. No. 181, *v.* United States (S. Doc. No. 287).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

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

H. R. 7900. An act for the relief of Thomas B. Pope;

H. R. 16311. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 17500. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 17752. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 17755. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 18006. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed a concurrent resolution providing for the acceptance of the statue of George L. Shoup to be placed in Statuary Hall, in the Capitol building, Washington, D. C., in which the concurrence of the Senate was requested.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (S. J. Res. 58) authorizing the Secretary of the Interior to pay to the Winnebago tribe of Indians interest accrued since June 30, 1909, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a letter from W. H. Cox and W. E. Johnson, of Chicago, Ill., transmitting certain papers relative to the claim of the Pokagon band of Pottawatomie Indians of Michigan and Indiana for compensation for certain lands at Chicago, Ill., which was referred to the Committee on Indian Affairs.

Mr. CULLOM presented memorials of sundry citizens of Chicago, Ill., remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest

in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of Kyger Post, No. 204, Department of Illinois, Grand Army of the Republic, of Georgetown, Ill., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of the Board of Trade of Portland, Me., praying for the repeal of the excise tax on corporations, which was referred to the Committee on Finance.

He also presented a petition of the National Board of Steam Navigation, of New York City, N. Y., praying that an appropriation be made for the completion of the harbor of refuge at Point Judith, Rhode Island, which was referred to the Committee on Commerce.

Mr. GAMBLE presented the petition of H. J. Chadwick and sundry other citizens of Newark, S. Dak., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

Mr. FLINT presented a petition of the board of directors of the Merchants' Association of San Francisco, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of the Georgetown Citizens' Association, of the District of Columbia, praying for the enactment of legislation to regulate the business of loaning money in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Howard Park Citizens' Association, of the District of Columbia, praying that an appropriation be made for additional school buildings in the District of Columbia, which was referred to the Committee on Appropriations.

Mr. NELSON presented a petition of the Commercial Club, of Minneapolis, Minn., praying for the repeal of the so-called "corporation-tax law," which was referred to the Committee on Finance.

Mr. BULKELEY. I present a joint resolution of the legislature of Connecticut, relative to the protection of American citizens in foreign countries. I ask that it be printed in the Record and referred to the Committee on Foreign Relations.

There being no objection, the joint resolution was referred to the Committee on Foreign Relations and ordered to be printed in the Record as follows:

STATE OF CONNECTICUT, GENERAL ASSEMBLY,
January Session, A. D. 1909.

Senate joint resolution 153, concerning protection of American citizens in foreign countries.

Resolved by this assembly:

SECTION 1. That it is our sincere desire that every American citizen, whatever his race or creed, who may travel or sojourn in foreign lands, shall receive from all foreign powers in whose jurisdiction he may be while so traveling or sojourning, kindly treatment and all needed protection for his person and property; and it is our earnest hope that every effort will be made by the executive department to secure from the governments of all countries such treatment and protection, so that every American citizen holding a passport issued by the United States shall be fully protected.

SEC. 2. Our Senators and Representatives in Congress are hereby earnestly requested to use every effort to accomplish a result so important and so essential for the maintenance of the rights and dignity of American citizenship.

SEC. 3. The clerks of the senate and house of representatives are hereby directed to transmit a copy of this resolution to the President of the United States and to each of our Senators and Representatives in Congress.

I hereby certify that the foregoing resolution was passed in the senate April 14, 1909.

JOHN A. SPOFFORD,
Clerk of the Senate.

Mr. BRANDEGEE presented a petition of the American Association of State Geologists, praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the repeal of the excise tax on corporations, which was referred to the Committee on Finance.

Mr. ROOT presented a petition of the Chamber of Commerce of Utica, N. Y., praying for the enactment of legislation providing for the reservation of the battle site at Fort Fisher, N. C., as a national park, which was referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of the North Platte Valley Water Users' Association, of Scottsbluff, Nebr., praying that an appropriation be made for the completion of the irrigation project of the North Platte Valley, in Wyoming and Nebraska, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the reclamation committee of the Commercial Clubs of Kittitas and Yakima Valleys, of North Yakima, Wash., praying that an appropriation be made in aid of the reclamation of the arid lands of the Yakima watershed in that State, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. DEPEW presented a petition of the Chamber of Commerce of Utica, N. Y., praying for the enactment of legislation providing for the reservation of the battle site at Fort Fisher, N. C., as a national park, which was referred to the Committee on Military Affairs.

He also presented a petition of the Maritime Association of the Port of New York, praying for the enactment of legislation providing for a more efficient prosecution of the work of the Coast and Geodetic Survey, which was referred to the Committee on Commerce.

He also presented a petition of the American Association of State Geologists, praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented a petition of the congregation of the Wheat Street Baptist Church, of Atlanta, Ga., and of the Baptist Young People's Union of the State of Georgia, praying that an appropriation of \$250,000 be made in aid of the proposed semicentennial American emancipation exposition, which was referred to the Committee on Industrial Expositions.

REPORTS OF COMMITTEES.

Mr. PILES, from the Committee on the Judiciary, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 609) incorporating the National Institute of Arts and Letters; and

A bill (S. 610) incorporating the American Academy of Arts and Letters.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 183) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect (Report No. 68); and

A bill (S. 2341) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect (Report No. 69).

Mr. DU PONT, from the Committee on the Philippines, to whom was referred the bill (S. 2863) to provide for payment of the claims of certain religious orders of the Roman Catholic Church in the Philippine Islands, reported it without amendment and submitted a report (No. 70) thereon.

Mr. HALE, from the Committee on Appropriations, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on the District of Columbia, which was agreed to:

A bill (S. 119) to provide for ascertaining the interest or title of the United States in any land or water rights in the District of Columbia; and

A bill (S. 118) to repeal acts heretofore passed relating to alienation of the title of the United States to land in the District of Columbia, and for other purposes.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3193) to provide for the building of a public avenue on the south side of the Potomac River from the city of Washington to Mount Vernon, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1864) to facilitate the use for manufacturing purposes of square No. 328 in the city of Washington, as authorized in the act of Congress of February 1, 1907 (Report No. 73);

A bill (S. 4621) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes (Report No. 74);

A bill (S. 4630) to authorize the extension of Park place NW. (Report No. 75);

A bill (S. 5134) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes (Report No. 76); and

A bill (S. 4632) to rectify the boundary line of Rock Creek Park (Report No. 77).

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were indefinitely postponed:

A bill (S. 2050) to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes (Report No. 71); and

A bill (S. 3668) for the relief of pensioners of the Metropolitan police fund (Report No. 72).

Mr. GALLINGER (for Mr. DILLINGHAM), from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4932) to make uniform the law of warehouse receipts in the District of Columbia (Report No. 78); and

A bill (S. 1942) for the establishment of a probation and parole system for the District of Columbia (Report No. 79).

Mr. FLINT, from the Committee on Interoceanic Canals, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Claims, which was agreed to:

A bill (S. 115) for the relief of Marcellus Troxell;

A bill (S. 4404) for the relief of Oscar F. Lackey for injuries sustained by him while acting as assistant engineer in the construction of the Panama Canal; and

A bill (S. 3082) for the relief of Elizabeth G. Martin.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, reported it without amendment and submitted a report (No. 80) thereon.

Mr. JOHNSTON, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 404) for the proper observance of Sunday as a day of rest in the District of Columbia (Report No. 81); and

A bill (S. 4624) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch (Report No. 82).

Mr. BRIGGS, from the Committee on Military Affairs, to whom was referred the bill (S. 579) to correct the lineal and relative rank of certain officers of the United States Army, and to prevent the recurrence of like cases, by amending the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the army and to regulate promotion therein," reported it with amendments and submitted a report (No. 83) thereon.

Mr. CARTER, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. J. Res. 14) for the relief of the firm of Fearon, Daniel & Co., of New York and Shanghai, reported it without amendment and submitted a report (No. 84) thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 834) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, reported it without amendment and submitted a report (No. 85) thereon.

He also, from the same committee, to whom was referred the bill (S. 2781) to provide for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes, reported it with an amendment and submitted a report (No. 86) thereon.

Mr. BRANDEGEE, from the Committee on the Judiciary, to whom was referred the bill (S. 1425) to incorporate the Descendants of the Signers, reported it without amendment.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 5049) to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, reported it without amendment and submitted a report (No. 87) thereon.

ADDITIONAL CIRCUIT JUDGE IN FOURTH JUDICIAL CIRCUIT.

Mr. RAYNER. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3658) providing

for an additional circuit judge in the fourth judicial circuit, to report it favorably without amendment. There is urgent necessity for the passage of this bill and the committee unanimously report it. I ask for its present consideration.

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

The Secretary read the bill, as follows:

Be it enacted, etc., That there shall be in the fourth circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction now prescribed by law in respect to the present circuit judges.

Mr. KEAN. Is that a report from a committee?

The VICE-PRESIDENT. It is reported from the Committee on the Judiciary, with a request for present consideration. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole.

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

COURTS IN NORTH CAROLINA.

Mr. OVERMAN. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5197) to change the time for holding the regular terms of the circuit and district courts of the United States at Greensboro and at Charlotte, in the western district of North Carolina, to report it favorably without amendment, and I ask for its present consideration.

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

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

LIQUOR TRAFFIC IN HAWAII.

Mr. SMOOT, from the Committee on Printing, to whom was referred Senate resolution No. 135, providing for the printing of the hearing held before the Committee on Pacific Islands and Porto Rico relative to prohibiting selling of intoxicating beverages in the Territory of Hawaii, reported it with an amendment.

PAPER ON COOPERATION IN AGRICULTURE.

Mr. SMOOT, from the Committee on Printing, to whom was referred a paper on "Cooperation in agriculture" submitted by Mr. CLAPP, reported the following resolution (S. Res. 143):

Senate resolution 143.

Resolved, That the paper entitled "Cooperation in agriculture," read before the Southern States Association of Agriculture and other agricultural workers, October, 1907, at Columbia, S. C., by Hon. Willet M. Hays, Assistant Secretary of Agriculture, be printed as a document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRYE:

(By request.) A bill (S. 5288) to create in the War Department and the Navy Department, respectively, a roll designated as "The civil war volunteer retired list," to authorize placing thereon with retired pay certain surviving officers, soldiers, and enlisted men, who served in the Army, Navy, or Marine Corps of the United States in the civil war, and for other purposes; to the Committee on Military Affairs.

A bill (S. 5289) granting a pension to Alexandrine Martin; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5290) directing the recorder of deeds of the District of Columbia to keep an index to recorded instruments, by lots or tracts (with accompanying papers);

A bill (S. 5291) to license operators of cinematographs, moving-picture machines, and similar apparatus, and for other purposes (with accompanying papers); and

(By request.) A bill (S. 5292) to confer upon the Commissioners of the District of Columbia the powers of a public service commission (with accompanying papers); to the Committee on the District of Columbia.

By Mr. BEVERIDGE:

A bill (S. 5293) to provide for the purchase of a site and the erection of a public building thereon in the city of Portland, Ind.; to the Committee on Public Buildings and Grounds.

A bill (S. 5294) granting an increase of pension to Jefferson Caldwell (with an accompanying paper);

A bill (S. 5295) granting an increase of pension to Frank T. Bolton (with an accompanying paper);

A bill (S. 5296) granting an increase of pension to Wyatt Chappell (with an accompanying paper);

A bill (S. 5297) granting an increase of pension to Edward A. Campbell; and

A bill (S. 5298) granting an increase of pension to John G. Decker (with an accompanying paper); to the Committee on Pensions

By Mr. PENROSE:

A bill (S. 5299) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart, agent; to the Committee on Claims.

A bill (S. 5300) to grant an honorable discharge to John W. Hayes, alias William Keating; and

A bill (S. 5301) to grant an honorable discharge to Samuel H. Knepley, alias Samuel Hunter; to the Committee on Military Affairs.

A bill (S. 5302) to increase the efficiency of the United States Navy by building cruisers and torpedo boats after the design of Richard B. Panton; to the Committee on Naval Affairs.

A bill (S. 5303) granting an increase of pension to Julia C. Russell;

A bill (S. 5304) granting an increase of pension to James H. Wilson;

A bill (S. 5305) granting a pension to Lizzie C. Gregory;

A bill (S. 5306) granting a pension to Moses E. Osborn;

A bill (S. 5307) granting a pension to Annie R. Brannan;

A bill (S. 5308) granting an increase of pension to Samuel R. Smith;

A bill (S. 5309) granting a pension to Rebecca T. Winter;

A bill (S. 5310) granting a pension to Annie B. Godwin (with accompanying papers);

A bill (S. 5311) granting a pension to Caroline King (with an accompanying paper); and

A bill (S. 5312) granting an increase of pension to Amanda A. Hanly (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5313) to authorize the sale of certain Indian lands in Oklahoma, and for other purposes; and

A bill (S. 5314) to extend the time of payments on certain homestead entries in Oklahoma; to the Committee on Indian Affairs.

By Mr. RAYNER:

A bill (S. 5315) to amend existing laws and equalize pay for mail service on railroad lines; to the Committee on Post-Offices and Post-Roads.

By Mr. FRAZIER:

A bill (S. 5316) establishing the Franklin National Military Park; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 5317) to provide for the erection of a public building at Brigham City, Utah; and

A bill (S. 5318) to provide for the erection of a public building at Richfield, Utah; to the Committee on Public Buildings and Grounds.

By Mr. BROWN:

A bill (S. 5319) to appropriate \$50,000 to the city of Crawford, in the State of Nebraska; and

A bill (S. 5320) granting to the State University of Nebraska certain lands embraced in the Fort Niobrara Military Reservation for the purpose of aiding in the establishment and maintenance of an experimental farm as an adjunct of the State University in teaching and studying agricultural problems (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5321) granting a pension to Ella I. Jenkins (with an accompanying paper); to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 5322) granting an increase of pension to Joseph D. Donellen (with accompanying papers);

A bill (S. 5323) granting an increase of pension to Morris H. Alberger (with accompanying papers); and

A bill (S. 5324) granting an increase of pension to George Long (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 5325) to authorize the paving of Twenty-third street NW. from S street to Kalorama road, and Kalorama road from Twenty-third street to Connecticut avenue; to the Committee on the District of Columbia.

A bill (S. 5326) granting a pension to Jackson Lycan (with accompanying papers);

A bill (S. 5327) granting a pension to Charles H. Payne, jr.;

A bill (S. 5328) granting an increase of pension to John H. Everitt;

A bill (S. 5329) granting an increase of pension to Harrison D. Lowery;

A bill (S. 5330) granting an increase of pension to Samuel B. Ayer;

A bill (S. 5331) granting a pension to John W. Smith; and

A bill (S. 5332) granting an increase of pension to John F. Turner; to the Committee on Pensions.

A bill (S. 5333) for the relief of the estate of Jacob J. Foreman, deceased;

A bill (S. 5334) providing for the payment of the amounts due the employees in and the contractors who furnished castings to the United States armory at Harpers Ferry, Va., from January 1, 1861, to April 19, 1861, inclusive; and

A bill (S. 5335) for the relief of J. B. Johnson; to the Committee on Claims.

By Mr. CULLOM:

A bill (S. 5336) to relieve Charles F. Held of the charge of dishonorable dismissal (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 5337) granting an increase of pension to Cornelius Smith (with accompanying papers);

A bill (S. 5338) granting an increase of pension to Harry Otstot (with accompanying papers); and

A bill (S. 5339) granting an increase of pension to Jonathan Francis (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 5340) for the relief of George S. Wells (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5341) for the relief of Mrs. Julia L. Hall; and

A bill (S. 5342) for the relief of George Ivers, of Boone, Pueblo County, Colo., administrator of William Ivers; to the Committee on Claims.

A bill (S. 5343) to amend section 604 of chapter 5, title 13, of the Revised Statutes of the United States of 1878, entitled "The Judiciary;" to the Committee on the Judiciary.

A bill (S. 5344) to appropriate the sum of \$50,000 to aid in the payment of the expenses of the Eighteenth National Irrigation Congress; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 5345) providing for the erection of a public building in the city of Greeley, Colo.; to the Committee on Public Buildings and Grounds.

A bill (S. 5346) granting an increase of pension to Ellen Williams (with accompanying papers);

A bill (S. 5347) granting an increase of pension to Francis M. Webb;

A bill (S. 5348) granting an increase of pension to Henry Shafer (with an accompanying paper);

A bill (S. 5349) granting an increase of pension to Frederick R. Miller (with accompanying papers);

A bill (S. 5350) granting an increase of pension to John W. Mass; and

A bill (S. 5351) granting an increase of pension to Charles Hardy (with an accompanying paper); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 5352) to satisfy certain claims against the Government arising under the Navy Department; to the Committee on Claims.

By Mr. BULKELEY:

A bill (S. 5353) to create a commission to prepare a code of laws for the regulation and control of insurance companies doing business within the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 5354) to provide for improving Duck Island harbor of refuge; to the Committee on Commerce.

A bill (S. 5355) for the relief of the estate of Andrew C. Nash, deceased; to the Committee on Finance.

A bill (S. 5356) granting an increase of pension to Mortimer A. Wilber (with accompanying papers);

A bill (S. 5357) granting a pension to Mary I. Clark (with accompanying papers);

A bill (S. 5358) granting a pension to Daniel F. Lynch (with accompanying papers);

A bill (S. 5359) granting an increase of pension to Thomas G. W. Jefferson (with accompanying papers);

A bill (S. 5360) granting an increase of pension to Edwin F. Hendricks (with an accompanying paper); and

A bill (S. 5361) granting an increase of pension to Henry F. Royce (with accompanying papers); to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 5362) granting to the city of Bozeman, Mont., certain lands to enable the city to protect its source of water supply from pollution; to the Committee on Public Lands.

By Mr. BRANDEGEE:

A bill (S. 5363) granting an increase of pension to Ann M. Forsythe; to the Committee on Pensions.

By Mr. MARTIN:

A bill (S. 5364) providing for the erection of a public building in the town of Waynesboro, Va.; to the Committee on Public Buildings and Grounds.

By Mr. BURKETT:

A bill (S. 5365) for the relief of registers and former registers of the United States land offices; to the Committee on Claims.

A bill (S. 5366) for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 5367) providing for the purchase of a reservation for a public park in the District of Columbia; to the Committee on Public Buildings and Grounds.

A bill (S. 5368) granting an increase of pension to Dexter P. Head;

A bill (S. 5369) granting an increase of pension to Alf Bugh;

A bill (S. 5370) granting an increase of pension to J. C. Yutzky;

A bill (S. 5371) granting an increase of pension to J. C. Youtzy; and

A bill (S. 5372) granting an increase of pension to Charles I. Krickbaum; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5373) to correct the military record of John Walkinshaw and grant him an honorable discharge (with accompanying papers); to the Committee on Military Affairs.

By Mr. WARNER:

A bill (S. 5374) to carry into effect the findings of the Court of Claims in the matter of the claim of the county court of Ste. Genevieve County, Mo.; to the Committee on Claims.

A bill (S. 5375) granting an increase of pension to Tillmon Lynch;

A bill (S. 5376) granting an increase of pension to Edwin Putnam;

A bill (S. 5377) granting an increase of pension to Henry H. Davis; and

A bill (S. 5378) granting a pension to William Plaster; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina; to the Committee on the Library.

A bill (S. 5380) for the relief of Capt. William Hill;

A bill (S. 5381) for the relief of the heirs of Anderson Couch (with accompanying paper);

A bill (S. 5382) for the relief of the heirs of Henry S. Markham (with accompanying paper);

A bill (S. 5383) for the relief of the Grace Protestant Episcopal Church, of Plymouth, N. C.;

A bill (S. 5384) for the relief of the Zion African Methodist Episcopal Church, of Beaufort, N. C.;

A bill (S. 5385) for the relief of the Catholic Church in Washington, N. C.;

A bill (S. 5386) for the relief of the Methodist Episcopal Church South, in Washington, N. C.;

A bill (S. 5387) for the relief of Salem Methodist Episcopal Church South, of Wayne County, N. C.;

A bill (S. 5388) for the relief of the Presbyterian Church in Washington, N. C.;

A bill (S. 5389) for the relief of Spencer Etheredge, J. E. Berry, and Charles Meekins, trustees of Roanoke Island Baptist Church, of Roanoke Island, N. C.;

A bill (S. 5390) for the relief of the heirs of Daniel Reid, deceased;

A bill (S. 5391) for the relief of estate of Riley Wetherington; deceased;

A bill (S. 5392) for the relief of the estate of John D. Johnston, deceased;

A bill (S. 5393) for the relief of the estate of Hardy H. Waters, deceased;

A bill (S. 5394) for the relief of Ezekiel Goulding;

A bill (S. 5395) for the relief of the estate of Wiley Holt, deceased;

A bill (S. 5396) for the relief of the heirs of William Haynes Kilby, deceased;

A bill (S. 5397) for the relief of the heirs of B. L. Robinson, deceased;

A bill (S. 5398) for the relief of the heirs at law of E. L. Shuford, deceased;

A bill (S. 5399) for the relief of W. T. Hawkins;

A bill (S. 5400) for the relief of Nancy West;

A bill (S. 5401) for the relief of Alfred Richardson and others, heirs of John Richardson, deceased, of Franklin County, N. C.;

A bill (S. 5402) for the relief of Peter F. Pescud, jr., John S. Pescud, Sue B. Craig, and Mollie I. Pescud, heirs at law of Peter F. Pescud, deceased;

A bill (S. 5403) for the relief of the estate of John T. Bynum, deceased;

A bill (S. 5404) for the relief of J. A. Reagan; and

A bill (S. 5405) for the relief of Hiram R. Berrier; to the Committee on Claims.

A bill (S. 5406) to correct the military record of Edmund Reece;

A bill (S. 5407) to correct the military record of Wilson Rice;

A bill (S. 5408) to correct the military record of James Payne;

A bill (S. 5409) to correct the military record of Jacob Madison Pruitt;

A bill (S. 5410) to correct the military record of Levi Taylor;

A bill (S. 5411) to correct the military record of William R. Shelton; and

A bill (S. 5412) to correct the military record of Hezekiah A. Wood; to the Committee on Military Affairs.

A bill (S. 5413) granting an increase of pension to Robert Lisenbee (with accompanying papers);

A bill (S. 5414) granting an increase of pension to Cornelius Teal;

A bill (S. 5415) granting an increase of pension to William M. Gentry;

A bill (S. 5416) granting an increase of pension to William Cody;

A bill (S. 5417) granting an increase of pension to Charles Gunter;

A bill (S. 5418) granting an increase of pension to Franklin B. Carland; and

A bill (S. 5419) granting an increase of pension to Spencer Rice; to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 5420) to provide for a public building at Live Oak, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. McENERY:

A bill (S. 5421) for the relief of the estate of Augustin Laban, deceased (with accompanying paper); and

(For Mr. FOSTER.) A bill (S. 5422) for the relief of the estate of Reine S. Welham; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 5423) granting a pension to Daniel G. Webster (with accompanying papers); and

A bill (S. 5424) granting a pension to Cella A. Fairchild (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5425) granting an increase of pension to Harvey L. Smith; and

A bill (S. 5426) granting an increase of pension to W. J. Wilson (with accompanying papers); to the Committee on Pensions.

A bill (S. 5427) for the relief of Lucius P. Ordway, trustee for the creditors of the Dwyer Plumbing and Heating Company; to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 5428) repealing the tax on oleomargarine and other dairy products as fixed by the act of May 9, 1902, and substituting in lieu of said tax an annual license for manufacturers, wholesalers, and retailers; to the Committee on Agriculture and Forestry.

By Mr. NELSON:

A bill (S. 5429) granting an increase of pension to Oscar Hugh La Grange; and

A bill (S. 5430) granting an increase of pension to Charles R. Dodge; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5431) granting an increase of pension to David E. Stevens, alias Tripp (with accompanying papers); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 5432) to grant certain lands to the city of Seattle, Wash., for the protection of the source of its water supply; to the Committee on Public Lands.

By Mr. RAYNER:

A bill (S. 5433) granting a pension to Horace Daniels; and

A bill (S. 5434) granting a pension to Eliza Hood; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5435) to remove the charge of desertion against Thomas Cusick; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate \$10,000 for the purchase of ground adjacent to Fillmore School in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. BROWN submitted an amendment authorizing the President to nominate, by and with the advice and consent of the Senate, for appointment on the retired list of the army, with the rank of brigadier-general, any general officer who served with credit in the capacity of brigadier-general or major-general of volunteers in the civil war, etc., intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate \$50,000 to pay to the Pueblo Board of Control Association, of Pueblo, Colo., to assist in defraying the expenses of the National Irrigation Congress to be held in that city September 26, 1910, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment authorizing the nomination and appointment on the retired list of the army, with the rank of brigadier-general, of any general officer who served with credit in the capacity of brigadier-general or major-general of volunteers in the civil war who was honorably discharged and who has reached the age of 80 years, intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. RAYNER submitted an amendment proposing to appropriate \$25,000 for grading Pennsylvania avenue SE., in the District of Columbia, from Bowen road to the District line, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

BOUNDARIES OF THE DISTRICT OF COLUMBIA.

Mr. CARTER. Mr. President, I ask unanimous consent to have printed in the RECORD, and also as a Senate document, a brief statement of the law and the facts relating to the boundaries of the District of Columbia as established by the commission created under constitutional authority and the subsequent attempted recession to the State of Virginia of that portion of the District lying south and west of the Potomac River.

The subject is of absorbing interest to the people of the District and will surely challenge the attention of the country with constantly increasing force, as the growth of the federal city and the expanding needs of the Government demonstrate more fully the wisdom of President Washington and his collaborators in fixing the District lines as originally marked.

To the United States Government the subject is of grave concern, for it involves, in a technical sense, title to the ground upon which this Capitol, the White House, and many other important public buildings stand. If the recession to Virginia stands in law, it would seem possible that the Federal Government retains jurisdiction over the portion of the District north of the Potomac in derogation of the rights and at the sufferance of the State of Maryland.

When artistic taste and solicitude for sanitary conditions combined to inspire the movement to reclaim the Potomac flats, the progress of the work soon revealed the fact that proper treatment of the narrow river and adjacent marshes would always be limited and unsatisfactory while confined to the northern bank alone. A fever-breeding marsh within seven or eight thousand feet of the White House can not be regarded with indifference, nor can anyone fail to observe that the improvement on the north sets forth the unsightliness of the south bank of the river in bold relief. In short, each year more amply justifies the wisdom of Washington and his commission in embracing both sides of the river within the limits of the federal District.

The Capitol, the White House, and all the public buildings were located near the center in the beginning, but the act of recession moved the southern line of the District to within a short distance of the White House grounds. This was not intended by Washington, under whose masterful direction the constitutional design regarding a seat for the Federal Government was executed.

The act receding substantially two-fifths of the District to Virginia so obviously defeats the intention of the framers of

the Constitution in this behalf and so ruthlessly disregards the rights of other parties that I have for years regarded it as null and void on general principles; but notwithstanding the interesting and important nature of the question, I have not found time to investigate the law and the historical facts bearing upon it. Last year, however, I had the good fortune to mention the matter to Mr. Hannis Taylor, known to the bar of the country as one of our leading constitutional lawyers, and that gentleman volunteered to examine the question and to write me his views upon it.

Mr. Taylor's letter sets forth the constitutional provision in question and all legislation, state and national, in relation to the subject, together with a review of all executive action and contract obligations in pursuance thereof. In fact, the letter is a brief of such rare clearness and ability that I believe it should be made permanently available for reference, and so believing, I renew my request and ask that when printed the communication be referred to the Committee on the District of Columbia for consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The statement referred to is as follows (S. Doc. No. 286):

THE OPINION OF HANNIS TAYLOR AS TO THE CONSTITUTIONALITY OF THE ACT OF RETROCESSION OF 1846.

HON. THOMAS H. CARTER,

Washington, D. C.

MY DEAR SENATOR: You have requested me to make a careful examination of every question of fact and law necessarily involved in the constitutionality of the act of July 9, 1846 (9 Stat., 35), entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia." I will preface my conclusions, which are arranged under four heads, with a few observations as to the history of the original cession, that will hardly be controverted by anyone. The contemporaneous evidence puts the fact beyond all question that the final definition of a district 10 miles square as the seat of our Federal Government was in a special sense the personal work of President Washington, whose task involved the acquisition of the title to the tract from three sources—the State of Virginia, the State of Maryland, and the 19 local proprietors who owned that part of the heart of the present city which underlies the Capitol, the White House, and the Treasury. Washington's task was to induce the three parties who held the title to cede to the Federal Government, without any direct pecuniary consideration, the entire area under a quadrilateral contract, in which that Government was the grantee and beneficiary and Virginia, Maryland, and the 19 local proprietors the grantors. The real consideration moving to such grantors was the incidental benefits to accrue to them from their joint cession which, in the language of the act of July 16, 1790, "is hereby accepted for the permanent seat of the Government of the United States." That covenant represented the only consideration moving directly from the Federal Government, while the three grantors were bound to each other by the mutual considerations moving from the one to the other under interdependent grants. Maryland, the last to grant, expressed the idea of the mutual benefits to be derived from a common enterprise when her legislature declared that "it appears to this general assembly highly just and expedient that all the lands within the said city should contribute, in due proportion, in the means which have already greatly enhanced the value of the whole." Under that quadrilateral contract, supported by the foregoing considerations, the Federal Government entered into possession with a perfect title, after the final cession made by Maryland, December 19, 1791. No one, perhaps, will deny that after the title to the entire area had thus passed from the three grantors into the corporate person of the Nation neither the State of Virginia nor the State of Maryland could have, either in law or in equity, any claim to the common heritage superior to that of any other State. Under such conditions the Federal Government remained in peaceful possession of the entire area 10 miles square and governed the same under the Constitution for a period of fifty-five years. During that time the original boundaries as designed by Washington were marked by massive stone monuments, which still abide unimpaired. By the act of retrocession of July 9, 1846, the District was dismembered by a conveyance to Virginia of nearly one-half of the entire area for no pecuniary or property consideration whatever. What was the real motive of the retrocession it is at this time difficult to ascertain. From a legal standpoint the fact that the portion reconveyed to Virginia had originally been contributed by her is of no significance whatever. Therefore, before argument begins, the mind wonders upon what constitutional principle such retrocession could have been made. Two distinct parts of the Constitution are involved: First, that part of section 8, Article I, which provides that Congress shall have power "to exercise exclusive legislation in all cases whatever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of Government of the United States;" second, that part of section 10, Article I, which provides that "no State shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." During the memorable Senate debate led by Senator Haywood, of North Carolina, who, as chairman of the District Committee, bitterly assailed the constitutionality of the act of retrocession, the meaning and effect of section 8, Article I, was fully explored. I can not doubt the soundness of the conclusion then reached by many leading statesmen of that day to the effect that, considered in reference to that part of the Constitution alone, the act of retrocession is null and void. What I can not understand is the fact that in any debate, however hastily conducted, the deeper and more obvious argument based on the contract clause of the Constitution (Art. I, sec. 10) should have been entirely overlooked. And yet the record shows that such was the fact. It never occurred to anyone in 1846 or since that time to look to the sources of the title in the quadrilateral contract upon which the ownership of the area 10 miles square really depends. What is said herein as to that branch of the subject is my personal contribution to the controversy.

The Continental Congress, after passing its last act on October 10, 1788, expired, leaving to the new Congress that assembled at New

York on March 4, 1789, the task of selecting a permanent seat of government under the mandate contained in section 8, article 1, of the Constitution. The discussion began on May 15, with Virginia's offer of an area of 10 miles square, which was followed by like offers from Maryland, New Jersey, and Pennsylvania. On September 3 Mr. Goodhue said, in debate, that "the eastern and northern Members had made up their minds on the subject, and were of opinion that on the eastern banks of the Susquehanna Congress should fix its permanent residence," introducing at the same time a resolution to that effect. On September 7 Mr. Lee moved to amend Mr. Goodhue's resolution by substituting the "north bank of the river Potomac, in the State of Maryland," for "the east bank of the river Susquehanna, in the State of Pennsylvania." After prolonged discussion the act of July 16, 1790, was passed, and the site of the District finally located, partly in Prince George and Montgomery counties, in the State of Maryland, and partly in Fairfax County, in the State of Virginia, by proclamation of President George Washington, March 30, 1791, within the following bounds:

"Beginning at Jones Point, being the upper cape of Hunting Creek, in Virginia, and at an angle in the outset of 45° west of the north, and running in a direct line 10 miles for the first line; then beginning again at the same Jones Point and running another direct line at a right angle with the first across the Potomac 10 miles for the second line; then from the terminations of the said first and second lines running two other direct lines of 10 miles each, the one crossing the Eastern Branch aforesaid and the other the Potomac, and meeting each other in a point."

From the foregoing it appears that the "portion derived from and ceded to Virginia" constitutes nearly one-half of the territory of the District as originally defined in the proclamation of March 30, 1791. If the act of July 9, 1846 (9 Stats., 35), entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia," is unconstitutional and void, the laws of the United States should now be executed by the President throughout the "portion derived from and ceded to Virginia."

I.

ACT OF 1846 UNCONSTITUTIONAL BECAUSE IN CONFLICT WITH SECTION 8, ARTICLE I, OF THE CONSTITUTION.

That section provides that "the Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States." After the power to select the seat of government had been once exercised by Congress, after the cessions had been made for that purpose by "particular States," after the area so ceded had been accepted by Congress under the act of July 16, 1790, declaring "the same is hereby accepted for the permanent seat of the Government of the United States," the power of Congress over the subject-matter was exhausted. Or, if it was not exhausted, it could not again be exercised, because no power remained to transfer the District, as originally created and accepted, or any portion of it, to any State. In other words, after a district 10 miles square had once been established and accepted as a permanent seat of government, Congress possessed no power to acquire another territory for another seat of government without violating the constitutional limitation which confined it to the 10 miles square. The Congress, an agent of limited authority, was expressly authorized to receive cessions from States of a limited amount of territory to be held as a permanent seat of government, but it was not authorized expressly or impliedly to give any part of such cessions away to any one. Such was the constitutional difficulty which the Hon. R. M. T. Hunter attempted to overcome when the bill in question was up for debate in the House of Representatives May 8, 1846. (See Congressional Globe, vol. 15, No. 2, Appendix, pp. 894-898.)

When the bill passed to the Senate the chairman of the Committee on the District of Columbia, Senator Haywood, of North Carolina, earnestly opposed it. In the proceedings of June 17, 1846, the following appears:

"RETROCESSION OF ALEXANDRIA.

"Mr. Haywood, from the Committee on the District of Columbia, reported the bill for the retrocession of the city and county of Alexandria, with a recommendation that it be rejected." (Congressional Globe, vol. 15, No. 3, pp. 985-986.)

In the debate which took place on June 30 Mr. Haywood said, in part: "If there was any particular evil to be remedied by diminishing the extent of the 10 miles square the committee had not been apprised of it; if any particular good to be attained they were not apprised. When the retrocession was first suggested to the consideration of the Senate doubts were entertained by many how far it was competent for Congress to recede what the Constitution had for a particular purpose authorized them to accept. The States of Maryland and Virginia had ceded this territory to Congress, to be taken under its exclusive jurisdiction for the seat of government; and Congress, in the execution of that intention, solemnly declared by enactment its acceptance of the grant, and that this District should be perpetually the seat of government. Individual citizens of the District, a minority, if they chose to assume that they were so, had purchased property and become residents of the county under this pledge, and unless there were some evil to be remedied or decided advantage to be gained by the change, which would compensate those citizens, where was the propriety of violating that pledge?" Mr. Miller, who followed, said, in part, that "he was inclined to think that the subject was of more importance than he had at first view supposed. His first impressions were in favor of the bill, for he supposed that the whole matter depended upon the wishes of the people of Alexandria and Virginia. But upon an examination of the subject he found himself in great doubt as to whether Congress had the power to pass such an act, and even if they had the power he was perfectly convinced that it would not be good policy to do it." He then contended "that if Congress had the power to cede away any part of the District they had power to cede the whole, and thereby entirely defeat the intention of the constitutional provision in regard to the seat of government." In the final debate, which took place on July 2, "Mr. Haywood opposed the bill, and in an eloquent manner contended for the sacred immunity of the Constitution and the wise arrangements of the sages of the Revolution. He also argued the constitutional question at considerable length and with characteristic ability." Thirteen Senators joined Mr. Haywood in opposition to the bill, which passed by a vote of 32 to 14. (Congressional Globe, vol. 15, No. 3, p. 1046.)

Section 8 of Article 1 of the Constitution, when taken as a whole, provides that "The Congress shall have power to exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the

acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings." The delegation of power thus made to Congress to acquire a seat of government for the United States, through a formal acceptance of cessions to be made by particular States, is a distinct subject matter, entirely separate and apart from the succeeding delegation of power to govern "all places purchased by the consent of the legislature of the State in which the same shall be." Did the grant of an express power formally to accept cessions from particular States, which were to constitute and "become the seat of government of the United States," carry with it, as a necessary implication, the right to use the means necessary for the execution of the power? In other words, did the implied power to use such necessary means flow from the express power to accomplish the end? In construing that clause which provides that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof," it was held at an early day that the clause in question "confers on Congress the choice of means, and does not confine it to what is indispensably necessary." (United States v. Fisher, 2 Cranch, 358.) In *McCulloch v. Maryland* (4 Wheat., 316) it was said that "the Government which has a right to do an act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means. * * * Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional." In commenting on that conclusion in the *Legal Tender* cases (12 Wall., 457) the Supreme Court said: "Suffice it to say, in that case it was finally settled that in the gift of the Constitution to Congress of authority to enact laws 'necessary and proper' for the execution of all the powers created by it, the necessity spoken of is not to be understood as an absolute one. On the contrary, this court then held that the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people." The express mandate was given by the Constitution to Congress to acquire a seat of government by cessions from particular States, and in no other manner. Congress was powerless to force any State to make a cession; it could not go beyond the limits of the States. It could only persuade; it could not command. Congress did not offer to the ceding States any money consideration whatever for their cessions. The means, and the only means, Congress saw fit to employ to accomplish a vitally important end was the promise, made in the act of July 16, 1790, that the seat of government to be located on the cessions should be "permanent." The act expressly declared that "the district so defined, limited, and located shall be deemed the district accepted by this act for the permanent seat of government of the United States." When Mr. Madison moved in the House of Representatives to strike out the word "permanent" from this act he was voted down; and thus we have a legislative interpretation, practically contemporaneous, to the effect that the Constitution intended to confer upon Congress the power to make the seat of government permanent. Contemporary interpretation of the Constitution, practiced and acquiesced in for years, conclusively fixes its construction. (Stuart v. Laird, 1 Cranch, 299; *Martin v. Hunter*, 1 Wheat., 304; *Cohens v. Virginia*, 6 Wheat., 264; *Cooley v. Philadelphia Post* Woodens, 12 How., 299; *Burrow Giles Lithographic Company v. Sarony*, 111 U. S., 53.) Thus it was settled at the outset, by a practically contemporaneous construction of the Constitution, that Congress, as a means of executing the express power and duty to secure a seat of government by cessions from particular States, which could not be compelled to cede anything, and to which no direct consideration was paid, was authorized to promise, as an inducement to the ceding States, that the seat of government to be fixed on the territory granted by them should be "permanent." Without the employment of such "necessary and proper" means, how could the express power have been executed at all? If that be true, then the power in question was exhausted by its exercise under the act of July 16, 1790, and the entire territory ceded and accepted by Congress under that act was forever dedicated as "the seat of the government of the United States." Such was the view of the 14 Senators who opposed the passage of the act of retrocession on July 2, 1846.

Some years ago when a movement was on foot to remove the capital to the Valley of the Mississippi, the effect of the action of Congress under section 8, Article I, was fully discussed. I am informed that it was then universally admitted that by the selection of the present seat of government the power of Congress, under the section in question, had been exhausted, and that any future removal can only be accomplished through an amendment of the Constitution.

II.

ACT OF 1846 UNCONSTITUTIONAL BECAUSE IN CONFLICT WITH SECTION 10, ARTICLE I, OF THE CONSTITUTION.

Conclusive as were the objections made in Congress to the constitutionality of the act in question, under section 8, Article I of the Constitution, an objection more conclusive still, depending upon an entirely different section, escaped observation through the failure of busy statesmen to examine the terms of the original cessions through which the territory in question was derived. The record shows that no examination whatever was made in that direction. When the three cessions through which the territory of the District was derived are examined, it appears that there were three grantors—the State of Virginia, the State of Maryland, and a group composed of 19 local proprietors. The grantee was "the Congress and Government of the United States." Thus it was that four parties entered into a quadrilateral contract which passed upon its execution, under the protection of section 10 of Article I of the Constitution, which provides that no State shall "pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." That phase of the matter was in nowise considered during the debates of 1846.

THE VIRGINIA GRANT OF DECEMBER, 1789.

Section 2 of that act reads as follows: "Be it therefore enacted by the general assembly, that a tract of country not exceeding 10 miles square, or any lesser quantity to be located within the limits of this State and in any part thereof as Congress may by law direct, shall be, and the same is, forever ceded and relinquished to the Congress and

Government of the United States, in full and absolute right and jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the 8th section of the first article of the Constitution of the Government of the United States."

GRANTS FROM 19 LOCAL PROPRIETORS.

On March 30, 1791, 19 local proprietors executed an agreement in which—

"We, the subscribers, in consideration of the great benefits we expect to derive from having the federal city laid off upon our lands, do hereby agree and bind ourselves, heirs, executors, and administrators, to convey, in trust, to the President of the United States, or commissioners, or such person or persons as he shall appoint, by good and sufficient deeds, in fee simple, the whole of our respective lands which he may think proper to include within the lines of the federal city, for the purposes and on the conditions following:

"The President shall have the sole power of directing the federal city to be laid off in what manner he pleases.

"He may retain any number of squares he may think proper for public improvements or other public uses; and the lots only which shall be laid off shall be a joint property between the trustees on behalf of the public and each present proprietor, and the same shall be fairly and equally divided between the public and the individuals, as soon as may be, the city shall be laid off.

"For the streets the proprietors shall receive no compensation; but for the squares or lands in any form which shall be taken for public buildings or any kind of public improvements or uses the proprietors whose lands shall be taken shall receive at the rate of \$25 per acre, to be paid by the public."

On or about June 29, 1791, these 19 original proprietors of the greater part of the lands which now constitute the city of Washington, in execution of the agreement of March 30, 1791, conveyed them in trust, by deeds in a form appended later on. In each one of these trust deeds it is provided that the lands in question are conveyed—

"To and for the special trust following, and no other; that is to say: That all the said lands hereby bargained and sold, or such part thereof as may be thought necessary or proper to be laid out, together with other lands within the said limits, for a federal city, with such streets, squares, parcels, and lots as the President of the United States for the time being shall approve; and that the said Thomas Beall, of George, and John M. Gantt, or the survivor of them, or the heirs of such survivor, shall convey to the commissioners for the time being, appointed by virtue of the act of Congress entitled 'An act for establishing the temporary and permanent seat of the Government of the United States,' and their successors, for the use of the United States forever."

Thus it appears that the 19 local proprietors conveyed their lands to the United States forever, under the terms and conditions of section 2 of the act approved July 16, 1790, which provided expressly as follows: "That the President of the United States be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey and by proper metes and bounds define and limit a district of territory under the limitations above mentioned; and the district so defined, limited, and located shall be deemed the district accepted by this act, for the permanent seat of the Government of the United States." Acting under and by virtue of that section the President, by his proclamation of March 30, 1791, completed the acceptance and defined the boundaries of the said territory of 10 miles square. The terms of the proclamation are as follows:

"Now, therefore, for the purpose of amending and completing the location of the whole of said territory of 10 miles square, in conformity with the said amendatory act of Congress, I do hereby declare and make known that the whole of the said territory shall be located and included within the four lines following; that is to say:

"Beginning at Jones Point, being the upper cape of Hunting Creek, in Virginia, and at an angle in the outset of 45 degrees west of the north, and running in a direct line 10 miles, for the first line; then beginning again at the same Jones Point, and running another direct line, at a right angle with the first, across the Potomac 10 miles, for the second line; thence from the termination of said first and second lines, running two other lines of 10 miles each, the one crossing the Eastern Branch aforesaid and the other the Potomac, and meeting each other in a point.

"And I do accordingly direct the commissioners named under the authority of the said first-mentioned act of Congress to proceed forthwith to have the said four lines run, and by proper metes and bounds defined and limited, and thereof to make due report, under their hands and seals; and the territory so to be located, defined, and limited shall be the whole territory accepted by the said act of Congress as the district for the permanent seat of the Government of the United States."

It thus appears that three months before the 19 proprietors made their grants to the United States for a permanent seat of Government, under the act of Congress of July 16, 1790, the President had definitely defined and accepted the territory of 10 miles square, including therein the grant from Virginia. It thus appears a vital condition precedent to the grant from the 19 proprietors was embodied in the fact that Virginia had ceded and the United States had accepted already from her a section of territory constituting nearly one-half of the total area embraced in "said territory of 10 miles square." The border lines of the lands of the several original owners of the site of the city of Washington, exclusive of Georgetown, were laid down on the land, as a preliminary engineering groundwork, by Major L'Enfant in designing the map of the federal city, and the plan of the city was subsequently mapped out over these lines. In consequence of disputes as to the meaning of portions of the deeds from the original proprietors, the trustees refused to convey the streets and reservations to the commissioners to lay out the city, but the Supreme Court of the United States decided that the fee simple was vested in the United States. See *Van Ness and wife v. The Mayor, etc., of Washington, and the United States* (4 Pet., 232).

THE FINAL GRANT FROM MARYLAND.

Maryland, the last to convey, took no definitive or effective action prior to the passage of her act of December 19, 1791, entitled "An act concerning the Territory of Columbia and the city of Washington." As early as December 23, 1788, Maryland expressed her good intentions in the following act, under which no action was ever taken: "An act to cede to Congress a district of 10 miles square in this State (Maryland) for the seat of the Government of the United States. Approved December 23, 1788.

"Be it enacted by the general assembly of Maryland, That the Representatives of this State in the House of Representatives of the Congress of the United States, appointed to assemble at New York on the

first Wednesday of March next, be, and they are hereby, authorized and required, on behalf of this State, to cede to the Congress of the United States any district in this State not exceeding 10 miles square which the Congress may fix upon and accept for the seat of Government of the United States."

As no conveyance could be made under this act except to "the Congress," as distinguished from the Government of the United States, and as no selection of a site had then been made, there was no attempt to execute the power vested in the Representatives of Maryland in the National House of Representatives. Virginia made her grant, which was the first grant, December 3, 1789; the 19 local proprietors perfected their grants on or about the 29th of June, 1791; Maryland did not make her grant until December 19, 1791. In that grant, embodied in a very elaborate act of 13 sections, Maryland put the fact beyond all question that the prior grants made by Virginia and the 19 proprietors were conditions precedent to her grant. In the preamble the act recites the description of the boundaries of the District in these terms:

"Beginning at Jones Point, being the upper point of Hunting Creek, in Virginia, and at an angle at the outset 45° west of north, and running a direct line 10 miles for the first line; then beginning again at the same Jones Point and running another direct line at a right angle with the first across the Potomac 10 miles for the second line; then from the terminations of the said first and second lines running two other direct lines 10 miles each, the one across the Eastern Branch and the other Potomac, and meeting each other in a point, which has since been called the Territory of Columbia."

After thus describing the prior grant from Virginia, the Maryland act thus refers to the prior grant made by the 19 proprietors:

"Whereas Notley Young, Daniel Carroll, of Duddington, and many others, proprietors of the greater part of the land hereinafter mentioned to have been laid out in a city, came into an agreement, and have conveyed their lands in trust to Thomas Beall, son of George, and John Mackall Gantt, whereby they have subjected their lands to be laid out as a city, given up part to the United States, and subjected other parts to be sold to raise money as a donation to be employed according to the act of Congress for establishing the temporary and permanent seat of the Government of the United States, under and upon the terms and conditions contained in each of the said deeds; and many of the proprietors of lots in Carrollsburg and Hamburg have also come into an agreement, subjecting their lots to be laid out anew, giving up one-half of the quantity thereof to be sold, and the money thence arising to be applied as a donation as aforesaid, and they to be reinstated in one-half of the quantity of their lots in the new location, or otherwise compensated in land in a different situation within the city, by agreement between the commissioners and them, and in case of disagreement, that then a just and full compensation shall be made in money; yet some of the proprietors in Carrollsburg and Hamburg, as well as some of the proprietors of other lands, have not, from imbecility and other causes, come into any agreement concerning their lands within the limits hereinafter mentioned, but a very great number of the landholders having agreed on the same terms, the President of the United States directed a city to be laid out comprehending all the lands within a particular area defined by metes and bounds. With the predicate thus laid, the general assembly of Maryland enacted "That all that part of the said territory called Columbia which lies within the limits of this State shall be, and the same is hereby, acknowledged to be forever ceded and relinquished to the Congress and Government of the United States, and full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States." Immediately preceding that enacting clause we find, in the conclusion of the preamble, the following declaration:

"Whereas it appears to this general assembly highly just and expedient that all the lands within the said city should contribute, in due proportion, in the means which have already greatly enhanced the value of the whole; that an incontrovertible title ought to be made to the purchasers, under public sanction; that allowing foreigners to hold land within the said territory will greatly contribute to the improvement and population thereof; and that many temporary provisions will be necessary till Congress exercises the jurisdiction and government over the said territory; and

"Whereas in the cession of this State, heretofore made, of territory for the Government of the United States, the lines of such cession could not be particularly designated; and it being expedient and proper that the same should be recognized in the acts of this State," etc.

Here we have an explicit declaration upon the part of Maryland that the two States and the local proprietors were cocontributors in a common enterprise whose leading motive was the enhancement of the value of the total territory contributed by each to a common fund. The declaration that "it appears to this general assembly highly just and expedient that all the lands within the said city should contribute, in due proportion, in the means which have already greatly enhanced the value of the whole," puts it beyond question that each contribution was the consideration for every other. It was a joint enterprise for the common good of all, in which the end to be finally attained—the enhanced value of the territory of the District as a whole—depended upon the grant of each. In no other way could the title to the whole be perfected.

A QUADRILATERAL CONTRACT ENTERED INTO.

From the foregoing it clearly appears that the title to the territory of the District of Columbia, as defined in and accepted by the President's proclamation of March 30, 1791, rests upon a quadrilateral contract entered into, on the one hand, by the United States, and, on the other, by Virginia, Maryland, and the 19 local proprietors. The United States, through the act of Congress of July 10, 1790, passed under the constitutional mandate, agreed that "the district so defined, limited, and located shall be deemed the district accepted by this act for the permanent seat of the Government of the United States." Each of the three grantors, in consideration of that stipulation made for the benefit of each, through which alone the title to the whole could be made perfect, entered into the quadrilateral contract in question. It is elementary in the law of contracts that when two or more instruments are executed at the same time, or at different times, which relate to the same subject-matter, and one refers to the other, either tacitly or expressly, they will be taken together and construed as one instrument. As a well-known writer has expressed it, "So where two instruments are executed as parts of the same transaction and agreement, whether at the same time or different times, they will be taken and construed together." Lawson on Contracts, page 457, citing *Stephens v. Baird* (9 Cow., 274); *Makepeace v. Harvard College* (10 Pick., 302); *Sibley v. Holden* (10 Pick., 250); *Wallis v. Beauchamp* (15 Tex., 303); *Strong v.*

Barnes (11 Vt., 221); Norton v. Kearney (10 Wis., 443). In Fletcher v. Peck (6 Cranch, 97), the precursor of the Dartmouth College case, it was said that "the suit was instituted on several covenants contained in a deed made by John Peck, the defendant in error, conveying to Robert Fletcher, the plaintiff in error, certain lands which were part of a large purchase made by James Gunn and others in the year 1795 from the State of Georgia, the contract for which was made in the form of a bill passed by the legislature of the State." In this case the quadrilateral contract is made up (1) of the grant from Virginia, contained in her act of December 3, 1789; (2) of the act of Congress of July 16, 1790; (3) of the 19 trust deeds executed by the local proprietors on or about June 29, 1791; (4) of the grant from Maryland of December 19, 1791. These instruments are but links in a chain, each a part of an indivisible whole completed by the Maryland act of December 19, 1791, which refers to each and describes the transaction as a whole. Every instrument refers to every other, either directly or by necessary implication. The Maryland act, which completed the quadrilateral contract, expressly declares that the grant was made from that State because "it appears to this general assembly highly just and expedient that all the lands within the said city should contribute, in due proportion, in the means which have already greatly enhanced the value of the whole." The fact was thus put beyond all question that the chief consideration for this subscription contract, in aid of the Government of the United States, which paid nothing to the grantors, was the perpetual application by it of the joint product of such subscriptions to the common object, in the mode prescribed by the subscribers and guaranteed by the recipient. There was perfect mutuality. "Mutuality of contract means that an obligation must rest on each party to do or permit to be done something in consideration of the act or promise of the other; that is, neither party is bound unless both are bound." (Am. and Eng. Enc. of Law, vol. 7, p. 114, and authorities.) In Dartmouth College v. Woodward (4 Wheat., 656) this specially pertinent definition occurs: "1. What is a contract? It may be defined to be a transaction between two or more persons, and each reciprocally acquires a right to whatever is promised by the other. Under this definition, says Mr. Powell, it is obvious that every feoffment, gift, grant, agreement, promise, etc., may be included, because in all there is a mutual consent of the minds of the parties concerned in them, upon an agreement between them respecting some property or right that is the object of the stipulation. He adds that the ingredients requisite to form a contract are parties, consent, and an obligation to be created or dissolved; these must all concur, because the regular effect of all contracts is on one side to acquire and on the other to part with some property or rights; or to abridge, or to restrain natural liberty, by binding the parties to do or refrain them from doing something which before they might have done or omitted. If a doubt could exist that a grant is a contract, the point was decided in the case of Fletcher v. Peck, in which it was laid down that a contract is either executory or executed; by the former, a party binds himself to do or not to do a particular thing; the latter is one in which the object of the contract is performed, and this differs in nothing from a grant; but whether executed or executory, they both contain obligations binding on the parties, and both are equally within the provisions of the Constitution of the United States, which forbids the state governments to pass laws impairing the obligation of contracts." One of the best digests (Coop., 1908, vol. 2, p. 1845), in commenting on the case in question, says: "The consideration for a subscription contract in aid of an eleemosynary institution is the perpetual application of the fund arising on such subscriptions to its object in the mode prescribed by the subscribers. Dartmouth College v. Woodward (4 Wheat., 518)." To the same effect, see Goesele v. Birmeler (14 How., 589); Schwartz v. Duss (187 U. S., 26). In the case last cited the principle was emphasized that after such a dedication to a common purpose by individual owners the consideration is sufficient, and no right to a partition or retrocession can be asserted by any subscriber or his heirs. It thus appears that in this case the three grantors—by a joint contribution in which each subscribed in consideration of the grant of every other—dedicated a definite area of territory particularly described and accepted by the United States as its permanent seat of government, to be held perpetually as such. As the quadrilateral contract thus entered into, under the express terms of the Dartmouth College case, protected by the contract clause of the Constitution, the legislation of the State of Virginia, under which the receded section is now held, taxed, and governed, is null and void, because, by the force and effect of such legislation, nearly one-half of the subject-matter of the contract is withdrawn from its operation. The Supreme Court will determine for itself the existence or nonexistence of the contract set up, and whether its obligation has been impaired by the state enactment. Douglass v. Kentucky (168 U. S., 502) and cases cited. In this case there can be no question that the quadrilateral contract was executed between the States of Virginia, Maryland, the 19 proprietors, and the United States, and that such quadrilateral contract passed under the protection of the contract clause of the Constitution before the District of Columbia came into existence, for the simple and conclusive reason that the very existence of such District was the result of the complete execution of such contract. Therefore as the quadrilateral contract was executed between the United States and the States in question prior to the existence of the District, section 10 of Article I, providing that "no State shall . . . pass any bill or attainder, *ex post facto* law, or law impairing the obligation of contracts," operated upon it from the moment of its execution. That is no less true because such contract was executed between States. In Wolf v. New Orleans (103 U. S., 367) it was held expressly that "the prohibition of the Constitution against the passage of laws impairing the obligation of contracts applies to the contracts of the State and to those of its agents acting under its authority as well as to contracts between individuals. And that obligation so impaired, in the sense of the Constitution, when the means by which a contract at the time of its execution could be enforced; that is, by which the parties could be obliged to perform it, are rendered less efficacious by legislation operating directly upon those means." In speaking of its duty in that regard, in Murray v. Charleston (96 U. S., 448), the Supreme Court said that "it is one of the highest duties of this court to take care that the prohibition shall neither be evaded nor frittered away. Complete effect must be given to it in all its spirit." The attempted act of retrocession of 1846 is null and void because in conflict with sections 8 and 10 of Article I of the Constitution; the legislation of Virginia under which her sovereignty is now asserted is null and void because in conflict with section 10 of Article I of the Constitution. The practical dilemma is this: In 1846 two parties to a quadrilateral contract, protected by the contract clause of the Constitution—to wit, the United States and Virginia—attempted to annul it without the assent of the other two parties, by withdrawing a large section of the consideration upon which the contract was

made. If that attempted retrocession upon the part of the United States and Virginia is valid, then the contract as a whole falls. Neither party is bound unless all are bound. If the United States and Virginia, as a matter of law, actually annulled the quadrilateral contract, then Maryland and the representatives of the 19 proprietors can justly and legally claim every foot of land embraced in the limits of the District as now defined. If the retrocession to Virginia is to stand, then the land underlying the Capitol, the White House, and the Treasury belongs either to Maryland or the local proprietors by whom it was granted. The Nation can only be protected against that result by a judgment of the Supreme Court of the United States declaring the act of retrocession of 1846 to be null and void.

III.

JURISDICTION OF THE SUPREME COURT OVER THE CONTROVERSY.

Fortunately there is no real danger in the foregoing *reductio ad horribile*. The title of the United States to all the territory within the District as originally defined is perfect by reason of the fact that the act of retrocession of 1846 is clearly unconstitutional and void, (1) because of the reasons set forth in the debates in Congress at the time of its passage; (2) because of the reasons herein set forth for the first time. What, then, is the remedy? A complete answer is to be found in the opinion of the Supreme Court in the case of The United States v. Texas (143 U. S., 621-649), in which it was held: (1) That the Supreme Court can, under the Constitution, take cognizance of an original suit brought by the United States against a State to determine the boundary between one of the Territories and such State; (2) that the Supreme Court has jurisdiction to determine a disputed question of boundary between the United States and a State; (3) that a suit in equity begun in the Supreme Court is appropriate for determining a boundary between the United States and one of the States. In the course of its opinion the court said:

"In view of these cases it can not with propriety be said that a question of boundary between a Territory of the United States and one of the States of the Union is of a political nature and not susceptible of judicial determination by a court having jurisdiction of such a controversy. The important question, therefore, is whether this court can, under the Constitution, take cognizance of an original suit brought by the United States against a State to determine the boundary between one of the Territories and such State. * * * We can not assume that the framers of the Constitution, while extending the judicial power of the United States to controversies between two or more States of the Union and between a State of the Union and foreign States, intended to exempt a State altogether from suit by the General Government. They could not have overlooked the possibility that controversies capable of judicial solution might arise between the United States and some of the States and that the permanence of the Union might be endangered if to some tribunal was not intrusted the power to determine them according to the recognized principles of law."

That case solves every problem that can possibly arise in an original suit between the United States and Virginia as to the boundaries of the District of Columbia. It also solves in advance another problem that will surely arise, sooner or later, between the United States and Maryland, if the retrocession of 1846 to Virginia is not annulled. In that event Maryland has a perfect right to claim of the United States, by reason of the retrocession of the original quadrilateral agreement, the return of every foot of land ceded by her and now embraced within the present limits of the District. That right Maryland can enforce in an original suit against the United States in the Supreme Court, under the authority of United States v. Texas. That great case has also refuted most emphatically the strange contention made by Senator George F. Hoar in the report made by him to the Senate on April 11, 1902 (57th Cong., 1st sess., Rept. No. 1078), as to the constitutionality of the act of retrocession of 1846. In that report he said: "As to the suggestion that the retrocession was unconstitutional, it seems to us the answer is that from the nature of the case it is a political and not a judicial question, and that it has been settled by the political authorities alone competent to decide it." Such a theory, always untenable, was completely wiped out by the judgment in the case in question, in which it was expressly decided that "it can not, with propriety, be said that a question of boundary between a Territory of the United States and one of the States of the Union is of a political nature, and not susceptible of judicial determination by a court having jurisdiction of such a controversy. * * * We can not assume that the framers of the Constitution, while extending the judicial power of the United States to controversies between two or more States of the Union, and between a State of the Union and foreign States, intended to exempt a State altogether from suit by the General Government."

The right to proceed under that case can not be affected, of course, by the decision in Phillips v. Bayne (92 U. S., 130), in which it was held that the validity of the retrocession to Virginia of Alexandria County can not be raised by a taxpayer in an action to recover for taxes alleged to have been assessed illegally. It was held therein that the validity of the retrocession can only be raised by the sovereignties interested acting on their own account. The doctrine of acquiescence can not be set up against the United States by one holding under an unconstitutional or void law. In Norton v. Shelby County (118 U. S., 425) the court said: "An unconstitutional act is not law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed." Resting upon the case of Hildreth v. McIntire (1 J. J. Marsh., 206, Ky.), the Supreme Court held that, under our system of written constitutions, *de facto* conditions can not impart constitutional validity to acts or institutions. The case of United States v. Texas settled the fact that all controversies as to boundaries between the United States and States present questions purely judicial; they are justiciable by the Supreme Court alone. The idea, as restated by Senator Hoar, that such questions are political was extinguished by that judgment.

IV.

DUTY OF THE PRESIDENT IN THE PREMISES.

The constitutional mandate that requires the President to "take care that the laws be faithfully executed" compels him to ascertain and determine the limits of the territory over which they are to be enforced. In his argument in United States v. Texas the Attorney-General of the United States stated the matter in this form: "The President in enforcing the laws must determine over what territory they are to be enforced. (Carr v. United States, 98 U. S., 436; Foster v. Neilson, 2 Pet., 306; Cherokee Nation v. Southern Kansas Railroad Company, 135 U. S., 656.) Upon a kindred principle of international law all conflicts as to boundaries with foreign States pertain, in the

United States, to the executive department of the Government, whose solutions of them will be accepted as final by the judiciary. (*Garcia v. Lee*, 12 Pet., 415; *Williams v. Suffolk Insurance Company*, 13 Pet., 415; *United States v. Reynolds*, 9 How., 127; *In re Cooper*, 143 U. S., 472.) In determining all questions of boundary, whether foreign or domestic, the initiative in this country is vested in the Executive acting alone. While he may advise with Congress as to the steps he may take in ascertaining boundaries, while executing the laws within the same, the President can not surrender his exclusive power to ascertain what they are. As a practical illustration, if in this matter the President believes that Virginia is in unlawful possession of that portion of the District described in the act of 1846, it is his constitutional duty to "take care that the laws be faithfully executed" in that area, regardless of any contrary opinion the legislative department of the Government might entertain on the subject. He could hold no other view without abdicating the independence of the executive power in the execution of the laws. It is, however, in my humble judgment, a case in which there should be friendly consultation between the executive and legislative departments, because in the event of a recovery in the Supreme Court Congress would no doubt be called upon to pass such a bill of indemnity as would relieve Virginia of any accountability for revenues derived from the area in question during her *de facto* occupation. In the appendix hereto is embraced all the acts of government upon which the quadrilateral contract in question depends, and also the agreement and form of the deed from the local proprietors.

Yours, with great respect,
WASHINGTON, D. C., January 12, 1910.

HANNIS TAYLOR.

APPENDIX.

Embracing all the acts of government upon which the quadrilateral contract in question depends, and also the agreement and form of the deed from the local proprietors.

No. 1.

VIRGINIA CESSION OF DECEMBER 3, 1789.

An act for the cession of 10 miles square or any lesser quantity of territory within this State (Virginia) to the United States in Congress assembled, for the permanent seat of the General Government. Approved, December 3, 1789.

1. Whereas the equal and common benefits resulting from the administration of the General Government will be best diffused and its operations become more prompt and certain by establishing such a situation for the seat of said Government as will be most central and convenient to the citizens of the United States at large, having regard as well to population, extent of territory, and free navigation to the Atlantic Ocean, through the Chesapeake Bay, as to the most direct and ready communication with our fellow-citizens in the western frontiers; and whereas it appears to this assembly that a situation combining all the considerations and advantages before recited may be had on the banks of the river Potomac, above tide water, in a country rich and fertile in soil, healthy and salubrious in climate, and abounding in all the necessities and conveniences of life, where, in a location of 10 miles square, if the wisdom of Congress shall so direct, the States of Pennsylvania, Maryland, and Virginia may participate in such location:

2. *Be it therefore enacted by the general assembly*, That a tract of country, not exceeding 10 miles square, or any lesser quantity, to be located within the limits of this State, and in any part thereof as Congress may by law direct, shall be, and the same is, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States.

3. *Provided*, That nothing herein contained shall be herein construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States.

4. *And provided also*, That the jurisdiction of the laws of this Commonwealth over the persons and property of individuals residing within the limits of the cession aforesaid shall not cease or determine until Congress, having accepted the said cession, shall by law provide for the government thereof, under their jurisdiction, in the manner provided by the article of the Constitution before recited.

No. 2.

THE FIRST ACT OF CONGRESS OF JULY 16, 1790.

An act for establishing the temporary and permanent seat of the Government of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a district of territory, not exceeding 10 miles square, to be located as hereafter directed on the river Potomac, at some place between the mouths of the Eastern Branch and the Conococheague, be, and the same is hereby, accepted for the permanent seat of the Government of the United States: *Provided*, nevertheless, That the operation of the laws of the State within such district shall not be affected by this acceptance, until the time fixed for the removal of the Government thereto, and until Congress shall otherwise by law provide.

SEC. 2. *And be it further enacted*, That the President of the United States be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the district so defined, limited, and located shall be deemed the district accepted by this act for the permanent seat of the Government of the United States.

SEC. 3. *And be it further enacted*, That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States and according to such plans as the President shall approve, the said commissioners, or any two of them, shall prior to the first Monday in December, in the year 1800, provide suitable buildings for the accommodation of Congress and of the President and for the public offices of the Government of the United States.

SEC. 4. *And be it (further) enacted*, That for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money.

SEC. 5. *And be it (further) enacted*, That prior to the first Monday in December next, all offices attached to the seat of the Government of the United States, shall be removed to, and until the said first Monday in December, in the year 1800, shall remain at the city of Philadelphia, in the State of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

SEC. 6. *And be it (further) enacted*, That on the said first Monday in December, in the year 1800, the seat of the Government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid. And all offices attached to the said seat of Government, shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and that the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

Approved, July 16, 1790. (1 Stats., 130.)

No. 3.

PRESIDENT'S PROCLAMATION OF JANUARY 24, 1791.

In pursuance of the act of 16th of July, 1790, three commissioners were appointed, who proceeded to locate the district of 10 miles square agreeably to the following proclamation of the President:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the general assembly of the State of Maryland, by an act passed on the 23d day of December, 1788, entitled, "An act to cede to Congress a district of 10 miles square in this State for the seat of Government of the United States," did enact, that the representatives of the said State in the House of Representatives of the Congress of the United States, appointed to assemble at New York on the first Wednesday of March then next ensuing, should be, and they were thereby, authorized and required, on the behalf of the said State, to cede to the Congress of the United States any district in the said State not exceeding 10 miles square, which the Congress might fix upon and accept for the seat of Government of the United States.

And the general assembly of the Commonwealth of Virginia, by an act passed on the 3d day of December, 1789, and entitled "An act for the cession of 10 miles square, or any lesser quantity of territory within this State, to the United States in Congress assembled, for the permanent seat of the General Government," did enact, that a tract of country not exceeding 10 square miles, or any lesser quantity, to be located within the limits of the said State, and in any part thereof, as Congress might by law direct, should be and the same was thereby forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States:

And the Congress of the United States, by their act passed the 16th day of July, 1790, and entitled "An act for establishing the temporary and permanent seat of the Government of the United States," authorized the President of the United States to appoint three commissioners to survey under his direction, and by proper metes and bounds to limit a district of territory not exceeding 10 miles square on the river Potomac, at some place between the mouth of the Eastern Branch and Conococheague, which district, so to be located and limited, was accepted by the said act of Congress as the district for the permanent seat of the Government of the United States.

Now, therefore, in pursuance of the powers to me confided, and after duly examining and weighing the advantages and disadvantages of the several situations within the limits aforesaid, I do hereby declare and make known that the location of one part of the said district of 10 miles square shall be found by running four lines of experiment in the following manner; that is to say: Running from the court-house of Alexandria, in Virginia, due southwest half a mile, and thence a due southeast course till it shall strike Hunting Creek, to fix the beginning of the said four lines of experiment.

Then beginning the first of the said four lines of experiment at the point on Hunting Creek, where the said southeast course shall have struck the same, and running the said first line due northwest 10 miles; thence the second into Maryland, due northeast 10 miles; thence the third line due southeast 10 miles; and thence the fourth line due southwest 10 miles, to the beginning on Hunting Creek.

And the said four lines of experiment being so run, I do hereby declare and make known that all that part within the said four lines of experiment which shall be within the State of Maryland, and above the Eastern Branch, and all that part within the same four lines of experiment which shall be within the Commonwealth of Virginia, and above a line to be run from the point of land forming the upper cape of the mouth of the Eastern Branch due southwest, and no more, is now fixed upon, and directed to be surveyed, defined, limited, and located for a part of the said district accepted by the said act of Congress for the permanent seat of the Government of the United States; hereby expressly reserving the direction of the survey and location of the remaining part of the said district, to be made hereafter contiguous to such part or parts of the present location as is or shall be agreeably to law.

And I do accordingly direct the said commissioners, appointed agreeably to the tenor of the said act, to proceed forthwith to run the said lines of experiment, and the same being run, to survey and, by proper metes and bounds, to define and limit the part within the same which is hereinbefore directed for immediate location and acceptance, and thereof to make due report to me under their hands and seals.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia the 24th day of January, in the year of our Lord 1791, and of the Independence of the United States the fifteenth.

GEORGE WASHINGTON.

By the President:
THOMAS JEFFERSON.

No. 4.

THE AMENDATORY ACT OF MARCH 3, 1791.

An act to amend an act for establishing the temporary and permanent seat of the Government of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "An act for establishing the temporary and permanent

seat of the Government of the United States" as requires that the whole of the district of territory, not exceeding 10 miles square, to be located on the river Potomac, for the permanent seat of the Government of the United States, shall be located above the mouth of the Eastern Branch, be and is hereby repealed, and that it shall be lawful for the President to make any part of the territory below the said limit, and above the mouth of Hunting Creek, a part of the said District, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria, and the territory so to be included, shall form a part of the district not exceeding 10 miles square, for the permanent seat of the Government of the United States, in like manner and to all intents and purposes as if the same had been within the purview of the above-recited act: *Provided*, That nothing herein contained shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potomac, as required by the aforesaid act.

Approved March 3, 1791. (1 Stats., 214.)

No. 5.

PRESIDENT'S PROCLAMATION OF MARCH 30, 1791.

Whereas, by proclamation bearing date the 24th day of January of this present year, and in pursuance of certain acts of the States of Maryland and Virginia and the Congress of the United States, therein mentioned, certain lines of experiment were directed to be run in the neighborhood of Georgetown, in Maryland, for the purpose of locating a part of the territory of 10 miles square, for the permanent seat of Government of the United States, and a certain part was directed to be located within the said lines of experiment on both sides of the Potomac, and above the limits of the Eastern Branch, prescribed by the said act of Congress:

And Congress, by an amendatory act, passed on the 3d day of this present month of March, have given further authority to the President of the United States "to make any part of the said territory below the said limit and above the mouth of Hunting Creek a part of said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria:"

Now, therefore, for the purpose of amending and completing the location of the whole of said territory of 10 miles square, in conformity with the said amendatory act of Congress, I do hereby declare and make known that the whole of the said territory shall be located and included within the four lines following; that is to say:

Beginning at Jones's Point, being the upper cape of Hunting Creek, in Virginia, and at an angle in the outset of 45° west of the north, and running in a direct line 10 miles, for the first line; then beginning again at the same Jones Point, and running another direct line, at a right angle with the first, across the Potomac 10 miles, for the second line; thence from the termination of said first and second lines, running two other lines of 10 miles each, the one crossing the Eastern Branch aforesaid and the other the Potomac, and meeting each other in a point.

And I do accordingly direct the commissioners named under the authority of the said first-mentioned act of Congress to proceed forthwith to have the said four lines run, and by proper metres and bounds defined and limited, and thereof to make due report, under their hands and seals; and the territory so to be located, defined, and limited shall be the whole territory accepted by the said act of Congress as the district for the permanent seat of the Government of the United States.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my own hand. Done at Georgetown aforesaid the 30th day of March in the year of our Lord 1791, and of the Independence of the United States the fifth.

[SEAL.] GEORGE WASHINGTON.
By the President:
THOMAS JEFFERSON.

No. 6.

AGREEMENT OF THE ORIGINAL PROPRIETORS OF MARCH 30, 1791.

On March 28, 1791, President Washington reached Georgetown, and on the 29th he rode over the proposed site of the Federal City in company with the three commissioners and the two surveyors, Andrew Ellicott and Maj. Peter Charles L'Enfant.

On the evening of the same day a meeting was held for the purpose of effecting a friendly agreement between the proprietors of the lands constituting the site of the Federal City and the United States commissioners, and Washington's good counsel on that occasion had so favorable an effect that the general features were settled that very evening for the agreement, which was signed and executed by nineteen property holders the next day, and thereby the rights of and titles to property within this District and city may be said to have been decided on that evening.

This agreement, which was accepted by the commissioners and recorded in their books on April 12, 1791, was as follows:

"We, the subscribers, in consideration of the great benefits we expect to derive from having the federal city laid off upon our lands, do hereby agree and bind ourselves, heirs, executors, and administrators to convey, in trust, to the President of the United States, or commissioners, or such person or persons as he shall appoint, by good and sufficient deeds, in fee simple, the whole of our respective lands which he may think proper to include within the lines of the federal city, for the purposes and on the conditions following:

"The President shall have the sole power of directing the federal city to be laid off in what manner he pleases.

"He may retain any number of squares he may think proper for public improvements or other public uses, and the lots only which shall be laid off shall be a joint property between the trustees on behalf of the public and each present proprietor, and the same shall be fairly and equally divided between the public and the individuals as soon as may be the city shall be laid off.

"For the streets the proprietors shall receive no compensation, but for the squares or lands in any form which shall be taken for public buildings or any kind of public improvements or uses the proprietors whose lands shall be taken shall receive at the rate of \$25 per acre, to be paid by the public.

"The whole wood on the lands shall be the property of the proprietors, and should any be desired by the President to be reserved or left standing the same shall be paid for by the public at a just and reasonable valuation, exclusive of the \$25 per acre to be paid for the land on which the same shall remain.

"Each proprietor shall retain the full possession and use of his land until the same shall be sold and occupied by the purchase of the lots

laid out thereon, and in all cases where the public arrangements, as the streets, lots, etc., will admit of it each proprietor shall possess his buildings and other improvements and graveyards, paying to the public only one-half the present estimated value of the land on which the same shall be, or \$12 10s. per acre; but in cases where the arrangements of the streets, lots, squares, etc., will not admit of this, and it shall become necessary to remove such buildings, etc., the proprietors of the same shall be paid the reasonable value thereof by the public.

"Nothing herein contained shall affect the lots any of the parties to this agreement may hold in the towns of Hamburg or Carrolsburg.

"In witness whereof we have hereunto set our hands and seals this 30th day of March, in the year of our Lord 1791.

- " ROBERT PETER. [SEAL.]
- " DAVID BURNES. [SEAL.]
- " JAS. M. LINGAN. [SEAL.]
- " URIAH FORREST. [SEAL.]
- " BENJAMIN STODDERT. [SEAL.]
- " NOTLEY YOUNG. [SEAL.]
- " DANIEL CARROLL, of Duddington. [SEAL.]
- " OVERTON CARR. [SEAL.]
- " THOMAS BEALE, of George. [SEAL.]
- " CHAS. BEATTY. [SEAL.]
- " ANTHONY HOLMEAD. [SEAL.]
- " WM. YOUNG. [SEAL.]
- " EDWARD PIERCE. [SEAL.]
- " ABRAHAM YOUNG. [SEAL.]
- " JAS. PIERCE. [SEAL.]
- " WM. PROUT. [SEAL.]
- " ROBERT PETER, [SEAL.]
- " As Attorney in Fact for Eliphas Douglass. [SEAL.]
- " BENJAMIN STODDERT, [SEAL.]
- " For Jas. Warren, by written authority from W. Warren. [SEAL.]
- " WM. KING. [SEAL.]

"Signed and sealed in presence of Mr. Thomas Beale, making an exception of the land he sold A. C. Young, not yet conveyed.

- " Witness to all subscribers, including Wm. Young.
- " WM. BAILEY.
- " WM. ROBERTSON.
- " JOHN LUTER.
- " SAM. DAVIDSON (witness to Abraham Young signing).
- " BENJAMIN STODDERT (witness to Pierce's signing).
- " JOSEPH E. ROWLES (for Jno. Warring).
- " WM. DEAKING, Jr. (for Wm. Prout and Wm. King)."

No. 7.

FORM OF TRUST DEED USED BY THE 19 ORIGINAL PROPRIETORS.

On or about the 29th of June, 1791, 19 original proprietors of the greater parts of the lands which now constitute the city of Washington conveyed them in trust, by deeds in the following form, viz:

[Copy of the deed in trust from an original proprietor of the ground on which the city of Washington is located to the trustees appointed by authority of the United States to receive the same.]

This indenture, made this 29th day of June, in the year of our Lord 1791, between (here is inserted the name of the grantor), of the State of Maryland, of the one part, and Thomas Beall, of George, and John M. Gantt, of the State of Maryland, of the other part, witnesseth:

That the said _____ (the grantor), for and in consideration of the sum of 5s., to him in hand paid by the same Thomas Beall, of George, and John M. Gantt, before the sealing and delivery of these presents, the receipt whereof he doth hereby acknowledge, and thereof doth acquit the said Thomas Beall, of George, and John M. Gantt, their executors and administrators; and also, for and in consideration of the uses and trust hereinafter mentioned, to be performed by the said Thomas Beall, of George, and John M. Gantt, and the survivor of them, and the heirs of such survivor, according to the true intent and meaning thereof, hath granted, bargained, sold, aliened, released, and confirmed, and by these presents doth grant, bargain, sell, alien, release, and confirm unto the said Thomas Beall, of George, and John M. Gantt, and the survivor of them, and the heirs of such survivor, all the lands of him, the said (grantor) lying and being within the following limits, boundaries, and lines, to wit: Beginning on the east side of Rock Creek, at a stone standing in the middle of the main road leading from Georgetown to Bladensburg; thence along the middle of the said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of 61° 20' with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern Branch ferry; thence south, to a stone 80 poles north of the east and west line already drawn from the mouth of Goose Creek, to the Eastern Branch; then east, parallel to the said east-and-west line, to the Eastern Branch; thence by and with the waters of the Eastern Branch, Potomac River, and Rock Creek to the beginning, with their appurtenances, except all and every lot and lots of which the said _____ (the grantor) is seized or to which he is entitled in Carrolsburg or Hamburg; to have and to hold the hereby bargained and sold lands with their appurtenances to the said Thomas Beall, of George, and John M. Gantt, and the survivor of them, and the heirs of such survivor forever: To and for the special trust following, and no other; that is to say: That all the said lands hereby bargained and sold, or such part thereof as may be thought necessary or proper to be laid out, together with other lands within the said limits, for a federal city, with such streets, squares, parcels, and lots as the President of the United States for the time being shall approve; and that the said Thomas Beall, of George, and John M. Gantt, or the survivor of them, or the heirs of such survivor shall convey to the commissioners for the time being, appointed by virtue of the act of Congress entitled "An act for establishing the temporary and permanent seat of the Government of the United States," and their successors, for the use of the United States forever, all the said streets and such of the said squares, parcels, and lots as the President shall deem proper, for the use of the United States; and that as to the residue of the said lots, into which the said lands hereby bargained and sold shall have been laid off and divided, that a fair and equal division of them shall be made. And if no other mode of division shall be agreed on by consent of the said _____ (the grantor) and the commissioners for the time being, then such residue of the said lots shall be divided, every other lot alternate to the said _____ (the grantor), and it shall, in that event, be determined by lot, whether the said _____ (the grantor) shall begin with the lot of the lowest number laid out on the said lands or the following number.

And all the said lots which may in any manner be divided or assigned to the said _____ (the grantor) shall, thereupon, to-

gether with any part of the bargained and sold lands, if any, which shall not have been laid out in the said city, be conveyed by the said Thomas Beall, of George, and John M. Gantt, or the survivor of them, or the heirs of such survivor, to him, the said _____ (the grantor), his heirs and assigns. And that the said other lots shall and may be sold at such time or times, in such manner, and on such terms and conditions as the President of the United States for the time being shall direct; and that the said Thomas Beall, of George, and John M. Gantt, or the survivor of them, or the heirs of such survivor, will, on the order and direction of the President, convey all the said lots so sold and ordered to be conveyed to the respective purchasers in fee simple, according to the terms and conditions of such purchases; and the produce of the sales of the said lots when sold as aforesaid shall in the first place be applied to the payment in money to the said _____ (the grantor), his executors, administrators, or assigns, for all the part of the land hereby bargained and sold which shall have been laid off into lots, squares, or parcels, and appropriated as aforesaid to the use of the United States, at the rate of \$25 per acre, not accounting the said streets as part thereof.

And the said \$25 per acre, being so paid, or in any other manner satisfied, that then the produce of the same sale, or what thereof may remain as aforesaid, in money or securities of any kind, shall be paid, assigned, transferred, and delivered over to the President of the United States, for the time being, as a grant of money, and to be applied for the purposes and according to the act of Congress aforesaid. But the said conveyance to the said _____ (the grantor), his heirs or assigns, as well as the conveyance to the purchasers, shall be on and subject to such terms and conditions as shall be thought reasonable, by the President, for the time being, for regulating the materials and manner of the buildings and improvements on the lots, generally, in the said city, or in particular streets, or parts thereof, for common convenience safety, and order: *Provided*, Such terms and conditions be declared before the sales of any of the said lots, under the direction of the President. And in trust further, and on the agreement that the said _____ (the grantor), his heirs or assigns, shall and may continue his possession and occupation of the said lands hereby bargained and sold, at his and their will and pleasure, until they shall be occupied under the said appropriations for the use of the United States as aforesaid, or by purchasers; and when any lot or parcels shall be occupied under purchase or appropriations as aforesaid, then, and not until then, shall the said _____ (the grantor) relinquish his occupation thereof. And in trust also, as to the trees, timber, and wood on the premises, that he the said _____ (the grantor), his heirs or assigns, may freely cut down, take, and carry away, and use the same as his and their property, except such of the trees and wood growing as the President or commissioners aforesaid may judge proper, and give notice, shall be left for ornaments, for which the just and reasonable value shall be paid to the said _____ (the grantor), his executors, administrators, or assigns, exclusive of the \$25 per acre for the land.

And in case the arrangements of the streets, lots, and the like will conveniently admit of it, he the said _____ (the grantor), his heirs or assigns, if he so desire it, shall possess and retain his buildings and graveyard, if any, on the hereby bargained and sold land, paying to the President at the rate of \$12 10s. per acre for the lands so retained, because of such buildings and graveyards, to be applied as aforesaid, and the same shall thereupon be conveyed to the said _____ (the grantor), his heirs or assigns, with his lots. But if the arrangements of the streets, lots, and the like will not conveniently admit of such retention, and it shall become necessary to remove such buildings, then the said _____ (the grantor), his executors, administrators, or assigns, shall be paid the reasonable value thereof in the same manner as squares or other ground appropriated for the use of the United States are to be paid for. And because it may so happen that by deaths or removals of the said Thomas Beall, of George, and John M. Gantt, and from other causes, difficulties may occur in fully perfecting the said trusts, by executing all the said conveyances, if no eventual provision is made, it is therefore agreed and covenanted between all the said parties, that the said Thomas Beall, of George, and John M. Gantt, or either of them, or the heirs of any of them, lawfully may, and that they, at any time, at the request of the President of the United States for the time being, will convey all or any of the said lands hereby bargained and sold, which shall not then have been conveyed in execution of the trusts aforesaid, to such person or persons as he shall appoint, in fee simple, subject to the trusts then remaining to be executed, and to the end that some may be perfected.

And it is further granted and agreed between all the said parties, and each of the said parties doth for himself, respectively, and his heirs, covenant and grant to and with the others of them, that he and they shall and will, if required by the President of the United States for the time being, join in and execute any further deed or deeds for carrying into effect the trusts, purposes, and true intent of this present deed. In witness whereof the parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

Signed by the grantor.

Signed, sealed, and delivered in the presence of—

[SEAL.]

All the residue of the lands lying within the bounds of the city were, by an act of the legislature of Maryland, passed on or about the 19th of December, 1791, vested in the same trustees, and subjected to the same trusts.

No. 8.

MARYLAND CESSION OF DECEMBER 19, 1791.

An act concerning the Territory of Columbia and the city of Washington.

[Passed December 19, 1791.]

Whereas the President of the United States, by virtue of several acts of Congress, and acts of the assemblies of Maryland and Virginia, by his proclamation, dated at Georgetown on the 30th day of March, 1791, did declare and make known that the whole of the territory of 10 miles square, for the permanent seat of government of the United States, shall be located and included within the four lines following, that is to say: Beginning at Jones Point, being the upper point of Hunting Creek, in Virginia, and at an angle at the outset 45° west of north, and running a direct line 10 miles for the first line; then beginning again at the same Jones Point and running another direct line at a right angle with the first across the Potomac 10 miles for the second line; then from the terminations of the said first and second

lines running two other direct lines 10 miles each, the one across the Eastern Branch and the other Potomac, and meeting each other in a point, which has since been called the Territory of Columbia; and

Whereas Notley Young, Daniel Carroll, of Duddington, and many others, proprietors of the greater part of the land hereinafter mentioned to have been laid out in a city, came into an agreement, and have conveyed their lands in trust to Thomas Beall, son of George, and John Mackall Gantt, whereby they have subjected their lands to be laid out as a city, given up part to the United States, and subjected other parts to be sold to raise money as a donation to be employed according to the act of Congress for establishing the temporary and permanent seat of the Government of the United States, under and upon the terms and conditions contained in each of the said deeds; and many of the proprietors of lots in Carrollsburg and Hamburg have also come into an agreement, subjecting their lots to be laid out anew, giving up one-half of the quantity thereof to be sold, and the money thence arising to be applied as a donation as aforesaid, and they to be reinstated in one-half of the quantity of their lots in the new location, or otherwise compensated in land in a different situation within the city, by agreement between the commissioners and them, and in case of disagreement, that then a just and full compensation shall be made in money; yet some of the proprietors in Carrollsburg and Hamburg, as well as some of the proprietors of other lands, have not, from imbecility and other causes, come into any agreement concerning their lands within the limits hereinafter mentioned, but a very great number of the landholders having agreed on the same terms, the President of the United States directed a city to be laid out comprehending all the lands beginning on the east side of Rock Creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburg; thence along the middle of the said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of 61° 20' with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern Branch ferry; then south to a stone 90 poles north of the east-and-west line already drawn from the mouth of Goose Creek to the Eastern Branch; then east, parallel to the said east-and-west line, to the Eastern Branch; then with the waters of the Eastern Branch, Potomac River, and Rock Creek to the beginning, which has since been called the city of Washington; and

Whereas it appears to this general assembly highly just and expedient that all the lands within the said city should contribute, in due proportion, in the means which have already greatly enhanced the value of the whole; that an incontrovertible title ought to be made to the purchasers, under public sanction; that allowing foreigners to hold land within the said territory will greatly contribute to the improvement and population thereof; and that many temporary provisions will be necessary till Congress exercise the jurisdiction and government over the said territory; and

Whereas in the cession of this State, heretofore made, of territory for the Government of the United States, the lines of such cession could not be particularly designated; and it being expedient and proper that the same should be recognized in the acts of this State—

2. *Be it enacted by the general assembly of Maryland*, That all that part of the said territory called "Columbia" which lies within the limits of this State shall be, and the same is hereby, acknowledged to be forever ceded and relinquished to the Congress and Government of the United States, and full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States: *Provided*, That nothing herein contained shall be so construed to vest in the United States any right of property in the soil as to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States: *And provided also*, That the jurisdiction of the laws of this State over the persons and property of individuals residing within the limits of the cession aforesaid shall not cease or determine until Congress shall, by law, provide for the government thereof, under their jurisdiction, in manner provided by the article of the Constitution before recited.

3. *And be it enacted*, That all the lands belonging to minors, persons absent out of the State, married women, or persons non compos mentis, or the lands the property of this State, within the limits of Carrollsburg and Hamburg, shall be, and are hereby, subjected to the terms and conditions hereinafter recited, as to the lots where the proprietors thereof have agreed concerning the same; and all the other lands, belonging as aforesaid, within the limits of the said city of Washington, shall be, and are hereby, subjected to the same terms and conditions as the said Notley Young, Daniel Carroll, of Duddington, and others, have, by their said agreements and deeds, subjected their lands to, and where no conveyances have been made the legal estate and trust are hereby invested in the said Thomas Beall, son of George, and John Mackall Gantt, in the same manner as if each proprietor had been competent to make, and had made, a legal conveyance of his or her land, according to the form of those already mentioned, with proper acknowledgments of the execution thereof, and where necessary, of release of dower, and in every case where the proprietor is an infant, a married woman, insane, absent out of the State, or shall not attend on three months' advertisement of notice in the Maryland Journal and Baltimore Advertiser, the Maryland Herald, and in the Georgetown and Alexandria papers, so that allotment can not take place by agreement, the commissioners aforesaid, or any two of them, may allot or assign the portion or share of such proprietor as near the old situation as may be, in Carrollsburg and Hamburg, and to the full value of what the party might claim under the terms before recited; and as to the other lands within the said city, the commissioners aforesaid, or any two of them, shall make such allotment and assignment, within the lands belonging to the same person, in alternate lots, determined by lot or ballot, whether the party shall begin with the lowest number: *Provided*, That in the cases of coverture and infancy, if the husband, guardian, or next friend will agree with the commissioners, or any two of them, then an effectual division may be made by consent; and in case of contrary claims, if the claimants will not jointly agree, the commissioners may proceed as if the proprietor was absent; and all persons to whom allotments and assignments of lands shall be made by the commissioners, or any two of them, on consent and agreement, or pursuant to this act without consent, shall hold the same in their former estate and interest, and in lieu of their former quantity, and subject in every respect to all such limitations, conditions, and incumbrances as their former estate and interest, and in lieu of their former quantity, and subject in every respect to all such limitations, conditions, incumbrances as their former estates and interests were subject to, and as if the same had been actually reconveyed pursuant to the said deed in trust.

4. *And be it enacted*, That where the proprietor or proprietors, possessor or possessors, of any lands within the limits of the city of Washington, or within the limits of Carrollsburg or Hamburg, who have not already, or who shall not, within three months of this act, execute deeds in trust to the aforesaid Thomas Beall and John M. Gantt, of all their lands within the limits of the said city of Washington, and on the terms and conditions mentioned in the deeds already executed by Notley Young and others, and execute deeds in trust to the said Thomas Beall and John M. Gantt of all their lots in the towns of Carrollsburg and Hamburg on the same terms and conditions contained in the deeds already executed by the greater part of the proprietors of lots in the said towns, the said commissioners, or any two of them, shall and may, at any time or times thereafter, issue a process, directed to the sheriff of Prince George County, commanding him, in the name of the State, to summon five good, substantial freeholders, who are not of kin to any proprietor or proprietors of the lands aforesaid, and who are not proprietors themselves, to meet on a certain day, and at a certain place within the limits of the said city, to inquire of the value of the estate of such proprietor or proprietors, possessor or possessors, on which day and place the said sheriff shall attend, with the freeholders by him summoned, which freeholders shall take the following oath, or affirmation, on the land to be by them valued, to wit: "I, A. B., do solemnly swear (or affirm) that I will, to the best of my judgment, value the lands of C. D. now to be valued so as to do equal right and justice to the said C. D. and to the public, taking into consideration all circumstances," and shall then proceed to value the said lands; and such valuation, under their hands and seals and under the hand and seal of the said sheriff, shall be annexed to the said process and returned by the sheriff to the clerk appointed by virtue of this act, who shall make record of the same, and the said lands shall, on the payment of such valuation, be and is hereby vested in the said commissioners in trust, to be disposed of by them or otherwise employed to the use of the said city of Washington; and the sheriff aforesaid and freeholders aforesaid shall be allowed the same fees for their trouble as are allowed to a sheriff and jurymen in executing a writ of inquiry; and in all cases where the proprietor or possessor is tenant in right of dower or by the courtesy the freeholders aforesaid shall ascertain the annual value of the lands and the gross value of such estate therein, and upon paying such gross value or securing to the possessor the payment of the annual valuation, at the option of the proprietor or possessor, the commissioners shall be, and are hereby, vested with the whole estate of such tenant in manner and for the uses and purposes aforesaid.

5. *And be it enacted*, That all the squares, lots, and parcels of land within the said city which have been or shall be appropriated for the use of the United States, and all the lots and parcels which have been or shall be sold to raise money as a donation as aforesaid shall remain and be to the purchasers, according to the terms and conditions of their respective purchase; and purchases and leases from private persons claiming to be proprietors, and having, or those under whom they claim having, been in the possession of the lands purchased or leased, in their own right, five whole years next before the passing of this act, shall be good and effectual for the estate, and on the terms and conditions of such purchases and leases, respectively, without impeachment, and against any contrary title now existing; but if any person hath made a conveyance, or shall make a conveyance or lease, of any lands within the said city, not having right and title to do so, the person who might be entitled to recover the land under a contrary title now existing may, either by way of ejectment against the tenant or in an action for money had and received for his use against the bargainer or lessor, his heirs, executors, administrators, or devisees, as the case may require, recover all money received by him for the squares, pieces, or parcels appropriated for the use of the United States, as well as for lots or parcels sold and rents received by the person not having title as aforesaid, with interest from the time of receipt; and, on such recovery in ejectment, where the land is in lease, the tenant shall thereafter hold under, and pay the rent reserved to, the person making title to and recovering the land; but the possession bona fide acquired in none of the said cases shall be changed.

6. *And be it enacted*, That any foreigner may by deed or will hereafter to be made take and hold lands within that part of the said territory which lies within this State in the same manner as if he were a citizen of this State; and the same lands may be conveyed by him and transmitted to and inherited by his heirs or relations as if he and they were citizens of this State; provided that no foreigner shall, in virtue hereof, be entitled to any further or other privilege of a citizen.

7. *And be it enacted*, That the said commissioners, or any two of them, may appoint a clerk for recording deeds of land within the said territory, who shall provide a proper book for the purpose, and therein record, in a strong, legible hand, all deeds duly acknowledged, of lands in the said territory, delivered to him to be recorded, and in the same book make due entries of all divisions and allotments of lands and lots made by the commissioners in pursuance of this act, and certificates granted by them of sales, and the purchase money having been paid, with a proper alphabet in the same book of the deeds and entries aforesaid; and the same book shall carefully preserve and deliver over to the commissioners aforesaid, or their successors, or such person or persons as Congress shall hereafter appoint, which clerk shall continue such during good behavior, and shall be removable only on a conviction of misbehavior in a court of law; but before he acts as such he shall take an oath or affirmation well and truly to execute his office, and he shall be entitled to the same fees as are or may be allowed to the clerks of the county courts for searches, copying, and recording.

8. *And be it enacted*, That acknowledgments of deeds made before a person in the manner and certified as the laws of this State direct, or made before and certified by either of the commissioners, shall be effectual; and that no deed hereafter to be made, of or for lands within that part of the said territory which lies within this State, shall operate as a legal conveyance, nor shall any lease for more than seven years be effectual, unless the deed shall have been acknowledged as aforesaid, and delivered to the said clerk to be recorded within six calendar months from the date thereof.

9. *And be it enacted*, That the commissioners aforesaid, or some two of them, shall direct an entry to be made in the said record book of every allotment and assignment to the respective proprietors in pursuance of this act.

10. And for the encouragement of master builders to undertake the building and finishing houses within the said city by securing to them a just and effectual remedy for their advances and earnings, *Be it enacted*, That for all sums due and owing on written contracts for the building any house in the said city, or the brickwork or carpenters' or joiners' work thereon, the undertaker or workmen employed by the person for whose use the house shall be built shall have a lien on the house and the ground on which the same is erected, as well as for the materials found by him: *Provided*, The said written contract shall

have been acknowledged before one of the commissioners, a justice of the peace, or an alderman of the corporation of Georgetown and recorded in the office of the clerk for recording deeds, herein created, within six calendar months from the time of acknowledgement as aforesaid, and if within two years after the last of the work is done he proceeds in equity he shall have as upon a mortgage, or if he proceeds at law within the same time he may have execution against the house and land, in whose hands soever the same may be; but this remedy shall be considered as additional only, nor shall, as to the land, take place of any legal incumbrance made prior to the commencement of such claim.

11. *And be it enacted*, That the treasurer of the western shore be empowered and required to pay the \$72,000 agreed to be advanced to the President by resolutions of the last sessions of assembly, in sums as the same may come to his hands on the appointed funds, without waiting for the day appointed for the payment thereof.

12. *And be it enacted*, That the commissioners aforesaid for the time being, or any two of them, shall from time to time, until Congress shall exercise the jurisdiction and government within the said Territory, have power to license the building of wharves in the waters of the Potomac and the Eastern Branch, adjoining the said city, of the materials, in the manner and of the extent they may judge durable, convenient, and agreeing with the general order; but no license shall be granted to one to build a wharf before the land of another, nor shall any wharf be built in the waters without license as aforesaid; and if any wharf shall be built without such license, or different therefrom, the same is hereby declared a common nuisance. They may also, from time to time, make regulations for the discharge and laying of ballast from ships or vessels lying in the Potomac River above the lower line of the said Territory and Georgetown, and from ships and vessels lying in the Eastern Branch. They may also, from time to time, make regulations for landing and laying materials for building the said city, for disposing and laying earth which may be dug out of the wells, cellars, and foundations, and for ascertaining the thickness of the walls of houses, and to enforce the observance of all such regulations by appointing penalties for the breach of any one of them not exceeding £10 current money, which may be recovered in the name of the said commissioners, by warrant, before a justice of the peace, as in case of small debts, and disposed of as a donation for the purpose of the said act of Congress. And the said commissioners, or any two of them, may grant licenses for retailing distilled spirits within the limits of the said city, and suspend or declare the same void. And if any person shall retail or sell any distilled spirits, mixed or unmixed, in less than 10 gallons to the same person, or at the same time actually delivered, he or she shall forfeit for every such sale £3, to be recovered and applied as aforesaid.

13. *And be it enacted*, That an act of assembly of this State to condemn lands, if necessary, for the public buildings of the United States be, and is hereby, repealed.

CLAIMS OF POSTMASTERS IN CONNECTICUT.

Mr. BULKELEY submitted the following resolution (S. Res. 139), which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads:

Senate resolution 139.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have audited and reported for payment to the Senate the salaries of those who served as postmasters at post-offices in the State of Connecticut in biennial terms between July 1, 1864, and June 30, 1874, whose names and periods of service appear in applications before 1887 on file in the department, the salary of each former postmaster to be stated for each specified term of service by commissions and box rents, as shown by the registered returns of each former postmaster on file in the Sixth Auditor's office, and to show the exact excess of the salary by commissions and box rents over the salary paid in every case where the paid salary is 10 per cent less than the salary by box rents and commissions; and to comply in all respects with the public order of the Postmaster-General of February 17, 1884, for stating such salary accounts of former postmasters under the act of March 3, 1883; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim.

HEARINGS BEFORE COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. PENROSE submitted the following resolution (S. Res. 141), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 141.

Resolved, That the Committee on Post-Offices and Post-Roads be, and the same is hereby, authorized to employ during the Sixty-first Congress a stenographer, from time to time as may be necessary, to report such hearings as may be had by the committee and subcommittees in connection with any matter that may be before the committee, and to have the same printed for its use, and that any expense in connection with the foregoing shall be paid out of the contingent fund of the Senate.

PUBLIC LANDS IN ARKANSAS.

Mr. DAVIS. Mr. President, I submit a resolution and ask for its immediate consideration.

If the Senate will indulge me just a moment, I will state that under the compact act, approved June 23, 1836, it is provided that 5 per cent of the proceeds of the sale of all public lands in Arkansas shall be reserved and paid to the State for road purposes and for drainage. There seems to be some confusion between the Interior Department and the state treasurer of my State as to the reservation and the payment of this money. It is purely a local affair, and I trust the Senate will indulge me for the immediate consideration of the resolution.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 140), as follows:

Senate resolution 140.

Resolved, etc., That the Secretary of the Interior be, and he is hereby, requested to furnish to the United States Senate at his earliest convenience a statement showing the total amount of public land sold and disposed of under the various acts of Congress in the State of

Arkansas after the 1st day of July, 1836, together with the total amount of money received therefrom, and also a statement of the total amount of money paid to the State of Arkansas from the sale of said public lands, under section 3 of the compact act, by which said State was admitted to the Union, approved June 23, 1836.

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

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

The VICE-PRESIDENT. The Senator from Idaho calls for the regular order, which is in the nature of an objection. Are there further concurrent or other resolutions?

Mr. DAVIS. Mr. President—

The VICE-PRESIDENT. Objection is made, and the resolution submitted by the Senator from Arkansas goes over.

Mr. DAVIS. I trust the Senator from Idaho will withdraw his objection. It is purely a local affair.

Mr. HEYBURN. Mr. President, if I may be indulged, I ordinarily would, of course, make no objection. But there is a special order for this morning, and Senators are waiting to take up the special order, which will require only a little time.

Mr. DAVIS. It will take but a moment to pass the resolution.

Mr. HEYBURN. I have had a number of such requests, and I must insist on the regular order.

Mr. DAVIS. The resolution could have been passed while this colloquy was going on between the Senator from Idaho and myself.

Mr. HEYBURN. I need not assure the Senator that I have no feeling in the matter. I only want to have the regular order reached as early as possible.

INDIAN DEPREDAATION CLAIMS.

Mr. BAILEY. I submit a resolution, and in view of the statement which the Senator from Idaho has just made I will ask that it lie on the table until to-morrow morning. Then I shall ask unanimous consent for its consideration. It is purely a local matter.

Mr. DAVIS. I ask that the same order be made in regard to the resolution which I introduced.

The VICE-PRESIDENT. It has gone over. The resolution submitted by the Senator from Texas will be read.

The Secretary read the resolution (S. Res. 142), as follows:

Senate resolution 142.

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, not heretofore reported, requiring an appropriation by Congress.

The VICE-PRESIDENT. The resolution goes over until to-morrow, at the request of the Senator from Texas.

HOUSE BILLS REFERRED.

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

H. R. 16311. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors;

H. R. 17752. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors;

H. R. 17755. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 18006. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

H. R. 7900. An act for the relief of Thomas B. Pope was read twice by its title and referred to the Committee on Military Affairs.

H. R. 17500. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CONSERVATION OF NATIONAL RESOURCES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

In my annual message I reserved the subject of the conservation of our national resources for discussion in a special message, as follows:

In several departments there is presented the necessity for legislation looking to the further conservation of our national resources, and the subject is one of such importance as to require a more detailed and

extended discussion than can be entered upon in this communication. For that reason I shall take an early opportunity to send a special message to Congress on the subject of the improvement of our waterways; upon the reclamation and irrigation of arid, semiarid, and swamp lands; upon the preservation of our forests, and the reforestation of suitable areas; upon the reclassification of the public domain with a view of separating from agricultural settlement mineral, coal, and phosphate lands and sites belonging to the Government bordering on streams suitable for the utilization of water power.

In 1860 we had a public domain of 1,055,911,288 acres. We have now 731,354,081 acres, confined largely to the mountain ranges and the arid and semiarid plains. We have, in addition, 368,035,975 acres of land in Alaska.

The public lands were, during the earliest administrations, treated as a national asset for the liquidation of the public debt and as a source of reward for our soldiers and sailors. Later on they were donated in large amounts in aid of the construction of wagon roads and railways, in order to open up regions in the West then almost inaccessible. All the principal land statutes were enacted more than a quarter of a century ago. The homestead act, the preemption and timber-culture act, the coal land and the mining acts were among these. The rapid disposition of the public lands under the early statutes, and the lax methods of distribution prevailing, due, I think, to the belief that these lands should rapidly pass into private ownership, gave rise to the impression that the public domain was legitimate prey for the unscrupulous, and that it was not contrary to good morals to circumvent the land laws. This prodigal manner of disposition resulted in the passing of large areas of valuable land and many of our national resources into the hands of persons who felt little or no responsibility for promoting the national welfare through their development. The truth is that title to millions of acres of public lands was fraudulently obtained, and that the right to recover a large part of such lands for the Government long since ceased by reason of statutes of limitation.

There has developed in recent years a deep concern in the public mind respecting the preservation and proper use of our natural resources. This has been particularly directed toward the conservation of the resources of the public domain. The problem is how to save and how to utilize, how to conserve and still develop, for no sane person can contend that it is for the common good that Nature's blessings are only for unborn generations.

Among the most noteworthy reforms initiated by my distinguished predecessor were the vigorous prosecution of land frauds and the bringing to public attention of the necessity for preserving the remaining public domain from further spoliation, for the maintenance and extension of our forest resources, and for the enactment of laws amending the obsolete statutes so as to retain governmental control over that part of the public domain in which there are valuable deposits of coal, of oil, and of phosphate, and, in addition thereto, to preserve control, under conditions favorable to the public, of the lands along the streams in which the fall of water can be made to generate power to be transmitted in the form of electricity many miles to the point of its use, known as "water-power" sites.

The investigations into violations of the public-land laws and the prosecution of land frauds have been vigorously continued under my administration, as has been the withdrawal of coal lands for classification and valuation and the temporary withholding of power sites.

Since March 4, 1909, temporary withdrawals of power sites have been made on 102 streams, and these withdrawals therefore cover 229 per cent more streams than were covered by the withdrawals made prior to that date.

The present statutes, except so far as they dispose of the precious metals and the purely agricultural lands, are not adapted to carry out the modern view of the best disposition of public lands to private ownership, under conditions offering on the one hand sufficient inducement to private capital to take them over for proper development, with restrictive conditions on the other which shall secure to the public that character of control which will prevent a monopoly or misuse of the lands or their products. The power of the Secretary of the Interior to withdraw from the operation of existing statutes tracts of land, the disposition of which under such statutes would be detrimental to the public interest, is not clear or satisfactory. This power has been exercised in the interest of the public, with the hope that Congress might affirm the action of the Executive by laws adapted to the new conditions. Unfortunately, Congress has not thus far fully acted on the recommendations of the Executive, and the question as to what the Executive is to do is, under the circumstances, full of difficulty. It seems to me that it is the duty of Congress now, by a statute, to validate the withdrawals which have been made by the Secretary of the Interior and the President, and to authorize the

Secretary of the Interior temporarily to withdraw lands pending submission to Congress of recommendations as to legislation to meet conditions or emergencies as they arise.

One of the most pressing needs in the matter of public-land reform is that lands should be classified according to their principal value or use. This ought to be done by that department whose force is best adapted to that work. It should be done by the Interior Department through the Geological Survey. Much of the confusion, fraud, and contention which has existed in the past has arisen from the lack of an official and determinative classification of the public lands and their contents.

It is now proposed to dispose of agricultural lands as such, and at the same time to reserve for other disposition the treasure of coal, oil, asphaltum, natural gas, and phosphate contained therein. This may be best accomplished by separating the right to mine from the title to the surface, giving the necessary use of so much of the latter as may be required for the extraction of the deposits. The surface might be disposed of as agricultural land under the general agricultural statutes, while the coal or other mineral could be disposed of by lease on a royalty basis, with provisions requiring a certain amount of development each year; and in order to prevent the use and cession of such lands with others of similar character so as to constitute a monopoly forbidden by law, the lease should contain suitable provision subjecting to forfeiture the interest of persons participating in such monopoly. Such law should apply to Alaska as well as to the United States.

It is exceedingly difficult to frame a statute to retain government control over a property to be developed by private capital in such manner as to secure the governmental purpose and at the same time not frighten away the investment of the necessary capital. Hence it may be necessary by laws that are really only experimental to determine from their practical operation what is the best method of securing the result aimed at.

The extent of the value of phosphate is hardly realized, and with the need that there will be for it as the years roll on and the necessity for fertilizing the land shall become more acute, this will be a product which will probably attract the greed of monopolists.

With respect to the public land which lies along the streams offering opportunity to convert water power into transmissible electricity, another important phase of the public-land question is presented. There are valuable water-power sites through all the public-land States. The opinion is held that the transfer of sovereignty from the Federal Government to the territorial governments as they become States included the water power in the rivers, except so far as that owned by riparian proprietors. I do not think it necessary to go into a discussion of this somewhat mooted question of law. It seems to me sufficient to say that the man who owns and controls the land along the stream from which the power is to be converted and transmitted owns land which is indispensable to the conversion and use of that power. I can not conceive how the power in streams flowing through public lands can be made available at all except by using the land itself as the site for the construction of the plant by which the power is generated and converted and securing a right of way thereover for transmission lines. Under these conditions, if the Government owns the adjacent land—indeed, if the Government is the riparian owner—it may control the use of the water power by imposing proper conditions on the disposition of the land necessary in the creation and utilization of the water power.

The development in electrical appliances for the conversion of the water power into electricity to be transmitted long distances has progressed so far that it is no longer problematical, but it is a certain inference that in the future the power of the water falling in the streams to a large extent will take the place of natural fuels. In the disposition of the domain already granted, many water-power sites have come under absolute ownership, and many drift into one ownership, so that all the water power under private ownership shall be a monopoly. If, however, the water-power sites now owned by the Government—and there are enough of them—shall be disposed of to private persons for the investment of their capital in such a way as to prevent their union for purposes of monopoly with other water-power sites, and under conditions that shall limit the right of use to not exceeding fifty years with proper means for determining a reasonable graduated rental, and with some equitable provision for fixing terms of renewal, it would seem entirely possible to prevent the absorption of these most useful lands by a power monopoly. As long as the Government retains control and can prevent their improper union with other plants, competition must be maintained and prices kept reasonable.

In considering the conservation of the natural resources of the country, the feature that transcends all others, including

woods, waters, minerals, is the soil of the country. It is incumbent upon the Government to foster by all available means the resources of the country that produce the food of the people. To this end the conservation of the soils of the country should be cared for with all means at the Government's disposal. Their productive powers should have the attention of our scientists that we may conserve the new soils, improve the old soils, drain wet soils, ditch swamp soils, levee river-overflow soils, grow trees on thin soils, pasture hillside soils, rotate crops on all soils, discover methods for cropping dry-land soils, find grasses and legumes for all soils, feed grains and mill feeds on the farms where they originate, that the soils from which they come may be enriched.

A work of the utmost importance to inform and instruct the public on this chief branch of the conservation of our resources is being carried on successfully in the Department of Agriculture; but it ought not to escape public attention that state action in addition to that of the Department of Agriculture (as, for instance, in the drainage of swamp lands) is essential to the best treatment of the soils in the manner above indicated.

The act by which, in semiarid parts of the public domain, the area of the homestead has been enlarged from 160 to 320 acres has resulted most beneficially in the extension of "dry farming," and in the demonstration which has been made of the possibility, through a variation in the character and mode of culture, of raising substantial crops without the presence of such a supply of water as has been heretofore thought to be necessary for agriculture.

But there are millions of acres of completely arid land in the public domain which, by the establishment of reservoirs for the storing of water and the irrigation of the lands, may be made much more fruitful and productive than the best lands in a climate where the moisture comes from the clouds. Congress recognized the importance of this method of artificial distribution of water on the arid lands by the passage of the reclamation act. The proceeds of the public lands create the fund to build the works needed to store and furnish the necessary water, and it was left to the Secretary of the Interior to determine what projects should be selected among those suggested, and to direct the Reclamation Service, with the funds at hand and through the engineers in its employ, to construct the works.

No one can visit the Far West and the country of arid and semiarid lands without being convinced that this is one of the most important methods of the conservation of our natural resources that the Government has entered upon. It would appear that over 30 projects have been undertaken, and that a few of those are likely to be unsuccessful because of lack of water, or for other reasons, but generally the work which has been done has been well done, and many important engineering problems have been met and solved.

One of the difficulties which has arisen is that too many projects, in view of the available funds, have been set on foot. The funds available under the reclamation statute are inadequate to complete these projects within a reasonable time. And yet the projects have been begun; settlers have been invited to take up and, in many instances, have taken up the public land within the projects, relying upon their prompt completion. The failure to complete the projects for their benefit is, in effect, a breach of faith and leaves them in a most distressed condition. I urge that the Nation ought to afford the means to lift them out of the very desperate condition in which they now are. This condition does not indicate any excessive waste or any corruption on the part of the Reclamation Service. It only indicates an overzealous desire to extend the benefit of reclamation to as many acres and as many States as possible. I recommend, therefore, that authority be given to issue not exceeding \$30,000,000 of bonds from time to time, as the Secretary of the Interior shall find it necessary, the proceeds to be applied to the completion of the projects already begun and their proper extension, and the bonds running ten years or more to be taken up by the proceeds of returns to the reclamation fund, which returns, as the years go on, will increase rapidly in amount.

There is no doubt at all that if these bonds were to be allowed to run ten years the proceeds from the public lands, together with the rentals for water furnished through the completed enterprises, would quickly create a sinking fund large enough to retire the bonds within the time specified. I hope that, while the statute shall provide that these bonds are to be paid out of the reclamation fund, it will be drawn in such a way as to secure interest at the lowest rate, and that the credit of the United States will be pledged for their redemption.

I urge consideration of the recommendations of the Secretary of the Interior in his annual report for amendments of the reclamation act, proposing other relief for settlers on these projects.

Respecting the comparatively small timbered areas on the public domain not included in national forests, because of their isolation or their special value for agricultural or mineral purposes, it is apparent from the evils resulting by virtue of the imperfections of existing laws for the disposition of timber lands that the acts of June 3, 1878, should be repealed and a law enacted for the disposition of the timber at public sale, the lands after the removal of the timber to be subject to appropriation under the agricultural or mineral land laws.

What I have said is really an epitome of the recommendations of the Secretary of the Interior in respect to the future conservation of the public domain in his present annual report. He has given close attention to the problem of disposition of these lands under such conditions as to invite the private capital necessary to their development on the one hand, and the maintenance of the restrictions necessary to prevent monopoly and abuse from absolute ownership on the other. These recommendations are incorporated in bills he has prepared, and they are at the disposition of the Congress. I earnestly recommend that all the suggestions which he has made with respect to these lands shall be embodied in statutes, and especially that the withdrawals already made shall be validated so far as necessary, and that the authority of the Secretary of the Interior to withdraw lands for the purpose of submitting recommendations as to future disposition of them where new legislation is needed shall be made complete and unquestioned.

The forest reserves of the United States, some 190,000,000 acres in extent, are under the control of the Department of Agriculture, with authority adequate to preserve them and to extend their growth so far as that may be practicable. The importance of the maintenance of our forests can not be exaggerated. The possibility of a scientific treatment of forests so that they shall be made to yield a large return in timber without really reducing the supply has been demonstrated in other countries, and we should work toward the standard set by them as far as their methods are applicable to our conditions.

Upward of 400,000,000 acres of forest land in this country are in private ownership, but only 3 per cent of it is being treated scientifically and with a view to the maintenance of the forests. The part played by the forests in the equalization of the supply of water on watersheds is a matter of discussion and dispute, but the general benefit to be derived by the public from the extension of forest lands on watersheds and the promotion of the growth of trees in places that are now denuded and that once had great flourishing forests goes without saying. The control to be exercised over private owners in their treatment of the forests which they own is a matter for state and not national regulation, because there is nothing in the Constitution that authorizes the Federal Government to exercise any control over forests within a State, unless the forests are owned in a proprietary way by the Federal Government.

It has been proposed, and a bill for the purpose passed the lower House in the last Congress, that the National Government appropriate a certain amount each year out of the receipts from the forestry business of the Government to institute reforestation at the sources of certain navigable streams, to be selected by the Geological Survey, with a view to determining the practicability of thus improving and protecting the streams for federal purposes. I think a moderate expenditure for each year for this purpose for a period of five or ten years would be of the utmost benefit in the development of our forestry system.

I come now to the improvement of the inland waterways. He would be blind, indeed, who did not realize that the people of the entire West, and especially those of the Mississippi Valley, have been aroused to the need there is for the improvement of our inland waterways. The Mississippi River, with the Missouri on the one hand and the Ohio on the other, would seem to offer a great natural means of interstate transportation and traffic. How far, if properly improved, they would relieve the railroads or supplement them in respect to the bulkier and cheaper commodities is a matter of conjecture. No enterprise ought to be undertaken the cost of which is not definitely ascertained and the benefit and advantage of which are not known and assured by competent engineers and other authority. When, however, a project of a definite character for the improvement of a waterway has been developed so that the plans have been drawn, the cost definitely estimated, and the traffic which will be accommodated is reasonably probable, I think it is the duty of Congress to undertake the project and make provision therefor in the proper appropriation bill.

One of the projects which answers the description I have given is that of introducing dams into the Ohio River from Pittsburg to Cairo, so as to maintain at all seasons of the year, by slack water, a depth of 9 feet. Upward of 7 of these dams have already been constructed and 6 are under construction,

while the total required is 54. The remaining cost is known to be \$63,000,000.

It seems to me that in the development of our inland waterways it would be wise to begin with this particular project and carry it through as rapidly as may be. I assume from reliable information that it can be constructed economically in twelve years.

What has been said of the Ohio River is true in a less complete way of the improvement of the upper Mississippi from St. Paul to St. Louis, to a constant depth of 6 feet, and of the Missouri, from Kansas City to St. Louis, to a constant depth of 6 feet, and from St. Louis to Cairo, to a depth of 8 feet. These projects have been pronounced practical by competent boards of army engineers, their cost has been estimated, and there is business which would follow the improvement.

I recommend, therefore, that the present Congress, in the river and harbor bill, make provision for continuing contracts to complete these improvements.

As these improvements are being made, and the traffic encouraged by them shows itself of sufficient importance, the improvement of the Mississippi beyond Cairo down to the Gulf, which is now going on with the maintenance of a depth of 9 feet everywhere, may be changed to another and greater depth if the necessity for it shall appear to arise out of the traffic which can be delivered on the river at Cairo.

I am informed that the investigation by the Waterways Commission in Europe shows that the existence of a waterway by no means assures traffic unless there is traffic adapted to water carriage at cheap rates at one end or the other of the stream. It also appears in Europe that the depth of the nontidal streams is rarely more than 6 feet, and never more than 10. But it is certain that enormous quantities of merchandise are transported over the rivers and canals in Germany and France and England, and it is also certain that the existence of such methods of traffic materially affects the rates which the railroads charge, and it is the best regulator of those rates that we have, not even excepting the governmental regulation through the Interstate Commerce Commission. For this reason, I hope that this Congress will take such steps that it may be called the inaugurator of the new system of inland waterways.

For reasons which it is not necessary here to state, Congress has seen fit to order an investigation into the Interior Department and the Forest Service of the Agricultural Department. The results of that investigation are not needed to determine the value of, and the necessity for, the new legislation which I have recommended in respect to the public lands and in respect to reclamation. I earnestly urge that the measures recommended be taken up and disposed of promptly, without awaiting the investigation which has been determined upon.

WM. H. TAFT.

THE WHITE HOUSE, January 14, 1910.

The VICE-PRESIDENT. The message will lie on the table and be printed.

PROPOSED CONGRESSIONAL INVESTIGATION.

Mr. NELSON submitted the following report:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 103) authorizing an investigation of the Interior Department and the Bureau of Forestry of the Department of Agriculture, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following:

"That a joint committee of both Houses of Congress is hereby created, to be composed of six Members of the Senate, to be appointed by the President thereof, and six Members of the House of Representatives, to be elected by that body. Any vacancy occurring on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed to make a thorough and complete investigation of the administration, action, and conduct of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry, in the Department of Agriculture, and its officers and employees, touching, relating to, or bearing upon the reclamation, conservation, management, and disposal of the lands of the United States, or any lands held in trust by the United States for any purpose, including all the resources and appurtenances of such lands, and

said committee is authorized and empowered to make any further investigation touching said Interior Department, its bureaus, officers, and employees, and of said Bureau of Forestry, its officers and employees, as it may deem desirable. Said committee or any subcommittee thereof is hereby empowered to sit and act during the session or recess of Congress, or of either House thereof; to require by subpoena, or otherwise, the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath; to obtain documents, papers, and other information from the several departments of the Government, or any bureau thereof; to employ stenographers to take and make a record of all evidence taken and received by the committee, and to keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed and suitably bound; and to employ such assistance as may be deemed necessary. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee or the chairman of any subcommittee thereof. And in case of disobedience to a subpoena this committee may invoke the aid of any court of the United States or of any of the Territories thereof or of the District of Columbia or the district of Alaska, within the jurisdiction of which any inquiry may be carried on by said committee in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this resolution. And any such court within the jurisdiction of which the inquiry under this resolution is being carried on may, in case of contumacy or refusal to obey a subpoena issued to any person under authority of this resolution, issue an order requiring such person to appear before said committee and produce books and papers if so ordered and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding except in prosecution for perjury committed in giving such testimony.

"In addition to being subject to punishment for contempt, as hereinbefore provided, every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default or who, having appeared, refuses to answer any questions pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than one thousand dollars nor less than one hundred dollars and imprisonment in a common jail for not more than one year nor less than one month. Any official or ex-official of the Department of the Interior, or of the Bureau of Forestry in the Department of Agriculture, whose official conduct is in question may appear and be heard before the said joint committee or any subcommittee thereof, in person or by counsel.

"All hearings by and before said joint committee or any subcommittee thereof shall be open to the public. The said joint committee shall conclude its investigation and report to this Congress all the evidence taken and received and their findings and conclusions thereon. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said joint committee, the said sum to be disbursed by the Secretary of the Senate upon vouchers to be approved by the chairman of the committee."

And the Senate agree to the same.

KNUTE NELSON,
C. D. CLARK,
S. D. McENERY,
Managers on the part of the Senate.
JOHN DALZELL,
WALTER I. SMITH,
JOHN J. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

ACCEPTANCE OF STATUE OF GEORGE L. SHOUP.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution (H. C. Res. 33) of the House of Representatives, which will be read:

The Secretary read as follows:

House concurrent resolution 33.

Resolved by the House of Representatives (the Senate concurring), That the statue of George L. Shoup, presented by the State of Idaho and now in place in Statuary Hall, is hereby accepted in the name of the United States, and the thanks of Congress tendered the State for

this contribution of the statue of one of its most eminent citizens, illustrious for his distinguished military and civil services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Idaho.

Mr. HEYBURN obtained the floor.

Mr. BORAH. Mr. President—

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

Mr. HEYBURN. I yield to my colleague.

Mr. BORAH. I ask unanimous consent that the gentlemen composing the statutory commission of the State of Idaho having this matter in charge be permitted to occupy the floor of the Senate during these services.

The VICE-PRESIDENT. Is there objection to the request of the junior Senator from Idaho? The Chair hears none, and the order is entered as requested.

Mr. HEYBURN. I send to the desk a communication from the governor of the State of Idaho, which I ask may be read.

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

The Secretary read as follows:

STATE OF IDAHO, EXECUTIVE OFFICE,
Boise, Idaho, January 5, 1910.

To the Senate and House of Representatives, Washington, D. C.:

Idaho in accepting the invitation contained in section 1814 of the Revised Statutes of the United States, by an act of its legislature approved March 10, 1907, made an appropriation to provide a statue of George L. Shoup to be placed in Statuary Hall of the Nation's Capitol. The act provided that the commission to have the work in charge should be composed of Hon. Frank R. Gooding, governor; Hon. WELDON B. HEYBURN and Hon. WILLIAM E. BORAH, United States Senators; Hon. Burton L. French, Representative in Congress; and Hon. Joseph Perrault.

The commission has performed its duties and the statue is now in place in Statuary Hall.

As governor of the State of Idaho, I have the honor to present this statue of George L. Shoup, who for many years was our most distinguished statesman, soldier, and citizen. He was the first governor of our new State and served ten years as our first United States Senator; the pioneer who blazed the way in Idaho for our present high state of civilization and development, and whose memory our people delight to honor by erecting this monument as an evidence of their appreciation of his eminent services in behalf of our State and Nation.

I have the honor to be,

Yours, very respectfully,

JAMES H. BRADY,
Governor of Idaho.

Mr. HEYBURN. Mr. President, the duty that we undertake to-day is a novel one, and on few occasions have such ceremonies been had; but when we take into consideration the spirit which actuated the legislation pursuant to which these ceremonies are held, we must be aware of the very grave and patriotic motives which prompted those who passed that act.

In 1864, on the 2d day of July, sitting in this Capitol, the Congress of the United States, considering the state of the Union and the character of the men who stood for the Union in that hour, realizing that the opportunity offered to do a special honor to those men and men of their class and character, set aside the historic hall in which the House of Representatives had sat from practically the beginning of the Government in order that the States might bring to the National Capitol the representatives of their choice who stood for the principles of government and the patriotism of that hour.

On the 2d of July, 1864, under the windows where these men sat the smoke from the bake ovens arose where bread was being baked for the armies of the United States. Perhaps this generation does not know that right under the windows, under the old brown steps, which the older Members remember, were the bake ovens for the armies in Washington, and that the armies lay camped all around these grounds. Patriotism was in the air, and the Congress was but voicing the sentiment of the American people when it rose to this patriotic emergency and provided by law as follows:

And the President is hereby authorized to invite each and all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old Hall of the House of Representatives, in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a National Statuary Hall, for the purposes herein indicated.

I feel that we owe it to the Congress to apologize for having anticipated the acceptance of this statue by placing it in Statuary Hall before it was accepted. It is evident from the language of this act that Congress places the statue there, not the State. The State presents it. The language is: "Provide and furnish statues * * * and when so furnished"—that is, furnished to the Government or to Congress—they shall be placed in that hall. By whom? Not by the State, but by the Government. I interject this suggestion because it is or may become a very pertinent one.

The House has already accepted this statue, and, so far as that branch of the Government is concerned, it is properly there. When this body shall have accepted it, it will be the property of the Government of the United States, and then, and not until then, is it properly within that hall.

The State of Idaho, by an act approved March 5, 1907, has made a sufficient appropriation and provision for the furnishing of this statue, and it is pursuant to that act, which is the designation of the choice and election on the part of the State, that the statue now stands at the door of Congress for its action.

It is the statue of George Laird Shoup, born in the State of Pennsylvania, going to Illinois when yet a young man, and remaining there until early in 1859. Alert for the opportunities of life, when the great discoveries of gold were made in Colorado at Pikes Peak, Clear Creek, and all of those early camps, he went to Colorado, as did hundreds and thousands of other young men, a pioneer into the forests of Colorado and into the field of opportunity, ready to take advantage of it for his advancement and for the benefit of the country.

Mr. President, upon his arrival in those promising fields, amidst those golden opportunities, he had scarcely settled, scarcely prepared himself to take advantage of those conditions, when the cry went out that the life of the Nation was in danger, and this young man, then in the very prime of his life, did not wait for the golden opportunity of commission or high command, but entered the army as a private soldier. He enlisted for the term of three years as a private soldier. He went right into the active field and the active life of a soldier, and there came rapid promotion, based on the merit of the man. He had no sponsors to lift him faster than his arm could win the promotion. He attained the commission of lieutenant, of captain, and then of colonel of the Third Colorado Regiment. He saw active, fearful service. No man who wore the uniform had more frequent opportunity to test his merit as a soldier than had Colonel Shoup.

In 1864, when this act was under consideration in Congress from January until July, he was performing these acts of heroism and bravery that resulted in his promotion; and his commanding officers, in reporting the battles in which he participated, referred to him, giving him especial mention. It is sufficient to say, without reading the exact language, that he was mentioned in the dispatches with honor for the manner in which he commanded the regiment under his control in battle.

When the war was over and peace came, he returned to the occupations befitting peace. He came to Idaho and entered into commercial business at Salmon City, which grew up around him because of the activity, the energy, and the enterprise which George L. Shoup injected into it. He became one of the largest commercial dealers in that country, and I use that term because they dealt in everything that a new country requires. He was a pioneer. You can say nothing that reflects more to a man's credit than that he was a pioneer in usefulness. It is not often that the pioneer who enters the forest lives to see and enjoy the fruits of his labor. Lowell says:

The settler's ax and the buidler's trowel are seldom wielded by the selfsame hand.

But it was not true of Senator Shoup. He laid, or assisted in laying, the foundation of the prosperity of that country, and he lived to see it prosperous and great around him, to grow from the merest frontier settlement to the prosperous State of Idaho; and that State sent him to this body as one of its first representatives.

He had been the last territorial governor. He had called the constitutional convention which laid the foundation for statehood, and he was the first state governor. Prior to that time he had served in the legislature. He had been a member of a constitutional convention in Colorado immediately after the war, before he came to Idaho. He had been in close participation with every great public movement in whatever lines his life was thrown.

He sat in this body as one of the Senators from the State of Idaho for ten years, and how well he conducted himself, how well he satisfied the people of the State of Idaho is best evidenced by the fact that when the right rested in them to select their most distinguished son to be represented in the hall of honor, they selected George L. Shoup, six years after he had passed away from this earth. There was no excitement of political campaign, no strife or rivalry. It was a reflection of the cool judgment of the people of the State, and they sent his statue here to stand in that hall where none but patriots stand; to stand among those whose record is for freedom, who represent loyalty to the flag, who represent loyalty to the Government in each and every minute of their lives.

Do you think that those men in Congress on the 2d of July, 1864, ever contemplated for a moment that any State, under any conditions, at any time would place the statue of Benedict Arnold in that hall? It was an inspiration of patriotism and loyalty that impelled them to this legislation, and when I looked upon his form there this morning I recognized that the reward of patriotism is best realized in that you live in the hearts of your countrymen, and that after life has ended you still command their respect for your deeds during life.

That hall should be a lesson of patriotism to the people of this country. It should illustrate only the reward for loyalty to the country, to the Government under which men serve.

In this spirit, on behalf of the State of Idaho, we present the statue of that soldier, statesman, and citizen, George L. Shoup. [Applause in the galleries.]

The VICE-PRESIDENT. Occupants of the galleries will please refrain from manifestations of approbation or disapproval.

Mr. GALLINGER. Mr. President, the Senators from Idaho will tell in detail the story of the life of the remarkable man to whom this statue is to be dedicated. From me a simple word of appreciation is all that the proprieties of the occasion will warrant.

George L. Shoup belonged to a class of men whose achievements are of the greatest benefit to the country. He was a rare man—rare in intellect, in courage, and in integrity. He was as brave as he was kind, as loyal as he was generous. A pioneer, a soldier, a business man, a politician, a public official; in all those positions he proved himself to be worthy of the confidence and esteem of his fellow-men. Whether subduing the forest, fighting the battles of his country, or serving his State in the governor's chair or in the Senate of the United States, he was the same sturdy, fearless, upright man, doing his duty faithfully and conscientiously. Those of us who served with him in this Chamber will never forget his kindness, his serenity of temper, and his rare qualities of mind and heart. He hated shams and admired truth and honesty. He despised hypocrisy, and loved simplicity. He was a good friend, a loving husband, a devoted father, and a genial companion. He loved his country and its institutions, and was devoted to the State which honors him to-day. The wonderful strides that Idaho has made is largely due to the efforts of men like George L. Shoup. He was an optimist, clearly discerning the greatness that was sure to come to his State. He knew her vast wealth of timber, of minerals, and of agriculture, and he lived to see the partial fulfillment of his early dreams. He believed that Idaho was destined to become one of the greatest States of the Union, and his belief is rapidly becoming a reality. The debt of gratitude that Idaho owes to this man will never be fully repaid, and it is well that in yonder hall his effigy will stand, an evidence of the appreciation of the people of his State, and an inspiration and help to all who may look upon it.

For many years I counted George L. Shoup as my friend. I admired his robustness of character and his bigness of heart. I knew, as we all knew, that he was a man of high ideals and lofty purposes; that he was a patriot in the highest sense, and that his public service was unselfish and pure. In his death Idaho lost her foremost citizen, and the Nation lost a man of the highest honor and most distinguished service.

George L. Shoup unflinchingly faced and courageously overcame dangers and difficulties, and to him may well be applied the lines of Sarah K. Bolton:

I like the man who faces what he must
With step triumphant and a heart of cheer;
Who fights the daily battle without fear;
Sees his hopes fall, yet keeps unfaltering trust
That God is God; that somehow, true and just
His plans work out for mortals; not a tear
Is shed when fortune, which the world holds dear,
Falls from his grasp; better, with love, a crust
Than living in dishonor; envies not,
Nor loses faith in man; but does his best
Nor ever mourns over his humbler lot,
But with a smile and words of hope, gives zest
To every toiler; he alone is great.
Who by life heroic conquers fate.

Mr. President, in the truest and highest sense George L. Shoup's life was a life heroic, and those of us who knew and loved him rejoice to-day that the people of Idaho have placed in the Capitol of his country an imperishable evidence of their affection and a lasting tribute to his memory.

Mr. FLINT. Mr. President, I have been requested by my colleague [Mr. PERKINS], who is ill, to read the remarks he had prepared for this occasion:

"Mr. President, the man in whose honor we meet here to-day was one of those whose energy, enterprise, ability, public spirit, and ardent patriotism have, within our memories, built up the

great West. George L. Shoup was the type of the creators of the flourishing and powerful Commonwealths which not so many years ago, were the abodes of savage men and savage animals.

"He represented that strong and adventurous element among the people of the Eastern States whose forefathers battled with and conquered conditions similar to those which he himself overcame. He sprang from the race of empire builders to whom we owe our own great country, and he was evidence that the spirit which actuated the pioneers of the seventeenth and eighteenth centuries has not become weakened in the lapse of time.

"His history is that of the strong men of the Nation. Born on a Pennsylvania farm, educated in the public schools, devoted to agriculture in his early years, carried West by the instinct of the state builders, invigorated and broadened in mind by the influences of the vast, almost unknown, wilderness of plain and mountain beyond the Mississippi, he grew to manhood amid the scenes which marked the work of those who wrested from savagery the imperial West, and in which work he took an important part.

"When, at 25 years of age, the civil war began, he had found his way to far Colorado. There for two years he had been one of those earnest, active, strenuous workers in civilization's cause who loved the new land in which they had cast their lot and whose mighty efforts were directed toward its development. The devotion to the alluring land of vast possibilities was only another manifestation of the spirit of '76, and when war came George L. Shoup entered the ranks of the Union soldiery.

"True to the spirit of the wilderness conquerors, he entered the army as a member of an independent company of scouts, and as such had more experience of danger, privation, and hardship than fell to the lot of most soldiers of the regularly organized armies. The Indians and desperadoes of the Pecos, Canadian, and Red rivers down to the borders of Texas and the Indian Territory gave work enough of the hardest kind to men who were accustomed to frontier life in all its phases, and the manner in which it was performed merited the highest praise of their contemporaries, as it merits the appreciative thanks of all of us to-day.

"For two years this important and arduous work was done by the company of scouts, during which time young Shoup had developed the qualities which make the great soldier, and in 1863 he was given a commission as first lieutenant in the First Regiment of Colorado Cavalry. Though a soldier, he was still a builder of States, and his aid was solicited and given in the work of organizing the new Commonwealth of Colorado.

"This done, he returned to his command, and was soon after commissioned colonel of the Third Regiment Colorado Cavalry. But the war was soon after brought to a close, and Colonel Shoup returned to his first great work of redeeming the great western wilderness to civilization and progress.

"Just before Colonel Shoup was mustered out the Territory of Idaho, with which his future life was to be identified, was formed. It was then of far greater extent than now, comprising, in addition to its present area, that of the great States of Montana and Wyoming.

"But in 1864 Montana was cut out and organized as a Territory, and four years later Wyoming. At the close of the civil war this vast region, which was practically unknown, was just beginning to be explored by prospectors in search of gold. Previous to this time there had been only two or three attempts to effect settlements, and these by Mormons, who were unsuccessful.

"The movement which led to permanent settlements and the development of the resources of the region began in 1862 with the discovery of gold on Clearwater River. The thirst for this precious metal soon caused an influx of miners into that part of the region west of the Rocky Mountains. It was a region rough with mountains, among which were a few plains, deemed for the most part desert wastes, where man, it was thought, would have hard work to live. Only records of from \$30 to \$300 per man per day in the placer mines served to maintain the courage of the newcomers and to attract others.

"There were no roads, no means of transportation by water, and prospectors had not only to face the danger of starvation, but were compelled to fight their way through hostile Indians. But more gold placers were found, and then gold quartz. Then came the discovery of silver. This served to attract prospectors, who, in spite of all sorts of difficulties and dangers, pushed into the mountain canyons and founded ephemeral cities along the old river channels.

"When, in 1863, Colonel Shoup went north from Colorado to the newly discovered mining country, he found a community unorganized, a forbidding region which was just beginning to

be known, with a future which seemed to be limited to the production of precious metals, whose amount no one could determine. The exhaustion of the placer mines soon sent back to more favored States miners who had hoped to wash easily in a few months from sand and gravel fortunes that would satisfy their cravings.

"In consequence, the population, which in 1863 was estimated at 20,000, rapidly diminished, only the true pioneers remaining to develop such resources of the precipitous mountains and dusty plains as they might discover.

"It was in 1866 that Colonel Shoup took up his work in this unpromising territory, establishing himself at Salmon City, Idaho. Gold had been discovered at the latter place the previous year, and had attracted 5,000 miners the first season. Colonel Shoup laid out the town, which became the center of a most busy mining region. When the placers were exhausted the mining population rapidly declined, but there remained 800 active and energetic inhabitants, who—Colonel Shoup the most prominent—were the real founders of the city. With Salmon City and with the region which we now know as Idaho (the Indian word for 'gem of the mountains') he closely identified himself, and became one of the most active, useful, and enterprising of its progressive people.

"The Territory was essentially a mining country, most of the energies of the people being devoted to the extraction of the precious metals from the soil. The population was unstable, for its means of livelihood was simply the uncertain supply of gold and silver in rock and gravel. It was a community which offered few promises to the organizer of States, but with the difficult problems presented Colonel Shoup immediately grappled.

"The first and greatest difficulty to be overcome was that presented by the hundreds of lawless men who flocked to the mines, and who inaugurated a period of crime which at last called for drastic treatment. In the sparsely settled region, where the administration of law—where there was law—was difficult, it became necessary to resort to civil organizations for the promotion of public safety.

"Crime of all kinds was rampant. Of the revenue of the Territory one-third was devoted to the maintenance of the territorial prison, yet in two years this was not enough by \$22,000 to cover the cost of caring for criminals. Boise City was burned by desperadoes; murders were committed wholesale; embezzlement by public officials seemed to be the rule, and a reign of terror was the result.

"But the vigilance organizations worked swiftly and effectively, and in five years over 200 outlaws were executed. From that time on orderly development was assured, and to this end Colonel Shoup was one of the most prominent and efficient workers. Then came the Indian troubles, begun by Chief Joseph, of the Nez Percés, whose hostilities called out a large force of United States troops and resulted in many bloody contests.

"The settlers in the new Territory had also to arm in their own defense. An independent company was raised in the Salmon River region to fight the Indians on the warpath under Chief Joseph. Colonel Shoup was placed at their head and cooperated with General Howard during the campaign. Then came the war with the Shoshones, which further convulsed the Territory. But all of these tragedies of pioneering at last came to an end, and the work of civil organization and industrial development was resumed, not to be interfered with again.

"Colonel Shoup took a leading part. He was one of the supervisors of Lemhi County who appointed the first county officers, and was the first councilman from that county to the territorial legislature. He was also a member of the legislature during its eighth and tenth sessions, and was prominent in urging the enactment of the laws under which the Territory rapidly developed.

"In 1880 he was appointed territorial governor—the last governor under territorial organization—and issued a proclamation under which assembled a constitutional convention to draft a constitution for Idaho as a State, though as yet Congress had not passed an enabling act. The convention met and adopted a constitution which was drafted on the lines of those of the older States, but which contained a provision prohibiting polygamy and bigamy.

"There was considerable opposition to such provision on the part of the 25,000 Mormons in the Territory, who held that laws enacted for the suppression of polygamy were unconstitutional, for the reason that they interfered with religious liberty. Governor Shoup, however, upheld the provision, holding that the argument against it was dangerous, for the reason that under it any association could, in the name of a religious association, commit with impunity crimes against society. The provision was adopted and is now a part of the constitution of Idaho.

"With the adoption of the constitution came the admittance of Idaho as a State, and Colonel Shoup was elected its first governor. In that high office he showed the earnestness and public spirit which had always characterized him, and which led to his election to the United States Senate in December, 1890. In this body he served until March 3, 1901, and during the ten years or more that he in part represented Idaho all his efforts were devoted to the promotion of the best interests of the State and to the development of all its resources. What these resources were even he, enthusiastic as he was, did not realize when he laid out the first town in eastern Idaho. As has already been stated, in that time there were no roads, and communication was so difficult that although the proclamation organizing the Territory was issued in September it was not known in the mines until the following spring.

"Mining was the only industry throughout the entire region, which was deemed unproductive and unfitted for permanent settlement. But when once attention had been turned to possibilities of the soil other than gold and silver, surprise followed surprise. It was seen before long that the real and permanent riches of the region lay not in its deposits of gold and silver, which yielded \$17,000,000 in 1886 alone, but in the utilization of its other natural resources; and this was emphasized by the sudden drop in the value of gold produced as soon as the placers were exhausted, the yield diminishing to \$6,500,000 in 1867, and to \$1,350,000 in 1878, its present yield being from \$5,000,000 to \$6,000,000 per year.

"Gold and silver had made the Territory, but they did not maintain it. There were sources of far greater riches. In 1870, when the real development of Idaho began, its inhabitants numbered 14,999—far less in number than during the palmy days of placer mining. But since then population has steadily and rapidly increased, and with it the riches of this favored region.

"The first homestead entries were made in 1868, when applications were filed covering 6,337 acres. In 1880 there were 1,885 farms, against 414 ten years before, and in 1900 there were 17,471, embracing 3,204,903 acres and valued at \$67,271,000. Last June the homestead entries embraced 7,188,004 acres. There is no record of cattle in 1860, and in 1870 there were only 10,000, but in 1900 there were 277,000.

"There were only 2,151 horses in 1870, but in 1900 there were 151,000. In 1870 there were only 1,021 sheep, yielding 3,415 pounds of wool, but in 1908 there were 2,500,000 sheep, which yielded nearly 18,000,000 pounds, valued at almost \$3,000,000.

"Farm products were valued at \$637,000 in 1870, in 1900 at \$18,000,000, and in the same period the value of live stock increased from \$416,000 to \$21,600,000. The value of the products of the farm alone at the end of twenty years was over three times the value of the gold and silver produced, which metals originally attracted adventurous men to this apparently sterile region.

"That base metal, lead, yielded almost as much in 1906 as the gold and silver mines in their most prosperous day, nearly \$15,000,000 in that year. Copper, too, yields about half as much in value as gold and silver together. In 1908 wheat yielded \$11,000,000, hay over \$10,000,000, lumber over \$7,000,000, potatoes over \$1,000,000.

"Population increased to 205,704 in 1906, and the value of all property to \$342,871,000. The vast sum of \$7,145,000 has been expended in irrigating 266,000 acres of land; 18,000 miles of public roads have been built; and nearly 1,800 miles of railroads extend through one of the most difficult regions for railroad construction.

"Water power aggregating 78,743 horsepower has been developed, and this will in the immediate future be vastly increased through the utilization of mountain streams for the generation of electricity. Already, in 1905, the value of manufactures depending on power had increased to nearly \$9,000,000.

"Such are some of the results which the efforts of George L. Shoup were instrumental in achieving. No wonder that he was an enthusiastic lover of this great State and that all his energy and best efforts were given to it. As United States Senator he strove to secure for his State the benefits of legislation demanded by conditions which he so well understood, and his knowledge of all that great western country was so minute and so comprehensive that he naturally found his way to the head of the Committee on Territories, where, during his term of service, he was instrumental in passing those laws which have been of much benefit to the people of the great Northwest.

"To him are due the thanks of the 700,000 people who now live within the borders of the original Territory of Idaho, and whose present prosperity is due in no small degree to his energy, wisdom, and constant efforts to secure wise legislation. No measure was proposed in Congress affecting the scene of his early

labors that did not command his most careful attention, and no bill that promised good to the people whom he loved failed to secure his warmest support.

"He never forgot the great States carved out of the wilderness of mountains between the Missouri and the Columbia, for it was their mystery which first attracted him, the surprises which they revealed which caused him to cast his lot with them, and the way in which they fulfilled his prophecies which caused him to devote his life to them. He was one of the last of the builders of States.

"There are no more opportunities for labors of this kind. Our great country no longer presents opportunities for the exercise of the talents which George L. Shoup possessed in such an eminent degree. The great State of Idaho may be said to stand as, in a very great degree, his work, and should be considered his real monument, of which this statue that we accept to-day is merely a visible reminder."

Mr. CLARK of Wyoming. Mr. President, for many years Right Rev. Ethelbert Talbot, now bishop of the diocese of central Pennsylvania, was missionary bishop for Wyoming and Idaho. He is a man especially fitted for such a charge, and carried his Master's name into every village and mining camp and to nearly every ranch house in both these Territories. He was a close observer of the country and a student of men, and his appreciation was bounded by no creed, nor was his true and clear insight into character dimmed by any sectarian prejudice. In his volume of most interesting reminiscences of the time he spent in those fields, entitled "My People of the Plains," he thus speaks of one of the strongest and most respected men of that day and country, George L. Shoup:

He was perhaps the best-beloved man in Idaho, quite apart from his political affiliations. Indeed, he was one of nature's noblemen, and I cherished for him the warmest affection. He was a native of Pennsylvania, served through the civil war with distinction, and afterwards had a most thrilling experience in Indian wars in Colorado and elsewhere. He was absolutely without fear, and under his courageous leadership as colonel the warlike tribes that had terrorized the frontier were speedily brought under the strong arm of the Government. He was generous to a fault, modest and unaffected, of transparent integrity of character, and instinctively won the confidence of men. He was always ready to respond with generous liberality to every good cause.

The mention of Senator Shoup's venerated name leads me to state that the conditions of frontier life often developed a high type of manhood quite unusual elsewhere. Frequently these men were not connected with any church, a fact which may be explained by the absence of organized Christianity during the earlier years of their residence there; but they were in fullest sympathy with the principles of righteousness for which the church stands, and could always be relied upon to use their influence in behalf of decency and morality. They were the warm personal friends of the clergy in general, and a bishop felt the stronger for their outspoken loyalty and support. Their wives and families were for the most part members of my flock, and I always thought of the men themselves as an important part of my diocesan family.

Bishop Talbot was right both in his estimate of the character of the man and of the conditions and the times that rendered possible his career. The hardships and privations of the frontier, the struggle with nature and with adverse conditions for a livelihood, the outdoor life, have ever produced a class of men that the crowded atmosphere of the city and effeminate social conditions have seldom brought forth. A sturdy independence of thought and action, strong and original minds, and a patient and never-failing courage have been awakened in every new and undeveloped portion of our country.

In his lifetime George L. Shoup touched every line of American citizenship, and always in a way to reflect credit and honor on that citizenship. With his face always toward the frontier, he took every duty as it came to him and challenged every new condition with unflinching courage and with perseverance and success. In early life a farmer in the then new West before our civil war, the crisis found him in the still newer and almost unknown West, the Rocky Mountains.

He became one of that grand army against whose ranks the splendid courage and the tempestuous waves of the lost cause "dashed and broke for four long years in vain." During his military career and as the struggle between the States was drawing near its prayed-for end, his lot was cast among those devoted men whose duty carried them to the defense of that great border land infested with the hostile Indian tribes, terrors to our settlers and blocks to our civilization; that line he defended from the Mexican border to the far North. His record in those years, during which he rose step by step to high command, has been excelled by no man from the time Miles Standish led his little army against the savages of New England until the present day. He was among the greatest and last of the intrepid and fearless protectors of our western frontier in the sixties. Gentlest among the gentle, he knew that peace and security to our settlers could only be obtained by swift and decided action, and when he moved, he struck with sudden, unerring, and terrific blows, and his strategy and actions were

models for every successful commander in our Indian wars from that time until permanent peace was secured many years afterwards; peace, with the Indians having been conquered, and the Regular Army being deemed sufficient to maintain it, he was mustered out of the service with the regiment of which he was colonel and took up the duties of civil life in the country which his military activities had rendered safe and habitable. In an interval between Indian disturbances he had been an honored and useful member of the first constitutional convention of Colorado, and soon after the termination of his military service he turned his face again toward the setting sun and took up his permanent home in the then Territory, now the "Gem" State of Idaho, which to-day pays him such distinguished honor. From that time until 1904, the year of his death, the life of George L. Shoup and the history of Idaho were inseparable; he was easily the foremost citizen of the State, and the State loved him as he loved Idaho. No State in this Union ever had a more loyal citizen nor one who gave more freely of his time, energy, and substance in promoting the public good.

The service of Senator Shoup in this body was such as to reflect credit on himself and honor upon his State; modest to a fault, he was not often heard in public debate, but when he addressed the Senate his words were the words of a wisdom drawn from a wide and varied experience, and in all matters concerning western affairs, at least, he was looked upon as authority. A strict party man, he believed in the wisdom of that party's policies, but never placed party above patriotism. Especially fitted by his life's experience, he found his natural place on the Committee on Territories, of which he was chairman, and on the Committee on Military Affairs, where in peace and war he rendered most signal service. His service in this body was most delightful to his colleagues, and his associates will always hold his name in sweet remembrance.

Idaho has had, and has, many a noble son, men whose lives are entwined about the very foundation of the State and whose names will be more and more honored as the present gives place to the future, and yet none will question the wisdom or the justice of the undying honor which that State to-day pays to George L. Shoup. A repetition of his career will not be possible, because the times in which he lived and of which he was a part come not again, but the great work of state building to which he devoted so freely his time and influence and energy will be more and more appreciated, his fame will glow with increased luster, and his name and deeds will still be a sweet and most glorious memory to his children and his children's children as the years go by.

Mr. WARREN. Mr. President, I deem it an honor to be permitted to take part in the dedication of a monument erected to commemorate the services of our former colleague, the late George L. Shoup, of Idaho.

I venture the assertion that the men of the United States whose achievements will remain longest in the memories of their fellows will be those who in their lives have had to do with the formation and upbuilding of new States, and who have had a hand in changing the so-called "waste places" of our country into regions of homes and progression. Such a man was George L. Shoup, and it is fitting that the great State of Idaho has shown its appreciation of him by placing here in this hall of fame a likeness of him in imperishable marble.

It was my privilege to have enjoyed a long personal acquaintanceship with Governor Shoup in the West and here in Congress. My public duties and his were, in a measure, strangely coincident. Living in neighboring Territories, which were admitted to statehood at the same time, he was the last territorial governor and the first state governor of Idaho, as I was the last territorial governor and first state governor of Wyoming. Our coincident services continued later, for we were both elected to the United States Senate by the first legislatures of our respective States.

In the Senate we were both members of the Military Affairs Committee and were frequently associated together in regard to legislation affecting the Western States and Territories.

The varied experiences of Senator Shoup as soldier, stockman, miner, farmer, merchant, and as executive chief of a vast western Territory and State, combined with his inherent honesty and patriotism, made of him when he reached the Senate one of its most valued and capable members. His courage was of the most heroic order; his unselfish devotion to his State was constant and complete.

His State owed him much, and has honored itself as well as him by erecting here in the Capitol this statue to perpetuate his memory.

Mr. PENROSE. Mr. President, the people of Pennsylvania take a great interest in the great State of Idaho, and our people feel very close to the people of Idaho. We recall the fact that

one of the territorial governors was Hon. William M. Bunn, who is living to-day, a prominent citizen of Philadelphia; and one of the counties of Idaho is named after the Hon. HENRY H. BINGHAM, the titular father of the House of Representatives in Congress. Much Pennsylvania capital has been invested in the mineral and other industrial enterprises of Idaho, and we recall with pride that the Hon. George L. Shoup, the last territorial governor of the State and the first governor under the new state administration, a distinguished Senator in this body, was a son of Pennsylvania, as is the able and distinguished senior Senator from Idaho. His relatives still reside in western Pennsylvania, and one of them, the Hon. Robert McAfee, is secretary of the Commonwealth and a political leader in the State.

Senator Shoup was a worthy representative of the State of Idaho and was typical of much that is most rugged and admirable in her citizenship. The fact that Mr. Shoup was born in Pennsylvania and that I had for many years hunted and traveled through the State of Idaho in the territorial days naturally brought about an intimate acquaintance with him immediately on my entrance into the Senate. I suppose I knew him as well as almost any member of this body, and I can testify to his sturdy and heroic virtues and attainments and achievements. Idaho is destined to become one of the great States of the Union. From her ample limits, as originally outlined, the whole of Montana and nearly all of Wyoming have been carved out. The great rivers of the State, the picturesque and lofty mountain ranges possessing in their recesses untold mineral wealth, the rich alluvial basins of the Salmon, Clearwater, Payette, and Boise producing excellent crops of cereals and fruits, and the uplands well adapted to grazing, present to the imagination of anyone who has traveled through the State unlimited possibilities in the future and give assurance that here will be one of the seats of empire and civilization. In no section of the United States is development making more rapid strides, with the construction of railroad lines and with the increase in manufactures, which, although small at present, give promise of great growth in the future.

Mr. Shoup had a remarkable and distinguished career. It is in every way fitting that his statue should be erected in the hall of this Capitol dedicated to the memory of representatives from each State in the Union most typical of their respective histories and civilization. He was successful as a merchant and I know from personal experience of the high respect and regard in which he was held by the people of Idaho on account of the liberality and kindness with which he treated all the people with whom he did business. I have been told in my travels in Idaho that no miner or settler was ever turned away from Mr. Shoup's mercantile establishment because he did not have the money with him for his purchases, but a generous treatment of credit and assistance was extended to all. He was successful in mining and stock raising enterprises and became widely known as a business man of ability and of pronounced and valuable views upon all questions of public concern. He was a member of the territorial legislature, delegate to Republican national conventions, and for a long while a member of the national committee of the Republican party. As a Senator he was noted for his attention to the interests of the great western country and no one could have been more peculiarly fitted for the discharge of his duties as the chairman of the Senate Committee on Territories, a position he held at the time of his retirement from the Senate.

I feel that I voice the sentiments of the people of Pennsylvania in saying that it is most gratifying that the people of our sister State have selected the Hon. George L. Shoup as one of their representatives in Statuary Hall. Future generations will view his monument among those of the other great men of the Nation, and will recognize the fact that he stands foremost and typical among those courageous and enterprising men born in the Eastern States, imbued with the best ideals of American patriotism, whom the spirit of enterprise and adventure attracted to our so-called "western frontier," and who in the fields of war and peace assisted in building up and constructing those great commonwealths which subsequently entered the union of States and have contributed so much to the power, the dignity, the wealth, and the civilization of the Nation.

Mr. BEVERIDGE. Mr. President, I have been asked by my colleagues from Idaho to pay my tribute to Senator Shoup, under whom I first served in the Committee on Territories when I entered the Senate eleven years ago, and whom I succeeded as chairman of that committee; and I count it an honor and a privilege to respond. I shall not enter into the details of his busy life, which ran strong and clear as a mountain current, for older friends have done that, and done it well; but I

shall speak of him as the most conspicuous recent example of that type so peculiar to our own country, the American pioneer.

Indeed, Mr. President, American blood is pioneer blood; and pioneer blood is the blood of faith and deeds, the blood of optimism and courage. It dares the unknown, from which the faint-hearted shrink, well understanding that what is unknown to men is known to God, and prepared by Him for the uses of man when he who is strong enough shall discover it for his fellows. The pioneer has that vision which sees no dragons guarding unknown seas or lands, but instead beholds in unsearched plains and valleys and mountains the unexhausted wealth which mankind needs and the abiding places for a people.

The pioneer fears not the dangers of savage foe, of wild beast, of parched desert, of deadly hunger. He welcomes them. Combat with untamed nature and the elemental forces are his pleasure; and the hazards which weaker men, softened by luxury, call "sport," to the pioneer are the tame diversions of a child.

To the pioneer the doubts and forebodings of pessimism are absurd, for his belief in the conquest of new lands by human kind inspired by liberty is the passion of his life—aye, and the conquest of the world as well by liberty and civilization. To him Daniel's vision was a simple statement of the fact of the world's supreme event, which the passing days are realizing, and of the realization of which he is an agent and an instrument.

And so in the pioneer there is something of prophecy, much of daring, much of doing, and all of faith—the strongest possible combination of human character. It was men and women of this stamp who at our beginning settled on the shores of this continent; then pushed forward the outposts of order and industry into the wilderness; planted in the soil of peril the seed of liberty and nourished the growing plant until it yielded the fruits of safety; pushed ever onward across flooded rivers, waterless plains, impassable mountains—always building as they went—until within the briefest time in human history a continent was occupied by a nation of free men. It was the pioneer spirit that founded the Republic and saved the Republic, and the Republic will endure just as long as that hardy blood runs through American veins and that unquestioning faith inspires American hearts, and no longer.

The pioneer never asks, "Is the path before me blazed and easy?" He says, "I will blaze the path myself and go forward." He never asks, "Is there a precedent for this thing?" He only asks, "Should this thing be done?" And if it should, he does it. Do multiplying men and women and children need new lands to occupy, new fields to till? The pioneer declares, "I will find them." Do burdens lie heavy on humanity and legal tricksters endeavor to prevent their lifting? The pioneer declares, "I will devise a law that will remove them," and he writes it, champions it, and in the end he passes it. Do barbarism, tyranny, and darkness oppress and envelop an alien people, and does Providence call an enlightened nation to the rescue? When the infidels of liberty declare the task impossible, the pioneer moves calmly forward to its accomplishment amid the final applause of a doubting and reluctant world.

Of such, Mr. President, was the man whose statue is placed in Statuary Hall of the Nation's Capitol to represent forever the spirit, the courage, the constructive genius of the American pioneer. He never asked, "Can this wild western country be made the homes of a happy people?" He only said, "I will help make it so." He never asked, "Will I be killed fighting Indians and outlaws that civilization may advance; fighting my own brothers that the Nation may live?" He only said, "I gladly offer my life as an humble sacrifice to either or both." Not from his lips of prophecy, not from his heart of faith, not from his hand of deeds went forth a single word or action that even suggested that this Nation, which had succeeded in such great things for humanity at home, would fail in the easier tasks which events have given us to do in the islands of the sea; he only said, "I know that the blessings which this Nation has secured for its own people it will achieve for alien peoples whom God has placed in our keeping in His own good time."

Such was the mind, the will, the character of George L. Shoup; such were his words and works of life.

Even the Central West beyond the Mississippi was wild indeed when George L. Shoup, a mere stripling, heard and heeded its call. At an age when the youth of to-day have hardly left their schools, he was a commander of scouts, in desperate encounter with savages who sought to stay by bloodshed civilization's resistless march; aye, and a colonel of volunteers battling with those who sought in arms to destroy this Nation of free and equal men. After the war was over there still was need for his fighting blood not only against the savage red men, but also against the more savage white outlaws who robbed and

murdered and sowed lawlessness where the pioneer was tilling and building and striving to sow order.

And this was his heroic part in the adventurous life of the young and mighty West; and all the while, and after, he poured his energies out in the peaceful and constructive life of that new land which had forever won his heart.

Explorer and prospector, Indian fighter and soldier of the Union, miner and trader, executive and lawgiver—his years flowed on to the sea, ever broadening in usefulness, fertilizing ever-increasing lands which their waters touched, and bearing ever-enlarging cargoes of responsibility discharged and of human helpfulness performed. And finally came the end, as come to all it must; and the day that put a period to his life closed a career of courage and accomplishment of faith justified, of liberty strengthened, of the American spirit personified.

And so when Congress accepts the statue of George L. Shoup, Idaho's gift, the Nation will have placed forever in her Hall of Fame the marble image of the last great representative of the early American pioneers, who as individuals have passed away, but whose blood still flows in American veins, and whose spirit will endure forever in American hearts. In giving us the statue of George L. Shoup Idaho gives us the eternal presentment of a soldier of civilization.

Mr. SCOTT. Mr. President, we meet to-day as representatives of the Congress of the United States to formally accept an offering from the great State of Idaho. That Commonwealth has well chosen when she sends to this Hall of Fame the statue of George L. Shoup as her contribution to the "American immortals."

This country of ours, during the past century, has been simply developing herself. There was little time to give to the remembrance of those who have helped to make it what it is. During the centuries of the past other countries and other lands have provided places where the records of the lives and deeds of their great men may be preserved in as enduring a form as possible. Their heroes have been honored in various ways. From the earliest recorded history down to the present day nations have paid their loving tributes to the memories of those who have lived greatly. As the years go by, a similar plan may be adopted by this country, so that the generations yet to come may have before them in some concrete form a tribute to the men who made us great. As it is, we must be content with the placing of statues in this hall, silent witnesses of men, the memory of whose achievements is still warm and pulsing in the hearts of their countrymen. So to-day the Commonwealth of Idaho is presenting to the Congress of the United States the statue of one of whom she was proud and whose memory she desires to perpetuate.

The qualities which go to make up a man are the main-springs which move his whole being. Unless he is straightforward, honest, and upright, the results of his life are not such as win the approval and love of his cotemporaries. Even at the best, the man who is all that his God intended him to be is misunderstood and misinterpreted by those among whom he lived, and it is not until he has passed to the great beyond that the qualities which have made his sterling manhood are best seen and best appreciated. This was not true in the case of George L. Shoup, who was loved, revered, and honored in his lifetime and whose many noble qualities are worthy of public preservation for the benefit of his countrymen yet to be born.

The placing in this hall of a statue to the memory of such a man is not so much a contribution to the man himself as it is the presenting of his life to his countrymen as an example, as a guide, to civic virtue. The qualities which have made such a man as George L. Shoup are the qualities which have made this country what it is. They have been found in the men who tunneled the mountains, cut down the forests, and from the mountain wilderness built up my own State. They are the qualities which wrested from the cold, the blizzard, the red man, and stern natural obstacles the great Northwest. They are the same qualities which have built up our great Southland. They are the same qualities which make men wherever they are. It is these qualities that are commemorated in this hall to-day, and it is these qualities which our sons' sons must respect, revere, and attain.

Nothing I can say can add to the fame of the achievements of George L. Shoup. Nothing that I can do can make his record brighter. I have simply been asked to speak from the standpoint of personal friendship and of an acquaintance that commenced more than half a century ago, an acquaintance that afterwards ripened into friendship and was only closed by death.

As a boy of 16, before the civil war, I started to find my fortune in the West. Driving an ox team across what was then known as the Great American Desert to the site where

now stands the city of Denver, I met for the first time George L. Shoup, a superintendent of a wagon train. He had been born in Pennsylvania, had moved to Illinois, and, after living there several years, started farther west. I had been born and reared in Ohio; neither of us knew the other, yet we were brought together on this journey to the place where Denver now stands. A few years older than myself, I looked upon him with admiration and thought him one of the finest young men I had ever met or known, for I found him a lovable man, fearless, upright, straightforward. Cheerful and alert, he was the life of our gathering. Ever ready to lend a helping hand, he was liked by all. Looking back over the years, I can now see that he was then, in the humble position he occupied, fitting himself for future responsibilities and greatness.

Many a night on the plain, when the wagons had been placed in the form of a corral, with hundreds of savage Indians surrounding us, we were wont to discuss the trials and tribulations of the past day and what we might expect for the next. At one crossing—that of a stream called Lost Creek—we came upon a camp that had been occupied the night before by some gold seekers, and found that 31 of the men, women, and children had been slain by Indians. Well do I remember the look on the face of George L. Shoup as the evidences of this horrible outrage met our eyes. The kind expression on his face, an expression so well known to many of you now present, changed to one of stern determination that this villainous deed should some day be punished. Perhaps a remembrance of this massacre strengthened his arm as he led his cavalry regiment in many an Indian charge.

Reaching the present site of Denver, I drifted away from that point to engage in gold mining, and he drifted in another direction. My life work brought me back to the East, while his kept him in the West. The experiences of plains life fitted him for scout duty, and when the great civil war broke out he entered the service of the Federal Army as a scout. This service led him into many encounters with Indians and border desperadoes, where the fearlessness of his character was further developed. He did everything well, and it was not long before he was colonel of a regiment of Colorado cavalry, and from that time his advancement was rapid.

During these years I never met the superintendent of the wagon train I had so much admired, and I only heard of George L. Shoup as I read of him in the papers. It was not until a quarter of a century later that we met as members of the Republican national committee and renewed the acquaintance begun in a setting of Indians, unbroken forests, and plains. From that time on until he retired from public life we were closely thrown together. When I was honored by election to the United States Senate he was serving his second term, and we met and spent two years in close companionship. On more than one occasion we lived over again the memories of the past, from the days in which he cracked an ox whip over his team of bullocks up until the days we voted side by side on matters of national interest.

I had found Senator Shoup as a young man to be straightforward, earnest, progressive, and considerate of his fellowmen. I never found occasion to change this estimate. As a national committeeman, as a United States Senator, he was always in the front rank. His estimate of men and things was remarkable. His honesty of purpose, his purity of life, were all that could be desired. He was a man who did things, and did them successfully. His was the spirit which made the Western States, which cleared the forests, which planted the deserts, which grappled with Indians, and overcame all difficulties. He was always in the advance, clearing the path of civilization. Other speakers will tell and have told of his labors in behalf of the State of Idaho, have told what he has done in the development of the West, have told of his career in Congress. I can only add the loving tribute of a friendship of fifty years' standing. I can only say that a brighter beacon light to Americans yet to come, a more illustrious example of the manhood of the West it would be hard to find.

His life should be encouragement to the young men of this country to do well whatever their hands find to do, to be honest, to be straightforward, and to remember that it makes no difference from what humble condition they start, their future is within their own hands.

Mr. GAMBLE. Mr. President, I am grateful for the opportunity this occasion affords me to pay a brief tribute to the memory of this distinguished and most beloved citizen of Idaho. I congratulate the people of his State upon the wise selection they made in according to George L. Shoup this signal and unique honor and this lasting evidence of their love, respect, and devotion. The life he lived and the services he rendered

his State and his country well merit this special recognition and distinction they pay him.

It was not my privilege to serve as a Senator while he was a member of this body, but I knew him well and intimately. He was generous, companionable, and kind, and to know him was to love him and to feel he was your friend.

Nature was generous in her endowments. She made him strong, resolute, and courageous, and at the same time tender, simple, and approachable. He had a restless spirit and a high purpose, and from his youth gave evidence of the character that would be so rich in honorable and heroic endeavor.

He early caught the spirit of the West and gave to it his best energies and supreme service in a long, unusual, and distinguished career.

Idaho can not alone claim him, for his services were not circumscribed by territorial or state limits. While a citizen of the Territory of Colorado he responded to the call of his country, and rendered long and most trying service in her behalf during the civil war. His military record was most creditable. His service extended practically throughout the war. He was an ideal, brave, and accomplished soldier. The recognition accorded him was honorably, faithfully, and fearlessly won. From the ranks, through the severest tests of efficiency and daring, by successive advancements, he reached the rank of colonel.

His whole life was one of service, and he was always ready to answer the summons, whether the call came from his country or his State. His young and vigorous manhood and his life, if need be, were freely and patriotically dedicated to his country and for its integrity. No higher or greater sacrifice is possible. In the service he met every expectation and was equal to every emergency. His military record alone entitles him to high consideration and to honorable distinction in the estimation of his countrymen.

He must have stood high and have been well considered by his fellow-citizens even in these earlier years of his life, for it appears when at home for a short period from his military duties in 1864 he was elected and served with ability as a member of the constitutional convention of Colorado in that year. This serves as an indication of the versatility of his powers and his great interest in the Commonwealth in seeking wisely to lay the foundations of the future State.

His tireless and energetic spirit felt the call of duty elsewhere, and soon after the close of the war he took up his residence in the Territory of Idaho, that afterwards became the State to which his citizenship brought honorable distinction. It appears here, as in his former home, his fellow-citizens early recognized his high character and ability, and he was soon called upon to serve them in various positions where special fitness, integrity, and a high order of service were demanded.

In no place was he found wanting. He was strong, wise, and resourceful. He appreciated the great opportunities that came to him. He sought to serve the people and the highest interests of his State. He was the leading spirit in the transition from territorial condition to statehood. To have been the last territorial governor and the first of the State is a unique distinction in the history of his Commonwealth.

Like opportunities come to but few. To have been an active and leading participant in the formative period of two separate Territories, to have had to do in shaping the social conditions that later were to be the foundations upon which two free and independent States of the Federal Union should forever rest, is associating yourself and your life work among the most ideal and sublime acts in human history.

Two great, indestructible States, dedicated in the highest sense to the people's welfare, to conserve their freedom, to establish justice, and give inspiration and opportunity for the expression of their highest ideals; to encourage a high and patriotic purpose, to enlarge every opportunity for honorable endeavor and encouragement in industry, in civic virtue, in education, in religion, in philanthropy, and for human happiness—these are imperishable results to which this man devoted his high purpose and for which he stood and took a leading and most distinguished part.

To have had to do with the founding of a State in itself is a signal honor, but to have been an active participant and a leading spirit in his relations to two certainly is exceptional and unusual in the history of the Republic.

Mr. President, his record as a representative of his State in this body was honorable, dignified, patriotic, and of the highest service to his State and country. Idaho in honoring George L. Shoup in any position always honored herself. He was in the fullest sense a pioneer, and as such accomplished great and

enduring results. He was a loyal and a brave soldier, a wise and high-minded executive, a patriotic, efficient, and serviceable Senator, and, withal, a noble, large-hearted, generous, and kindly man.

The luster of his high character and of his unselfish and devoted life must always illumine the home and the lives of those he left behind. In these, as husband and father, he left them the richest possible heritage. To the people of Idaho his life must always be an inspiration and a benediction.

George L. Shoup well merits his place as a representative of his State among the immortals of the Republic. He was accorded high distinction by his people while he lived, and in his death he is commemorated in a noble figure worthy of his high character and of the people he so unselfishly and patriotically served.

Mr. SMOOT. Mr. President, Statuary Hall, in this, our country's Capitol, has become the American Hall of Fame, for here the several States of the Union honor their greatest and wisest men. Idaho, in placing the marble statue of George L. Shoup there, recognizes his unselfish services to his country and his undeviating devotion to his people. The statue of marble is the concrete and material expression of the monument of love he has implanted in the hearts of those who knew him best.

I deem it a great privilege to speak briefly upon this occasion and express some of my thoughts suggested by the life and labors of our departed friend. I intend my remarks to be general, for it is better that the Senators of his own State recount in detail his great labors and achievements.

Senator Shoup was a frequent visitor to my own home State. We lived neighbors, and I, in common with many others, learned of his worth as a man, his lofty ideals, his generous heart, and his honorable ambitions. Whenever the name Shoup is mentioned in my hearing there arises at once before me the figure of a man, tall and straight as an arrow, a pioneer, a business man, a soldier, a patriot, a statesman, a Christian gentleman, whose life was devoted to the building up of this magnificent Government of ours in a form so grand and enduring as to excite the wonder and challenge the admiration of the civilized world. To him more than to any other Idaho owes her early admission to statehood. To this end he brought to bear his power as an organizer, his ability as a leader, his logic as a debater, his inflexible will, his honest soul; and for this reason, among others, his sculptured presence is placed in yon Pantheon of the Republic to forever proclaim to the world the love, respect, and honor the great State of Idaho has for one of her noble citizens.

Like nearly all our great historical characters, Shoup was a self-made man. He was not born with a silver spoon in his mouth nor reared in the lap of luxury, but had to combat with the difficulties of life, overcoming them one by one until success could be called his. What he won came to him because of his own persistency and ability, by dint of struggle and toil. From boyhood his chief capital for his future was reliance upon himself, upon his own integrity, upon his own conscious power to achieve. He was not deterred by obstacles nor discouraged by opposition; they but added strength to his aims and determination to his will. Duty! duty! work! work! thundered in his soul, and he was loyal to their demands.

Shoup looked at every problem from the view point of the common people. He sprang from them; was one of them. His association until full manhood was exclusively with the working classes. His labors in this body fully justify me in saying that he believed profoundly in the plain people, but never descended to the demagogue in order to show it. He had the sincerity and simplicity of nature. He was not an orator in the generally accepted meaning of that word, but his oratory was of that purer type used by great and good men in all ages of the world, for in speaking he told the truth at the appropriate time and believed what he said so fervently that those who heard him became convinced. His people loved to hear him and were drawn to him not by mere tinsel of words, but by the solidity and strength of his argument and the force of his character. The people knew that back of the word was a heart, a conscience, a conviction, a man.

He was strong in his personal attachments, intensely loyal in his friendships. He had no treachery in his heart; he exacted only that which he gave, loyalty and fidelity, and these he demanded in full measure. My whole memory of him, from first to last, is such as I am now glad to recall and shall cherish as long as I live. His hearty greetings when meeting him invariably imparted the joy of friendship and brightness to the passing moments. Good will, kindness, and perfect honesty shone in his face. Generosities were at home in his heart. He was full of loyalty. Indeed, I think I should say if I were

asked to name the trait most characteristic of him that it was loyalty. He was loyal to his country, in devotion to which he in 1861 offered the sacrifice of his life. He was loyal to his State and made many sacrifices for the advancement of her interests; loyal to the community in which he dwelt in honor, and of which he ever studied to be and was a benefactor; loyal to his friends; loyal and true to the wife and children that God so blessed him with.

Shoup's home life was ideal. The wish of one was the desire of all. Neither cloud shadowed it nor frown chilled it. Sickness might invade it; disappointment might enter it; severe pain might smite it; and calumny, coarse, brutal, and persistent pound and clamor at its doors, but the peace, the love, the good-night kisses, and the happy morning greetings of that united and joyous household were never interrupted nor disturbed.

Such being the life and the character of the man; such being his generosity and his devotion; such his personification of all that was best and noble, most patriotic, and most unselfish, and most characteristic in her history, it was indeed fitting that the State of Idaho should select him as her most distinguished citizen to be placed in Statuary Hall in imperishable marble as long as the Capitol shall stand and as long as the Nation shall live.

Mr. CARTER. Mr. President, in placing the statue of the late George L. Shoup in our national Statuary Hall the State of Idaho responded to sentiments of regard entertained for the memory of that worthy man by hosts of people residing outside the limits of the State in which he lived and died. His home was in Idaho, but his activities and sympathies were not bounded by state lines.

For the State of his adoption he labored without ceasing to the close of his days, but his efforts and his influence extended over a territorial area of imperial extent. He was a type of man not only truly representative of his State, but of the large region of country extending along the Rocky Mountains from Mexico to Canada and spreading from the Sierra Nevadas to the plains of Kansas.

Every State and Territory in the so-called "intermountain country" felt the quickening sense of his presence either as a soldier, an explorer, a prospector, or a directing force in business affairs. He was a conspicuous figure in the first constitutional convention in the Territory of Colorado. He was a pioneer merchant in the Territory of Montana, and his mercantile, mining, and stock-raising enterprises extended over an area exceeding that of modern Europe.

He was a pioneer possessed of a spirit of adventure and ambition for conquest, capacity for construction, and genius for government. He demonstrated his ability to deal with every problem intervening between savage wilds and well-established, orderly civilization. Toil, hardship, privation, and the dangers of the frontier were with him mere incentives to effort and vigilance. He was a trail blazer fitted by nature to open and guard the way.

The settlement of the West has developed many similar men, but few, if any, of so rare and masterful capacity to skillfully cope with the difficulties and successfully overcome the obstacles which he encountered and serenely surmounted in the course of nearly half a century in the Rocky Mountains.

The achievements of others have been more loudly proclaimed, and in some respects he was excelled by certain of his contemporaries, but taken all in all, he stood in the front rank, unsurpassed in poise, nerve, principle, and capacity by any pioneer it has ever been my privilege to know. Shoup entered the unsubdued West in the early sixties with the fixed and conscientious purpose of a home builder. He was prepared to meet any duty, face any danger, and remove any obstacle between him and that coveted home. Through a sense of duty he became a soldier, and a distinguished soldier at that, but when the war was over he resumed pursuit of the home he sought, little heeding and not deflected by the applause his brave deeds had evoked.

In the distant Territory of Idaho, where in the early days law was largely a memory, he set his stakes and laid the foundation of a home which survives him—a seat of peace, love, and honor. In his comprehensive view, proper environment of a home embraced the whole community, the Territory, and the entire country in which he lived. Imbued with this idea, he stood for law and order and justice and decency. In the midst of isolated and primitive conditions, with the passions of men and women distorted and intensified by lust for gold, the stand taken by Shoup was not easy to maintain, but he stood his ground from first to last and, happily, lived to see reverence for home and respect for law securely established, not only in fair Idaho, but in all the neighboring States.

He was remarkably successful in all his undertakings. In war he displayed the qualities of high and dauntless leadership. As a ranchman, a merchant, and an all-around man of business affairs, he showed such integrity, industry, foresight, and capacity for management that he became recognized as one of the strong, reliable business men of the West. The duties of citizenship were never neglected by him, for it is well known throughout the West that in the early struggles for good government and the establishment of law, order, and justice, Shoup was always to be relied upon.

When the aspirations of the people of Idaho for statehood were strongest, George L. Shoup was urged by them for the governorship of the Territory, in the belief that his elevation to that high station would materially aid them in their struggle for recognition. In this they were not disappointed. It is well known by those who served in the Senate and House of Representatives at the time of the admission of the State of Idaho that the tireless efforts of the governor were potential in impressing upon the Congress and the country the just claims of the Territory for admission into the sisterhood of States.

He was elected the first governor of the new State, and while governor was selected to represent the State as a Senator in Congress. He served as a member of this body continuously from 1890 to March 4, 1901, when he laid down the burdens of public office and retired to his home to devote the remaining years of his life to the adjustment of his private affairs and the enjoyment of closer communion with his old-time friends.

Many of the Senators present to-day served in this Chamber with Senator Shoup, and, without exception, all retain pleasant recollections of association with him, and his memory is held in reverence here. It required intimate association and close observation to discover the elements of power in the character of the man, for although he was thoroughly representative of the West, his demeanor and address in nowise comported with the widespread and erroneous notion that this type of man should be loud, boisterous, self-assertive, and domineering. George L. Shoup did not respond to any of those characteristics. He was unobtrusive, gentle, considerate, and kind. His voice was low and rarely elevated above the ordinary conversational tone. He was honest, firm, direct, courageous, and brave; but these points in his character were made manifest by actions rather than by proclamations.

Devotion to duty was with him a ruling passion, and he met every obligation fairly and sincerely. Although very positive in his own views he was tolerant of the views of others. He was what might be called a "liberal-minded" man. He had encountered all kinds of vicissitudes in the course of his life, for the whole range of human experience, from poverty to riches and from obscurity to exalted position, had come to him; and, in addition to unusual experience, such was the breadth of his mind and the depth of his sympathy that he was fitted as few men have been to understand and charitably view the weaknesses and failings of men. He loved the right and abhorred the wrong, and all forms of sham and false pretense he held in utter contempt.

The social feature of western character found full expression in his genial and kindly nature. Good cheer radiated from his healthy and wholesome personality. A certain philosopher has said:

A great man is affable in his converse, generous in his temper, and immovable in what he has maturely resolved upon.

Measured by this test George L. Shoup was a great man, but such was his modesty that he would instantly have ridiculed a suggestion of greatness as applied to himself. Sure it is that his greatness was in all respect unconscious. The virtue of the thing he accomplished was never cheapened by self-praise nor tainted with alloy through the means employed to accomplish it.

He proved equal to every task assigned him and fairly met and discharged every duty that fell to his lot. He loved his fellow-man, and those who knew him reciprocated his regard. He moved serenely through all the trials and difficulties of the tempestuous days of the gold craze, the Indian wars, the road agents, and all the tragedies and comedies attending the establishment of homes and civilization in the midst of wild, savage, and barren surroundings. With the chivalry of a knight errant, he was always ready to redress the wrongs of the weak and to check the rapacity of the strong. His powerful, gentle, brave, and kindly nature embraced all the elements employed in laying the foundation of the new State, which has honored his memory by placing his statue in the midst of the national group of bronze and marble figures of distinctly representative men from all parts of our common country. The dis-

criminating judgment of Idaho in this selection is most cordially approved by all her neighboring States.

Mr. BORAH. Mr. President, the pioneer of the Far West is entitled to take his place as a commonwealth builder along with the Puritan and the cavalier. With the love of adventure and the valor of the one, the sturdy character and inflexible purpose of the other, California and Oregon are no less the handiwork of the latter than Massachusetts and Virginia of the former. When the golden sands of California lured the emigrant into the Far West, that region was not only widely removed in distance from the States, exempt from established law, and divorced from authority, but it was under the ban of leading American statesmen. That a large part of it was reserved to this country which otherwise would not have been, and that over it all there now obtains the most thoroughly democratic life, the most universally prosperous and wholesome civilization under the flag, are due to the energy, the courage, the inexorable purpose and indomitable patriotism of the pioneer.

I do not know of a more heroic narrative than that which tells the world of the simple, self-sacrificing, dauntless life of Marcus Whitman. Relieved of all that the pen of fiction or romance may have added and reduced to plain, unquestioned facts, well founded and susceptible of historic proof, his life still remains one of those surrendered and dedicated to the highest impulses which stir the human heart. His courage was of the highest order. His far-seeing statesmanship places him beside our most exalted patriots, and his utter self-surrender to his work was that of a martyr which indeed he became. Tardily, but we may hope finally and properly, the world is to recognize the inestimable work of this singularly able, upright, and tireless patriot. Not so conspicuous, not so noted, were the deeds of others, but the whole pioneer history of the Pacific slope is enriched with unusual exhibitions of hardship, of endurance, and loyalty, for they were men of initiative, of rare self-confidence, of unbending will, broad in their views and plans and fearless in execution. The world has never seen, and likely never will see, a finer class of men, all in all, better equipped in mind and body for their work than those who took possession of that great western region and made it ours and made it great.

Most of those pioneers are gone. No pen has yet paid just tribute to their work or worth. We are so engrossed in exploiting and enjoying the splendid estate they built up that we evince little concern in commemorating the excellent qualities of those who built it. The result of their work we know—California and Oregon, Washington and Idaho, Montana and Wyoming, Nevada and Utah—but the personal history of these remarkable men, the suffering, the fortitude, the clear-sighted, broad-minded patriotism are to live, it seems, mostly by the treacherous tongue of tradition. No braver, more resourceful, no bolder, more persistent band of explorers ever wrung from the stubborn grasp of waste and desert a great civilization. They found a region without the semblance of government, a mob excited by the passion for gold, and they hammered this wild, warring, chaotic mass of humanity into order and shaped order into government. They found a new kind of property and a new phase of property rights, concerning which the great common law furnished neither precedent nor guide, and with rare foresight and wisdom they wrote into the rules and customs of the camp the principles which still guide and are a sufficient guide to great and growing commonwealths. They found mountains and great rivers and barren plains—the vast forces of nature, formidable and uninviting—and with a courage that has never been excelled, a steadiness of purpose seldom equaled, they mastered all and gave us an empire of untold wealth.

But no reference to pioneer life would be complete, the picture would be unfinished and unfaithful without a fitting reference to the courageous women who shared with fathers, husbands, and brothers the hardships of those days. Conditions more out of harmony, environments more uninviting with what woman would have conditions and environments to be could scarcely be imagined. The ease, comforts, companionship, and society so essential to woman's life were sternly set aside, bravely given over for years of struggle and adversity. Not much is told of her in the brief page of pioneer history; in the popular story of those free venturesome days little note is given of her presence; but through all these scenes and trials, the darkest and severest, the inspiring presence of the American woman tinted and softened the harsher outlines of the pioneer life with the subtle halo of a woman's influence. In endurance, in patient waiting through the leaden-footed hours of suspense when danger was impending, and, above all, in that self-sustaining hope which in crucial hours discerns through the night of adversity the coming dawn of triumph, she was in every sense the help-

meet of her bolder companion. There is nothing in romance or song more thrilling, richer in the higher qualities of womanhood than may be gleaned from the stories of pioneer life touching the women who helped to make the western land the home of security and refinement for her daughter.

George L. Shoup was a pioneer. Born in the State of Pennsylvania, of yeoman stock, brought up on the farm, educated in the public schools, restless and self-reliant, he turned early to the West and located in Colorado while it was yet a Territory. Here he lived until the breaking out of the civil war, farming, stock raising, mining, merchandising, and becoming thoroughly acquainted with all the phases of the free, independent life which then characterized the West. When the civil conflict came he entered the Union army as a member of an independent company of scouts, continued in the service until 1864, retiring as colonel of the Third Cavalry.

In the meantime he had served for a short time as a member of the constitutional convention of Colorado. After the war he removed to the Territory of Idaho, where he made his home during the rest of his life and served with distinction and fidelity his Territory and State as legislator, governor, and United States Senator. Others have dwelt in detail upon the specific events of his life—I need not again recall them.

Senator Shoup was a type, a true and pronounced embodiment, of those splendid qualities which characterized and distinguished those who opened up and subdued the West. Among those giant men he stood forth a leader. Stalwart in frame, of striking presence, the first and strongest impression he gave was that of strength and poise. Kindly, considerate, generous, and tolerant, he was nevertheless possessed of great determination and a will power which, when aroused, yielded alone to the inexorable. He had only such education as he could secure in a few months in the common schools, but united with rare judgment, a perception almost intuitive, a keen, quick, unerring knowledge of men, a practical wisdom gathered during his long, active career in the school of life, he was a safe, trusted, and able counselor in all matters of private and public concern.

Few men within the limits of their respective acquaintance could count more personal followers—men who were willing to accept his judgment in a crisis or give him their fealty, regardless of the issue for which at a particular time he stood. This was not alone because his loose purse strings and generous hands so often relieved the unfortunate and braced the faltering, but because they believed in his sanity of view, his disinterestedness of purpose, his unquestioned patriotism. He was wise and practical in the affairs of the world, and through it all ran a rich fund of genuine humanity.

His hospitality, so strong a trait with all those who built the West; his physical courage, without which men who walked the path it was his to walk could not have succeeded; his loyalty to his friends; his power of sustained effort and endurance; his devotion to a cause once espoused caused men to seek him out in all those countless emergencies which in those stirring days tested to the utmost the mettle of men. I will venture to say that in all the history of the West, studded and enriched with many deeds of personal prowess, you will find no finer exhibition of that steel nerve which never knew surprise or fear than among those with whom he was an acknowledged leader.

Rugged in mind and robust in body, wise in counsel and brave in danger, George L. Shoup was one of that class of men who have braved the sea, fought the wilderness; who have met the savage, conquered the desert, spanned rivers, and tunneled mountains; who, from the Puritan to the western pioneer, have pushed forward the lines of civilization, planted society, and built commonwealths. Without parade, pretense, or rhetoric, with a clear, forceful, forecasting intelligence; with a gigantic and at times almost superhuman power and purpose they changed that region, once almost rejected, into a country which now excites the interest and admiration of all. "There were giants in the earth in those days."

We place his statue here among the celebrated and distinguished of our country, not for brilliant orations delivered or great state papers indited, not for his genius in war or his achievements in legislation, but rather for his great qualities of citizenship—self-reliance, a high and steady purpose, a wholesome faith in the self-governing capacity of the people, a firm belief in the permanent worth of our institutions; rather because he was of that humane and great-souled citizenry which holds together the social fabric and makes sure the stability of the Government. We do well to honor him and to honor the class of which he was a splendid type, for in them, above all other things, above material wealth, above armies and navies,

is found the assurance of the continued happiness and prosperity of the Republic.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution of the House of Representatives.

The concurrent resolution was unanimously agreed to.

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 3 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 18, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 17, 1910.

COLLECTORS OF CUSTOMS.

Frank L. Shaw, of Maine, to be collector of customs for the district of Machias, in the State of Maine. (Reappointment.)

Frank D. Lowe, of New York, to be collector of customs for the district of Cape Vincent, in the State of New York, in place of William J. Grant, resigned.

COMMISSIONER OF FISH AND FISHERIES.

George M. Bowers, of West Virginia, to be Commissioner of Fish and Fisheries in the Department of Commerce and Labor. (Reappointment.)

ASSISTANT ATTORNEYS-GENERAL.

Winfred T. Denison, of New York, to be Assistant Attorney-General, vice Charles W. Russell, resigned.

D. Frank Lloyd, of New York, to be Assistant Attorney-General under the provisions of the act approved August 5, 1909.

UNITED STATES CIRCUIT JUDGE.

Loyal E. Knappen, of Michigan, to be United States circuit judge, sixth circuit, vice Horace H. Lurton, promoted.

UNITED STATES DISTRICT JUDGES.

Arthur C. Denison, of Michigan, to be United States district judge, western district of Michigan, vice Loyal E. Knappen, nominated to be United States circuit judge.

Alexander G. M. Robertson, of Hawaii, to be United States district judge of the Territory of Hawaii, vice George W. Woodruff, whose resignation has been accepted.

UNITED STATES ATTORNEYS.

John M. Cheney, of Florida, to be United States attorney for the southern district of Florida. (A reappointment, his term expiring January 22, 1910.)

Lunsford L. Lewis, of Virginia, to be United States attorney for the eastern district of Virginia. (A reappointment, his term having expired January 8, 1910.)

UNITED STATES MARSHALS.

John F. Horr, of Florida, to be United States marshal for the southern district of Florida. (A reappointment, his term expiring February 17, 1910.)

Frederick W. Collins, of Mississippi, to be United States marshal for the southern district of Mississippi, vice Edgar S. Wilson, whose term will expire February 5, 1910.

Enos Harry Porter, of Pennsylvania, to be United States marshal for the western district of Pennsylvania, vice Stephen P. Stone, whose term has expired.

Harry S. Hubbard, of Porto Rico, to be United States marshal for Porto Rico. (A reappointment, his term having expired.)

Seth Bullock, of South Dakota, to be United States marshal, district of South Dakota. (A reappointment, his term having expired.)

Clarence G. Smithers, of Virginia, to be United States marshal for the eastern district of Virginia, vice Morgan Treat, whose term has expired.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF HAWAII.

John T. De Bolt, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii, vice Arthur A. Wilder, whose resignation has been accepted.

JUDGE OF THE CIRCUIT COURT OF HAWAII.

William J. Robinson, of Hawaii, to be third judge of the circuit court of the first circuit of the Territory of Hawaii. (A reappointment, his term expiring March 5, 1910.)

RECEIVER OF PUBLIC MONEYS.

James D. Gallup, of Buffalo, Wyo., to be receiver of public moneys at Buffalo, Wyo., vice Eugene B. Mather, term expired.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Second Lieut. Stuart A. Howard, Thirtieth Infantry, to be first lieutenant from January 12, 1910, vice First Lieut. Daniel E. Shean, Sixteenth Infantry, dropped for desertion on that date.

POSTMASTERS.

ALABAMA.

M. Wesley Brice to be postmaster at Oneonta, Ala. Office became presidential January 1, 1910.

Henry L. Jones to be postmaster at Cordova, Ala. Office became presidential January 1, 1910.

William C. Starke to be postmaster at Troy, Ala., in place of William C. Starke. Incumbent's commission expired January 16, 1910.

CALIFORNIA.

Eugene Don to be postmaster at Santa Clara, Cal., in place of Eugene Don. Incumbent's commission expired January 15, 1910.

Hobart M. Williams to be postmaster at Lordsburg, Cal. Office became presidential January 1, 1910.

COLORADO.

Mabel F. Curren to be postmaster at Crested Butte, Colo., in place of Robert R. Kelly, deceased.

Richard G. Dalton to be postmaster at La Junta, Colo., in place of Richard G. Dalton. Incumbent's commission expires January 24, 1910.

Homer H. Grafton to be postmaster at Manitou, Colo., in place of Homer H. Grafton. Incumbent's commission expires January 24, 1910.

William Knearl to be postmaster at Brush, Colo., in place of William Knearl. Incumbent's commission expired January 15, 1910.

Edwin Price to be postmaster at Grand Junction, Colo., in place of Edwin Price. Incumbent's commission expires January 31, 1910.

CONNECTICUT.

George D. Carey to be postmaster at Sound Beach, Conn., in place of George D. Carey. Incumbent's commission expired January 10, 1910.

William H. Marigold to be postmaster at Bridgeport, Conn., in place of William H. Marigold. Incumbent's commission expires February 5, 1910.

DELAWARE.

William A. Mullin to be postmaster at Marshallton, Del. Office became presidential January 1, 1910.

FLORIDA.

George W. Bean to be postmaster at Tampa, Fla., in place of George W. Bean. Incumbent's commission expires February 7, 1910.

Frank J. Huber to be postmaster at Ocala, Fla., in place of George C. Crom, removed.

GEORGIA.

Charles R. Jones to be postmaster at Rossville, Ga., in place of Charles R. Jones. Incumbent's commission expires January 31, 1910.

George W. Pease to be postmaster at Demorest, Ga. Office became presidential January 1, 1910.

Arthur H. Prince to be postmaster at Glennville, Ga. Office became presidential January 1, 1910.

ILLINOIS.

Robert N. Chapman to be postmaster at Charleston, Ill., in place of Robert N. Chapman. Incumbent's commission expired January 10, 1910.

Frank C. Davidson to be postmaster at Clinton, Ill., in place of Frank C. Davidson. Incumbent's commission expired January 10, 1910.

Ozias Riley to be postmaster at Champaign, Ill., in place of Ozias Riley. Incumbent's commission expired January 10, 1910.

Joseph C. Weir to be postmaster at Rantoul, Ill., in place of Joseph C. Weir. Incumbent's commission expired January 10, 1910.

INDIANA.

Elmer McKenzie to be postmaster at Williamsport, Ind., in place of Harley D. Billings, resigned.

IOWA.

Orrin E. Crane to be postmaster at Springville, Iowa. Office became presidential January 1, 1910.

Myron E. Foster to be postmaster at Early, Iowa. Office became presidential January 1, 1910.

Samuel P. Hale to be postmaster at Tripoli, Iowa. Office became presidential January 1, 1910.

William R. Prewitt to be postmaster at Onawa, Iowa, in place of William R. Prewitt. Incumbent's commission expires January 31, 1910.

Thomas W. Purcell to be postmaster at Hampton, Iowa, in place of Thomas W. Purcell. Incumbent's commission expired December 13, 1909.

James Rae to be postmaster at Marcus, Iowa, in place of Nettie Lewis, resigned.

KANSAS.

John N. Evans to be postmaster at Liberal, Kans., in place of John N. Evans. Incumbent's commission expires January 24, 1910.

Joseph E. Humphrey to be postmaster at Nickerson, Kans., in place of Joseph E. Humphrey. Incumbent's commission expires January 31, 1910.

Carl O. Hunt to be postmaster at Natoma, Kans. Office became presidential January 1, 1910.

KENTUCKY.

McDowell Oldham to be postmaster at Bloomfield, Ky. Office became presidential January 1, 1910.

LOUISIANA.

George S. Eisely to be postmaster at Tallulah, La., in place of George S. Eisely. Incumbent's commission expires January 30, 1910.

William C. Price to be postmaster at Homer, La., in place of William C. Price. Incumbent's commission expires January 30, 1910.

MAINE.

Frank M. Hume to be postmaster at Houlton, Me., in place of Frank M. Hume. Incumbent's commission expires January 23, 1910.

James H. Phair to be postmaster at Presque Isle, Me., in place of James H. Phair. Incumbent's commission expires January 23, 1910.

MARYLAND.

Charles M. Murray to be postmaster at Hampstead, Md. Office became presidential January 1, 1910.

MASSACHUSETTS.

George F. Bourne to be postmaster at Lenox, Mass., in place of George F. Bourne. Incumbent's commission expires January 24, 1910.

Harold A. Foster to be postmaster at North Brookfield, Mass., in place of Harold A. Foster. Incumbent's commission expires January 23, 1910.

William A. Murphy to be postmaster at Amesbury, Mass., in place of William A. Murphy. Incumbent's commission expired January 8, 1910.

Peter P. Smith to be postmaster at Adams, Mass., in place of Peter P. Smith. Incumbent's commission expires January 31, 1910.

Edgar J. Whelpley to be postmaster at Salem, Mass., in place of Edgar J. Whelpley. Incumbent's commission expires January 29, 1910.

MICHIGAN.

Albert Kleinschmidt to be postmaster at Pigeon, Mich. Office became presidential January 1, 1910.

John Y. Martin to be postmaster at Corunna, Mich., in place of Erwin Eveleth. Incumbent's commission expires January 31, 1910.

MINNESOTA.

William J. Bliss to be postmaster at Stewart, Minn. Office became presidential January 1, 1910.

Edwin E. Tuttle to be postmaster at Hastings, Minn., in place of Edwin E. Tuttle. Incumbent's commission expires January 23, 1910.

MISSISSIPPI.

Margaret N. Cabaniss to be postmaster at Clinton, Miss., in place of Margaret N. Cabaniss. Incumbent's commission expired December 11, 1909.

George C. Jackson to be postmaster at Belzona, Miss., in place of George C. Jackson. Incumbent's commission expires January 30, 1910.

Emma Morris to be postmaster at Ittabena, Miss., in place of Emma Morris. Incumbent's commission expires January 30, 1910.

James C. Tyler to be postmaster at Biloxi, Miss., in place of James C. Tyler. Incumbent's commission expires January 30, 1910.

MISSOURI.

Thomas Francis to be postmaster at Bevier, Mo., in place of Thomas Francis. Incumbent's commission expires January 29, 1910.

NEBRASKA.

John C. Bailey to be postmaster at Herman, Nebr. Office became presidential January 1, 1910.

Alfred L. Brande to be postmaster at Pierce, Nebr., in place of Alfred L. Brande. Incumbent's commission expires January 24, 1910.

Mentor A. Brown to be postmaster at Kearney, Nebr., in place of Mentor A. Brown. Incumbent's commission expires January 24, 1910.

George V. Dorsey to be postmaster at Bradshaw, Nebr. Office became presidential January 1, 1910.

William J. Hildreth to be postmaster at Exeter, Nebr., in place of William J. Hildreth. Incumbent's commission expires January 25, 1910.

William H. McNeal to be postmaster at Wayne, Nebr., in place of William H. McNeal. Incumbent's commission expires January 24, 1910.

Wellington A. Post to be postmaster at Stormsburg, Nebr., in place of Wellington A. Post. Incumbent's commission expires January 24, 1910.

Charles Ruden to be postmaster at Crofton, Nebr. Office became presidential January 1, 1910.

Delbert E. Sherman to be postmaster at Valentine, Nebr., in place of Delbert E. Sherman. Incumbent's commission expires January 24, 1910.

Charles H. Snider to be postmaster at Tilden, Nebr., in place of Charles H. Snider. Incumbent's commission expires January 23, 1910.

Newton L. Squier to be postmaster at Silver Creek, Nebr. Office became presidential January 1, 1910.

Charles H. Taylor to be postmaster at Walthill, Nebr. Office became presidential January 1, 1910.

Frank S. Tracy to be postmaster at Winside, Nebr. Office became presidential January 1, 1910.

Edgar A. Wight to be postmaster at Wolbach, Nebr. Office became presidential January 1, 1910.

NEW HAMPSHIRE.

John C. Richardson to be postmaster at Gorham, N. H., in place of John C. Richardson. Incumbent's commission expires January 24, 1910.

Carleton E. Sparhawk to be postmaster at Walpole, N. H., in place of Carleton E. Sparhawk. Incumbent's commission expires January 18, 1910.

Herbert P. Thompson to be postmaster at Troy, N. H., in place of Herbert P. Thompson. Incumbent's commission expires January 31, 1910.

NEW JERSEY.

Roger M. Bridgman to be postmaster at Ridgewood, N. J., in place of Roger M. Bridgman. Incumbent's commission expires January 31, 1910.

John T. Lovett to be postmaster at Little Silver, N. J., in place of John T. Lovett. Incumbent's commission expires January 31, 1910.

Lizzie B. Minton to be postmaster at Haddon Heights, N. J. Office became presidential January 1, 1910.

NEW YORK.

Herbert V. Clark to be postmaster at Dexter, N. Y., in place of Herbert V. Clark. Incumbent's commission expires January 30, 1910.

Emmett B. Hawkins to be postmaster at Huntington, N. Y., in place of Emmett B. Hawkins. Incumbent's commission expired January 8, 1910.

R. Burchard Hulst to be postmaster at Port Washington, N. Y., in place of R. Burchard Hulst. Incumbent's commission expires January 24, 1910.

Elmer A. Johnson to be postmaster at Wilson, N. Y., in place of Elmer A. Johnson. Incumbent's commission expired December 13, 1908.

Edward J. Lewis to be postmaster at Saugerties, N. Y., in place of Edward J. Lewis. Incumbent's commission expires January 29, 1910.

John J. Mahoney to be postmaster at Willard, N. Y., in place of John J. Mahoney. Incumbent's commission expires January 31, 1910.

James F. Moore to be postmaster at Middletown, N. Y., in place of Edward D. Tompkins, deceased.

Frank C. Wilcox to be postmaster at Painted Post, N. Y., in place of Frank C. Wilcox. Incumbent's commission expires January 31, 1910.

NORTH CAROLINA.

McMurray Furgerson to be postmaster at Littleton, N. C., in place of McMurray Furgerson. Incumbent's commission expires February 9, 1910.

James D. Maultsby to be postmaster at Whiteville, N. C. Office became presidential January 1, 1910.

NORTH DAKOTA.

Joseph T. Wyard to be postmaster at Goodrich, N. Dak. Office became presidential October 1, 1909.

OHIO.

William B. Baldwin to be postmaster at Akron, Ohio, in place of Leonidas S. Ebright, resigned.

Clinton F. Bonham to be postmaster at Harrison, Ohio, in place of Clinton F. Bonham. Incumbent's commission expires January 25, 1910.

Orrin W. Curtis to be postmaster at Swanton, Ohio, in place of Orrin W. Curtis. Incumbent's commission expired January 20, 1909.

Horace A. Haine to be postmaster at Junction City, Ohio. Office became presidential January 1, 1910.

OKLAHOMA.

Ephraim R. Dawson to be postmaster at Taloga, Okla. Office became presidential October 1, 1909.

Erling Sarjent to be postmaster at Luther, Okla. Office became presidential January 1, 1910.

OREGON.

John H. Williams to be postmaster at Hermiston, Oreg. Office became presidential January 1, 1910.

PENNSYLVANIA.

Charles E. Beck to be postmaster at Portland, Pa. Office became presidential October 1, 1909.

Harry H. Hawkins to be postmaster at Spring Forge, Pa., in place of Harry H. Hawkins. Incumbent's commission expires January 23, 1910.

Elmer S. Hull to be postmaster at Montgomery, Pa., in place of Elmer S. Hull. Incumbent's commission expired January 16, 1910.

Robert D. Peck to be postmaster at Lock Haven, Pa., in place of Robert D. Peck. Incumbent's commission expires January 30, 1910.

Warren F. Simrell to be postmaster at Hallstead, Pa., in place of Warren F. Simrell. Incumbent's commission expires January 30, 1910.

H. B. Summerville to be postmaster at Rimersburg, Pa., in place of William H. Morris. Incumbent's commission expires January 30, 1910.

Franklin Sutton to be postmaster at Hellertown, Pa. Office became presidential January 1, 1910.

RHODE ISLAND.

Walter A. Hill to be postmaster at Phenix, R. I., in place of Walter A. Hill. Incumbent's commission expires January 23, 1910.

SOUTH CAROLINA.

Thomas E. Husbands to be postmaster at Dillon, S. C., in place of Thomas E. Husbands. Incumbent's commission expired January 16, 1910.

Isham A. Mayfield to be postmaster at Greer, S. C., in place of Isham A. Mayfield. Incumbent's commission expired December 12, 1909.

Robinson P. Searson to be postmaster at Allendale, S. C., in place of Robinson P. Searson. Incumbent's commission expired January 16, 1910.

SOUTH DAKOTA.

Robert E. Dye to be postmaster at Alpena, S. Dak. Office became presidential January 1, 1910.

Anthony H. Rudd to be postmaster at Garretson, S. Dak. Office became presidential January 1, 1910.

TENNESSEE.

Alexander M. Stuart to be postmaster at National Soldiers' Home, Tenn. Office became presidential January 1, 1910.

TEXAS.

James J. Dickerson to be postmaster at Paris, Tex., in place of James J. Dickerson. Incumbent's commission expires January 31, 1910.

Robert C. May to be postmaster at Leonard, Tex., in place of Robert C. May. Incumbent's commission expires January 31, 1910.

UTAH.

Elissa A. Northcott to be postmaster at Coalville, Utah. Office became presidential January 1, 1910.

VERMONT.

John A. Sheldon to be postmaster at Rutland, Vt., in place of John A. Sheldon. Incumbent's commission expires January 30, 1910.

WASHINGTON.

Jacob F. Hill to be postmaster at Davenport, Wash., in place of Jacob F. Hill. Incumbent's commission expired December 12, 1909.

James P. Rosebaugh to be postmaster at Harrington, Wash., in place of James P. Rosebaugh. Incumbent's commission expired December 13, 1909.

Robert H. Stapleton to be postmaster at Monroe, Wash., in place of Robert H. Stapleton. Incumbent's commission expired December 12, 1909.

WEST VIRGINIA.

William L. Erwin to be postmaster at Harpers Ferry, W. Va., in place of William L. Erwin. Incumbent's commission expires January 31, 1910.

WISCONSIN.

Samuel S. Fifield to be postmaster at Ashland, Wis., in place of Samuel S. Fifield. Incumbent's commission expires January 24, 1910.

Ida G. Grinde to be postmaster at Blair, Wis., in place of Ida E. Gilbert. Incumbent's commission expired December 11, 1909.

Frank A. Johnson to be postmaster at Spring Valley, Wis., in place of Frank A. Johnson. Incumbent's commission expires January 24, 1910.

John H. Rohr to be postmaster at North Milwaukee, Wis., in place of Byron R. Godfrey, deceased.

William B. Tscherner to be postmaster at La Crosse, Wis., in place of William B. Tscherner. Incumbent's commission expires January 29, 1910.

WYOMING.

William Pugh to be postmaster at Evanston, Wyo., in place of William Pugh. Incumbent's commission expires January 23, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 17, 1910.

COLLECTOR OF CUSTOMS.

Fred Enos to be collector of customs at Bridgeport, Conn.

COMMISSIONER OF THE INTERIOR FOR PORTO RICO.

John A. Wilson to be commissioner of the interior of Porto Rico.

UNITED STATES MARSHAL.

Van Rensselaer Weaver to be United States marshal, northern district of New York.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. Walter Howe to be brigadier-general.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Richard Slee,
William Williams Keen,
William Michael Coplin,
William Campbell Posey,
Walter Orrin Howell, and
George Morgan Muren.

CHAPLAIN.

James Francis Houlihan to be chaplain.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Frank L. Case to be captain.
Second Lieut. Charles M. Maigne to be first lieutenant.

COAST ARTILLERY CORPS.

Capt. William Chamberlaine to be major.
First Lieut. Frank T. Thornton to be captain.
Second Lieut. Thomas C. Cook to be first lieutenant.

INFANTRY ARM.

First Lieut. John E. Morris to be captain.
First Lieut. William B. Gracie to be captain.
First Lieut. Lawrence P. Butler to be captain.
First Lieut. Paul C. Galleher to be captain.
First Lieut. Claude S. Fries to be captain.
First Lieut. William G. Doane to be captain.
Second Lieut. Charles B. Moore to be first lieutenant.
Second Lieut. Clark Lynn to be first lieutenant.

Second Lieut. C. Stockmar Bendel to be first lieutenant.
Second Lieut. Robert E. Boyers to be first lieutenant.
Second Lieut. Burt W. Phillips to be first lieutenant.
Second Lieut. Ben F. Ristine to be first lieutenant.
Second Lieut. George R. Guild to be first lieutenant.

MEDICAL CORPS.

Lieut. Col. Louis A. La Garde to be colonel.
Lieut. Col. John M. Banister to be colonel.
Maj. William P. Kendall to be lieutenant-colonel.
Maj. William B. Banister to be lieutenant-colonel.
Maj. Charles E. Woodruff to be lieutenant-colonel.
Maj. Charles F. Mason to be lieutenant-colonel.
Maj. James D. Glennan to be lieutenant-colonel.
Capt. Jay Ralph Shook to be major.
Capt. William E. Vose to be major.
Capt. Frank T. Woodbury to be major.
Capt. Henry H. Rutherford to be major.
Capt. Ernest L. Ruffner to be major.
Capt. William H. Brooks to be major.
Capt. Charles N. Barney to be major.
Capt. Eugene R. Whitmore to be major.
Capt. Patrick H. McAndrew to be major.
Capt. Charles Y. Brownlee to be major.
Capt. John A. Murtagh to be major.
Capt. George M. Ekwurzel to be major.
Capt. Gideon McD. Van Poole to be major.
Capt. William W. Reno to be major.
Capt. James W. Van Dusen to be major.

POSTMASTERS.

CONNECTICUT.

Willard Baker, at Sharon, Conn.
Thomas W. Beaumont, at Cromwell, Conn.
Adelbert W. Crane, at South Glastonbury, Conn.
Frederick L. Gaylord, at Ansonia, Conn.
Charles S. Hall, at Wallingford, Conn.
George H. Jackson, at New Milford, Conn.
Joseph Morton, at Saugatuck, Conn.
Wilson M. Reynolds, at Newton, Conn.

MAINE.

John V. Lane, at Augusta, Me.

MASSACHUSETTS.

Fred L. Atkinson, at Newburyport, Mass.
Albert E. Brownville, at Needham, Mass.

NEW HAMPSHIRE.

Alfred E. Bean, at Berlin, N. H.
Albert Clement, at Antrim, N. H.
Eri Oakes, at Lisbon, N. H.
William H. Small, at Newmarket, N. H.

NEW YORK.

Clara Doughty, at Garden City, N. Y.

VERMONT.

Raymond C. Ransom, at Castleton, Vt.

WASHINGTON.

John P. McGlenn, at La Conner, Wash.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 17, 1910.

Capt. Charles B. Hepburn, Signal Corps, to the infantry arm, and Capt. Alden C. Knowles, detailed in the Signal Corps, from the infantry arm to the Signal Corps, which was submitted to the Senate on December 13, 1909.

HOUSE OF REPRESENTATIVES.

MONDAY, January 17, 1910.

The House met at 12 o'clock m.
Prayer by the Chaplain, Rev. Henry N. Couden, D. D.
The Journal of the proceedings of Saturday last was read and approved.

QUESTION OF PRIVILEGE.

Mr. CANTRILL. Mr. Speaker, I desire to ask unanimous consent to address the House for a few minutes in reference to an article published in the Washington Times of yesterday evening, which casts serious reflection on the Commonwealth of Kentucky, on her highest court, and her state legislature. I trust the House will indulge me for a few minutes.

Mr. MANN. For how long?
Mr. CANTRILL. For twenty-five minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that he may address the House for twenty-five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANTRILL. Mr. Speaker, and gentlemen of the House, the Washington Times of yesterday evening has three pages of matter which is a severe arraignment of the supreme court of Kentucky, the legislature of Kentucky, and of myself as a Member of this House. I simply ask at your hands the privilege and right to make a plain statement of facts, and a plain statement of truth, because the people of Kentucky, the courts of Kentucky, the legislature of Kentucky, are not afraid to stand before the bar of public opinion of this country and let the whole truth be known to the whole people of this Nation. [Applause.]

Now, Mr. Speaker, in the headlines of this paper there is this statement:

Hand of horror casts a shadow over Kentucky—Hope for protection in Blue Grass State is given up—Inhuman murders by the Night Riders—Burley Tobacco Trust works evils and hardships upon population.

And in the beginning of this article I read:

In the month of January, 1910, she is in a state of war for the open shop on the farm. Her people, her law officers, and her courts have gone down in battle. The Burley Tobacco Society—the closed shop for the farm—has assumed to be more powerful than the Government. And in four years that society has made good its claim—temporarily at least.

I want to stand here as a Member of this House and denounce that statement, every word of it, as untrue. There has never been a time in the history of Kentucky when her people were more prosperous than now, than when there was more peace, and plenty, and harmony among the citizenship of the State than at this present time. [Applause.] I call on every Member of the Kentucky delegation, regardless of their politics upon this floor, to bear me out in the truth of that statement. [Applause.] And in defense of my native State I hurl back the charge of this paper and say that every word and every line of it is untrue. [Renewed applause.]

Mr. Speaker, there is a statement in connection with this matter that I desire to call to the attention of the House. Five of the seven members of the state court of appeals, the tribunal of last resort in Kentucky, are openly designated as not only belonging to the society but being owned by it. This paper refers to the Burley Tobacco Society, of which Mr. Clarence Le Bus is president, and to the Society of Equity in Kentucky, of which I have the honor to be president. It says:

The state chief justice has not hesitated to criticize the governor for calling out the troops or to intimate that it was done at the behest of the tobacco trust.

Gentlemen of the House, I want to say to you that this is a criticism which has been leveled against the chief justice of Kentucky, Judge O'Rear. Judge D. E. O'Rear is a lifelong Republican in politics. As a Democrat it gives me pleasure to stand upon the floor of the National House and say that there is hardly any man in Kentucky who is more beloved by the great common people of Kentucky than Judge O'Rear is, and that it is because he has stood up for the rights of the common people of our Commonwealth. [Renewed applause.]

Now, I want to say, gentlemen of the House, that there is absolutely no truth that can be borne out by fact that the members of our supreme court are controlled by this organization of farmers in Kentucky. And I resent the charge as a citizen of Kentucky and as a Member of this House from Kentucky. I resent the false charge that is hurled by this paper against the supreme court of our State and especially against Judge O'Rear, the chief justice of our court.

I quote further from the Washington Times:

The legislature has been induced to ignore the state constitution and enact a law putting pooling contracts in a class peculiarly favorable to the Burley Society and peculiarly hard for the signer.

I want to denounce that statement as false. I want to say that the act that this bears reference to was passed without political division two years ago in Kentucky. It was passed upon by the supreme court of Kentucky, and instead of violating the constitution of Kentucky, our supreme court by a unanimous decision of its seven judges decided that the act was directly in accordance with the constitution of Kentucky and that it was a constitutional act. So I desire to defend the legislature of Kentucky from this false charge that has been hurled against it in that respect.

Now, gentlemen of the House, I want to call attention to this fact. I want to make an appeal before the bar of public opinion of this Nation in our behalf; I want to make an appeal to the membership of this House in our behalf. Kentucky has had a hard time. I say that the peace and the happiness that pervades our country to-day is there because the farmers of

Kentucky have exercised the God-given and legal right, by cooperation, the farmers standing by themselves, to wrest from the great trust of this country that return that the growers of a product of the country have the right to demand. [Loud applause.]

So, my friends, when those engaged in the tobacco business, the greatest industry in our Commonwealth, have whipped the trust to a standstill, there is an outcry against that. Let me say to the gentlemen here who represent agricultural constituencies that it is not necessary to come to Congress praying for legislation to protect the farmer. I recollect well that at the very beginning of this Congress the chairman of the Ways and Means Committee [Mr. PAYNE] said that there was too much demagoguery for the farmers of the country. I agree with him. If you gentlemen here will go back home and tell the farmers of your districts to organize, to get together and cooperate and stand together, they have it in their power, when they have learned the lesson, like the farmers of Kentucky, to be more prosperous, as our farmers are. [Applause.]

And, my friends, when we have organized, when we have increased the price of our tobacco from 6 cents to 17 or 18 cents a pound, which means an increased income in our State of from \$25,000,000 to \$30,000,000 annually, then this great Government proposes to step in and say that the farmers of Kentucky shall not have the God-given right to organize to protect themselves from one of the greedy trusts of this Nation—the American Tobacco Company.

However, gentlemen of the House, in justice to the American Tobacco Company I desire to make the statement that when last year this concern bought our tobacco in the pool it complied with every provision of its contract with us, which is more than can be said of many independent manufacturers of tobacco in the country whom our farmers' association absolutely saved from ruin.

I call your attention to these headlines. I hope they are not true. I have not had an opportunity to take it up with the Attorney-General, the head of the Department of Justice, but this statement is made in the headlines of this paper:

Agents of Uncle Sam have been working secretly amid dangers to couple the Burley Tobacco Society with the outlaw night riders.

I want to say to you, gentlemen of the House, that the officials of the Burley Tobacco Society in Kentucky, with the officials of the Society of Equity in Kentucky, are the peers of any class of men, for their morality, honesty, and integrity, existing in this Nation to-day. [Applause.] I say it is a shame and an outrage, if this statement is true, that the power of this great Government, when they have not borne us down and defeated us by legislation, that now they undertake to bring the power of the Federal Government to say to the farmers of Kentucky that we shall not organize.

Here on this floor I want to return my thanks to this Congress for passing a bill which has repealed the 6-cent tax upon leaf tobacco. I want further publicly to thank some gentlemen on the Ways and Means Committee on the majority side, especially the gentleman from Kansas [Mr. CALDERHEAD], who did so much in our behalf. Our people appreciate that.

There is no politics whatever in this statement that I am making to you here to-day. We will not allow politics in Kentucky to creep into this matter. The very head of the Burley Tobacco Society, Mr. Le Bus, has always been a stalwart Republican. And I, the president of the Society of Equity, have always been and am now a straight Democrat. And so, gentlemen, I want to say to you that all that I ask is a fair hearing before the bar of public opinion of this Nation. [Applause.]

Now, I want to quote still further from the same article:

Finally, the very object of the Burley pool—above the advancing of the price—has been abandoned. The Burley Society that began as the open enemy of the trust has ended by hooking up with it. Burley and Equity officials have helped drive the independent manufacturers out of business. Mr. CANTRILL, in my presence, insisted that the trust and the society were natural allies, and that the best possible situation was that of one seller, the Burley Society, and one buyer, the trust.

I want to say that that statement is not true; it is not correct. I have made the statement from time to time going upon the stump in Kentucky, and standing here I reiterate it now, and that is that whenever the product of the farmers of Kentucky is absolutely at the mercy of one buyer that the only way that the farmer can protect himself is to put his produce in the hands of one seller and let it be one seller against one buyer. But there is a vast difference between that statement and the false statement that I have just read.

Now, here I want to make this statement, quoting from this same article:

About \$500,000 was at issue in this latter suit and judgment was obtained in the lower court. The state court of appeals, however, has now reversed the trial judge, and it is not lightly to be passed over

that the decision was anticipated by the entire Commonwealth, with knowledge that the Burley Society claimed to "own" five of the seven judges. The fund now sought by individual growers as being withheld from them unlawfully exceeds \$2,250,000.

Now, gentlemen, I submit to the fair, candid membership of this House that it is unworthy of any great paper, where it knows not the facts, that pretends to be a fair journal, and to lay the news before the American public, that they should make the outrageous, scurrilous, scandalous charge that five members of the supreme court were influenced in that decision because they were in the hands of our farmers' organization in Kentucky. I pass it back and say that the charge is false and that there is no word of truth in that assertion. The supreme court in no State of the Union surpasses for intelligence, honesty, and integrity the judges of the supreme court of Kentucky, without regard whatever to their politics. [Applause.]

Now I want to call attention further to this statement:

The Equity Society builded the larger pool on the smaller. J. CAMPBELL CANTRILL, state president of the Equity, stumped the 45 Kentucky counties which grow Burley. Their neighbors had raised the price of the dark leaf from 5½ cents to 11 cents and better; why should they take 6 cents for Burley? They should pool their tobacco and beat the octopus with its own weapons. The trust had them now, with their warehouses full. They would pool the 1906 and 1907 crops, grow nothing in 1908, and get more for the two years than they could have hoped to get for three. Three years at 6 cents would be 18 cents. Two years at 15 cents would be 30 cents, and with the cost of the pool deducted would still be 25 cents.

I want you gentlemen from the Western States to listen to these figures:

Wheat in Kansas returned the grower \$9.29 per acre; oats in Iowa, \$9.10; barley in Minnesota, \$15.08; corn in Illinois, \$15.84; hay in New York, \$19.40; and tobacco in Kentucky, \$90.80. Mr. CANTRILL talked a great deal of "a 6-cent market." I heard him admit that there had been but one since the trust entered the field, and the records of the Cincinnati Tobacco Warehouse Company give the Equity figures the lie direct. "The trust," said Mr. CANTRILL and his associates, "forced the price down from 12 cents in 1902 to 7 cents in 1905." The warehouse books quote "medium" leaf at 5½ cents in 1897, the year before the monopoly was created, 7 cents in 1902, 9.87 cents in 1904, and 8.75 cents when the crop of 1907 was purchased through the pool.

In other words, the figures given to the farmers by Mr. CANTRILL are a lie, says the Washington Times. I hurl it back and say that their statement is untrue as regards the price of tobacco before our farmers organized. I beg to remind you that I am sensible of the proprieties and dignities of this House and will pass over such an ugly charge as that.

Then this article undertakes to quote figures showing that my contention was not correct. I want to say to the gentlemen of this House who represent farmers in their districts that for ten years before the farmers' organization the price of Burley tobacco did not exceed 6 cents a pound, but when the farmers organized, when they realized their own power and exercised their God-given right, when 6 cents was below the cost of production, we have since sold millions of dollars' worth of this tobacco through the organization, almost up to a hundred millions in the last three years, at an average price of 17 cents per pound.

Six cents a pound meant want and woe and misery about the fireside in the old Kentucky home. Seventeen cents a pound means plenty, prosperity, education of the poor boys and girls in Kentucky, who, under the 6-cent tobacco were in the tobacco fields six months out of the year, the serfs and slaves of the American Tobacco Company.

Mr. Speaker, I lay these facts before the House, and leave them at the bar of public opinion. I desire to call attention to the fact that what the people of Kentucky have done is strongly in accordance with the recommendation that was sent to this Congress a year or so ago by ex-President Roosevelt, because we have worked upon the plan of cooperation and the Country Life Commission, and President Roosevelt, in his message that I hold in my hand, says that the only chance that the farmers of this Nation have to protect ourselves is first by cooperation. We Kentucky farmers have taken him at his word. We have cooperated. We have stood together and we are standing together to-day, and we will stand together unless the power of this Federal Government is brought upon us to crush us down and to drive us back into the dust wherefrom we have raised ourselves. [Applause.]

I appeal to the President of the United States, I appeal to the Department of Justice, I appeal to this House and to the Senate of the United States to see to it that we farmers in Kentucky are not crushed into the dust. If we are in violation of the law, we want to be right. The other day I called upon the Attorney-General and I said to him that if we are operating in opposition to the law, if we are doing that act which is illegal, then let our attorney come before the Department of Justice and have pointed out to him wherein we are wrong, and I stated to him that I would give him my pledge that if we are violating

the law we will get right and obey the law in letter and spirit. [Applause.] If we are in violation of law, if the Sherman antitrust law, which I believe was designed to protect the weak and not to oppress them, prevents the fruit growers and the wheat growers and the tobacco growers and the farmers of the country generally from protecting themselves, if under that law we are denied the right to organize for a reasonable price upon our products, then in the name of justice, in the name of the American laborer and the American farmer, I ask this Congress to write upon the statute books a law amending the Sherman antitrust law so that the farmers and laborers of the country may exercise the right of protection from the great trusts of the country. [Applause.]

There is one other statement by innuendo to which I desire to call particular attention. I read from the article:

It is well to remember also that the counsel for the Burley Society includes one Republican United States Senator and one Democratic governor of a State north of the Ohio, which would mean a contrary leadership before the bar of public opinion in those States, to say the least.

What does that statement mean? That the Republican Senator from Kentucky, Senator BRADLEY, is owned by this concern, and that he proposes because of that ownership to stand and defend the farmers of Kentucky. I want to say to the membership of this House that I have known Senator BRADLEY since I was a child, and, although he differs radically from me in politics, that no man ever sat on the floor of the United States Senate who has done more to protect the interests of the tobacco growers in Kentucky and in the Nation than has Senator BRADLEY. [Applause.] And I want to put that plainly before the people of this country. I desire to deal justice to every man who has helped us, be he Democrat or Republican. There is no politics in this proposition.

I desired this opportunity of saying a word of tribute and a word of love on behalf of the great tobacco growers of Kentucky—200,000 strong and more—to the gallant Senator who has stood by us in our fight.

There is one other statement to which I desire to call attention, and I will read it, because I want to show the selfishness of this thing, I want to show you where it comes from:

One of the strong points that the prosecution will try to bring out is that the Equity Society is in restraint of trade, and that Cincinnati in particular has suffered severely because of the fact that instead of bringing their tobacco to this market the growers have built warehouses of their own.

The independent tobacco men are backing the national authorities in the suit, and their best lawyers will help the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. CANTRILL. Mr. Speaker, I thank the Members of this House for their indulgence, and, in conclusion, I desire to make one further statement, that, in my judgment, the people of Kentucky are the peer, the equal in good citizenship, in honesty and integrity and patriotism of people in any State in the Union, and in their behalf I ask fair play at the bar of public opinion in this Nation. [Applause.]

Mr. Speaker, I thank you, and desire to ask the privilege of printing, in part, in the CONGRESSIONAL RECORD the following letter addressed to President Taft by Mr. Clarence Le Bus, president of the Burley Tobacco Society:

HEADQUARTERS BURLEY TOBACCO SOCIETY,
Lexington, Ky., January 8, 1910.

HIS EXCELLENCY WILLIAM H. TAFT,
President of the United States, Washington, D. C.

DEAR SIR: As the president of the Burley Tobacco Society, of Kentucky, a body legally organized under the laws of that State and doing its business strictly in conformity with the laws of that State, I have on several occasions read articles in the newspapers emanating from Washington in reference to our society.

While I realize that you are a very busy man, at the same time I feel that you will read this letter and give it thorough consideration, as my people think that you, being the honored head of our great country, should be fully advised directly from our society with an impartial report of our aim and doings.

If for a moment we thought that we were violating the Sherman Act or any other federal act or the laws of our State, we would at once correct such abuse; and if that could not be done by giving protection to the members of our society, we would dissolve and stand the consequences of a formidable, unreasonable, and cold combination.

The Burley Society, of which I am the president, was organized for the purpose solely of protecting the producers of leaf tobacco. Our membership is about 40,000 growers of tobacco in the State of Kentucky. The management of our society is as clean as the driven snow. No violation nor intimidation of any kind has been encouraged by us. Quite the contrary, we have at all times deprecated what is known as "night riding," and we firmly believe that, while we have not the proof direct, what night riding was done in the Burley districts of the northern part of the State of Kentucky was done by mischievous and malicious persons.

It would look unreasonable for landowners to destroy their neighbors' property, for it would jeopardize the members' property, and as it has been impossible to secure fire insurance owing to these depredations, the members of our society are not protected against fire any more than parties who are not members of our society. That in itself, it occurs to me, would be sufficient for an unbiased, unthinking man to

say that these depredations can not be laid at the door of any member of the society.

The object of the society is mutual. A valuation is placed by competent men on the value of a crop of tobacco, and should the tobacco be sold at the established valuation the party passing his tobacco over to the society for sale would receive that value less a small expense—in the past two crops, which were so managed, a charge of only 2 per cent was made for expenses incidental to the proper carrying out of the enterprise.

The officers of the society are paid a nominal salary. This is all they receive for looking after the interests of the society. There are no divisions, premiums, or commissions paid to any member of the society or to anyone else connected with the society; therefore it is strictly mutual, and the officers of the society are only agents for the sale of the product, which is contributed by about 40,000 growers of tobacco.

The formation of this society became absolutely necessary owing to the unfortunate conditions that the leaf-tobacco trade has gotten into during the past six or seven years. The American Tobacco Company purchases about 83 per cent of the tobacco grown, which is offered for sale by our society, the other 17 per cent going to the independents, part of which is consumed in this country and part exported to foreign countries; therefore you can readily see that with the power of the one purchaser it rests altogether with him what he shall pay the poor farmer or producer for his tobacco.

We will assume that there are 200,000,000 pounds of Burley tobacco grown in the State of Kentucky. This is a greater amount than has been grown heretofore, with the possible exception of the crop grown in 1909, which was an exceedingly large crop. At an average heretofore paid of about 7½ cents per pound, this would produce \$15,000,000.

The American Tobacco Company, above referred to, as you certainly know, is operated very similar to the Standard Oil Company; in fact it became only a formidable company when the parties largely identified with the Standard Oil Company associated themselves with this company. The American Tobacco Company has a capital and bonds of about \$300,000,000. The net earnings of this company (which as a gigantic affair is not more than ten years old) in 1905 were \$25,212,285; in 1906, \$26,406,373; and in 1907, \$27,371,020. On the common stock there was declared in 1905 a dividend of 20 per cent, or more than \$8,000,000; in 1906 there was declared 22½ per cent, or more than \$9,000,000; in 1907 there was declared and paid 25 per cent, or over \$10,000,000. The total surplus in 1905 was \$25,685,961; in 1906 it was \$30,553,889; in 1907 it was \$32,554,708. After these very large dividends on the common stock, and dividends on the preferred stock of \$4,721,348 for each of the above-mentioned three years, on their bonds outstanding interest of over \$104,000,000 was paid. I have not the data for the years 1908 and 1909, but I am informed that during 1908 the net earnings were about \$30,000,000. From the above you can readily comprehend the great danger tobacco-growing people have been placed in by the American Tobacco Company, and, as the soil from the central to the northern part of Kentucky is better adapted to tobacco than to any other commodity, it is absolutely necessary that tobacco be grown. It can not be grown for less than 10 cents a pound, and when grown at that price the tenant, who usually grows the tobacco, will not receive more than \$1 a day for his labor.

I do not wish to burden you with a long letter, but, as we view the condition of the tobacco trade, it presents itself to us in a very serious condition. To disorganize our society would mean ruination to our landholders, as it surely would depreciate the land fully 50 per cent. It would mean starvation to our tenants, and if not starvation, it would mean the depopulation of the northern part of the State of Kentucky. Wheat, corn, and oats can not be grown in this section of the country to compete with the West; therefore the tobacco crop is our only source of income, and from this income we receive the cash to pay for the necessities of life, and likewise our taxes and debts.

I will give you a curt illustration of the manner in which these large earnings are made by the American Tobacco Company: The Liggett & Myers Company, of St. Louis, when in business before they were absorbed by the American Tobacco Company, purchased tobacco which rarely averaged less than 15 cents a pound. That company, after constructing their new plant had assets of which the intrinsic value was \$2,500,000. At the death of one party his interest was sold at the rate of \$10,000,000. The other party who had control of the property requested his heirs not to sell under any circumstance to the then Continental Tobacco Company. This interest was shortly thereafter sold at the rate of \$12,500,000. Within a few months it was sold to some eastern parties, who claimed to be antagonistic to the American Tobacco Company, at the rate of \$15,000,000, and within a few months thereafter this whole company sold their entire company to the American Tobacco Company for \$18,000,000, and, as stated before in this letter, upon these enormous increased values the extraordinary dividends are being paid, and this was largely brought about by the reduced value of the leaf and the increased value to the consumer.

As stated above, it will be a great pleasure to all the members of our society if you would personally look into this matter, as we know you as a citizen of our sister State, and with pleasure we can refer to the members of our society as being some of the best citizens in your State. I will state that 98 per cent of the growers in the county of Bracken are members of our society. Of this county, Augusta, being on the river, is the principal city, and as a resident of Cincinnati you probably have some acquaintance with the people of that county; therefore you can form an opinion as to the membership of our society.

As stated above, I know your time is much engaged; but as we have no acquaintance in Washington, and as you are the executive officer of all of the people of the United States, we concluded to write you direct; and if, upon perusing this long epistle, you may require some facts, data, etc., we shall be greatly pleased to submit the same.

We should also be obliged to you, if the report is correct that parties sent by the Government have been in the State of Kentucky to investigate our society, that you refer them to us, for we will cheerfully give such parties all the information they may require.

It is needless to state that, if reference is necessary, any banker in the northern part of the State of Kentucky will favorably recommend us.

Trusting that you will realize the spirit of this communication to you, we remain,

Yours, with great respect,

CLARENCE LE BUS.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order, which, under the rule, is to call the calendar for unanimous consents. The Clerk will report the first bill.

BRIDGE ACROSS RED RIVER.

The Clerk read as follows:

An act (S. 4089) to authorize the construction of a bridge across the Red River and to establish it as a post-road.

Be it enacted, etc., That William Kenefick or his assigns be, and they are hereby, authorized to construct and maintain a railway, foot-passenger, and wagon bridge and approaches thereto across the Red River at a point suitable to the interests of navigation on the southern line of Bryan County, State of Oklahoma, at or near what is known as the Upper or Carpenters Bluff Crossing, in said county and State, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The SPEAKER. Is there objection to the consideration of the bill at this time? [After a pause.] The Chair hears none. Mr. RANDELL of Texas. Mr. Speaker, I desire to offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 4, after the word "a," insert the words "lift or draw."

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

Mr. MANN. There is no objection to the amendment.

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

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

BRIDGE ACROSS THE ARKANSAS RIVER AT DARDANELLE, ARK.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 5463) to amend an act approved September 30, 1890, providing for the building of a bridge across the Arkansas River at Dardanelle, Ark.

Be it enacted, etc., That the act entitled "An act to authorize the building of a bridge at Dardanelle, Ark., across the Arkansas River," approved September 30, 1890, be amended to provide that the draw span of said bridge shall be of a length not less than 150 feet, and that the location thereof be changed from time to time as may be ordered by the Secretary of War, so that the same may conform to the changes in the channel of the river.

The committee amendments were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the bridge authorized to be constructed by an act entitled 'An act to authorize the building of a bridge at Dardanelle, Ark., across the Arkansas River,' approved September 30, 1890, shall hereafter provide a pontoon draw span of said bridge of such length as the Secretary of War may require in the interests of navigation, but not less than 150 feet, and that the location thereof shall be changed from time to time by the owners of said bridge at their own expense, as may be directed by the Secretary of War, so that the same may conform to the changes in the channel of the river."

Add as section 2 the following:

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

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

The amendments were agreed to.

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

The title was amended so as to read: "To provide for a change in the bridge authorized by an act entitled 'An act to authorize the building of a bridge at Dardanelle, Ark.,' approved September 30, 1890."

BRIDGE ACROSS BAYOU BARTHOLOMEW AT PORTLAND, ASHLEY COUNTY, ARK.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 12138) to authorize Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

Be it enacted, etc., That the county of Ashley, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto across the Bayou Bartholomew River at Portland, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The committee amendment was read, as follows:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the bridge authorized by the act approved April 1, 1908, entitled 'An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland,' is hereby extended one year and three years, respectively, from the date of approval of this act."

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

The committee amendment was agreed to.

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

The title was amended so as to read: "To extend the time for Ashley County, Ark., to construct a bridge across Bayou Bartholomew at Portland."

BRIDGE ACROSS BAYOU BARTHOLOMEW AT WILMOT, ASHLEY COUNTY, ARK.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 12139) to authorize Ashley County to construct a bridge across Bayou Bartholomew.

Be it enacted, etc., That the county of Ashley, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto across the Bayou Bartholomew River at Wilmot, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The committee amendment was read, as follows:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the bridge authorized by the act approved April 1, 1908, entitled 'An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot,' is hereby extended one year and three years, respectively, from the date of approval of this act."

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

The committee amendment was agreed to.

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

The title was amended so as to read: "To extend the time for Ashley County, Ark., to construct a bridge across Bayou Bartholomew at Wilmot."

BRIDGE ACROSS BAYOU BARTHOLOMEW NEAR MORRELL, ASHLEY COUNTY, ARK.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 12140) to authorize Ashley County to construct a bridge across the Bayou Bartholomew.

Be it enacted, etc., That the county of Ashley, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto across the Bayou Bartholomew River at or near Morrell, along the Drew and Ashley county lines, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The committee amendment was read, as follows:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the construction of the bridge authorized by the act approved February 20, 1908, entitled 'An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties,' is hereby extended to one year and three years, respectively, from the date of approval of this act."

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

The committee amendment was agreed to.

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

The title was amended so as to read as follows: "To extend the time for Ashley County, Ark., to construct a bridge across Bayou Bartholomew at a point near Morrell."

BRIDGE ACROSS HIWASSEE RIVER AT CHARLESTON AND CALHOUN.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 13872) to authorize the counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties.

Be it enacted, etc., That the counties of Bradley and McMinn, Tenn., by authority of their county courts, be, and they are hereby, authorized to construct, maintain, and operate a free bridge and approaches thereto across the Hiwassee River at the town of Charleston, in Bradley County, to the town of Calhoun, immediately across the Hiwassee River, in McMinn County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The committee amendment was read, as follows:

Page 1, line 6, after the word "at," insert "a point suitable to the interests of navigation from."

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

The committee amendment was agreed to.

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

BRIDGE ACROSS MISSISSIPPI RIVER IN ITASCA COUNTY, MINN.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 15387) permitting the building of a public highway bridge across the Mississippi River in Itasca County, Minn.

Be it enacted, etc., That the consent of Congress is hereby granted to the town of Bass Brook, a municipal corporation organized and existing under and pursuant to the laws of the State of Minnesota, to build a public highway bridge across the Mississippi River from a point on the northerly bank of said river, in lot 1, section 10, township 55 north, range 26 west, fourth principal meridian, to a point on the southerly bank of said river, in lot 12 of said section, all in the county of Itasca, State of Minnesota, in accordance with the provision of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The committee amendment was read, as follows:

Page 1, in line 6, after the word "river," insert the words "at a point suitable to the interests of navigation."

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

The committee amendment was agreed to.

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

The title was amended so as to read: "A bill authorizing the town of Bass Rock to construct a bridge across the Mississippi River in Itasca County, Minn."

RAILROAD BRIDGE ACROSS THE RIO GRANDE RIVER BETWEEN LAREDO, TEX., AND NUEVO LAREDO, REPUBLIC OF MEXICO.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 15815) authorizing the construction of a railroad bridge across the Rio Grande River between Laredo, Tex., and Nuevo Laredo, Republic of Mexico.

Be it enacted, etc., That Los Ferrocarriles Nacionales de Mexico (National Railways of Mexico), a corporation organized under the laws of the Republic of Mexico, its successors and assigns, be, and it is hereby, authorized to construct a bridge and approaches thereto across the Rio Grande at a point in Laredo, State of Texas, to a point in Nuevo Laredo, Republic of Mexico. Said bridge to be erected and constructed in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided,* That the construction of the said bridge shall not be commenced until the consent of the proper authorities of the Republic of Mexico for the erection of the structure shall have been obtained.

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

The committee amendment was read, as follows:

Insert after the word "point," in line 7, page 1, the words "suitable to the interests of navigation."

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

The committee amendment was agreed to.

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

GIFT OF LAND FROM WOMAN'S RELIEF CORPS, AUXILIARY TO THE GRAND ARMY OF THE REPUBLIC.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 10106) authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land contiguous to the Andersonville National Cemetery, in the State of Georgia.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, a gift of 88 acres of land, more or less, contiguous to the Andersonville National Cemetery, in the State of Georgia, with all improvements thereon, the details incident to the transfer of said land to be arranged and perfected by the Secretary of War.

The SPEAKER. Is there objection?

Mr. HARRISON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of this bill if he knows what financial burdens will be laid upon the Government by the passage of this bill?

Mr. BRADLEY. Mr. Speaker, there ought not to be any. If the House will permit a very brief explanation, I will state that the Woman's Relief Corps of the United States, a body that is an auxiliary of the Grand Army of the Republic, holds title to 31 or 32 acres of land that was once the prison inclosure at Andersonville. They also hold title to 50 acres between this and the Andersonville National Cemetery, the 50 acres being good farming land, on which there is a growth of pine timber. The 30 or 31 acres which was the prison inclosure is about 700 yards distance from the Andersonville National Cemetery. This prison inclosure is a cemetery of itself. It is graded, walks are made, shrubbery is planted, and trees trimmed. It is not necessary, nor is it the desire of anyone, to expend any money what-

ever for improvements. It is merely to care for this inclosure, on which are erected handsome monuments by the States of Wisconsin, Illinois, Ohio, and other States, and New York itself has appropriated \$25,000 for the purpose of erecting there a monument to the unknown dead of the State of New York. Whenever excavations have been made in the land in which this prison inclosure is included human bones have been exposed, and it is a well-known fact to those who were there that when a comrade died in the night he was buried the next morning as deep as possible in that soft and mellow soil. It is the feeling of the Woman's Relief Corps that this piece of land should be placed under the care of the War Department as a part of the Andersonville National Cemetery. In this inclosure, besides the beautiful monuments, is a granite and marble building, over Providence spring, and a commodious and substantial keeper's cottage, built by these ladies. A strong, neat fence has replaced the former stockade. It seems to me if it were a private proposition I could rent the 50 acres of land, the yellow pine, and the cottage for a sufficient amount to keep the property in repair.

I have been over the ground and examined it, and I say on honor that not more than \$25 per annum, within the summer months, should be expended to keep it in repair. It would be extravagant to expend more. It is merely proposed to care for the resting place of the unknown Union dead, and it is proposed to put this land, with the former prison inclosure, exclusively in the charge of the War Department. It is a trifling expense, if any at all. As I say, if it were a private proposition, I could manage it without any future appropriation whatever to keep it in good order.

It is nearly half a century since the war closed. That which moves the hearts of our people more than anything else to-day is to pay proper tribute to the memory of men who died in that great conflict; and I for one desire to pay that tribute, whether the dead are sleeping in moldering coats of blue or jackets of gray. [Loud applause.]

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

Mr. MANN. May I ask the gentleman a question?

Mr. BRADLEY. Certainly.

Mr. MANN. The Government owns the next adjoining land?

Mr. BRADLEY. The Government owns land contiguous to this piece.

Mr. MANN. The Woman's Relief Corps purchased this land, and it is their wish to turn it over to the General Government and make it a part of the government reservation?

Mr. BRADLEY. That is true.

Mr. MANN. I objected to this bill once; I shall not do so now. I objected then because it seemed to me that the only purpose of the bill was to avoid the expense of caring for it; and there was no sufficient reason stated then why the Government should assume that control.

The SPEAKER. The Chair hears no objection.

The Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill. The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MINNEAPOLIS, MINN.

The next business reported from the Calendar of Unanimous Consent was the bill H. R. 12288:

A bill (H. R. 12288) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereon across the Mississippi River from Third avenue south, on the west side of said river, to First avenue southeast, on the east side of said river, in the city of Minneapolis, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read, as follows:

In line 3, page 1, strike out the word "Hennepin" and insert in lieu thereof the word "Hennepin."

In line 7, page 1, strike out the word "thereon" and insert in lieu thereof the word "thetere."

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

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MINNEAPOLIS, MINN.

The next business reported from the Calendar of Unanimous Consent was the bill H. R. 14496:

A bill (H. R. 14496) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River from Twentieth avenue south, on the west side of said river, to Eleventh avenue southeast, on the east side of said river, in the city of Minneapolis, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

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

FIFTEENTH INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The next business reported from the Calendar of Unanimous Consent was House joint resolution 107:

Joint resolution (H. J. Res. 107) authorizing the president to extend an invitation to the States in connection with the Fifteenth International Congress on Hygiene and Demography.

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend an invitation to the governor of each State to appoint a state committee of not more than five members to cooperate with the committee on organization in planning and preparing the exhibition of the Fifteenth International Congress on Hygiene and Demography.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I would like to ask the gentleman whether it is proposed to invite the members of this congress to Washington, and that the expense of their travel be paid by the Government or the State?

Mr. MANN. It is proposed to be wholly at the expense of the State or of the individual, and not at all by the General Government. We have printed in the report a letter from the committee on arrangements to that effect; and there is a letter from the secretary-general to the same effect.

Mr. PAYNE. I think perhaps the State of New York will stand its part, but I wanted to know as to the others.

Mr. DALZELL. I would like to ask if there is not another resolution on the same subject.

Mr. MANN. I would state to the gentleman from Pennsylvania and the House, there is pending on the calendar—not on the Unanimous Consent Calendar, because it was not reported, so it could not go onto the Unanimous Consent Calendar—another resolution, which I introduced relating to this same congress. The pending resolution is one simply to permit the President to invite the governors of the States to appoint committees who will serve at the expense of the State, to determine the extent of cooperation in the administration on this subject.

The other resolution which I introduced authorizes a change in the time of holding the congress and a change in the place of holding the congress, at the discretion of the President.

This Congress two years ago authorized the President to invite the International Congress of Hygiene and Demography, then meeting at Berlin, to meet in the city of Washington in 1909 or 1910. It is desired to have a later date fixed, and the other resolution which I introduced provides that the invitation may be so amended as to provide for the congress meeting in 1911 or 1912, and, in that connection, that it shall meet some place in the United States, to be fixed by the President, so that it shall not be required to meet in Washington. The reason for that change is that, if it is required to meet in Washington, it will inevitably be urged that the only place the congress can meet is in the Capitol building; and we did not wish to put ourselves in the attitude of giving an invitation and then being told that we must give up the Capitol in order to carry out the invitation.

Mr. FOSTER of Illinois. I should like to inquire of my colleague if there was not some talk last spring about the city of Washington building a convention hall, and if there have been any steps taken that he knows of in that regard?

Mr. MANN. There have been steps taken at different periods ever since I have been here, for more than twelve years, and there are steps being taken now in the effort to raise money; but there will be no building constructed in time to hold this proposed congress.

Mr. FOSTER of Illinois. Is not that always just before inauguration?

Mr. MADDEN. It is always just after an inauguration. They are always going to get it ready for the next one.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Then, I ask unanimous consent to take from the Speaker's table a Senate joint resolution on the same subject and to have it considered, instead of the House resolution, intending to move that it be amended so as to conform to the House resolution.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table Senate joint resolution 56. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 56) authorizing the President of the United States to invite the States to participate in the Fifteenth International Congress on Hygiene and Demography.

Whereas on the invitation of the United States, expressed through a joint resolution of Congress, the International Congress on Hygiene and Demography is to hold its fifteenth session at Washington, D. C.; and

Whereas an exhibition of American work in hygiene, public health, sanitation, and vital statistics is to be held in connection with this international congress; and

Whereas American work of this description is largely in the hands of States and municipalities: Therefore be it

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend an invitation to the governor of each State to appoint a state committee, of not more than five members, to cooperate with the committee on organization in planning and preparing the exhibition.

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

Mr. MANN. Certainly.

Mr. HARRISON. The gentleman has no doubt heard the criticisms going around the House that there is an unseemly contest for precedence between certain committees of this House. The gentleman also knows that the consular and diplomatic appropriation bill provides an appropriation for the International Congress of Hygiene and Demography. Will the gentleman explain how this matter has come to be reported out of the Committee on Interstate and Foreign Commerce?

Mr. MANN. I will do so with great pleasure, because I think it will reflect more of kindness on my part to the gentleman's committee than anything else.

The Committee on Interstate and Foreign Commerce has always exercised jurisdiction over the question of health, and especially over the question of hygiene and demography. However, I introduced two resolutions on this subject, one affecting the invitation which has been extended to foreign countries for an international congress, composed largely of foreign countries, and one relating wholly to an invitation of the governors of the States. Of course the Committee on Foreign Affairs could not have jurisdiction of this latter resolution. The original invitation was extended upon a resolution passed by Congress, reported out of the Committee on Interstate and Foreign Commerce.

When the resolution was introduced, I may say that I consulted with the parliamentary clerk of the House, who really makes the references of resolutions, and he was inclined to think the other resolution ought to go to the Committee on Foreign Affairs. It was, however, sent to the Committee on Interstate and Foreign Commerce. Then the chairman of the Committee on Foreign Affairs, for the purpose of avoiding what the gentleman says seems to be a conflict between committees—and the chairman of the Committee on Foreign Affairs, the gentleman from New York [Mr. PERKINS], is a very able and distinguished Member of this House—was inclined to think that his committee ought to have jurisdiction.

And thereupon in the House I asked unanimous consent, which was granted, that the reference of the resolution be changed from the committee of which I have the honor to be chairman to the committee of which the gentleman from New York [Mr. PERKINS] has the honor to be chairman, and that committee has reported that resolution back to the House. I trust that the explanation is satisfactory to my friend from New York. [Laughter.] Mr. Speaker, if the Senate resolution is before the House—

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

Mr. MANN. I now move to strike out all after the resolving clause in the Senate resolution and insert the provision that was in the House resolution.

The SPEAKER. The gentleman from Illinois moves to amend the Senate joint resolution by striking out all after the enacting clause and inserting the House resolution which was read a few moments ago.

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

Mr. MANN. Is this the proper time, Mr. Speaker, to move to strike out the preamble, or should it be after the passage?

The SPEAKER. After the passage.

Mr. MANN. I now yield five minutes to my colleague [Mr. FOSTER of Illinois].

Mr. FOSTER of Illinois. Mr. Speaker, it occurs to me when the question of jurisdiction of certain committees is raised in this House, as has occurred just now in the consideration of this resolution, that there ought to be a standing committee on public health. Some time ago I introduced a resolution in this Congress changing the rules of the House to the extent of authorizing the Speaker to appoint as one of the standing committees of the House a committee on public health, and it occurs to me that we need such a committee in this House now more than ever.

While it is true, Mr. Speaker, that the distinguished chairman of the Committee on Interstate and Foreign Commerce looks after these matters in a very good way, I believe that the public service would be better looked after if we were permitted to have such a committee appointed regularly by the Speaker.

Mr. MANN. If I could be assured that my colleague would be that committee, I would agree.

Mr. FOSTER of Illinois. If the gentleman made an arrangement with the Speaker, it might possibly be done; but I resign my ambition in favor of one on that side of the aisle for the present.

Mr. Speaker, many questions come before the House of Representatives and before the Senate affecting matters of public health. In the Senate there is such a committee appointed regularly at the beginning of each Congress, but in the House we have no such committee and all these matters must be distributed among the different committees of the House. We have had a great deal of agitation within the last year or two in reference to tuberculosis, and a great convention was held in the city of Washington, delegates coming from all over the world, and it occurs to me that never in the history of this country was there such a call for the committee where these bills might be considered as there is at this time. [Applause.]

Mr. MANN. Mr. Speaker, I move to strike out the preamble. The question was taken, and the motion was agreed to.

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

Mr. MANN. Mr. Speaker, I ask unanimous consent to move that all the bills reported from the Interstate and Foreign Commerce Committee passed this morning may be reconsidered, and that the motion lie on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MANN. I now ask unanimous consent to insert in the Record a letter from Doctor Fulton in relation to this matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter is as follows:

CENSUS OFFICE,
Washington, January 6, 1910.

HON. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington.

DEAR SIR: Confirming the verbal statements made by Prof. Walter F. Willcox and myself to you on Tuesday afternoon, I beg leave to say that the joint resolution extending an invitation to the governors of States to participate by delegates and otherwise in the Fifteenth International Congress on Hygiene and Demography is not meant to involve the Government of the United States in any expense on account of such participation by the representatives of state governments.

I am, sir,

Yours, very respectfully,

JOHN S. FULTON,
Secretary-General.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to joint resolution (H. J. Res. 103) authorizing the investigation of the Interior Department and the Bureau of Forestry of the Department of Agriculture.

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

S. 3316. An act providing for the completion of the classification and appraisal of lands within the Coeur d'Alene Indian Reservation.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint reso-

lution (S. J. Res. 58) authorizing the Secretary of the Interior to pay to the Winnebago tribe of Indians interest accrued since June 30, 1909.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3316. An act providing for the completion of the classification and appraisal of lands within the Coeur d'Alene Indian Reservation—to the Committee on Indian Affairs.

NEW MEXICO AND ARIZONA.

Mr. HAMILTON. Mr. Speaker, by authority of the Committee on the Territories, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 18166) known as the "statehood bill," and pass the same.

The SPEAKER. The gentleman from Michigan, by authority of the Committee on the Territories, moves to suspend the rules and pass the following bill, which the Clerk will report:

A bill (H. R. 18166) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

Be it enacted, etc., That the inhabitants of all that part of the area of the United States now constituting the Territory of New Mexico, as at present described, may become the State of New Mexico, as hereinafter provided.

Sec. 2. That all the qualified electors of said Territory are hereby authorized to vote for and choose delegates to form a convention for said Territory. The aforesaid convention shall consist of 100 delegates; and the governor, chief justice, and secretary of said Territory shall apportion the delegates to be thus elected, as nearly as may be, equitably among the several counties thereof in accordance with the voting population as shown by the vote cast at the election for Delegate in Congress in said Territory in nineteen hundred and eight.

The governor of said Territory shall, within thirty days after the approval of this act, by proclamation, in which the aforesaid apportionment of delegates to the convention shall be fully specified and announced, order an election of the delegates aforesaid in said Territory on a day designated by him in said proclamation, within sixty days after the approval of this act. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as nearly as may be, in the same manner as is prescribed by the laws of said Territory regulating elections therein of members of the legislature; and the penal provisions of said laws are hereby made applicable to the election herein provided for; and said convention when so called to order and organized shall be the sole judge of the election and qualifications of its own members. Qualifications to entitle persons to vote on the ratification or rejection of the constitution formed by said convention when said constitution shall be submitted to the people of said Territory hereunder shall be the same as the qualifications to entitle persons to vote for delegates to said convention.

Sec. 3. That the delegates to the convention thus elected shall meet in the hall of the house of representatives in the capital of the Territory of New Mexico at 12 o'clock noon on the fourth Monday after their election, and they shall not receive compensation for more than sixty days of service; after organization they shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and state government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian country are forever prohibited.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States, and that until the title of such Indian or Indian tribes shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing as other lands and other property are taxed any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territory of New Mexico which shall be valid and subsisting at the time of the passage of this act shall be assumed and paid by said State, and that said State shall, as to all such debts and liabilities, be subrogated to all the rights, including rights of indemnity and reimbursement, existing in favor of said Territory at the time of the passage of this act.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said school shall always be conducted in English: *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all state officers.

Sixth. That the capital of said State shall, until changed by the electors voting at an election provided for by the legislature of said State for that purpose, be at the city of Santa Fe, but no such election shall be called or provided for prior to the 31st day of December, 1915.

Seventh. That the State shall grant to the United States Government all rights and powers relating thereto necessary for the carrying out of the provisions by it of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof, to the same extent as if said State had remained a Territory.

Sec. 4. That in case a constitution and state government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection, at an election which shall be held on the first Tuesday after the first Monday in November, after the adjournment of the convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe, who, with the governor and chief justice of said Territory, shall constitute a canvassing board, and they, or any two of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same; if a majority of the legal votes cast at said election shall be for the rejection of the constitution, the said canvassing board shall forthwith certify the result to the governor of said Territory, together with the statement of votes cast thereon, and upon the separate articles and propositions, whereupon the governor of said Territory shall, by proclamation, order the constitutional convention to reassemble at a date not later than twenty days after the receipt of the documents showing the rejection of the constitution by the people, and thereafter a new constitution shall be framed and the same proceedings shall be taken in regard thereto in like manner as if said constitution were being originally prepared for submission to the people, and if a majority of the legal votes cast on that question shall be for the constitution, the said canvassing board shall forthwith certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances.

Sec. 5. That said constitutional convention shall, by ordinance, provide that, in the event a majority of the legal votes cast at said election to be held for the ratification or rejection of said constitution shall be for the constitution, and the President of the United States shall announce that said constitution and government are republican in form, not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and are in conformity with the provisions of this act, an election of officers for a full state government, including a governor, members of the legislature, two Representatives in Congress, to be elected at large from said State, and such county and other officers as said constitutional convention shall prescribe, shall be held; and shall also provide and fix the time for the holding of such election, which time shall be not less than ninety nor more than one hundred and twenty days after said election for the ratification or rejection of said constitution. Said election shall be held, the returns thereof made, canvassed, and certified to the secretary of said Territory in the same manner as in this act prescribed for the election for the ratification or rejection of said constitution.

If the constitution and government of said proposed State are republican in form, not in conflict with the Constitution of the United States and the principles of the Declaration of Independence, and if the provisions of this act have been complied with in the formation and ratification thereof, it shall be the duty of the President of the United States, within twenty days after the receipt of the result of said election for the ratification or rejection of said constitution, to issue his proclamation announcing the result of the proceedings authorized by this act, and thereupon the proposed State of New Mexico shall be deemed admitted by Congress into the Union, under and by virtue of this act, on an equal footing with the original States; and until said State is so admitted into the Union and said officers are elected and qualified under the provisions of the constitution, the county and territorial officers of said Territory, including Delegate in Congress, elected at the general election in 1908, shall continue to discharge the duties of their respective offices in and for said Territory.

The original of said constitution, propositions, and ordinances, the election returns, and the statement of the votes cast at said elections, shall be forwarded and turned over by the secretary of the Territory of New Mexico to the state authorities.

Sec. 6. That in addition to sections 16 and 36, heretofore granted to the Territory of New Mexico, sections 2 and 32 in every township in said proposed State not otherwise appropriated at the date of the passage of this act are hereby granted to the said State for the support of common schools; and where sections 2, 16, 32, or 36, or any parts thereof, are mineral, or have been sold, reserved, or otherwise appropriated by or under the authority of any act of Congress, or are wanting or fractional in quantity, or where settlement thereon with a view to preemption or homestead, or improvement thereof with a view to desert-land entry has been made heretofore or hereafter, and before the survey thereof in the field, the provisions of sections 2275 and 2276 of the Revised Statutes are hereby made applicable thereto and to the selection of lands in lieu thereof to the same extent as if sections 2 and 32, as well as sections 16 and 36, were mentioned therein: *Provided*, *however*, That the area of such indemnity selections on account of any fractional township shall not in any event exceed an area which, when added to the area of the above-named sections returned by the survey as in place, will equal four sections for fractional townships containing 17,280 acres or more, three sections for such townships containing

11,520 acres or more, two sections for such townships containing 5,760 acres or more, nor one section for such townships containing 640 acres or more: *And provided further*, That the grants of sections 2, 16, 32, and 36 to said State, within national forests now existing or proclaimed, shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain; but said granted sections shall be administered as a part of said forests, and at the close of each fiscal year there shall be paid by the Secretary of the Treasury to the State, as income for its common-school fund, such proportion of the gross proceeds of all the national forests within said State as the area of lands hereby granted to said State for school purposes which are situate within said forest reserves, whether surveyed or unsurveyed, and for which no indemnity has been selected, may bear to the total area of all the national forests within said State, the area of said sections when unsurveyed to be determined by the Secretary of the Interior, by protraction or otherwise, the amount necessary for such payments being appropriated and made available annually from any money in the Treasury not otherwise appropriated.

Sec. 7. That in lieu of the grant of land for purposes of internal improvements made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by said State under the act of September 28, 1850, and in lieu of any claim or demand by said State under the act of July 2, 1862 (12 Stat. L., 503), donating public lands to the several States and Territories for the benefit of agricultural and mechanical arts, which grant of 30,000 acres for each Senator and Representative in Congress it is hereby declared not extended to the said State, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of the grant of saline lands heretofore made to the Territory of New Mexico for university purposes by section 3 of the act of June 21, 1898, which is hereby repealed, except to the extent of such approved selections of such saline lands as may have been made by said Territory prior to the passage of this act, the following grants of land are hereby made, to wit:

For university purposes, 120,000 acres; for legislative, executive, and judicial public buildings heretofore erected in said Territory or to be hereafter erected in the State, and for the payment of the bonds heretofore or hereafter issued therefor, 95,000 acres; for insane asylums, 100,000 acres; for penitentiaries, 100,000 acres; for schools and asylums for the deaf, dumb, and the blind, 100,000 acres; for miners' hospitals for disabled miners, 50,000 acres; for normal schools, 200,000 acres; for state charitable, penal, and reformatory institutions, 100,000 acres; for agricultural and mechanical colleges, 150,000 acres, and the national appropriation heretofore annually paid for the agricultural and mechanical college to said Territory shall, until further order of Congress, continue to be paid to said State for the use of said institution; for school of mines, 150,000 acres; for military institutes, 100,000 acres; and for the payment of the valid and subsisting debts of said Territory and of the debts of the counties thereof which are valid and subsisting at the date of the approval of this act, and which said Territory may have assumed or said State shall assume, 3,000,000 acres: *Provided*, That if there shall remain any of the 3,000,000 acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or other profits therefrom, after the payment of said debts, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said State, the income therefrom only to be used for the maintenance of the common schools of said State.

Sec. 8. That the schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

Sec. 9. That 5 per cent of the proceeds of sales of public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to the said State to be used as a permanent inviolable fund, the interest of which only shall be expended for the support of the common schools within said State.

Sec. 10. That all lands herein or heretofore granted for educational purposes shall be disposed of, at public sale only, for a price not less than \$5 per acre as to all such lands east of the one hundred and fifth meridian of longitude nor less than \$3 per acre for such lands west of said meridian, the proceeds of such sales to constitute a permanent fund, any portion of which, if lost for any reason, shall be replaced by appropriation from the treasury of the State, and the income from which only shall be expended for the improvement, maintenance, and support of the respective educational institutions; but pending sale said lands may be leased as the state legislature shall prescribe; and all lands herein or heretofore granted for purposes other than educational shall be disposed of as the legislature of said State may prescribe: *Provided, however*, That all lands hereby or heretofore granted which shall be susceptible of irrigation by any waters from any project completed or in course of construction by the United States under the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and the acts amendatory thereof, shall not be disposed of at a price less than \$25 per acre: *Provided further*, That where any lands herein or hereafter granted to the State are needed for irrigation works in connection with any projects under the said act of June 17, 1902, the State may relinquish the same to the United States, and, with the approval of the Secretary of the Interior, select other nonmineral lands of equal area in lieu thereof.

Sec. 11. That all lands granted in quantity, or as indemnity, by this act shall be selected, under and subject to the approval of the Secretary of the Interior, from the surveyed, unreserved, unappropriated, and nonmineral public lands of the United States within the limits of said State, by a commission composed of the governor, surveyor-general, or other officer exercising the functions of a surveyor-general, and attorney-general of the said State; and after its admission into the Union said State may procure public lands of the United States within its boundaries to be surveyed with a view to satisfying any public-land grants made to said State in the same manner prescribed for the procurement of such surveys by Washington, Idaho, and other States by the act of Congress approved August 18, 1894 (28 Stat. L., p. 394), and the provisions of said act, in so far as they relate to such surveys and the preference right of selection, are hereby extended to the said State of New Mexico. The fees to be paid to the register and receiver,

collectively, for each final location or selection of 160 acres made hereunder shall be \$1.

Sec. 12. That all grants of lands heretofore made by any act of Congress to said Territory, except to the extent modified or repealed by this act, are hereby ratified and confirmed in and to said State.

Sec. 13. That the said State, when admitted as aforesaid, shall constitute one judicial district, and the circuit and district courts of said district shall be held at the capital of said State, and the said district shall, for judicial purposes, be attached to the eighth judicial circuit. There shall be appointed for said district 1 district judge, 1 United States attorney, and 1 United States marshal. The judge of said district shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held on the first Monday in April and the first Monday in October of each year. The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territory of New Mexico.

Sec. 14. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of said Territory, or that may hereafter lawfully be prosecuted upon any record from said court, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court, hereby established within the said State, or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and state courts herein named shall, respectively, be the successors of the supreme court and of the district courts of the said Territory as to all such cases arising within the limits embraced within the jurisdiction of said courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme court of the said Territory, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union, and as in other States of the Union.

Sec. 15. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territory at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territory at the time of the admission of such Territory into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and state courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any territorial court in said Territory shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or state court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper state courts.

Sec. 16. That the constitutional convention shall by ordinance provide for the election of officers for a full state government, including members of the legislature, two Representatives in Congress, and such county and other officers as said constitutional convention shall prescribe, at the election heretofore provided for. The members of the legislature elected at said election may assemble at Santa Fe, organize, and elect two Senators of the United States in the manner now prescribed by the Constitution and laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and the Senators and Representatives so elected shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the state government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of state officers; and all laws of said Territory in force at the time of its admission into the Union shall be in force in said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States.

Sec. 17. That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and convention provided for in this act; that is, the payment of the expenses of holding the election for members of the constitutional convention and the election for the ratification of the constitution, at the same rates that are paid for similar services under the territorial laws, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid to members of the said territorial legislature under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and

other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of \$100,000 shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of New Mexico through the secretary of said Territory, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act.

Sec. 18. That the inhabitants of all that part of the area of the United States now constituting the Territory of Arizona, as at present described, may become the State of Arizona, as hereinafter provided.

Sec. 19. That all the qualified electors of said Territory are hereby authorized to vote for and choose delegates to form a convention for said Territory. The aforesaid convention shall consist of 52 delegates; and the governor, chief justice, and secretary of said Territory shall apportion the delegates to be thus elected, as nearly as may be, equitably among the several counties thereof in accordance with the voting population as shown by the vote cast at the election for Delegate in Congress in said Territory in 1908.

The governor of said Territory shall, within thirty days after the approval of this act, by proclamation, in which the aforesaid apportionment of delegates to the convention shall be fully specified and announced, order an election of the delegates aforesaid in said Territory on a day designated by him in said proclamation, within sixty days after the approval of this act. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as near as may be, in the same manner as is prescribed by the laws of said Territory regulating elections therein of members of the legislature; and the penal provisions of said laws are hereby made applicable to the election herein provided for; and said convention, when so called to order and organized, shall be the sole judge of the election and qualifications of its own members. Qualifications to entitle persons to vote on the ratification or rejection of the constitution formed by said convention, when said constitution shall be submitted to the people of said Territory hereunder, shall be the same as the qualifications to entitle persons to vote for delegates to said convention.

Sec. 20. That the delegates to the convention thus elected shall meet in the hall of the house of representatives in the capital of the Territory of Arizona at 12 o'clock noon on the fourth Monday after their election, and they shall not receive compensation for more than sixty days of service; after organization they shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and state government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide by ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquor into Indian country are forever prohibited.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States, and that until the title of such Indian or Indian tribes thereto shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property, outside of an Indian reservation, owned or held by any Indian, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territory of Arizona, which shall be valid and subsisting at the time of the passage of this act, shall be assumed and paid by said State, and that said State shall, as to all such debts and liabilities, be subrogated to all the rights, including rights of indemnity and reimbursement existing in favor of said Territory at the time of the passage of this act.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English; *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all state officers.

Sixth. That the capital of said State shall, until changed by the electors voting at an election provided for by the legislature of said State for that purpose, be at the city of Phoenix, but no such election shall be called or provided for prior to the 31st day of December, 1915.

Seventh. That the State shall grant to the United States Government all rights and powers relating thereto necessary for the carrying out of the provisions by it of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof, to the same extent as if said State had remained a Territory.

Sec. 21. That in case a constitution and state government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said con-

stitution to the people of said proposed State for its ratification or rejection, at an election which shall be held on the first Tuesday after the first Monday in November after the adjournment of the convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of Arizona at Phoenix, who, with the governor and chief justice of said Territory, shall constitute a canvassing board, and they, or any two of them, shall meet at said city of Phoenix on the third Monday after said election and shall canvass the same; if a majority of the legal votes cast at said election shall be for the rejection of the constitution, the said canvassing board shall forthwith certify the result to the governor of said Territory, together with the statement of votes cast thereon, and upon the separate articles and propositions, whereupon the governor of said Territory shall, by proclamation, order the constitutional convention to reassemble at a date not later than twenty days after the receipt of the documents showing the rejection of the constitution by the people, and thereafter a new constitution shall be framed and the same proceedings shall be taken in regard thereto in like manner as if said constitution were being originally prepared for submission to the people, and if a majority of the legal votes cast on that question shall be for the constitution the said canvassing board shall forthwith certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances.

Sec. 22. That said constitutional convention shall, by ordinance, provide that, in the event a majority of the legal votes cast at said election to be held for the ratification or rejection of said constitution shall be for the constitution, and the President of the United States shall announce that said constitution and government are republican in form, not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and are in accordance with the provisions of this act, an election of officers for a full state government, including a governor, members of the legislature, one Representative in Congress, and such county and other officers as said constitutional convention shall prescribe, shall be held; and shall also provide and fix the time for the holding of such election, which time shall be not less than ninety nor more than one hundred and twenty days after said election for the ratification or rejection of said constitution. Said election shall be held, the returns thereof made, canvassed, and certified to the secretary of said Territory in the same manner as in this act prescribed for the election for the ratification or rejection of said constitution.

If the constitution and government of said proposed State are republican in form, not in conflict with the Constitution of the United States and the principles of the Declaration of Independence, and if the provisions of this act have been complied with in the formation and ratification thereof, it shall be the duty of the President of the United States, within twenty days after the receipt of the result of said election for the ratification or rejection of said constitution, to issue his proclamation announcing the result of the proceedings authorized by this act, and thereupon the proposed State of Arizona shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States; and until said State is so admitted into the Union and said officers are elected and qualified under the provisions of the constitution, the county and territorial officers of said Territory, including Delegate in Congress, elected at the general election in 1908, shall continue to discharge the duties of their respective offices in said Territory.

The original of said constitution, propositions, and ordinances, the election returns, and the statement of the votes cast at said elections shall be forwarded and turned over by the secretary of the Territory of Arizona to the state authorities.

Sec. 23. That, in addition to sections 16 and 36, heretofore reserved for the Territory of Arizona, sections 2 and 32 in every township in said proposed State not otherwise appropriated at the date of the passage of this act are hereby granted to the said State for the support of common schools; and, where sections 2, 16, 32, or 36, or any parts thereof, are mineral, or have been sold, reserved, or otherwise appropriated by or under the authority of any act of Congress, or are wanting or fractional in quantity, or where settlement thereon with a view to preemption or homestead or improvement thereof with a view to desert-land entry has been made heretofore or hereafter, and before the survey thereof in the field, the provisions of sections 2275 and 2276 of the Revised Statutes are hereby made applicable thereto and to the selection of lands in lieu thereof to the same extent as if sections 2 and 32 as well as sections 16 and 36 were mentioned therein: *Provided, however*, That the area of such indemnity selections on account of any fractional township shall not in any event exceed an area which, when added to the area of the above-named sections returned by the survey as in place, will equal 4 sections for fractional townships containing 17,280 acres or more, 3 sections for such townships containing 11,520 acres or more, 2 sections for such townships containing 5,760 acres or more, nor 1 section for such townships containing 640 acres or more: *And provided further*, That the grants of sections 2, 16, 32, and 36 to said State within national forests now existing or proclaimed shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain; but said granted sections shall be administered as a part of said forests, and at the close of each fiscal year there shall be paid by the Secretary of the Treasury to the State, as income for its common-school fund, such proportion of the gross proceeds of all the national forests within said State as the area of lands hereby granted to said State for school purposes which are situate within said forest reserves, whether surveyed or unsurveyed and for which no indemnity has been selected, may bear to the total area of all the national forests within said State, the area of said sections when unsurveyed to be determined by the Secretary of the Interior, by protraction or otherwise, the amount necessary for such payments being appropriated and made available annually from any money in the Treasury not otherwise appropriated.

Sec. 24. That in lieu of the grant of land for purposes of internal improvements made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by said State under the act of September 28, 1850, and in lieu of any claim or demand by said State under the act of July 2, 1862 (12 Stat. L. 503), donating public lands to the several States and Territories for the benefit of agricultural and mechanical arts, which grant of 30,000 acres for each Senator and Representative in Congress, it is hereby declared is not extended to the said State, and section 2479 of the Revised Statutes, making a grant of

swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, the following grants of land are hereby made, to wit:

For university purposes, 120,000 acres; for legislative, executive, and judicial public buildings heretofore erected in said Territory or to be hereafter erected in the State, and for the payment of the bonds heretofore or hereafter issued therefor, 96,000 acres; for insane asylums, 100,000 acres; for penitentiaries, 100,000 acres; for schools and asylums for the deaf, dumb, and the blind, 100,000 acres; for miners' hospitals for disabled miners, 50,000 acres; for normal schools, 200,000 acres; for state charitable, penal, and reformatory institutions, 100,000 acres; for agricultural and mechanical colleges, 150,000 acres, and the national appropriation heretofore annually paid for the agricultural and mechanical college to said Territory shall, until further order of Congress, continue to be paid to said State for the use of said institution; for school of mines, 100,000 acres; for military institutes, 100,000 acres; for irrigation for public purposes and for improvement of rivers by confining them within their banks and preventing destructive overflow of streams, 600,000 acres; and for the payment of the valid and subsisting debts of said Territory and of the debts of the counties thereof which are valid and subsisting at the date of the approval of this act and which said Territory may have assumed or said State shall assume, 3,300,000 acres: *Provided*, That if there shall remain any of the 3,300,000 acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or other profits therefrom, after the payment of said debts, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said State, the income therefrom only to be used for the maintenance of the common schools of said State.

SEC. 25. That the schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 26. That 5 per cent of the proceeds of sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to the said State, to be used as a permanent inviolable fund, the interest of which only shall be expended for the support of the common schools within said State.

SEC. 27. That all lands herein or heretofore granted for educational purposes shall be disposed of at public sale only, for a price not less than \$3 per acre, the proceeds of such sale to constitute a permanent fund, any portion of which, if lost for any reason, shall be replaced by appropriations from the treasury of the State, and the income from which only shall be expended for the improvement, maintenance, and support of the respective educational institutions, but pending sale said lands may be leased as the state legislature shall prescribe, excepting all of such lands which are now and were on the 1st day of January, 1909, within the exterior limits of any district or districts of land within said State designated by the Secretary of the Interior to be lands that may be supplied with irrigation water from any irrigation works which have been wholly or in part constructed or acquired, or which are under construction or process of acquisition by the United States under the provisions of an act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof; and all of such lands for which provision had been made by the occupants thereof prior to January 1, 1909, for the use of water for the irrigation thereof from any public or private source, the right to the use of which is being now exercised under bona fide claim of right thereto; all or any part of which lands may be disposed of by said State in such manner and upon such terms as the legislature of the State may from time to time prescribe, but at not less than \$25 per acre; and all lands herein or heretofore granted for purposes other than educational shall be disposed of as the legislature of said State may prescribe: *Provided, however*, That all lands hereby or heretofore granted which shall be susceptible of irrigation by any waters from any project completed or in course of construction by the United States under the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and the acts amendatory thereof, shall not be disposed of at a price less than \$25 per acre: *Provided further*, That where any lands herein or hereafter granted to the State are needed for irrigation works in connection with any projects under the United States, and, with the approval of the Secretary of the Interior, select other nonmineral lands of equal area in lieu thereof.

SEC. 28. That all lands granted in quantity, or as indemnity, by this act shall be selected, under the direction and subject to the approval of the Secretary of the Interior, from the surveyed, unreserved, unappropriated, and nonmineral public lands of the United States within the limits of said State, by a commission composed of the governor, surveyor-general, or other officer exercising the functions of a surveyor-general, and attorney-general of the said State; and after its admission into the Union said State may procure public lands of the United States within its boundaries to be surveyed with a view to satisfying any public-land grants made to said State in the same manner prescribed for the procurement of such surveys by Washington, Idaho, and other States by the act of Congress approved August 18, 1894 (28 Stat. L., p. 394), and the provisions of said act, in so far as they relate to such surveys, and the preference right of selection, are hereby extended to the said State of Arizona. The fees to be paid to the register and receiver collectively for each final location or selection of 160 acres made hereunder shall be \$1.

SEC. 29. That all grants of lands heretofore made by any act of Congress to said Territory, except to the extent modified or repealed by this act, are hereby ratified and confirmed in and to said State.

SEC. 30. That the said State, when admitted as aforesaid, shall constitute one judicial district, and the circuit and district courts of said district shall be held at the capital of said State, and the said district shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of said district shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at

the capital of said State. The regular terms of said courts shall be held on the first Monday in April and the first Monday in October of each year. The circuit and district courts for said district and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territory of Arizona.

SEC. 31. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of said Territory, or that may hereafter lawfully be prosecuted upon any record from said court, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the said State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and state courts herein named shall, respectively, be the successors of the supreme court and of the district courts of the said Territory as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme court of the said Territory, in any case arising within the limits of the proposed State prior to admission the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union, and as in other States of the Union.

SEC. 32. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territory at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territory at the time of the admission of such Territory into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and state courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any territorial court in said Territory shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or state court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper state courts.

SEC. 33. That the constitutional convention shall by ordinance provide for the election of officers for a full state government, including members of the legislature, one Representative in Congress, and such county and other officers as said constitutional convention shall prescribe, at the election hereinbefore provided for. The members of the legislature elected at said election may assemble at Phoenix, organize, and elect two Senators of the United States in the manner now prescribed by the Constitution and laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and the Representative in the manner required by law, and the Senators and the Representative so elected shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the state government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of state officers; and all laws of said Territory in force at the time of its admission into the Union shall be in force in said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States.

SEC. 34. That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and convention provided for in this act; that is, the payment of the expenses of holding the election for members of the constitutional convention and the election for the ratification of the constitution, at the same rates that are paid for similar services under the territorial laws, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid to members of the said territorial legislature under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of \$100,000 dollars shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of Arizona through the secretary of said Territory, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act.

The SPEAKER pro tempore (Mr. CAMPBELL). Is a second demanded?

Mr. LLOYD. Mr. Speaker, I demand a second.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Michigan is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. HAMILTON. Mr. Speaker, I desire to consume not more than ten minutes of my time, and I should be very glad if the Chair would remind me when ten minutes have elapsed.

This bill, in 34 sections, 17 of which are devoted to New Mexico and 17 to Arizona, enables the people of the Territory of New Mexico to adopt a constitution and become a State and enables the people of Arizona to adopt a constitution and become a State. It authorizes the qualified electors of each of the two Territories to elect delegates to constitutional conventions, 100 delegates being provided for New Mexico and 52 for Arizona, and after each constitutional convention shall have declared on behalf of the people of their respective Territories that they adopt the Constitution of the United States each convention is thereupon authorized to proceed to frame a constitution for each proposed State. Certain provisions are required to be inserted in these constitutions. First, it is provided that the constitution in each case shall be republican in form; second, that the constitution in each case shall make no distinction in civil or political rights on account of race or color; third, that the constitution shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

The constitutions are further required to provide by ordinance, first, for toleration of religious sentiment; second, against polygamous marriages; third, against the sale, barter, or giving of liquors to Indians; fourth, for a disclaimer of title to the ungranted and unappropriated lands of the United States; fifth, for a disclaimer of title to Indian lands acquired by Indians from the United States, until the title to such Indian lands shall have been extinguished, but provision is made that lands and property owned by Indians outside of Indian reservations and lands granted by the United States to Indians shall be taxed the same as other lands and property; sixth, against the taxation of lands and property of nonresidents of the proposed States at a higher rate than the lands and property of residents of the proposed States are taxed; seventh, against the taxation of property of the United States; eighth, for the assumption by each State of valid territorial debts subsisting at the time of the passage of this act; ninth, for the establishment of a system of nonsectarian public schools; tenth, against the enactment of laws abridging suffrage on account of race, color, or previous condition of servitude; eleventh, for the retention of the capitals of each State where they now are until the end of 1915; twelfth, for a continuance of the rights and powers of the Federal Government for the carrying on of irrigation projects; and thirteenth, a requirement that the ability to read, write, and speak the English language shall be a condition for holding state offices.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Yes.

Mr. STEPHENS of Texas. I will ask the gentleman whether he does not think that provision should also apply to the courts. In the case of New Mexico they have court stenographers and also have interpreters, a system which is very hard upon the attorney and very expensive, for the reason that the attorney making the speech to the jury, for instance, has to have his remarks interpreted to the jurors, and the jury would sometimes be half white and half Mexican. The speech has to go to them in Spanish. Does not the gentleman think that there should be some requirement that the language of the courts should be in English, and that a knowledge of that language should be a qualification for the members of the jury? I have been in some of the courts out there, and I know that it takes a very long time to try a case. I do not think the system of having two races sit upon the jury meets the ends of justice. And, in the case of the interpreter, he may also misinterpret both as to the law and as to the facts. It is very difficult to defend a man, or to try a lawsuit where property rights are investigated. As I understand it, they are making a distinction here on account of race, color, etc., and the law should be broad enough so that the State hereafter could pass the kind of law to which I refer.

Mr. LLOYD. Oh, there is nothing in this bill to prevent the State passing any such law.

Mr. STEPHENS of Texas. That is what I want to guard against.

Mr. HAMILTON. After the adoption of the constitution in each case, provision is made for a vote by the people for the ratification or rejection of the constitution in each case, and this bill contains a provision, which the bill which passed the House a year ago did not contain, that if the people shall reject the constitution first framed, then the governor shall, within twenty days after the documents reach him, recall the constitutional convention, and the convention shall proceed to frame another constitution. When the constitutions are finally adopted, provision is made for certifying the results to the President of the United States, whereupon if the constitution and government in each case are republican in form, not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and if the provisions of this act have been complied with in the formation and ratification of the constitutions, the President shall in each case issue his proclamation within twenty days after the receipt of the result of the elections in each case, announcing the results of the proceedings authorized in this bill, and thereupon the proposed States shall be deemed admitted into the Union.

Sections 6 to 12, inclusive, provide for the disposition of the public lands within the Territory. Arizona has an area of 73,000,000 and New Mexico has an area of 78,451,200 acres. Of the 73,000,000 acres in Arizona 20,000,000, in round numbers, are surveyed and 52,000,000 are unsurveyed. Of the 78,000,000 acres in New Mexico 52,000,000 are surveyed and 25,000,000 are unsurveyed. Arizona has a national-forest area of 15,250,000 acres. New Mexico has 10,971,000 acres.

The SPEAKER pro tempore. The gentleman from Michigan has occupied ten minutes.

Mr. HAMILTON. I simply want to say this—

Mr. LLOYD. I will yield three minutes to the gentleman if he so desires.

Mr. BURKE of South Dakota. I desire to ask the gentleman a question or two before he completes his statement.

The SPEAKER pro tempore. Does the gentleman from Michigan desire to continue in his own time?

Mr. HAMILTON. Yes; for a short time.

Mr. BURKE of South Dakota. I do not wish to interrupt the gentleman in his argument—

Mr. HAMILTON. I yield to the gentleman.

Mr. BURKE of South Dakota. I want to call his attention to section 3 of this bill, which section provides, "Except as to Indians not taxed."

I desire to ask the gentleman why those words are in the bill, in view of the fact that in the last bills passed by the House, namely, for the admission into the Union of Oklahoma, and I think Wyoming and Idaho, those words were omitted, and why should not they be omitted from this bill?

Mr. HAMILTON. The committee considered that question with some care and after consideration felt that the language which the gentleman has quoted ought to be retained. I know the gentleman is familiar with the language of the statute because as I remember he introduced a bill amending the law of 1886—

Mr. BURKE of South Dakota. Eighteen hundred and eighty-seven.

Mr. HAMILTON. And the law provides, I will not read it at length, that—

Every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

That is to say, the Indian, after he has severed his tribal relations, may become a citizen of the United States without affecting his right to tribal or other property.

Mr. BURKE of South Dakota. The law of May, 1906, amended the statute of 1887 so that citizenship is withheld during the trust period, or until such time as fee simple patent may issue, the Secretary of the Interior having authority under that act to grant a fee simple patent. In other words, citizenship is withheld until such time as the trust period expires or the Indian is declared competent. Now, it seems to me that if in the State of Oklahoma, where there are over 100,000 Indians, it was thought best to leave those words out, it would be safe in the new States of Arizona and New Mexico, and especially as that has been done in two other instances, Idaho and Wyoming.

Mr. HAMILTON. In the case of Oklahoma, the gentleman will remember, the Indian Territory had been administered by the Dawes Commission, lands had been allotted in severalty, and the question of citizenship was practically settled. There were no Indians in Oklahoma, that I can now recall, except the Osage Indians, who had not severed their tribal relations. In this case the Pueblo Indians are American citizens, entitled to vote. There are, however, some Indians who have not severed their tribal relations.

Mr. BURKE of South Dakota. I understand the gentleman's reasons for ingrafting this in this bill; that it is more because it has been the custom than the necessity or good reason for it. Is that the truth?

Mr. HAMILTON. Well, I do not think there is any particularly intense feeling on the subject, but the committee felt on the whole perhaps the provision had better be retained.

Mr. BURKE of South Dakota. I hope, Mr. Speaker, before this bill becomes law that these words will be eliminated from the act.

Mr. COOPER of Wisconsin. Will the gentleman permit me a question?

Mr. HAMILTON. Yes.

Mr. COOPER of Wisconsin. There is one thought which occurred to me in connection with this bill, and that is the calling of that State, when it is admitted to the Union, New Mexico. I just heard what the gentleman from Texas [Mr. STEPHENS] said about the way in which they continued to use the Spanish language down there, making it exceedingly difficult for an American ignorant of that language to know what they are talking about in courts. Now, they have been an American Territory for over half a century, and it occurs to me that the words "New Mexico," if now given to a State, will be a distinct handicap. Why not call it Lincoln? Why not call it something distinctively American, like Iowa or Ohio or Minnesota? Arizona is a beautiful name. But I submit to the chairman of the committee that New Mexico is no more appropriate than New Russia in this Republic.

Mr. HAMILTON. I know that there are a good many people outside of New Mexico who feel as the gentleman does on that subject, but still the committee felt that it ought to consider the feeling of the people in the Territory which is to become a State. There has not been, so far as I can now recall, any proposition emanating from the Territory to have any other name than that of New Mexico.

Mr. STEPHENS of Texas. I understand that the old Spanish explorers when they discovered this Territory of New Mexico, long before Spain lost possession of her dominion in Mexico, found these people living up there on the Rio Grande River, and they called all that territory New Mexico, so as to differentiate from the lower part of Mexico, and there was also an extended area between the two territories at that time, and they have always called this Territory "new," and it has for several centuries had that name.

Mr. HAMILTON. That is true; my recollection is in accord with that of the gentleman from Texas. As to the so-called "Spanish element" there, these people are American citizens of Spanish descent, and are patriotic people. Whenever opportunity has been presented to them to render service in behalf of the Government, they have always responded. Now, when you go into the different States of the Union you will find in several of them a much more mixed population than in New Mexico, with people speaking more languages, a great many more than are spoken there. The only objection, and that is the objection the gentleman from Wisconsin mentions, is the fact that many people speak Spanish. But as time goes on that probably will be more or less changed, and it seems to me that that is a thing that will adjust itself. I have only two minutes more, and I have promised to yield a little time to the gentleman from Arizona.

[Mr. CAMERON addressed the House. See Appendix.]

Mr. LLOYD. Mr. Speaker, the pending bill provides statehood for the Territories of Arizona and New Mexico; and, speaking to the minority side of this House, I am especially pleased to say that it provides for separate statehood—that is, statehood for each of the Territories, Arizona and New Mexico. [Applause.] It is not my purpose in the few minutes I have at my disposal to call special attention to the details of this bill. I would not have time to do so if I desired. But the bill is, in general terms, in the form of bills that have been passed in recent years. It is nearly in the same form as that which was passed admitting Oklahoma to statehood.

There is one objection to this bill from a Democratic standpoint. The constitutional convention will be composed of delegates from districts, which districts are selected by the governor, the secretary of state, and the chief justice, all of whom belong to the same political party.

Mr. GILLETT. Will the gentleman allow a question?

Mr. LLOYD. Yes.

Mr. GILLETT. Is the gentleman in favor of this bill, or will he vote against it?

Mr. LLOYD. I am going to vote for the bill.

Mr. GILLETT. Then, Mr. Speaker, I raise the point of order that the gentleman is not entitled to time. Gentlemen who are on the same side can not divide all the time between them.

The SPEAKER pro tempore. The Chair submitted the request of the gentleman from Missouri to the House, and there was no objection. No one stated that he was opposed to the bill.

Mr. GILLETT. Mr. Speaker, the gentleman from Missouri asked for a second, it being therefore assumed that he was against the bill. There was no occasion for anybody else to announce his opposition.

The SPEAKER pro tempore. The Chair assumed that the gentleman from Missouri was in opposition to the bill.

Mr. GILLETT. He says he is not; therefore I make the point of order that he is not entitled to time when there are Members opposed to the bill.

Mr. LLOYD. Just at this juncture I wish to explain that there were some features of the bill in which we did not concur, but I do not hesitate to say that we are so anxious for statehood that we will take great pleasure in voting for the bill, because we want statehood for these Territories, and we will vote for statehood for them, notwithstanding there are some things in the bill that do not exactly satisfy us.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] may have twenty minutes time in opposition to the bill, without coming out of the time on either side.

Mr. GILLETT. Mr. Speaker, somebody has a right to time in opposition.

The SPEAKER pro tempore. Any avowed opponent to the bill would have a right to control the time in opposition.

Mr. GILLETT. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Chair has already recognized the gentleman from Missouri, assuming that he was opposed to the bill, and is of the opinion that the gentleman from Missouri will yield the time to some one who is opposed to the bill, or some one who is opposed to the bill will be given time.

Mr. MANN. I renew my request, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] may have twenty minutes in opposition to the bill. Is there objection?

Mr. KEIFER. Will the gentleman from Missouri [Mr. LLOYD] still control twenty minutes time? If that be so, I do not object.

Mr. MANN. Oh, certainly. This is not intended to deprive the other gentlemen of their time.

Mr. GILLETT. I do not desire to rob the gentleman of his time.

Mr. LLOYD. Mr. Speaker, in view of this suggestion, I hope the gentleman will take his time.

The SPEAKER pro tempore. Does the gentleman from Missouri yield?

Mr. LLOYD. No.

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. KEIFER] object to the request for unanimous consent?

Mr. KEIFER. I shall not object, with the understanding that the gentleman from Missouri still controls twenty minutes.

Mr. MANN. That is the reason for my request.

Mr. KEIFER. Understanding that to be so, I do not object.

Mr. MANN. That will be twenty minutes in addition.

The SPEAKER pro tempore. If there be no objection, the gentleman from Massachusetts [Mr. GILLETT] will be recognized for twenty minutes.

Mr. LLOYD. Mr. Speaker, I reserve the remainder of my time.

Mr. GILLETT. Now, Mr. Speaker, I have no purpose or desire to discuss this question myself, but I do want opposition to this bill expressed, and therefore if there is anybody in the House who would like to have me yield time to him to oppose the bill, I will be glad to do so.

Mr. HAMILTON. The gentleman states that he is opposed to statehood for these Territories. I want to call his attention

to the provision of the Republican national platform of 1908, which I assume the gentleman approves, which declares:

We favor the immediate admission of the Territories of New Mexico and Arizona as separate States in the Union.

Mr. GILLETT. Mr. Speaker, if nobody else is opposed to the bill, I certainly am, and while I was not expecting to take part in the debate, yet if there is no one else ready to state the argument against it, I will do it. I am aware of what the gentleman from Michigan states—that the platforms of both political parties declare in favor of statehood, but I suppose everybody here admits on one side and the other that they are not bound by every statement of their political party. A political party can not expect in its national platform to state the opinion of every member of the party, and for one, at the time when the platform was adopted and now, I am opposed to statehood for the two Territories.

I was opposed to it six years or more ago when the question was agitated in the House. I examined the question then, and I was firmly of the opinion that it was a mistake to grant statehood. I have not investigated it since, but I have just sent for the report of the committee, and, to my mind, that report on its face shows that this bill ought not to pass.

The only accurate information that they have as to population shows that in one of the Territories there is a population of 1.1 persons to a mile—

Mr. HAMILTON. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. HAMILTON. The gentleman will recollect that that was the census of 1900—

Mr. GILLETT. Oh, I know all about that.

Mr. HAMILTON. I want to say to the gentleman now that by the best information obtainable the population of Arizona has increased 75,000, so that its population now is over 200,000, and the population in New Mexico has increased until it is now 450,000.

Mr. GILLETT. Mr. Speaker, that is what the gentleman says in his report, and I confess that I was somewhat amused by the statement of the "best information obtainable." The information he has obtained is information from the claimants.

He keeps saying in the report "the governor estimates" so and so, and the committee accepts as their statement of facts the estimates of the governor.

Now, see just how accurate that estimate of the governor is. I notice in one place the governor estimates—I will read from the report:

There is no reason to suppose that the present illiteracy is any greater than it was three years ago, when it was estimated by the governor to be not more than 1 per cent.

That same governor estimates the population as 69 per cent American, 13 per cent Mexican, 11 per cent Indians, and 6 per cent other foreign nationalities. Do you think, out of this 11 per cent of Indians, only 1 per cent is illiterate? And yet if we admit that only 1 per cent of this 11 per cent are illiterate, then by the governor's estimate, if it is correct, every one of the 69 per cent of the Americans, 13 per cent of the Mexicans, and 6 per cent of other nationalities must be literate.

It is ridiculous on its face that there is only 1 per cent of illiteracy. That is the gentleman upon whose authority the chairman of the committee now says he bases his estimate and information.

Mr. HAMILTON. If the gentleman will yield I want to call attention to the statement made in the governor's report that the school census taken in August, 1908—

Mr. GILLETT. I have read your report.

Mr. HAMILTON. But this is the governor's report. He says there were 93,894 children of school age. Does the gentleman deny the probability that they have a population of 450,000?

Mr. GILLETT. I am talking about the possibility that the governor upon whom you base your statement is a reliable authority as to illiteracy.

Mr. HAMILTON. This is the school census report.

Mr. GILLETT. But the gentleman from Michigan is trying to divert me from the other discussion, and I do not blame him. The governor's statement is preposterous.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. STEPHENS of Texas. Would the gentleman accept the record of the General Land Office of the Government to be correct where it says that about 17,000 settlers have actually taken homesteads in New Mexico since these reports were written?

Mr. GILLETT. That seems reasonable. That is very different from this statement of the governor upon which the committee bases its statement. Suppose other committees of this House took as the basis of their statement of facts the state-

ments of the claimants that come before them. What sort of legislation would we have? Suppose it is a fact; suppose the governor's estimates are true; suppose there are 200,000 people in Arizona and 400,000 in New Mexico to-day, of which we have no authentic evidence. Even if it is true I think it is preposterous to give statehood to these two Territories. That means in one State two persons to the square mile and in the other three persons to the square mile. I do not think we ought to admit any State into the Union which gives a larger representation in the United States Senate than it gives in the House of Representatives.

There is no great urgency why these people should have citizenship in the United States. They have local self-government, and the only reason, I suppose, that anybody would advocate giving it to them now is because they think these Territories are going to rapidly develop. We have been told for the last twenty years that they were going to rapidly develop. Every time they have come before Congress asking for statehood—and it has been often—it has been stated with the voice of prophecy that they were rapidly growing Territories, and that they would soon show such a population that they would be entitled to be States. They have not shown it yet, and I think, inasmuch as there is no immediate pressure, it is well to wait until they do show that growth. The other States to-day average over a million and a half of population each, and I do not think it is fair to the other States to let in two States, one of which on the greatest claim they make has a population of only 400,000 people, and the other of 200,000. It is not fair to let them in on an equality with the other States, and give to each of them two seats in the United States Senate.

Mr. HAMILTON. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. HAMILTON. The gentleman referred to illiteracy. I want to ask him if he is aware that, according to the last national census, Arizona was given the lowest percentage of illiteracy of any State or Territory in the Union? A great many, a large percentage, of the population come from your New England States, where you take some pride, as I understand it, in the fact that you are able to read and write and speak the English language correctly.

Mr. GILLETT. But we do not have any condition such as has been just outlined by the gentleman from Texas [Mr. STEPHENS], as shown by the fact that he wants to put in the bill a provision which will say that the jurors must be able to understand the English language. He stated that the lawyers' arguments have to be translated to the juries, and that it is very embarrassing for a lawyer in a case, because they have always to have interpreters. We do not have any such condition as that. I do not think a State ought to have such a condition when it comes into the Union. Now, as to the future probabilities of the State, Arizona is said in this report to depend largely upon its mining wealth. That, to my mind, is something of an objection.

I do not think that mining camps are the very best basis out of which to form a State. They do not contain the most orderly citizens, as a general rule, and, moreover, the future prospects of mines are very uncertain. You can not be sure that that is going to develop. There is no such basis as there was for the great agricultural States which were admitted, of course, so many times, because it was expected that their population was going to increase. To be sure, the report of the committee does say that Arizona has a great agricultural future, but that all depends upon irrigation. We do not know whether there is water enough for that irrigation. That has still to be proved. Inasmuch as there is no haste, I think we had better wait until we know, and not let them in on the assumption and presumption that they are going to develop, as we have been told year after year that they would, and as they have not.

Mr. HAMILTON. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. HAMILTON. In relation to irrigation projects, I desire to say that in every county of New Mexico except two irrigation projects are in progress or are proposed.

I want further to call to the gentleman's attention, on this question of foreign population, the fact that I think he must have forgotten that Boston, for instance, has 35 per cent of foreign-born inhabitants, Salem 30.3 per cent, and Gloucester 33 per cent of foreign-born population.

Mr. GILLETT. The gentleman's pronunciation of the last-named city would indicate that he had a little of the foreigner in him.

Mr. HAMILTON. Oh, no man from the West can pronounce those names as you gentlemen who are native to the soil can.

Mr. GILLETT. I do not carry in my mind those percentages of population. The capacity for self-government of the city of

Boston I do not feel very proud of—this week, at least. [Laughter.] I notice the gentleman's report speaks of the great resources of New Mexico, and mentions the 9,000,000,000 tons of coal in the Territory. We do not know how valuable that coal is. You might as well say that there are 9,000,000,000 tons of ice in Alaska.

Mr. HAMILTON. But the Geological Survey states that.

Mr. GILLETT. There are 9,000,000,000 tons of ice in Alaska, and a ton of ice is sometimes as valuable as a ton of coal. You must get it to the market, and it has to be good, and we do not know whether this is or not. The gentleman has put forward in his report facts which do not to my mind justify the certainty of the development that we ought to demand in either of these two States.

Mr. HAMILTON. Yet, in the conservation of the coal resources of Alaska and the West, it is pretty generally understood that the returns of value of coal in the ground are fairly accurate and that they can be depended upon.

Mr. GILLETT. The gentleman is wise enough not to try to estimate the value of them in his report.

Mr. HAMILTON. I supposed every intelligent gentleman would be able to estimate the value, having been given the amount.

Mr. GILLETT. I suppose it depends on the quality and accessibility of the coal.

Mr. STEPHENS of Texas. Is the gentleman familiar with the fact that in the government report they say that they have surveyed reservoirs in both New Mexico and Arizona, running into an expenditure of \$12,000,000, and that these officers are under bond and oath, which when completed will furnish homes for a great many thousands of the people of the United States?

Mr. GILLETT. Mr. Speaker, I am not familiar with it, except what the committee report on that subject. That is problematical. We do not know, until these projects have developed, whether we will have water or not; and the point to my mind is, we had better wait until we have tried them, and find out whether they are really going to be successful, as claimed.

Mr. MANN. May I say to the gentleman that if we are no more fortunate about the admission of States than about reclamation schemes the promises will not be fulfilled, because we were told they would need no more money than the money provided in the original reclamation act. Now, before any project is finished, they want \$30,000,000 more and break the original contract.

Mr. REEDER. They do not need any more money.

Mr. GILLETT. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Massachusetts has five minutes remaining.

Mr. GILLETT. Mr. Speaker, I had no idea of consuming this time. To me the fundamental objection is this, that one of these States, even upon the most favorable statement, has only 200,000 people, which makes it less than two persons to the square mile. That puts two Senators in the United States Senate and one Member in the House of Representatives. I do not think any State ought to have more Senators than Representatives—

Mr. FERRIS. Mr. Speaker, will the gentleman yield to me for a short statement?

Mr. GILLETT. Not for a statement.

Mr. FERRIS. It is pertinent to this point.

Mr. GILLETT. I would yield for a question, but not a statement. That is one of the fundamental objections I have to the bill that they have not at present the requisite population. Nor have they the certainty of development which they ought to have.

Mr. BARTHOLDT. Will the gentleman permit a question?

Mr. GILLETT. Yes.

Mr. BARTHOLDT. Has my friend from Massachusetts ever visited these Territories?

Mr. GILLETT. I have not.

Mr. BARTHOLDT. He seems to me to be a doubting Thomas as to whether they ought to be taken in or not and—

Mr. GILLETT. There is a difference of opinion among those who have visited them, but the fundamental objection, I was saying, is the lack of population; secondly, there is no such certainty of development as shown by their recent past development, and shown by the nature of the lines along which they are expected to grow that insures that they will even grow in population with the rest of the country. The other States average 1,500,000 population, and we ought not to let in States averaging only 300,000. Mr. Speaker, I reserve the balance of my time.

Mr. LLOYD. Mr. Speaker, I am not surprised at all at the remarkable position that has asserted itself here to-day. The general supposition was in the Committee on Territories that every Republican especially would be voting for this bill, because it was understood that the President of the United States was for it. The last Republican platform made the positive declaration in favor of it, and I do not understand how a genuine regular Republican should rise on his feet in opposition to this very important bill. [Applause.]

Mr. COX of Indiana. Will the gentleman allow me to ask him a question, and that is if President Taft in his tour through the South did not promise these people statehood?

Mr. LLOYD. Yes. But, Mr. Speaker, the matter is made perfectly plain after the gentleman has asserted himself on his feet. He says he has not visited these Territories and knows nothing about the situation. That is the only excuse that can be made—

Mr. GILLETT. I wish to correct the last part of the gentleman's statement. I made no such statement that I knew nothing about the question.

Mr. LLOYD. I beg the gentleman's pardon, perhaps that was inferential. [Applause.]

Mr. GILLETT. I simply took it from the committee's report, that is all.

Mr. LLOYD. Now, Mr. Speaker, there can be no question of this fact, if the gentleman wishes to inform himself, that in banking interests alone the Territories both of Arizona and New Mexico have trebled in ten years; and you do not have to go back ten years to find out that. I think I may safely inquire whether it be true that the banking interests of Massachusetts have trebled in the last ten years? If you will inform yourself with reference to the population you will find that in the vote for 1908 for Delegate there were more than twice as many votes cast as in the election of 1900 for Delegate; so that the voting population had more than doubled in eight years instead of ten years.

You can follow this up in any direction and you will ascertain the fact that these Territories have increased marvelously, and there is no reason for refusing to admit them to statehood because they have not advanced. If any individual will go down and visit those Territories, he will be astonished at their development, and he will not come back and make any such statement as the gentleman from Massachusetts has made as an excuse for denying them statehood. I concede the gentleman from Massachusetts has a perfect right to make the statement he has, because he does not know. I wish now to yield to other parties.

Mr. FOSTER of Illinois. I just wish to ask the gentleman a question.

Mr. LLOYD. I yield to the gentleman.

Mr. FOSTER of Illinois. I notice in the report that you fix the capital of New Mexico as Santa Fe until 1915?

Mr. LLOYD. Yes, sir.

Mr. FOSTER of Illinois. Is it a fact that the citizens of Santa Fe, N. Mex., built the present state capitol and paid for it themselves, or largely so?

Mr. LLOYD. I do not know about that; I have no knowledge on that subject. I yield to the gentleman from Tennessee.

[Mr. HOUSTON addressed the House. See Appendix.]

Mr. LLOYD. I now yield to the gentleman from Maine [Mr. GUERNSEY].

Mr. GUERNSEY. Mr. Speaker, the arguments presented by the gentleman from Massachusetts [Mr. GILLETT] are strikingly similar to the arguments advanced by a distinguished citizen and Senator from his State in 1848, when the acquisition of New Mexico and California, through the treaty between this country and Mexico, was being discussed before the United States Senate.

The distinguished and brilliant Senator from Massachusetts opposed the acquisition of that Territory on the ground that it meant additional United States Senators. The gentleman from Massachusetts [Mr. GILLETT] raises that question here to-day in opposition to the Territories of Arizona and New Mexico being admitted as States. The gentleman from Massachusetts raises the question as to whether these Territories are desirable to take into the Union. He questions the resources of the Territories and the desirability of their citizens.

Mr. Webster, in his speech in 1848, raised the same objections that the gentleman from Massachusetts presents to us now. It was charged at the time, that while Mr. Webster opposed the acquisition of the country generally, on the ground that it was undesirable to acquire, still he favored the acquisition of a harbor or two on the coast of California for the

accommodation of some two hundred whalers from Massachusetts that were pursuing their occupation in the Pacific Ocean. Mr. Webster declared that the resources of the country were worthless; that it was not worth a dollar. Yet later, in 1848, and after his opposition, gold in large quantities in California was discovered; and with the population that afterwards poured into that country, if we had not taken it then, we would forever have been prevented from acquiring the great Pacific slope. [Loud applause.]

In the United States Senate, on March 23, 1848, Mr. Webster said:

I am against all accession of territory to form new States. We admitted Texas—one State for the present—but, sir, if you refer to the resolution providing for the annexation of Texas, you find a provision that it shall be in the power of Congress hereafter to make four new States out of Texan territory. Present and prospectively, five new States, with ten Senators, may come into the Union out of Texas. Three years ago we did this; we now propose to make two States. Undoubtedly, if we take, as the President recommends, New Mexico and California, there must then be four new Senators. We shall then have provided, in these Territories out of the United States, enough to send fourteen Senators into this Chamber.

But then, sir, suppose Texas to remain a unit and but one State for the present, still we shall have three States, Texas, New Mexico, and California. We shall have six Senators, then, for less than 300,000 people.

As to the desirability of the people of the country, Mr. Webster in his speech said:

As to New Mexico, its population is not likely to increase. It is a settled country; the people living along in the bottom of the valley on the sides of a little stream, a garter of land only on one side and the other, filled by coarse landholders and miserable peons. It can sustain, not only under this cultivation, but under any cultivation that our American race would ever submit to, no more people than are there now. There will, then, be two Senators for 60,000 inhabitants in New Mexico to the end of our lives and to the end of the lives of our children.

Forty-nine fiftieths at least of the whole of New Mexico are a barren waste, a desert plain or mountain, with no wood or timber. Little fagots for lighting a fire are carried 30 or 40 miles on mules.

And how is it with California? We propose to take California from the forty-second degree of north latitude down to the thirty-second. We propose to take 10 degrees along the coast of the Pacific. Scattered along the coast for that great distance are settlements and villages and ports, and in the rear all is wilderness and barrenness and Indian country.

I have never heard of anything, I can not conceive of anything, more ridiculous in itself, more absurd, and more affrontive to all sober judgment than the cry that we are getting indemnity by the acquisition of New Mexico and California. I hold they are not worth a dollar, and we pay for them vast sums of money.

It is fortunate that the views of Mr. Webster did not prevail. Had they prevailed the history of our country would have been far different. We would not have been able to refer to our great domain extending from the Atlantic to the Pacific. Instead, the Republic of Mexico, larger in territory, more populous, and more powerful than now, would have looked down on us from the west and would have cut us off from the Pacific Ocean.

The great Senator from Massachusetts was wrong in his views. Every thinking man must concede that to-day, and they did not prevail. The gentleman from Massachusetts [Mr. Gillett], I respectfully submit, is wrong in his views in opposing the admission of these Territories into the Union, and I do not believe they will prevail in the House.

Now, let us look at these applicants for membership to the family of States—possibly the last applicants that will ever be admitted into the Union—and see what they have to offer and what they have to bring with them. From the best information obtainable there is probably a population of 400,000 people in the Territory of New Mexico to-day, as against the 60,000 that Mr. Webster predicted as the limit, or 600,000 people as against the limit of 60,000, if we include Arizona, which, at the time of Mr. Webster's remarks, was largely included in what was then New Mexico, and they are a thrifty and progressive people that are rapidly increasing in number.

The hearings before the Committee on Territories offered an opportunity to learn much about the people, their condition and industries.

The Territory of New Mexico is 360 miles north and south by 346 miles east and west, and contains 122,580 square miles, or 78,451,200 acres, within its bounds. Hon. Francis W. Clements, first assistant attorney in the office of the Assistant Attorney-General, testified there had been set apart for national forests 10,971,700 acres. That in addition to Indian reservations, representing 1,829,000 acres, while lands have been set apart for irrigable lands in reclamation projects to the extent of 260,000 acres.

The governor of the Territory estimated that an actual valuation of property within the Territory would represent more than \$300,000,000. In addition to this actual valuation of property subject to taxation there are many homesteads under cultivation and many mining claims where patents have not yet been issued and which are still exempt from taxation. There

are probably 400 miles of railroad recently constructed and exempt from taxation for six years. It is estimated that there are nine billions of tons of coal in the Territory. The value of these resources, not yet subject to taxation and of undeveloped resources, is estimated to be not less than \$500,000,000.

The school census taken in 1908 showed 93,894 school children of school age. The Territory has an excellent school system, the buildings alone being estimated to be worth \$1,000,000. It is stated that there are over 50 sectarian schools conducted by the various religious denominations, with an enrollment of over 6,000 pupils.

All the territorial institutions and the public school system of New Mexico have been built and sustained by the Territory, without the aid of the Federal Government, except by the usual grant of sections of land for common school purposes and by grants of land for territorial institutions.

The university of the Territory has buildings and land valued at \$117,000; an agricultural college valued at \$240,000; military institute, \$200,000; reform school, \$25,000; penitentiary, \$278,000; normal schools, \$200,000; insane asylum, \$189,000; deaf and dumb asylum, \$38,000; miners' hospital, \$38,000; school of mines, \$82,000; blind asylum, \$38,000; capitol buildings, \$370,000.

In New Mexico agriculture is mainly conducted by irrigation along the river valleys of the San Juan, Rio Grande, the Mimbres, the Canadian, the Cimarron, the Gila, the Pecos, their tributaries, and some smaller valleys, although dry farming has developed extensively in the eastern counties of the Territory.

Within the Territory there are probably 3,000 miles of railroad in operation, of which about 2,600 miles are subject to taxation. There are maintained within the Territory 10 daily newspapers, and it is estimated there are in addition 100 weekly newspapers.

Within the Territory there is an excellent system of banks, 41 of which are national, 26 territorial, and 4 stock savings banks, which, according to the reports to the National Monetary Commission, on April 28, 1909, had a total capitalization of \$3,077,102, a surplus of \$716,600.26, and undivided profits of \$552,420.41, making a total of \$4,346,122, while the aggregate resources of the 71 banks was \$23,007,348.79.

All the evidence seems to warrant the admission of these people to the Union.

Let us take a look at Arizona. Arizona was a part of the territory that was acquired from the Republic of Mexico by the treaty of Guadalupe Hidalgo February 2, 1848, and by the Gadsden purchase of December 30, 1853, and was a part of the Territory of New Mexico, from which it was separated and organized into a Territory in 1863, and formed a very large part of that territory that Mr. Webster condemned in his speech March 23, 1848.

It is 378 miles long by 339 miles wide and contains 112,920 square miles, or 73,000,000 acres, and it is believed that the census of 1910 will show that it contains a population of not less than 200,000. It has grown rapidly since the census of 1900, as indicated somewhat by the receipts of the first and second class post-offices in the Territory.

In 1900 the aggregate was \$85,417, while in 1908 the total receipts amounted to \$229,642, an increase of 168.8 per cent. Former Governor Kibbey estimated the population to be 69 per cent American, 13 per cent Mexican, 11 per cent Indians, and 6 per cent other foreign nationalities. The percentage of American population certainly would bear a very favorable comparison with American cities.

The governor of the Territory last year estimated the actual value of the property in the Territory to be more than \$450,000,000, and he stated that it was a conservative estimate of the value. Items of the valuation were as follows:

Mining property in the Territory, at.....	\$250,000,000
The railroads, I think, are worth.....	60,000,000
Agricultural lands and improvements.....	40,000,000
Town lots and improvements.....	30,000,000
Live stock.....	18,000,000
Banks.....	3,000,000
All other property.....	50,000,000

Making a total of..... 451,000,000

And in making this valuation he stated that he had left out all the undeveloped and nonproductive mines, of which there were many of great value.

The producing mines in the Territory are not confined within any one district, but are scattered over a large extent of the Territory. New country is being developed wherever facilities for transportation are afforded. Within the Territory are vast extents of forests, which will be a source of great wealth.

Quoting the Hon. Francis W. Clements again in his testimony before the committee, it appears that within the Territory of Arizona there are national forests covering 15,250,130

acres, Indian reservations extending over 19,671,000 acres, irrigable lands in reclamation projects to the extent of 300,000 acres; total irrigation projects now in construction on the Colorado, near the Yuma, and on the Salt at Roosevelt will cost in the aggregate about \$9,000,000, which will reclaim lands that will be very valuable for agricultural purposes and support a very large population.

That the forest reserves are capable of producing large returns to the Government under proper system of forest management, and afford a strong argument for national forest reserves elsewhere, is indicated by the testimony of Hon. George W. Woodruff, Assistant Attorney-General, who testified as follows:

The CHAIRMAN. Can you give us any idea of the value per annum of the proceeds of the forests in Arizona?

Mr. WOODRUFF. I have that here. The proceeds from all the national forests, in round numbers, were \$73,000 in the fiscal year 1905, \$760,000 for 1906, and \$1,570,000 for 1907, and \$1,842,000 for 1908. The reason why it did not keep on jumping up was on account of the panic, which will affect the receipts this year also. This year the receipts would be over \$3,000,000, except for the panic, which stopped timber sales.

Undoubtedly agricultural development within the Territory will be dependent very largely on successful irrigation, yet it is believed that the methods of dry farming employed in other parts of the country may be employed in Arizona.

The Territory has two normal schools, with buildings and property valued at \$300,000; it has a university in connection with which are various other schools, such as a military institute, college of mines, and agricultural and mechanical college, with buildings and other property valued at \$245,000; an insane asylum, with buildings and other property valued at \$222,000; a territorial prison, with buildings and other property valued at \$136,000; and an industrial school, with buildings and other property valued at \$35,000. The capitol building, with the land upon which it stands, is valued at \$160,000.

There are approximately 1,900 miles of railroad in operation at the present time, as against 1,400 miles three years ago.

The Territory has an excellent banking system, there being 48 national, territorial, and private banks, with an aggregate capital of \$2,013,200; surplus, \$1,130,886.92; and an undivided profit of \$519,031.93, making a total of \$3,663,117, with aggregate resources amounting to \$20,970,392.03.

In view of all the evidence as to the population, business, and thrift of the people of these Territories there seems to be no valid objection to their now being admitted into the Union as States after the long struggle that they have maintained to this end. Both of the great political parties in the last campaign respectively pledged themselves to the admission into the Union of New Mexico and Arizona. President Roosevelt during his term of office repeatedly urged their admission. President Taft in his recent annual message urged upon this Congress the enactment of the necessary legislation to admit these Territories into the Union as States.

The party pledges should be fulfilled. The Territories should be admitted.

I for one hope to see this legislation go through and the President's signature affixed as its final approval.

Mr. LLOYD. I now yield to the gentleman from Texas [Mr. RUSSELL].

[Mr. RUSSELL addressed the House. See Appendix.]

Mr. LLOYD. I now yield two minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, I desire to reply briefly to what the gentleman from Massachusetts has stated in opposition to this bill. I believe the gentleman was here in this House a few years ago—

Mr. REEDER. Mr. Speaker, I desire to have ten minutes' time to speak on this bill.

The SPEAKER pro tempore. The gentleman from Texas has the floor.

Mr. STEPHENS of Texas. Mr. Speaker, I understood the gentleman from Massachusetts [Mr. GILLET] to say that he was present when this bill was before the House several years ago. I presume that he voted for the bill joining the two Territories and making one State of them. I do not wish to misrepresent the gentleman about his position at that time, and if I am wrong he can correct me, as he is present now. I believe that the records will show that he was one of the gentlemen who voted for the bill to make a single State of the two Territories, so that the two Territories would have but two Senators—one for each Territory.

Now I will ask him if he did not think that was an injustice to the western portion of the United States? Mr. Speaker, let us count the States from the mouth of the Mississippi River across the continent and up to British America. Texas is one State; and if Arizona and New Mexico had been made another

State, as the gentleman by his vote endeavored, we would have had but two States across the south end of this continent; California, three; Oregon, four; and Washington, five States. From British Columbia down to Mexico on the south and around to the mouth of the Mississippi River is more than two-thirds of the circle from Maine to Washington. These five States would have been represented by only 10 United States Senators. From the mouth of the Mississippi River around to Maine we have bordering the Gulf of Mexico and the Atlantic Ocean 16 States, thus giving this border 32 United States Senators. Again, Mr. Speaker, more than two-thirds of the territory of the country is west of the Mississippi River, while more than one-half the States are east of it. Does not the gentleman think that it would be fair to the West to give us these two States while we are building States that will stand forever, so as to equalize to some extent the power the East has over the West in the United States Senate?

The population is always changing from the East to the western country, so that before many decades we will outvote the East. We do not presume that we will always have political parties divided along the same line that we now find in this country. We are making history in creating these new States, and we should have the political power of the United States Senate better distributed. It is unfair to the West for New England—with a territory much less than either of the proposed States—to try to defeat this statehood bill. New England has 6 States and 12 Senators. Why should she not be just and broad enough to give 4 Senators to all this great territory? The people of the South and West only ask for what they honestly conceive to be right and just from the rest of this country when they ask this Congress to give statehood to New Mexico and Arizona.

Mr. Speaker, I am glad to again vote for their admission into the sisterhood of States, and I am proud to state that every Democrat on this floor will enthusiastically and earnestly—as they have always heretofore done—support this bill. I am glad that the party in power has been reluctantly driven by the overwhelming sentiment of the American people to give statehood separately to New Mexico and Arizona, instead of making but one State of the two Territories, as they for political reasons tried to do in the last Congress. The people of the great West owe a debt of gratitude to Mark Smith, then the Democratic Delegate from Arizona, and the voters of that whole Territory for overwhelmingly voting down that iniquitous single statehood proposition.

Mr. GILLET. Do the Senators represent territory or do they represent men?

Mr. STEPHENS of Texas. Under the Constitution of the United States they are to represent States, and they will represent these Territories that are to be created into States. Had the gentleman been here when the Territory of Dakota was divided, I presume he would have voted for the creation of the States of North and South Dakota and the sending of four United States Senators from the States made out of this one Territory; but coming on the south side of the United States, along the Mexican border, he would put two Territories together as one State and only have two United States Senators to represent two Territories. Is that fair? Is that just? If he would treat New Mexico and Arizona as his party treated Dakota Territory, and divide each of them and make two States out of each, then we would have four States along the Mexican border, with eight United States Senators. The entire West demands more representation in the Senate of the United States; because of its fast settlement and development we are in need of a great amount of legislation in that part of the country, and we—the representatives of the West in Congress—will and should stand together there in order to get justice at the hands of our Government in the way of a just distribution of political power and the benefits that flow therefrom.

Mr. LLOYD. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Speaker, if the contention of the gentleman from Massachusetts [Mr. GILLET], namely, that States should not be admitted into the Union and given two Senators when they have only one Representative were followed out, you would not only have to change the Constitution of the United States, but you would have to change the whole scheme of Federal Government as planned and intended by our forefathers, and which has assisted to balance the two powers—state rights and centralization—for more than a hundred years. Now, I am for the admission of Arizona and New Mexico as States, and I am going to vote for this bill, as I would any bill giving self-government to a competent people, but I want to say to the gentlemen who have reported this bill that you make a

strong draft on my patriotism as a citizen of the United States when you expect me to vote for a bill which excludes Indians from the privilege of suffrage simply because they are not taxed. The fact of not taxing an Indian is no test of his ability to exercise the privilege of suffrage. Why, in my State none of the Indians were taxed on their allotted lands when the statehood bill was passed, yet you permitted them all to vote. The same statement applies to the States of Idaho and Wyoming, but now you are harking back to the days of the warpath, when the Indian was wont to wage cruel and relentless warfare, just as his civilized pale-faced brother is in the habit of doing to-day.

The time was when the plan was to separate the Indian from the white man, to build a Chinese wall around him, as it were, excluding him from the privileges of the white man and keeping him tied down to the reservation. The very purpose of the Indian Department of this Government is to make competent and self-reliant citizens of the Indians. Now, how are you going to make him a citizen unless you make him one? How can you make a citizen of a man and still hold from him the privilege of voting, the privilege of expressing his choice upon men and measures, which is the dearest of all privileges to the civilized, liberty-loving citizen?

Mr. HAMILTON. Does the gentleman from Oklahoma understand that all Indians become citizens as soon as they can conform to certain requirements? They do not even have to sever their tribal relations.

Mr. CARTER. Oh, yes; I understand that perfectly well; but that does not get to the point covered by your bill. You deprive the Indian of the privilege of voting simply because he is not taxed, when the mere fact of giving him suffrage, making him a citizen to all intents and purposes, would be one of the strongest influences to induce him to rise and meet the responsibilities of such citizenship.

Mr. HAMILTON. He has the power in his own hands to become a citizen under existing law.

Mr. CARTER. That, of course, is true; but I have found out that when you make an individual Indian a citizen, by permitting him to stand out alone and take the oath of allegiance to the United States, a certain amount of prejudice is created against him by all those who do not take such oath. This prejudice is eliminated when they are all made citizens at one and the same time. Furthermore, the Indian is the original inhabitant of this country; he is the aborigine. Out of his vast domain has been carved one of the greatest republics that this world has ever seen. Is there any sane reason why this man who has contributed so much to this great Republic should be required to make an individual application and swear allegiance before he is made a citizen of that great Republic? How long, Mr. Speaker, will this thing continue? How long shall we place ourselves in this false attitude of preparing them for citizenship, of promising them citizenship, of continually holding out a prize to them, and yet continually keeping the goal just out of their reach? As I said before, Mr. Speaker, I expect to support this bill, but I expect to support it because I have been given to understand that it will be amended so as to give the Indian full and complete citizenship in Arizona and New Mexico, so as to deal squarely and frankly, and not withhold the right of suffrage from any citizen who is competent to exercise it.

Mr. LLOYD. I yield three minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I take this time for the purpose of asking the chairman of the Committee on the Territories a question in regard to the provision on page 11 and a provision on page 32. Those two provisions make permanent annual appropriations. For the purpose of having the record show the necessity for those permanent appropriations and the extent of them, I desire to ask the gentleman from Michigan to make an explanation of them.

Mr. HAMILTON. In practice they would not constitute a draft upon the Treasury. The bill provides for the granting to the proposed State of four sections in each township—sections 2, 16, 32, and 36. Where those sections fall within forest reservations permission is given to the State to take lands in lieu of those sections outside the forest reservations, if they desire so to do; but if they do not take lieu lands, but retain the four sections within the forest reservations, then it is provided that the Federal Government, in the administration of the forest reservations, shall administer also those sections which fall within the reservations; and because they constitute one-ninth of each township, it is provided that the States may have one-ninth of the income for the administration of the forest reservations.

Mr. TAWNEY. Then, if I understand the gentleman, the proceeds from the administration of the forest reservation in each township are all paid into the Treasury of the United States to the credit of the general fund?

Mr. HAMILTON. Yes.

Mr. TAWNEY. And one-ninth of those proceeds is appropriated for the benefit of the State, to be credited to their school funds.

Mr. HAMILTON. For the use of their own lands.

Mr. TAWNEY. So there can be no appropriation of any fund in the Treasury of the United States except one-ninth of the proceeds derived by the Government from the administration of the Forestry Service in each township where the States accept the direct appropriation from the revenues instead of accepting the lieu lands.

Mr. HAMILTON. I stated that it was their own land, but it would not be their own land until the reservation is declared off.

Mr. TAWNEY. After they make their election. If they selected the revenue instead of the lieu land, they would get one-ninth from the proceeds.

Mr. MANN. Can they keep the forest reservation until the timber is cut off and then get one-ninth and get the lieu land afterwards?

Mr. HAMILTON. By whom does the gentleman mean that the timber may be cut off? The State would have the proceeds of the forest and would have the land when the reservation was abandoned.

Mr. MANN. They may cut off all the timber on a place.

Mr. HAMILTON. It would have to give them the income of it.

Mr. LLOYD. I now yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I expect to vote for this bill, although it creates two new States out of territory that is not very thickly populated. The regions of territory that will comprise these two States has waited about sixty-two years for admission after they were expected to be brought into statehood. Senator Thomas Hart Benton says that the war with Mexico was to acquire this territory to make into slave States at once. He says that those who got up that war did not want to have war only large enough for a treaty of peace to acquire territories from poor Mexico, but not large enough to make aspirants for the Presidency of the United States. If his statement is true, there was great disappointment. No part of any territory acquired from Mexico at the end of that war ever became slave, and Gen. Zachary Taylor was elected President in 1848, and Franklin Pierce in 1852, the latter defeating Gen. Winfield Scott the same year. Scott and Taylor were distinguished commanders in the Mexican war.

On February 2, 1848, the treaty of Guadalupe-Hidalgo was concluded. By that treaty the United States acquired Upper California and New Mexico Territories. The latter then included substantially all the present Territory of Arizona. Then it was expected that immediately New Mexico would be admitted as a State in the Union, where slavery would exist.

The representative of the United States at that treaty, Mr. N. B. Trist, in reporting what took place at the treaty, stated to the Secretary of State in a letter that the commissioners on the part of Mexico asked that there should be a proviso in the treaty that the territory ceded to the United States should be forever free, alleging as a reason that it was dedicated to freedom by Mexican authority. He said he responded to that in scorn by saying to the Mexican commissioners that rather than put that provision in the treaty he would decline to take any territory whatever; that he would not agree to it if the territory of Upper California and New Mexico were covered over 1 foot thick in solid gold; that it was to be dedicated to slavery. By the treaty of Guadalupe-Hidalgo we acquired these Territories, paying \$15,000,000 therefor, in addition to the cost of the war, and by the Gadsden purchase, paying \$10,000,000 more, we acquired, December 20, 1853, further territory from Mexico. The new States are made up mainly of the original Territory of New Mexico, but each will include some part of the Gadsden purchase.

Now, sixty-two years almost have elapsed, and we have come to dedicate it under the Stars and Stripes of this country, under new constitutional conditions, to eternal liberty. [Applause.] Not one foot of the Territories acquired from Mexico by treaty ever became slave. There is only one invidious thing in this bill, as I read it, and I do not know which way to apply it. That is the provision in section 3, applying to New Mexico, and likewise in section 20, applicable to Arizona, that prohibits in-

toxicating liquors being taken into Indian country or introduced there in any manner. This is the language used in both sections:

The sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian country are forever prohibited.

If this provision is not unjust to the Indians, why not make it applicable to the States to be created? Why not treat Indians and the citizens alike? [Laughter.]

Mr. REEDER. Mr. Speaker, I ask unanimous consent to talk ten minutes in relation to this bill.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that he may address the House for ten minutes on this bill.

Mr. BURKE of Pennsylvania. How much time is there left for general debate?

The SPEAKER pro tempore. Five minutes remaining all told. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REEDER. Mr. Speaker, I have always been in favor of separate statehood for Arizona and New Mexico, and I am now in favor of admitting them as States. Yet I would prefer to see this bill in its present form defeated. I presume, as has been suggested by several Members about me, we are now up against a stone wall as to being able to get any changes made in the bill. I desire to protest against the passage of a bill of this importance under such conditions. I have marked a number of places in the copy of the bill before me that clearly should be amended. I voted for separate statehood for Arizona and New Mexico when the bill was up for consideration before, because I know that the arguments used against this bill to-day are not well founded. I have been over these Territories and know them quite well.

The arable land of these Territories will support a much more dense population than even the most fertile of the older States. The soil in the great fertile State of Illinois will not sell for one-fourth the price per acre for its crop-producing value as much of the soil in these Territories.

Mr. HAMILTON. The gentleman refers to irrigation projects.

Mr. REEDER. I do; and by reason of irrigation the arguments of my friend from Massachusetts [Mr. GILLETT] are not well founded, in my judgment. I expect to see in these Territories settlements much more dense than any in Massachusetts of those who obtain their sustenance directly from the soil, and in the not very distant future. From such settlements come a very valuable citizenship.

Mr. GILLETT. Then could we not wait until we find out whether the gentleman is correct or not?

Mr. REEDER. We have been waiting a good many years now.

Mr. GILLETT. Yes; and they have not yet developed.

Mr. REEDER. These conditions have developed in many places in the West. Among them I would cite the gentleman to Twin Falls, Idaho; North Yakima, Wash.; Grand Junction, Colo.; and many other sections of the West.

Mr. GILLETT. That is not in New Mexico.

Mr. REEDER. No; and the cases cited are not in as good a climate as New Mexico or Arizona affords for dense rural settlements. I desired to object to the minimum price of \$3 per acre, because in the States of North and South Dakota, Montana, Wyoming, Idaho, and Washington the minimum is \$10 per acre, and the climate of New Mexico and Arizona makes these lands more valuable than those, where but one-half as much of a growing season is had.

Mr. HAMILTON. That does not include the irrigable land. There is a provision in relation to irrigable land.

Mr. REEDER. I understand that lands under irrigation projects are put at \$25. No one can tell at present which of these lands are irrigable. The Delegate from New Mexico [Mr. ANDREWS], who knows the Territories well, gave me an instance recently of land at Portales, in eastern New Mexico, where seemingly nonirrigable land, and of little value, suddenly became very valuable by means of the discovery of flowing wells. No one knows what is irrigable and what is nonirrigable land. The result is that speculators will get thousands of acres of land for this low price, and when its value becomes generally known they will sell it to settlers at great profit. The new States can well afford to hold lands when they are of little value and sell to settlers at a fair price when they are fit for homes for settlers.

Mr. HAMILTON. Will the gentleman yield for an explanation?

Mr. REEDER. Yes, sir.

Mr. HAMILTON. I doubt if the gentleman fully understands the purposes animating the committee in that respect. I want to say this—first, that we went over with great care with the officials of the department this provision, and finally we came to the conclusion that that land might be sold for much less than it is actually worth. It was testified that some of it is not worth 10 cents an acre. They say it takes 5 or 6 acres to feed a sheep and 25 acres to feed a cow, and that was land that would not lease for more than 2 cents an acre. Of the lands lying east of the one hundred and fifth meridian—that is, the east third of New Mexico—where this dry climate prevails, we provided they should not be sold for less than \$5 an acre; then the lands west of that should not be sold for less than \$3 an acre; and that they should be sold at public sale, so that everybody would have an opportunity to bid. We did that after most careful advice.

Mr. REEDER. Mr. Speaker, the gentleman from Michigan seems almost as badly mistaken in regard to this country as the gentleman from Massachusetts [Mr. GILLETT].

Mr. HAMILTON. Oh, no; I am not.

Mr. REEDER. Some of that land that is not worth 2 cents an acre may become very valuable because of some opportunity for irrigation that is not now known, as was the case at Portales. Speculators will not purchase these lands at any price until by some means they become valuable. Speculators evidently arranged this bill so that they can secure thousands of acres of these lands at a nominal price whenever they come to be valuable, and dispose of them to the settlers at a large profit. I would like to see that part of the bill amended so that while the new States can not realize on the lands of no value, that when they become valuable they can get a fair price for them, and I believe the States would be more likely to hold them until needed for homes. I believe it would be well to amend it, though I realize that the House is determined to pass this bill now, and its status on the floor will not permit of amendment. The Presidents of the United States for the last ten years, Mr. Roosevelt and Mr. Taft, have been endeavoring to repeal the timber and stone laws. A year ago we succeeded in getting a ruling from the Interior Department that minimum really means minimum in this law, and does not mean maximum, as was held by the department previous to that time, so that timber lands are now being sold under the timber and stone law for something near their value. But we have lieu-land scrip afloat that will take any of the timber land not in the forest reserves.

I know personally some land that will cut from thirty to forty thousand feet board measure, which has been sold at \$2.50 an acre under this law and since Secretary Garfield's ruling on the minimum feature of the timber and stone act. Lieu-land scrip is the most available method of securing the most valuable of our remaining public domain, and this bill sets afloat a few million acres more of this lieu-land scrip.

Mr. HAMILTON. Where is the lieu scrip?

Mr. REEDER. I will show the gentleman. Look on page 10, line 16. The bill says that sections 275 and 276 are hereby made applicable, and so forth.

Mr. HAMILTON. Does the gentleman know that the timber lands of Arizona and New Mexico are now in reservations?

Mr. REEDER. Not all of them.

Mr. HAMILTON. They are.

Mr. REEDER. The President in his recent conservation message urges the repeal of this timber and stone act, which indicates that he thinks there is yet sufficient timber open to entry under this law to make its repeal advisable.

Mr. HAMILTON. I think they have got all the timber and something besides.

Mr. REEDER. No doubt some reserves contain land which should be returned to the public domain. I think this is true. I expect some of the land in our forest reserves ought to be segregated and opened for settlement. Though this does not prove that much valuable timber is not yet subject to entry under this iniquitous law.

Mr. HAMILTON. I want to say further that the Secretary of the Interior declared that these lands—

Mr. REEDER. Oh, Mr. Speaker, I will have to ask the gentleman to come and see me privately and talk this question over; I desire to occupy a few moments now in talking to the Members of the House.

The State may relinquish lands previously disposed of in any way that would have come under these immense grants, and with the scrip herein provided a purchaser of the scrip may select nonmineral lands of equal area in lieu thereof. Lieu-land scrip, the medium by which so much of the public domain is to-day going into the hands of speculators, is augmented by

this bill to the tune of several million acres, and we ought not to pass this bill without the privilege of amending it by striking out this proposition, at least.

Mr. HAMILTON. Will the gentleman yield?

Mr. REEDER. I really have not time to yield further. There are quite a number of provisions in this bill in regard to the public lands which ought to be stricken out, for the reason that they are arranged for disposing of the land in such a way that the speculators will get the land, and the people who want to make homes in that country will pay the speculators high prices for the same when they need it for homes. We have not passed a law in recent years that will give the land grabbers as large an opportunity as this bill.

The history of the older nations of the world in their bitter experience resulting from forest destruction should teach us the importance of following the lead of President Roosevelt, President Taft, and Gifford Pinchot and other earnest, far-seeing men, who are and have been laboring so incessantly to prevent this Nation from making the deplorable mistake of forest destruction, which has cursed many of the earlier peoples.

We should see to it that all of our land, east and west, north and south, not fit for agriculture because of the roughness of its surface be occupied by valuable varieties of trees and protected from fires.

From our experience in this House since the passage of the national irrigation law, in 1902, we will require a good deal of energy and shrewdness to prevent speculators from bringing the curse of alternate droughts and floods upon us, which have always followed the denuding of forests.

President Roosevelt did much to prevent this vandalism by the creation of great forest reserves. And many and loud are the curses heaped on this policy by those who desire to loot this timber supply regardless of the deprivation it would bring to future generations. Our forests cared for as Germany, France, or Switzerland have been caring for theirs for the past fifty years will insure us ample forest products for all time, and at the same time protect our stream flow, prevent erosions of the soil, and thus preserve our water powers.

These water powers are the source of our heat, light, and power for the future. The destruction of our forest cover of the hills and mountains is to a large extent the destruction of the water powers.

Occupying the position we do, we should scrupulously guard so valuable an asset of those we represent as are our forests.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to make a brief statement.

The SPEAKER pro tempore. How much time does the gentleman desire?

Mr. HAMILTON. About two minutes.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to speak for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON. Mr. Speaker, I want to call the attention of the House to the provision in regard to taking lieu lands where they fall within reservations. That is existing law and applies to all the States. Now, it is a fair provision and simply gives the proposed State an opportunity where it does not desire to take lands which fall within a reservation to take other lands outside if they see fit.

Mr. REEDER. I desire to suggest that, as the House seems determined to pass this bill, and it can not be amended, we should in the near future pass a bill whereby all lieu-land scrip shall become invalid if not used within six months after it becomes available.

Mr. HAMILTON. As a matter of fact, they will want that land to continue in the forest reserves, because in the forest reserves are the best lands, and it is doubtful whether a time ought to be fixed within six months, say, in which they are required to take lieu lands. It could not be surveyed in that time.

Mr. REEDER. This scrip should thus be restricted as to its use instead of being available at any time when a speculator may discover that a certain tract has become available for homes.

Mr. HAMILTON. The State gets the lieu lands; it is not the land grabber at all.

Mr. REEDER. The State gets the scrip and sells to the speculator at \$3 per acre.

Mr. HAMILTON. I think it is one of the best provisions in the bill. It gives the States the right to retain these sections in the forest reserves and receive the income from them; or if it wants to take lieu lands, it may do so.

Mr. REEDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to make a very brief statement.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record and also to make a statement. How much time does the gentleman desire?

Mr. REEDER. Only one minute, and the statement is, I was not talking in regard to the land in the forest reserves, but was speaking of other lands which had been taken up or reserved for any purpose, for which lands they could take scrip at once. If I had opportunity, I would also oppose the Government engaging in the timber business for the benefit of States.

Mr. GILLET. Mr. Speaker, the gentleman from Missouri criticised my lack of knowledge of the situation because I had not been out there, as I certainly have not, but I remember when a committee of Congress did go out there many of them came back convinced that statehood should not be granted. I did not know the bill was coming up to-day as the report was only made Saturday, and I have made no investigation, but my opinion on the subject was formed years ago, and all the facts on which I have based my argument to-day are set forth in the report of the committee recommending this bill, and upon the facts given in that report. I think the bill ought not to pass. The statement made by the gentleman from Kansas well illustrates the guesswork and prophecy on which this bill is based. He said:

There may be irrigation from some source not now known, and these lands may prove valuable.

That is true; it is true of every desert in the world, but sane men should not be asked to establish a State on such doubtful and flimsy possibilities as that.

I hope that irrigation will be successful and that rapid development will follow, but I am not sure, and we can wait. We are going to have a census next year. We will know the facts, and not have to base our action on the guesses of the sanguine governors. And I do hope, until sources for irrigation have been found and tested and until we know how those States will develop, we shall wait. There is no urgent reason for haste. On the contrary, there is every reason for caution and deliberation, for if this bill passes it is irrevocable. States are formed which must endure as long as the Union, and a mistake made is everlasting. We are experiencing now, and apparently always shall, the results of previous similar mistakes, and it ought to teach us the danger. If, on the contrary, we mistakingly reject the bill and the Territories do develop as their sanguine citizens expect, we can at any time repair the mistake and admit them to the Union. Let us wait till they have proved their right and not act from hope and expectation or, if you please, from probability, when a mistake is irreparable.

The SPEAKER pro tempore. The time of the gentleman has expired. All time has expired; and the question is on suspending the rules, discharging the Committee of the Whole House on the state of the Union, and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended, the committee was discharged, and the bill was passed. [Applause.]

BUREAU OF MINES.

Mr. DOUGLAS. Mr. Speaker, I move to suspend the rules and make it in order to consider the bill (H. R. 13915) to establish a bureau of mines, on Tuesday, January 25—to-morrow week—immediately after the reading of the Journal. I do this by direction of the committee.

The SPEAKER. The gentleman from Ohio, by direction of the Committee on Mines and Mining, moves to suspend the rules and agree to the following order.

The Clerk read as follows:

Ordered, That on Tuesday, January 25, immediately after the reading of the Journal, it shall be in order to consider H. R. 13915, to establish a bureau of mines.

Mr. MANN. I demand a second.

Mr. DOUGLAS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Ohio [Mr. DOUGLAS] is entitled to twenty minutes, and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. DOUGLAS. Mr. Speaker, just a moment with reference to this motion. While I have no apology whatever to make for complying with the order given to me by the Committee on Mines and Mining to press this bill to a hearing, I think some misapprehension may be felt that the committee has been somewhat too urgent in its insistency. The fact is that this is the bill in every respect, except as to one or two slight verbal changes, that was passed by the House by a very large majority in the second session of the Sixtieth Congress. It is

a bill which I think is generally admitted to be a wise measure, and one that is urgently demanded by the enormous influences represented by the mining interests of the country, as well as by the present condition of affairs in the mining industry. So I sincerely hope that the House will pass this order and fix a day, a week from to-morrow morning, when this bill may come up for consideration.

I now yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD], in support of this motion.

Mr. UNDERWOOD. Mr. Speaker, I am in favor of this motion because it brings before the House a bill that I believe is entitled to the attention of the House and its favorable consideration at an early day. We have passed bills organizing the different bureaus of the Government in order to help develop the great resources of this country in many different ways. Next to agriculture, mining is the greatest industry of this country, as it produces more wealth, it employs more men, and yet, so far as the National Government is concerned, it has never made any effort along consistent lines to develop the great mining industry of this country and carry to it the information that only the National Government can collect and promulgate to the country. No man can deny that the Agricultural Department has been of great benefit to agriculture, and that it is doing a useful work for the people of the United States. This bill to create a bureau of mines does not in any way invade the jurisdiction of the States. It merely attempts to cover the same field in mining that the Agricultural Department does in agriculture. There are a vast number of propositions wherein the Government of the United States, through a bureau organized here in Washington, can be of great benefit to this industry. To begin with, there is no way in which you can stop the great mining disasters and explosions in mines as well as you can by standardizing explosives.

Now, I do not contend that the Government of the United States has the power to standardize explosives and pass a law prescribing that only certain explosives can be used in mines; but I do say that if there is a bureau established in Washington, that experiments along these lines, and then recommends to the mining industries of the States explosives that will meet with the approval of that bureau, they will save thousands of lives in the future from mining disasters.

Mr. TAWNEY. Will the gentleman from Alabama permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. TAWNEY. Wherein do you claim that the bureau of mines would do any more than is being done now under the appropriation of \$150,000 to the Geological Survey for the purpose of investigating the causes of mine explosions and mining accidents, with the supervision over and the investigation into practically all equipment for the purpose of preventing mine accidents? In what way would the bureau of mines be able to give more information to mine operatives, mine owners, or to the States than they are now receiving from the investigation that Congress authorized under an appropriation two years ago, which we repeated a year ago?

Mr. UNDERWOOD. I do not contend for a moment that a bureau of mines to-day would do anything more than is being done by the Geological Survey in these investigations, but the present work is a temporary matter.

Mr. TAWNEY. Oh, I beg the gentleman's pardon, it is not temporary.

Mr. UNDERWOOD. It will pass out.

Mr. TAWNEY. It is not temporary at all. So long as investigative research is necessary for the purpose of determining these causes, so long will the Government of the United States continue to make these appropriations.

Mr. UNDERWOOD. It may in that one particular matter, but when those investigations are closed there may be other questions that need investigation, just as there are in the Agricultural Department. An answer to the gentleman's proposition is that we might as well abolish the Agricultural Department, and that whenever Congress in its wisdom sees proper to investigate a matter relating to agriculture, it shall be done under a sundry civil bill.

Mr. TAWNEY. I am not advocating the abolition of the Agricultural Department, nor am I advocating the abolition of that branch of the service now engaged in the investigation of the causes of mine explosions.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. My time has expired, and I can not make the reply to the gentleman that I should like to.

Mr. DOUGLAS. Will the gentleman from Illinois use some of his time?

Mr. NICHOLS. Will the gentleman from Illinois allow me half a minute to answer the statement of the gentleman from Minnesota?

Mr. MANN. I yield half a minute to the gentleman from Pennsylvania.

Mr. NICHOLS. The provision under which the Geological Survey is operated provides that it shall investigate as to the causes of mine explosions. This bill provides for an investigation as to the causes of mine accidents, a much more important matter, as it embraces many other things.

Mr. TAWNEY. The investigation under the existing law is much broader than the gentleman states it, and the work that is being done and has been done is not limited to the causes of mine explosions, but it takes in every branch of the service where information would be of value either to the operative, the owner, or the State.

Mr. NICHOLS. Will not the gentleman admit that the provision appropriating \$150,000 was to look into the causes of mine explosions?

Mr. TAWNEY. It was not.

Mr. NICHOLS. That is my recollection.

Mr. TAWNEY. It is much broader than that.

Mr. MANN. Mr. Speaker, my opposition to the resolution is one of order of procedure. We have already set apart Wednesday of each week as calendar Wednesday. If it is the intention of the House to preserve calendar Wednesday, I think it is quite essential that we should not set aside certain days in the future, unless special reason is given, for the consideration of special bills; because if we commence to set aside Tuesday for the consideration of bills which may be heard on Wednesday we will soon set aside Wednesday for the consideration of bills to be heard on that day, and dispense with calendar Wednesday.

Now, this is a bill on the Union Calendar, and while it is true that the Committee on Mines and Mining did not, when we were on the call of committees before, have an opportunity to call up this bill, yet it is also true that the committee will have many opportunities during this session of Congress to call up this bill on calendar Wednesday and pass it, without breaking in upon the order of procedure of the House.

It seems to me that the House may well preserve calendar Wednesday for the consideration of bills called up by committees, but there will soon be a tremendous pressure in the House on the part of appropriation committees to call up their appropriation bills and dispense with calendar Wednesday. How often has this House seen District day set aside and pension day set aside to some future day in order to accommodate an appropriation bill? If there were any danger of this bill not being given a chance for consideration, then there might be an excuse for offering this resolution to set aside next Tuesday; but there is no question but that this committee will have a full and fair chance to call it up on Wednesday, when people are watching for bills called up from committees and not looking out for appropriation bills.

We now have the agricultural appropriation bill on the calendar, the urgent deficiency bill on the calendar, and a lot of other appropriation bills coming along. If we give consideration to these bills, we ought to preserve, as far as possible, Tuesdays and Thursdays for the consideration of those bills. Mondays are set aside for other purposes; Fridays are set aside for other purposes; Saturday the House, as a rule, ought, if possible, to be in vacation, and yet it is proposed that a bill that can easily be called up before the end of the month on calendar Wednesday shall step in and set aside one of the appropriation bills. If that be done, the inevitable result will be that the appropriation bills will crowd upon the House until we set aside calendar Wednesday entirely by custom, and I do not believe we ought to enter upon it. The gentleman's bill will be reached.

I have had a number of bills on this calendar reported on by my committee. I have not asked to take them up specially; I have been willing to take my chance on the call of committees. The gentleman's committee, having but one bill on the calendar, ought to be willing to take the chance on the call of committees. He will have plenty of time for consideration of this bill without breaking in on the orderly procedure of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. DOUGLAS. I now yield three minutes to the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I shall not occupy three minutes. I am very much in favor of the passage of this bill. It received a very large majority at the last session of Congress, but went over to the Senate too late to be passed upon. It is a bill the passage of which is pledged by the national Republican platform made in Chicago in 1908. It is a bill that ought to be considered promptly by this House and ought to be considered under such circumstances as that there will be a full attendance of the House, abundant opportunity furnished for debate, and possibly for amendment.

Now, the objection of the gentleman from Minnesota [Mr. TAWNEY] goes not to the fixing of the time, but goes to the merits of the bill. He will have abundant opportunity when the bill is under discussion to give his views upon that subject. So far as interfering with calendar Wednesday is concerned, I think the gentleman from Illinois [Mr. MANN] is unduly alarmed. There is no possibility that the bill fixed for a hearing next week, as important a bill as this is, is likely to interfere with any appropriation bill, and it will be in the nature of a relief for calendar Wednesday.

It is true the bill will be reached probably in time, but there is no certainty as to what time. The gentleman from Illinois has occupied two days in the discussion of bills of his committee and has a number of other bills that will necessarily be reached before this mining bill can be reached, and I think it only fair in the case of a bill of this great importance that the House should set aside a day for its discussion and furnish an opportunity for a vote. [Applause.]

Mr. DOUGLAS. I now yield two minutes to the gentleman from Illinois, the ranking member of the Committee on Mines and Mining.

Mr. FOSTER of Illinois. Mr. Speaker, I am greatly in favor of this motion to suspend the rules and fix this time, and I hope it will prevail. I do not believe that the consideration of this bill a week from to-morrow will interfere with any appropriation bill in this House. As has been well said, the Committee on Interstate and Foreign Commerce has occupied already two days of the time of the House, and the call of committees on calendar Wednesday will give that committee another chance before we will be able to reach this important bill that has been reported from the Committee on Mines and Mining. With the industry that has been shown by the chairman and the Committee on Interstate and Foreign Commerce, I believe that they will be able to occupy two days more with bills from that committee. I submit, Mr. Speaker, that in view of the fact of the great and awful disasters that have occurred in mines all over this country, and the call that has come to this House and the members of our committee to pass some legislation that will permanently fix a bureau of this Government relating to these matters, and for the purpose of advancing this great industry, that is next to agriculture, that we ought at the earliest possible time to fix a date for the consideration of this bill, and I hope that the motion will prevail. [Applause.]

Mr. DOUGLAS. I yield two minutes to the gentleman from Minnesota [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, in this short debate some facts very pertinent to this measure have developed. It is apparent there is a difference of opinion upon the merits of the bill. My colleague from Minnesota [Mr. TAWNEY] has indicated that the work which it is proposed to have done by a mining bureau is already being performed by a bureau of the Government, so that there will be a discussion, and perhaps a discussion of some length, upon the value of the proposition itself. No one, it seems to me, can minimize the importance of the establishment of this bureau, if the work is not being done elsewhere, and the members of the committee, who have made a careful and patient investigation of the matter, have come to the conclusion that that work is not being done now, or at least all the work is not being done, that the bureau would do if established. Again, the bill has already received the approval of this body, and only the shortness of time prevented its enactment into law at a prior session of Congress. It does seem to me under these circumstances the measure is important enough to be given a hearing, and the committee to-day asks nothing further than that. After making some effort to be heard and having failed, it asks that a day be set aside when the arguments may be considered and full and free discussion of the merits of the bill had. Therefore I trust that this motion will prevail and that we may have an opportunity to present the reasons we think make for the passage of the bill. [Applause.]

Mr. MANN. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. CAMPBELL], who is in favor of the bill.

Mr. CAMPBELL. Mr. Speaker, I sincerely hope the date provided for in this order will be set aside for the consideration of the bill for the establishment of a bureau of mines and mining. We have many bureaus in the Government now, and some at least that we might well get on without, but no bureau or department of the Government will be of more importance than that of mines and mining when established and in operation. The subjects to be considered are second only in importance to the great industry of agriculture, and the necessity for scientific inquiry and the application of scientific principles in mines and mining is as essential, if not more so, as in any other branch of the great industries of the country. I therefore sincerely

hope that a day will be set aside giving the Members of the House notice that upon a particular day this bill will be under consideration, that they may come here prepared to intelligently vote upon it, and I sincerely hope that the result of that intelligent vote will be the establishment of a bureau of mines and mining. [Applause.]

Mr. MANN. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. TAWNEY] such time as he may desire.

Mr. TAWNEY. Mr. Speaker, I do not represent a district in which there are mines or miners. I do not think, however, that this House is justified at this time in the session in breaking in upon the new rule of the House, established for the purpose of preventing the Committee on Appropriations, or the committees of this House that have jurisdiction over appropriation bills, crowding out the consideration of bills of this character.

Mr. Speaker, if we establish a precedent here at this time of taking bills from the Wednesday calendar and making special orders for their consideration, that, together with the days that are specially set aside for the consideration of business other than that of appropriation bills, will be practically limiting and excluding from the House the opportunity of considering the appropriation bills, and this session will necessarily be very long before the House has transacted the business that it must transact, namely, pass the bills relating to and made for the maintenance of the life of the Government. There is no necessity at this time for this. The gentleman from Ohio [Mr. DOUGLAS] will have an opportunity when calendar Wednesday is reached of considering or calling up this bill when his committee is called; and when it is called up, the House will then resolve itself into the Committee of the Whole House on the state of the Union, where practically unlimited time will be afforded for the discussion of the merits of the proposition. But if we take up next Tuesday and follow that with calendar Wednesday, and that day is consumed, we necessarily delay the consideration of one or the other of the two appropriation bills now upon the calendar waiting the consideration of the House.

I submit that if we propose at this early moment of the session to get away from calendar Wednesday, and by suspending the rules and adopting special orders crowd back the consideration of business that we must transact, then the House may be in session during this session of Congress a great deal longer than the Members of the House desire, or longer than is now anticipated, because we must necessarily have time not only for the consideration of the appropriation bills here in the first instance, but there will also have to be an opportunity for the consideration of the conference reports on these bills when they come back from the Senate. I submit the House owes it to itself to consider and pass appropriation bills at the earliest possible time, to the end that the Senate may consider them and amend them, if they see fit to do so, and return them to this House, with a view of our finally settling the differences and getting the appropriation bills out of the way.

Mr. DALZELL. What appropriation bills are now on the calendar?

Mr. TAWNEY. The agricultural appropriation bill and the urgent deficiency appropriation bill are both on the calendar. There are other appropriation bills now ready to be reported.

Mr. DALZELL. When does the gentleman propose to call up the deficiency bill?

Mr. TAWNEY. I propose to call it up just as soon to-day as possible.

Mr. DALZELL. How long will it take?

Mr. TAWNEY. I do not know.

Mr. DALZELL. It will not take more than a day?

Mr. TAWNEY. I hope not.

Mr. DALZELL. I should hope not.

Mr. TAWNEY. But how much time will the agricultural bill take—

Mr. MANN. It will take a week.

Mr. TAWNEY. Usually more than a week.

Mr. MANN. This bill could not pass for two weeks even commencing now. Friday is out, Monday is out, Wednesday is out, and you propose to take out Tuesday—

Mr. TAWNEY. There is no proposition to take up the agricultural bill on Tuesday.

Mr. DOUGLAS. We do not propose to take out Tuesday.

Mr. MANN. As far as the consideration of the agricultural bill is concerned—

Mr. TAWNEY. If Tuesday is made the special order for the consideration of this particular bill it displaces every other bill on the calendar, even bills that have been previously considered.

Mr. HULL of Iowa. Will the gentleman permit me for a minute? I would like to ask the gentleman if it is not better to make it now than wait until a large number of bills are crowd-

ing for consideration, and if it does not do less harm to take it up now than it does to let it go over, as the gentleman suggested, toward the close of the session, when you are crowded so you could not possibly make the order?

Mr. TAWNEY. I do not suggest this bill to go until the end of the session. I suggest this bill could take its place on Wednesday when we are considering the business that is on the Wednesday calendar or on suspension day. We have provided this rule for the purpose of obviating the necessity of these special rules, and now when you have bills on the calendar you propose to retard other business that must necessarily occupy the time of this House on those days that are not set aside for the consideration of bills on special calendars. If this practice is pursued, it will not be long before the privileged business will have to wait the determination of bills taken from these special calendars and considered under special rules or orders. There will be ample time next week when the gentleman's committee is called to consider this bill in the Committee of the Whole House. There is absolutely no necessity of setting aside another day next week for special consideration of this particular bill, and I hope the resolution will not be agreed to.

Mr. DOUGLAS. Mr. Speaker, I yield two minutes to the gentleman from California.

Mr. ENGLEBRIGHT. Mr. Speaker, this is a bill that all the mining interests of the United States are very much interested in, and they desire to have it considered. All that is now asked is to set a time when this bill shall receive proper consideration. As to the call of committees on calendar Wednesday, we have had a call of committees on calendar Wednesday, on three calendar Wednesdays, but the Committee on Mines and Mining was never called on a calendar Wednesday, but on another day in the morning hour, and on a request to have the committee passed without prejudice objection was made. So the committee takes advantage of suspension day to take the matter up properly under the rules, and this committee now asks to have a day set for the consideration of this bill, and I hope the House will grant the request.

Mr. DOUGLAS. Does the gentleman from Illinois desire to use any more of his time now?

Mr. MANN. So far as I now know, I do not.

Mr. DOUGLAS. Will the Speaker please say how much time I have remaining?

The SPEAKER. The gentleman has six minutes remaining.

Mr. DOUGLAS. I yield two minutes to the gentleman from West Virginia.

Mr. GAINES. Mr. Speaker, I fail wholly to grasp the importance of the suggestion that the passage of this order will in any way interfere with calendar Wednesday, or that it will interfere with the business of the House. On the contrary, it seems to me that setting a day for the consideration of this important measure will advance the business of the House. There is no question that the measure proposed is one that this House of Representatives wishes to pass. Whether they wish to amend it or not, I do not know; but practically they wish to pass it in the form the bill comes from the committee. The appropriations already made and administered through the Geological Survey have been of great importance. Some gentlemen, it seems to me, do not appreciate the extent, and the growing extent, of the mining industry of this country. This bill is not limited to coal mining; but since I happen to know more about that, it may surprise some Members of this body to know that our coal production in fifty years has grown from 15,000,000 tons a year to over 415,000,000 tons annually. It is of the highest importance to the comfort of the people; it is of the highest importance to the commercial success of the country, that everything possible should be done to advance this great industry, especially is it important at a time when the world is being horrified by mining accidents, that the greatest care should be taken to protect the lives of the persons engaged in this great industry.

Mr. MOSS. Mr. Speaker, I have the honor to represent upon the floor of this House a district that has more coal miners than any other district in the great mining State of Indiana. I do not know much about the rules of this House, but I do know that an appropriation bill represents money and this bill seeks to save life; and when you have on the one hand the life of a man and on the other the value of a dollar, I will vote to give preference to the rights of man over the value of money. Abraham Lincoln said that he believed in protecting both the man and the dollar; but in case there came a conflict between the two, he would protect the man before the dollar. Now, if there is a conflict here between an appropriation bill and the protection of men, I should like to state that I will take my position with Abraham Lincoln and vote to protect the man before I do the dollar. [Laughter and applause.]

Mr. DOUGLAS. Just a word in reply to the suggestions of the gentleman from Illinois. This bill was reported by the Committee on Mines and Mining early in the session, and the committee lost no opportunity to get it before the House in order that it might go to the Senate in time not to share the same fate that befell the same bill a year ago. You will please understand that, as this bill is upon the Union Calendar, it does not have the position in the ordinary "morning-hour" call as bills do upon the House Calendar. So we find the House Calendar is filling up with bills, 30 or 40, while our bill is having less and less chance to be heard. The gentleman from Illinois says the bill will have consideration on the call of the committees. And if this be true, the argument of the gentleman from Minnesota totally fails, for it will not take any more time to consider it to-morrow week than on the regular call. So we are not interfering with the consideration of appropriation bills. Finally, in response to the suggestion of the gentleman from Minnesota, the provisions of this bill cover far more than the work now being done by the Geological Survey. In reference to the work done by the Geological Survey, I undertake to say that it is wholly unwarranted by the law creating that survey. Therefore what we aim to do in this bill is to provide a place where, under the authority of the law, these investigations can be made.

Mr. DAWSON. Will the gentleman allow me to ask him a question?

Mr. DOUGLAS. Certainly.

Mr. DAWSON. In the event this resolution is passed, would the bill come up on Tuesday week in Committee of the Whole House on the state of the Union, where it will be open to debate under the five-minute rule and amendment?

Mr. DOUGLAS. It is a Union Calendar bill and will have to go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The question is on suspending the rules and passing the order.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended, and the order was passed.

ICE GORGES IN THE OHIO RIVER.

Mr. SHERLEY. Mr. Speaker, I am directed by the Committee on Appropriations to present the following resolution (H. J. Res. 120) and report thereon.

The Clerk read as follows:

House joint resolution 120.

Resolved, etc., That to enable the Secretary of War to take such steps as he may deem necessary for the removal of the ice gorges in the Ohio River, which are threatening the destruction of life and property, there is appropriated out of any money in the Treasury not otherwise appropriated the sum of \$10,000 or so much thereof as may be necessary.

The SPEAKER. The resolution will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SHERLEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution just read.

The SPEAKER. Is a second demanded?

Mr. COX of Indiana and Mr. BARTHOLDT demanded a second.

The SPEAKER. Is anyone opposed to this resolution?

Mr. BARTHOLDT. I would like to have an opportunity to amend it.

The SPEAKER. If anyone is opposed to the resolution, the Chair will recognize him in opposition.

Mr. BARTHOLDT. I suggest that the same conditions prevail in the Mississippi River as in the Ohio, and I should like to have the Mississippi River included in that resolution.

The SPEAKER. The gentleman from Indiana [Mr. Cox] first addressed the Chair, demanding a second.

Mr. SHERLEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Speaker, the resolution practically states its purpose. There is a condition now existing in the Ohio River, about 60 miles below Louisville, that threatens to cause the destruction of a great deal of property and a loss of life. It is a condition so serious that I have been in receipt of many telegrams from the business men of my city, and my colleagues in Kentucky and Indiana have received similar telegrams, asking that the Federal Government be requested to aid in blowing up the ice gorges, in order to free the water that is rising behind these ice dams. At present the depth of the river at Louisville is 53 feet at the foot of the canal, which is a flood stage, and as each hour goes by that height is being added to. With this ice gorge out of the way the river would not be as high by 20 to 30 feet as it is now. The matter is urgent, and

the Government's aid is asked in the hope of saving a large amount of property and preventing the loss of life, and to be effective this sum should be appropriated at once.

Mr. MANN. Has the War Department now authority to do this blasting?

Mr. SHERLEY. I took the matter up with the Secretary of War and with the Chief of Engineers, and they reported that they had neither authority nor funds under which to prosecute this work.

Mr. TAWNEY. These gorges are also endangering dams which have been constructed by the Government of the United States.

Mr. SHERLEY. Unquestionably. There is at Louisville a dam which has just been completed, but the wickets are not all in place, and there is no doubt whatever that this river condition endangers government property. But aside from that, this House, in matters of great emergency and catastrophe like this, has shown always a willingness to lend the aid of the Federal Government to the stricken community. The States of Kentucky and Indiana will themselves look after their unfortunate people, and they only ask that the Government act in regard to the river itself.

Mr. LONGWORTH. Will \$10,000 be ample?

Mr. SHERLEY. As to that I can not state. I hope it will be; but it is the amount that the committee saw fit to appropriate.

The matter is so urgent that I desire to get it acted upon at the earliest possible moment and have not waited to ascertain the exact sum needed, but have provided in the resolution that only so much as may be necessary shall be expended.

Mr. TAWNEY. I will say to the gentleman from Ohio that this \$10,000 is for the purchase of dynamite or explosives which are necessary for blowing out the gorges.

Mr. BARTHOLDT. Mr. Speaker, I should like to have a few minutes.

Mr. SHERLEY. I have no objection to yielding time to the gentleman, if he is not opposed to the resolution. I will yield the gentleman five minutes, in any event.

Mr. BARTHOLDT. Mr. Speaker, in connection with the statement made by the gentleman from Kentucky, I wish to call attention to the conditions prevailing on the Mississippi River. They are similar if not exactly the same as those described by the gentleman from Kentucky with respect to the Ohio River. A few days ago an ice gorge seriously damaged the new bridge which is being constructed across that river. It damaged that structure to the extent of \$30,000. Great fears are entertained with respect to the other two bridges—the Eads Bridge as well as the Merchants' Bridge. The ice blocks are piled 15 to 20 feet high, and unless something is done by the War Department great damage will result. For that reason I want to ask unanimous consent to amend the resolution offered by the gentleman from Kentucky by inserting the same amount for the Mississippi River at St. Louis.

Mr. MANN. Will the gentleman yield?

Mr. BARTHOLDT. Certainly.

Mr. MANN. Are not the two bridges at St. Louis owned by private individuals, and can not they afford to protect their own property without the aid of the Government?

Mr. BARTHOLDT. They have not the facilities.

Mr. MANN. We have not the facilities unless we arrange for them.

Mr. BARTHOLDT. The newspapers are appealing for public aid.

Mr. MANN. There are a lot of other bridges on the Mississippi River, and I suppose they are all in the same condition—upon the northern half of the river. Is the Government under any obligation to blow out the ice to prevent a railroad bridge from being injured?

Mr. BARTHOLDT. Does not the same objection apply to the Ohio River or to the resolution offered by the gentleman from Kentucky?

Mr. MANN. Not at all; the gentleman can not be familiar with the facts that have been stated on the floor of the House. The situation on the Ohio River is entirely different from the situation on the Mississippi River and protecting these bridges.

Mr. BARTHOLDT. I want to say that it is not only the protection of the bridges, but the protection of other property; for instance, the depot of the United States engineering department, which is government property. It is also to avert a public calamity and save human life.

Mr. MANN. It is to protect bridges owned by private concerns.

Mr. TAWNEY. I desire to ask the gentleman from Missouri a question.

Mr. BARTHOLDT. I will yield.

Mr. TAWNEY. Is it not a fact that the appropriation available for the improvement of the Mississippi River under the administration of the Mississippi River Commission provides for taking care of the property of the United States out of that appropriation?

Mr. BARTHOLDT. Not at all. The appropriations made for the Mississippi River are being expended under the authority of the Chief of Engineers between St. Louis and Cairo, and from Cairo down the Mississippi River under the Mississippi River Commission, and these appropriations are merely for the purpose of improving the river for navigable purposes.

Mr. MOORE of Pennsylvania. Will the gentleman from Missouri yield for a question?

Mr. BARTHOLDT. Certainly.

Mr. MOORE of Pennsylvania. Is there any provision by the municipalities along the Mississippi River for taking care of this ice—are there any ice boats?

Mr. BARTHOLDT. Not that I am aware of. I want to say that this is the first time in the history of St. Louis that such a condition has obtained, and consequently no provision has been made heretofore to meet it.

Mr. MOORE of Pennsylvania. There are no municipal ice boats and no means by which the ice can be cleared by the communities along the way?

Mr. BARTHOLDT. No, sir.

Mr. SHERLEY. Mr. Speaker, I reserve the balance of my time.

Mr. COX of Indiana. Mr. Speaker, I send to the desk several telegrams, which I ask to have read.

The Clerk read as follows:

JEFFERSONVILLE, IND., January 17, 1910.

Hon. W. E. Cox,
Washington, D. C.:

Ohio River at flood stage. Ice gorge holding. Urge Secretary of War to take prompt action to remove gorge, otherwise loss and suffering will follow.

JAMES T. BURKE, Mayor.

NEW ALBANY, IND., January 17, 1910.

Hon. W. E. Cox,
Third Indiana District, Washington, D. C.:

River gorged with ice from Alton to New Albany. Loss of life and property imminent. Can you send men and explosives to relieve situation immediately? Action important. Wire me.

THOS. HANLON.

NEW ALBANY, IND., January 17, 1910.

Hon. W. E. Cox,
Representative Third Indiana District, Washington, D. C.:

Wolf Creek ice gorge has become very serious. Government should act at once and continue to dynamite same until broken. Entire Ohio Valley between Louisville, Ky., and Evansville, Ind., in danger.

E. T. SLIDER.

JEFFERSONVILLE, IND., January 17, 1910.

Hon. W. E. Cox,
House of Representatives, Washington, D. C.:

Urge Secretary of War to take action concerning ice gorge in Ohio River. Great damage to lives and property.

JEFFERSONVILLE COMMERCIAL CLUB,
E. M. FRANK, Secretary.

NEW ALBANY, IND., January 17, 1910.

Hon. W. E. Cox,
Representative Third Indiana District, Washington, D. C.:

Wait on Secretary of War. Get your work in. Great excitement here.

THOS. HANLON.

Mr. COX of Indiana. Mr. Speaker, these telegrams that I have had read express the situation much better than I am able to express it myself. I desire to say that I know personally each and every one who has addressed these telegrams to me, and I know that they are all substantial business men. They are on the ground and know the situation as it now exists. For some days I have observed in the newspapers an account of these ice gorges in the Ohio River between Jeffersonville, Ind., and Louisville, Ky., and I desire to say that I am personally acquainted with almost every foot of the territory west of the city of New Albany, on the Ohio River, and if this condition continues and is not destroyed, so as to relieve the congested condition, in my judgment when these gorges break loose great damage and devastation will follow not only to property, but to human life as well. I sincerely hope the motion to suspend the rules and adopt the resolution will be carried.

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

Mr. COX of Indiana. I will.

Mr. DAWSON. Is there any question here as to the protection of government property?

Mr. COX of Indiana. I think there is, beyond doubt. The dams across the Ohio River near the city of Louisville are government property.

Mr. DAWSON. Mr. Speaker, will the gentleman please tell us whether there is any precedent for an appropriation of this kind?

Mr. SHERLEY. Mr. Speaker, if the gentleman from Indiana will permit, I can not answer the gentleman as to whether there is a precedent for the removal of an ice gorge, but there are any number of precedents for the action of the Federal Government in lending its aid in matters of great catastrophe; but if there were none this case presents this situation, not only of a damage done to the people, but there is at Louisville a canal upon which there has been expended over \$3,000,000, and there is a dam there upon which has been expended nearly a million of dollars. That property is being endangered by the condition of the flood there. The people of Kentucky and of Indiana are not asking the Federal Government to look after their sufferers. They will do that themselves. They are asking the army engineers, however, because of their efficiency as much as anything else, and because of the need of immediate action, to help in removing that ice gorge.

Mr. DAWSON. That is the point I think the House is interested in, whether or not there was any government property endangered by the situation.

Mr. SHERLEY. There is a canal of several miles length and a dam at Louisville.

Mr. DAWSON. Are there any dams on the Ohio River endangered?

Mr. SHERLEY. The Louisville dam is. There is at the foot of the canal now 53 feet and 7 inches of water, and it is rising rapidly. All of that property is being endangered by this situation.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield to me for a few minutes?

Mr. COX of Indiana. I yield to the gentleman for a question.

Mr. MOORE of Pennsylvania. I want to get some time, if I can, some three or four minutes.

Mr. COX of Indiana. I yield five minutes to the gentleman.

Mr. MOORE of Pennsylvania. Mr. Speaker, the Delaware River is in exactly the same situation with regard to ice gorges at this time in some of its coves and in some of its bends. The ice is piled high, but commerce is still being conveyed from point to point, because the ice boats provided by the city of Philadelphia are cutting the ice and clearing the channels. I rise for the purpose of bringing this question of the Delaware to the attention of the House, not because I want to oppose the resolution of the gentleman from Kentucky. I understand that his situation presents a crisis, and that he is asking for this appropriation in order that actual damage may be obviated. There are other rivers in the country that come to this House appealing for relief and appropriation, not always getting exactly what they want. We are able at this time to take care of the Delaware, so far as the ice is concerned, and I am willing to support the gentleman and to help him in the crisis that confronts him in the situation along the Ohio.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield for the purpose of an amendment and to ask unanimous consent?

Mr. SHERLEY. Mr. Speaker, I do not feel warranted in yielding at this time for the purpose of an amendment.

The SPEAKER. The gentleman declines to yield. The question is on suspending the rules and passing the joint resolution.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the joint resolution was passed.

INVESTIGATION OF INTERIOR DEPARTMENT.

Mr. DALZELL. Mr. Speaker, I present a conference report on House joint resolution No. 103, authorizing the investigation of the Interior Department and the Bureau of Forestry in the Department of Agriculture, with an accompanying statement, for printing under the rules.

The SPEAKER. The conference report and statement will be printed under the rules.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 103) authorizing the investigation of the Interior Department and the Bureau of Forestry of the Department of Agriculture, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following:

"That a joint committee of both Houses of Congress is hereby created, to be composed of six members of the Senate, to be appointed by the President thereof, and six Members of the House of Representatives, to be elected by that body. Any vacancy occurring on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed to make a thorough and complete investigation of the administration, action, and conduct of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry, in the Department of Agriculture, and its officers and employees, touching, relating to, or bearing upon the reclamation, conservation, management, and disposal of the lands of the United States, or any lands held in trust by the United States for any purpose, including all the resources and appurtenances of such lands, and said committee is authorized and empowered to make any further investigation touching said Interior Department, its bureaus, officers, and employees, and of said Bureau of Forestry, its officers and employees, as it may deem desirable. Said committee or any subcommittee thereof is hereby empowered to sit and act during the session or recess of Congress, or of either House thereof; to require by subpoena, or otherwise, the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath; to obtain documents, papers, and other information from the several departments of the Government, or any bureau thereof; to employ stenographers to take and make a record of all evidence taken and received by the committee, and to keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed and suitably bound; and to employ such assistance as may be deemed necessary. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee or the chairman of any subcommittee thereof. And in case of disobedience to a subpoena this committee may invoke the aid of any court of the United States or of any of the Territories thereof or of the District of Columbia or the district of Alaska, within the jurisdiction of which any inquiry may be carried on by said committee, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this resolution. And any such court within the jurisdiction of which the inquiry under this resolution is being carried on may, in case of contumacy or refusal to obey a subpoena issued to any person under authority of this resolution, issue an order requiring such person to appear before said committee and produce books and papers if so ordered and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding except in prosecution for perjury committed in giving such testimony. In addition to being subject to punishment for contempt, as hereinbefore provided, every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not more than one year nor less than one month.

"Any official or ex-official of the Department of the Interior or of the Bureau of Forestry in the Department of Agriculture whose official conduct is in question may appear and be heard before the said joint committee or any subcommittee thereof, in person or by counsel.

"All hearings by and before said joint committee or any subcommittee thereof shall be open to the public. The said joint committee shall conclude its investigation and report to this Congress all the evidence taken and received and their findings and conclusions thereon. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said joint com-

mittee, the said sum to be disbursed by the Secretary of the Senate upon vouchers to be approved by the chairman of the committee."

And the Senate agree to the same.

KNUTE NELSON,
C. D. CLARK,
S. D. McENERY,

Managers on the part of the Senate.

JOHN DALZELL,
WALTER I. SMITH,
JOHN J. FITZGERALD,

Managers on the part of the House.

STATEMENT.

The House joint resolution was amended by the Senate by striking out all after the enacting clause and proposing a substitute.

In this substitute the following changes were made in the House resolution:

1. The word "public" before "lands" was stricken out.
2. The following was inserted:

"The provisions of sections 101, 102, 103, 104, and 859 of the Revised Statutes of the United States shall also apply to all witnesses summoned by the said committee or any subcommittee thereof with the same force and effect as if the said committee or any subcommittee thereof were a committee of only one House of Congress."

3. The word "this" before Congress was stricken out.

4. Provision for payment of expenses out of the contingent fund of the two Houses was stricken out and an appropriation of \$25,000, or so much thereof as may be necessary, was made for such payment, and provision was made that disbursement should be made by the Secretary of the Senate upon vouchers to be approved by the chairman of the committee, and by the Committee to Audit and Control the Contingent Expenses of the Senate.

5. The House provision for appearance in person and by counsel was stricken out.

6. The title was amended.

The report of the conferees agrees to the amendment of the title and agrees to the Senate substitute with an amendment the effect of which is:

1. To agree to the striking out of the word "public" before "lands."

2. To strike out words inserted under item 2, hereinbefore recited, and insert the following: "In addition to being subject to punishment for contempt, as hereinbefore provided, every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not more than \$1,000 nor less than \$100 and imprisonment in a common jail for not more than one year and not less than one month."

3. To insert "The said joint committee shall conclude its investigation and report to this Congress all the evidence taken and received and their findings and conclusions thereon."

4. Senate provision under item 4 (hereinbefore referred to) was adopted, with a amendment.

5. The House provision for appearance by counsel was restored in this amended form, viz:

"Any official or ex-official of the Department of the Interior, or of the Bureau of Forestry, in the Department of Agriculture, whose official conduct is in question may appear and be heard before the said joint committee or any subcommittee thereof in person or by counsel."

6. The appropriation for expenses was agreed to, and the provision for action by the Audit Committee of the Senate stricken out.

JOHN DALZELL,
WALTER I. SMITH,
JOHN J. FITZGERALD,

Managers on the part of the House.

URGENT DEFICIENCY 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 consideration of the bill (H. R. 18282) making appropriations for urgent deficiencies for the fiscal year 1910. Pending that motion, I ask unanimous consent that the time for general debate be limited to ten minutes, and that I may have those ten minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. FITZGERALD. Mr. Speaker, I wish to inquire whether the gentleman from Minnesota has consulted with the gentleman from Mississippi [Mr. BOWERS]?

Mr. BOWERS. Mr. Speaker, I will state that I have no objection to that request.

The SPEAKER. The Chair hears none. The question is on the motion of the gentleman from Minnesota, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency appropriation bill.

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

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency appropriation bill, with Mr. BOUTELL in the chair.

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

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. General debate is limited to ten minutes, which is yielded to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, my purpose in asking for ten minutes' general debate was to call to the attention of the committee the report of the Committee on Appropriations with reference to the salaries of the judges of the court of customs appeal and the officers and employees of that court. The House will recall the fact that this court is created by the act approved August 5, 1909, known as the "Payne tariff law." In creating that court, the act authorizes the salaries for the members of the court, officers, and employees. These salaries were submitted at this session of Congress by the Department of Justice in the form of an estimate. It is as follows: For presiding judge and 4 associate judges, at the rate of \$10,000 each per annum; marshal, at the rate of \$3,500 per annum; clerk, at the rate of \$4,000 per annum; assistant clerk, at the rate of \$2,000 per annum; 5 stenographic clerks, at the rate of \$2,400 each per annum; stenographic reporter, at the rate of \$2,500 per annum; messenger, at the rate of \$900 per annum; in all, \$37,450. Then, in addition to that, provision is made for the salaries of 1 Assistant Attorney-General, at the rate of \$10,000 per annum, and a deputy assistant, and so forth. Your committee, after carefully considering the question of salaries, concluded to report a change or a modification of the salaries thus provided in the recent tariff act. In the first place, when this proposition was being considered in the Senate last summer, the Senate, by a very large majority, voted to fix the salaries of these judges at \$7,000 per annum.

The House did not have an opportunity to consider this proposition separate and alone from the tariff act. The question of compensation for the judges and the officers has not been voted upon by the House at all. When the general deficiency bill was before the House at the extra session of Congress a provision was inserted in the Senate providing for the salaries as fixed by the tariff act, but in conference that was disagreed to, and by common consent in the House it was understood and agreed that the question of salaries for these judges, officers, and employees should be considered when the urgent deficiency bill was reported at this session. Your committee therefore, instead of reporting the salaries for the judges as now authorized by the law and realizing fully that its provisions is subject to the point of order, reports, on page 22 of the bill, as follows:

UNITED STATES COURT OF CUSTOMS APPEALS.

The salaries of the judges, officers, and employees of the United States court of customs appeals, authorized by the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," shall hereafter be at the rates as follows: For the presiding judge and four associate judges, \$7,000 each—

Mr. DOUGLAS. What was that salary?

Mr. TAWNEY. Seven thousand dollars, the same as the salary of United States circuit court judges.

Mr. BUTLER. In the creation act.

Mr. TAWNEY (reading).

Marshal, \$3,000.

That is the salary fixed by law, the usual salary paid to marshals.

Clerk, \$3,500.

That is also the salary of clerks now received generally.

Assistant clerk, \$2,000.

That is the salary fixed by the act.

Five stenographic clerks, \$1,600 each.

These five stenographic clerks are clerks to the judges. The stenographic clerks to the justices of the Supreme Court of the United States receive \$1,600 a year, and we recommend the same salary to the stenographic clerks to the judges of the court of customs appeals.

Stenographic reporters, \$2,500.

That is the salary fixed by law.

Messengers, \$840.

That salary is the salary paid to messengers generally in the department service in the city of Washington, but not the salary fixed by the act creating this court.

And for the payment of such compensation for the balance of the fiscal year 1910 at the rate herein fixed, there is appropriated \$27,440, or so much thereof as may be necessary.

The salary for the Assistant Attorney-General authorized under said act is hereby fixed at the rate of \$8,000 per annum. The salary fixed by the act is \$10,000. The salary of the Solicitor-General to-day is \$7,500, which, in my judgment, is not adequate for the service which that officer of the Government must render in the position that he occupies. The Solicitor-General of the United States has charge and control of all the Government business and litigation in the Supreme Court of the United States. He deals with a great variety of very important legal questions, and of course must necessarily come into contact with the brightest minds that the bar of the United States affords; but the Acting Assistant Attorney-General, in charge of the business before the court of customs appeals, is given \$10,000 a year, while the Solicitor-General only gets \$7,500, which seems to the committee altogether out of proportion. It is the purpose, I will say, so far as I am concerned, at this session of Congress, if possible, to increase the salary of the Solicitor-General, making it \$10,000, and then there will be a logical proportion between the salary of the Attorney-General and the Solicitor-General and the Assistant Attorney-General in charge of the business of the court of customs appeals. The salary of the Solicitor-General was fixed at \$7,500 when the salary of the Attorney-General was only \$8,000.

The CHAIRMAN. The time of the gentleman from Minnesota has expired and general debate has expired.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent to extend the time and to ask the gentleman from Minnesota a question.

The CHAIRMAN. Time has been fixed by general debate.

Mr. TAWNEY. I ask for the reading of the first section of the bill, and then I will continue my statement. The Committee of the Whole can not extend the time for general debate fixed by the House.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, namely:

DEPARTMENT OF STATE.

International conference on maritime law: For expenses necessary for the representation of the United States at the adjourned meeting of the Third International Conference on Maritime Law, at Brussels, Belgium, in April, 1910, for the purpose of considering conventions and projects relating to collisions at sea, salvage, liability of ship-owners, and liens, \$5,000, or so much thereof as may be necessary, together with the unexpended balance of the previous appropriation for representation of the United States at the Third International Conference on Maritime Law, to meet at Brussels in 1909.

Mr. TAWNEY. I will conclude my statement.

Mr. HARRISON. I reserve the point of order on that.

Mr. TAWNEY. I move to strike out the last word.

Mr. HARRISON. I do not desire to interrupt the remarks of the gentleman from Minnesota, but I do desire to submit the point of order.

Mr. THOMAS of North Carolina. Will the gentleman from Minnesota answer a question now? I would like to ask if all the fees of clerks of the United States courts which have been audited are included in this urgent deficiency bill?

Mr. TAWNEY. Fees for what service?

Mr. THOMAS of North Carolina. For all their services in connection with their courts.

Mr. TAWNEY. I do not know whether they are audited or not, but all the audited claims certified are included in this bill. Mr. THOMAS of North Carolina. The question I asked was if the fees of the clerks of the United States courts which have been audited have been included in this bill?

Mr. TAWNEY. Yes; if they have been certified.

Mr. THOMAS of North Carolina. All the fees?

Mr. TAWNEY. Everything certified as an audited claim is included. If the gentleman will turn to the back part of this bill, he will see all the audited claims.

Mr. THOMAS of North Carolina. I have not had an opportunity to examine.

Mr. TAWNEY. If the gentleman will examine the rules, he will see where claims were certified to Congress under the laws they are referred to the Committee on Appropriations, and they are audited claims, adjudicated, and we have no power to change them, and we therefore put them in the bill as they come to us without any special examination. I do not know whether these audited claims are those of clerks of United States courts.

Mr. THOMAS of North Carolina. The clerk of the United States circuit and district court writes me that he has an audited claim for fees due in the last fiscal year—1909.

Mr. TAWNEY. I think the gentleman possibly is referring to claims on account of service rendered in the administration of the naturalization act.

Mr. THOMAS of North Carolina. No, sir; the fees referred to are fees actually earned in the discharge of the duties of the office, and they ought to be put in this bill.

Mr. TAWNEY. Perhaps the gentleman may ascertain whether they are not now in the bill.

Mr. MANN. On pages 44 and 45 of this bill I find several paragraphs for fees of clerks of the United States courts.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order. The point of order is to the first paragraph, made by the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman, I am quite prepared to be heard on that; but if the gentleman from Minnesota wishes to continue his remarks, I do not want to interfere with his speech.

Mr. TAWNEY. I simply want to say with reference to the court of customs appeals, that the committee does not in submitting this change of existing law seek to set up its judgment against the judgment of the committee that reported the salaries as now fixed by law; but we do think, because of the discrimination in the salaries fixed for the judges of the court of customs appeals and the salaries for circuit judges of the United States, and also the fact that this House has not given any consideration or discussion whatever to this subject, that it was our duty to report what we believe to be consistent and just under existing law and under existing circumstances, and then let the House finally dispose of the matter.

We realize fully that it is not in order, that its presence in the bill is a violation of the rule, and if the point of order is made against the paragraph when it is reached it will have to go out. In that case we will then have to appropriate the amounts fixed by law or not appropriate at all.

Mr. BUTLER. Is the gentleman able to state about what the duties will be? I mean about how much time will be employed in the performance of those duties as compared with the duties of a circuit judge?

Mr. TAWNEY. This court will have exclusive jurisdiction of all appeals from the Board of General Appraisers of the city of New York, and for the purpose of determining these questions it is authorized to sit in the District of Columbia, in New York, or anywhere in the United States. I have a statement, published in the hearings, from the Department of Justice, giving the number of cases that have heretofore arisen in a certain length of time under the old law, from which I thought Members might gather some idea of the business which the court will have. In my own judgment, the court will not be required to labor a great deal or to sit long hours a day for the purpose of transacting the business it will have to attend to.

Now, Mr. Chairman, if the gentleman wants to discuss the point of order on that paragraph, I am perfectly willing to have him do so. I do not think it is subject to the point of order.

Mr. HARRISON. Mr. Chairman, I make the point of order that this paragraph is not authorized by existing law.

As to the merits or possible demerits of the International Conference on Maritime Law, I have no very great information; but during my service on the Committee on Foreign Affairs I became impressed with the fact that the methods by which we pass these appropriations for international conferences of one sort and another are very slipshod and confusing and should be reduced to some sort of order. There were in the first estimates submitted to the Committee on Foreign Affairs last year by the Department of State some 19 of these international conferences. At the time nobody, even on the Committee on Foreign Affairs itself, knew whether some of them were or were not authorized by existing law, and upon investigation we found that some of them had been carried from year to year in appropriation bills and had never been authorized by any fundamental law. It seems to me, therefore, that some reform should be undertaken in the method of asking for appropriations for these various

international conferences and congresses. Some of them appear in the sundry civil bill, some of them appear in the diplomatic and consular appropriation bill, and some of them, it seems, must come up in an urgent deficiency bill. I intend, therefore, to make the point of order, whenever I am able, against all and any of these international bureaus and conferences, with the hope that it will bring the Department of State to some orderly system or method by which these appropriations may be asked.

Mr. TAWNEY. Mr. Chairman, all I have to say in reply to the gentleman from New York is that, by convention entered into between the powers named in this paragraph, this congress has already held two meetings. At the last meeting they reached a formal conclusion, but before the conclusion could be ratified it had to be submitted to their respective governments, with the understanding—and the convention provided—that the ratification shall take place at a subsequent conference. Now, this is for the purpose of completing the work authorized by the conventions or treaties entered into with all these countries, according to the terms and conditions of those conventions. It is to defray the expense of the delegates attending the third and last congress, when the final result of the preceding congresses will be promulgated. It is clearly authorized by law.

Mr. HARRISON. Will the gentleman yield?

Mr. TAWNEY. I do.

Mr. HARRISON. Was the convention to which the gentleman makes reference ratified by the Senate? That, I take it, is the deciding point in all these matters.

Mr. TAWNEY. Certainly; it was ratified by our Senate.

Mr. HARRISON. When?

Mr. TAWNEY. I have a document here which gives the date of it. Under the sundry civil act of March 4, 1909, the sum of \$5,000 was appropriated to pay the expense necessary to representation of the United States at the conference called by the Government of Belgium to meet at Brussels for the purpose of considering draft conventions relating to collisions at sea, salvage, the liability of shipowners, and cognate subjects.

Now, the Assistant Secretary of State says:

Recognizing the importance of this conference, efforts were made to secure the services as representatives of the United States thereof of gentlemen familiar with admiralty law and having a technical knowledge of the subjects to come before the conference, and the Government was fortunate in obtaining the consent of Hon. Walter C. Noyes, judge of the United States circuit court, New London, Conn.; Hon. A. J. Montague, ex-governor of Virginia; Mr. Charles C. Burlingham, of New York City; and Mr. Edwin W. Smith, of Pittsburg, Pa., to serve as such.

The conference met at Brussels on September 28 last and was attended by delegates representing, besides the United States, the Governments of Germany, Argentine Republic, Austria-Hungary, Belgium, Brazil, Chile, Cuba, Denmark, Spain, France, Great Britain, Greece, Italy, Japan, Mexico, Nicaragua, Norway, Holland, Portugal, Roumania, Russia, and Sweden.

The object of the conference was to secure uniformity in certain branches of maritime law. Two conventions were submitted for consideration—one relating to the law of collisions, the other to the law of salvage. These conventions were approved by the conference and referred to the several Governments.

Two plans for conventions were also submitted. One related to the law limiting the liability of shipowners and the other to the law of liens. These projects were merely recommended by the conference for examination by the Governments.

The conference adjourned on October 8 until next April, so that the Governments interested might examine the conventions and projects and determine whether or not, or upon what conditions, they would sign the conventions and what recommendations they would make as to the projects.

As these subjects are of great consequence not only to the interests of American shipowners, but to the owners of American cargoes as well, the Department of Commerce and Labor deems it highly important that the United States should not fail to be suitably represented at the April session of the conference; and, as the unexpended balance (\$200) of the appropriation previously made will not permit of this, I have the honor to request that you will submit to the Speaker of the House of Representatives, with a view to its inclusion in the urgent deficiency act, the following item:

For expenses necessary for the representation of the United States at the adjourned meeting of the Third International Conference on Maritime Law, at Brussels, Belgium, in April, 1910, for the purpose of considering conventions and projects relating to collisions at sea, salvage, liability of shipowners, and liens, \$5,000, or so much thereof as may be necessary, together with the unexpended balance of the previous appropriation for representation of the United States at the Third International Conference on Maritime Law, to meet at Brussels in 1909.—Sundry civil act, approved March 4, 1909.

Now, in the first instance this congress was held as the result of the convention entered into between these countries whereby the congress was held and two drafts or forms of maritime international law were agreed upon, but before finally promulgated it had to be presented to the respective governments, and now it is for the purpose of meeting and finally settling these questions and promulgating the act which this original congress was commissioned to perform.

The CHAIRMAN. Has the gentleman from Minnesota the sundry civil act of 1909?

Mr. TAWNEY. I do not think I have it at hand.

The CHAIRMAN. The Chair would like to see the provision of the act of 1909, and also the original treaty under which the convention was first called. The Chair has the act of 1909, which has a provision as follows:

International conference of maritime law. For expenses necessary for the representation of the United States at the Third International Conference on Maritime Law to be held at Brussels, Belgium, during 1909, for the purpose of considering draft conventions relating to collision at sea, salvage, the liability of shipowners, and cognate subjects, \$5,000.

It does not appear to the Chair that there is anything in that provision which would authorize an additional appropriation.

Mr. TAWNEY. Mr. Chairman, I can only suggest that this work has been begun under the authority of Congress; that it is in progress, and in order to complete it the amount now asked for is necessary. It was originally authorized by law.

The CHAIRMAN. Has the gentleman from Minnesota the original treaty?

Mr. TAWNEY. And I may say that not only was an appropriation made, but it was authorized under a convention between independent nations; and if that is not good law, I do not know what is.

The CHAIRMAN. The Chair would like to see a copy of the treaty.

Mr. TAWNEY. I do not have it at hand, but have sent for it. I would like to have the gentlemen on the other side show us that no such convention was ever entered into. The burden is not on me, but on them.

The CHAIRMAN. The Chair would differ with the gentleman from Minnesota on that proposition. The burden is on the gentleman from Minnesota to justify the provisions of his bill under the law.

Mr. HARRISON. Mr. Chairman, in answer to the suggestion of the gentleman from Minnesota that this is a continuation of an appropriation heretofore made, I venture to suggest that the rule clearly defines what is a continuing work and that this kind of a project does not fall within the rule. A continuing work is the completion of a public building or the continuation of work upon a dam or a levee, or some physical work of that nature. The gentleman from Minnesota, upon whom the burden now rests to produce the fundamental law under which he asks for an appropriation, has failed to do it. It is an excellent illustration of the confusion to which I made reference. I do not know of any gentleman in the House that is better informed about the course of legislation here than is the gentleman from Minnesota, and not even he is able to produce any fundamental law justifying the appropriation for which he asks. I therefore submit that my point of order is well taken. The gentleman must show not only a treaty, but he must produce evidence of the ratification of the treaty by the Senate, because some of these international bureaus are created by executive order in compliance with the desires of the Department of State and are never submitted for ratification to the Senate of the United States.

The CHAIRMAN. The point made by the gentleman from New York seems to the Chair to be an extremely important one, and one not often raised in this House. If there has been a treaty entered into in the regular form so that it comes under the Constitution—the law of the land—which would authorize this appropriation, then the point of order would not be well taken. If, however, there has been no such treaty the Chair would be inclined to sustain the point of order.

Mr. BOWERS. Mr. Chairman, in order to save the time of the committee, I suggest that this item be passed.

The CHAIRMAN. If there is no objection, this paragraph and the point of order made will be passed. [After a pause.] The Chair hears no objection. The Clerk will read.

The Clerk read as follows:

International Bureau of Weights and Measures: For contribution to the maintenance of the International Bureau of Weights and Measures for the year ending June 30, 1910, in conformity with the terms of the convention of May 24, 1875, the same, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to said bureau on its certificate of apportionment, \$588.07.

Mr. HARRISON. Mr. Chairman, to that paragraph I make the same point of order.

The CHAIRMAN. The gentleman from New York makes the point of order against the second paragraph.

Mr. TAWNEY. Mr. Chairman, under an international agreement the Government of the United States contributes annually so much for maintaining this International Bureau of Weights and Measures. Now, the balance of our contribution, due last July, has not been paid, and the appropriation is for the purpose of meeting this past-due obligation to this International Bureau on the part of the Government of the United States.

The CHAIRMAN. The Chair will hear the gentleman from New York in favor of his point of order.

Mr. HARRISON. Mr. Chairman, at the risk of reiteration I beg to submit to the attention of the Chair once more that the rule permitting an appropriation in continuation of a public work authorized only by a previous appropriation does not apply to appropriations of this nature, but to public works similar to the construction of public buildings.

The CHAIRMAN. The Chair will state to the gentleman from New York that the paragraph which has just been read refers to a definite treaty by date.

Mr. HARRISON. Mr. Chairman, I still renew the point I made under the previous paragraph, that arose from my own investigation of this subject, that not all of these conventions were ratified by the Senate, and therefore they are not all fundamental law warranting an appropriation.

The CHAIRMAN. The Chair would ask whether the gentleman from New York has examined and has personal knowledge of this particular convention, as to whether or not it was ratified by the Senate?

Mr. HARRISON. Mr. Chairman, I have examined this particular convention, along with 18 others, but I can not recall whether it was or was not ratified by the Senate.

Mr. FOSTER of Vermont. Mr. Chairman, I would say that our Committee on Foreign Affairs, which has just had in preparation the annual appropriation bill from that committee, investigated this very subject within the last two or three days, and we had before us a government official to explain the reason for the continuance of the appropriation, and we found the facts to be just as stated here. This is a treaty obligation. The treaty was formally ratified by our Senate, and this is actually, as set forth in the paragraph, a treaty obligation.

Mr. TAWNEY. Mr. Chairman, I thank the gentleman from Vermont for his corroboration of my statement.

Mr. HARRISON. Mr. Chairman, I withdraw the point of order.

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:

On page 2, after line 18, insert:

"The President is authorized to cause to be transferred to the Government of Ecuador, as a gift, the building erected by the United States in Quito, in Ecuador, under and by virtue of the section of the act making appropriations for sundry civil expenses, approved May 27, 1908, providing for participation by the United States in the exposition to be held at Quito, Ecuador, in 1909."

Mr. MACON. Mr. Chairman, upon that I make the point of order.

Mr. TAWNEY. I will ask the gentleman to reserve his point of order.

Mr. MACON. I will reserve it for a while.

Mr. TAWNEY. Mr. Chairman, I wish to read a letter which I received this morning from the Secretary of State in regard to this matter.

It is as follows:

DEPARTMENT OF STATE,
Washington, January 17, 1910.

The Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

SIR: In virtue of the authority conferred on the Secretary of State by the provisions of the sundry civil appropriation act, approved May 27, 1908, for participation by the United States in an exposition at Quito, Ecuador, during the year 1909 (Stat. L., vol. 35, Part I, p. 380) the erection of a building at the exposition was directed by the Secretary of State, and the building was erected at a cost of \$12,092.

It having come to the knowledge of the Department of State that a desire existed on the part of the Government of Ecuador to purchase this building at the close of the exposition, with a view to its establishment as the home of a national institute for the production of vaccine, and inquiry having been made whether the building might not be purchased by the Ecuadorian Government, the American commissioner to the exposition in question, Mr. Ernest H. Wands, recommended to the department that our government building should be presented to the Government of Ecuador as a gift. The Department of State, viewing this suggestion with favor, instructed the American minister to Ecuador, on October 7 last, to explain to the Ecuadorian Government that the building was not for sale, but that it was hoped that upon recommendation to Congress at this session the Executive would be duly authorized to present the building to the Government of Ecuador.

The department's information is that a public sale of the building would realize but a few hundred dollars; and I have the honor to submit whether, as an act of international comity and as an evidence of this Government's friendship for that of Ecuador, as well as of its appreciation of the courteous treatment accorded to American exhibits at the exposition, your committee may not be disposed to recommend to the House of Representatives the adoption in one of the general appropriation bills of a provision authorizing the President to transfer the building to the Government of Ecuador as a gift.

Should this suggestion meet, as I hope it will, with the favor of the committee, the provision might take the following form:

"The President is hereby authorized to transfer to the Government of Ecuador as a gift the building erected by the United States in Quito, Ecuador, under and by virtue of the section of the act making appropriations for sundry civil expenses, approved May 27, 1908, pro-

viding for participation by the United States in an exposition to be held at Quito, Ecuador, in 1909."

I have the honor to be, sir,

Your obedient servant,

P. C. KNOX.

Mr. MANN. Is this an exposition building?

Mr. TAWNEY. It is simply an exposition building we built for the purpose of making our exhibit. Now, it is only a question of whether—

Mr. MACON. Is this customary? Have we heretofore made such presents to other countries?

Mr. TAWNEY. This is the only time a request of this kind has ever been made.

Mr. MANN. Germany gave hers to us.

Mr. MACON. What has been the course pursued heretofore in regard to the disposition of buildings of this kind?

Mr. TAWNEY. Yes. Foreign exhibitors at our expositions have donated the buildings in many instances to us rather than they should be torn down or sold at auction. Germany gave us a very fine building at Chicago.

Mr. MANN. The German building is still in Chicago at Jackson Park.

Mr. TAWNEY. I will say further that they have not only donated the buildings, but they have also donated to our Government many very valuable exhibits which are now on exhibition in the National Museum here at the seat of Government, and that inasmuch as we can not dispose of the building for anything that would approach its cost, and in view of the fact that this would be an act of international comity and an evidence of our appreciation of the treatment we received there, I trust the gentleman from Arkansas will not insist upon his point of order.

Mr. MACON. I asked the gentleman if it was the custom upon the part of this Government to make donation of its buildings constructed at expositions in foreign countries. If so, I of course, would not want to interfere with the custom or precedent. If we are to begin now to establish a precedent of this kind I shall object to it, but if the precedent has already been established I will not.

Mr. TAWNEY. I will say frankly to the gentleman from Arkansas that so far as my knowledge of foreign expositions is concerned that this is the first instance where any foreign government has expressed a desire to retain our building, and so far as foreign governments erecting buildings at expositions in our country is concerned, they have donated those buildings together with very valuable and important exhibits. That has been the custom, and in all of our great international expositions foreign governments have donated buildings to us that cost very much more than this little bit of a building, and I trust the gentleman from Arkansas—

Mr. MACON. Just there I will say that we have had quite a number of buildings in Belgium, have we not, in Antwerp, Brussels, and other places?

Mr. TAWNEY. No; we have never had any buildings at Antwerp or Belgium at all. The only place we have ever exhibited in a building of our own was at Paris.

Mr. MACON. What disposition was made of it?

Mr. TAWNEY. That building was sold. The Government of France did not express a desire to retain it, but it was in a part of the city where the building was not desired, and we were required to remove it.

Mr. MANN. Does the gentleman think any European country would accept any building that we have yet constructed for exposition purposes? Does not the gentleman think we should feel rather proud when a South American country would accept such a building as we have usually constructed?

Mr. TAWNEY. I will not admit, Mr. Chairman, that foreign governments would not accept such a building as we have usually erected at foreign expositions if they desire to retain them, because the buildings which we have erected at foreign expositions were not acceptable to them in architecture, cost, and everything else in comparison with the buildings erected there by any other nation, but I simply say this is the first time when our Government has ever been asked to donate a building, and the building is only a small one.

Mr. MACON. Only a small one?

Mr. TAWNEY. It would probably sell for a couple of hundred dollars; \$12,000 is all it cost.

Mr. MACON. The gentleman does not know what it would sell for, does he?

Mr. TAWNEY. Well, I think a couple of hundred dollars.

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

Mr. TAWNEY. I trust the gentleman from Arkansas will not insist upon his point of order.

Mr. MACON. Well, the building seems to be cheap, and I expect it is in the way down in Quito and we ought to get rid of it, I suppose, and hence I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment.

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

Mr. TAWNEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18282, the urgent deficiency bill, and had come to no resolution thereon.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I wish to announce that I will call up for consideration the agricultural appropriation bill as soon after the urgent deficiency bill has been passed as the business of the House will permit.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

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

1. A letter from the Acting Secretary of Commerce and Labor, transmitting the report of Special Agent Arthur B. Butman on the shoe and leather trade in Cuba and Mexico (H. Doc. No. 553)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Secretary of the Treasury, recommending legislation to effect the sale of the old federal building at Providence, R. I. (H. Doc. No. 547)—to the Committee on Public Buildings and Grounds and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting draft of proposed legislation for allotment of land in the Makah Indian Reservation (H. Doc. No. 546)—to the Committee on Indian Affairs and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for unveiling and dedicating a statue of General Baron von Steuben (H. Doc. No. 545)—to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting an estimate of appropriation for irrigation and drainage of the Yakima Indian Reservation, Wash. (H. Doc. No. 548)—to the Committee on Indian Affairs and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channel across Newport News Middle Ground bar (H. Doc. No. 550)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Norfolk Harbor, Virginia (H. Doc. No. 551)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

8. A letter from the Acting Secretary of Commerce and Labor, transmitting report of Special Agent W. A. Graham Clark, on cotton goods in Latin America (H. Doc. No. 552)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

9. A letter from the Acting Secretary of Commerce and Labor, transmitting a report of Capt. Godfrey L. Carden on the machine-tool trade in Belgium (H. Doc. No. 554)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

10. A letter from the Acting Secretary of the Treasury, transmitting a reply to the inquiry of the House as to the use of the Revenue-Cutter Service to locate the yacht of John J. Astor (H. Doc. No. 549)—to the Committee on Interstate and Foreign Commerce 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. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13419) to grant right of way over the public domain in the State of

Arkansas for oil and gas pipe lines, reported the same with amendment, accompanied by a report (No. 203), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15448) to authorize certain changes in the permanent system of highways plan, District of Columbia, reported the same without amendment, accompanied by a report (No. 199), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3929) to authorize the Tennessee, Alabama and Kentucky Railway to construct a bridge across the Cumberland River at or near the town of Gainesboro, Tenn., reported the same with amendment, accompanied by a report (No. 204), which said bill and report were referred to the House Calendar.

Mr. BATES, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred the reports of the heads of the departments, submitted a report (No. 205), which said report was referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17748) to change the times of holding the regular terms of the circuit and district courts of the United States at Greensboro and at Charlotte, in the western district of North Carolina, reported the same without amendment, accompanied by a report (No. 209), which said bill and report were referred to the House Calendar.

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. FLOYD of Arkansas, from the Committee on War Claims, to which was referred House bill 1185, reported in lieu thereof a resolution (H. Res. 238) referring to the Court of Claims the papers in the case of the heirs of Eliza Ann Ashcraft, accompanied by a report (No. 161), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 1191, reported in lieu thereof a resolution (H. Res. 239) referring to the Court of Claims the papers in the case of the heirs of R. A. Crutcher, deceased, accompanied by a report (No. 162), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 2378, reported in lieu thereof a resolution (H. Res. 240) referring to the Court of Claims the papers in the case of the Lutheran Church of the Ascension, of Savannah, Ga., accompanied by a report (No. 163), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 2456, reported in lieu thereof a resolution (H. Res. 241) referring to the Court of Claims the papers in the case of the First Baptist Church of Springfield, Mo., accompanied by a report (No. 164), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 4728, reported in lieu thereof a resolution (H. Res. 242) referring to the Court of Claims the papers in the case of the heirs of Jacob J. Foreman, deceased, accompanied by a report (No. 165), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5429, reported in lieu thereof a resolution (H. Res. 243) referring to the Court of Claims the papers in the case of the trustees of Mount Olivet Methodist Episcopal Church South, at Nolensville, Tenn., accompanied by a report (No. 166), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5437, reported in lieu thereof a resolution (H. Res. 244) referring to the Court of Claims the papers in the case of Missionary Baptist Church, of Franklin, Tenn., accompanied by a report (No. 167), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5764, reported in lieu thereof a resolution (H. Res. 245) referring to the Court of Claims the papers in the case of J. B. Chandler and D. B. Cox, accompanied by a report (No. 168), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 6155, reported in lieu thereof a resolution (H. Res.

246) referring to the Court of Claims the papers in the case of John S. Lupton, accompanied by a report (No. 169), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 6157, reported in lieu thereof a resolution (H. Res. 247) referring to the Court of Claims the papers in the case of James H. Hottel, accompanied by a report (No. 170), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 6161, reported in lieu thereof a resolution (H. Res. 248) referring to the Court of Claims the papers in the case of the estate of Branon Thatcher, deceased, accompanied by a report (No. 171), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 6462, reported in lieu thereof a resolution (H. Res. 249) referring to the Court of Claims the papers in the case of F. J. McCarthy, administrator of the estate of Martin F. McCarthy, accompanied by a report (No. 172), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 6495, reported in lieu thereof a resolution (H. Res. 250) referring to the Court of Claims the papers in the case of William Nevin, accompanied by a report (No. 173), which said resolution and report were referred to the Private Calendar.

Mr. FLOYD of Arkansas, from the Committee on War Claims, to which was referred House bill 9734, reported in lieu thereof a resolution (H. Res. 251) referring to the Court of Claims the papers in the case of the heirs of James C. Connor, deceased, accompanied by a report (No. 174), which said resolution and report were referred to the Private Calendar.

Mr. WATKINS, from the Committee on War Claims, to which was referred House bill 9764, reported in lieu thereof a resolution (H. Res. 252) referring to the Court of Claims the papers in the case of T. Alonzo Walker and Augusta C. Todd, accompanied by a report (No. 175), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 8803, reported in lieu thereof a resolution (H. Res. 253) referring to the Court of Claims the papers in the case of the Fykes Grove Primitive Baptist Church, Sulphur Fork, Robertson County, Tenn., accompanied by a report (No. 176), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 10040, reported in lieu thereof a resolution (H. Res. 254) referring to the Court of Claims the papers in the case of the estate of John Z. Hamel, Davidson County, Tenn., accompanied by a report (No. 177), which said resolution and report were referred to the Private Calendar.

Mr. FLOYD of Arkansas, from the Committee on War Claims, to which was referred House bill 10238, reported in lieu thereof a resolution (H. Res. 255) referring to the Court of Claims the papers in the case of the estate of Nathan P. English, deceased, accompanied by a report (No. 178), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 10239, reported in lieu thereof a resolution (H. Res. 256) referring to the Court of Claims the papers in the case of heirs of Jesse Hollingshead, deceased, accompanied by a report (No. 179), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 10240, reported in lieu thereof a resolution (H. Res. 257) referring to the Court of Claims the papers in the case of the heirs of Matthias Price, deceased, accompanied by a report (No. 180), which said resolution and report were referred to the Private Calendar.

Mr. WATKINS, from the Committee on War Claims, to which was referred House bill 11851, reported in lieu thereof a resolution (H. Res. 258) referring to the Court of Claims the papers in the case of W. J. Hughes, of Bossier Parish, La., accompanied by a report (No. 181), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 12250, reported in lieu thereof a resolution (H. Res. 259) referring to the Court of Claims the papers in the case of the trustees of Unity Church, Giles County, Tenn., accompanied by a report (No. 182), which said resolution and report were referred to the Private Calendar.

Mr. FLOYD of Arkansas, from the Committee on War Claims, to which was referred House bill 14396, reported in lieu thereof a resolution (H. Res. 260) referring to the Court of Claims the papers in the case of the trustees of the Pleasant Hill Baptist

Church, accompanied by a report (No. 183), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 15297, reported in lieu thereof a resolution (H. Res. 261) referring to the Court of Claims the papers in the case of the heirs of D. W. Bell, accompanied by a report (No. 184), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 15299, reported in lieu thereof a resolution (H. Res. 262) referring to the Court of Claims the papers in the case of the heirs of John H. Richardson, deceased, accompanied by a report (No. 185), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 16854, reported in lieu thereof a resolution (H. Res. 263) referring to the Court of Claims the papers in the case of heirs of Moses McWaters, deceased, accompanied by a report (No. 186), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 16859, reported in lieu thereof a resolution (H. Res. 264) referring to the Court of Claims the papers in the case of heirs or estate of H. Pierce, deceased, accompanied by a report (No. 187), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 16861, reported in lieu thereof a resolution (H. Res. 265) referring to the Court of Claims the papers in the case of heirs or estate of George W. Hackett, deceased, late of East Baton Rouge Parish, La., accompanied by a report (No. 188), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 17334, reported in lieu thereof a resolution (H. Res. 266) referring to the Court of Claims the papers in the case of Sarah A. Borah and the heirs of George Harrison Borah, deceased, accompanied by a report (No. 189), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 17487, reported in lieu thereof a resolution (H. Res. 267) referring to the Court of Claims the papers in the case of Louis L. Coleman, accompanied by a report (No. 190), which said resolution and report were referred to the Private Calendar.

Mr. FLOYD of Arkansas, from the Committee on War Claims, to which was referred House bill 17731, reported in lieu thereof a resolution (H. Res. 268), referring to the Court of Claims the papers in the case of the heirs of James Ward, accompanied by a report (No. 191), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 17895, reported in lieu thereof a resolution (H. Res. 269) referring to the Court of Claims the papers in the case of heirs or estate of Charles Jolivet, deceased, late of St. Mary Parish, La., accompanied by a report (No. 192), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 17896, reported in lieu thereof a resolution (H. Res. 270) referring to the Court of Claims the papers in the case of heirs or estate of Auguste Henry Mounier, deceased, accompanied by a report (No. 193), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 17898, reported in lieu thereof a resolution (H. Res. 271) referring to the Court of Claims the papers in the case of heirs or estate of Appoline Fournier Patout, deceased, late of Iberia Parish, La., accompanied by a report (No. 194), which said resolution and report were referred to the Private Calendar.

Mr. WATKINS, from the Committee on War Claims, to which was referred House bill 17995, reported in lieu thereof a resolution (H. Res. 272) referring to the Court of Claims the papers in the case of E. A. Givens, accompanied by a report (No. 195), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 18269, reported in lieu thereof a resolution (H. Res. 273) referring to the Court of Claims the papers in the case of Ambrose R. McPherson, accompanied by a report (No. 196), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18275, reported in lieu thereof a resolution (H. Res.

274) referring to the Court of Claims the papers in the case of Arra M. Farnsworth, accompanied by a report (No. 197), which said resolution and report were referred to the Private Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9570) to authorize the Secretary of the Treasury to convey certain lands to the city of Biloxi, Miss., for street purposes, reported the same without amendment, accompanied by a report (No. 198), which said bill and report were referred to the Private Calendar.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 11421) for the relief of R. J. Warren, reported the same without amendment, accompanied by a report (No. 200), which said bill and report were referred to the Private Calendar.

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 5272) for the relief of the Bridgeport National Bank, Bridgeport, Ohio, reported the same without amendment, accompanied by a report (No. 201), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 6043) for the relief of registers and former registers of the United States land offices, reported the same without amendment, accompanied by a report (No. 202), which said bill and report were referred to the Private Calendar.

Mr. COWLES, from the Committee on Claims, to which was referred the bill of the House (H. R. 13145) for the relief of John W. Dula, reported the same without amendment, accompanied by a report (No. 208), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 6330) for the relief of Jose Antonio Barreras, reported the same adversely, accompanied by a report (No. 206), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18000) granting an increase of pension to William B. Hodgsdon—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1862) granting an increase of pension to Andrew Houlihan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5259) granting a pension to Luther M. Southall—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5874) granting a pension to William L. Carlton—Committee on Invalid Pensions discharged, and 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. HOWELL of New Jersey: A bill (H. R. 18363) to reduce the postal deficit and to provide a pension fund for the postal employees—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMPACKER: A bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909—to the Committee on the Census.

By Mr. SMITH of Michigan: A bill (H. R. 18365) to confer upon the Commissioners of the District of Columbia the powers of a public-service commission—to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 18366) providing for the removal of vessels in danger of sinking in navigable waters—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18367) to amend the general bridge act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS (by request): A bill (H. R. 18368) providing for and regulating the issue directly by the Treasury Department of the United States of a new form of government currency to be called "United States currency notes;" repealing all laws authorizing the issue of gold certificates; repealing the act approved May 30, 1903, entitled "An act to amend the national banking laws;" providing for the cancellation and retirement of gold certificates, United States notes, and Treasury notes; authorizing the Secretary of the Treasury to exchange United States currency notes for gold certificates, United States notes, and Treasury notes; providing for the establishment and maintenance of a separate redemption fund for the redemption of United States currency notes; and for other purposes—to the Committee on Banking and Currency.

By Mr. CLARK of Florida: A bill (H. R. 18369) to provide for the erection of a public building at the city of Lake City, in the State of Florida—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18370) to provide for the erection of a public building at the city of Sanford, in the State of Florida—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18371) to provide for the erection of a public building at the city of De Land, in the State of Florida—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18372) to provide for the erection of a public building at the city of Orlando, in the State of Florida—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18373) to provide for the erection of a public building at the city of Live Oak, Florida—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18374) to provide for the erection of a public building at the city of St. Augustine, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. CREAGER: A bill (H. R. 18375) to provide for the final disposition of the affairs of the Five Civilized Tribes in Oklahoma—to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 18376) relating to homestead entries in the former Siletz Indian Reservation, in the State of Oregon—to the Committee on the Public Lands.

By Mr. PARSONS: A bill (H. R. 18377) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907—to the Committee on Immigration and Naturalization.

By Mr. GREGG: A bill (H. R. 18378) authorizing the Secretary of Commerce and Labor to construct a water main and electric cable across Galveston Channel, to furnish water and light to the immigration station—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER of Missouri: A bill (H. R. 18379) making appropriations for the improvement of the Missouri River from its mouth to Sioux City, Iowa—to the Committee on Rivers and Harbors.

By Mr. MOORE of Texas: A bill (H. R. 18380) to establish a subtreasury at Houston, Tex.—to the Committee on Ways and Means.

Also, a bill (H. R. 18381) to provide for the selection of a site for the establishment of a navy-yard, dry dock, and naval training station on or near Morgan Point, in San Jacinto Bay, in the State of Texas—to the Committee on Naval Affairs.

By Mr. REID: A bill (H. R. 18382) appropriating \$350,000 for the construction of dredge boats for dredging on the Arkansas River—to the Committee on Rivers and Harbors.

By Mr. FERRIS: A bill (H. R. 18383) to extend the time of payments on certain homestead entries in the State of Oklahoma—to the Committee on the Public Lands.

By Mr. BOOHER: A bill (H. R. 18384) to amend the act of August 13, 1888, and to fix the jurisdiction of the circuit and district courts of the United States in certain cases, and for other purposes—to the Committee on the Judiciary.

By Mr. CRUMPACKER: A bill (H. R. 18385) to amend section 18 of an act entitled "An act to provide for the thirteenth and subsequent decennial censuses," approved July 2, 1909—to the Committee on the Census.

By Mr. FLOOD of Virginia: A bill (H. R. 18386) providing for the erection of a public building in the town of Covington, Va.—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 18387) authorizing and empowering the Secretary of the Treasury to sell at public or private sale the property belonging to the United States formerly used as a lazaretto and quarantine warehouse at Essington, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. BELL of Georgia: A bill (H. R. 18388) authorizing the erection of a post-office building at Jefferson, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18389) authorizing the erection of a post-office building at Lawrenceville, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18390) authorizing the erection of a post-office building at Winder, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18391) authorizing the erection of a post-office building at Commerce, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18392) authorizing the erection of a post-office building at Toccoa, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18393) authorizing the erection of a post-office building at Buford, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18394) prohibiting the issuing of special-tax stamps to retail dealers in liquors in prohibition districts—to the Committee on Ways and Means.

Also, a bill (H. R. 18395) to establish a fish hatchery and fish station in the Ninth Congressional District of Georgia—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 18396) to establish in the Department of Agriculture a bureau to be known as the bureau of public highways, and for other purposes—to the Committee on Agriculture.

By Mr. MONDELL (by request): A bill (H. R. 18397) to authorize the assignment of homestead entries within reclamation projects, and for other purposes—to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 18398) to aid in the reclamation of arid and semiarid lands of the United States—to the Committee on Ways and Means.

By Mr. SABATH: A bill (H. R. 18399) to amend an act to regulate the carriage of steerage passengers by sea, approved August 2, 1882, as amended by an act approved December 19, 1908—to the Committee on Immigration and Naturalization.

By Mr. CANTRILL: A bill (H. R. 18400) to amend an act, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and being chapter 647, volume 26, United States Statutes at Large—to the Committee on the Judiciary.

By Mr. BELL of Georgia: A bill (H. R. 18401) for the relief of the State of Georgia—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 18402) to provide for the distribution of the reports of the United States circuit courts of appeals and of circuit and district courts—to the Committee on the Judiciary.

By Mr. BOUTELL: A bill (H. R. 18403) to repeal a portion of section 429 of the Revised Statutes of the United States—to the Committee on Expenditures in the Navy Department.

By Mr. WATKINS: A bill (H. R. 18404) to give the Court of Claims jurisdiction of claims for captured and abandoned property which was sold and the proceeds thereof placed in the Treasury of the United States—to the Committee on War Claims.

Also, a bill (H. R. 18405) to establish a fish-cultural station in the State of Louisiana—to the Committee on the Merchant Marine and Fisheries.

Also (by request), a bill (H. R. 18406) to provide for the refunding to the rightful owners, their heirs or legal representatives, the proceeds of the cotton tax illegally collected by the United States from the people of the several States in the years 1863, 1864, 1865, 1866, 1867, and 1868, and to provide for the disposition of such as may be unclaimed—to the Committee on War Claims.

By Mr. DENVER: A bill (H. R. 18407) for the erection of a public building at the city of Xenia, in the State of Ohio—to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 18408) for the relief of the State of Oregon—to the Committee on Claims.

By Mr. NYE (by request): A bill (H. R. 18409) regulating wages in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COX of Indiana: A bill (H. R. 18410) to amend section 718 and section 725 of the Revised Statutes of the United States relating to the granting of injunctions and punishment for contempts of courts and providing for trial by juries in indirect contempt cases—to the Committee on the Judiciary.

By Mr. HUGHES of West Virginia: A bill (H. R. 18411) to authorize the Thacker Coal Mining Company to construct a footbridge across Tug River at Thacker, Mingo County, W. Va.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18581) to establish an agricultural experiment station in the Fifth Congressional District of West Virginia—to the Committee on Agriculture.

By Mr. FLOYD of Arkansas, from the Committee on War Claims: Resolution (H. Res. 238) referring to the Court of Claims the bill H. R. 1185—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 239) referring to the Court of Claims the bill H. R. 1191—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 240) referring to the Court of Claims the bill H. R. 2378—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 241) referring to the Court of Claims the bill H. R. 2456—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: Resolution (H. Res. 242) referring to the Court of Claims the bill H. R. 4728—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 243) referring to the Court of Claims the bill H. R. 5429—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 244) referring to the Court of Claims the bill H. R. 5437—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 245) referring to the Court of Claims the bill H. R. 5764—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 246) referring to the Court of Claims the bill H. R. 6155—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 247) referring to the Court of Claims the bill H. R. 6157—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 248) referring to the Court of Claims the bill H. R. 6161—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 249) referring to the Court of Claims the bill H. R. 6462—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 250) referring to the Court of Claims the bill H. R. 6495—to the Private Calendar.

By Mr. FLOYD of Arkansas, from the Committee on War Claims: Resolution (H. Res. 251) referring to the Court of Claims the bill H. R. 9734—to the Private Calendar.

By Mr. WATKINS, from the Committee on War Claims: Resolution (H. Res. 252) referring to the Court of Claims the bill H. R. 9764—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: Resolution (H. Res. 253) referring to the Court of Claims the bill H. R. 8803—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 254) referring to the Court of Claims the bill H. R. 10040—to the Private Calendar.

By Mr. FLOYD of Arkansas, from the Committee on War Claims: Resolution (H. Res. 255) referring to the Court of Claims the bill H. R. 10238—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 256) referring to the Court of Claims the bill H. R. 10239—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 257) referring to the Court of Claims the bill H. R. 10240—to the Private Calendar.

By Mr. WATKINS, from the Committee on War Claims: Resolution (H. Res. 258) referring to the Court of Claims the bill H. R. 11851—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: Resolution (H. Res. 259) referring to the Court of Claims the bill H. R. 12250—to the Private Calendar.

By Mr. FLOYD of Arkansas, from the Committee on War Claims: Resolution (H. Res. 260) referring to the Court of Claims the bill H. R. 14396—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 261) referring to the Court of Claims the bill H. R. 15297—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 262) referring to the Court of Claims the bill H. R. 15299—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 263) referring to the Court of Claims the bill H. R. 16854—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 264) referring to the Court of Claims the bill H. R. 16859—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 265) referring to the Court of Claims the bill H. R. 16861—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 266) referring to the Court of Claims the bill H. R. 17334—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims, resolution (H. Res. 267) referring to the Court of Claims the bill H. R. 17487—to the Private Calendar.

By Mr. FLOYD of Arkansas, from the Committee on War Claims, resolution (H. Res. 268) referring to the Court of Claims the bill H. R. 17731—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims, resolution (H. Res. 269) referring to the Court of Claims the bill H. R. 17895—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 270) referring to the Court of Claims the bill H. R. 17896—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 271) referring to the Court of Claims the bill H. R. 17898—to the Private Calendar.

By Mr. WATKINS, from the Committee on War Claims: Resolution (H. Res. 272) referring to the Court of Claims the bill H. R. 17995—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: Resolution (H. Res. 273) referring to the Court of Claims the bill H. R. 18269—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 274) referring to the Court of Claims the bill H. R. 18275—to the Private Calendar.

By Mr. SMITH of Michigan: Resolution (H. Res. 275) relating to the compensation of the tally clerk of the House—to the Committee on Accounts.

By Mr. FLOYD of Arkansas: Resolution (H. Res. 276) requesting information of the Secretary of the Interior as to the amount of money paid to the State of Arkansas under section 3 of compact act—to the Committee on the Public Lands.

By Mr. SMALL: Resolution (H. Res. 277) referring to the Court of Claims the bill H. R. 11839—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 18412) granting a pension to Evander Agee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18413) granting an increase of pension to Joseph Shook—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 18414) granting an increase of pension to George W. Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18415) granting an increase of pension to John W. Stanz—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 18416) granting an increase of pension to Fred H. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18417) granting an increase of pension to William Hendricks—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 18418) granting a pension to Catherine Epperson—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 18419) granting an increase of pension to Louisa M. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 18420) granting an increase of pension to Ruth E. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18421) granting an increase of pension to Elisha Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18422) granting an increase of pension to Sarah M. Barbour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18423) granting an increase of pension to Martha Barrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18424) granting an increase of pension to Mary E. Baird—to the Committee on Pensions.

Also, a bill (H. R. 18425) granting an increase of pension to William M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18426) granting an increase of pension to Jobery Mullinax—to the Committee on Pensions.

Also, a bill (H. R. 18427) granting an increase of pension to Susan M. Lampkin—to the Committee on Pensions.

Also, a bill (H. R. 18428) granting an increase of pension to Mary M. Evans—to the Committee on Pensions.

Also, a bill (H. R. 18429) granting an increase of pension to Malinda C. Clonts—to the Committee on Pensions.

Also, a bill (H. R. 18430) granting an increase of pension to Caroline Corn—to the Committee on Pensions.

Also, a bill (H. R. 18431) granting an increase of pension to Milton H. Wayne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18432) granting an increase of pension to William O. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18433) granting an increase of pension to Mary Wheelchel—to the Committee on Pensions.

Also, a bill (H. R. 18434) granting an increase of pension to Francis A. Shipman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18435) granting an increase of pension to Michael Evert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18436) granting an increase of pension to Lucretia A. Keith—to the Committee on Pensions.

Also, a bill (H. R. 18437) granting an increase of pension to Bright Evans—to the Committee on Pensions.

Also, a bill (H. R. 18438) granting an increase of pension to William F. Shoemaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18439) granting an increase of pension to Martin K. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18440) granting an increase of pension to Mary Wheelchel—to the Committee on Pensions.

Also, a bill (H. R. 18441) granting a pension to William J. Shedd—to the Committee on Pensions.

Also, a bill (H. R. 18442) granting a pension to Swinfield Stanley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18443) granting a pension to Eliza A. Woody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18444) granting a pension to Elizabeth Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18445) granting a pension to Arelia C. Pool—to the Committee on Pensions.

Also, a bill (H. R. 18446) granting a pension to Mary J. Prator—to the Committee on Pensions.

Also, a bill (H. R. 18447) granting a pension to Mary A. M. Pettyjohn—to the Committee on Pensions.

Also, a bill (H. R. 18448) granting a pension to Julia A. Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18449) granting a pension to Elizabeth Mullins—to the Committee on Pensions.

Also, a bill (H. R. 18450) granting a pension to John S. Dillard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18451) granting a pension to Mary Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18452) granting a pension to Charles C. Howington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18453) granting a pension to Elizabeth Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18454) granting a pension to Louisa E. Satterfield—to the Committee on Pensions.

Also, a bill (H. R. 18455) granting a pension to William A. Senkbeil—to the Committee on Pensions.

Also, a bill (H. R. 18456) granting a pension to Robert Wilson—to the Committee on Pensions.

Also, a bill (H. R. 18457) granting a pension to Lula G. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18458) granting a pension to Jackson A. Watkins—to the Committee on Pensions.

Also, a bill (H. R. 18459) granting a pension to Andrew J. Sanders—to the Committee on Pensions.

Also, a bill (H. R. 18460) for the relief of William Postell—to the Committee on Military Affairs.

Also, a bill (H. R. 18461) for the relief of James H. Hendricks—to the Committee on War Claims.

Also, a bill (H. R. 18462) for the relief of Julius Pickett—to the Committee on War Claims.

Also, a bill (H. R. 18463) for the relief of Steven Pittman—to the Committee on Military Affairs.

Also, a bill (H. R. 18464) for the relief of William T. Edwards—to the Committee on Military Affairs.

Also, a bill (H. R. 18465) for the relief of George W. Hansard—to the Committee on War Claims.

Also, a bill (H. R. 18466) for the relief of John D. Lowry—to the Committee on Military Affairs.

Also, a bill (H. R. 18467) for the relief of Mary A. Elliott—to the Committee on Pensions.

Also, a bill (H. R. 18468) for the relief of James B. Fowler—to the Committee on Military Affairs.

Also, a bill (H. R. 18469) for the relief of Hiram A. Darnell—to the Committee on Military Affairs.

Also, a bill (H. R. 18470) for the relief of Samuel Garner—to the Committee on Military Affairs.

Also, a bill (H. R. 18471) for the relief of Milton Holt—to the Committee on Military Affairs.

Also, a bill (H. R. 18472) for the relief of the First Georgia State Troops—to the Committee on War Claims.

Also, a bill (H. R. 18473) for the relief of Solomon Taylor—to the Committee on War Claims.

Also, a bill (H. R. 18474) for the relief of Cicero H. Taylor—to the Committee on War Claims.

Also, a bill (H. R. 18475) for the relief of Abram Patton—to the Committee on Military Affairs.

Also, a bill (H. R. 18476) for the relief of Jephtha B. Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18477) for the relief of George W. Burrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18478) for the relief of Thomas J. Benton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18479) for the relief of G. A. Anderson—to the Committee on War Claims.

Also, a bill (H. R. 18480) for the relief of New Hope Baptist Church, of Bartow County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18481) for the relief of the heirs of John C. Addison, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18482) for the relief of the heirs of Gilbert E. L. Falls—to the Committee on Claims.

Also, a bill (H. R. 18483) for the relief of heirs of William Fenn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18484) for the relief of the heirs of Hardy Pace, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18485) for the relief of the heirs of William Woods—to the Committee on Claims.

Also, a bill (H. R. 18486) for relief of heirs of Jasper N. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18487) for the relief of the heirs of John B. Graham—to the Committee on Claims.

Also, a bill (H. R. 18488) to correct the relative rank of Lieut. Frederick S. L. Price, Fourteenth Regiment of Infantry, U. S. Army—to the Committee on Military Affairs.

By Mr. BOUTELL: A bill (H. R. 18489) granting an increase of pension to William T. Kimsey—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 18490) granting an increase of pension to William Denton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18491) granting an increase of pension to Alexander W. Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18492) granting a pension to Axie M. McClendon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18493) granting a pension to Creasy Duffield—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 18494) granting a pension to Pearl Halstead—to the Committee on Pensions.

Also, a bill (H. R. 18495) granting a pension to Henry N. Wilks—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 18496) granting an increase of pension to Benton Lynn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18497) for the relief of William H. Taliaferro, administrator of James G. Taliaferro, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18498) to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund—to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 18499) granting an increase of pension to Charles W. Gandy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18500) granting an increase of pension to John F. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18501) for the relief of Sabini Jones—to the Committee on War Claims.

Also, a bill (H. R. 18502) for the relief of Stephen Arnold Ritchey—to the Committee on War Claims.

Also, a bill (H. R. 18503) to reimburse F. N. Ellison, of Hugo, Okla., for property taken by General Sherman during the civil war near Rome, Ga.—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 18504) granting an increase of pension to Henry M. Hanson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18505) granting an increase of pension to Edgar B. Lake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18506) granting an increase of pension to Frank Knitter—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 18507) granting an increase of pension to Calvin Burton, alias Calvin Birg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18508) to remove the charge of desertion from the military record of John Travelstead—to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 18509) granting an increase of pension to Charles M. Long—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 18510) for the relief of the estate of Hicks King, deceased—to the Committee on War Claims.

By Mr. CROW: A bill (H. R. 18511) granting a pension to Eliza Wall—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 18512) for the relief of S. H. Robinson, of Allegheny County, Pa.—to the Committee on Claims.

By Mr. DAVIS: A bill (H. R. 18513) granting an increase of pension to Appolos E. Owen—to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 18514) for the relief of Girard G. Butler—to the Committee on Claims.

Also, a bill (H. R. 18515) for the relief of Hugh M. Brown, executor of Andrew Brown, deceased, late of Natchez, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 18516) for the relief of the heirs of John A. Regan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18517) for the relief of heirs of Moses J. Ferguson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18518) for the relief of the heirs at law of John A. Regan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18519) for the relief of Sarah Elizabeth Watson, administratrix of the estate of David Buck, deceased—to the Committee on War Claims.

By Mr. DRAPER: A bill (H. R. 18520) granting an increase of pension to Anna Quinn—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 18521) granting an increase of pension to Seth Pierce—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 18522) granting an increase of pension to Elbert F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18523) granting an increase of pension to James Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18524) granting an increase of pension to Henry T. Dunbar—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 18525) granting a pension to John Prater—to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 18526) granting an increase of pension to John Knapp—to the Committee on Invalid Pensions.

By Mr. JAMIESON: A bill (H. R. 18527) granting a pension to Adalaide L. Curry—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 18528) to carry into effect the findings of the Court of Claims in the case of Isaiah L. Blair, administrator of the estate of John N. Curtis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18529) to carry into effect the findings of the Court of Claims in the case of Isaiah L. Blair, administrator of the estate of John N. Curtis, deceased—to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 18530) granting an increase of pension to Jacob Prough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18531) granting a pension to Allison F. Kohler—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 18532) granting an increase of pension to George W. McCurdy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18533) granting an increase of pension to Eli S. Adams—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18534) granting an increase of pension to Peter C. Woodruff—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 18535) for the relief of George T. and Guy P. Vance, executors of William L. Vance, deceased—to the Committee on War Claims.

By Mr. GRIEST: A bill (H. R. 18536) granting an increase of pension to John H. Guistwit—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 18537) for the relief of George Davis—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 18538) for the relief of the heirs of James Bowles, deceased—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 18539) granting an increase of pension to Edward L. Riley—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 18540) to remove charge of desertion against John H. Willis—to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 18541) to grant certain lands to the city of Seattle, Wash., for the protection of the source of its water supply—to the Committee on the Public Lands.

Also, a bill (H. R. 18542) for the relief of Thomas C. Clark—to the Committee on Claims.

By Mr. JOHNSON of Ohio: A bill (H. R. 18543) granting an increase of pension to David L. Saunders—to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 18544) granting a pension to Mary L. Harrison—to the Committee on Pensions.

By Mr. LANGHAM: A bill (H. R. 18545) granting an increase of pension to Thomas McClure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18546) granting an increase of pension to James O. Nulph—to the Committee on Invalid Pensions.

By Mr. LATTA: A bill (H. R. 18547) granting an increase of pension to Fred Kropf—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18548) for the relief of the trustees of the German Lutheran Church of Orangeburg, S. C.—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 18549) granting a pension to Annie E. Osgood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18550) granting a pension to Kate Kirby—to the Committee on Invalid Pensions.

By Mr. LUNDIN: A bill (H. R. 18551) granting a pension to Harry J. Peck—to the Committee on Pensions.

By Mr. MAYNARD: A bill (H. R. 18552) for the relief of Elise Trigg Shields—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 18553) for the relief of George Stoll, the heirs of Charles P. Reagan, and the heirs of Marshall Turley; Edward Lannigan; the heirs of James Manley; and the heirs of John Hunter—to the Committee on Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 18554) granting an increase of pension to Charles R. Gentner—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 18555) granting an increase of pension to D. B. Finnell—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 18556) to correct the military record of Charles Kehoe—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 18557) for the relief of Floyd Wigginton—to the Committee on War Claims.

Also, a bill (H. R. 18558) for the relief of the heirs of John Osborne, deceased—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 18559) granting an increase of pension to Humphrey Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18560) granting an increase of pension to Hiram M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18561) granting an increase of pension to Eleanor A. McCardell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18562) granting a pension to James Gault—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18563) for the relief of the Bank of Freeburg, of Freeburg, Mo.—to the Committee on Claims.

By Mr. SLAYDEN: A bill (H. R. 18564) granting an increase of pension to Hermann W. Toepperwein—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 18565) for the relief of the estate of Peter H. Knight—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 18566) granting a pension to Rose Altha King—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 18567) granting an increase of pension to John Reithmaeir—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 18568) granting an increase of pension to Jimerson S. Tweed—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 18569) granting an increase of pension to William McFate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18570) granting an increase of pension to William A. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18571) granting an increase of pension to James Cumberlidge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18572) granting an increase of pension to Frederick Heise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18573) granting an increase of pension to Charles Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18574) granting an increase of pension to John Grundke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18575) granting an increase of pension to William G. Thorp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18576) granting an increase of pension to Charles Sprague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18577) granting an increase of pension to Michael Sweet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18578) granting an increase of pension to Franklin H. Parmelee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18579) granting an increase of pension to John Phelan—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18580) granting an increase of pension to William Hobbs—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER: Memorial of city council of Dawson, Ga., expressing sorrow for the death of Hon. JAMES M. GRIGGS, late a Member of the House of Representatives from the State of Georgia—to the Committee on Ways and Means.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Joseph Shoak—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Illinois State Teachers' Association, against any appropriation in aid of George Washington University—to the Committee on Appropriations.

By Mr. BURNETT: Paper to accompany bill for relief of heirs of estate of C. C. Beancit—previously referred to the Committee on Claims, to the Committee on War Claims.

By Mr. CALDER: Petition of National Irrigation Congress, in session at Spokane, Wash., favoring an annual appropriation of \$10,000,000 for the Reclamation Service—to the Committee on Irrigation of Arid Lands.

Also, petition of United Commercial Travelers of America, favoring H. R. 1491, concerning sample and excess baggage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Merchants' Association of New York City, favoring the Cullom bill (S. 1053), consular improvement, and the Sterling bill (H. R. 6862), commercial enlargement—to the Committee on Foreign Affairs.

Also, petition of Illinois State Teachers' Association, against any appropriation for the George Washington University—to the Committee on Appropriations.

Also, petition of National Association of Box Manufacturers, against the corporation tax, publicity paragraph—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Louise B. McConnell (H. R. 14734)—to the Committee on Pensions.

By Mr. CONRY: Petition of Auto Pneumatic Action Company, Milton Piano Company, and Auto Piano Company, against publicity paragraph of the corporation tax—to the Committee on Ways and Means.

By Mr. DAVIS: Petition of Grand Army of the Republic post of Winona, Minn., against accepting statue of Robert E. Lee—to the Committee on the Library.

Also, petition of Minneapolis Wholesalers and Manufacturers' Association, favoring repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. ELLIS: Petition of Sinlaw Dairy Association, against reduction of tax on oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Portland and Beaverton, Oreg., against S. 404 and H. J. Res. 17, relative to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of John H. Gray—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Rockford Drilling Machine Company, of Rockford, Ill., in favor of amending corporation-tax clause in Payne tariff bill—to the Committee on Ways and Means.

Also, petition of Illinois State Teachers' Association, against any appropriation in aid of George Washington University, a private institution in the city of Washington—to the Committee on Appropriations.

Also, petition of Association of Army Nurses of the Civil War, in favor of Senate bill No. 2550, to grant pensions to

volunteer nurses of the civil war—to the Committee on Invalid Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of Mrs. L. V. Lewis—previously referred to Committee on Invalid Pensions, to the Committee on Pensions.

By Mr. GRONNA: Petition of citizens of Cooperstown and Fairview, N. Dak., favoring H. R. 17 and 1017 and the like, on subject of temperance reform—to the Committee on the Judiciary.

Also, petition of citizens of Stevens Point, Wis., protesting against passage of bill in reference to the proper observance of Sunday in the District of Columbia (H. J. Res. 17; S. 404)—to the Committee on the District of Columbia.

By Mr. HAMILTON: Petition of citizens of Berrien Springs, Mich., praying Congress not to pass S. 404, entitled "A bill for the proper observance of Sunday as a day of rest in the District of Columbia," etc.—to the Committee on the District of Columbia.

By Mr. HOUSTON: Paper to accompany bill for relief of Abner Ogles (H. R. 18086)—to the Committee on War Claims.

By Mr. HAYES: Petitions of Dave Campbell and 41 others of San Francisco; Mr. Robert Gamble and 33 other citizens of San Francisco; Anti-Jap Laundry League of San Francisco; and Cigar-Makers' Union No. 291, of San Jose, all in the State of California, against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of W. J. Gilday and 47 other citizens of San Francisco, Cal., against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HENRY of Texas: Petition of Farmers' Educational and Cooperative Union of America, of Texas, against gambling in agricultural products—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of citizens of Port Orchard, Wash., for an amendment to the Constitution enfranchising women—to the Committee on the Judiciary.

Also, petition of citizens of Munroe, Wash., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of Anti-Jap Laundry League, of San Francisco, Cal., against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KENDALL: Petition of citizens of Iowa, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KEIFER: Petition of veterans of Jeffersonville, Ohio, favoring the John McElroy pension bill—to the Committee on Invalid Pensions.

Also, petition of Alexander Mitchell Post, No. 158, Grand Army of the Republic, Department of Ohio, favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

Also, petition of Mitchell Post, No. 45, Grand Army of the Republic, Department of Ohio, of Springfield, Ohio, favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. KRONMILLER: Paper to accompany bill for the relief of William Kelso—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of Outagamie County farmers, against any amendment of the oleomargarine law—to the Committee on Agriculture.

By Mr. NYE: Petition of citizens of Minnesota, against S. 404, relative to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OLDFIELD: Paper to accompany bill for relief of Rodney D. Rightmire—to the Committee on Invalid Pensions.

By Mr. ROBINSON: Paper to accompany bill for relief of Eliza Ann Ashcroft—to the Committee on War Claims.

By Mr. SHEFFIELD: Petition of City Council of Providence, R. I., for appropriation for extension of the deep-water channel or anchorage area of Providence River—to the Committee on Rivers and Harbors.

Also, petition of D. J. Mahler & Co., of East Providence, R. I., against increase of rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEPPARD: Paper to accompany bill for relief of George S. Richardson—to the Committee on Invalid Pensions.

By Mr. WATKINS: Paper to accompany bill for relief of Antoine Laurent—to the Committee on War Claims.

By Mr. WEISSE: Petition of citizens of Wisconsin over 21 years of age for an amendment to the Constitution prohibiting removal of stamps on butterine—to the Committee on the Judiciary.

SENATE.

TUESDAY, January 18, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

EMPLOYEES AT GOVERNMENT MILL, PITTSFIELD, MASS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Chief of Division of Loans and Currency submitting an estimate of appropriation for the continued employment at the government mill, Pittsfield, Mass., of one assistant register, one counter, and one laborer, in all \$1,215 (S. Doc. No. 292), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

POLICE REGULATIONS OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the President of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for printing and binding the police regulations of the District of Columbia, etc., \$300 (S. Doc. No. 293), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed with an amendment the joint resolution (S. J. Res. 56) authorizing the President of the United States to invite the States to participate in the Fifteenth International Congress on Hygiene and Demography, in which it requested the concurrence of the Senate.

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

H. R. 5463. An act to provide for a change in the bridge authorized by an act entitled "An act to authorize the building of a bridge at Dardanelle, Ark.," approved September 30, 1890;

H. R. 10106. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land contiguous to the Andersonville National Cemetery, in the State of Georgia;

H. R. 12138. An act to extend the time for Ashley County, Ark., to construct a bridge across Bayou Bartholomew, at Portland;

H. R. 12139. An act to extend the time for Ashley County, Ark., to construct a bridge across Bayou Bartholomew, at Wilmot;

H. R. 12140. An act to extend the time for Ashley County, Ark., to construct a bridge across Bayou Bartholomew, at a point near Morrell;

H. R. 12288. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 13872. An act to authorize the counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties;

H. R. 14496. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 15815. An act authorizing the construction of a railroad bridge across the Rio Grande River between Laredo, Tex., and Nuevo Laredo, Republic of Mexico;

H. R. 18166. An act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and

H. J. Res. 120. Joint resolution to remove ice gorges in the Ohio River.

The message further announced that the House had passed, with an amendment, the bill (S. 4089) to authorize the construction of a bridge across the Red River and to establish it as a post-road; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of the East Washington Citizens' Association of the District of Columbia, remon-